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SENATE—Tuesday, June 13, 2000

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Gregoire J. Fluet, Saint Bridget of Kildare Church, Moodus, CT.

We are pleased to have you with us.

The guest Chaplain, Father Gregoire J. Fluet, offered the following prayer:
Let us pray.

We read in the Scriptures: "For the Lord gives wisdom; from His mouth comes knowledge and understanding; He stores up sound wisdom for the upright; He is a shield to those who walk in integrity, guarding the path of justice. . . ."—Proverbs 2:6-8.

Lord God, we beseech You to continue to bless our great Nation. You have from the inception of this Nation been its light and blessed it with Your grace and bounty. The men and women of this Senate again seek Your wisdom and guidance as they exercise their call to leadership. Send Your blessing upon them. Allow them to be filled with Your grace and peace. Allow them to continue to be courageous, self-giving, and dedicated to integrity and right. Allow them to recognize Your presence in this Chamber and in their deliberations.

Lord God, allow all of us never to forget that we profess as a people, as a nation, to be under Your guidance and Your love. We thank You for Your gifts, for our Nation, for the boundless blessings You send us each day. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Connecticut.

FATHER GREGOIRE J. FLUET

Mr. DODD. Mr. President, I am deeply honored this morning to have had Father Gregoire Fluet provide us with the opening prayer in this session of the Senate. It is a particular pleasure because Father Fluet is not just a resident of Connecticut but he is my parish priest. So this morning is a moment of particular pride to welcome him to the Senate.

Father Fluet is someone I have known now for a number of years. We met each other when Father Fluet was the pastor of St. Joseph's Church in North Grosvenordale, CT. I used to, on an annual basis, speak at the communion breakfast of the Knights of Columbus, something which I enjoyed immensely and did for more than 20 years. It was a wonderful experience. The community would get together and Father Fluet would say mass and participate in the breakfast afterwards. We had a wonderful time over many, many years.

Then, to my wonderful surprise, on the retirement of my dear friend and pastor, Father Henry Dziadosz—unfortunately, we just lost Monsignor Dziadosz, a wonderful human being—Father Fluet was assigned to my home parish in East Haddam, CT, a section of Moodus, CT. You have to be very careful; it is really East Haddam. The people of my town would appreciate the distinction I am making here.

Father Fluet is a wonderful man, a spiritual leader; he has counseled and advised me on numerous occasions. He has a wonderful background in history. He is a teacher. He taught at St. Bernard's High School in the diocese of Norwich. He also was a curate at the parish in Lyme, CT. He just received his doctorate in New England studies, the history of New England.

In addition to being a great spiritual leader, he also has a deep interest in the history of this country and particularly the history of New England.

It is truly an honor to welcome my good friend, my pastor, to this wonderful Chamber. We are deeply honored that he is here. We welcome him immensely. We thank him for his wonder-

ful words this morning. I am confident that the parish of Saint Bridget of Kildare, my home parish, is going to be blessed for many years to come with the wonderful spiritual leadership of Father Fluet. He has a wonderful mother who I have gotten to know. She is in a little ill health, but we are praying for her this hour as well. She is a woman of deep, strong French background, a delightful person to be with as well.

Senator LIEBERMAN, who was just here and wanted to stay to greet Father Fluet but had a hearing to run off to, wanted me to express to Father Fluet his deep admiration and respect and extend his words of welcome as well this morning.

With that, Mr. President, I thank the Chair and I yield the floor.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Ohio is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the Department of Defense appropriations bill, with Senator REID to be recognized to offer his amendment regarding computers, and following debate on the Reid amendment, Senator BOXER will be recognized to offer an amendment regarding medical privacy.

As a reminder, the Senate will recess from 12:30 p.m. to 2:15 for the weekly party conference meetings. Upon reconvening, there will be 2 minutes of debate on the Boxer amendment regarding pesticides, with a vote scheduled to occur at approximately 2:20 p.m. It is hoped that consideration of the Defense appropriations bill can be completed by this evening, and therefore Senators can expect votes throughout the afternoon.

I thank my colleagues for their attention.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

RESERVATION OF LEADER TIME

Mr. DURBIN. Mr. President, it is my understanding we are in morning business?

The PRESIDING OFFICER. If the Senator will suspend, we will lay down the orders.

Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, there will now be 30 minutes under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

THIS WEEK'S AGENDA

Mr. DURBIN. Mr. President, I am happy to be in the Chamber this morning to address the issues that are going to be considered before the Congress this week.

One of the most important issues that I found in my home State of Illinois, and I think can be found in virtually every State in the Union, is the prescription drug benefit under Medicare. They are telling us, the people who do this for a living, that when they ask families across America what is one of the major issues you are going to look to when it comes to electing the President of the United States or electing a Member of Congress, one of the major issues that comes forward is the prescription drug benefit. It is understandable because the Medicare program, as good as it is—in fact, it has been there for 40 years as the health insurance program for the elderly and disabled—does not have a prescription drug benefit. You would not buy a health insurance plan for your family today that didn't include one because you never know when you are going to be subjected to an illness that a doctor will need to treat with an expensive prescription drug. They can become very expensive. It is not uncommon to spend \$50, \$100, even several hundred a month to maintain a certain drug that keeps you healthy.

When we constructed Medicare, we didn't put a prescription drug benefit in the plan. That was 40 years ago. Today, seniors are finding themselves extremely vulnerable. They will go to a doctor and say: I have a problem. The doctor says: I know just the thing; here is a prescription. They will find out they can't afford to fill the prescription. So a lot of seniors on limited, fixed incomes, make a hard choice and

say, I may not be able to take this prescription or maybe I will fill it and only take half. The net result, of course, is that the senior doesn't get well, doesn't get strong. In fact, they can see their health deteriorate simply because they can't afford to fill their prescriptions.

The irony, of course, is that if a senior can't buy the drugs they need to stay healthy and they end up in the hospital, guess what. The taxpayers step in and say Medicare will pay for that. In other words, if someone gets sick because they don't have prescription drugs, we will pay for it. If seniors have to go to the hospital, taxpayers pay for it.

We on the Democratic side believe that we need to do two things. We need to put a prescription drug benefit in Medicare that gives to senior citizens and the disabled peace of mind that when they need these prescription drugs, they will have help in paying for them. That is something everyone expects from a health insurance plan. It should be the bottom line when it comes to Medicare, as well.

The Democratic side has been pushing this literally for years. We believe that is something this Congress should have done a long time ago. Sadly, we have had no cooperation, none whatever, from the Republican side of the aisle. They do not believe this is a critical and important issue. We have tried our very best to bring this issue to a vote on the floor. We have tried both in the House and the Senate. They have blocked us every single time.

Who would oppose a prescription drug benefit? On its face, why would anybody oppose that? It will help seniors. It will mean they will buy prescription drugs.

There is another issue. If we just passed a prescription drug benefit and did not address the pricing of drugs, the system would clearly go bankrupt in a hurry. In other words, if the drug companies can continue to raise their prices—as they are doing now almost on a monthly basis—and we say we will pay whatever they charge, no program will last.

We have to combine with the prescription drug benefit program a pricing program, as well. Americans know this. I go to senior citizen gatherings in my State and they understand what is going on in the world. They know if they happen to live in the northern part of the United States and can drive across the border into Canada, they can buy exactly the same drug—made in the United States, by the same company, subject to the same Federal inspection—for a fraction of the cost. What costs \$60 for a prescription in the United States costs \$6 in Canada because the Canadian Government has said to American drug companies: If you want to sell in our country, we are not going to let you run the prices up.

There is a ceiling. You have to keep your prices under control. We will make sure you don't gouge the customers in Canada.

We don't have a law such as that in the United States. Therefore, the seniors in this country pay top dollar for prescription drugs. People in Canada, people in Mexico, people in Europe, get the same drugs from the same companies at a deep discount. I might add, as well, in this country the health insurance companies bargain with the same drug companies, saying, if you want to have your drugs prescribed by our doctors in our plan, we will not let you keep raising the prices on them. Of course, that is part of the reality.

Every group in America has a price mechanism, a price competition, except for the most vulnerable in America—the senior citizens and the disabled on Medicare. They pay top dollar for prescription drugs. When they can't pay it and they can't fill the prescription, they can't maintain their health as they should.

We believe, on the Democratic side, that we need a prescription drug benefit plan. We need to also address the question of pricing to make sure these drugs are affordable, so that the drug companies treat Americans at least as fairly as they treat Canadians. I don't think that is unreasonable.

Many times, we taxpayers, through the National Institutes of Health, have put the money on the front side of research to find these drugs. The drug companies profit from the research, as they should, but they also have an obligation to the people of the United States to price these drugs fairly.

We have an obligation to create a prescription drug benefit under Medicare. But this has been a one-sided discussion to this date. The Democrats have pushed this plan, and the Republicans have resisted it.

Lo and behold, the people on the Republican side of the aisle have decided to start asking American families, what do they think is important? I have in my hand polling data provided to the Republican conference in the House of Representatives. They went on to find in the course of their polling that they have been dead wrong on this issue, that the American people consider this to be one of the most important issues in America today and in this election. The Republicans, in resisting the Democratic plan, have missed the most important issue for seniors and their families.

What are they proposing? They want to change it in a hurry. They don't want to come on board and work out a bipartisan plan based on what the Democrats have been pushing for, for years. No. Their plan is to come forward with a so-called prescription drug plan that buys them enough time to get through the election, a plan that is a sham and a phony, a plan that does

not address the real needs for prescription drug benefits for seniors. They are not offering prescription drugs. They are offering sugar pills. They are offering placebos. That will not keep America healthy.

As you read the things they have recommended to the people involved in this on the Republican side of the aisle, they say one of the things you have to do is make sure you keep talking about this issue, make sure you empathize and tell people how much you feel for this issue.

It isn't "feel good" politics that Americans need. They need results. They need a bipartisan plan that really does help seniors. In the next few days, if you see, as we expect, this presentation by the Republican leadership in Congress that they have finally discovered the prescription drug benefit issue and they have finally come up with a plan, you have an obligation, as I do, to ask them to prove it will work, prove it will make certain that senior citizens who need help in paying for prescription drugs get that assistance. Make certain it isn't a phony that is just buying time until the election.

If you hear the Republican leadership, new-found convert to this issue, coming up with rhetoric that we haven't heard for years, don't be surprised. Their polling data has told them they are dead wrong, the Democrats are right on this issue and the Republicans have missed the boat.

It is our obligation in Congress to work with those people who have been involved on this issue for years, to make certain that any prescription drug benefit plan is real, it addresses the needs of seniors and disabled across America, it is affordable, and it will work to maintain the quality of care we expect in this country.

These health care issues will turn out to be the biggest issue in this Presidential campaign. Yesterday, the Supreme Court decided again that managed care companies don't have an obligation to their patients to find out that they get the best quality care as doctors recommend. Their obligation is to profit and bottom line because of existing Federal law. On this case, as well, on prescription drug benefits, the families across America are the ones who are vulnerable.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I thank my friend for again putting this issue of prescription drugs into context.

I am sure my friend would agree it isn't unusual for political parties to take polls. However, I think what my friend is trying to say—and I hope every American can see this document I am holding in my hand, this poll. This so-called "research," done with the Republicans over on the House side, is a document that says it all. It

is the most cynical document I have ever seen since Newt Gingrich had the same thing done when he took over the House, when they told the Republicans what words to use, not what bills to pass, not what would make a good piece of legislation to help the millions of Americans who need help, no, but how to get them reelected and kowtow to their friends in the insurance business, the HMOs, and so on. If the American people could just read this document, things would change around here. I am hoping they will read this document.

I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[A Presentation to the House Republican Conference, June 8, 2000]

A PRESCRIPTION DRUG PLAN FOR STRONGER MEDICARE

(By Glen Bolger, Public Opinion Strategies)

PASSING A BILL IS A POLITICAL IMPERATIVE

Prescription drug coverage is one of the Democrats' "Four Corners: offense for winning back the House—along with health care, education, and Social Security.

We have a good messages on the other issues.

It is imperative that Republicans hang together on this issue and pass a bill. It is helpful if we can be bi-partisan in our approach.

On a list of 18 issues that might decide how people plan to vote for president, "helping elderly Americans get access to prescription drugs" might appear to be a mid-tier issue as "only" 73% say it is one of the most important/very important in deciding how they might vote.

However, the issue has enormous appeal for Democrat candidates:

Democrats enjoy a huge generic advantage as the party best perceived as being able to handle this issue.

The prescription drug issue allows the Democrats to not only mobilize key sub-groups that are part of their political base, but the issue also is of importance to key sub-groups who are "up for grabs" in the 2000 election.

Of course, chief among these "up for grab" sub-groups are seniors who rank this issue in the top three or four that they say will determine their vote.

Top issues for the 2000 Presidential election

	Percent
Preserving Social Security and Medicare	83
Stopping insurance companies from making health care decisions	82
Improving the quality of public education	81
The economy and jobs	80
Keeping students safe	76
Crime and illegal drugs	76
Controlling federal spending	76
Improving the access to affordable health care	76
Restoring respect to the office of president	73
Helping elderly Americans get access to affordable prescription drugs	73
Pushing for higher academic standards	73
Keeping taxes lower	66
Reducing the power of big money in Washington	61

Top issues for the 2000 Presidential election—Continued

	Percent
The environment	59
Guns	54
Dealing with moral values	54
Defending America's interests around the world	51
Abortion	38

The issue of "helping elderly Americans get access to affordable prescription drugs" favors the Democrats because the issue is very important to their core base as well as to groups that are "up for grabs" to both parties (swing voters).

TOP SUB-GROUPS ON ISSUE

Core Democratic Base	"Up For Grabs" Voters
HS or Less	Rural Residents.
Women Less Than College	Rural Women.
Conservative Democrats	White Women.
Moderate/Liberal Democrats	South Residents.
Clinton '96 Voters	New England Residents.
Urban Residents	Women.
Urban Women	Working Women.
Democrats	Homemakers.
African Americans	Age 55-64.
Environmentalists	Age 65+.
Not on the Internet	Women 18-34
	60+ Retired Women.

DEMOCRATS HAVE A CLEAR ADVANTAGE ON THESE ISSUES

[... tell me if you think as President ... the Republican candidates or the Democratic candidates would do a better job of handling this issue, or if there is no difference between them on this particular issue]

Issue	In percent	
	Republican—Democrat	Difference score
Improving the quality of public education	33-39	-6
Reducing the power of big money in Washington	25-37	-12
Stopping insurance companies from making health care decisions	21-41	-20
Preserving Social Security & Medicare	26-47	-21
The environment	18-48	-30
Helping elderly Americans get access to affordable prescription drugs	20-53	-33
Improving the access to affordable health care	19-53	-34

FOCUS GROUP FINDINGS

Seniors trust Medicare. They don't believe it is in financial danger—they perceive that claim to simply be a scare tactic.

Democrats will want to position Republicans as allied with the pharmaceutical companies and insurance companies against senior citizens. That's a positioning you need to aggressively reject.

Upset seniors don't believe politicians (especially Republicans) understand how important and concerning this issue is to them. Message: "I care" (but say it better than that). It is more important to communicate that you have a plan as it is to communicate what is in the plan.

KEY POINTS FROM THE FOCUS GROUPS

The main concern seniors have with a prescription drug plan is the impact on cost. Many seniors know the medicinal equivalent of HMO horror stories—they know other seniors who have to choose between paying for food or for prescription drugs.

"Republicans aren't doing anything to help seniors."

Seniors like the idea of a voluntary plan, and do NOT want to lose their own plan. They also want to have choices.

Catastrophic coverage is very important to communicate. Even seniors who currently have a good plan are worried about what might happen down the road.

DEMOCRATIC ATTACK MESSAGES

We tested multiple messages for the Democrats to attack Republicans on this issue. Here are the most salient attack messages:

"Republicans are putting more seniors into HMOs. HMOs provide terrible care, and this isn't fair to seniors."

"Republicans are in the back pocket of HMOs, insurance companies, and pharmaceutical companies. Republicans are out to protect these special interests, not the real interests of senior citizens."

Don't ignore these charges.

MESSAGES TO ATTACK DEMOCRATS

The Democrat plan has some potentially fatal weaknesses:

It is politicians and Washington bureaucrats setting drug prices.

It is a one-size-fits-all plan that is too restrictive, too confusing, and puts the politicians and Washington bureaucrats in control.

It will take most seniors out of the good private drug coverage they have today.

PHRASES THAT WORK

Too many senior citizens are forced to choose between putting food on the table and being able to afford the prescription drugs they need to stay alive. In our great nation, this is morally wrong.

We must take action to strengthen Medicare by providing prescription drug coverage for all seniors so nobody gets left behind.

While ensuring that all Medicare recipients have access to prescription drug coverage, we must make sure that our senior citizens also maintain control over their health care choices.

We should not force seniors into a federal government-run, one-size-fits-all prescription drug plan that's too restrictive, too confusing, and allows politicians and Washington bureaucrats to make medical decisions.

Our plan gives all seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Our plan protects low-income seniors by giving them prescription drug coverage, and offers ALL other seniors a number of affordable options to best meet their needs and protect them from financial ruin.

By making it available to everyone, we're making sure that no senior citizen or disabled American falls through the cracks.

Because our plan is voluntary, we protect seniors already satisfied with their current prescription drug benefit by allowing them to keep what they have, while expanding coverage to those who need it.

We will not force senior citizens out of the good private coverage they currently enjoy—that's why our plan gives individuals the power to decide what's best for them.

A stronger Medicare with prescription drug coverage is a promise of health security and financial security for older Americans and we're working to ensure that promise is kept. America's seniors deserve no less.

Mrs. BOXER. I ask my friend if he has read the page that says "Focus group findings." Again, focus groups aren't unusual. You bring people together and ask them to respond. I ask my friend about a couple of these points.

They say: Upset seniors don't believe politicians, especially Republicans. They don't believe that, especially Republicans, understand how important and concerning this issue of prescription drugs is to them.

This pollster, I am sure, made a lot of money to produce this document for

my friends on the other side says. The pollster says:

Message: I care.

That is the message he wants Republicans to make:

I care (but say it better than that). I care (but say it better than that).

Then he says:

It is more important to communicate that you have a plan as it is to communicate what is in the plan.

What I want to say to my friend is this. After reading this, I expect they are going to come up with some phony deal that looks like a prescription drug plan. My friend has made a point: If that plan does nothing to make these prescription drugs affordable, what does it do for our people other than turn them off?

I say to my friend, he knows people in this country are going to Canada to get prescription drugs. He discussed that. I know some are going on the Internet and trying to get drugs from Mexico, prescription drugs, because they cannot afford them here.

The ultimate question, after making my comments, is this. This document goes through the fact that the Democrats are doing really well on these issues. Do you know why? Because the American people know we have a real plan on this. They don't think we are perfect because nobody is perfect, but we have a plan on this. The Republicans know they are going to lose this election unless they get a plan. So they tell their people to use certain expressions.

Can my friend share with us some of his expressions? It says: How to talk about this issue. Our friends on the other side are told how to talk about the issue, what expressions to say in addition to "I care." Maybe my friend will share some of that with the people?

Mr. DURBIN. I am happy to. I say to the Senator from California, this is not unusual. I don't want to mislead people. Democrats take polls as well. We took polls years ago and found out that families really cared about the issue, and we came up with a plan, and literally for years we have been trying to bring this issue to a vote in the Senate and House of Representatives. The Republican leadership has stopped us. They stopped us because the drug companies want to continue to make the money from the seniors and others across this country who pay top dollar for their prescription drugs.

So as we pushed this, year after year, we could never find cooperation on the Republican side of the aisle. The death-bed conversion we are witnessing here now reflects the fact that an election is looming and the Republicans understand they are in a bad position. They have taken a position that is unpopular, unwise, and just plain wrong.

Take a look at some of the polling data: Preserving Social Security and

Medicare is the top issue in the Presidential election campaign.

Stopping insurance companies from making health care decisions is the No. 2 issue in the Presidential campaign, according to Republican polls.

They have been on the wrong side on both of these. In addition, the No. 2 issue for the Republicans in terms of the Presidential election is helping elderly Americans get access to affordable prescription drugs. Now that they realize they are wrong on the issue and it is going to be a major issue in every campaign, they are rushing to come up with a strategy.

The American people don't want a political strategy; They want a law passed that will help these families. They understand these seniors go into their pharmacies on a daily basis and make a life-and-death decision about filling a prescription drug. The Republicans have said in this polling document that they have to attack the Democrats. That is part of this. Say you have a plan, even though you don't tell people what it is, and then turn around and attack the Democrats. Say it is politicians and Washington bureaucrats who are trying to set drug prices.

That language is straight out of the pharmaceutical companies' own platform on this issue. They don't want to have their prices affected. When the prices are in any way controlled or regulated, you have a Canadian situation where Canadian citizens pay a fraction of what we pay in the United States for the same drugs. So create this image, according to the Republican strategy, in the minds of Americans, that anytime we talk about pricing, it is just too much of Washington bureaucrats and politicians.

Then they say attack the Democrats plan as a

a one-size-fits-all plan that is too restrictive, too confusing, and puts the Washington bureaucrats in control."

The one-size-fits-all language is because the Democrats believe this should be a universal plan so people really have a chance to receive help in paying for prescription drugs. You will find the Republican plan cuts off people at levels where, frankly, they are vulnerable and cannot afford to pay for prescription drugs. It also says: Attack the Democrats and say most seniors will be taken "out of the good private drug coverage they have today."

Let me concede something. About a third of seniors do have good private drug coverage, a third have mediocre coverage, and a third have no protection at all. I think we can take that into account. But the bottom line is, if you happen to be a fortunate senior because, for example, you worked for a company with a union that gave you good health care benefits when you retired, that is good for you. I have met those folks. But so many others, two

out of three, do not have that benefit. We want to make sure everybody in America is protected. Take a close look, a careful look, at the Republican alternative. You are going to find they leave literally millions of seniors behind.

The drug companies want it that way. They don't want prices affected. They don't want a major plan. They believe they can create some kind of insurance protection for the seniors. I can tell you pointblank, insurance company executives have met with us and said already the Republican proposal will not work. That is the bottom line.

Mrs. BOXER. Will my friend yield further?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. The other interesting number here is that the Republicans have found out, much to their chagrin, that Democrats have a 34-percent advantage—in the Republicans' own poll here—on improving the access to affordable health care and a 33-percent advantage on prescription drugs. So they take this information but they don't say, You know what, the Democrats are right on these issues. Let's go over to their side of the aisle. Let's call on President Clinton. He has been talking about protecting Medicare and so has Vice President GORE, and prescription drugs. Let's work together now.

They don't do that. They set out a document here that instead of saying: We just found out President Clinton is right; We just found out the Democrats have been right; We have just found out that AL GORE is right when he says we need a Medicare lockbox. So maybe they cross the aisle? Maybe they come over here and visit us, we join hands, and go down the aisle together here and cast some votes for the people for a change? No. That is not the way they see it.

They get this information and they basically do what my friend suggested. They are going to use the right words. They are going to attack us, they are going to scare people, and they are going to go home and say they have done something.

I hope every American family can see this document today. In a way, I feel badly about it because it will build cynicism, but I will say this: The information in this document could be used to do the right thing. It is quite unfortunate that our friends on the other side of the aisle, instead of taking this information, recognizing they are wrong and joining us and President Clinton and Vice President GORE, they are going to create a sham plan for prescription drugs. They are going to say they are protecting Medicare while doing nothing. Sadly, the American people will lose, unless they make some changes around here.

I thank my friend.

Mr. DURBIN. I say to my friend from California, this phrase says it all. This

is the advice given by the pollsters and consultants for the Republican leadership when it comes to the prescription drug issue. It has already been made part of the CONGRESSIONAL RECORD, but it is there for the world to see, and I want to quote one line and one line only to tell you what the bottom line message is:

It is more important to communicate that you have a plan as it is to communicate what is in the plan.

If you talk about the cynicism people feel about politicians and campaigns, that hits the nail on the head. In other words, don't describe it, don't tell people what it is going to do for families across America, just tell them you care, tell them you have a plan. That is the thing I think turns people off the most.

If the Republicans have a better idea, for goodness' sake, come forward with it. Let's debate it. That is what this is supposed to be about.

We have a plan. We are willing to debate it. We are willing to stand up for it on the floor. I believe in it. I will campaign for it in Illinois and any other place. But to come up with an idea, a few words to try to gloss over this so people forget before the election what this is about, is really a mistake.

Here is something else I want to note in the Republican consultants' document to the Congressional Republican leadership:

Prescription drug coverage is one of the Democrats' "Four Corners: offense for winning back the House—along with health care, education and Social Security.

That is a quote directly. Yes, it is true. I would say that pollster has really hit the nail on the head. This is exactly what we are trying to do. We are trying to focus this election campaign, not on negative slam ads, not on personal attacks, but on four basic issues. For goodness' sake, we are willing to stand up and say this is what our vision of America will be. We look at this country and we feel blessed. We live in one of the greatest nations in the history of the world.

We feel doubly blessed that we are living in such good times for most Americans. This is a period of economic prosperity unparalleled in our history. One cannot find this long a string of good economic progress in the history of the United States.

Who can take credit for it? First and foremost, Americans and families can take credit for it because they work hard every day. They start the businesses. They teach the kids. Those things have paid off. That is where the credit belongs, first and foremost.

From a policy viewpoint, credit also has to be given to those people who make good decisions when it comes to our economy. We made a good decision in the Senate and in the House as well in 1993 when President Clinton said: The first thing we will do is reduce the

deficit. Once we bring that deficit under control, we think the economy will move forward.

We could not get a single Republican in the House or the Senate to vote with us on that. Only the Democrats voted for it and Vice President GORE, sitting in the Presiding Officer's chair, cast the tie-breaking vote to reduce the deficit and move us forward. And it worked.

Critics on the other side of the aisle, a Republican Senator from Texas, said this was going to create an economic disaster for America. He has a little egg on his face today because for 7 years it has created just the opposite: economic prosperity. That was a good decision.

Tough decisions from the Federal Reserve Board regarding interest rates, for example, have kept inflation under control.

We are moving forward. We believe on the Democratic side that we cannot stand back and say we deserve election and reelection because of all the good things we did in the past. That is not good enough. If any party deserves election or reelection, it is because they learned the lessons of history and they have a vision of the future.

The vision tells us to take the surplus we are generating in our Treasury and pay down the national debt, a debt of almost \$6 trillion that cost us taxpayers \$1 billion a day in interest payments. That is right, the payroll taxes they are taking out of your paycheck and taking away from businesses and families across America to the tune of \$1 billion a day do not educate a kid, they do not buy anything to enhance the security of America. That money is used exclusively to pay interest on old debt.

Think about it. We are paying interest on the debt for things we bought years ago that we have already built and maybe have used. We on the Democratic side believe that the fiscally prudent thing to do, the responsible thing to do is to take our surplus and reduce that \$6 trillion debt. I want to say to my kids and my grandson: The best legacy I can leave you is less of an American debt so that you do not have to carry my burdens into your generation.

I believe that makes sense, and that is what Vice President GORE has stood for: To reduce America's national debt and to strengthen Social Security and Medicare as we do that to make sure those two systems are there for years to come.

If we just stop at that point, we would not be doing enough. We have to have a vision for this next century and ask, What decisions can we make as leaders of Government in Washington today to create opportunities for tomorrow?

It comes down to the four basic issues already identified by the Democrats and acknowledged by the Republicans.

First, health care in America. It is disgraceful in America that we still have tens of millions of people who have no health insurance. Think about their vulnerability: an accident, an illness, and all the plans they have made for their life just fall apart. They have medical bills they cannot possibly pay. People are in a vulnerable position because we have not addressed health care in America. We believe we need to address health care when it comes to not only coverage of health insurance but prescription drug benefits for the elderly and disabled under Medicare and, most basically to make sure medical decisions are made by doctors and not by insurance companies.

Yesterday, the Supreme Court of the United States ruled in an important case involving an HMO, a managed care company, in my State of Illinois at the Carle Clinic. A woman called the Carle Clinic in Bloomington, IL, and reported she was having pains in her stomach. They said: We would like to examine you. Why don't you come in in 8 days.

Before she could go to the clinic her appendix burst, and she went through a terrible situation and a terrible recuperation in the hospital.

She came to learn that this plan, as so many other managed care plans, actually rewarded doctors financially if they showed more profit for the company as opposed to providing quality health care. The bottom line was making money. The bottom line said let the lady wait at home for 8 days and see if she still complains instead of bringing her into the office for an examination.

She sued them. She said: I thought I could trust you. I thought that was the bottom line when it comes to the health insurance company. The bottom line was profit, and it was made at my expense. I paid for it in a hospital stay.

The Supreme Court said: You cannot do anything about it. Congress passed legislation that said managed care companies can do that and you cannot sue them. Your right against these companies is extremely limited. That is a Federal decision.

That is a decision that should be changed. That is one Democrats have pushed for on Capitol Hill for years and the Republican leadership has blocked it. These insurance companies are making big dollars. They are big special interest groups. They are big players on the Washington political scene. They do not want anybody changing these rules. That is why they have resisted, and that is why we have done literally nothing in the Senate and the House to deal with these abuses.

Education: Can anyone think of anything in the 21st century more impor-

tant than education in America? I cannot. We are going to have a debate in the near future on trade. It is a hot issue. There are many who believe globalization and free trade are part of America's future, part of the future of the world. To resist trade is to resist gravity: It is going to happen.

The question is, How will we respond to it? Many workers are concerned that if there is expanded trade, they might lose their jobs. Companies will take their plants and move them overseas, and folks who have good jobs today will not have them tomorrow. Shouldn't we as a nation acknowledge that, whether the jobs are lost to trade or technology? Shouldn't we be putting in place transition training and education so workers do not have to fear this inevitable change in the economy?

We are not hearing any suggestions on this from the Republican side. They do not believe there should be a Federal role when it comes to education and training. They talk about it being State and local. It has been historically, but we have had Federal leadership that has made a difference on these issues. We believe on the Democratic side we should continue to do that.

I will tell my colleagues about another related issue. We know from the best companies in America that the single biggest problem they have today is not estate taxes; it is not a tax burden under the code. The single biggest problem they have today is jobs they cannot fill with skilled workers.

I hear that in Illinois everywhere I go. I was in Itasca yesterday with the Chamber of Commerce. That is their concern as well. We have to acknowledge the fact there are good paying jobs unfilled in America because we do not have skilled workers to fill them.

What do we do about it? Wait for the market to create an answer? I hope we will do more. In 1957, when the Russians launched Sputnik and we were afraid we were going to lose the space race, this Congress responded and said: We will respond as a nation. We will create the National Defense Education Act. We are going to encourage young people to get a college education to be scientists, to be engineers, to compete with the Russians. We did it. It was an investment that paid off handsomely. We created an engine for growth in the American economy that not only made certain the private sector had the people they needed but also sent a man to the Moon and so many other achievements unparalleled in the history of the world.

Why are we not doing the same thing today? Why are we not acknowledging we need to make an investment at the Federal level to help pay for college education so kids have a chance to become tomorrow's scientists and engineers, leaders of the 21st century so we do not have to import computer experts from India and Pakistan?

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator's time has expired.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am going to take 15 minutes of the time set aside for the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. SANTORUM. Mr. President, I rise today to address the issue of Social Security. Last week I got up toward the end of our time and did not have a chance to talk about the issue, but I briefly mentioned my strong admiration and support for Gov. George W. Bush's courageous and bold proposal in offering to the American public an opportunity to meet the Social Security crisis head on and deal with it in a responsible way through investment as a way to try to bridge the gap that now exists in the Social Security system—"the gap" meaning not enough money coming in to pay benefits down the road once the baby boom generation begins to retire.

I have been out for the past 4 years talking about this issue and have talked in front of every conceivable group you can imagine. Yesterday I was in Harrisburg, PA, talking to the State AARP about Social Security and the importance of having politicians face up to the issue and explain to the American public how we are going to fix the problem.

The problem is very simple. Right now, there are about 3.3 people working for every retiree on Social Security. Social Security is a pay-as-you-go system. So those 3.3 working people have to pay enough in Social Security tax to pay for the benefits to that 1 retiree.

Just to give you a comparison, back in 1950 we had 17 workers paying into the system for every 1 retiree. That is why, in 1950, we had a payroll tax of 2 percent on the first \$3,000 you earned, because there were 17 people paying and you could pay a relatively low rate of taxation to pay for the benefits. Now you pay 12.4 percent of every dollar you earn, up to, I believe it is, \$72,000.

So it is a dramatic increase in taxes that has occurred because we went from 17 workers to every 1 retiree to 3.3 workers to every 1 retiree. In the next 20 years, we will go from 3.3 workers to every 1 retiree, to around 2 workers or maybe even a little less than 2 workers to every 1 retiree.

It is pretty obvious what is going to have to happen. We are going to have to make a change in the system because the current flow of revenue from 3.3 workers to support 1 retiree will be dramatically reduced when you only have 2 workers. You cannot keep the

current rate of taxation and support that 1 retiree.

So the question is, What do we do about it? Do we wait, knowing it is going to happen? Everybody who is going to be working 20 years from now has been born, and everybody who is going to retire in 20 years from now has been born. So we know what the demographics are going to look like. The question is, What are we going to do about it?

There are three things you can do to fix the Social Security problem and only three things. There are only three things you can do.

No. 1, you can do what we have done 20-some times in the past; that is, increase taxes, from what started out as 2 percent on the first \$3,000 to now 12.4 percent on up to \$70,000 of income. So you can increase taxes.

The second thing you can do is reduce benefits. We have done that in the past, too. We raised the retirement age. We adjusted some of the benefit numbers. You can reduce benefits.

How much would we have to do of either raising taxes or cutting benefits? According to the Social Security trustees, the actuaries there, we are looking at a payroll tax increase, if we wait 15 or 20 years—which is what some here at the national level, the Vice President, for example, and some on the other side of the aisle have suggested; that if we wait, everything is going to be fine, that there will be no problem for another 30 or 35 years. Just wait. What if we wait? If we wait 20 years to fix this problem, we are looking at a payroll tax increase of roughly 40 percent, going from 12.4 to about an 18- or 19-percent payroll tax for the next generation.

So if you are a politician today and you do not plan on being around 20 years from now, I guess the answer of waiting is a pretty good option: Put it on to the next group of politicians and the next generation of people, and let them pay those taxes. They may say: "As for me, I would rather just get elected and not make any tough decisions and not have to tell anybody about what pain is going to be in the future because under my watch there will not be any." That is the kind of leadership we do not need in America, in my opinion. But that is an option.

The first option is to increase taxes dramatically down the road. The second option is to cut benefits. By the year 2035, I think it is, Social Security taxes coming in will cover about 70 percent of what is needed to be paid out in benefits. So what does that tell you? We will have to cut benefits by about a third; that if we do not increase taxes, then we will have to cut benefits by a third. I suspect you will not find one vote in the Senate to do that today. And I do not believe you will find any votes in 20 years to do that. So that option is pretty much off the table, I suspect.

So those are the two options that are available, unless you take the third option. This is where Governor Bush has come out. I give him a lot of credit for doing so. The third option is investment, increase the rate of return on the money that is actually going into the system now to make up the shortfall in the long run. This is not a view that is a partisan viewpoint; this has broad bipartisan support in the Senate.

Many on the other side of the aisle believe in personal retirement accounts. Even more Members on the other side of the aisle and the President agree with investment where the Government actually takes the money and invests it.

So there are two kinds of investments. We can do it two different ways. The way I suggest and Governor Bush suggests is that every individual get a portion of their payroll tax to be put in a personal retirement account, which they own, they control, they invest, but they cannot touch until they retire. That is how I suggest the investment be done: The individual owning it, the individual investing it, the individual controlling it.

The President's suggestion, in two of his budgets in this current term of office, is that, yes, a portion of Social Security trust funds can be invested, but the Government invests it. There would be no individual ownership. It would be Government ownership. The Government would invest a portion of the Social Security trust funds in stocks and corporate bonds. Why? The President pretty much gave the same speech I am giving where he said there are three options: You can increase taxes, cut benefits, or invest; and the President chose investment.

The President, in his budget, chose investment. But the investment he chose was the Government ownership of that investment. We choose investment and say the individual should own the investment, and the individual should benefit from the investment; that the Government should not "benefit" from the investment.

There are a whole host of reasons the Government should not own corporations or stocks. We already regulate corporations. We tax corporations. Now we have gotten in the business of suing corporations. We should not also own them. That is the Government owning the means of production. For those of you who have not been in your political science class recently, the Government owning the means of production comes right out of the books of Karl Marx. We do not need the Government of the United States owning corporations.

By the way, I think most Americans believe very strongly about that, that Government ownership of stocks and bonds is not something that is particularly desirable, but the idea of investment is desirable.

The biggest criticism I hear from the Vice President, and the critics of Governor Bush's idea, is that this is a "risky scheme." Contrast that with what their proposal is. Their proposal has, I would agree, less risk and more certainty. I would agree with that. There is less risk and more certainty. The certainty, though, is not a particularly desirable one. The certainty is we will have to raise taxes or cut benefits.

So you can argue that the Gore plan is less risky, is much more certain. We will have to raise taxes or we will have to cut benefits, or do a little of both. So in that respect there is certainty. But it is not certainty that I think the American public is looking for.

He suggested the Bush plan is risky because it involves investment. I did not hear that criticism of the President's plan to invest in the equities market. He did not criticize his own President's plan when he suggested that money from Social Security should be invested in the equities market. I guess some believe it is not risky if the Government invests it, but it is risky if you do. I am not too sure that holds a lot of water. Either investment in the market is risky or it is not risky.

Sure, obviously, there are risks in investment in the market. But every other retirement system in America is financed through investment. The people who are doing basically pretty well in America have 401(k) plans and IRAs and Keogh plans and other plans where they take money that they are earning. Here in the Federal Government, Federal employees have a thrift savings plan, all of which is invested in stocks and bonds. And we use the miracle of compound interest, over time, to be able to then afford to pay the benefits for those retirees once they hit retirement. Every person who is doing pretty well in America has one of those plans at their disposal. It is the folks who are not doing so well who don't get a piece of the American pie. What the Vice President is saying is: For you folks who have these plans, that is OK; we think that is a good idea.

In fact, you will find the Vice President and others who are opposing personal retirement accounts for Social Security are at the same time encouraging people to go out and develop 401(k)s and invest and save for retirement; that it is a good idea. "So if you have your own money and you make enough money, we encourage you to invest it. But if you are low income and you can't put money aside, we don't want you to have a piece of this. We don't want you to have your own personal retirement account within Social Security. We are just going to reserve that for people who have enough money to do it on their own. We will allow you to participate in the growth of the American economy, in the increase in the markets and economy, in

the dynamism of the American dream that is going on in our capital markets today. If you have money, you go ahead and participate, and we will encourage you. We will provide tax incentives for you to do that. But if you are lower income and you are making ends meet and all you have for your retirement is Social Security, sorry, we will not allow you. It is too risky for you to do this." How paternal; how discriminatory.

What we support is to give every working American a very small piece at first. Maybe in years to come it will be larger, but at first a very small piece of the American pie, 2 percent, 3 percent of every dollar they earn for low and middle-income people to be put in a personal retirement account for them to invest; so as America grows and prospers, they won't be sitting on the sideline watching the rich get richer while they do not prosper from the growth in America. That is cruel.

We have an opportunity to reach out to moderate and low-income individuals and allow them to participate in the American dream of ownership, of investment, of participating in the growth of America, not just their own growth with respect to their wages. I think it is a tremendous opportunity. It is the first and biggest chance to bridge what I see as one of the biggest problems facing America today, which is the growing gap between the rich and the poor in this country.

I will never forget back in 1992, then-candidate Clinton would talk about the decade of greed of the 1980s, how the rich got richer and the poor didn't get it. "The 1980s, under Reagan, was the decade of greed." We don't hear President Clinton talking about that now. Does anybody ever wonder why he doesn't talk about that anymore? The reason he doesn't talk about it anymore is because during the 1990s, the rich got far richer than they did in the 1980s, and the poor didn't do that much better than they did in the 1980s. In fact, the gap between the rich and the poor widened more in the 1990s than it did in the 1980s. If the 1980s was the decade of greed, the 1990s, under the Clinton-Gore administration, was the decade of supergreed.

Why did that happen? It is pretty obvious why it happened. It happened because those who were wealthy, who owned and invested as the markets went up, as the value of assets went up, their income went up. Their wealth went up. If you are a worker who doesn't have wealth, doesn't have savings, doesn't have investment, then your wealth only goes up by the wage increase you get, which is 3 or 4 percent. So while the NASDAQ goes up or the Dow Jones goes up 10, 15, 20 percent or higher, your wages go up here at the bottom 2 or 3 percent, the gap grows.

One-third of all income in this country comes from investment. Yet the av-

erage person in America, someone right in the middle, has a total savings of \$1,385. Half of America or more is left behind.

What we want to do with personal retirement accounts for Social Security is say to those Americans: Welcome to the American economy; participate in the American dream of growth and ownership of investment. With that, we will not only fix Social Security, but we will begin to do something that is fundamental, which is to bridge the wealth gap in America.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, will the Chair advise the Senate with regard to the standing order?

The PRESIDING OFFICER. There are 4 minutes remaining in morning business.

SECURITY BREACH AT LOS ALAMOS

Mr. WARNER. Mr. President, America awakened in the last 24 hours to another very distressing disclosure of an alleged breach of security practices at the Los Alamos Laboratory, again relating to what is the greatest threat every hour, every minute of the day to this Nation; that is, from nuclear weapons. We are not here to prejudge any facts at the moment.

From the standing rules of the Senate, rule XXV, I read:

The Committee on the Armed Services has jurisdiction over national security aspects of nuclear energy.

Clearly, this problem falls within our domain. As chairman, in consultation with the ranking member, we will move very swiftly. We will establish a hearing date as soon as we can to develop those facts that can be publicly disclosed and such facts as must remain classified. The Armed Services Committee has dealt with this issue for over a year. In the authorization last year, we had a hard fought debate on this floor about establishing a new entity within the Department of Energy. Indeed, we did it. It was signed into law, and it is ready to go.

Our committee also has jurisdiction over the nominees to head this new entity. I refer the Senate to item 1010 in Nominations, Gen. John H. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy. That was May 24.

I am writing a letter to the majority leader today and, indeed, to the distinguished Democratic leader, asking that this nomination be brought up immediately. There are allegations that certain Senators think that the law that was passed last year has to be changed. That is a matter that can be brought up before the Senate at any time. But I do not think this Nation should sit 1 minute, 1 hour, 1 day longer on the

nomination of this outstanding American, who has impeccable credentials, to take over this whole problem of security in the Department of Energy and is waiting to do so. Let us act on this nomination. I am certain the distinguished majority leader, in consultation with the Democratic leader, will move to see that this is done at the earliest opportunity. I hope it is done today.

I will advise the Senate later today with regard to the hearing of the Senate Armed Services Committee.

This is a matter of serious concern. At the hearing, we intend to call Secretary Richardson, General Habiger, who is the Chief of Security Operations, and Mr. Ed Curran, Chief of Counterintelligence. It may or may not be a counterintelligence matter. We don't want to prejudge the facts. But action is needed by this body, first on the nomination, and then to look into this situation. There is nothing that poses a greater threat to the United States of America, indeed, to our allies, than that from nuclear weapons.

It is ironic. This particular alleged security breach is basically in the same location of the previous incident involving Wen Ho Lee, as I understand it, probably the same floor, same corridor. We have testimony in the record, which I will add to the record, of the Secretary of Energy, who has appeared repeatedly before the committees of the Congress. This incident is clearly on Secretary Richardson's watch; let there be no mistake about that. He has repeatedly advised the Congress that he has put in place such regulations and other measures as to protect the United States, protect this Department from such alleged security breaches it faces this morning.

Mr. President, I am speaking after consultation, of course, with the majority leader's office and Senators DOMENICI and KYL, who have worked with me on this matter for some 18 months.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4576, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Boxer/Reid amendment No. 3308, to prohibit the use of funds for the preventative application of dangerous pesticides in areas

owned or managed by the Department of Defense that may be used by children.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the unanimous consent agreement that we are now operating under in the Senate means that I am next in order to offer an amendment.

Is that true?

The PRESIDING OFFICER. The Senator is to offer an amendment at 10:40.

Mr. REID. Mr. President, the amendment which I will offer shortly deals with a very unique situation. We certainly control the building of computers in the United States. We are the great superpower. We are also the superpower of computer development. But in spite of that fact, about 60 percent of the computers manufactured in the United States are sold overseas. Only 40 percent of the computers manufactured in this great country are sold internally.

The problem is there is now a provision requiring a 180-day review period to sell a computer, meaning that we are slowly but surely losing our ability to control the computer market. Why is that?

I ask unanimous consent to have printed in the RECORD a letter to me from the Information Technology Industry Council which represents generally the technology industry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,

Washington, DC, June 13, 2000.

Hon. HARRY REID,

U.S. Senate, Washington, DC.

DEAR SENATOR REID: I am writing to let you know that ITI strongly supports legislative relief addressing the current 180-day waiting period whenever US computer export thresholds are updated. ITI is the leading association of U.S. providers of information technology products and services. ITI members had worldwide revenue of more than \$633 billion in 1999 and employ an estimated 1.3 million people in the United States.

We are grateful for your efforts to secure relief in the defense bills currently before the Senate and wanted you and your colleagues to know we anticipate that votes pertaining to computer exports will be included in our annual High Tech Voting Guide. As you know, the High Tech Voting Guide is used by ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy.

ITI has endorsed your legislation (S. 1483) to shorten the Congressionally mandated

waiting period to 30 days. While we strongly support our country's security objectives, there seems no rationale for treating business-level computers that are widely available on the world market as inherently more dangerous than items being removed from the nation's munitions list—an act that gives Congress just 30 calendar days to review.

Computer exports are critical to the continued success of the industry and America's leadership in information technology. Computers today are improved and innovated virtually every quarter. In our view, it does not make sense to have a six-month waiting period for products that are being innovated in three-month cycles. That rapid innovation is what provides America with her valuable advantage in technology, both in the marketplace and ultimately for national security purposes—an argument put forth recently in a Defense Science Board report on this very subject.

As a good-faith compromise, ITI and the Computer Coalition for Responsible Exports (CCRE) backed an amendment to the House-passed defense authorization bill that established a 60-day waiting period and guaranteed that the counting of those days would not be tolled when Congress adjourns sine die. The House passed that amendment last month by an overwhelming vote of 415-8.

Further, as you know, the current provision in law was understandably aimed at protecting the highest performing computers from being exported to countries of particular foreign policy concern. Yet, just last year, a late threshold adjustment coupled with the six-month waiting period led to American companies Apple and IBM being effectively denied the ability to sell single-processor personal computers in some markets because technology has advanced so rapidly that yesterday's supercomputers had literally become today's personal computers.

We have been heartened in recent weeks by the bipartisan agreement that the waiting period must be shortened. The Administration has recommended a 30-day waiting period. The House, as mentioned above, endorsed a 60-day waiting period. And Gov. George W. Bush has publicly endorsed a 60-day waiting period as well in recognition that commodity computers widely available from our foreign competitors cannot be effectively controlled.

We thank you for your strong and vocal leadership in this matter and look forward to working with you and other Senators to achieve a strong, bipartisan consensus on this and other issues critical to continuing America's technological pre-eminence.

Best regards,

RHETT B. DAWSON,

President.

Mr. REID. Mr. President, they set forth the problem in this letter. Among other things, this letter says:

... the current provision in law would understandably be aimed at protecting the highest performing computers from being exported to countries of particular foreign policy concern. Yet just last year, a late threshold adjustment coupled with the 6-month waiting period, led to American companies, Apple and IBM, being effectively denied the ability to sell single-processor personal computers in some markets because technology has advanced so rapidly that yesterday's supercomputers had literally become today's personal computers.

It wasn't many years ago that I went to the fifth floor of the Clark County

Courthouse in Las Vegas. I took a tour of the fifth floor. On the entire fifth floor of this big building was a big computer that handled all of the processing for Clark County. The temperature had to be perfectly controlled. That floor is now gone. It is used for other things. That same processing of information can now be accomplished with a computer the size of a personal computer.

I was able, fortunately, to work with Congress and obtain a supercomputer for the University of Nevada at Las Vegas. We had a big celebration. At that time, the computer was very large. It was probably the size of two of these Senate desks. That supercomputer is now 10 years old. A supercomputer today is not a big piece of equipment.

We are living in the Dark Ages. We have to change the law.

In an effort to compromise, the House established a 60-day waiting period. It passed by a vote of 415-8.

We worked very hard to get a bill in the Senate. We have been stymied, quite frankly.

There has been a bipartisan effort by Senator GRAMM of Texas, Senator ENZI, Senator JOHNSON, and I. We worked very hard last year.

The amendment that I am going to offer today is cosponsored by Senator BENNETT of Utah, a Republican. This is not a partisan issue. It shouldn't be. But it is being held up for reasons that are so antiquated. The cold war is over. There is no need to have this legislation stymied. We are hurting the American manufacturing base.

We are going to get letters from the Chamber of Commerce. Literally all business in America wants this to pass. But in the Senate, two or three people are holding this up and preventing it from moving forward.

As I indicated, this amendment has the broad support from the high-tech industry.

I would bet, if we get a chance to vote on this, that 90 Senators will vote for it.

This amendment will shorten the congressional review period for high-performance computers from 180 days to 30 days.

On the Appropriations Committee alone, just to pick out one committee, Senators BENNETT, MURRAY, and GORTON are cosponsors of this legislation introduced in the Senate, and there will probably be more today.

We are operating, as I have said, under cold-war-era regulations. If we want to remain the world leader in computers and the high-tech arena, we must make this change immediately.

As I have indicated, I worked for the past year to try to get an amendment up so we could do this. We started debate on one measure. It was pulled from the floor. The congressional review period is six times longer than the review period for munitions.

If there is a company that wants to sell rockets, tanks, warships, or high-performance aircraft under the foreign military sales program, it requires a 30-day review period. But if you want to sell a laptop computer such as the one I have in my office, you have to wait 6 months. In that period of time, American industry could not meet the demand. We are falling behind. Manufacturing is already beginning in other places. We don't have a lock on how to manufacture computers. We are ahead of the world right now.

I repeat that 60 percent of the computers we manufacture in the United States are sold outside the United States. The review period for computers is six times longer than for selling to another country a battleship, a high-performance aircraft, or a rocket.

In February, the President, at the urging of Members of Congress, proposed changes to the controls on high-performance computers, the so-called MTOPS, but because of the 180-day review period, the changes have yet to be implemented. The U.S. companies are losing foreign market share to many different entities. This is a bipartisan effort, and we should pass it. We are stifling U.S. companies' growth.

Last week, I had a meeting in my office with a number of CEOs of big companies—IBM, Compaq, and others. This is their No. 1 agenda item. It is the base of their business. They make computers, and they want to be able to sell them. A strong economy and a strong U.S. military depend on our leadership. U.S. companies have to be given the opportunity to compete worldwide in order to continue to lead the world in technological advances. Our export regulations are the most stringent in the world, giving foreign competitors a head start, to say the least.

U.S. industry faces stiff competition as foreign governments allow greater export flexibility, placing America at a greater disadvantage. Many of the manufacturers have no export controls. The current export control system interferes with legitimate U.S. exports because it doesn't keep pace with technology. The MTOPS level of microprocessors increased fivefold from 1998 to 1999. This is the speed of computers for my base description.

From 1998 to 1999, there has been a fivefold increase. Today's level will more than double in 6 months because they are introducing something called the Intel Itanium chip. In a period of 2 years, there is going to be a tenfold increase in the ability of these microprocessors. New export controls will not take effect until the completion of the required 6-month waiting period. By then, the thresholds will be obsolete and American companies will have lost considerable market share again to foreign markets. The current export control system doesn't protect U.S. national security.

The ability of American defense systems to maintain technological advantages relies increasingly on the U.S. computer industry's ability to be on the cutting edge of technology. We need to move forward with this legislation. Protection of capabilities and technologies readily available in the world market is, at best, unhelpful for maintenance of military dominance and, at worst, counterproductive, according to the final report of the Defense Science Board Task Force on Globalization Security that came out in December of last year.

It doesn't make sense to impose a 180 waiting-day period for products with a 3-month innovation period that are available for foreign countries. We have to keep changing.

Right now, American companies are forbidden from selling computers in tier III countries, while foreign competitors are free to do so.

The removal of items from export controls imposed by the munitions list, such as tanks, rockets, warships, and high-performance aircraft, requires a 30-day waiting period. We need to put our priorities in order; 180 days is too long. It is way too long.

The new Intel microprocessor will be available very soon, with companies all over America already signed on to use this microprocessor. Foreign countries have signed on to using it, including Hitachi and Siemens. They will be so far ahead of us in sales to other countries that we will never catch up unless we change this law.

The most recent export controls announcements made by the administration on February 1 will therefore be out of date in less than 6 months.

Lastly, a review period, comparable to that applied to other export control and national security regimes, will still give Congress adequate time to review national security ramifications of change in the U.S. computer export control regime.

I urge my colleagues to support this amendment. There is no doubt in my mind that this amendment would pass overwhelmingly. I hope the managers of this bill will allow this amendment to go forward. It would be too bad if we were stymied, once again, from allowing something that has the overwhelming support of the American people, including the American business sector, whether they are in the computer industry or not. It has the total support of the computer industry. It also has the support of Members of Congress, as I have indicated. It passed the House of Representatives overwhelmingly. The vote was 415-8. In the Senate, it will get 90 votes. It would be a shame that a point of order, some technicality, would prevent the Senate from going forward on this legislation. This is a Defense appropriations bill. There could be no finer vehicle to consider this amendment. I hope some

technicality does not prevent me from having this voted upon.

AMENDMENT NO. 3292

(Purpose: To amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers)

Mr. REID. I send the amendment to the desk on behalf of Senators REID and BENNETT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BENNETT, proposes an amendment numbered 3292.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ____ . ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence, by striking "180" and inserting "30"; and

(2) by adding at the end, the following new sentence: "The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000."

Mr. STEVENS. Mr. President, I am constrained to raise a point of order that this amendment contains legislative matter and therefore is in violation of rule XVI.

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is legislation on appropriations and is in violation of rule XVI.

Mr. STEVENS. Therefore, the amendment is not in order; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. For the information of the Members of the Senate, we have a list now of the amendments that have been reviewed by the Parliamentarian and have an indication of those that violate rule XVI. It is our intention to raise rule XVI for those amendments that are in violation of rule XVI. We do have a list that the staff says we may modify so they are not in violation of rule XVI, which we would then be willing to accept, if the sponsors are willing to accept the modification.

There are other amendments that have been offered that are not in violation of rule XVI that we intend to oppose. For those, I urge Senators to have their staffs discuss these amendments with the staff of Senator INOUE and myself. It is my understanding we are in agreement on the position on these amendments that we find unacceptable, even though they are not in violation of rule XVI.

I do think we can proceed in a very rapid fashion to determine how many votes we will have today if Members will state whether or not they are going to accept our modification. If they accept the modification, we will put them in a managers' package that we will offer around 11:30 as being acceptable under the unanimous consent request we obtained yesterday, to give the managers the right to modify amendments to make them acceptable under rule XVI.

It is my understanding the Senator from California is now going to offer an amendment. Could I inquire of the Senator if she intends to ask for a vote on this amendment?

Mrs. BOXER. Yes, I do.

Mr. STEVENS. We are prepared to accept the amendment of the Senator. Does she still want a vote?

Mrs. BOXER. On the medical privacy?

Mr. STEVENS. Yes.

Mrs. BOXER. I need to think about it for a couple of minutes.

Mr. REID. If the Senator from Alaska will yield?

Mr. STEVENS. I am happy to yield.

Mr. REID. We now have 61 amendments not subjected to rule XVI, 25 Democrat, 36 Republican amendments. We want to make sure the majority understands we will do everything we can to cooperate with the majority. We would like to move this bill along as quickly as possible and get back to the Defense authorization bill at an early time. But I suggest, as I have indicated, there are more Republican amendments than Democratic amendments. We are going to do what we can to work on this side. I have spoken to Senator INOUE and he has indicated the two managers would accept a number of these amendments. Throughout the day we will work on these to see what we can do to move this bill along. I hope the same will happen on the Senator's side if we are to complete this legislation.

Mr. STEVENS. I say to my distinguished friend, the Democrat whip, we have reviewed these and there are a series on both sides. It is true there are more on our side than on the Democratic side that we intend to oppose, but the majority of the ones we would oppose are subject to rule XVI.

Mr. REID. None of the 36 are subject to rule XVI, I say to the manager of the bill. Regarding the 36 Republican amendments, the Parliamentarian has

preliminarily indicated they are not subject to rule XVI. We, through the efforts of the staffs, working with the Parliamentarian, believe there are some 35 or so amendments that are knocked out because of rule XVI. But we do have 61 remaining, 36 Republican and 25 Democrat.

Mr. STEVENS. Mr. President, I regret to say I have a 5-page list and I didn't have 2 pages in front of me. The Senator is right. We are working on those now, to notify Members on our side that we will oppose the amendments as listed on the basis we do not feel we can accept them because of the provisions of the existing bill and because of the availability of funds.

We will proceed to do just as the Senator has indicated. If Members, however, will accept our modifications—the Senator is aware of the modifications list? We again repeat, if they accept our modifications, although we oppose the amendments in the present form, we will include them in the managers' package. We hope to get a reply back from Members. Of course, Members have the right to offer their amendments and request a vote of the Senate. We are indicating, regarding those that we have not put on the acceptable list, we will oppose those amendments.

Mr. REID. We will also try to work with the manager of the bill to make sure we have people available to offer these amendments so there is not a lot of time in quorum calls.

Mr. STEVENS. I yield the floor.

AMENDMENT NO. 3363

(Purpose: To protect the privacy of an individual's medical records)

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mrs. BOXER, is recognized to call up an amendment.

Mrs. BOXER. Mr. President, I call amendment No. 3363.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3363.

At the appropriate place, insert the following:

SEC. . PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual's medical records without the consent of the individual.

Mrs. BOXER. Mr. President, I believe anyone who listens to us will agree this issue of privacy of medical records is really moving to the forefront of American public discourse. I think we all believe certain things should be private. Certainly our medical records should be private unless we are very willing to discuss them or have them discussed. I

am very pleased Senator STEVENS and Senator INOUE support this amendment, and having received assurances they will work for it in the conference, I am not going to ask for a recorded vote. But I think it is a breakthrough that the managers have accepted this amendment.

I wish to make a point here about privacy of medical records. The Department of Defense is no better or no worse than any other Federal agency because all the Federal agencies have been going by the rules that were set forth in 1974. I do not know how old you were in 1974, Mr. President, but it was a long time ago. That is when we wrote the rules surrounding privacy, the Privacy Act of 1974, that really govern all the rules of privacy surrounding Federal employees, be they in the military or in the nonmilitary.

A cursory reading of the Privacy Act of 1974 will make your hair stand on end. It governs the privacy of medical records, but it says that no one can get your record unless you give prior written consent "unless"—and here is the part you have to hear:

Unless the records are disclosed within an agency to a person who needs it in the performance of the job.

So anyone can get your record if they decide they want to see it as they do a job performance. Then it says an agency can get your record without your approval if it is for a routine use specified in the Federal Register. They can get your record, and listen to this, give it to the Census Bureau with your name attached: BARBARA BOXER, this is her medical record. The Census Bureau needs your record so they can carry out a census survey. Maybe they want to find out which Federal employees had what disease. They can get those records for the census for statistical purposes, but they say the records would not be individually identifiable, so I suppose that is OK.

Listen to this. The National Archives can get your record without your permission if your record has a sufficient historical value. So I say to the Presiding Officer, maybe someone in the National Archives is interested in his dad, the great Senator who preceded him, because they feel his records have sufficient historical value. That is absurd; they could get them if the agency released them.

Then there is a big loophole:

* * * because of a compelling circumstance affecting the health or safety of an individual.

Imagine, someone decides there is a compelling circumstance to know any Senator's or any employee's or any clerk's disabilities, what medicines they are on. Oh, they can get it if there is a compelling circumstance. That is not defined. Congress can get your record. Congress has a right to get the record of every clerk sitting here, any person in any Federal agency, without

their consent. Talk about Big Brother or Big Sister, as the case may be. They have the right to find out anybody's record, their medical record. What a stunning revelation this is, to read the 1974 Privacy Act.

How about this one? The General Accounting Office, the GAO, doing a study—and we know we ask them to do many studies—can, in fact, get the record of any Federal employee with their name attached.

A consumer reporting agency can go ahead and get that information.

So here we have the Privacy Act of 1974. I have gone through it. Out of the 12 provisions, the exceptions, only 2 of them make sense. They have to do with criminality, but everything else makes no sense.

I am very pleased Senators STEVENS and INOUE understand this. I say to my friend from Alaska, under the Privacy Act that applies today, it is not just the military; it is all Federal agencies. I am just doing it here because this bill came out first. The DOD is absolutely no worse than any other agency. They are just following the Privacy Act of 1974. It is chilling to see how Congress can get an individual's medical record with their name attached or how the Census Bureau can get an individual's medical record with their name attached, without approval.

In our amendment we simply say that, in fact, an individual needs to give permission, unless it is for a national security or law enforcement purpose. Then we say: Fine, you give up your rights in that particular case.

Again, I am pleased; we are breaking fine new ground. We should apply what we are doing here to every agency. I will do that, by the way, on every appropriations bill I can because this is absolutely critical.

I am delighted we are going to have a voice vote on this. I would like to have it accepted. A voice vote will be fine. This is not a complicated issue. This is a question of people in the military having peace of mind, knowing their records are secure. I will go away very pleased on this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from California is correct in regard to the defense operations. I do note the exemption, where necessary, in the interest of national security. There are situations in which a commander has to know the medical conditions of people whom they might dispatch. That exception makes it acceptable for the Department of Defense.

However, I do not think we are going to proceed with having a piece-by-piece amendment to the Privacy Act on the appropriations bills. This is very much acceptable on this bill. With the conditions that are being applied, it is a step in the right direction.

I urge the Senator from California not to consider a piece-by-piece amendment to the Privacy Act on these appropriations bills as they come through because this Senator is not going to support that. It becomes legislation on an appropriations bill on other matters, I can say that.

With regard to military records, it is an entirely different circumstance. Military records are part of the Department of Defense operation, and this is a step in the right direction. I am happy to accept the amendment on that basis.

I know of no other agency that has access to the medical records of the individuals who are employed by the agency as this one does. The Department of Defense does, and I think the Department of Defense will welcome this guidance. I am pleased to accept it on that basis.

The PRESIDING OFFICER (Mr. ENZI). The question is on agreeing to amendment No. 3363.

The amendment (No. 3363) was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I will not offer amendment No. 3309 which was a backup amendment in case I was unsuccessful. I will be offering this when it is appropriate, not when it is inappropriate. I am absolutely delighted. I make the point, this is the first time we protected medical records. I could not be more pleased. I thank the managers for their support.

Mr. STEVENS. Mr. President, we are awaiting additional amendments. Does the Senator from California intend to offer amendments Nos. 3310 or 3311?

Mrs. BOXER. Mr. President, I do plan to offer amendments Nos. 3310 and 3311, but I need a little more time to get all my ducks in a row on them. I will be back as soon as I can do that.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3346

(Purpose: To provide for an additional payment from the surplus to reduce the public debt)

Mr. ALLARD. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. VOINOVICH, Mr. GRAMS, and

Mr. ENZI, proposes an amendment numbered 3346.

The amendment is as follows:

At the appropriate place, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(b) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

Mr. ALLARD. Mr. President, I thank Senators VOINOVICH, GRAMS, and ENZI for agreeing to cosponsor this particular amendment.

As everybody in the Senate knows, I have been working for some time to put a plan before the Senate that would pay down the debt over a period of time. I have always been a strong proponent of paying down the debt. I believe Congress needs to live within its own spending restraints.

In 1961, Congress established within the Department of Treasury the Bureau of the Public Debt. It is an account for citizens to repay the public debt. Our amendment relates to the surplus from fiscal year 2000. The surplus projected by the Congressional Budget Office has been projected to be \$26.5 billion; that is over and above what was provided for when we passed the budget last year.

There was an emergency resolution that provided for some spending, so we have already spent part of the \$26.5 billion: \$14.3 billion went to reversing the payday delays and moving appropriation spending back into fiscal year 2000, which was a procedural issue early on in the year. It took \$7.2 billion to do that. We took \$5.5 billion for agriculture relief and \$1.6 billion for natural disaster relief, Kosovo, and assistance to the Government of Colombia for drug relief. That totals \$14.3 billion. That leaves \$12.2 billion that has not been obligated that is going to be surplus in this year's budget.

We have another estimate that will be coming in later on in the year. Very likely, there will even be additional dollars at some point in time over and above the \$12.2 billion on which the Senate can make a decision. Basically, what we are asking with this amendment is that the \$12.2 billion ought to go towards paying down the public debt. It is based on figures released by the Congressional Budget Office, and it is within the budget resolution that was passed earlier this year. It takes care of emergency spending needs.

I am asking Members of the Senate to support me in helping to pay down the debt. In recent years, we have had an unprecedented amount of surplus. The surplus has illustrated the importance of showing some fiscal restraint. Actually, the budget resolution we passed earlier, in both the House and Senate, is an agreement between the

House and the Senate to stay within certain spending parameters. This falls within those guidelines. The only enforcement mechanism is our willingness to live by our own rules.

We are saying with this amendment that we ought to live by the agreement that was earlier arranged between the House and the Senate, and passed. And if there is any spending, instead of increasing spending, we ought to be paying down the debt.

The emergency spending is not counted for under the budget caps or the 302(b) allocation. In my view, the spending privilege that we had in the past years has been abused. We have spent more and not worked hard enough to hold down and stay within the caps.

The increased spending may ultimately threaten the Social Security surplus. We have all talked about how important it is to save Social Security. I have been of the view that if you pay down the debt, you can free up resources so that we can work at Social Security reform in future years. Obviously, it is not going to happen this year.

In my view, we cannot, in good conscience, continue to spend when we have such huge obligations that are facing us in future years, particularly in Social Security trust funds. The Congressional Budget Office, again, has scored this as a no-cost transfer.

The amendment appropriates \$12.2 billion to an already existing account at the Bureau of Public Debt, which we set up in past years for taxpayers to pay into because this Congress thought it was important to the American taxpayers.

I am saying to the American taxpayer that you have shown a commitment to want to pay down the public debt. Members of the Senate and the House need to carry forward with their desire and their commitment and show an equal desire to pay down the public debt. This transfers money away from spending and locks it into debt owed to the public.

New estimates will be coming later on in the year and promise to offer similar opportunities for dedicating more of the fiscal year 2000 money to repay debt owed to the public.

I have an article that was written by Peter B. Sperry of the Heritage Foundation entitled "Making Sure Surplus Revenue Is Used To Reduce The National Debt." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation
Backgrounder, June 13, 2000]

**MAKING SURE SURPLUS REVENUE IS USED TO
REDUCE THE NATIONAL DEBT**

(By Peter B. Sperry)

Although most Americans assume that a federal budget surplus in any year is auto-

matically used to reduce the national debt, or at least the debt held by the public, this actually is not the case. The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed, or if they proceed slowly, then the surplus revenue just builds up in the Treasury's operating cash accounts.

This excess cash could be used in the future to further reduce the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes. Consequently, the current surplus will not automatically reduce the publicly held national debt of \$3.54 trillion unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

There is a parallel to this in household finance. When a family with a large mortgage, credit card debt, and several student loans receives an unexpected financial windfall, it usually deposits the funds in a checking account and takes a little time to consider how best to allocate the revenue—whether to refinance the mortgage, pay off credit cards, or establish a rainy day fund. Meanwhile, the family's debt remains, and will not be reduced until the family formally transfers funds to one or more of its creditors. If the family does not take some action in the interim to wall off the cash, it often ends up frittering away the money on new purchases, and the debt remains.

The federal government faces a similar situation. Surplus revenues are accumulating in the Treasury Department's operating cash accounts faster than the Bureau of the Public Debt can efficiently dedicate them to reducing the public debt. Consequently, surplus balances in these accounts have reached historic levels, and they are likely to accumulate even faster as the size of the surplus grows. Unless Congress takes formal action to protect these funds, they are available to be used or misused at any time in the appropriations process. Fortunately, the House soon will consider a bill (H.R. 4601) that would protect the budget surplus from being raided by appropriations until prudent decisions can be made about its use.

WHY DEBT REDUCTION NEEDS A BOOST

Thanks to unexpected budget surpluses, the U.S. Department of the Treasury issued less new debt than it redeemed each year. It conducted several "reverse" auctions to buy back old high-interest debt. And it successfully reduced the amount of federal debt held by the public in less than three years by \$230 billion, from \$3.77 trillion in October 1997 to \$3.54 trillion in April 2000. *Chart 1* clearly shows that its efforts have been successful and impressive.

[Charts not reproducible in the RECORD.]

Despite this effort, the Treasury still is awash in cash. Examining the Treasury Department's monthly reports over this same period (see Appendix) reveals that, after accounting for normal seasonal fluctuations, the closing balances of its operating cash accounts have grown dramatically and, more important, the rate at which cash is accumulating in them has accelerated. The linear trend line in *Chart 2* shows both the growth in the closing balances in the cash accounts and the projected growth under current conditions. Essentially, if no provisions are made to protect these balances, in August 2002—two months before the midterm elections—appropriators would have access to almost \$60 billion in non-obligated cash.

Unfortunately, even this projection may be too conservative. Examination of month-to-month changes in the closing balances indicates that the rate of cash accumulation has started to accelerate, which will cause the closing balances to grow even faster. The trend line in *chart 3* shows that the amount of positive monthly change in closing cash balances has, after accounting for normal fluctuation, increased since October 1997, and cash balances could start to increase by an average of \$20 billion per month within two years.

The Treasury Department faces extraordinary cash management challenges as it attempts to repay the debt held by the public steadily and without destabilizing financial markets that depend on federal debt instruments as a standard of measurement. By protecting accumulated cash balances from misuse, Congress could provide the Treasury Department with the flexibility it needs to do its job more effectively.

TREASURY'S LIMITED DEBT MANAGEMENT TOOLS

The Treasury relies on three basic debt management tools to reduce the debt held by the public in a controlled manner.

Issuing less debt

As old debt matures and is redeemed, the Treasury Department issues a slightly smaller amount of new debt in return, thereby reducing the total debt held by the public. This is the federal government's most cost-effective and preferred method of debt reduction. However, it is not a simple process to determine how much new debt should be issued. If the Treasury Department returns too much debt to the financial market, it misses an opportunity to retire additional debt. If it returns too little to the markets, the cost of federal debt instruments will rise, driving down their yields and disrupting many private-sector retirement plans.

Reverse auctions

The Treasury Department periodically conducts reverse auctions in which it announces that it will buy a predetermined amount of specific types of debt instruments from whoever will sell them for the best price. This method quickly reduces debt held by the public, but it can be expensive. Investors holding a T-bill that will be worth \$1,000 in 20 years may be willing to sell it for \$995 if they need the money now and believe that is the best price they can get. However, if they know the Treasury Department has made a commitment to buy a large number of T-bills in a short period of time, investors may hold out for \$997—a premium of \$2 million on every \$1 billion of debt the Treasury Department retires.

Purchasing debt instruments

The Treasury Department can use private-sector brokers to purchase federal debt instruments on the open market without having it revealed that the client is the federal government. This method is slow, but it allows the Treasury Department to take advantage of unpredictable fluctuations in financial markets to buy back federal debt instruments for the best possible price. This method must be used carefully and discreetly to avoid having investors, upon realizing that the true buyer is the federal government, hold out for higher prices.¹

WHY TIMING AND FLEXIBILITY ARE IMPORTANT

The Treasury Department needs time and flexibility to use debt management tools effectively. It often will need to allow large balances to accumulate in the operating cash accounts while it waits for the opportunity to buy back federal debt instruments at the

best possible price. If these balances are unprotected, they may prove irresistible temptations for appropriators with special-interest constituencies.

A prudent Secretary of the Treasury would not risk disrupting financial markets by recklessly reducing the amount of new debt issued each year, but might increase the number and size of reverse auctions to ensure that surplus revenues are used for debt reduction rather than remain available to congressional appropriators. The taxpayers would, at best, pay more than necessary to retire the federal debt, and they might find that appropriators have spent the surplus before it could be used to pay down debt.

MAKING DEBT REDUCTION AUTOMATIC

Fortunately, Congress has the opportunity to ensure that the Treasury's large cash balances are not misused in the appropriations process. The U.S. House of Representatives will soon consider H.R. 4601, the Debt Reduction Reconciliation Act of 2000, recently approved by the House Ways and Means Committee. This legislation, sponsored by Representative Ernest Fletcher (R-KY), is designed to give the Treasury Department the time and flexibility it needs to use debt management tools most effectively. It would protect the on-budget surplus revenues collected during the remainder of fiscal year (FY) 2000 and appropriate them for debt reduction by depositing them in a designated "off budget" Public Debt Reduction Account.

Although the surplus revenues could still cause an increase in cash balances, the cash would be dedicated in the Debt Reduction Account rather than in the Treasury Department's operating cash account. Appropriators would be able to reallocate these funds only by first rescinding the appropriation for debt reduction in legislation that would have to pass both houses of Congress and gain presidential approval. Once surplus revenues are deposited in the Debt Reduction Account, appropriators would have very limited ability to increase spending without creating an on-budget deficit, which many taxpayers would perceive as a raid on the Social Security trust fund.

H.R. 4601 would effectively protect the surplus revenues that are collected during the remainder of FY 2000; moreover, it serves as

model for how Congress should allocate unexpected windfalls in the future. It does not preclude tax reform because it is limited to the current fiscal year and therefore affects only revenues that have already been collected or that will be collected before any tax reform legislation takes effect. Nevertheless, once the Debt Reduction Account is established, Congress could continue to appropriate funds to the account at any time. Consequently, Congress would retain the option to reduce revenues through tax reform and still have a mechanism to prevent unexpected surplus revenues, once collected, from being used for any purpose other than the debt reduction.

H.R. 4601 would give the Treasury flexibility to use its debt reduction tools in the most effective manner. Surplus revenues deposited in the Debt Reduction Account would remain available until expended, but only for debt reduction. The department would be able to schedule reverse auctions at the most advantageous times, make funds available to brokers buying back debt on the open markets, or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective.

HOW TO IMPROVE H.R. 4601

Although H.R. 4601 demonstrates a real commitment of members of the House to fiscal discipline, the legislation could be improved. Congress should consider requiring the Secretary of the Treasury also to deposit all revenue received from the sale of Special Issue Treasury Bills (which are sold only to the Social Security Administration) in the Debt Reduction Account. This would preclude the possibility of any future raids on the Social Security trust fund.

Congress should also consider adding language to H.R. 4601 to automatically appropriate future real (rather than projected) surplus revenues to the Debt Reduction Account. This would allow Congress the flexibility to implement tax reforms while also guaranteeing that surplus revenues, once collected, could be used only for debt reduction.

CONCLUSION

Many Americans assume that if surplus revenues are not used for spending or tax

cuts, they automatically reduce the national debt. Indeed, this has become an unstated premise in discussions of fiscal policy, whether in the press, academia, or Congress. Unfortunately, the premise is incorrect.

To make the premise true, the Treasury Department should be able to make specific provisions for retiring debt. If it is not given the power and obligation to do so, the surplus revenues accumulating in its operating cash accounts will be subject to misuse by appropriators. Congress has an opportunity and obligation to give the Treasury Department the time and flexibility it needs to utilize its debt management tools effectively when it considers H.R. 4601. This bill offers an effective first step toward the goal of making sure that budget surpluses do not disappear in new spending programs.

WHAT IS THE NATIONAL DEBT?

The national debt consists of Treasury notes, T-bills, and savings bonds that were sold to raise cash to pay the ongoing operational expenses of the federal government. National debt held by the public consists of debt instruments sold to anyone other than a federal trust fund, such as the Social Security trust fund. Most federal debt held by the public is owned by state and local governments, pension plans, mutual funds, and individual retirement portfolios.

Most investors consider federal debt instruments to be cash equivalents that pay interest, and they are strongly motivated to hold them until maturity—up to 30 years in the case of T-bills. Many institutional investors, particularly pension funds, are required to maintain a certain portion of their portfolio in cash equivalents, and they depend on the federal government to issue new debt when their old investments mature and are redeemed. In addition, many lenders, particularly mortgage companies, use the market price of federal debt instruments as a measurement device to determine appropriate rates of return on alternative investments. These lenders rely on the federal government to maintain enough federal debt in circulation to make this measurement valid.

APPENDIX

U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997—APRIL 2000

[In millions of dollars]

Date	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
1997:						
October	43,621	20,261	-23,360	3,771,141	3,777,456	6,315
November	20,261	19,778	-483	3,777,456	3,806,564	29,108
December	19,778	31,885	12,107	3,806,564	3,804,792	-1,772
1998:						
January	31,885	40,307	8,422	3,804,792	3,779,985	-24,807
February	40,307	16,280	-24,027	3,779,985	3,810,549	30,564
March	16,280	27,632	11,352	3,810,549	3,830,686	20,137
April	27,632	88,030	60,398	3,830,686	3,770,099	-60,587
May	88,030	36,131	-51,899	3,770,099	3,761,503	-8,596
June	36,131	72,275	36,144	3,761,503	3,748,885	-12,618
July	72,275	36,065	-36,210	3,748,885	3,732,515	-16,370
August	36,065	36,427	362	3,732,515	3,766,504	33,989
September	36,427	37,878	1,451	3,766,504	3,720,092	-46,412
October	37,878	36,217	-2,661	3,720,092	3,735,422	15,330
November	36,217	15,882	-20,335	3,735,422	3,757,558	22,364
December	15,882	17,503	1,621	3,757,558	3,752,168	-5,390
1999:						
January	17,503	57,070	39,567	3,752,168	3,720,919	-31,249
February	57,070	4,638	-52,432	3,720,919	3,722,607	1,688
March	4,638	21,626	16,988	3,722,611	3,759,624	37,013
April	21,626	58,138	36,512	3,759,624	3,674,416	-85,208
May	58,138	25,643	-32,495	3,674,416	3,673,865	-551
June	25,643	53,102	27,459	3,673,865	3,651,619	-22,246
July	53,102	39,549	-13,553	3,651,619	3,652,812	1,193
August	39,549	36,389	-3,160	3,652,812	3,679,282	26,470
September	36,389	56,458	20,069	3,681,008	3,633,290	-47,718
October	56,458	47,567	-8,891	3,632,958	3,638,712	5,754

U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997—APRIL 2000—Continued
[In millions of dollars]

Date	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
November	47,567	6,079	-41,488	3,639,079	3,645,212	6,133
December	6,079	83,327	77,248	3,645,212	3,680,961	35,749
2000:						
January	83,327	62,735	-20,592	3,680,961	3,596,976	-83,985
February	62,735	21,962	-40,773	3,596,976	3,613,071	17,131
March	21,962	44,770	22,808	3,653,701	3,653,447	39,746
April	44,770	92,557	47,787	3,653,447	3,540,781	-112,666

Sources: U.S. Department of the Treasury.

ENDNOTE

1. There is no way to know whether this particular debt management tool is being used by the Treasury Department at the time. If such knowledge were available, it would demonstrate a lack of discretion that would make this tool ineffective.

Mr. ALLARD. Mr. President, I think Senator VOINOVICH is going to be on the floor shortly. I would like to be briefed on what our time restraints are. How much time do we have on the amendment?

The PRESIDING OFFICER. There is no time limitation. We have the usual unanimous consent agreement to recess at 12:30 for the policy luncheons.

Mr. ALLARD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I am pleased to join my colleague, Senator ALLARD, in offering this amendment. It is an important amendment if we are ever going to make a dent in our tremendous national debt.

Like all of my colleagues, I am thrilled that the United States is in the midst of the greatest economic expansion in the history of our nation. It has provided opportunity and prosperity for millions of Americans.

However, even with all of our good fortune, we cannot ignore the tremendous debt that we owe, and we certainly cannot allow the booming economy to blind us to this reality.

For nearly a year and a half now, Mr. President—throughout my service in this body—I have made it my mission to remind my colleagues of the size of our national debt. Right now, the debt of the United States of America stands at \$5.7 trillion. Right now, it costs us more than \$224 billion a year to service that debt—which is more than \$600 million a day in interest costs alone.

Thirteen cents out of every Federal dollar goes to pay interest on the national debt, at a time when 16 cents goes for national defense, 18 cents goes for nondefense discretionary spending and 53 cents goes for entitlement spending. We currently spend more on interest to the national debt than we spend on Medicare.

I agree with General Accounting Office (GAO) Comptroller General David Walker, who, in testimony before the House Ways and Means Committee last year, said:

This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong

foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

That is a wonderful quote.

We should also listen to other experts, such as CBO Director Dan Crippen, who, earlier this year, testified before the Senate Budget Committee that “most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing that we can do relative to the economy.”

And then there is Federal Reserve Chairman Alan Greenspan, who has testified that “my first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it.”

Logic dictates that the money we are spending for our debt interest payments could be better spent elsewhere, and in my view—as well as the experts' view—the sooner we can pay down that debt, the sooner we will be able to use tax dollars where they are most needed.

In other words, if we pay down the debt and get rid of the interest, we can use that money to reduce taxes or to address some of the priorities that we continue to talk about every day on the floor of the Senate.

That is why I believe our top fiscal priority should be reducing the national debt. It is the best thing we could do with our on-budget surplus. And as I have said a number of times on the Senate floor, if families and businesses use their surplus cash to pay off debts, then our Nation should do the same thing.

If I have big credit card debt, or if I am in business and I owe debt, and I have an opportunity to pay off that debt, most families and most businesses would do so.

It is also interesting to note that if you look at the companies today on the New York stock exchange, the ones whose values have held up are those companies that do not have a substan-

tial amount of debt. I think we know that if families in America were in the same position we are in, they would pay off that debt and get rid of that interest cost.

The amendment that Senator ALLARD and I propose would take the first step in putting us on a course of fiscal responsibility.

According to the latest estimates put forth by the Congressional Budget Office (CBO), the United States is projected to achieve an on-budget surplus of \$26 billion in fiscal year 2000.

We are talking about fiscal year 2000 money. For my colleagues who want to cut taxes, we are talking about the on-budget surplus for the year 2000. We can't use it to reduce taxes. The only thing we can do with it is to spend it or use it to pay down the debt. There is no other alternative. We have already set aside \$14 billion in the budget resolution to pay for military operations in Kosovo, natural disaster relief in the U.S., Colombian drug eradication assistance, and other supplemental spending.

Under the Allard-Voinovich amendment, the remaining \$12 billion on-budget surplus would be applied towards debt reduction, not more spending. In addition, when the CBO releases its re-estimates of the FY 2000 on-budget surplus in July, Senator ALLARD and I intend to offer another amendment that will allocate any additional on-budget surpluses to debt reduction.

I remind my colleagues that this money can't be used to reduce taxes. It can only be spent. We want to get it off the table before it is spent.

Of the \$26 billion on-budget surplus that we have today, \$22 billion of that is overpayment into Part A of Medicare. This extra money we have is Medicare money that has been paid into Part A.

The concern that I have is if we don't pay down the national debt with whatever on-budget surplus we achieve, Washington will spend the money. Ever since the CBO first projected we would have a budget surplus back in 1998, Congress and the administration have looked for every possible way to spend the money.

I remind my colleagues, if you include the supplemental appropriations, fiscal year 2000 discretionary spending will increase by \$37 billion, a 6.4 percent increase over fiscal year 1999. When compared to the Consumer Price Index, that is nearly three times the rate of inflation. This is tremendous growth in Government spending. We have to stop it. We have to put a lid on our spending.

Our amendment strikes a fair balance that allows us to use a portion of the on-budget surplus for debt reduction instead of just spending the entire on-budget surplus for the sake of spending. We have to show discipline and use our on-budget surplus to pay down our debts.

I am proud we have worked in the last couple of years in the Senate to rein in spending. I believe we must use whatever on-budget surplus that we have to pay down the debt. When we reduce the national debt, we send a positive signal to Wall Street and Main Street. Lowering the debt encourages more savings and investment, the kind that fuels productivity and continued economic growth. It also lowers interest rates, which is a real tax reduction. In addition, it ensures we won't return to deficit spending.

If we can't at this time with the economy booming do something about reducing the national debt, we will have missed a golden opportunity. We will have said to the young people of this country: We don't care about your future; we are going to let you pay for those things that we weren't willing to pay for or do without during the last number of years.

Mr. ALLARD. Will the Senator yield?

Mr. VOINOVICH. I yield.

Mr. ALLARD. I compliment the Senator from Ohio for his hard work on this particular issue. It is a pleasure to work with the Senator on looking at fair alternatives to pay down the debt. This is important to future Americans.

People ask, how will it affect me personally? If you buy a new car, the Government is not competing with you for that money; or if you go to pay for college education, the Government is not competing with you for that money; if you buy a home, the Government is not competing with you for that money. It tends to hold down interest rates. That means it costs less. It costs less to get a college education, costs less to pay for your home, and it costs less to buy a new car.

It is important not only to the security of this country, but to Americans individually.

I thank Senator VOINOVICH from Ohio for his steadfastness in fighting this issue. It has been a pleasure to work with him and the other cosponsors on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this bill becomes effective on October 1 of

this year. I am pleased to accept the amendment. It will affect the budget surplus that is in effect at that time.

We accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3346) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3304, AS MODIFIED

(Purpose: To set aside \$43,000,000 for research, development, test and evaluation for the extended range conventional air-launched cruise missile program of the Air Force)

Mr. ASHCROFT. Mr. President, I call amendment No. 3304 and send a modification to the desk that I believe has been cleared by both sides, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT], for himself and Mr. BOND, Mr. CONRAD, Mr. BREAUX, and Ms. LANDRIEU, proposes an amendment numbered 3304, as modified.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by this Act for the Air Force for research, development, test and evaluation, up to \$43,000,000 may be made available for the extended range conventional air-launched cruise missile program of the Air Force.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this is one of the amendments we have indicated, under the authority we received yesterday, Senator INOUE and I have modified, and, as modified, we are prepared to agree with the Senator and ask for him to proceed on that basis.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the chairman for his continuing support for this amendment and his continuing support for our national defense. I also thank my cosponsors, Senators BOND, CONRAD, LANDRIEU, and BREAUX.

This amendment will provide an additional \$23 million, bringing the total to \$43 million, for the development of an extended-range cruise missile, which is the successor to what is known as the CALCM, the Conventional Air-Launched Cruise Missile.

The Defense authorization bill contains \$86.1 million for this project. This amendment increases the appropriation to half of the authorized amount. According to the Air Force and their officials, this new total, \$43 million, is needed to start this program.

This cruise missile will be launched from the B-52 bomber to accurately strike strategic targets deep inside enemy territory without significant risk to our pilots or our planes. It will provide the Air Force its only air-launched, long-range, all-weather, precision weapon with a range of over 600 miles. I believe this amendment has been approved by both sides, and I thank the chairman and ranking member for their support.

It is important we have this kind of capacity. We have found that our ability to have precision capacity for striking the enemy is very important to the maintenance of our own independence and the protection of our own fighting individuals in our Armed Forces. I am grateful for the cooperation in this respect, and I yield the floor.

Mr. CONRAD. Mr. President, I am pleased to rise today to offer with my colleague from Missouri, Senator ASHCROFT, an amendment which increases the appropriation for a new, more advanced cruise missile for the B-52 from \$20 million to \$43 million.

As my colleagues are aware, the B-52 is the sole carrier of the Conventional Air Launched Cruise Missile [CALCM], a conventional variant of the nuclear-capable Air Launched Cruise Missile [ALCM]. Our nation has relied on the CALCM in all recent conflicts and it has become the weapon of choice for theater commanders. The CALCM offers range, payload, and accuracy that are superior to any other conventional stand-off munition in service today, including the Navy's Tomahawk.

A year ago, as Operation Allied Force was underway, we had a tremendous problem. The United States had expended more than 200 CALCMs against Iraq and Yugoslavia and we had less than 100 remaining.

I asked the Pentagon what they were going to do about this situation and they recommended that we convert the remaining, ALCMs not needed by the United States Strategic Command for nuclear missions to CALCMs. I was pleased to work with the Air Force and the defense committees to secure funding to do just that. Today, the remaining unneeded 322 ALCMs are being converted to CALCMs.

However, conversion will only give us around 400 CALCMs, and to meet future threats our nation will require

around 1,000 of these missiles. In May 1999 I was informed that there was no plan to make up the shortfall.

I went to Senators WARNER and LEVIN, the chairman and ranking member of the Armed Services Committee, and asked them to adopt my amendment requiring the administration to come up with a plan to replace the CALCM. That amendment passed on May 27, 1999, and I was pleased to have my friend from Missouri, Senator ASHCROFT, as an original cosponsor.

The result of the Air Force's study was inclusion in General Ryan's unfunded priority list of \$86.1 million in fiscal year 2001 and \$689.7 million throughout the future years defense plan for research and development and production of more than 600 extended range cruise missiles (ERCMs), also referred to as extended range CALCMs (CALCM-ERs). The ERCM will offer all of the advantages of the CALCM and dramatically extend its range, to beyond 1,000 miles.

I am pleased that both the Senate and House Defense authorization bills fully support General Ryan's request for \$86.1 million in Fy01. However, the Senate Defense appropriations bill provides only \$20 million and the House Defense appropriations bill includes no funding.

Consequently, I am very pleased that the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member of the Defense Subcommittee, Senator INOUE, have agreed to support the amendment that Senator ASHCROFT and I have brought to the floor today. This amendment will increase the ERCM appropriation to \$43 million, enough for the Air Force to begin work on this important program during the coming fiscal year.

A quick start to ERCM program will ensure that the B-52 remains relevant and our nation retains the capability to strike vital targets with tremendous accuracy at long range in the coming years. I appreciate the cosponsorship of Senators BOND and BREAUX and look forward to continuing to work with Senator ASHCROFT, the Senate's defense committees, and the Air Force to make the ERCM a reality.

I thank the chairman and ranking member again for their support, and yield the floor.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3304), as modified, was agreed to.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, section 8118 of H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, refers to the National Center for the Preservation of Democracy. What is the National Center for the Preservation of Democracy? What is the rationale and purpose of the National Center for the Preservation of Democracy?

I will do my best to respond to the above questions.

The history of America demonstrates the vision and intent of its Founding Fathers when framing the Constitution. As a living document the Constitution has proven over time its capacity to meet the changing needs of the United States, ensuring the protection of all of its people. The story of Americans of Japanese ancestry represents a complete lesson of democracy in action and exemplifies the American dream. From immigration in the late 1800s, to issues of citizenship in the early 1900s, to the incarceration of citizens and the heroics of Japanese-American soldiers during World War II, and to redress in the 1980s, the Japanese-American story is about the struggles and victories of individual freedoms in the United States. Through their experiences, Japanese-Americans have validated all that is possible and all that is right with our constitutional guarantees. The Japanese-American story celebrates the triumphs of American democracy.

The National Center for the Preservation of Democracy will be headquartered in the renovated and transformed Historic Building of the Japanese-American National Museum in Los Angeles, CA. The Historic Building is a National Historic Landmark as designated by the National Trust for Historic Preservation. This space will keep alive and teach about a remarkable time in U.S. history, a period of shame and sacrifice and insult that ended with a burst of glory demonstrating the majesty of our government to recognize its errors and make a public apology and some restitution.

The Japanese-American story illustrates the splendor of the United States and the magnificence of the Constitution. Since their initial immigration in the late nineteenth century, Japanese-Americans have believed strongly in the American dream and have sought to make America their home. Although confronted by prejudice and discrimination, Japanese-Americans have utilized that very democratic process in the spirit intended by the Framers of the Constitu-

tion. The story of Japanese-Americans is about democracy in action.

Like other immigrants, Japanese journeyed to the United States seeking opportunity and dreams of a better life. From the moment they arrived in the late nineteenth century, however, they were confronted with social prejudice and discriminatory laws already in place. The Naturalization Act passed by Congress on March 26, 1790, which restricted naturalization to "free white men," was unavailable to persons of Japanese ancestry. Designated as "aliens ineligible for citizenship" (the only racialized group so defined until 1952), Japanese immigrants were rendered as perpetual aliens, a condition that prevented their full enjoyment of life, liberty and property. Nonetheless, the Issei—Japanese immigrants—courageously maintained their belief in America and moved forward to establish their new lives in the United States. More than that, through hard work and perseverance, Japanese enterprise prospered in the face of indifference.

Without citizenship, Japanese immigrants were subject to alien land laws, which prohibited ownership of land by "aliens ineligible for citizenship." Although denied full participation as Americans, Japanese immigrants consistently sought, through non-violent legal efforts, to undo the intent of discriminatory laws through public campaigns, litigation, and other peaceful strategies. Their hopes in becoming citizens were further hindered, however, when on November 13, 1922 the U.S. Supreme Court ruled on the Ozawa case, definitively prohibiting Japanese immigrants from become naturalized citizens on the basis of race. Moreover, the future of the Japanese in the United States was further restricted when President Calvin Coolidge signed the Immigration Law of 1924, which was based on race and omitted Japanese from the quota system.

When Japan bombed Pearl Harbor on December 7, 1941, America was stunned and angered. For Japanese Americans, who had been subject to discrimination because of their ancestry, the whole world turned dark. However, as the United States confronted the threat of fascism in Asia and Europe, American democracy itself was put to a challenge and, for Japanese Americans, it fell short. Because they "looked like the enemy" and were thought to be a military threat, 120,000 individuals of Japanese ancestry, two-thirds of whom were American born citizens, were excluded from the West Coast, forcibly removed, and incarcerated in concentration camps. These prison camps were at first operated by the Army, and then the War Relocation Authority. This event has become the largest violation of constitutional rights in American history.

For Japanese-American males, the beginning of the war was especially

humbling and painful as the Selective Service designated them as, IV-C, enemy aliens. Although they were loyal to the United States, these American born citizens were rendered ineligible to enlist in the armed services. Nonetheless, when the government announced the formation of the 442nd Regimental Combat Team, a segregated unit of Japanese-Americans, thousands of young Japanese-American men enthusiastically volunteered to serve. Stigmatized by the classification as enemy aliens, they were eager to prove their loyalty to the United States. Government officials were surprised by the overwhelming response. While family and friends were incarcerated behind barbed wire, the soldiers of the 100th Infantry Battalion and the 442nd Regimental Combat Team, as well as the Military Intelligence Service fought and died for the United States and for the preservation of democracy with no guarantee that their civil rights would be restored. There service demonstrates the ultimate in patriotism and love of country.

In 223 days of combat, the 100th Infantry Battalion and 442nd Regimental Combat Team became one of the most decorated units in United States military history. Among the many awards and decorations received by the men of the 100th Infantry Battalion and the 442nd Regimental Combat Team are 20 Congressional Medals of Honor, 354 Silver Star Medals, 33 Distinguished Service Crosses and over 3600 Purple Heart Medals. Their distinguished record includes the rescue of the "Lost Battalion" and participation in the assault that cracked the Gothic Line of Nazi strongholds. Affirming the unending truth that loyalty to one's nation is not modified by racial origin, these soldiers fought two wars, one for democracy overseas and the other for racial discrimination back home in the United States. As President Harry Truman said, "You fought not only the enemy but you fought prejudice—and you have won." Indeed, these brave and courageous young men believed that their sacrifices would make life better not only for Japanese-Americans but for all Americans. The privileges of democracy that Americans enjoy today are the result of the blood shed by these American heroes. The sacrifices of officers and men of the 442nd Regimental Combat Team, the 100th Infantry Battalion, the Military Intelligence Service, and others have helped to make America a more democratic nation, and their valiant service continues to be a source of pride for all Americans.

In response to their heroic achievements, President Harry Truman challenged "Keep up the fight and we will continue to win and to assure that this republic stands for what the Constitution says it stands for: the welfare of all of the people, all of the time."

Many members of the 442nd Regimental Combat Team took President Truman's words to heart. Several soldiers went on to fight for democracy through their service as elected officials while others continued to serve in the armed forces. Eventually Japanese-Americans went on to fight in the Korean War and later the Vietnam War. Unlike Japanese-American soldiers during World War II who, after being designated as "enemy aliens," served to prove their loyalty, Japanese-American soldiers in the Korean war and the Vietnam war served in the Armed Forces as Americans, full-fledged citizens of the United States. Without the need to prove their status as Americans, the reason for these courageous men to serve was purely for the love of country.

Inevitably, the impact of the heroic service of Japanese-American soldiers during World War II went on to enhance the civil liberties of all Americans. In 1948, segregation in the armed services ended in large part from the efforts of the 442nd and in 1952 the Walter-McCarran Act made all races eligible for naturalization and eliminated race as a bar to immigration. Thus, Japanese immigrants, many of whom were parents of World War II veterans, were able to finally attain their citizenship as Americans.

One of the more magnificent examples of American democracy at its most powerful form is the passage of the Civil Liberties Act of 1988, signed into law by President Ronald Reagan, in which the United States recognized its grave and fundamental injustice of violating the civil liberties of its own citizens. Advanced by many Japanese-American war veterans, the law makes a formal apology and provides token restitution to former internees. No other country in the world can make the claim of acknowledging and apologizing for its mistakes—a point that further illustrates the grand majesty of the United States. More importantly, to demonstrate its commitment of assuring that similar events do not happen, the Civil Liberties Act of 1988 provided funds to educate all Americans about the lessons from the incarceration.

While \$50 million was authorized in the Civil Liberties Act of 1988 for educational purposes, the appropriations were significantly reduced because of the lack of funds available to pay the eligible individual claimants. The Civil Liberties Public Education Fund received only \$5 million to fulfill its congressional mandate to educate the public about the lessons learned from the incarceration. With limited funding, the education of the exclusion, forced removal, and incarceration of Japanese-Americans during World War II was dramatically compromised and the government's commitment to educating the public has yet to be effec-

tively fulfilled. The National Center for the Preservation of Democracy established in the Historic Building of the Japanese-American National Museum will achieve that objective.

Through their efforts since the late 19th century, Japanese-Americans have secured the civil rights of all Americans, contributing to the most basic tenets of America's foundational ideals and promises—of life, liberty, and property. Although clearly denied many of those freedoms at various times throughout history, Japanese-Americans consistently sought, through non-violent legal efforts, to secure Constitutional guarantees and the promise of the American dream. With that, they deepened and enriched the meaning of the American identity—the notion of who is an American—and the rights, privileges, and obligations that comprise the Republic's very core.

The National Center for the Preservation of Democracy will be assisted by the Japanese-American National Museum in the examination of the rights and freedoms of Americans in the United States through the Japanese-American experience. Because its mission is dedicated to the study, preservation, and interpretation of democratic issues, the National Museum maintains extensive expertise that will enable the National Center for the Preservation of Democracy to:

- Develop and exhibit nationwide programs about the issues of democracy;

- Have ready access to significant collections relating to these issues, especially the legacy of Japanese-American military service, including artifacts of the 442nd Regimental Combat Team and other military units;

- Benefit from the relationships established and maintained by the National Museum, especially with federal institutions and related community organizations; and

- Provide a dynamic visitor experience in a historic building.

The National Center for the Preservation of Democracy will be created as a dedicated space where visitors can learn about the enduring fragility and ultimate success of individual and constitutional rights. The headquarters will be established in a renovated and transformed historic building provided by the Japanese American National Museum.

Some of the historical highlights of the building, which was constructed in 1925, include:

- Served as the first Buddhist temple in Southern California and as a center for social and religious life for the immigrant community;

- Site where priests, who lived in the building, were arrested without due cause immediately following the bombing of Pearl Harbor;

- Used as one of the sites where the Army instructed "aliens and non-aliens of Japanese ancestry to assemble for

transportation to Santa Anita Race-track, which had been transformed into an Assembly Center;

Served as a storage site for personal articles that could not be taken by those forced to leave; and

Served as a hostel for many returning from camp and had no where to go.

The National Center for the Preservation of Democracy will provide educational programming that includes exhibitions, media arts presentations, public programs, conferences, and civic dialogue/public forums. The National Center for the Preservation of Democracy will:

Present a permanent, audience-focused exhibition addressing American democracy through the Japanese-American experience, including the military service of Japanese-Americans (in World War I, World War II, the Korean war, and the Vietnam war);

Maintain and pursue key civil and military materials for a comprehensive collection;

Create and establish new opportunities for civil and military research, especially through collaboration with federal institutions such as the National Archives and the Smithsonian Institution to make documents more accessible;

Conduct education and public programs examining democracy in action; and

Produce educational media arts productions that present and interpret related issues of democracy for broad national and international broadcast and distribution as well as for on-site exhibitions.

I respectfully believe that the National Center for the Preservation of Democracy is most worthy of our support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3175, AS MODIFIED, 3284, AS MODIFIED, 3288, 3289, 3291 AS MODIFIED, 3298, 3299, 3300, AS MODIFIED, 3301, AS MODIFIED, 3305, 3312, 3314, AS MODIFIED, 3315, AS MODIFIED, 3316, 3321, 3323, 3324, 3325, 3326, 3329, 3331, 3332, AS MODIFIED, 3334, 3335, AS MODIFIED, 3336, AS MODIFIED, 3337, 3338, 3339, AS MODIFIED, 3342, 3343, 3344, 3352, 3357, AS MODIFIED, AND 3293, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I am now prepared to present the first managers' package that we worked out with my good friend from Hawaii. These amendments have now been cleared in a modified form, or in the original form. But I call attention of the Chair to the numbers of the amendments that are included in our package.

It is: 3175 by Senator COLLINS; 3284 by Senator BINGAMAN; 3288 and 3289 by

Senator SHELBY; 3291 by Senator KYL; 3298 and 3299 by Senator HELMS; 3300 and 3301 by Senator ROBB; 3305 by Senator ABRAHAM; 3312 by Senator LEAHY; 3314, 3315, and 3316 by Senator KENNEDY; 3321 by myself; 3323 by Senator ROBERTS; 3324 and 3325 by Senator SNOWE; 3326 by Senator LANDRIEU; 3329 by Senator GREGG; 3331 and 3332 by Senator FEINSTEIN; 3334 and 3335 by Senator WARNER; 3336 and 3337 by Senator NICKLES; 3338 by Senator ALLARD; 3339 by Senator COVERDELL; 3342 by Senator BINGAMAN; 3343 and 3344 by Senator INHOFE; 3352 by Senator ROTH; 3357 by Senator ROBERTS; 3293, as modified, by Senator LANDRIEU.

I send a modification to the desk of the last item, amendment No. 3293, which I just mentioned, of Senator LANDRIEU.

Mr. President, I believe all of those amendments are before the desk. To the extent they be modified, they have been agreed to by Senator INOUE and myself pursuant to the unanimous consent agreement last night.

I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3175, 3284, 3288, 3289, 3291, 3298, 3299, 3300, 3301, 3305, 3312, 3314, 3315, 3316, 3321, 3323, 3324, 3325, 3326, 3329, 3331, 3332, 3334, 3335, 3336, 3337, 3338, 3339, 3342, 3343, 3344, 3352, 3357, 3293, and 3293, as modified) were agreed to, as follows:

AMENDMENT NO. 3175, AS MODIFIED

(Purpose: To provide for the continued design and analysis under the reentry systems applications program for the advanced technology vehicle)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Navy", up to \$2,000,000 may be made available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

AMENDMENT NO. 3284, AS MODIFIED

(Purpose: A substitute to amendment No. 3284, offered by Mr. Bingaman that provides for the conversion of the configuration of certain AGM-65 Maverick missiles)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title III of this Act under the heading "Missile Procurement, Air Force", up to \$5,000,000 may be made available for the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the AGM-65H and AGM-65K configurations.

AMENDMENT NO. 3288

(Purpose: To increase funding for carrier modifications)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available under the heading "Weapons and Tracked Combat Vehicles, Army" in Title III of this Act, up to \$10,000,000 may be made available for Carrier Modifications.

AMENDMENT NO. 3289

(Purpose: To increase funds for End Item Industrial Preparedness)

At the appropriate place in the bill, insert the following:

SEC. . Of the fund available under the heading "Research Development Test and Evaluation, Army" in Title IV of this Act, under "End Item Industrial Preparedness" up to \$5,000,000 may be made available for the Printed Wiring Board Manufacturing Technology Center.

AMENDMENT NO. 3291, AS MODIFIED

(Purpose: To provide, with an offset, \$6,000,000 for research, development, test, and evaluation Defense-Wide for the Arrow Missile Defense System (PE603875C) for enhanced interoperability of the system between the United States and Israel)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be made available for the Ballistic Missile Defense Organization International Cooperative Programs for the Arrow Missile Defense System in order to enhance the interoperability of the system between the United States and Israel.

AMENDMENT NO. 3298

(Purpose: To provide funding for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory)

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", up to \$3,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

AMENDMENT NO. 3299

(Purpose: To provide funding for the Innovative Stand-Off Door Breaching Munition (ISODBM) technology)

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Navy", up to \$4,500,000 may be made available for the Innovative Stand-Off Door Breaching Munition.

AMENDMENT NO. 3300, AS MODIFIED

(Purpose: To make available \$3,000,000 for high-performance, non-toxic, intumescent fire protective coatings aboard Navy vessels)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$3,000,000 may be available for high-performance, non-toxic, intumescent fire protective coatings aboard Navy vessels. The coating shall meet the specifications for Type II fire protectives as stated in Mil-Spec DoD-C-24596.

AMENDMENT NO. 3301, AS MODIFIED

(Purpose: To make available \$2,000,000 for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PFPS))

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to \$2,000,000 may be available for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PFPS).

AMENDMENT NO. 3305

(Purpose: modification of H.R. 4576, Department of Defense Appropriations Bill, 2001)

At the appropriate place, insert the following:

SEC. . Of the funds appropriated in title IV under the heading RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY; up to \$15,000,000 may be made available to continue research and development on Silicon carbide research (PE 63005A).

AMENDMENT NO. 3312

(Purpose: To make available \$5,000,000 for Other Procurement for the Army for the development of the Abrams Full-Crew Interactive Skills Trainer)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY", \$5,000,000 shall be available for the development of the Abrams Full-Crew Interactive Skills Trainer.

AMENDMENT NO. 3314, AS MODIFIED

(Purpose: To make available \$5,000,000 for the Environmental Security Technical Certification Program (PE603851D) for technologies for the detection of unexploded ordnance from live-fire activities)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) AVAILABILITY OF FUNDS.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the Environmental Security Technical Certification Program (PE603851D) to develop and test technologies to detect unexploded ordnance at sites where the detection and possible remediation of unexploded ordnance from live-fire activities is underway.

AMENDMENT NO. 3315, AS MODIFIED

(Purpose: To make available \$5,000,000 for the Strategic Environmental Research and Development Program (PE603716D) for technologies for the detection and transport of pollutants resulting from live-fire activities)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) AVAILABILITY OF FUNDS.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" up to \$5,000,000 may be available for the Strategic Environmental Research and Development Program (PE603716D) for the development and test of technologies to detect, analyze, and map the presence of, and to transport, pollutants and contaminants at sites undergoing the detection and possible remediation of constituents attributable to

live-fire activities in a variety of hydrogeological scenarios

AMENDMENT NO. 3316

(Purpose: To make available \$5,000,000 for Surface Ship & Submarine HM&E Advanced Technology (PE603508N) for continuing development by the Navy of the AC synchronous high-temperature super-conductor electric motor)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$5,000,000 may be available for Surface Ship & Submarine HM&E Advanced Technology (PE603508N) for continuing development by the Navy of the AC synchronous high-temperature super-conductor electric motor.

AMENDMENT NO. 3321

(Purpose: To provide \$1,000,000 from Operation and Maintenance, Navy to continue a public service initiative)

At the appropriate place, insert the following:

SEC. . Of the funds provided in Title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$1,000,000 may be available to continue the Public Service Initiative.

AMENDMENT NO. 3323

(Purpose: To provide research and development funds for a chemical and biological defense program)

In the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$3,500,000 may be made available for Chem-Bio Advanced Materials Research.

AMENDMENT NO. 3324

(Purpose: to set aside \$3,000,000 for the Navy for operation and maintenance of a Navy benefits center)

At the appropriate place in the bill, insert:

SEC. 8126. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$3,000,000 may be available only for a Navy benefits center.

AMENDMENT NO. 3325

(Purpose: To clarify that the authority to enter into contracts for LPD-17 class ships on an incrementally funded basis is to provide for two such ships)

On page 25 of the substituted original text, line 9, insert "two" after "and".

AMENDMENT NO. 3326

(Purpose: to add funding to the Navy Information Technology Center)

At the appropriate place in the bill, insert the following:

SEC. .Of the funds available in Title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$8,000,000 may be made available for the Navy Information Technology Center.

AMENDMENT NO. 3329

(Purpose: To provide research and development funds for the Solid State Dye Laser project)

In the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$7,000,000 may be made available for Solid State Dye Laser project.

AMENDMENT NO. 3331

(Purpose: To make available \$1,000,000 for Middle East Regional Security Issues)

At the appropriate place, insert:

SEC. . Of the amount available in Title II under the heading "OPERATIONS AND MAINTENANCE, DEFENSE-WIDE", \$1,000,000 shall be available for Middle East Regional Security Issues.

AMENDMENT NO. 3332, AS MODIFIED

(Purpose: To make available \$5,000,000 for research, development, test, and evaluation for the Navy for continuation of the Compatible Processor Upgrade Program (CPUP))

At the appropriate place in the bill, insert the following new section:

SEC. . Of the total amount available under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$5,000,000 may be made available for continuation of the Compatible Processor Upgrade Program (CPUP).

AMENDMENT NO. 3334

(Purpose: To provide, with an offset, funds for five additional Weapons of Mass Destruction Civil Support Teams (WMD-CST) and for additional equipment for the Weapons of Mass Destruction Civil Support Team program)

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL FUNDS FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by \$3,700,000, with the amount of the increase available for the activities of five additional Weapons of Mass Destruction Civil Support Teams (WMD-CST).

(b) ADDITIONAL FUNDS FOR EQUIPMENT FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM PROGRAM.—(1) The amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by \$11,300,000, with the amount of the increase available for Special Purpose Vehicles.

(2) The amount appropriated under title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by \$1,800,000, with the amount of the increase available for the Chemical Biological Defense Program, for Contamination Avoidance.

(3) Amounts made available by reason of paragraphs (1) and (2) shall be available for the procurement of additional equipment for the Weapons of Mass Destruction Civil Support Team (WMD-CST) program.

(c) OFFSET.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Defense Finance and Accounting Service is hereby reduced by \$16,800,000, with the amount of the reduction applied to the Defense Joint Accounting System (DJAS) for fielding and operations.

AMENDMENT NO. 3335, AS MODIFIED

(Purpose: To add \$30,000,000 for information security initiatives; and to provide offsets)

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. (a) Of the funds available in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$30,000,000 may be available for information security initiatives: *Provided*, That, of such amount, \$10,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and \$20,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

AMENDMENT NO. 3336, AS MODIFIED

(Purpose: To provide funds for a live-fire side-by-side test of the air-to-air Starstreak and Stinger missiles)

At the appropriate place in the bill, insert the following new section:

Of the funds provided in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" up to \$12,000,000 may be made available to commence a live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH64D Longbow helicopter, as previously specified in section 8138 of Public Law 106-79.

AMENDMENT NO. 3337

At the appropriate place in the bill, insert the following new section:

Of the funds appropriated in the Act under the heading "OPERATIONS AND MAINTENANCE, DEFENSE-WIDE" up to \$5,000,000 may be made available to the American Red Cross for Armed Forces Emergency Services.

AMENDMENT NO. 3338

(Purpose: To set aside for the XSS-10 micro-missile technology program \$12,000,000 of the amount appropriated for RDTE, Air Force)

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to \$12,000,000 is available for the XSS-10 micro-missile technology program.

AMENDMENT NO. 3339, AS MODIFIED

(Purpose: To provide for a demonstration project for the development of a chemical agent warning network to benefit the chemical incident response force of the Marine Corps)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$3,000,000 may be made available for the development of a chemical agent warning network to benefit the chemical incident response force of the Marine Corps.

AMENDMENT NO. 3342

(Purpose: To provide support for the Bosque Redondo Memorial)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$2,000,000 may be made available for the Bosque Redondo Memorial as authorized under the provisions of the bill S. 964 of the 106th Congress, as adopted by the Senate.

AMENDMENT NO. 3343

(Purpose: To make available, with an offset, \$300,000 for research, development, test, and evaluation Defense-Wide for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", \$300,000 shall be available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$300,000.

AMENDMENT NO. 3344

(Purpose: To make available, with an offset, \$5,000,000 for research, development, test, and evaluation Defense-Wide for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", \$5,000,000 shall be available for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$5,000,000.

AMENDMENT NO. 3352

(Purpose: To make available \$92,530,000 for C-5 aircraft modernization)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", \$92,530,000 may be available for C-5 aircraft modernization, including for the C-5 Reliability Enhancement and Reengineering Program.

AMENDMENT NO. 3357, AS MODIFIED

(Purpose: To increase by \$2,000,000 the amount available for Military Personnel Research (PE61103D); and to offset that increase by reducing the amount available for the AFCC engineering and installation program (PE65123D) by \$2,000,000)

On page 110 of the substituted original text, or at the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", up to \$4,000,000 may be made available for Military Personnel Research.

AMENDMENT NO. 3293, AS MODIFIED

(Purpose: To make available an additional \$21,000,000 for the Information Technology Center and the Human Resource Enterprise Strategy)

At the appropriate place in the bill insert the following new section:

SEC. . Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, NAVY" up to \$7,000,000 may be available for the Information Technology Center.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to move to reconsider the vote en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senators LOTT and COCHRAN be added as original cosponsors to the Leahy amendment, No. 3312.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are going now to our respective party luncheons. We expect to have additional items to present to the Senate upon our return.

I again call attention of Members to the report of the Parliamentarian on those amendments that are subject to rule XVI. It will be my intention when we return to ask that the Chair rule that rule XVI applies to those amendments, and that they be declared out of order.

RECESS

Mr. STEVENS. Mr. President, pursuant to the previous order, I ask that we stand in recess.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3308

Mr. STEVENS. Mr. President, I believe the pending business is the Boxer amendment, with 4 minutes equally divided

The PRESIDING OFFICER. Four minutes equally divided.

Mr. STEVENS. Senator BOXER.

Mrs. BOXER. I thank the chairman for his graciousness. I urge my colleagues to vote affirmatively on this. I hope we can get a very overwhelming vote.

My amendment simply protects children at the Department of Defense housing or playgrounds, day-care facilities, schools, from poisonous and toxic materials. It is consistent with the DOD guidelines. Frankly, it seems to me we should all support it. Basically, the guidelines say they will stay

away from these poisons when they do routine spraying.

We ought to codify this because there is a little bit of ambiguity. I am very proud of the Department of Defense in so many areas that deal with children. For example, child care centers at the Department of Defense are the best in the world, truly, and certainly are a model for so many other child care centers in our country. However, it did take some horrible mistakes before that was straightened out. We don't want to have a horrible mistake, a mistaken spraying. We want to make sure it is done right.

I am very pleased that the EPA is supporting this amendment. They helped with it. We spoke a number of times with Colonel Driggers who said he believed this was, in fact, consistent with the DOD written guidelines. It could be that they would rather not have us do this. I think it would be good for this Senate to go on record stating that for routine spraying against pests in these areas, let's use the less toxic materials. If there is an emergency, an outbreak of something horrible such as encephalitis, we make room for that. We certainly have a clear exception in emergency situations. We are talking about routine situations.

We have seen Administrator Brownler, with bipartisan support, ban some of the very harsh pesticides. I think we can work very well together in a bipartisan way to stop the routine spraying of these dangerous toxins.

Mr. STEVENS. Mr. President, last evening I did offer to accept this amendment. It does have some problems, and in conference we will try to work out those problems.

I do believe that the use of pesticides approved by the U.S. Environmental Protection Agency should be assured so that military children and those on military bases can have the same protections, protecting the food supplies of the commissaries and populated facilities on a military base. I think the preparation of homes, for instance, before they are occupied certainly requires the type of spraying approved by the EPA.

We will make certain there is full protection for those in the military. As I understand it, this is an amendment that is designed to prevent the use of the pesticides that would not be subject to approval by the EPA. I intend to support the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—84

Abraham	Dorgan	Lincoln
Akaka	Durbin	Lott
Ashcroft	Edwards	Lugar
Baucus	Feingold	Mack
Bayh	Feinstein	McCain
Bennett	Fitzgerald	McConnell
Biden	Frist	Mikulski
Bingaman	Gorton	Moynihan
Boxer	Graham	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Reed
Bryan	Gregg	Reid
Bunning	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Roth
Campbell	Hollings	Santorum
Chafee, L.	Hutchison	Sarbanes
Cleland	Inouye	Schumer
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden

NAYS—14

Allard	Hutchinson	Sessions
Bond	Inhofe	Smith (NH)
Enzi	Kyl	Thompson
Gramm	Landrieu	Voinovich
Hagel	Nickles	

NOT VOTING—2

Rockefeller	Specter
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The amendment (No. 3308) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we are awaiting the offering of other amendments on the Defense appropriations bill. There is no order, as I understand it, agreed upon between the leaders for another amendment to be offered at this time. So for any Senator who has an amendment to this bill, this is a good time to come and offer the amendment. We can have a debate on it.

The leadership has announced—at least the Republican leader has announced he wants to complete action on this bill tonight. To do that, we are going to have to make progress with the amendments. There are several pending amendments on both sides. So we urge Senators to come and cooperate with the managers of the bill so we can dispose of this legislation by the end of this session tonight.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, we have done a pretty good job on our side of the aisle. We literally only have a handful of amendments left. I think

you should spend more time urging Members on your side of the aisle. We only have one amendment that is going to take any amount of time. The Senator offering that amendment has been tied up in hearings all day and has been unavailable.

Senator BOXER has offered three amendments. She has said she will be back in an hour to offer her last one. As I say, we have just a few amendments. So I think if you can get rid of a lot on your side, we might be able to make some more progress. We are literally down to maybe seven or eight amendments on our side.

Mr. COCHRAN. Mr. President, I thank the Senator for his explanation and his cooperation with the managers in the handling of the bill. We are equal opportunity expeditors here. We want to expedite action on both sides of the aisle. I am sure the Senator understands that.

So we are working hard to try to get Senators to come to the floor now to continue the presentation of amendments, if they have them, on the bill.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3366, AS MODIFIED

(Purpose: To reduce the total amount provided for procurement by \$1,000,000,000 in order to provide \$922,000,000 for grants under part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WELLSTONE. Mr. President, I send a modified amendment to the desk, and I ask unanimous consent I be allowed to modify amendment 3366.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3366, as modified.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. The total amount appropriated by title III for procurement is hereby reduce by \$1,000,000,000.

(b) There is hereby appropriated for the Department of Education for the fiscal year ending on September 30, 2001, \$922,000,000 to enable the Secretary of Education to award grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

Mr. WELLSTONE. Mr. President, this Defense appropriations bill before

us is a \$3 billion increase over the administration's request. It is almost \$20 billion more than we appropriated last year. Although for the past 2 years we have been focused on the readiness crisis—I think an important focus—the largest increase this year is not for personnel or operations or maintenance but for the procurement of weapons. This bill increases the amount of money for procurement of weapons almost 11 percent over last year. Let me just remind my colleagues that at the end of the cold war, a somewhat different era, this appropriations altogether is 2.5 times the military budgets of Russia and China and the six countries deemed to be the greatest threats to our Nation.

At a time when others recognize that the potential military threats to national security have declined dramatically, we have not. At a time when others want to put more emphasis on not just military readiness, which we must have, but other diplomatic solutions, multilateral efforts, we have not.

What I am doing in this amendment altogether is calling for a transfer across the board from this additional money for procurement, the 11-percent increase—a budget, again, that is \$3 billion above what the President himself requested. I am saying we ought to take about \$922 million, not quite \$1 billion—I am trying to keep this amendment consistent with budgetary rules—and transfer that to education for kids. It is not a lot of money, but it would make a huge difference. Part of what I am talking about is basically a transfer of a little less than \$1 billion from the Pentagon to the Department of Education, specifically focused on the title I program.

By transferring to title I this \$1 billion, which ends up to be about \$922 million after taking into account the costs of this reduction, this amendment is one step toward restoring some Federal funding for education that I think is very consistent with the definition of national security.

I define national security as, for sure, military readiness. But I also define national security as the security of our local communities. That includes making sure we do the very best by our children. That includes making sure that we as a nation do everything we can to live up to our national vow of equal opportunity for every child.

This amendment is all about our priorities. I look at the budget and I see a mismatch between some of our national ideals and goals in the speeches we give of what we say we care about and our actual spending priorities. The Senate committee reported out an education bill that would increase overall appropriations for education by \$4.65 billion from fiscal year 2000 to fiscal year 2001. At the same time, the Department of Defense appropriations bill increased spending by \$20 billion—Edu-

cation, \$4.65 billion; Department of Defense, \$20 billion.

We lead the world in our spending on defense, which is fine, but at the same time, we rank tenth in the world when it comes to education spending. Over the past 20 years, the Department of Education share of the Federal budget has shrunk from 2.5 to 2 percent. During the same time, the Federal share of education dollars has shrunk from 12 cents to 7 cents on the dollar. This is not the direction in which we need to be moving.

People we represent in our States are focused on education. They think we ought to be doing better. I understand full well, I say to my colleagues, Democrats and Republicans, much of K-12 is State government spending. But we can be and should be a real player in certain decisive areas. We should be putting much more into early childhood development so children come to kindergarten ready to learn. We should be doing much better by way of funding the IDEA program. There is probably not a school board or school district in the country that does not believe this is an unfunded mandate, where they are called upon to meet children's special needs or called upon to support children with special needs but they do not get the Federal funding to which they are entitled.

The other critical program is the title I program. Actually, there is not a more important program than title I. We had an amendment to double the authorization for title I, part A, to \$15 billion. Senator HARKIN was one of the leaders on that. It passed the HELP committee with the support of every Democrat and every Republican Senator, but I think we were only able to raise the appropriation by several million dollars, as I remember it, I say to my colleague Senator HARKIN.

I want to transfer \$1 billion to the title I program, and I want to talk about why. But first of all, when it comes to our priorities, when it comes to our commitment to education as opposed to just a commitment on the Pentagon budget, let me remind my colleagues, in a recent bipartisan poll: 60 percent of the American people say we spend too little on education; 40 percent of the people in our country say education should be the top funding priority in this year's budget; 75 percent of the American people say they would be willing to pay higher taxes to improve education; and 83 percent of Americans say we should equalize funding across districts, even if it means we should transfer funds from wealthy to poor districts.

It is absolutely amazing, the support that is out there. The title I program is a key investment, and we ought to be doing much better. Title I provides assistance to students who face the greatest educational barriers. They are the students whose parents have not

had the educational opportunities or the luck in their life that many of us have had. Many of their parents are illiterate. Many of the parents of the students are poor. These are the students struggling to meet academic challenges. These are the children, the most vulnerable children, who need and deserve the support. Title I is used to fund the types of programs for these kids, for just such youth. We know they work.

As an example, 100 percent of major city schools use title I funds to provide professional development and new technology for students. We have been saying on the floor of the Senate and back in our States that the most important thing we can do to improve education is to have good teachers. That also includes good teachers for these children who are in the title I program.

We have been talking about the digital divide. We have been saying it is not right that in this country, those school districts, those wealthy communities, can be wired; they have access to the best technology. Those students will be equipped and they will be ready to do well. Students who come from poor districts and come from lower-income families, in those lower-income districts with less property wealth, they do not have access to this kind of technology. Title I money is used for that. Mr. President, 97 percent of the major city schools use title I money to support afterschool activities.

We have been through this debate. You can go to any neighborhood. I do not think, I say to Senator HARKIN, it is just in the cities. I think it also applies to the smaller towns and rural communities. You can talk to the religious community; You can talk to the law enforcement community; You can talk to parents; You can talk to teachers; You can talk to support staff; You can talk to youth workers; They will all say: We need to have some positive programs and activity and support for kids after school, especially when many of them go home and both parents are working. We need to do that. Ninety percent of these schools use title I funds to support family, literacy and summer school programs, and 68 percent use title I funds to support preschool programs. Title I has shown some strong success, despite its underfunding.

I point out to my colleagues that this amendment is a matter of priorities.

Again, there is an 11-percent increase in procurement, \$3 billion more in this budget than the administration even asked. I am not talking about readiness programs. I am talking about a different world in which we live. When are we going to reorder some of our priorities and put just a little bit more of this investment in our children? When are we going to do better by children in our country?

Right now this title I program—which can be so important for educational development, can be so important in making sure these kids get the help they need, can be so important in making sure their parents become literate so they can help them read at home, can be so important for after-school programs, can be so important in trying to make sure that when these kids come to kindergarten they are ready to learn—right now we fund the title I program at a 30-percent level. That is to say, over 70 percent of the kids who could benefit do not benefit because there is no money. In my State of Minnesota, in our cities, after you get to schools that do not have 65 percent of the kids who are low income but only have 60 percent of the kids who are low income, they do not get title I money whatsoever because we have run out of funds.

Yet consider this: The largest gains in test scores over the past 30 years have been made by poor and minority students. One-third to one-half the gap between affluent whites and their poor minority counterparts has closed during this time—again because of the special help from the title I program.

A study by the Rand Corporation linked these gains to title I and other investments in these programs that give these kids more assistance. The final report of the “National Assessment of Title I” by the U.S. Department of Education showed that the NEAP, National Assessment of Educational Progress, scores for 9-year-olds in the Nation’s highest poverty schools have increased over the past 10 years by 9 points in reading and 8 points in math. The Council of Greater City Schools shows that 24 of the Nation’s largest schools were able to decrease the number of fourth grade title I students achieving in the lowest quartile by 14 percent in reading and 10 percent in math in part due to the support of title I dollars.

In my State of Minnesota, for example, the Brainerd Public School District has a 70- to 80-percent success rate in accelerating students in the bottom 20 percent of their class to the average of their class following 1 year of title I-supported reading programs.

This is a successful program that directs resources to the poorest school districts in America. Forty-six percent of title I funds go to the poorest 15 percent of all schools in our country, according to a GAO report. Seventy-five percent of title I funds go to schools where the majority of children are poor, according to the U.S. Department of Education report.

The General Accounting Office estimates that title I has increased funding to schools serving poor children by 77 percent, and yet we fund this at about one-third of the level that is needed and it is unconscionable.

Yesterday I was in New York City. I went to a school, P.S. 30, in the Mott

Haven community in the south Bronx, one of the poorest communities in the United States of America. I went there because I have such great respect for the work of Jon Kozol. Jon Kozol wrote a book called “Amazing Grace: The Lives of Children and the Conscience of a Nation.” Now he has written another book, “Ordinary Resurrections.” It is a book full of hope. It is about three children and it is about this special school. The principal’s name is Miss Rosa, Aida Rosa, who came from Puerto Rico 3 years ago. Her friends keep telling her to retire, but this woman will not give up on these children.

When one visits such a school, part of the trip is inspiring and part of it is indignation swelling inside, which is why I am here.

It is inspiring that Miss Rosa will not give up on these kids. I say to my colleagues, not one child in the classes I visited was white. Not one child I met comes from a family with an income over \$10,000 a year. There are families in America—maybe some of our families—who spend that much on one vacation. These children come from families with incomes of less than \$10,000 a year. They are Latino Latina. They are African American. They are poor. About 30 percent of these children suffer from asthma. One can see the pumps they carry because they have these asthma attacks. Thirty to 35 percent of these children suffer from asthma. It is no wonder. There is an incinerator a block away. The air is so polluted. This happens in a lot of poor communities.

Miss Rosa does not give up on these children, the teachers do not give up on these children, and Jonathan Kozol does not give up on these children. My point is it is inspiring, but these children could do much better if we would get the resources to the schools.

In my state of Minnesota, it is the same thing with Jackson Elementary School in St. Paul. I can think of elementary schools, junior high schools, and high schools I have visited. I visit a school every 2 weeks in my State. Over and over what these teachers say and what these principals say is: We are doing our best. Do not give up on any of these children. We know what works. We make sure when these children come to school they know they are loved. We hold them to high standards and expect them to do well. Never give up on them. Make sure that teachers are free to teach, and make sure we have an environment that emphasizes education and does not sell one child short.

We sell these children short. I do not understand our priorities. I do not understand why our commitment to education is such a small percentage of our Federal budget.

I do not understand how we can take a program such as the title I program—which is so important for low-income

children and could make such a positive difference in their lives, would get more resources to some of these schools and some of these men and women who are teachers and principals and should be famous for the work they do—and fund it at a 30-percent or 35-percent level. I do not think it does any harm to who we are or what we are about as a nation to take less than \$1 billion out of the procurement budget across the board and put it into the title I program.

We ourselves, as I said, in the Health, Education, Labor, and Pensions Committee, voted to double the amount of money for title I. Yet we barely added any additional dollars to this critically important program.

The Nation’s poorest schools are dramatically underfunded, they are dramatically understaffed, and they are dramatically under resourced. Title I helps get some of those resources to these communities. If title I was fully funded, Minnesota would receive about \$160 million more to educate needy students and almost 240,000 more students could be served. I am on the floor of the Senate to fight for these children in my State. Whatever the final vote is, if I can speak for a program that could make a difference in the lives of 240,000 more students in the State of Minnesota who are low-income kids, then I am going to do so, whether there is 1 vote for this amendment or whether there are 100 votes for this amendment.

I do not understand our priorities. Whatever happened to our national vow of equal opportunity for every child? How can we be talking today about how we are going to have tests and we are going to hold everybody accountable, but we do not make sure these children have the same opportunity to do well on these tests?

Why are we not investing in the achievement and the future of all the children in our country? It is heart-breaking to visit these schools. It is inspiring but, at the same time, I come back to the Senate and say to myself: What can I do? When I visit these schools and meet these kids in any given class—yesterday I said to a lot of the teachers, to Miss Rosa, and others in the Mott Haven community in south Bronx, New York City: In the State of Minnesota—they did not believe it—in the cities of St. Paul and Minneapolis, we have many of the same populations.

The majority of our students are not white, Caucasian. In any given class, kids come from homes where different languages are spoken. Four or five different languages are spoken in the homes from which these kids come. There are some 90 different languages and dialects that are spoken in children’s homes in Minneapolis and 70 in St. Paul. These children are also disproportionately low income, and they need the additional support if they are

going to make it. It would seem to me we ought to make sure of that.

I am heavily influenced by the work of Jonathan Kozol. I love Jonathan's work over the years. He said something in his book that I am going to say on the floor of the Senate in my own words because I do this all the time. I will come to the floor of the Senate, and I will say: Come on, less than \$1 billion to the title I program, which is so underfunded in all of our States and, I say to my colleague from Montana, the rural communities.

I made a big mistake of not talking about greater Minnesota or rural America. We do not have the funding. Every teacher and every educational assistant and every principal and every parent who cares about education in these communities will tell you they do not have the funding and that we should do better.

But here is my point today. I could come out here on the floor and say: With this additional money for title I, if we make the investment in these children, who are, by definition, low-income children, then we will save money later on because fewer of them will drop out of school—and that is true—and we will save money because fewer of them will turn to alcohol and drugs—and that is true—and we will save money because they will be more economically successful and more productive—and that is true—and we will save money by investing a little more money in the title I program because fewer of these children will wind up dropping out of school and ending up in prison—and that is true. But you want to know something. We ought to spend this additional money, \$1 billion, or a little less than \$1 billion, in title I for another reason: Many of these children are little children; They are under 4 feet tall, and we should be nice to them. We should care about them. We should get some resources into these schools, even if it is not in our self-interest. We should do it because it is the right thing to do. That is why we should do this.

Forget all the arguments about investment and how it will help our economy. I came out here earlier and said: We should consider this in a national security framework. No. I scratch everything I said, though keeping it in the CONGRESSIONAL RECORD. We should transfer this small amount of money from this Pentagon budget to the title I program because we should care about these children. We should care about them. We should be nice to them. We should want them to do well.

Many of them come from neighborhoods with some pretty difficult circumstances in their lives. I say to my colleagues, you might have wanted to spend a little time in the Mott Haven community yesterday. It is incredible, some of the difficult conditions in which children not only survive but

flourish. Why don't we just give them a little more assistance?

I really believe this is an important amendment. I want to again summarize for my colleagues a little bit of what I am trying to say. Again, please remember that it is one thing to talk about a readiness crisis. The big increase was in procurement. Less than a \$1 billion cut in procurement is hardly anything when it comes to the Pentagon budget. This appropriations bill is \$3 billion more than the administration's budget request.

This year, the education bill has an overall appropriation for education of \$4.65 billion—an increase. At the same time, the Pentagon budget goes up \$20 billion.

I say to all of my colleagues, I think this is an important amendment. All of us know of the title I program. All of us know the difference it can make in children's lives. All of us say we care about these children. This is an opportunity to basically match our vote with our rhetoric. This is, I will admit, a reordering-of-priorities amendment on a small scale because, after all, this is \$3 billion the administration didn't want. This bill is close to \$300 billion. Can't we take \$1 billion of this and do a little bit better by way of title I?

I will not end my remarks because I want to wait to hear what my colleagues say. But I will kind of finish up this part of my statement with a point that I do not like to make but I believe strongly about. So I am going to do it. I will say, some of my colleagues that I see on the floor—Senator INOUE and Senator BURNS—and Senator INOUE I especially believe I know well and know what he cares about—I do not think this applies to either one of my colleagues, regardless of how they vote; it can't because I know what Senator INOUE, in particular, is about. But, in general—so let me say this is not exactly just in relation to this amendment—I find that people in politics, in both parties, will relish having a chance to have a photo taken of them reading with a child. We are all for the children, and we say they are 100 percent of our future, but we are a dollar short when it comes to making the investment in their lives.

In particular, the unfinished agenda is poor children in America. It is incredible, but we have some 14 million poor children in our country today with its booming economy. Many of them, disproportionately, are of color. Many of them are in our inner cities. Some are in our inner suburbs, and some are in our rural areas. Many of the parents of these children didn't have the money to put them into the best developmental child care. They didn't have the great prekindergarten teachers. Some children did. And their parents—a single parent or both parents—are both working long hours. They don't have the money.

They can't spend \$10,000, \$12,000, \$14,000 a year for great child care. They come to kindergarten behind. They have not had some of the benefits that come from a family where your parents have more of an education and a much higher income. But you want to know something. I saw it yesterday in P.S. 30. I saw it yesterday in the Mott Haven community. I see it in Minnesota. Those children have the most beautiful eyes. They have the greatest determination. They are full of excitement and they are full of hope. They believe in the American dream, even though they never say it that way. By the time they are in high school, most of it is gone. I think we ought to be doing better. I think these children ought to figure into our priorities.

We all know the title I program is vastly underfunded. It is an embarrassment. Can't we at least put another \$922 million in this next year? Can't we do a little bit better by these children?

Mr. President, for now, I yield the floor.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senators BOXER and HARKIN be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have a parliamentary inquiry. If Senator STEVENS wishes to make a motion to table, that would still be in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending

amendment be set aside temporarily so I may offer my amendment.

Mrs. HUTCHISON. Reserving the right to object, I didn't hear the request.

Mr. HARKIN. I ask unanimous consent that the pending amendment be set aside so I might offer another amendment.

Mrs. HUTCHISON. Mr. President, I object. I would like to work with the Senator, but I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa maintains the floor.

Mr. HARKIN. Mr. President, is the pending amendment the Wellstone amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent that it be set aside and I call up my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENT NO. 3355

(Purpose: To limit the use of funds for purchase and modification of Army High Mobility Trailers, and for modification of High Mobility Multipurpose Wheeled Vehicles (HMMWVs) to tow the trailers, until the trailers are fully tested)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. HARKIN) proposes an amendment numbered 3355.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. (a) None of the funds appropriated by this Act may be obligated or expended for the purchase or modification of high mobility trailers for the Army before the Secretary of the Army has determined that the trailers have been thoroughly tested as a system with the High Mobility Multipurpose Wheeled Vehicles that tow the trailers, satisfy the applicable specifications, are safe and usable, do not damage the vehicles that tow the trailers, and perform the intended functions satisfactorily.

(b) None of the funds appropriated by this Act may be obligated or expended for the modification of Army High Mobility Multipurpose Wheeled Vehicles to tow trailers before the Secretary of the Army has determined that, with respect to the towing of trailers, the vehicles have been thoroughly tested as a system, satisfy the applicable specifications, are safe and usable, are not damaged by the towing of the trailers, and perform the intended functions satisfactorily.

Mr. HARKIN. Mr. President, I am proposing a very simple amendment.

All it says is the Department of Defense thoroughly test its trailers and the trucks that pull them before they spend more money to modify them or to buy new ones.

I understand there is a rule XVI point of order against the amendment. So I will ask that it be withdrawn. But I wanted to take the time to at least let Senators know about and become aware of a very interesting problem in the Department of Defense which I think is indicative of some larger problems that we have in terms of testing and making sure that our weapons systems actually work before we spend our taxpayers' hard-earned dollars to buy them.

For the next several minutes, I would like to tell the story of the Army trailers and why this amendment basically just says we ought to test them to make sure they work before we buy them.

You would think this would be common sense. But 6,550 trailers that the Army has purchased for more than \$50 million are sitting in storage right now. That is right, 6,550 trailers are now in storage because the Army never bothered to make sure they worked. The fact is that this amendment, which I think is necessary, says a lot about how waste and abuse continues to thrive at the Pentagon. I get nervous about some of these skyrocketing procurement budgets when I think about how some of the money gets thrown away. Let's go through the story of the trailers.

Most of what I am about to relate is in a GAO report, which I requested last year and which was published last year.

In the 1980s, the Pentagon decided it needed some trailers. I am talking about trailers that you load up with equipment, goods and stuff, and you pull them behind a truck. In 1980, the Pentagon decided that it needed some trailers for its high mobility multipurpose wheeled vehicles, otherwise known to all of us as humvees. That is all these are—trailers to be pulled behind some all-terrain trucks. I wouldn't think that would be too difficult. The Army found that the older M101 trailers they had were unstable with the humvees. So they set out to buy some new trailers. In 1993, they signed a contract for \$50.6 million to buy 7,563 new trailers.

In 1995, after a couple of years, they tested the trailers and found a serious problem. The trucks, as it turns out, were never designed to pull trailers. When they tested the trailers, the rear crossmembers of the trucks tended to crack. They refer to this as "catastrophic failure." Despite this problem of the trucks' rear crossmembers cracking, the Army decided that the trailers had successfully completed testing.

You may wonder: How could that possibly be? Well, it was because they

met the contract performance requirements. Mind you, they didn't work. They destroyed the trucks that pulled them. But they met the contract performance requirements. So the Army agreed to pay the contractor for the trailers and to pay for the modifications that would be needed. You would think in the contract specifications they would have said that the trailers should not damage the trucks pulling them. But evidently they didn't.

Then in late 1996, the Army faced a dilemma. The contractor was more than a year behind schedule in delivering them, and the Department decided not to buy more trailers in fiscal year 1997—not because they didn't work, which they didn't, but because they said they were now a lower priority.

In the contract that the Army negotiated, there was an escape clause which provided that during the fourth and fifth years, if the Army didn't want any more trailers, all they had to do was pay \$1 million in liquidated damages and they would be out of the contract. Did the Army pay the \$1 million and get out of the old contract? No. They renegotiated the contract and extended it another year. Not only that but the Army also agreed to pay the increased costs of the contractor and agreed also to increase the profit margin of the contractor in spite of the poor performance of these trailers. The net result was a 57-percent increase in the cost of the trailers. Instead of getting the 7,563 trailers for \$50.6 million, which was agreed upon in the contract, the Army ended up getting 6,700 trailers for \$57 million—\$6 million more for 900 fewer trailers.

That is not the end of it. From there, the story continues downhill.

In 1997, the Army modified the truck crossmembers—the one that was cracking all the time, and the bumpers—so the trucks could pull the trailers. But as they were modifying the truck, the trailer drawbar broke. They discovered that the drawbar design had no margin of safety; it bent every time the humvee went over a bump. Nonetheless, since the Army had already accepted the design, the Army figured it was their own problem and they let the contractor off the hook.

The Army continued to accept more of these trailers that they couldn't use. They couldn't use them. So the contractor kept making them and the Army kept accepting them; and they just put them in storage.

In 1998, they tested the trailers a third time with a new steel drawbar. But now they found that the new, stiffer drawbar damaged the brakes on the trailers and again damaged the trucks.

In 1999, they made more modifications and tested the trailers a fourth time. Again, the trailers didn't work. Meanwhile, the units still don't have the trailers they have needed for more than a decade.

Now, the Army thinks they finally have the solution. They will use the steel drawbar on the trailers. They will install a more durable brake actuator on the trailers, and they will modify the trucks with reinforcement for this towing pintle. But they haven't even tested these modifications yet. So they don't even know if they will work.

Furthermore, their "conservative cost estimate" for the modification is \$22 million.

Let's add it up. We were going to pay \$50 million. We have already paid \$57 million. Now we are going to pay \$22 million on top of that. That would pay to modify only 6,700 trucks, one for each of the trailers.

I can only assume that the Army does not want to dedicate a truck for each trailer. That means the Army will have to modify all 19,564 trucks that are in the units to get the trailers. The 22 million they want is only for 6,700 trucks. But they are going to need another 13,000 trucks modified.

So are we looking at another \$44 million, maybe another \$50 million on top of it? I don't think they will dedicate one truck to each trailer. That would be foolish. I don't think we are through with the price increases yet. Somewhere down the line, the Army says, they will need another 18,412 high mobility trailers on top of the 6,700 they already have.

This is a story of mismanagement, a story of misprocurement, a story of whacky contracts, a story of piling one mistake upon another, a story of letting contractors off the hook, all at the expense of taxpayers and the expense of readiness and mobility for our troops in the field.

My amendment simply requires that before we dump more money down this rathole, before we modify the trailers and trucks or buy more trailers, we test them. We test the final product to see if it will meet the requirements for the all-terrain vehicles that are pulling them. We should make sure that they work, that they are safe, that they don't damage the truck, and that they can perform their intended mission.

I don't know when the end is in sight. We have already spent \$57 million. They want another \$22 million. That is \$79 million. If they are going to modify all the trucks, we are probably looking at another \$44 million on top of that, and they say they want 18,000 more of them. I don't know if there is an end in sight. Whether \$57 million or \$79 million or \$100 million, that may not in a \$300 billion budget for defense seem to be a lot but it is a lot of money to me. It is a lot of money to the taxpayers in my home State of Iowa.

I am afraid it is a symptom of a larger problem. If we cannot design a simple trailer that works, and test it adequately, how can we expect to build an advanced fighter plane that works or a missile defense that will hit a bullet with a bullet?

We never seem to learn our lesson. Today we are buying 10 F-22 fighter planes, the most advanced and most expensive in the world, even though they haven't been fully tested and have shown problems in the tests that have been done. We are talking about spending \$1 billion a year for national missile defense, even though it has had only two flight tests—one lucky strike and a near miss—and has never been tested against countermeasures that it would surely face.

If we are going to spend all this money, the public should at least demand weapons that work. My amendment would set that demand in writing for the trailers. I am not getting into the fighter planes and missile defense. I am only talking about simple trailers, so that never again will we pay three times for trailers—once to buy them, again to store them, and a third time to try to make them work right.

I wanted to take this time to talk about the trailer problem. I have been involved in this for some time. I think it is indicative of a larger problem. We should make sure we test all of our systems, make sure they work and are safe and meet the requirements we need before we shell out our taxpayers' dollars to buy them.

AMENDMENT NO. 3355 WITHDRAWN

Mr. HARKIN. Having said that, I understand there is a rule XVI point of order against my amendment, so I withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3355) was withdrawn.

AMENDMENT NO. 3366, AS MODIFIED

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Parliamentary inquiry: Are we now back to the Wellstone amendment numbered 3366?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I rise to speak against the Wellstone amendment.

I think it would be the height of irresponsibility to reduce this defense budget by \$1 billion, for any purpose. Obviously, for the Elementary and Secondary Education Act, which has not yet been reauthorized, there will be billions spent—correctly so—for the improvement of the education of our children. To withdraw the funds from the Department of Defense and put money into a bill that has not yet been reauthorized, I think would be shirking our responsibility to support our troops in the field and make sure they have the equipment they need to do the job we are asking them to do.

Whether it be the missile defense system, the F-22, the F-16, the ships that we need so badly, or whether it is a quality-of-life issue, we are trying to increase the pay levels and the quality of housing for our military. We are try-

ing to provide the health care that is deserved for the people in the service and for their families.

Where would we take the \$1 billion? Which part of our military budget that is already underfunded would we withdraw? I think it is very important we continue to finish this bill, that we allocate the resources we need to stop the flight from our military that we see occurring as we speak. We are having a very hard time retaining the good people who are serving in the military. They are leaving the military. They are leaving the military for a variety of reasons, some of which we can do something about: pay, types of housing, health care, and making sure they have the training and the equipment they need to do the job we are asking them to do. We need to make sure we do retain our best people.

Second, I think it is very important we let potential recruits know we are going to take very seriously these quality-of-life issues. That is exactly what this bill, the underlying appropriations bill for the Department of Defense, is designed to do.

I object to any reduction of the Department of Defense bill to reallocate resources to other areas that have already had their budgets approved by this Congress. We have set the levels of spending in Congress. We have allocated money for the Elementary and Secondary Education Act. We have allocated money for all of the other agencies to be able to do their jobs. We need to set up a firewall in defense. We need to say we are going to put the money into defense to keep our security in this country.

If we start adopting amendments such as the Wellstone amendment that would start taking \$1 billion out and allocating it to some other cause, I think we would be walking away from our responsibility to strengthen our national defense. When we are 6,000 below the congressionally mandated troop strength level, as we are today, I think it is most certainly the responsibility of Congress to say, why do we have 6,000 fewer troops than we have allocated to do the job of keeping the security of the United States? I think once we determine the cause, we need to address that cause and we need to correct the problem. The way we do it is to make sure we are fully funding the equipment, the training, and the quality-of-life issues for our military personnel. We are asking them to do a pretty tough job. We need to give them the tools to do it.

I am very fortunate to be able to visit so many of our troops around the world. I am very privileged to be on the Appropriations Defense Subcommittee and, before that, on the Armed Services Committee. I have visited our troops in Saudi Arabia, Italy, Bosnia, Kosovo, Germany, as well as, of course, throughout the United States of America. It lifts your heart to go to a base

or to an outpost and talk to our military personnel. They are dedicated. They believe in our country. They believe in what they are doing. They are out there and they are going to do the job given to them to do.

In the 7 years that I have been in the Senate and have made it a point to visit our troops wherever they may have been, I have never yet met one who did not inspire me, who did not make me believe that the security of our country was being handled by these young people and these generals and these admirals. They are dedicated and they are doing a terrific job. But it is the responsibility of Congress, it is the responsibility of the Senate, it is the responsibility of this body to make sure every one of those young men and women out in the field, who are patrolling as we speak, who are walking along the lines between Kosovo and the former Yugoslavia, who are in Bosnia trying to keep Bosnia in a peaceful condition, who are in the deserts of Saudi Arabia right now, or in Kuwait, trying to keep some stability in the Middle East, get the support and the equipment and the training they need to do the job.

If we start voting for amendments that take \$1 billion out of an already short defense budget and start allocating that to other programs—worthy programs, but we have already set the spending limiting for those programs—we would be shirking our responsibility to support those who are supporting us. That is why I oppose the Wellstone amendment and why I hope this Senate will take the responsible action and reject any effort to take \$1 billion out of the funds for the defense budget. It has emergency money in it to replenish the coffers where we have taken from the basic defense budget to fund the peacekeeping missions in Bosnia and Kosovo. It is essential we get on with our responsibility and reject the Wellstone amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I understand the Senator from California has an amendment. Senator HARKIN is joining her. I would like to see if we can get a time agreement on this amendment. I ask unanimous consent the time be limited to not more than 45 minutes on each side. Is that agreeable?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I am wondering if the manager of the bill would be kind enough to notify the Senate when there will be some votes. We have about an hour and a half now on this amendment, if all time is used, and there then would be two votes; is that correct? I think that is what the leaders are talking about.

Mr. STEVENS. Mr. President, the Senator is correct. I do not anticipate using the full amount of time on our side. I understand there has been one amendment put aside. I hope to have the votes occur somewhere around 6 o'clock.

Mr. REID. Then after that, it is my understanding the bill is in the process of being able to be wound up?

Mr. STEVENS. Mr. President, we still have the procedure to follow to apply rule XVI to the amendments that have not been withdrawn. We are compiling that list now. As soon as this amendment is finished, we will do that. The Senator would understand, I am sure, that some Senators may wish to appeal that or deal with it in some way. I hope not. We hope to conclude the rule XVI procedure and then vote at 6 o'clock.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 3311

(Purpose: To strike Section 8114 regarding Operational Support Aircraft Leasing Authority)

Mrs. BOXER. Mr. President, I call up my amendment No. 3311.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3311.

The amendment is as follows:

Strike section 8114.

Mrs. BOXER. Mr. President, I thank the managers. I have had a few amendments. I think this one is not one they support. They have been very supportive of my others. I am very proud that the Senator from Iowa, Mr. HARKIN, has once again teamed up with me. We have been the team on this particular subject for awhile.

When I was in the House of Representatives, I served on the Armed Services Committee. It was a great honor to do so. There is nothing more important than our national security. What I found was that we were wasting many dollars. I thought we had cured some of those problems. For awhile I really didn't bring these issues before the body because I was convinced we were moving in the right direction. Suddenly, I am afraid, we see a reversal.

For example, in this bill, the military asked us for \$3 billion less than the committee actually voted out. This particular bill that is before us is \$3 billion more than the Defense Department requested. Why would we do

that? Why would we not go along with what they say they need, and why would we pad this particular area, our national defense? And why do I say that? Because if we look through the bill, we will find instances of waste.

We understand why this bill is padded when we particularly look at one area that Senator HARKIN and I joined forces on last year. That is the area of operational support aircraft. These are aircraft used for travel by the upper echelons of the military. What we do with our amendment is strike the section that allows nine of these operational support aircraft to be leased. In this bill, they are not specified as what they are, how much they each cost. We know nothing except that the Army can have three, the Navy can have three, and the Marine Corps can have three.

What do I suspect they are going to do with this? I think we have to learn from history and look back to last year's Defense appropriations bill. I offered an amendment with Senator HARKIN then that would have struck this same exact language that was used by the Air Force to lease six operational support aircraft. Senator HARKIN and I lost that fight. I thought we made a valiant effort, but we are back for this reason: A lot has happened since Senator HARKIN and I brought this matter before the body.

First, we know the Air Force plans to lease the most luxurious jets there are, despite the fact we had people here telling us they weren't going to lease these big, beautiful jets; they were going to go smaller.

Let's take a look at the Gulfstream. It is pretty slick. We are told if one were to buy this, it costs \$50 million a copy—luxurious travel. The Air Force has leased six. The Air Force took the same language they had in the appropriations bill last year and leased six of these.

Let's take a look at the interior of this plane. Senator HARKIN has a little different view. It is beautiful. This plane is used by billionaires. This plane is used by the top echelon of wealthy people in this country. We wonder why this bill has been padded with \$3 billion. I think it is to do things such as this that, with all due respect, were not spelled out in this bill.

If I were to read—I don't have time because I have agreed to a tight time limit—the language, all one would know about it is, it is the same as was put in for the Air Force. But they couldn't find anywhere listed a Gulfstream. Yet last year we were told, at this very same time in the debate, that the Air Force was not going to go for these Gulfstreams: "There is nothing in this language that says that." Yet that is, in fact, what they did.

We were right last year, and it is costing taxpayers a fortune to lease these jets. Let me say, it is cheaper to buy them than to lease them.

I ask unanimous consent to print in the RECORD a New York Times article that discusses the fact that it is actually cheaper to lease these jets than to buy them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 1999]
NATO SPENDING BILL INCLUDES EXECUTIVE
JETS FOR 9 GENERALS
(By Tim Weiner)

An urgent request from the Air Force is buried in the multibillion-dollar emergency bills that will finance NATO's air war in Yugoslavia.

Smart bombs? F-16 fighters?

Not exactly. The Air Force wants to lease Gulfstream executive business jets to ferry four-star generals around the world. The cost could run to half a billion dollars over a decade.

The Air Force is asking for top-of-the-line Gulfstream V's to replace the Boeing 707's, some as much as 30 years old, that transport nine of the nation's top military commanders.

The Gulfstreams can fly eight passengers nonstop for 7,500 miles, wrapping them in sweet silence and comfort, the company says.

The Air Force already has two Gulfstream V's for the very highest Government officials. Moguls from the movies and Microsoft fly them. Why not the military's most powerful commanders, men like Gen. Wesley Clark, who is running NATO's air war?

So the Pentagon and the Senate Appropriations Committee chairman, Senator Ted Stevens, Republican of Alaska, worked out a deal that would let the Air Force lease six Gulfstreams for the military's nine unified and regional commanders-in-chief, Congressional staff members said.

Those in the Air Force and in Congress who support the request—none of whom would be quoted by name—say leasing could be cheaper than maintaining the 707's. And the Gulfstreams cost less than the planes some of the commanders originally sought: a fleet of Boeing 767's, which run upwards of \$100 million each.

The new fleet would give the commanders "the capability to travel within the full length of their theaters or to Washington, D.C., without an en route stopover," the Air Force said in a "fact sheet" submitted to Congress two weeks ago to underscore the commanders' needs.

Only one of the nine commanders-in-chief, or Cincs, General Clark, is based overseas. The others work in Virginia, Illinois, Colorado, Nebraska, Hawaii and Florida, where three of them have headquarters. But with the United States playing the role of the world's sole superpower, their responsibilities are global, the Pentagon says.

The Air Force noted that the Gulfstream V is "the single aircraft most capable of performing the Cinc support role, at significantly reduced costs."

One new Gulfstream was included in this year's Pentagon budget. But the Gulfstream V can carry only a small contingent. So the Air Force said it might also consider two Gulfstreams and four specially equipped 737-700's, which carry at least 126 passengers in their commercial configuration.

The Senate's emergency spending bill includes a measure aiding Central American hurricane victims, which is where the leasing arrangement originated. The measure

goes to conference on Tuesday with the \$13 billion measure passed by the House last week.

The Gulfstream measure includes only the legal authority to sign a lease—no money. It does not mention the money at all.

But the leasing deal, if carried out, could cost \$476 million or more over 10 years, according to Air Force documents and Congressional staff members.

It would actually cost less to buy each of the nine commanders his own Gulfstream V—\$333 million. But that might be a harder sell, said a Congressional staff member working on the Senate's still evolving emergency bill.

"You don't want to look like you're buying the Cincs executive jets," he said.

Mrs. BOXER. First of all, we are not buying them. We are leasing them, and that costs money. If we were to buy these nine, it would cost a half a billion dollars. I am embarrassed to say it. That amount of money could put 5,000 police on the streets. That amount of money could double the number of children we have in after-school. That amount of money could take care of a lot of veterans' health care.

The other plane that is in the same category is called Bombardier. It is made in Quebec. I don't have a photo of it. It is just as luxurious, just as expensive. It goes for about the same. I say to my friends who want to make sure our generals have what they need: Why do we have to go to the top of the line?

If the answer comes back that we are not necessarily doing that and we are not spelling it out, then why not preclude them from going to the top of the line? Two things have happened that are important since this debate last year.

No. 1, those who said the Air Force would never buy the top of the line were proven wrong. We said they would do it, and they will leased these top of the line jets.

No. 2, Senator HARKIN, Congressman DEFazio, and I wrote to the General Accounting Office. Because we respect our friends who said these operational support aircraft were necessary, we said to the GAO, which is our investigative arm, Will you do a study? They did. Guess what they titled this study. The title of this study comes back: "Operational Support Airlift Requirements are not Sufficiently Justified."

Let me reiterate sort of the partridge and the pear tree about why we should strike this language. Last year, we were told they needed the aircraft. Here is the GAO report, the investigative arm of Congress, coming back saying we do not need any more right now because we don't know what we have. I will share the quotes from that study.

Second, the Air Force proved they were going to go to the top of the line. This is the same exact language. After all, I guess if the Air Force has it, the Army needs it, the Marines, and the Navy, then we are going to allow them to have the same latitude.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from California has 45 minutes.

Mrs. BOXER. Will the Presiding Officer let me know when I have used 20 minutes?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. I thank the Chair.

I want to share with my colleagues the results of this GAO study.

GAO report: "Operational Support Airlift Requirements are not Sufficiently Justified."

The processes that DOD uses to identify its requirements for operational support airlift have a number of weaknesses that make it difficult to assess whether the current inventory meets the wartime needs.

That is one statement. We will go through the statements with you.

The next statement:

Although DOD directive 4500.43 states that operational support airlift requirements should be based solely on wartime needs, the methodology that DOD used in 1995 and 1998 does not draw a clear link to the scenario for two major regional conflicts specified by the National Military Strategy.

In other words, the operational support aircraft have to be linked to what military needs in case of war—not that it is comfortable for generals in time of peace.

I understand that it is comfortable to go on a plane such as this, but that is not what taxpayers should be paying for. We should be paying for what we need in time of war. That is what the DOD is supposed to do.

What else do they tell us in this report?

The lack of clear linkage to wartime requirements raises questions about whether the support aircraft fleet is appropriately sized to meet short-notice mobility needs in wartime.

My friends, this is serious. We are going ahead with this appropriations—this green light—to lease all of these airplanes when the GAO is saying to us that the "lack of clear linkage to wartime requirements raises questions about" the fleet and whether it is appropriately sized. It may be terribly overly sized.

Let's see what else we have.

This is the one I think says it all.

The joint staff . . . has not maintained records documenting its previous requirements reviews, so it is not possible to determine whether some options for reducing requirements were examined.

I have to say to my colleagues who I hope are watching this from their offices that there is a need here to defend the United States of America, and we should do everything we can to do that. If we are going under the scenario of being prepared to fight two major conflicts—some people think that is outmoded, but if that is what we are doing—then everything we do in this budget should reflect that need. And we are being told that the Joint Chiefs

do not maintain records documenting their requirements for these aircraft.

How on Earth can we possibly justify this kind of open-ended language in this bill?

The GAO sums up:

For all these reasons, we believe a more rigorous process is needed to better ensure that support aircraft requirements accurately reflect wartime needs.

I think if you really believe that supporting our military is one of the most important things we can do in making sure we have dollar for dollar the best military in the world, then you should vote for the Boxer-Harkin amendment.

There is no reason given in any of the documentation in the Department of Defense as to why they need this aircraft. There is no rationale. The GAO has studied this. They are nonpartisan. They are the investigative arm of Congress. They have come back and told us they can't even find their records. Yet we are going blindly ahead, it seems to me, and providing this open-ended language, which will result, I predict to you, in nine more of these aircraft, and they could be the most luxurious in the world.

We already know that the Defense Department has 144 jets in its fleet of operational support aircraft. This includes 71 Learjets, 13 Gulfstreams, the one Gulfstream V, and 17 Cessna Citations.

We know the GAO has studied all of this, and they are saying to us: Time out. What is the rush?

When I take a look at these luxury jets, I can only say this: We know there are cheaper luxury jets that would have to make just one stop—I have a photo of that—just one stop. This plane is about \$18 million compared to \$50 million, which would have to make one stop to refuel.

I have to say to my friends that it is a beautiful plane. It is a comfortable plane. For a general to stop and stretch his or her legs, as the case may be, and fill up the tank once on the way to a meeting in peacetime—

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mrs. BOXER. I would be happy to yield.

Mr. STEVENS. Will the Senator put that photograph back up.

Mrs. BOXER. Certainly. I will finish my sentence, and then I will yield. Then I am happy to yield. I have to finish my thought.

Mr. STEVENS. The Senator yielded to me.

Mrs. BOXER. This is a smaller aircraft. We were hoping that the Air Force was going to look at this. But they came back with the Gulfstreams.

I yield for a question.

Mr. STEVENS. If I am correct, that is a UC-35 that the Senator put up there, and that is what we are going to lease. That is exactly what this provision covers, the UC-35s.

Mrs. BOXER. This is not a UC-35. This is not.

Mr. STEVENS. What is it?

Mrs. BOXER. That is a Citation X.

The point I am making is there is nothing in the language, I say to my dear friend, that suggests exactly what plane they are going to use. There is nothing in this language. Last year, under the same language, the Air Force leased the Gulfstream. That is the point we are making. We are not limiting them to this.

I have to say that I know we are in a surplus situation. But we have a lot of needs for our military personnel. I know my friends fought for that. We are looking at military personnel who are not living in adequate housing. We know that Senator McCain has taken the lead in trying to get our people off food stamps. We have an unfunded priority of veterans' health.

I think what Senator HARKIN and I are simply saying is this: It is unnecessary to have this many planes when we now have a quite unbiased report that says, "Operational Support Airlift requirements are not sufficiently justified."

Why would we run off and buy more when we don't know what we have? We have seen with vague language we could wind up with top-of-the-line jets.

Mr. President, I reserve the remainder of my time and yield 20 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator BOXER for yielding me this time.

I am proud to be a cosponsor of her amendment. We have worked hard on this over the last couple of years to try to bring sense and rationality to this procurement of luxury jets for the military.

I was going to ask my friend from California if we might engage in a little colloquy to let our fellow Senators know where we are coming from. It is not the intention of the Senator from California, nor mine, to say that there should be no smaller corporate-type jets within the Department of Defense. We are not trying to say "none." We are not trying to cut them out. There are 364 support aircraft in the inventory right now.

I ask the Senator, is it, the intention of the Senator to do away with all these types of jets?

Mrs. BOXER. Not at all.

As my friend knows, we don't even really know how the jets they have now are meeting our needs in a situation such as during wartime, which is the directive that they have to go by. The DOD has to rationalize and tell us, under their own directive, how their support meets the needs in wartime.

Clearly in this report it is stated there is no rationale for what they have now, let alone what they have to have.

Furthermore, we are saying that if they got these nine additional planes,

which we don't even know if they need, under this language they would be able to buy the fanciest jets in the world, despite the fact that Senator STEVENS doesn't think they will.

The Senator of Alaska wasn't positive that the Air Force was going to lease the six Gulfstreams last year, yet they did. It is the same language.

Mr. HARKIN. What happened to the six airplanes last year that we fought against? Have they started leasing those airplanes yet?

Mrs. BOXER. They put out an RFP. The only two companies that qualified for the RFP happened to be the two companies that made a \$50 million luxury jet.

The Air Force is moving forward and doing exactly what we said they were going to do.

Mr. HARKIN. If the Senator is correct, the request for proposal that delineated the requirements, the GAO said there is no real basis for those requirements. They just plucked them out of thin air. They devised, if I am not mistaken, an RFP to get the jets they wanted. But there is no basis for the RFP requirement.

That is what I read in the GAO report. For example, I say to the Senator from California, in the GAO study on page 7, "One military officer involved in the 1995 study said that using an assumption of four flights a day yielded a requirement deemed to be too high and that using an assumption of two flights a day yielded a requirement deemed to be too low." So it came out at three.

Listen to this: "Operational support airlift requirements are significantly affected by this single assumption of how many flights a day you have. For example, our review of support aircraft found that 55 fewer aircraft were required when assumptions of two flights a day were used rather than three for overseas theaters."

Again, the GAO is saying there is no real rational basis for this. They say four is deemed too much, two is deemed too little. So, voila, they decided on three. But again, there is no rational basis for why they needed three flights a day.

We didn't have this study last year. This study just came out in April of 2000. Last year, we offered the amendment that dealt with six aircraft, and our worst fears were realized. They put out an RFP, limited to the most luxurious jets. So we requested the study. In light of the fact that we have the GAO study that basically says we have no basis on which to procure these aircraft, now we will lease nine aircraft.

Let's get this straight. Last year, we did not have the GAO study. Our amendment was defeated. The bill said they could lease up to six aircraft. This year, we have the GAO study that says there is no basis for the requests, but now nine are requested this year.

Please, someone tell me what kind of sense this makes.

Again, I have been a pilot all my life. I enjoy flying. I know airplanes pretty darned well. We are not trying to say that commanders in the field, theater commanders, don't need long-range airplanes. They do. What I am saying is we are playing a game here. It is sort of a game of, I am a general and guess what. I have got a nice big fancy jet to ferry me around. Well, Admiral Smith over here looks at General Jones and says, hey, he's got a big old jet that flies him around. How come I don't have one? And then the general over in the Marine Corps says, well, I have to have one, too. I am as high ranking as that other general or admiral. And the Air Force general says, I have to have one, too.

Come on. There is a lot of this game involved here. I don't mind some perks for our military officers. They don't get paid a lot of money. They do a great job of defending our country. We call upon them in wartime and they lay down their lives. If you are just honest about it, this is a perk, a perquisite.

But how much of a perk? Do they really need a Gulfstream V that can carry up to 19 passengers so they can put four or five people on board and travel in luxury? No, they don't need that. CINCPAC operates out of Hawaii and needs a longer range plane to go from Hawaii to Guam, Okinawa, Japan, or Korea. I understand that. But commanders in the United States don't

need those. They can land at any airport in the United States and get refueled. They don't need those longer range planes. You may need one for Europe. Already in the inventory we have 13 Gulfstream III's that have a 3,500-mile nautical range. Now the Gulfstream V has a 5,500-mile nautical range.

We already have one of those in inventory. I don't know where it is. I don't know who operates it. But we already have one. We have 13 Gulfstream III's with a 3,500-mile nautical range. That is not too shabby. And a Gulfstream III is a very luxurious plane, I can assure you. The GAO says it can carry up to 26 passengers, but that is maximum loading. Actually, a Gulfstream III would probably carry about 10 or 12 people at most on any flight. They already have 13 of them. Is that enough? We don't even know. The GAO says we don't even know if that is enough.

I am not saying we do not need some of these planes. But I think we need a really thorough study of these inventories, to justify the requirements.

The GAO said:

The Department of Defense has not clearly explained the basis for the key assumptions it is using to justify the requirements or identified the assumptions that should be updated in each succeeding review.

What does it mean? The Pentagon has no clue about how many planes they need; no clue.

Mrs. BOXER. Will the Senator yield for a question?

Mr. HARKIN. Let me just finish this.

The GAO found there is no justification for how many times a day airports are connected. There is no criterion for why some airports are key airports and others are not. There is no consideration of how large different planes need to be. Nobody could even tell the GAO whether the requirement for 85 aircraft in the continental United States had been considered in the 1998 review or who was supposed to look at it in the current review. So how do they come up with their assumptions? Here is what GAO said. I will repeat it:

One military officer said using an assumption of four flights a day yielded a requirement deemed to be too high, using an assumption of two yielded a requirement deemed to be too low by the commanders in chief.

What does that mean? They cooked the books. That is all they are doing, they are cooking the books. They are saying I would like to have this Gulfstream V, so write it up so that I need it. That is all that is happening.

I am glad to yield to my colleague.

Mrs. BOXER. I wanted to make sure my friend was aware we have a copy of the RFP done by the Air Force. I ask unanimous consent this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Aircraft Capabilities and Characteristics	Thresholds	Objective
4.1.1.1.* Range	Aircraft shall be able to fly no-wind range of 5000 NM carrying a full passenger and crew complement, plus their baggage using AFI 11-202, Vol. III, Chapter 2 procedures. Fuel reserves consist of fuel required to descend to 10,000 feet MSL at destination airfield, climb to optimum altitude for diversion to an alternate airfield 250 NM away, descend to 10,000 feet, hold for 45 minutes, and then make a penetration/approach and landing.	Aircraft shall be able to fly no-wind range of 6000 NM carrying a full passenger and crew complement, plus their baggage
4.1.1.2. Flight Characteristics	Cruise speed 0.80 Mach, cruise ceiling after gross weight takeoff equals 31,000 ft minimum after 30-minute direct climb. Be able to operate out of a 5,000-foot runway. FAR landing distance shall not be greater than 5,000 ft at maximum landing weight.	A minimum of 10 minutes at takeoff power.
4.1.1.3.* Payload Capabilities	Small aircraft shall carry 5 crew, 12 passengers. Medium aircraft shall carry 11 crew, 26 passengers. Maximum payload requirements to determine range calculations shall consist of all items (food, water, toiletries and non-consumables such as blankets and pillows) in sufficient quantities to support crew and passengers for four days. Assume 1.5 (1 light, 1 full) first class type meals per person, per sortie. (Assume 2 lbs. per full meal) The weight and volume of passenger support items are separate from the personal baggage allowance. Assume a weight allowance of 275 lbs. per person for individual body and baggage (175 lbs. per person plus 100 lbs. baggage).	
4.1.1.4. Mission Planning	Standard commercial system, provisions for generating the information found on a DD Form 365-4, Weight and Balance Clearance Form F—Transport. Automated capability to do aircraft performance analysis (takeoff and landing data) and flight planning. Shall include performance data for all climatic conditions. Computer flight plan able to be uploaded into the flight.	Integrated with aircraft systems. Incorporation of a unique planning component on the Joint Mission Planning System (JMPS) architecture.

* Denotes Key Performance Parameter.

Mrs. BOXER. What it shows is exactly what my friend is saying, aircraft should be able to fly no-wind range of 5,000 nautical miles. Only two aircraft, this one called the Global Express—that is made in Canada, and then the Gulfstream V, which, as my friend pointed out, the Air Force has put out this proposal, it is in the 5,000 nautical mile range. So this is the characteristic. If you look at this and other characteristics, it can only be these luxury jets.

But I wanted to ask my friend if he saw the letter from the Department of Defense to the General Accounting Office on page 27 of this report. I ask him to take a look at it because it seems to me, any thinking person would read this and say the Department of Defense agrees with HARKIN and BOXER. If you

look at this letter in the second paragraph, it says:

The department agrees with many of the findings in the GAO report. Accordingly, it will take the GAO's findings into consideration in future determinations of operational support airlift.

That is very nice. When will they take it into consideration? After they have sprung for half a billion dollars of the taxpayers' money? What we are saying is we have this report, folks. Yet in this particular bill before us, I wonder if my friend is aware, in order to take effect these leases must be done before 2004. So they are essentially rushing to run out and lease these aircraft so, as my friend says, they can have the same aircraft as the Air Force.

Mr. HARKIN. Frankly, I say to the Senator from California, if we have to

swallow this, they ought to at least buy the airplanes, not lease them. The taxpayers are going to get stung, big time, for leasing these aircraft, but it looks as if it is less in the beginning. Over the years, we are going to pay probably, what would the Senator say, three to four times as much for these aircraft?

Mrs. BOXER. Hundreds of millions of dollars more, according to the New York Times.

Mr. HARKIN. That is if we lease them rather than buying. So we are compounding it, adding insult to injury. The taxpayers are getting socked for airplanes the military doesn't really need, and then they are leasing them, which means we are paying even more money for airplanes we do not even need. Again, you would think

with this GAO study we would say: Wait, we don't need these nine. Let's wait until we see what the requirements really are.

The requirements are always couched in terms of wartime necessity. We are not at war. It doesn't look as if there is anything bubbling up on the horizon that is going to be a major war for the United States in the next couple of years. So we have time to do an assessment to find out what our requirements really are. Does Admiral or General so-and-so really need a Gulfstream V? We don't know that. Maybe they could get by with a C-21.

I want to be perfectly honest. I have used these aircraft. As Senators, sometimes we travel to remote areas of the world. Because of time requirements and when we have to go, we have to utilize these aircraft. Last year, Senator REID and I utilized a C-21. We flew commercially to Jakarta, Indonesia, and then we flew a C-21 from Jakarta to East Timor. There were no commercial flights we could take over there at that time. Then we had to fly back. Then I went in that up to Okinawa, Okinawa to Shanghai, and over to Japan, all on routes that would have been very difficult commercially to do.

This is a C-21. You are cramped. There is no bathroom. You can't stand up; you can't stretch out, and there was room for about five passengers on that and we were loaded. Flying those long distances, we would have to land and refuel, and get up and go, land and refuel.

I am saying, if that is good enough for a Senator, why can't a general do that? I didn't say I have to have a Gulfstream V with all the luxury and the bathroom and a chef on board and a glass of champagne—no, we don't need all that stuff. I just need basic transportation to get me from point A to point B to C to D to E.

Yet I come back to the United States and look around, and I see nice luxury jets being used by generals and admirals, people flying around the United States in these luxury aircraft. I wonder, do they really need to travel that way? Why don't they fly in a C-21? It is cheaper. We have a lot of them. Lord knows, we have a lot of C-21s. We have probably 71 of them. They are cheap. They are efficient. They are fast. They are not very comfortable, but they serve the purpose.

So I just say what we have here is a game of one-upmanship. General so-and-so has a nice plane. Admiral so-and-so wants one, too. Another general wants one.

Again, I say to my friend from Alaska, I am not saying we don't need a number of these aircraft. Some of them we do. Some of them have to be larger for longer flights, as in the Pacific, maybe the European theater. But we do not need them here in the continental United States, and that is what we are getting stung with.

We ought to come to our senses. This is waste, pure and simple. I do not even mind, as I said earlier, a little perk of office for the generals, if they have to get in a plane and fly someplace. But they don't need this kind of perk. A C-21 is fine enough to fly around the continental United States for any general or admiral, for any member of the Joint Chiefs of Staff. And a Gulfstream III is more than adequate for any Chairman of the Joint Chiefs of Staff, or any admiral or general to fly from here to Europe.

I would say to the Senator from Alaska, a Gulfstream III can fly from here, land in Gander, land in Iceland, it can refuel, or it can land over in Shannon, Ireland, and refuel and make any city in Europe with one-stop refueling—one stop. They do not need the Gulfstream V. Corporate executives fly all the time from the United States to Europe in Gulfstream IIIs. They don't need Gulfstream Vs.

Of course, some of the bigger corporations, may have a Gulfstream V, but that is the private sector. If they want to do that, that is fine. We are talking about public servants here. Generals and admirals are no more or less public servants than the Senator from Hawaii, Iowa, Alaska, or California. They do not need to be mollycoddled. They do not need to be babied and pampered like some corporate executive.

If a corporate executive wants to be babied and pampered, that is up to their board of directors and their stockholders. The American people are the stockholders of the Department of Defense. I do not believe our constituents want to spend their hard-earned tax dollars so some general or admiral can fly around in a Gulfstream V in luxurious comfort while we have troops on food stamps and while we are trying to raise the pay of those on the bottom.

So I say let's take a little time here. Let's take a breather. They do not need to lease the nine aircraft right now.

Let's take a look at the GAO report. Let's give the Department of Defense 1 year to come back, and let's see their justification.

I ask the Senator from California again for that justification for the RFPs that just went out:

Aircraft should be able to fly no-wind range of 5,000 nautical miles.

Why?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Why?

Mrs. BOXER. How much time remains on our side?

The PRESIDING OFFICER. Seven and a half minutes.

Mrs. BOXER. I yield my friend 4 minutes.

Mr. HARKIN. Mr. President, I will not take 4 minutes, but I appreciate the Senator from California yielding me time.

Why? Why 5,000 miles? That is the threshold. The objective is the "Aircraft shall be able to fly no-wind range of 5,000 nautical miles carrying a full passenger and crew complement, plus their baggage." Why? We do not know why, but that is what they said.

The GAO report says, as the Senator from California said, there is no justification for it. They plucked the numbers out of thin air. They cooked the books, and I do not like it.

Mrs. BOXER. Will my friend yield on the remaining time he has? I thank my friend for joining me. This is someone who knows what it is to fly military aircraft. I could not have a better partner on this amendment than TOM HARKIN.

I want to close this particular portion, and then we will have a few minutes left to respond to the criticism that I am sure will now be leveled at us from some very astute people.

Here is the point: Last year when we got in this fight, they told us: Oh, no, they were not going to go out and get these Gulfstreams. We said we thought they were; nothing in this language precludes it. They went out with an RFP. We were right: Luxury planes, \$50 million a copy if you were to buy it.

Secondly, we said OK to our friends, you don't believe us; we will have a GAO report, the nonpartisan arm of Congress, investigate. That is what they do, they investigate. Guess what they said. "Operational support airlift requirements are not sufficiently justified." Guess what else. The Department of Defense says they agree. So why are we in this bill allowing for leases of nine jets which are not defined? They can well be these luxury jets. I thank my friend and ask for his final comments.

Mr. HARKIN. I say to anyone who is watching this debate, get on your computer, get on the Internet and dial up www.gulfstream.com. Dial up gulfstream.com and take a look at the Gulfstream V and Gulfstream III, I say to my constituents, or anyone who is watching—gulfstream.com. Dial it up and take a look at the Gulfstream V and ask yourself: Does a general or an admiral or anyone who is a public servant really need this kind of luxury? The answer, I think, will be obvious.

I reserve any remaining time.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from California has 4½ minutes, and the Senator from Alaska has 45 minutes.

Mr. STEVENS. Mr. President, I am going to yield 10 minutes to the Senator from Kansas and 10 minutes to the Senator from Hawaii. I want to start off by saying we are talking about UC-35 support aircraft under a pilot lease program. I do not know what this business is about someone saying last year—I do not know the straw man.

Last year, I said we expected them to lease intercontinental aircraft of a large size, and they did. This time we are telling you we expect them to lease UC-35-type aircraft for operational and support utility purposes.

There are nine planes authorized to be leased—three for the Army, three for the Navy, and three for the Marine Corps—to replace planes that are aging, many of them more than 30 years old, older than the pilots who are flying them.

It is time we woke up to the fact that it costs so much to operate them, so much to maintain them that it is too expensive. We are trying to modernize without buying so many airplanes. We want to lease them.

This is a pilot program, as was the one last year, to see what the cost will be as we have to replace this fleet. It is an aging fleet. As a matter of fact, we bought the first G-3 the first year I was the chairman of the subcommittee in 1981. Those planes are now over 20 years old, the 21s are over 30 years old, and we have to replace them.

We have two pilot projects: One is to lease the larger ones and one is to lease these smaller ones. We are going to see what it costs us, what the maintenance costs are.

I am getting tired of these GAO reports written by people who do not know what they are talking about, and we are going to do something about that, too. That same person who has been writing these reports has condemned every airplane we have bought in the last 5 years. It is time we stopped listening to the people who do not know what they are talking about.

These are pilot programs to lease aircraft, instead of replacing them, to determine what the maintenance costs will be, what will the cost to the Government be if we pursue a leasing program, which most major businesses do now, rather than buying aircraft. I think it will be cost effective. But above all, this is a program to determine the cost, whether there is a choice for us, instead of buying replacements, to lease these aircraft. Until we put the pilot programs in place, we will not know.

I think this is the rational thing to do. I have seen a lot of straw people, but you get on the www.gulfstream.com all you want and look at the beautiful airplanes. They are not what we are talking about. We have not bought any of those either. We have not bought planes such as those they will see advertised for commercial purposes. We bought them for military purposes. They are stripped down, and they are functional aircraft. The ones we leased last year are functional now. I invite my colleagues to take a ride on one and look at them.

As a practical matter, right now, I yield to my friend—

Mrs. BOXER. Will my friend yield for a question?

Mr. STEVENS. No, you wouldn't yield to me. I am not going to yield.

Mrs. BOXER. I yielded to my friend.

Mr. STEVENS. You didn't yield to me.

Mrs. BOXER. I did certainly yield to you.

Mr. STEVENS. No, you didn't.

Mrs. BOXER. I did; I did.

Mr. STEVENS. On your time. If you want to spend your time, I am happy to use it. Mr. President, on her time I yield to her.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I yield on your time.

Mrs. BOXER. Fine. I yielded to you on my time, but if that is how you want to do it, fine. I will say this: There is nothing in this language that says you are leasing a particular type of aircraft. This is the same language that was used which gave the Air Force the ability to get the Gulfstreams.

If my friend wants to change the language, that is great, but the language is the same. The Air Force took that language and is buying luxury jets, and besides which the GAO says do not get any more because they do not even know what they have they are so disorganized over there when it comes to the operational airlift.

Mr. STEVENS. Mr. President, the language is exactly the same; the Senator is right. It is for leasing aircraft for operational support and utility airlift purposes, and it specifically says it is a multiyear pilot program. There is not an expanded program as has been represented. It is nine planes total to see what the costs will be of operations under this pilot-type program as compared to the cost of buying such an aircraft and flying it for military purposes.

I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the chairman for yielding. The way I understand the amendment, as crafted by the distinguished Senator from Iowa and the distinguished Senator from California, it is that they would strike the appropriations process to lease UC-35 aircraft. We are not talking about—I took some notes—either Gulfstreams or Boeing 727s or Learjets and, as a matter of fact, I do not think, with all due respect to my colleagues, we are talking about pampering or molycoddling or glasses of champagne in regard to this aircraft.

We are talking about basically the operational support airlift aircraft, and the capability and the importance that these aircraft have in performing the missions as deemed appropriate by the Secretary of Navy, the Commandant of the Marine Corps, and the Secretary of Army, all three of which have put these particular aircraft—nine UC-35s—on their unfunded list.

So if we are going to go to "gulfstream.com"—I don't know if the Commandant of the Marine Corps has a dot com or the Secretary of the Navy or the Secretary of the Army, but they certainly had these aircraft on the unfunded list.

Now, let me talk a minute about the GAO report. The Senator from California was exactly right when she stated the response from the Department of Defense to the GAO and all the criticism of the GAO. As a matter of fact, let me say something about the GAO. It is a lot like an economist. I hope someday to find an expert witness from the General Accounting Office with one arm so he can't say "on the other hand." I don't know how many times, when I had the privilege of being the chairman of the House Agriculture Committee in the other body, we would have GAO reports that were highly critical of many of the programs that we had under our jurisdiction.

I am finding out in the Intelligence Committee, the Armed Services Committee, and, yes, the Agriculture Committee—we ought to have it before the Ethics Committee—but, at any rate, in these three committees, we still have expertise in the GAO. Sometimes it is very helpful and other times I think a little myopic.

But at any rate, this is what the Department of Defense says in regards to the GAO report. They agree.

The Department agrees with many of the findings in the GAO report. Accordingly, it will take the GAO's findings into consideration in future determinations of operational support airlift requirements.

So they agree that this inventory should be based solely on joint wartime readiness requirements of the commands as opposed to any kind of personal use, as described in great detail by my two friends and colleagues.

The Department appreciates the opportunity to comment on the GAO draft report.

I do not think that is the issue. The issue is whether or not we will lease nine. And they would go three to the Army, three to the Navy, and certainly three to the U.S. Marine Corps. They are on the unfunded list.

Now, if this amendment is successful, they will not be leased and they will not replace, as the distinguished chairman has pointed out, aging aircraft, C-12s. I think, over the long term, this will provide a greater test to see, under a cost-benefit standard, as to whether or not this is in the best interests of the taxpayer, as we provide this aircraft.

Mr. HARKIN. Will the Senator yield?

Mr. ROBERTS. I don't have time. I will see at the end, if I can ask for more time, and I would be delighted to yield to my good friend.

In war, this fleet—I am talking about operational support airlift aircraft—is maintained and ready to provide the commander quick transportation and to remote locations.

The distinguished Senator from Iowa said—if I can find my notes—that we are not at war. Well, we are not at war. Some people in Kosovo might challenge that. But we are involved in 141 nations. We have U.S. troops—men and women in uniform—in 141 nations. Fifty-five percent of all the nations in the world have U.S. troops stationed in those countries. The operational airlift capacity that is provided by these nine UC-35 aircraft is absolutely vital on those missions.

What am I talking about? Joe Ralston is the new Supreme Allied Commander. He took the place of Wesley Clark. The first obligation, as he told me in a courtesy call, is to pay as many courtesy visits as he can to his counterparts in Russia. How is he going to get there?

What happens if something breaks out in Kosovo? How does he get there? No, we are not at war, but in terms of our obligations and in terms of our military being stretched and stressed and hollow, it seems to me we ought to be very careful when we talk about operational support airlift aircraft.

Let me give you another example.

I have a congressional fellow in my office. He is an F-15 pilot. I know one case where his aircraft, in support of Operation Southern Watch—that is to prevent drugs from coming into this country—had to divert due to a massive fuel leak. Again, in regards to this operational support airlift aircraft, basically what happened, it was dispatched with maintenance crews and the very critical parts to fix the aircraft very quickly and return it to mission ready status.

That is what these aircraft are used for. As a matter of fact, I have here a statement that only 5 percent of these aircraft, in terms of missions, were ever even used by generals.

Here it is: In fiscal year 1999, less than 5 percent of the operational support missions were for generals or admirals. What does the 95 percent do? The operational support airlift mission does provide—as determined by the Secretary of the Navy, the Secretary of the Army, and the Commandant of the Marine Corps—efficient and effective transportation of commanders, key staff personnel, couriers, critical spare parts, and equipment in support of both peacetime and wartime operations.

These missions, according to the people who fly them, are typically unpredictable, high priority, and require very short notice in regards to the airlift of the people, the cargo, and the mail. These lifts are normally in support of contingency deployments—goodness knows, we have those today in 141 nations—not compatible with commercial transportation or larger aircraft.

The critical delays in the transportation of senior leaders, key staff per-

sonnel, urgently needed parts, supplies, and software could ultimately impact unit effectiveness and combat readiness.

I want to say, in closing, that my distinguished friend from Iowa referred to a so-called—I know he was not being specific in regards to the Marine Corps—“General Smith” in the Marine Corps who would look around to other generals who might have a Gulfstream or a 727 or a Learjet, or whatever, and say: Gee whiz, I would like to have that perk.

I just want to set the record straight. I asked the Marine Corps, I asked the Commandant: What about this statement, Mr. Commandant? I am talking about “General Jim Jones.” And this is the statement that worried me because it is very similar to the statements that have been made on the floor by the proponents of this amendment. The response was:

The Pentagon already has enough aircraft to taxi Generals and Admirals around the world. In fact, they have more than 300 executive aircraft, including more than 100 jets suitable to transport high-ranking officers.

I asked the Commandant, I said: Will you please comment about this statement. And the response was:

The 3 UC-35s are for Active Marine Corps forces, not the Navy.

The Marine Corps does not provide executive airlift.

Let me repeat that: The United States Marine Corps, according to the Commandant of the Marine Corps, does not provide executive airlift.

[The Marine Corps has] a small fleet (24) of Operational Support Airlift aircraft that are tied directly to a Joint Staff validated wartime requirement. . . .

These aircraft support Marine Forces deployed [around the world].

The need to replace—

And this is what the chairman of the committee was trying to point out—aging/obsolete CT-39G aircraft has been accelerated by the transfer of 2 of the Marine Corps 3 remaining CT-39s to the Navy. . . .

We do not even have the obsolete aircraft. That is nothing new for the Marine Corps. We do not even have that.

I continue with the answer in regards to that statement that has been stated by the Commandant:

The increased performance and short field capability of the UC-35 will ensure OSA support to forward deployed Marine Corps forces remains viable well into the 21st century.

Again, I am quoting from the Commandant:

The Marine Corps has placed 3 UC-35s on the Commandant's FY00 APN Unfunded Priority List in order to accelerate delivery to the West Coast and Okinawa to support Marine forces.

[These] Missions are typically unpredictable, high priority, and require short notice airlift of people, cargo, and mail. These lifts are normally in support of contingency deployments not compatible with commercial transportation, common user airlift, or other organic airlift.

That is a long way from being mollycoddled or thinking that you must

have a perk aircraft because some other admiral or general might have a perk aircraft.

I agree with the Senators from Iowa and California, we must make sure that the Department of Defense, as is indicated by their response, adheres to the GAO report, without question.

Nobody wants to soak the taxpayer for any kind of generals' special fleet. That is not what this does. This amendment would strike nine unfunded priority requests by the Secretary of the Army, the Secretary of the Navy, and the Commandant of the Marine Corps. I will put that dot com at the end of my remarks and hope people will pay attention to the people who have that responsibility.

I hope my colleagues will oppose the amendment.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

Mr. INOUE. Mr. President, I am not a pilot. However, I believe that in this body I spend more time on aircraft than other Members.

My home is in Hawaii. Whenever I leave the city of Washington to return home, I must prepare myself for 11 hours and 15 minutes of flight time. In that sense, I believe I am an experienced person when it comes to flying. However, in my case, because of the uncertainty of the schedule in the Senate, we cannot make reservations 3 or 4 months ahead of time. I have had a reservation for this Friday, but I just canceled that because I think we are going to be handling appropriations measures. As a result, if something should come about making it possible for me to fly back to Hawaii this Friday, I may be able to get a flight, leaving at some strange hour, economy class, which I don't mind. But at the end of the trip, I usually can get home to my apartment and spend an evening of rest.

The men who fly these planes have special responsibilities. When they get on a flight to go to Russia, they are not going to be escorted to a fancy hotel as soon as they land. They are expected to go to a meeting at that point. The least we can provide our commanders is some rest and some comfort before they get into some big business.

Secondly, these are not just any old aircraft. They have to be specially equipped. In wartime and in peacetime, these planes are their headquarters. They make command decisions on these flights. They are expected to be in contact with the men and women under their command at all times. We are fortunate. In a sense, we are 8-to-8 employees. We get to work about 8 o'clock and we leave work about 8. A military commander is like a police officer. He is on duty 24 hours a day. These aircraft must be equipped to be able to provide support for his 24-hour-a-day responsibility.

Yes, we do have 71 Learjets in the inventory at this time. That is a large fleet, 71 Learjets. But they are getting pretty old and inadequate for the assignments. Within 5 years, about 45 are going to be retired. Within 10 years, we will find that all of these will be gone.

We have 707s. I don't know how many of my colleagues have been flying on 707s recently, but they are considered pretty old, 35 years old. Whether we like it or not, we will have to retire these aircraft. Yes, we have C-22s, the 727. They are 25 years old. They can't last forever. They are going to be retired pretty soon.

A third consideration: This provision in our bill does not specify the name of the aircraft. We do this deliberately because we don't want to favor one company over another. If we put in the G-5 that we are favoring one company, the Grumman, or if we put in something else, we are going to be favoring another company. That is not our wish. We want this to undergo a competitive system. I think we have fulfilled that requirement by this amendment.

Overall, there is another consideration. We have been speaking of admirals and generals. Much of the time you will find that these aircraft are being used by our civilian leaders, Cabinet people. Just 2 days ago, the Secretary of State went to Syria, to Damascus, to attend the funeral of President Assad. She did not go on Pan American or TWA. She went on a military aircraft. I would hope that we Americans would want our Secretary of State to travel in an aircraft worthy of her position. We can easily say United Airlines is good enough for me, why is it not good enough for general so-and-so? Well, if he is going home for vacation, he should take United Airlines or Delta, whatever airlines he wants to take. But these aircraft are not being used for personal purposes. They are being used for military purposes. I hope we will understand this. I hope when the vote is called, we will vote against this.

I would support my colleagues from Iowa and California if I at any time thought these aircraft were perks. They are not perks. Any person who is willing to command troops and stand in harm's way in my behalf and in behalf of the people of the United States, I say a G-5 is good for them. If we get something better than that, so be it. Nothing is too good for them.

I hope my colleagues will support the leadership and managers of this measure and vote against this amendment.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 23 minutes remaining, and the Senator from California has 4 minutes.

Mr. STEVENS. Mr. President, I will yield to the Senator from California 2 minutes and apologize. She did recognize me for a four-line comment.

I yield myself what time I use to make this statement: The issue has been raised about large aircraft. That is a different issue. We have gone back and checked what this issue is. This is support aircraft. The Air Force told us today they will have to add \$900 million to the budget to maintain and upgrade the existing support aircraft for the next 10 years. Leasing these smaller aircraft to replace them will cost \$525 million over the next 10 years. If our pilot program works, these aircraft in what we call the CINC Support Pilot Program will save \$275 million. I think that is a good idea. It makes sense to try it for the UC-35s, and I hope the Senate will support that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank my friend from Alaska for giving me a little bit of time. I began to doubt my own memory, but I am glad that he agreed that I did, in fact, yield to him. Of course, I have tremendous respect for him, but I don't agree with him on this particular issue.

I want to address what one of my dearest friends in the Senate, Senator INOUE said. He said: I don't want to see our generals and people who put their lives on the line for their country flying around in a commercial jet.

I totally understand that. I didn't disagree with him on that. I say to my friend from Hawaii that I personally don't want the generals traveling around via United or TWA.

That is not what this is about. I want to make sure we have the appropriate number of operational support aircraft in the fleet. We know—because the GAO took a long time investigating—that in fact the joint staff has not maintained records documenting its previous requirement reviews, so it is not possible to determine whether some options for reducing requirements were examined.

I say to my friend from Hawaii that the issue isn't that we shouldn't have operational support aircraft. Of course, we have to and we must. But why on Earth do we go ahead in this appropriations bill with language identical to that which we saw last year which resulted in the Air Force going out with a proposal for six of the most expensive luxury jets? We now have the same language for nine jets. There is no limit on language that the Navy or the Army can come back with. That is why we

are structuring it. We are simply saying it would be fiscally responsible.

I am one of the people who, years ago when I was in the House, found—I forget how much it was—I think it was an \$11,000 coffeepot, something like that, and the expensive wrenches and spare parts the military was using. Every time I got up on the floor of the House I was truly lectured: You don't know what you are saying. There is no backup for this. Eventually they believed we were right. They weren't going out for competitive bids for these spare parts.

I question no one in this Senate in terms of their wanting the best defense we can have. But I don't think we get the best defense when we waste dollars.

I am suggesting that the language in this appropriations bill, believe it or not, doesn't have a cap. Am I right on that point? It has no cap. It has no dollar figure. It only caps the number of aircraft to nine. But if they do what the Air Force did—Senator STEVENS says they won't, and perhaps they won't—but if they did do what the Air Force said, it would be almost one-half billion dollars.

Our amendment says strike that language. Let's have more of a review. Let's not waste money.

We weren't born yesterday. We know people love to travel in luxury. There is not one person listening to this debate who wouldn't enjoy kicking back on this type of luxury jet.

Let's show a picture of it. That is not the question. But the issue is whether taxpayers have to spend that much money when we don't know what is in the requirements. We don't know what planes are in the Air Force, the Marines, or the Army. We do not have a study. It simply says operational support airlift requirements are not sufficiently justified. We don't know what is in the garage. Let's put it that way. That was the verb I was looking for. We don't know what is in the garage. Let's not go out and willy-nilly allow them to get an additional nine aircraft. These are beautiful aircraft. There is no question they are wonderful. But we were told: Oh, well. Maybe the Senator from Alaska believed that he said he fully expected them to get the Gulfstream. I remember the debate a little differently. The debate was that we were not sure what they were going to wind up getting. They were going to wind up getting these. Just because the Air Force has them doesn't mean we have to have them in the Army. It doesn't mean we have to have them in the Navy.

I think Senator HARKIN was right. He said he knows airplanes. He knows aircraft. This is about luxury. What the military should be about is mission. What is the mission? What do we need and what do we have? The GAO report clearly is telling us they do not know what they have.

I think it is rather embarrassing; they do not know what they have. Yet we are going ahead as if everything was wonderful. No one on our side of the argument—we had over 30 people last time—has ever said that we don't have anything but the greatest respect for our generals and our admirals. But we have respect for the taxpayers. Senators can argue with one another. I don't know what we appropriate for the GAO every year, but they have some very smart investigators. They made an investigation and said: We don't know what they have.

Why should we get any more until we really know for sure?

Thank you very much.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the operational support airlift fleet has decreased from 520 in 1995 to 364 today. We are reducing the number of these aircraft. Now we are starting a pilot project of leasing them to see if we can save even more money. But we must go through the concept of replacing these aging aircraft.

By the way, one last comment as a pilot: People say: Well, they can land and take off, and they can land and take off, and they can land and take off. I am also a pilot. Every time you let down and land and take off again, you use more fuel than if you fly straight through. These planes are designed to save us money by having "the legs," as we call it, to go the distance and not have to stop and burn more fuel as they land and take off.

Does the Senator wish any more time?

Mr. President, I yield the remainder of my time. I serve notice that I intend to move to table the amendment of the Senator from California.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, I need to find out whether it is proper for us to go ahead and have this vote now. We had intended to complete the Wellstone amendment. Does it meet with the approval of both sides to proceed with this amendment now? I want to make a statement before we have the rollcall.

The PRESIDING OFFICER. The yeas and nays have been asked for.

Mr. STEVENS. I agree with the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, following this vote, I ask unanimous consent that there be 4 minutes equally divided on the Wellstone amendment so the Senator can explain his amendment and we can respond.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Following that, it is my intention to move to go to third reading and have final passage on this bill. I serve notice on all those involved that we will have a managers' package following the vote on this amendment before taking up the Wellstone amendment. If there is no further objection, after the Wellstone amendment, we will go to third reading and have final passage immediately after that.

Mr. President, I ask unanimous consent that there be no further second-degree amendments to any amendment on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to lay on the table amendment No. 3311. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—65

Akaka	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Moynihan
Bingaman	Gregg	Murkowski
Bond	Hagel	Nickles
Breaux	Hatch	Reed
Brownback	Helms	Roberts
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Campbell	Hutchison	Shelby
Chafee, L.	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Voinovich
DeWine	Lieberman	Warner
Dodd	Lott	

NAYS—32

Abraham	Feinstein	Mikulski
Baucus	Graham	Murray
Bayh	Grams	Reid
Boxer	Grassley	Robb
Bryan	Harkin	Sarbanes
Byrd	Johnson	Schumer
Conrad	Kennedy	Sessions
Dorgan	Kohl	Torricelli
Durbin	Lautenberg	Wellstone
Edwards	Levin	Wyden
Feingold	Lincoln	

NOT VOTING—3

Domenici	Rockefeller	Specter
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The amendment (No. 3311) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be added to the Baucus amendment No. 3372 as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3177, AS MODIFIED, 3178, AS MODIFIED, 3282, AS MODIFIED, 3285, AS MODIFIED, 3287, AS MODIFIED, 3290, AS MODIFIED, 3294, AS MODIFIED, 3295, AS MODIFIED, 3297, AS MODIFIED, 3313, AS MODIFIED, 3333, AS MODIFIED, 3340, AS MODIFIED, 3345, 3347, AS MODIFIED, 3359, AS MODIFIED, 3361, 3372, AS MODIFIED, 3376, AND 3377, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk the second managers' package with the amendments that have been agreed to on both sides, as modified. I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 3177, As Modified, 3178, As Modified, 3282, As Modified, 3285, As Modified, 3287, As Modified, 3290, As Modified, 3294, As Modified, 3295, As Modified, 3297, As Modified, 3313, As Modified, 3333, As Modified, 3340, As Modified, 3345, 3347, As Modified, 3359, As Modified, 3361, 3372, As Modified, 3376, and 3377) were agreed to en bloc, as follows:

AMENDMENT NO. 3177, AS MODIFIED

(Purpose: To set aside \$6,000,000 to support smart maps and other intelligent spatial technologies)

At an appropriate place in the substituted original text, insert the following:

SEC. . Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be made available to support spatio-temporal database research, visualization and user interaction testing, enhanced image processing, automated feature extraction research, and development of field-sensing devices, all of which are critical technology issues for smart maps and other intelligent spatial technologies.

AMENDMENT NO. 3178, AS MODIFIED

(Purpose: To set aside \$7,000,000 for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program)

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the funds appropriated in title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to \$7,000,000 may be made

available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

AMENDMENT NO. 3282, AS MODIFIED

(Purpose: To state the sense of the Senate regarding the payment by the Secretary of the Air Force of \$92,974.86 to the New Jersey Forest Fire Service as reimbursement for costs incurred in fighting a fire resulting from a training exercise at Warren Grove Testing Range, New Jersey)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should, using funds specified in subsection (b), pay the New Jersey Forest Fire Service the sum of \$92,974.86 to reimburse the New Jersey Forest Fire Service for costs incurred in containing and extinguishing a fire in the Bass River State Forest and Wharton State Forest, New Jersey, in May 1999, which fire was caused by an errant bomb from an Air National Guard unit during a training exercise at Warren Grove Testing Range, New Jersey.

(b) SOURCE OF FUNDS.—Funds for the payment referred to in subsection (a) should be derived from amounts appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD".

AMENDMENT NO. 3285, AS MODIFIED

(Purpose: To set aside \$18,900,000 to meet certain unfunded requirements for MH-60 aircraft of the United States Special Operations Command)

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the funds appropriated in title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to \$18,900,000 may be made available for MH-60 aircraft for the United States Special Operations Command as follows: up to \$12,900,000 for the procurement of probes for aerial refueling of 22 MH-60L aircraft, and up to \$6,000,000 for the procurement and integration of internal auxiliary fuel tanks for 50 MH-60 aircraft.

AMENDMENT NO. 3287, AS MODIFIED

(Purpose: To provide for the conveyance of an Emergency One Cyclone II Custom pumper truck to the Umatilla Indian Tribe, the current lessee)

Under the heading CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE insert before the period the following: "Provided further, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1-98-L-0001 to the Umatilla Indian Tribe, the current lessee".

AMENDMENT NO. 3290, AS MODIFIED

At the appropriate place in the bill, add the following new section:

"SEC. . (a) PROHIBITION.—No funds made available under this Act may be used to transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the national Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad."

AMENDMENT NO. 3294, AS MODIFIED

(Purpose: To make available \$5,000,000 for research, development, test, and evaluation for the Air Force for Advanced Technology (PE603605F) for the LaserSpark countermeasures program)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$5,000,000 may be made available under Advanced Technology for the LaserSpark countermeasures program.

AMENDMENT NO. 3295, AS MODIFIED

(Purpose: To make available \$3,000,000 for research, development, test, and evaluation, Defense-Wide for Logistics Research and Development Technology Demonstration (PE603712S) for a Silicon-Based Nanostructures Program)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" for Logistics Research and Development Technology Demonstration, up to \$2,000,000 may be made available for a Silicon-Based Nanostructures.

AMENDMENT NO. 3297, AS MODIFIED

(Purpose: To make available \$50,000,000 for research, development, test and evaluation, Defense-Wide for directed energy technologies, weapons, and systems)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE," up to \$50,000,000 may be made available for High Energy Laser research, development, test and evaluation (PE 0602605F, PE 0603605F, PE 0601108D, PE 0602890D, and PE 0603921D). Release of funds is contingent on site selection for the Joint Technology Office referenced in the Defense Department's High Energy Laser Master Plan.

AMENDMENT NO. 3313, AS MODIFIED

(Purpose: To modify the funds available to offset the effects of low utilization of plant capacity at the Arsenals)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY" for Industrial Mobilization Capacity, \$56,500,000 plus in addition \$11,500,000 may be made available to ad-

dress unutilized plant capacity in order to offset the effects of low utilization of plant capacity on overhead charges at the Arsenals.

AMENDMENT NO. 3333, AS MODIFIED

(Purpose: To make available up to \$3,000,000 for Other Procurement for the Air Force for certain analyses of the restart of the production line for the U-2 aircraft)

In the appropriate place in the Bill, insert the following:

SEC. 8126. Of the amounts appropriated in title III under the heading "OTHER PROCUREMENT, AIR FORCE", \$3,000,000 shall be made available for an analysis of the costs associated with and the activities necessary in order to reestablish the production line for the U-2 aircraft, at the rate of 2 aircraft per year, as quickly as is feasible.

U-2 AIRCRAFT

Mr. BYRD. Mr. President, I thank the managers for accepting my amendment making up to \$3 million available to analyze the cost and feasibility of restarting the production line for the U-2 aircraft at a production rate of two aircraft per year.

The U-2 has proven itself to be the workhorse of our airborne intelligence reconnaissance system. We saw the value of its capabilities graphically demonstrated during the Kosovo air operation, where it was an integral part of the air strike mission. Unfortunately, the Kosovo air operation also revealed how bare the cupboard is in terms of U-2 aircraft. The scarcity of U-2 aircraft in our inventory—fewer than three dozen operational aircraft—was sharply accentuated by the Kosovo crisis. To move our U-2 assets into Kosovo, we were forced into the difficult position of drawing down our U-2 capabilities in other theatres.

Would the Chairman agree that U.S. commanders-in-chief around the world, including the Southern Command, which is in charge of intelligence relating to the drug war in Colombia, rely extensively on the U-2 and yet lack the assets needed to completely fulfill their requirements, so that even in the absence of a regional crisis such as Kosovo, our U-2 resources are thinly stretched?

Mr. STEVENS. The Senator is correct. We do, of course, have satellites that provide regular intelligence, but in terms of special missions and real-time needs on the ground, the reconnaissance capabilities provided by aircraft such as the U-2 and UAV are irreplaceable.

Mr. BYRD. Given the current attrition rate of U-2 aircraft, approximately one a year, the situation will only worsen. Moreover, I understand that the research and development effort to develop unmanned aerial vehicles such as Global Hawk, while promising, is still immature. Yet we do not now have a U-2 production line in place to replace the aircraft that we lose through attrition. In the interests of ensuring that we have an adequate inventory of

reconnaissance aircraft to meet the needs of the commanders-in-chief, would the Chairman agree that it would be prudent for the Defense Department to keep its options open and, at a minimum, prepare an analysis of the cost and feasibility of restarting the U-2 production line?

Mr. STEVENS. I concur with the Senator. This is a matter on which the Committee should seek more thorough analysis.

Mr. BYRD. I am hopeful that my amendment will provide that analysis. It is my intent, and I hope the Chairman would agree, that the findings of this analysis should be provided to Congress in an unclassified report prior to next April, when the next budget will be considered, so that we will have the necessary information on which to base our decisions.

Mr. STEVENS. I agree that such a report would be useful and timely, and I look forward to receiving it.

Mr. BYRD. I thank the chairman for his attention and his support.

AMENDMENT NO. 3340, AS MODIFIED

(Purpose: To provide for the operation of current Tethered Aerostat Radar System (TARS) sites)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) Of the funds appropriated in title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", up to \$23,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

AMENDMENT NO. 3345

(Purpose: To set aside funds for maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma)

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$3,800,000 may be available for defraying the costs of maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

AMENDMENT NO. 3347, AS MODIFIED

(Purpose: To provide \$5,000,000 to support a tropical remote sensing radar)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title VI under the heading "COUNTER-DRUG ACTIVITIES, DEFENSE", up to \$5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

AMENDMENT NO. 3359, AS MODIFIED

(Purpose: To repeal the prohibition on use of Department of Defense funds for the procurement of a nuclear-capable shipyard crane from a foreign source)

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

AMENDMENT NO. 3361

(Purpose: To establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance)

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds provided within Title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

AMENDMENT NO. 3372, AS MODIFIED

(Purpose: To set aside for preparation and training for the digitization of FA-18 aircraft technical manuals, \$5,200,000 of the amounts appropriated for the Navy for RDT&E for the Navy technical information presentation system)

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for the Navy technical information presentation system, \$5,200,000 may be available for the digitization of FA-18 aircraft technical manuals.

AMENDMENT NO. 3376

(Purpose: To add funding to the Title II, Defense-wide, Research, Development, Test, and Evaluation, for the Virtual Worlds Initiative)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available in Title II under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION" (DEFENSE-WIDE) up to \$2,000,000 may be made available to the Special Reconnaissance Capabilities (SRC) Program for the Virtual Worlds Initiative in PE 0304210BB.

AMENDMENT NO. 3377

(Purpose: To add funding to the Procurement of Ammunition, Marine Corps for procurement of ROCKETS, ALL TYPE, 83mm HEDP)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available in Title III under the heading "PROCUREMENT OF AMMU-

NITION, NAVY/MARINE CORPS, up to \$5,000,000 may be made available for ROCKETS, ALL TYPE, 83mm HEDP.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3366, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be 4 minutes equally divided on the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, parliamentary inquiry: Can I go to third reading now?

The PRESIDING OFFICER. There is an order for 4 minutes of debate on the Wellstone amendment, followed by a vote on the Wellstone amendment.

Mr. STEVENS. Following that, I will move to go to third reading.

The PRESIDING OFFICER. Who yields time on the Wellstone amendment?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is a \$290 billion budget altogether. This amendment takes \$1 billion from procurement, not from readiness. This takes \$1 billion. This overall budget is \$3 billion more than the President requested. It puts the money into the title I program.

This is a matter of priorities. This is a program that helps poor children in America, never mind that it helps them do better in school, never mind that it helps them graduate, never mind that it helps them contribute to our economy, never mind that it leads to less high school dropout, never mind it leads to less children winding up incarcerated and in prison.

Vote for this because most of these children are under 4 feet tall and they are all beautiful and they deserve our support.

The title I program is funded right now at a 35-percent level. This is a matter of priorities.

People in the country believe we should do better by these children. We should do better by these children. It is \$1 billion out of all the procurement—\$57 billion—that goes to children in title I.

I hope Senators will vote for this.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, this is a strange circumstance. The Senator's amendment, really, would be subject to a point of order if we had already raised the caps. We have not raised the caps, so this is not the time to make a point of order. But it is the time to point out that the Senator's amendment would move money from defense

into education, and it would violate the principle of the wall that we put up between defense and nondefense.

I do hope that the Senate will support the committee in voting to table, and I do move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. STEVENS. I do.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back his time?

Mr. WELLSTONE. I yield back my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question occurs on agreeing to the motion to table Wellstone amendment No. 3366, as modified.

Mr. STEVENS. Mr. President, this is a 10-minute vote; is that correct?

The PRESIDING OFFICER. I remind the body, this is a 10-minute vote.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—83

Abraham	Edwards	Lieberman
Akaka	Enzi	Lincoln
Allard	Feinstein	Lott
Ashcroft	Fitzgerald	Lugar
Baucus	Frist	Mack
Bayh	Gorton	McCain
Bennett	Graham	McConnell
Biden	Gramm	Mikulski
Bingaman	Grams	Moynihan
Bond	Grassley	Murkowski
Breaux	Gregg	Nickles
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Sessions
Chafee, L.	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Stevens
Coverdell	Kerrey	Thomas
Craig	Kerry	Thompson
Crapo	Kohl	Thurmond
DeWine	Kyl	Voinovich
Domenici	Landrieu	Warner
Dorgan	Levin	

NAYS—15

Boxer	Harkin	Reid
Daschle	Lautenberg	Schumer
Dodd	Leahy	Torricelli
Durbin	Murray	Wellstone
Feingold	Reed	Wyden

NOT VOTING—2

Rockefeller	Specter
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The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3176, AS MODIFIED

(Purpose: To add \$6,000,000 for research, development, test and evaluation, Defense-wide, for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces)

Mr. STEVENS. Mr. President, I apologize to the Senate. There is one amendment we left out of the managers' package. I would like to present it at this time. It is amendment No. 3176, as modified.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3176), as modified, was agreed to as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amounts appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be made available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the information of the Senate, I was just asked why we didn't raise rule XVI to the amendments that were on the list. Although they were introduced, they were not called up. So the point of order has not been raised because they were not called up. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I now ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

NAVAL ACADEMY BOARD OF VISITORS

Mr. COCHRAN. Mr. President, at the Naval Academy Board of Visitors meeting this week I learned that the Naval Academy is required to use funds generated by the Visitor's Center to repay a long-term government loan. I believe that these funds would be better utilized by the Midshipmen Welfare Fund that supports extra-curricular activities not covered by appropriated funds. Knowing of the strong leadership of the chairman and the Senator from Hawaii and support of our Service Academies, I inquire as to whether they would be willing to review this repayment program in conference, and if the facts merit, work to eliminate this requirement?

Mr. STEVENS. Mr. President, I want to assure the Senator that I will work with him and the other interested members to ensure that this matter is addressed in our conference in a manner that will provide a favorable resolution for the Academy.

Mr. INOUE. Mr. President, I join with my chairman and will work to favorably resolve this item in conference.

C-5 AVIONICS MODERNIZATION PROGRAM

Mr. BIDEN. Mr. President, first, I want to thank the Chairman for taking the time to discuss an issue that is very important to my colleagues, myself, and national security—the modernization of our strategic airlift fleet.

In this year's Defense Appropriations report, there is a restriction on using procurement funds for avionics upgrades of the C-5As. The Report also appears to restrict the High Pressure Turbine Replacements. I do not believe that was the Committee's intent.

Mr. STEVENS. That is correct. The Committee does not believe this report language limits replacing C-5 High Pressure Turbines. Those replacements should occur to the entire C-5 fleet based on Defense Department requirements.

Mr. BIDEN. I understand, however, that the Committee is concerned about the Avionics Modernization Program (AMP) for the C-5 As. Just to clarify, there are two models of C-5s in the Air Force, 76 of the older A-model and 50 of the newer B-model. The C-5's mission is to take heavy loads over a long-distance. It is capable of carrying more cargo farther than any other plane in the United States' military.

In particular, the C-5 regularly runs missions to and from Europe and the Pacific and the United States. For this reason, compliance with the International Civil Aviation Organization's rules in high-density flight areas is important for the entire fleet of C-5s. The AMP will bring C-5 aircraft into compliance with the new Global Air Traffic Management (GATM) standards established by the International Civil Aviation Organization. Compliance with GATM is important because it allows aircraft to use more operationally efficient airspace and lowers operational costs.

This is one of the reasons that the Senate Committee on Armed Services specifically requested that the Secretary of the Air Force proceed to test AMP upgrades on both A and B models in its Fiscal Year 2001 Defense Authorization Report and that both defense committees in the House of Representatives supported this program for the entire C-5 fleet.

Mr. STEVENS. The Committee is aware of the new standards, but is concerned that the Air Force is not investing in the proper mix of modernization and new aircraft to meet our strategic airlift needs.

We are still waiting to receive the long overdue Mobility Requirements Study 2005 (MRS '05) that will clearly lay-out what our strategic airlift needs will be for the foreseeable future. In addition, once that requirement is clear, we will get the Air Force Analysis of Alternatives for Outsized/Oversized Airlift (AoA). This study will provide a clear understanding of what mix of aircraft will most efficiently and effectively meet the operational requirements of the military.

When the Chairman of the Joint Chiefs of Staff, General Shelton, testified before our Committee, he expressed reservations about making further investments in the C-5A fleet.

Mr. BIDEN. I share the Senator's concern that we have still not received MRS '05 and the AoA. However, my conversations with the Air Force lead me to believe that both A and B model planes are expected to be flown by the Air Force for 20 to 40 years to come, whether in Active-duty, Reserve, or Guard units.

While I know that no one in the Senate cares more about the safety of our military personnel than my colleague from Alaska, I remain concerned that some increased risk will be incurred by aircrews flying planes that have not had AMP upgrades. AMP also includes the installation of important safety features like Traffic Alert and Collision Avoidance System and an enhanced all weather navigational system, the Terrain Awareness and Warning System. Some of these systems were mandated by Congress after the tragic death of Secretary Ron Brown.

Mr. STEVENS. The Senator is correct, I do not believe that the Committee's language endangers any of our aircrews. Instead, it is a delaying mechanism to prevent investing in these planes before we are sure that they will be flying for the next 20 years. If, in fact, these studies suggest that, then we will take another look at the needs of the A-models.

Mr. BIDEN. I appreciate that commitment by my colleague. I would also like to clarify with the Senator from Alaska that he supports proceeding with AMP for the B-models.

Mr. STEVENS. The Senator is correct.

Mr. BIDEN. In that case, I think it important to consider the difficulty of proceeding with upgrading the C-5Bs without A models available to do regular missions to Europe where the compliance issues could become a problem.

In addition, if I am correct about the continued use of the C-5As for decades to come, then not proceeding with the AMP for the A models will create a set of new problems.

First, efficient use of aircrew members and crew interfly will be prevented because of the dissimilarities that would exist between A and B model

avionics and navigation systems. This is particularly problematic when additional aircrew members are needed to meet Major Theater War requirements.

Second, by attempting to maintain two separate avionics and navigation systems within the relatively small C-5 fleet (126 airplanes), additional spares and support equipment will be necessary with increased unit costs.

Already, the C-5 has been particularly hard-hit by the lack of necessary parts. This is likely to exacerbate that problem.

Last, the language will also create changes in the existing contracts for these on-going programs. Until we know for sure what MRS '05 and the AoA will say, creating this new difficulty does not make sense.

Mr. STEVENS. Again I say to the Senator that I think Chairman Shelton's testimony was very persuasive. He urged against using our scarce airlift resources on the A-model upgrades. However, my friend makes a good point that changing the program at this point, before we receive MRS '05 and the AoA may be premature. I am willing to re-examine this issue when we go into the Conference with the House.

Mr. BIDEN. I thank the Senator for taking another look at this critical issue and again say that I agree with him on the need to get the Joint Chiefs of Staff and the Air Force to submit their overdue studies.

Mr. ROTH. Mr. President, I would like to follow-up on what my colleague from Delaware has just mentioned.

First and foremost, I would like to thank the Chairman of the Appropriations Committee for accepting my amendment No. 3352, which was co-sponsored by Senator BIDEN. This amendment restores full funding (\$92.5 million) for Research, Development, Test and Evaluation funds for C-5 modernization programs, including the C-5 Reliability Enhancement and Re-engining Program. This amendment, in addition to the Committee recommendation of \$95.4 million requested by the Pentagon in procurement funds for C-5 modernization programs, will allow the current C-5 Galaxy modernization programs to continue for the upcoming Fiscal Year.

I would like to point out the only question that we are discussing now is which C-5 Galaxies will be modernized. I would like to thank the Chairman of the Appropriations Committee for clarifying the committee's position on the C-5 High Pressure Turbine modernization. I also thank the Chairman for agreeing to consider allowing the expenditure of procurement funds for the Avionics Modernization Program (AMP) on the C-5A models.

Just yesterday, I was at Dover Air Force Base, home to 26 C-5Bs and 10 C-5As. Each year, the community leaders, the base leadership, and the Dela-

ware congressional delegation meet to discuss issues important to the Air Base. During a presentation by Colonel S. Taco Gilbert III, the commander of the 436th Airlift Wing at Dover, he mentioned the importance of this program for safely and efficiently operating the Galaxy.

The AMP will allow the C-5 to operate safely, effectively and more reliably. Features like the Traffic Alert and Collision Avoidance System (TCAS) and the Terrain Awareness and Warning System are important safety measures for the crews flying our C-5s. Bringing the C-5 into compliance with the Global Air Traffic Management standards will allow the C-5 to use advantageous flight paths and reduce fuel consumption and other costs. Finally, the new equipment will increase the reliability rates for the C-5 Galaxy and allow off-the-shelf replacements for hard to replace parts.

Mr. COVERDELL. Mr. President, my three colleagues have discussed in great detail the issues surrounding C-5A modernization efforts. I understand the Chairman's concern with modernizing the C-5A and believe that we must take a serious look at how it fits into our nation's airlift requirements—an effort that is currently underway. At the same time, I believe it is important for us to keep our options open and slowing C-5A modernization efforts now might prove costly in the future, for the very reasons given by the Senator from Delaware.

I am pleased that the Chairman is willing to re-examine this issue in conference. I am also thankful to the junior Senator from Delaware for his leadership on this issue. I thank the Chair.

CASA C-212

Ms. COLLINS. I would like to take a moment to discuss with the distinguished Chairman of the Senate Committee on Appropriations the potential needs of the Army National Guard and the Special Forces Groups, in particular the 10th and the 20th Special Forces Groups, for a short take-off and landing, fixed wing aircraft to meet their training and mission requirements. Special Forces units, in particular, require such aircraft to get in and out of "hot spots" and other situations and areas where no landing field exists.

Mr. STEVENS. I appreciate the distinguished Senator from Maine addressing the utility of a multi-function short take-off and landing fixed wing aircraft for the Army National Guard and the Special Forces Groups.

Ms. COLLINS. I am concerned that the Special Forces Groups and the Army National Guard do not have sufficient aircraft available to meet their needs. In fact, I have been informed that, between October of 1998 and September of 1999, the 10th and the 20th Special Forces Groups could not support 23 missions because of the lack of

aviation support available. As such, I would ask that the Army National Guard and the Special Forces Groups assess their needs for a short take-off and landing fixed wing aircraft and, in particular, the C-212 STOL fixed wing aircraft. I ask further that the Army National Guard and the Special Forces Groups report to Congress on the results of their assessments within six months so that we can determine whether funds should be appropriated in fiscal year 2002 for the purchase of such aircraft. Mr. Chairman, do you support such an assessment and report to Congress?

Mr. STEVENS. I do and will be interested in personally reviewing the reports in advance of the fiscal year 2002 appropriations cycle. I thank my colleague for her dedication and commitment to the armed forces.

Ms. COLLINS. I thank the distinguished Chairman for his continued support for our nation's national defense.

TITLE III: SHIPBUILDING AND CONVERSION, NAVY

Ms. SNOWE. Mr. President, I seek recognition with the distinguished chairman of the Appropriations Committee, the senior Senator from Alaska to discuss a very important matter to our national security. Both the House and Senate versions of the FY2001 national Defense authorization bill contain provisions that supported the President's budget request and authorized \$1.51 billion for Navy procurement of two LPD-17 amphibious ships in FY2001.

The LPD-17 program is a critical ship for the modernization of the Navy's amphibious force. It will carry more than 700 Marines and the equipment and means for them to get ashore and perform their mission—whether that mission is combat related, peace-keeping or in response to crisis throughout the world. It is a Commandant of the Marine Corps, before the Senate Armed Services Committee that “there are no underutilized amphibious ships,” and the testimony by Lieutenant General Rhodes before the Seapower Subcommittee where he stated that “the operational flexibility and forward presence our Amphibious Ready Groups represent will be significantly enhanced with the FY03 delivery of the first of 12 LPD-17 amphibious ships.” He further stated, “these ships will overcome amphibious lift shortfalls.”

Mr. STEVENS. Mr. President, I would like to join my colleague, the senior Senator from Maine, in recognition of the importance of the LPD-17 program and the importance of these ships to the overall modernization program of the Navy and Marine Corps. During consideration of the FY2001 Defense appropriations bill, concern regarding delays in the design and construction of the lead LPD ship at the lead shipyard led to a decision by the

Committee to defer funding for the fifth and sixth ship of the class. The Committee did, however, recommend a total of \$485 million for this program.

Ms. SNOWE. Mr. President, I appreciate my colleague from Alaska's support for the LPD-17 program, and would like to take a few minutes to discuss with the distinguished chairman the critical need for these ships.

Mr. STEVENS. I have always been a supporter of the LPD-17 program and the Committee very much appreciates the need for the lift capacity of this ship. In fact, it is my understanding that the *San Antonio* and her 11 sister ships will be the functional replacement for four classes of older amphibious ships. And in 2008, when the last LPD-17 class ship is scheduled to join the fleet, the amphibious force will consist of 36 ships or 12 three-ship Amphibious Ready Groups (ARGs) consisting of one LHA or LHD, one LPD and one LSD.

Ms. SNOWE. Thank you, Mr. Chairman, for making that point. As I discussed during the debate last week on the fiscal year 2001 Defense Authorization bill, the Armed Services Committee is working hard to come to terms with the force levels necessary to accomplish the many missions our Navy and Marine Corps are called on to accomplish.

The increase to war fighting capability that LPD-17 brings is critical to our naval force's future success. The LPD-17's ability to accommodate new equipment, such as the Advanced Amphibious Assault Vehicle (AAAV), the Landing Craft Air Cushioned Vehicle (LCAC) and the vertical lift MV-22, and the remarkable communications, integrated computer technology and quality of life improvements are the qualities of the ship that the Marine Corps and Navy need to support the National Strategy and the Marine Corps' doctrine of Operational Maneuver From The Sea.

Mr. STEVENS. I thank the Senator from Maine for her work to establish and hold the necessary shipbuilding rate for the nation's defense. I also recognize that the sustained investment of \$10 to \$12 billion in the shipbuilding account is necessary to maintain a minimum shipbuilding rate of 8.7 ships per year.

Specifically, in regard to the LPD-17 program, the committee recognizes that the Navy has never employed such a rigorous new approach for a new class of ships—wherein the goal is to have 95 percent of the design work completed before construction begins, rather than much lower levels in previous designs. This is an important fact, because it means the design work will lead to efficient construction of these ships, and set the standard for the next generation ship designs.

Ms. SNOWE. As always I am impressed by the chairman's knowledge

and his grasp of the issues. We have worked closely over the past few weeks to determine how the Navy and industry stand in regard to their progress with this new ship class, and I appreciate that we are in agreement as to the value and need for this critical ship. I look forward to our continued work together in support of this program.

Mr. STEVENS. I thank my colleague for her dedication to this issue. During our trip to the shipyard in her state to examine new facilities and to meet with company officials first hand, I was impressed with the level of leadership, innovation, workmanship and coordination. I am also encouraged by information that has been forthcoming from the Navy and industry regarding their progress in resolving possible LPD-17 program management issues. It is my intent that should additional funding become available, it will be applied to the uninterrupted construction of these necessary ships.

Ms. SNOW. Again, I thank the chairman for his forthrightness, his knowledge and his desire to keep American strong. I would also like to commend him for his continued dedicated efforts to our men and women in uniform and the efforts he has undertaken in this most important appropriations bill to provide them with the compensation, tools and equipment they need to maintain America's pre-eminence in the world.

SUSTAINABLE GREEN MANUFACTURING

Mr. LAUTENBERG. Mr. President, I rise in support of the Sustainable Green Manufacturing initiative. This is an important effort to help the Army reduce pollution in its key manufacturing processes by introducing clean technologies and techniques onto production lines. Partners in this initiative include the TACOM Armament Research and Development and Engineering Center at Picatinny Arsenal, the National Defense Center for Environmental Excellence, The New Jersey Institute of Technology, and the Physical Science Laboratory of New Mexico State University.

Mr. President the objectives of this initiative include the promotion of sound environmental principles in design, material selection and manufacturing of Army products; the reduction of Army costs throughout the product life-cycle by efficient use of resources; the development of sound and environmentally benign manufacturing practices by using the highest quality science and technology and applying these practices, methods and materials to the acquisition process. The House provide \$7 million for this program in its Appropriation Bill and I urge the distinguished Chairman and Ranking Member Senator STEVENS and Senator INOUE to work during conference to provide this level of funding for this important program.

Mr. STEVENS. Let me assure my colleague from New Jersey that I am aware of this important effort and I will do what I can in conference to ensure that the Sustainable Green program receives funding in FY2001.

Mr. INOUE. I too want to tell my friend from New Jersey that I will work with our chairman in conference to ensure funding for this important program.

CONFIGURATION MANAGEMENT INFORMATION SYSTEM

Ms. LANDRIEU. Mr. President, I rise today to bring the Senate's attention to an important initiative called the Configuration Management Information system. CMIS was developed in an effort to provide the Department of Defense with a standard system that addresses the configuration structure and management requirements of complex military weapons systems, to include their hardware and software. Originally developed in 1990 to support Military Sealift Command's configuration management requirements, the CMIS architecture was identified as the best CM database structure across all DOD. CMIS has progressed through a series of incremental development cycles to include demonstrating compliance with Y2K requirements. Currently, responsibility for the CMIS database architecture is assigned to the Naval Air Systems Command for deployment into the operational environment.

Xeta International Corporation has been tasked by the CMIS Program Management Office to identify platforms of weapons systems data for migration into CMIS. These platforms include the EA-6B, F-14, H-60, DD-21, DDG-51, F-15, and F-16. Additionally, Xeta has been tasked with the responsibility to liaise and collect this data from various DOD Program Management Offices throughout the military. Xeta extracts the configuration management data from existing legacy databases, engineering drawings and other technical documentation in an effort to accurately populate data fields within the CMIS architecture. Once populated, this "cradle-to-grave" configuration management repository is utilized in many ways by a variety of DOD offices as well as contractors in order to accurately configure the product and to support life cycle maintenance of the weapons systems platforms. Additionally, Xeta has been tasked to develop a CMIS security capability (to include a multilevel secure computer environment) when operating in a Local or Wide Area Network (LAN/WAN).

Unfortunately, Mr. President, no additional funds were included in the Senate bill for this project. I would like to ask my friend from Alaska, Senator STEVENS, whether he is aware of these potential shortfalls?

Mr. STEVENS. Mr. President, I appreciate being made aware of the im-

portance of the CMIS project, and that this program's goal will ultimately lead to great savings to the services by decreasing life cycle costs of a variety of weapon systems.

Ms. LANDRIEU. Mr. President, I thank the gentleman from Alaska for those remarks. I concur that this is a project important for both Louisiana and the services. For that reason, I hope the Senator from Alaska would agree that the funding of this project should be a priority within the Navy's Operations and Maintenance accounts.

Mr. STEVENS. Mr. President, CMIS needs support to be fully realized. The Department of the Navy should ensure that the funds within the President's budget are applied to this priority. I am hopeful that additional funds can be made available to fully implement CMIS.

Ms. LANDRIEU. Mr. President, again, I thank the chairman, and I look forward to working with him on this project.

DEFENSE HEALTH PROGRAM

Mr. HATCH. Mr. President, I want to commend the chairman, the senior Senator from Alaska, and the ranking minority, the senior Senator from Hawaii, for their long and effective leadership in evolving the Defense Health Program. The Senate bill added nearly \$700 million to the President's request, funding the total Defense Health Program at \$12.1 billion for FY01. And, of great importance to me and many other members of this body, the Committee has once again committed the Department of Defense's medical science capabilities to the management of a major cancer research program, extending to breast, prostate, cervical, lung, and other cancers. There is over \$330 million in this bill dedicated to cancer-related research.

I would like to bring to the attention of the distinguished chairman and the ranking minority member an important area of cancer research—the investigation of genealogical and genetic databases that can uncover medical precursors to cancer in humans. My state of Utah has a history of genealogical research that is known to the millions of Americans who routinely visit the family history websites that originate from Utah. But millions of Americans are also potentially benefiting from a lesser known program. This program is currently developing a genealogical database that will help identify and predict genetic structures associated with the development and, hopefully, prevention of, cancer.

Mr. President, I wish to make you aware of the Utah Population Database which is a very promising development in the area of genealogical research related to cancer. This data base is housed at the University of Utah where scientists are learning to use this unique comprehensive genealogical set of data to help predict, detect, treat,

and prevent cancer. I am therefore asking the distinguished chairman and ranking minority member to support the continued development and use of the Utah Population Database by increasing the University of Utah's program for genealogical cancer research in the coming fiscal year by an additional \$12.5 million.

Mr. STEVENS. Mr. President, I thank the senior Senator from Utah for his kind remarks. The ranking member and I remain fully committed to continuing DOD participation in the national cancer research program. I want to assure the Senator that National Cancer Institute-designated comprehensive cancer centers, like the Huntsman Cancer Institute of Utah, are an important part of cancer research and a necessary element to the DOD effort. I find the Senator's request entirely reasonable and intend to assist this anticancer effort.

Mr. INOUE. Mr. President, I, too, commend the Senator from Utah for his continuing support of this committee's effort to expand and improve cancer research. This is an important topic in my state of Hawaii, where the Cancer Research Institute at the University of Hawaii has been long committed to finding treatments for the many varieties of cancer common not only to Hawaii but to the rest of the nation. I strongly support the commitment of the chairman to the request made by the Senator from Utah.

NAVY INFORMATION TECHNOLOGY CENTER

Ms. LANDRIEU. Mr. President, I rise today to express my thanks for the manager's package that provides an additional fifteen million dollars in Navy O&M and RDT&E funding for the Navy Information Technology Center (ITC) in New Orleans.

This additional funding represents an important portion of the request made by myself and the senior Senator from Louisiana, Senator BREAU. The Appropriations Committee's action ensures that the Navy and Defense-wide Human Resource Enterprise Strategy programs will continue at the Navy's Information Technology Center (ITC) in New Orleans.

This funding provides for the further consolidation of Navy active duty and reserve personnel legacy information systems and enables the continuing transition of all Navy manpower and personnel systems into the enterprise-wide human resource strategy. However, I should stress that this is not simply a Navy program, but has taken on defense-wide significance under the leadership of the Program Executive Officer for Information Technology, Joe Scipriano, and his team located at the ITC in New Orleans.

I want to express deep gratitude to Chairman STEVENS and our ranking member of the Senate Defense Appropriations Subcommittee, DANIEL INOUE. Thanks also go to professional

staff Steven Cortese, Charles Houy, Tom Hawkins, Gary Reese, and Kraig Siracuse.

Mr. BREAUX. Mr. President, we are excited in Louisiana that the "enterprise strategy" we are developing for human resources systems is recognized by the Appropriations Committee as a model for other service and DOD wide information systems. All of these legacy systems need to be modernized to become cost effective and interoperable. The committee's support for our efforts, and for other information technology additions to this bill, confirm the need to restructure and coordinate all of our service and DOD wide information systems. Only by doing so can we provide real-time information to our warfighters that improves both readiness and effectiveness of our troops.

The ITC in New Orleans was just recently chartered as part of the Navy's year old Program Executive Office for Information Technology and Enterprise Management (PEO/IT). Specifically, the ITC is designated by the Navy's PEO/IT as the "primary support command for enterprise software development."

The PEO/IT is the Navy's only PEO for Information Technology and has been delegated authority for the Navy Marine Corps Intranet, Enterprise Acquisition Management, the ITC, the Defense Integrated Military Human Resources System (DIMHRS), and other information technology programs. The PEO/IT's authority over these programs was chartered in November 1999, well after the FY 2001 DOD budget process had commenced.

Interim and additional funding for the ITC in New Orleans is critical in FY 2001. This funding will ensure that the ITC can continue to provide the Navy and DOD's unique enterprise strategy integration efforts. Only by pursuing this strategy can we guarantee that current human resources information systems and future systems are developed, integrated and managed in accordance with the Clinger-Cohen Act of 1996 and other OMB initiatives based on the Government Performance Results Act. This enterprise strategy develops and integrates new and current legacy information systems so that they will all be interoperable and provide our service personnel and commanders in the field real-time, usable, human resource data about training, experience, and other human resource data from which our commanders can make deployment decisions, fulfill combat mission requirements, and improve readiness.

Again Mr. President, I thank the chairman, and our ranking member, the senior Senator from Hawaii, for recognizing the importance of this effort. I look forward to working with them in future years to provide for its continued success.

NONLINEAR ACOUSTIC LANDMINE DETECTION RESEARCH AND DEVELOPMENT AT STEVENS INSTITUTE OF TECHNOLOGY

Mr. LAUTENBERG. Mr. President, I rise today to discuss with Senator INOUE and Senator STEVENS an important Army research and development effort in nonlinear acoustic landmine detection being done at Stevens Institute of Technology in New Jersey.

Mr. President, let me begin my thanking Chairman STEVENS and Senator INOUE for their leadership last year in working with me to obtain \$1 million in funds to initiate this very promising effort, in which engineers at the Stevens Institute of Technology are applying expertise in non-linear acoustic phenomena to develop a new method for detection of mines and other buried man-made objects. The technology can differentiate between rocks, other solid objects, and actual land mines. This will improve landmine removal safety and speed, and contribute to our efforts to save lives and prevent injuries. With an additional \$3 million the Stevens Institute can fully land this technology's development, which has so much promise for protecting our military personnel as well as civilian populations.

Although the allocation's situation we faced in the Appropriations Committee in considering the DOD Appropriations measure made it very difficult to fund this effort, I look forward to working with Chairman STEVENS and Senator INOUE in conference to continue this research effort. It is my understanding that the House has included \$1.4 million related to this effort, half of which is intended specifically for the research and development at Stevens. But given the great life-saving promise of this technology, I hope to work with Chairman STEVENS and Senator INOUE in achieving an increase of \$3 million for the Stevens Institute of Technology effort. In this regard, I yield to Senator STEVENS for his thoughts on this effort.

Mr. STEVENS. Mr. President, Senator LAUTENBERG's point is well taken regarding research and development effort for nonlinear acoustic landmine detection research. I worked with Senator LAUTENBERG and Senator INOUE on getting this effort started last year. Although this year's allocation prevented us from providing the necessary funding during the committee consideration, I am committed to working in conference towards the goal of an additional \$3 million for the Stevens Institute effort for FY 2001. This could be an important breakthrough that can save lives, both among our service men and women and civilian populations. I yield to Senator INOUE for his thoughts on the initiative.

Mr. INOUE. Mr. President, last year I was pleased to work with Senator LAUTENBERG and Senator STEVENS to provide the startup funds for research

and development effort for nonlinear acoustic landmine Detection research, which is being done at Stevens Institute of Technology in New Jersey. This work promises to dramatically improve mine detection, and in so doing prevent serious injury and save lives. I am committed to working with Senator LAUTENBERG and Chairman STEVENS towards the goal of a \$3 million increase for the Stevens Institute effort during conference with the House.

CLOSED DISPOSAL TECHNOLOGIES

Mr. REID. I thank my colleagues and good friends from Alaska and Hawaii for their hard work on this bill. This is an important bill, a good bill, and I commend their efforts.

I rise to engage the senior Senator from Alaska in a colloquy on an important issue. Recent studies have suggested that civilians living near Army Depots which dispose of munitions through open burning and open detonation (OB/OD) suffer from cancer and other maladies at rates higher than would normally be expected. I have asked the Secretary of the Army to study whether open burning represents a health risk to civilian communities, and he has agreed to do so. This study will not be completed for some months.

In the meantime, the Army should be studying possible alternative disposal methods to open burning that are environmentally sealed and are not open to the atmosphere, and evaluate whether open burning should eventually be phased out over time in favor of other, safer approaches. In the event that evidence shows open burning to be dangerous to civilians, these alternatives would give the Army and the Congress a range of alternatives that they will be able to quickly consider and rapidly implement in order to minimize the danger to the public.

I would ask the Senator from Alaska if he would seek to include language in the conference report to accompany this bill directing the Army to conduct such a study?

Mr. STEVENS. I thank the senior Senator from Nevada. I believe that Congress has a responsibility to ensure that the military conducts its operations in a manner that does not pose an undue health and safety risk on the population. I support your proposal, and will seek to include this language in the conference report to the FY01 Defense appropriations bill.

Mr. REID. I thank the Senator, and look forward to working with him on this important matter.

MOTBY

Mr. LAUTENBERG. Mr. President, I rise today to discuss with Senator STEVENS and Senator INOUE the situation at the Military Ocean Terminal Bayonne (MOTBY). As the distinguished chairman and ranking member of the Defense Subcommittee recall this military facility was closed as a result of the 1995 round of the BRAC Commission closings resulting in the loss of

3,000 jobs and economic hardship in Bayonne and Hudson County. The environmental and infrastructure problems existing at the base at the time of its closure were enormous and not completely disclosed or maybe not completely known by the Army.

I thank Senator STEVENS and Senator INOUE for their help in providing \$7 million for MOTBY last year for demolition and removal of facilities, buildings and structures. This funding was critical for MOTBY as it struggles to deal with the substantial environmental and infrastructure problems left by the Army when it left the base. But, Mr. President, there is so much left to be done. Among the problems remaining are significant amounts of friable asbestos in dozens of buildings, major leaks in the water and sewer systems, contamination of the land and ground water and piers that are structurally unsafe and in danger of collapsing into the water.

Mr. President, \$5 million is contained in the House appropriations bill for stabilization of the South Berths at MOTBY. I strongly urge the distinguished chairman and ranking member to uphold the House position of \$5 million for the MOTBY South Berths in conference.

Mr. STEVENS. Mr. President, let me say to the Senator from New Jersey that I am aware of the environmental and infrastructure problems at MOTBY and I was pleased to join last year with the ranking member, Senator INOUE, and the Senator from New Jersey to be able to provide funding to address some of these problems last year. I understand that the other body has \$5 million for stabilization of the South Berths at MOTBY. Let me assure my friend from New Jersey that I will do what I can in conference to provide significant additional funding for FY 2001.

Mr. INOUE. Mr. President, I ask my colleagues from Alaska and New Jersey for support of additional funding for MOTBY and will join with Senator STEVENS to ensure that we do what we can in conference to enable this to happen.

LPD 17

Ms. COLLINS. Mr. President, I rise today to discuss with the distinguished chairman of the Appropriations Committee the provision of the FY 2001 Defense appropriations bill that defers full funding for two LPD 17 class vessels. The Landing Platform Dock (LPD) 17, *San Antonio* class, is the latest class of amphibious force ship for the United States Navy. This ship shoulders the critical mission of transporting marines, helicopters, and air-cushioned landing craft to trouble spots around the world. Moreover, the LPD 17 is a model of acquisition reform.

Mr. Chairman, I am very concerned about the deferral of funds that would have been used to procure two LPD 17

class ships in fiscal year 2001. As chairman of the Senate Committee on Appropriations, what is the nature of your commitment to this program?

Mr. STEVENS. Let me state at the outset, unequivocally, that I fully and strongly support the LPD 17 program, a program for which the distinguished junior Senator from Maine has been an effective advocate. As I stated in my opening remarks to this bill, I am committed to seeing the program progress and delivery to the Navy of no fewer than the required twelve ships. The recommendation the committee has made and the language in bill is intended to stabilize the design of the program fiscal year 2001. It does not reflect a lessening of our commitment to the program itself, in its entirety.

I agree with my dear friend and colleague that the LPD 17 is a critical program for the Navy and Marine Corps service members and that it continues to provide our marines essential transport to troubled areas around the world.

Ms. COLLINS. Mr. Chairman, shipbuilders in my home State and others have stressed the criticality of the LPD 17 Program to their workforce over the next six to eight years as they strive to transition successfully between maturing programs and the construction of the next generation of ships. I am concerned that any delay in the LPD 17 schedule may, in fact, affect the rates and costs of the various Navy shipbuilding programs and cause workers to lose their jobs. How have you addressed these concerns in this bill?

Mr. STEVENS. My friend has raised excellent points. I have been briefed on these technical and programmatic concerns and have discussed them with both the Department of Defense (Navy) and the industry teams. They have both presented their projected impacts of the appropriations provision and mark on the program. However, the recommendation of the committee is to get the program back on a stable track with a stable design. This bill provides some \$200 million in order to ensure that there will be no interruption in work at the affected shipyards.

Ms. COLLINS. I thank the distinguished chairman of the Appropriations Committee for his clarifications. Let me also express my deep admiration for the chairman's outstanding leadership and for his steadfast support for our nation's national defense.

HURRICANE FLOYD

Mr. HELMS. Mr. President, during the past week, there has been a great deal of misinformation emanating from the ivory towers of liberal newspaper editors in North Carolina. They have made futile attempts to place blame for what they describe as the "stalled" aid to Eastern North Carolina victims of Hurricane Floyd. The tone and the substance of those editors are mysti-

fying when we consider that North Carolina has been specified by the federal government to receive more than \$2 billion in federal aid.

There are some politicians who are feeding the editors false and misleading information while they themselves know better. They complain about politics, even though their actions clearly suggest they themselves are practicing politics in its very worst form. I am dismayed that much of the false and unfair criticism has focused on some distinguished Senate colleagues, who have done far more for North Carolina's flood victims than the political finger-pointers.

One in particular who has done much for North Carolina is the distinguished Chairman of the Senate Appropriations Committee, Mr. STEVENS, who has been deeply and consistently concerned with the plight of the flood victims. Since the day Hurricane Floyd struck North Carolina, nobody has shown more concern or been more willing to help than Ted STEVENS. He has stood with us every step of the way, and I shall never forget his friendship and his compassion.

And if I may impose Senator STEVENS one more time, may I engage him in a colloquy to set the record straight? First, is it not correct that the Senate, under the leadership of the Appropriations Committee, directed more than \$800 million in federal aid to go to flood victims this past fall not long after the flood hit Eastern North Carolina?

Mr. STEVENS. The Senator is correct.

Mr. HELMS. Is it not correct that this 1999's aid package of more than \$800 million was in addition to nearly \$1 billion of federal disaster aid directed to North Carolina through established federal disaster programs?

Mr. STEVENS. The Senator is correct.

Mr. HELMS. Is it not correct that the Senate, with only one dissenting vote, approved, in October 1999, \$81 million in payments to farmers, but the House refused to follow the Senate's action because North Carolina tobacco farmers would benefit?

Mr. STEVENS. The Senator is correct.

Mr. HELMS. Is it not correct that the Chairman of the Appropriations Committee, along with the Majority Leader, Mr. LOTT, have made clear their intent to include additional emergency natural disaster aid—including the aforementioned \$81 million for farmers—in the Military Construction Conference Report?

Mr. STEVENS. The Senator is correct. That is our intention.

Mr. HELMS. Is it not correct that the Military Construction bill is likely to be the first appropriations bill to reach the President's desk for signature?

Mr. STEVENS. The Senator is correct. That appears to be a likely outcome.

Mr. HELMS. I thank the Chairman. He is always candid, always helpful, and an outstanding Chairman of the Senate Appropriations Committee. I am genuinely grateful for his concern for the flood victims of North Carolina.

Mr. STEVENS. I appreciate the comments of the senior Senator from North Carolina. He has been diligent in reminding us of the plight facing the flood victims of North Carolina, and I appreciate his strong interest in making sure that additional aid is forthcoming as quickly as possible.

Mr. KOHL. Mr. President, I just wanted to briefly comment on this year's Defense bill, and my decision to support it. Last year I came to the floor and was forced to oppose the bill after the Budget Committee engaged in some accounting hijinks in order to squeeze an extra \$7 billion into the Defense budget. Even though the Congressional Budget Office estimated that the bill would exceed the Budget Resolution, the Budget Committee used an accounting gimmick to get around the rules. Budget gimmicks do more damage than just allowing the Congress to engage in irresponsible spending. Gimmicks delude the American people, and destroy their faith in the process.

Last year we crowed loudly about the savings in the Budget Resolution, and then quietly added extra money back into the budget all year long. One of the biggest offenders was the Defense Appropriations bill.

This year, however, things are different. While I did not support the Budget Resolution, at least this year the Defense bill is abiding by the level set out in the Resolution. At least this year we are being honest about how much will be spent on Defense. There are no gimmicks, no smoke and mirrors. I applaud Chairman STEVENS and Senator INOUE for their efforts this year to stay within their budget allocation. It was not easy, it never is, but they were successful.

The bill before us is still three billion dollars above the President's request, but I reluctantly support the bill. It is a more responsible bill than years past. Not only do we strengthen our commitment to our soldiers and their family through improvements in the housing allowance and a 3.7 percent pay increase, but we also face up to our overseas commitments. For the first time Congress and the Department of Defense have included funding, roughly \$4.2 billion, for our operations in Iraq and Bosnia. Next year we will not be called on to furnish emergency funding for an operation that is not a surprise, not unplanned, and while dangerous, it is not an emergency. I am pleased that we are including these funds in the bill.

Like all my colleagues, I am very concerned about how much we spend on

our defense and where we spend it. I believe that the greatest assets funded in the Defense budget are our people, and that we need to do more to let them know how much their country values them. This bill moves in that direction, and it does that in an honest and aboveboard manner.

Mr. MCCAIN. Mr. President, I rise once again to address the issue of wasteful spending in appropriations measures, in this case the bill funding the Department of Defense. A careful review of this bill reveals that the obvious deleterious implications of pork-barrel spending on our national defense continue to be ignored by Congress. I find it absolutely unconscionable that I have had to fight so hard to secure \$6 million per year to eliminate the food stamp Army while the defense appropriations bill before us today includes over \$4 billion in wasteful, unnecessary spending that was not included in the Pentagon's budget request and, in most instances, is not reflected in the ever-expanding unfunded requirements lists.

In point of fact, it would appear from this bill that there is no sense of propriety at all when it comes to spending the taxpayers money. With the armed forces stretched thin as a result of 15 years of declining budgets while deployments have expanded exponentially, how can we stand before the public with a collective straight face when we pass a budget funding those very same armed forces that includes language "urging" the Secretary of Defense "to take steps to increase the Department's use of cranberry products in the diet of on-base personnel and troops in the field." "Such purchases," the language goes on to say, "should prioritize cranberry products with high cranberry content such as fresh cranberries, cranberry sauces and jellies, and concentrate and juice with over 25 percent cranberry content."

Mr. President, what heretofore shall be referred to as "the cranberry incident" must be an attempt at humor on someone's part. When I read through a defense spending bill, I see hundreds of millions of dollars earmarked for such programs and activities as the development of a small aortic catheter, marijuana eradication inside the United States, and the recovery of Civil War vessels on the bottom of Lake Champlain. I see every single year money earmarked for the Brown Tree Snake. I see a list of unrequested programs added to the budget that includes such items as the Alaska Federal Health Care Network, the Hawaii Federal Health Care Network, the Pacific Islands Health Care Referral Program, the Pacific Missile Range Facility, Fort Wainwright utilidor, and Fort Greely runway repairs. Was the \$300 million in the budget for the Pearl Harbor shipyard so inadequate that an additional \$24 million had to be added, four times the amount needed to re-

move military families from the rolls of those eligible for food stamps?

Fifteen million dollars was added for the Maui Space Surveillance System—\$15 million—to improve our ability to track asteroids. I do not intend to minimize the importance of such activities, but only the cast of Star Trek could conceivably have looked at a list of military funding shortfalls and concluded that a total of \$19 million had to be in the fiscal year 2001 budget for this purpose. And whether \$9.5 million should be earmarked for the West Virginia National Guard is, of course, open to question.

Mr. President, I voted against the defense authorization bill in committee because of my frustration at that measure's failure to include vital quality of life initiatives for our active duty military—initiatives that were thankfully accepted when the bill moved to the Floor. And that bill included less than the companion appropriations bill does in unneeded and wasteful spending. I dislike the annual earmarks for hyperspectral research in the authorization bill as much as the ones in the appropriations measure, and the authorizers similarly demonstrate an absence of fiscal restraint in throwing money at chem-bio detectors of questionable merit, and the \$9 million in the authorization bill for the Magdalena Ridge Observatory is every bit as deserving of skepticism as the money in the appropriations bill for the aforementioned Maui program, but, on the whole, the authorizers adhered more closely to the unfunded requirements lists than did the appropriators, who seem to have missed the idea.

Mention should also be made of the growing corruption of the integrity of the process by which the budget request and the unfunded priority lists are assembled. To the extent that repeated efforts at shining a light on pervasive and damaging pork-barrel spending has borne fruit, it further cannot be denied that the problem, to a certain degree, has merely been pushed underground. Like the speakeasies and bathtub gin of an earlier era, the insatiable appetite in Congress for pork has been increasingly reflected in the amount of political pressure placed on the services to include unneeded projects in the budget request and on the unfunded priorities lists. The integrity of the budget process is under increasing assault, and the national defense cannot help but suffer for our weakness for pork.

Mr. President, I look forward to the day when my appearances on the Senate floor for the purpose of deriding pork-barrel spending are no longer necessary. There have been successes along the way, but much more needs to be done. There is \$4 billion in unrequested programs in the defense appropriations bill. Combine what that \$4 billion could buy with the savings

that could be accrued through additional base closings and more cost-effective business practices and the problems of our armed forces, be they in terms of force structure or modernization, could be more assuredly addressed. The public demands and expects better of us. It remains my hope that they will one day witness a more responsible budget process. For now, unfortunately, they are more likely to witness errant asteroids shooting through the skies like tax dollars through the appropriations process.

Mr. DOMENICI. Mr. President, I rise in strong support of the bill before us today. I would like to sincerely thank Senators STEVENS and INOUE for their strong leadership on the Defense Subcommittee. I also would like to recognize the diligence and professionalism of the staff on this Committee.

Every year this Committee goes through the difficult exercise of trying to allocate sufficient funds to provide for our Nation's defense. These decisions require balancing carefully between present and future, people and technologies.

This year, despite the fact that this appropriations bill provides over \$3.1 billion more than was in the President's budget request and \$20 billion more than the FY 2000 appropriation, the decisions to fund the wide array of critical Defense priorities were just as difficult as in the past. Despite these challenges the Committee has put together a comprehensive bill that meets many of the most pressing needs of the National Defense and remains within the constraints of the budget authority and outlay limits established in the 302(b) allocation.

I would like to briefly mention some of the most important aspects of our defense addressed in this spending package.

The bill provides \$287.6 billion in new spending authority for the Department of Defense for FY 2001. In parallel with the Defense Authorization, the bill funds a 3.7 percent pay raise, new increases in recruiting and retention benefits, strengthens our missile defense program, boosts the Army Transformation Initiative, and provides a long awaited pharmacy benefit for our military retirees.

The bill also provides approximately \$4.1 billion in the Overseas Contingency Operations Transfer Fund, almost double the funding provided in last year's bill. It is our hope that the Department of Defense will now have ample resources to conduct unforeseen contingencies and protect the resources we provide in this bill for training and combat readiness.

There is good news for the Research and Development appropriation. The Committee approved \$39.6 billion, an increase of \$1.74 billion over the budget request. The Ballistic Missile Defense Program alone received an additional

\$4.35 billion. These resources will help prevent erosion of the scientific and technological foundation of our armed forces.

The Committee also provided for items that will ensure that New Mexico based defense installations and programs remain robust. I would like to briefly highlight some of the items that received funding in the appropriations bill.

Of the increase in Operation and Maintenance funding provided by the committee an additional \$5.1 million is included to maintain and upgrade the Theater Air Command and Control Simulation Facility. This is the largest warfighter-in-the-loop air defense simulation system in operation and proudly operated by the 58th Special Operations Wing at Kirtland Air Force Base. Another \$8 million will upgrade the MH-53J helicopter simulator to include Interactive Defensive Avionics System/Multi-Mission Advanced Tactical Terminal capability. Both of these projects will strengthen and support our Air Force's readiness and capabilities.

American dominance relies heavily on our technological superiority. The Committee recognizes this and, therefore, supported substantial increases to Research and Development funding above the President's request. Of this, an additional \$24.4 million will go to the High Energy Laser Systems Test Facility at White Sands Missile Range to support advanced weapons development and transformation initiatives for solid state laser technology. The Theater High Energy Laser anti-missile program, successfully tested last week at White Sands also received an additional \$15 million. Finally, the Airborne Laser program's budget was fully restored with an increase of \$92 million. ABL is the Air Force's flagship program in directed energy weapons systems. Keeping this missile defense potential on track is vital to our demonstration of the role lasers can play in future defense capabilities.

The Committee also recognized the active and reserve Army's need for lighter, more mobile command and control vehicles. Therefore, the bill funds a \$63 million increase to the Warfighter Information Network program to produce these communications shelters; Laguna Industries manufactures these shelters.

The bill includes many other New Mexico defense activities. An additional \$16 million will be provided for the Information Operations Warfare and Vulnerability Assessment work of the Army Research Laboratory at White Sands. The Committee also provided \$10 million for the Magdalena Ridge Observatory and \$5.3 million to combat the threat of terrorism with radio frequency weapons.

With the help of my colleagues new technology has a strong foothold in

New Mexico and I thank them for supporting us in our endeavors. There are more hurdles ahead of us but each step takes us closer to our ultimate goal of being a major source of support to the military technological transformation in the 21st century.

I believe this bill demonstrates the balance required to best fund our armed forces. Again, I am pleased by the hard work of my colleagues on this Committee and express, once again, my admiration for the hard work of Chairman STEVENS and Senator INOUE in achieving an appropriate spending package for our military men and women.

Mr. INOUE. Mr. President, shortly before Memorial Day, an excellent analytical piece was printed in the Washington Post under the headline For Pentagon, Asia Moving. I am afraid that not many of my colleagues had an opportunity to read that piece, because they were preparing to go home to visit their constituents over the Memorial Day recess. I would like to draw their attention to this thoughtful analysis of events and circumstances that will shape American Defense policies for the next several decades.

In essence, the article suggests that, of necessity, the focus of American defense planning, our strategy and tactics—our deployments—will shift from Europe to Asia. Current events in Korea, the rise of China as a modern military power, the spread of nuclear weapons to South-Asia, all of these dictate a re-examination of our defense policies. We must attend to how we train and where we may someday fight.

To me, the article suggests the importance of Hawaii to our Nation's defense posture in the twenty-first century. The Washington Post article notes that, to many Americans, Hawaii appears to be well out in the Pacific, but it is another 5,000 miles from there to Shanghai. "All told, it is about twice as far from San Diego to China, as it is from New York to Europe."

We need to think about what this means. As U.S. economic interests in Asia come to dominate our economy, so too will U.S. security interests in Asia come to dominate our military policies. We must think about the distances involved and the need to be able to strike distant targets swiftly and with precision. The Air Force will need more long-range bombers and refueling aircraft. I have long advocated the acquisition of more B-2 bombers. The war in Kosovo showed that they could strike at long range and with precision. The Post article suggests to me that we may at some time need them in Asia and that we had better be prepared by making those investments soon.

Similarly, the Navy will have to put more of its resources into the Pacific. Already the Navy has placed a larger percentage of its attack submarines in

the Pacific. Surely, this will be followed by decisions to forward position carriers and other elements of carrier task forces. I believe Pearl Harbor will become even more important to the Navy. I know the people of Hawaii are prepared to welcome additional ships.

The Army, too, is faced with the need to be able to respond quickly to deter future threats in Asia. We need to look to more joint training exercises and even the possibility of keeping some of our forces in Korea after peace takes hold on the Peninsula.

Mr. President, I commend this May 26, 2000 Washington Post article to my colleagues. I ask unanimous consent that it be reprinted in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 26, 2000]

FOR PENTAGON, ASIA MOVING

(By Thomas E. Ricks)

When Pentagon officials first sat down last year to update the core planning document of the Joint Chiefs of Staff, they listed China as a potential future adversary, a momentous change from the last decade of the Cold War.

But when the final version of the document, titled "Joint Vision 2020," is released next week, it will be far more discreet. Rather than explicitly pointing at China, it simply will warn of the possible rise of an unidentified "peer competitor."

The Joint Chiefs' wrestling with how to think about China—and how open to be about that effort—captures in a nutshell the U.S. military's quiet shift away from its traditional focus on Europe. Cautiously but steadily, the Pentagon is looking at Asia as the most likely arena for future military conflict, or at least competition.

This new orientation is reflected in many small but significant changes: more attack submarines assigned to the Pacific, more games and strategic studies centered on Asia, more diplomacy aimed at reconfiguring the U.S. military presence in the area.

It is a trend that carries huge implications for the shape of the armed services. It also carries huge stakes for U.S. foreign policy. Some specialists warn that as the United States thinks about a rising China, it ought to remember the mistakes Britain made in dealing with Germany in the years before World War I.

The new U.S. military interest in Asia also reverses a Cold War trend under which the Pentagon once planned by the year 2000 to have just "a minimal military presence" in Japan, recalls retired Army Gen. Robert W. Riscassi, a former U.S. commander in South Korea.

Two possibilities are driving this new focus. The first is a chance of peace in Korea; the second is the risk of a hostile relationship with China.

Although much of the current discussion in Washington is about a possible military threat from North Korea, for military planners the real question lies further ahead: Who to do after a Korean rapprochement? In this view, South Korea already has won its economic and ideological struggle with North Korea, and all that really remains is to negotiate terms for peace.

According to one Defense Department official, William S. Cohen's first question to pol-

icy officials when he became Defense Secretary in 1997 was: How can we change the assumption that U.S. troops will be withdrawn after peace comes to the Korean peninsula? Next month's first-ever summit between the leaders of North and South Korea puts a sharper edge on this issue.

In the longer run, many American policymakers expect China to emerge sooner or later as a great power with significant influence over the rest of Asia. That, along with a spate of belligerent statements about Taiwan from Chinese officials this spring, has helped focus the attention of top policymakers on China's possible military ambitions. "The Chinese saber-rattling has gotten people's attention, there is no question of that," said Abram Shulsky, a China expert at the Rand Corp.

THE BUZZWORD IS CHINA

Between tensions over Taiwan and this week's House vote to normalize trade relations with China, "China is the new Beltway buzz-word," observed Dov S. Zakheim, a former Pentagon official who is an adviser on defense policy to Republican presidential candidate George W. Bush.

To be sure, large parts of the U.S. military remain "Eurocentric," especially much of the Army. The shift is being felt most among policymakers and military planners—that is, officials charged with thinking about the future—and least among front-line units. Nor is it a change that the Pentagon is proclaiming from the rooftops. Defense Department officials see little value in being explicit about the shift in U.S. attention, which could worry old allies in Europe and antagonize China.

Even so, military experts point to changes on a variety of fronts. For example, over the last several years, there has been an unannounced shift in the Navy's deployment of attack submarines, which in the post-Cold War World have been used as intelligence assets—to intercept communications, monitor ship movements and clandestinely insert commandos—and also as front-line platforms for launching Tomahawk cruise missiles against Iraq, Serbia and other targets. Just a few years ago, the Navy kept 60 percent of its attack boats in the Atlantic. Now, says a senior Navy submariner, it has shifted to a 50-50 split between the Atlantic and Pacific fleets, and before long the Pacific may get the majority.

But so far the focus on Asia is mostly conceptual, not physical. It is now a common assumption among national security thinkers that the area from Baghdad to Tokyo will be the main location of U.S. military competition for the next several decades. "The focus of great power competition is likely to shift from Europe to Asia," said Andrew Krepinevich, director of the Center for Strategic and Budgetary Assessments, a small but influential Washington think tank. James Bodner, the principal deputy undersecretary of defense for policy, added that, "The center of gravity of the world economy has shifted to Asia, and U.S. interests flow with that."

When Marine Gen. Anthony Zinni, one of the most thoughtful senior officers in the military, met with the Army Science Board earlier this spring, he commented offhandedly that America's "long-standing Europe-centric focus" probably would shift in coming decades as policymakers "pay more attention to the Pacific Rim, and especially to China." This is partly because of trade and economics, he indicated, and partly because of the changing ethnic makeup of the U.S. population. (California is enormously

important in U.S. domestic politics, explains one Asia expert at the Pentagon, and Asian Americans are increasingly influential in that state's elections, which can make or break presidential candidates.)

Just 10 years ago, said Maj. Gen. Robert H. Scales Jr., commandant of the the Army War College, roughly 90 percent of U.S. military thinking about future warfare centered on head-on clashes of armies in Europe. "Today," he said, "it's probably 50-50, or even more" tilted toward warfare using characteristic Asian tactics such as deception and indirection.

WAR GAMING

The U.S. military's favorite way of testing its assumptions and ideas is to run a war game. Increasingly, the major games played by the Pentagon—except for the Army—take place in Asia, on an arc from Tehran to Tokyo. The games are used to ask how the U.S. military might respond to some of the biggest questions it faces: Will Iran go nuclear—or become more aggressive with an array of hard-to-stop cruise missiles? Will Pakistan and India engage in nuclear war—or, perhaps even worse, will Pakistan break up, with its nuclear weapons falling into the hands of Afghan mujaheddin? Will Indonesia fall apart? Will North Korea collapse peacefully? And what may be the biggest question of all: Will the United States and China avoid military confrontation? All in all, estimates one Pentagon official, about two-thirds of the forward-looking games staged by the Pentagon over the last eight years have taken place partly or wholly in Asia.

Last year, the Air Force's biggest annual war game looked at the Mideast and Korea. This summer's game, "Global Engagement 5," to be played over more than a week at Maxwell Air Force Base in Alabama, will posit "a rising large East Asian nation" that is attempting to wrest control of Siberia, with all its oil and other natural resources, from a weak Russia. At one point, the United States winds up basing warplanes in Siberia to defend Russian interests.

Because of the sensitivity of talking about fighting China, "What everybody's trying to do is come up with games that are kind of China, but not China by name," said an Air Force strategist.

"I think that, however reluctantly, we are beginning to face up to the fact that we are likely over the next few years to be engaged in an ongoing military competition with China," noted Princeton political scientist Aaron L. Friedberg. "Indeed, in certain respects, we already are."

TWIN EFFORTS

The new attention to Asia also is reflected in two long-running, military-diplomatic efforts.

The first is a drive to renegotiate the U.S. military presence in northeast Asia. This is aimed mainly at ensuring that American forces still will be welcome in South Korea and Japan if the North Korean threat disappears. To that end, the U.S. military will be instructed to act less like post-World War II occupation forces and more like guests or partners.

Pentagon experts on Japan and Korea say they expect that "status of forces agreements" gradually will be diluted, so that local authorities will gain more jurisdiction over U.S. military personnel in criminal cases. In addition, they predict that U.S. bases in Japan and South Korea will be jointly operated in the future by American and local forces, perhaps even with a local officer in command.

At Kadena Air Force Base on the southern Japanese island of Okinawa, for example, the U.S. military has started a program, called "Base Without Fences," under which the governor has been invited to speak on the post, local residents are taken on bus tours of the base that include a stop at a memorial to Japan's World War II military, and local reporters have been given far more access to U.S. military officials.

"We don't have to stay in our foxhole," said Air Force Brig. Gen. James B. Smith, who devised the more open approach. "To guarantee a lasting presence, there needs to be a private and public acknowledgment of the mutual benefit of our presence."

Behind all this lies a quiet recognition that Japan may no longer unquestioningly follow the U.S. lead in the region. A recent classified national intelligence estimate concluded that Japan has several strategic options available, among them seeking a separate accommodation with China, Pentagon officials disclosed. "Japan isn't Richard Gere in 'An Officer and a Gentleman,'" one official said. "That is, unlike him, it does have somewhere else to go."

In the long term, this official added, a key goal of U.S. politico-military policy is to ensure that when Japan reemerges as a great power, it behaves itself in Asia, unlike the last time around, in the 1930s, when it launched a campaign of vicious military conquest.

SOUTHEAST ASIA REDUX

The second major diplomatic move is the negotiation of the U.S. military's reentry in Southeast Asia, 25 years after the end of the Vietnam War and almost 10 years after the United States withdrew from its bases in the Philippines. After settling on a Visiting Forces Agreement last year, the United States and the Philippines recently staged their first joint military exercise in years, "Balikatan 2000."

The revamped U.S. military relationship with the Philippines, argues one general, may be a model for the region. Instead of building "Little America" bases with bowling alleys and Burger Kings that are off-limits to the locals, U.S. forces will conduct frequent joint exercises to train Americans and Filipinos to operate together in everything from disaster relief to full-scale combat. The key, he said, isn't permanent bases but occasional access to facilities and the ability to work with local troops.

Likewise, the United States has broadened its military contacts with Australia, putting 10,000 troops into the Queensland region a year ago for joint exercises. And this year, for the first time, Singapore's military is participating in "Cobra Gold," the annual U.S.-Thai exercise. Singapore also is building a new pier specifically to meet the docking requirements of a nuclear-powered U.S. aircraft carrier. The U.S. military even has dipped a cautious toe back into Vietnam, with Cohen this spring becoming the first defense secretary since Melvin R. Laird to visit that nation.

The implications of this change already are stirring concern in Europe. In the March issue of *Proceedings*, the professional journal of the U.S. Navy, Cmdr. Michele Consentino, an Italian navy officer, fretted about the American focus on the Far East and about "dangerous gaps" emerging in the U.S. military presence in the Mediterranean.

WHERE THE GENERALS ARE

If the U.S. military firmly concludes that its major missions are likely to take place in Asia, it may have to overhaul the way it is

organized, equipped and even led. "Most U.S. military assets are in Europe, where there are no foreseeable conflicts threatening vital U.S. interests," said "Asia 2025," a Pentagon study conducted last summer. "The threats are in Asia," it warned.

This study, recently read by Cohen, pointedly noted that U.S. military planning remains "heavily focused on Europe," that there are four times as many generals and admirals assigned to Europe as to Asia, and that about 85 percent of military officers studying foreign languages are still learning European tongues.

"Since I've been here, we've tried to put more emphasis on our position in the Pacific," Cohen said in an interview as he flew home from his most recent trip to Asia. This isn't, he added, "a zero-sum game, to ignore Europe, but recognizing that the [economic] potential in Asia is enormous"—especially, he said, if the United States is willing to help maintain stability in the region.

'TYRANNY OF DISTANCE'

Talk to a U.S. military planner about the Pacific theater, and invariably the phrase "the tyranny of distance" pops up. Hawaii may seem to many Americans to be well out in the Pacific, but it is another 5,000 miles from there to Shanghai. All told, it is about twice as far from San Diego to China as it is from New York to Europe.

Cohen noted that the military's new focus on Asia means, "We're going to want more C-17s" (military cargo planes) as well as "more strategic airlift" and "more strategic sealift."

Other experts say that barely scratches the surface of the revamping that Asian operations might require. The Air Force, they say, would need more long-range bombers and refuelers—and probably fewer short-range fighters such as the hot new F-22, designed during the Cold War for dogfights in the relatively narrow confines of Central Europe. "We are still thinking about aircraft design as if it were for the border of Germany," argues James G. Roche, head of Northrop Grumman Corp.'s electronic sensors unit and a participant in last year's Pentagon study of Asia's future. "Asia is a much bigger area than Europe, so planes need longer 'legs.'"

Similarly, the Navy would need more ships that could operate at long distances. It might even need different types of warships. For example, the Pentagon study noted today's ships aren't "stealthy"—built to evade radar—and may become increasingly vulnerable as more nations acquire precision-guided missiles.

Also, the Navy may be called on to execute missions in places where it has not operated for half a century. If the multi-island nation of Indonesia falls apart, the Pentagon study suggested, then the Navy may be called upon to keep open the crucial Strait of Malacca, through which passes much of the oil and gas from the Persian Gulf to Japan and the rest of East Asia.

The big loser among the armed forces likely would be the Army, whose strategic relevancy already is being questioned as it struggles to deploy its forces more quickly. "At its most basic level, the rise of Asia means a rise of emphasis on naval, air and space power at the expense of ground forces," said Eliot Cohen, a professor of strategic studies at Johns Hopkins University.

In a few years, Pentagon insiders predict, the chairman of the Joint Chiefs of Staff will be from the Navy or Air Force, following 12 years in which Army officers—Generals Colin L. Powell, John Shalikashvili and

Henry H. Shelton—have been the top officers in the military. Perhaps even more significantly, they foresee the Air Force taking away from the Navy at least temporarily the position of "CINCPAC," the commander in chief of U.S. forces in the Pacific. There already is talk within the Air Force of basing parts of an "Air Expeditionary Force" in Guam, where B-2 stealth bombers have been sent in the past in response to tensions with North Korea.

PARALLEL WITH PAST

If the implications for the U.S. military of a new focus on Asia are huge, so too are the risks. Some academics and Pentagon intellectuals see a parallel between the U.S. effort to manage the rise of China as a great power and the British failure to accommodate or divert the ambitions of a newly unified Germany in the late 19th century. That effort ended in World War I, which slaughtered a generation of British youth and marked the beginning of British imperial decline.

If Sino-American antagonism grows, some strategists warn, national missile defense may play the role that Britain's development of the battleship Dreadnought played a century ago—a superweapon that upset the balance by making Germany's arsenal strategically irrelevant. Chinese officials have said they believe the U.S. plan for missile defense is aimed at negating their relatively small force of about 20 intercontinental ballistic missiles.

If the United States actually builds a workable antimissile system, former national security adviser Zbigniew Brzezinski predicts, "the effect of that would be immediately felt by the Chinese nuclear forces and [would] presumably precipitate a buildup." That in turn could provoke India to beef up its own nuclear forces, a move that would threaten Pakistan. A Chinese buildup also could make Japan feel that it needed to build up its own military.

Indian officials already are quietly telling Pentagon officials that the rise of China will make the United States and India natural allies. India also is feeling its oats militarily. The *Hindustan Times* recently reported that the Indian navy plans to reach far eastward this year to hold submarine and aircraft exercises in the South China Sea, a move sure to tweak Beijing.

Some analysts believe that the hidden agenda of the U.S. military is to use the rise of Asia as a way to shore up the Pentagon budget, which now consumes about 3 percent of the gross domestic product, compared to 5.6 percent at the end of the Cold War in 1989. "If the military grabs onto this in order to get more money, that's scary," said retired Air Force Col. Sam Gardiner, who frequently conducts war games for the military.

Indeed, Cohen is already making the point that operating in Asia is expensive. He said it is clear that America will have to maintain "forward" forces in Asia. And that, he argued, will require a bigger defense budget. "There's a price to pay for what we're doing," Cohen concluded. "The question we're going to have to face in the coming years is, are we willing to pay up?"

SECTION 8014

Mr. STEVENS. Mr. President, may I engage in a colloquy with my good friend and colleague, the senior Senator from Hawaii?

As Senator INOUE knows, the Manager's amendment currently before the Senate includes an amendment to section 8014. That section addresses the

procedures that must be followed by Department of Defense agencies which seek to outsource certain civilian functions to private contractors. Since 1990, this provision has been included in the Defense appropriations bills for each of the last ten years. Throughout that time, section 8014 has provided for certain exceptions to the procedures, including an exception when the private contractor is a Native American-owned entity. This exception has been included in furtherance of the Federal policy of Indian self-determination and the promotion of economic self-sufficiency for the native people of America.

The exception for a private contractor that is a Native American-owned entity is an exercise of the authority that has been vested in the Congress by the U.S. Constitution in Article I, Section 8, Clause 3, often referred to as the Indian Commerce Clause. As the senior Senator from Hawaii and vice chairman of the Senate Committee on Indian Affairs knows, this is by no means the only Federal legislation that recognizes the special status of Native Americans in commercial transactions with the Federal Government which is based upon the trust relationship the United States has with its indigenous, aboriginal people. There are, in fact, numerous examples of provisions of Federal law that seek to provide competitive assistance to businesses that are owned by Indian tribes or Alaska Native regional or village corporations. Congress has enacted such laws because they have been found to be the most effective and appropriate means of ensuring and encouraging economic self-sufficiency in furtherance of the Federal policy of self-determination and the United States' trust responsibility. There is considerable judicial precedent recognizing such laws as a valid exercise of Congress' constitutional authority, perhaps the most significant of which is the United States Supreme Court's 1974 ruling in *Morton versus Mancari*.

It has come to my attention that a lawsuit has been filed challenging the Native American exception in section 8014 as a racially-based preference that is unconstitutional. That challenge is simply inconsistent with the well-established body of Federal Indian law and numerous rulings of the U.S. Supreme Court. The Native American exception contained in section 8014 is intended to advance the Federal Government's interest in promoting self-sufficiency and the economic development of Native American communities. It does so not on the basis of race, but rather, based upon the unique political and legal status that the aboriginal, indigenous, native people of the America have had under our Constitution since the founding of this nation. It is a valid exercise of Congress' authority under the Indian commerce clause. While I

believe that the provision is clear, we propose adoption of the amendment before us today to further clarify that the exception for Native American-owned entities in section 8014 is based on a political classification, not a racial classification.

Because my colleague was Chairman of the Subcommittee on Defense Appropriations in 1990 and involved in the drafting of section 8014, I would like to know whether my understanding of the purpose and intent of section 8014 is consistent with the original purpose and intent, and whether the amendment before us today is consistent with the original intent of section 8014.

Mr. INOUE. My Chairman is correct in his understanding. The Congress has long been concerned with the ravaging extent of poverty, homelessness, and the high rates of unemployment in Native America. The Congress has consistently recognized that the economic devastation that has been wrought on Native communities can be directly attributed to Federal policies of the forced removal of Native people from their traditional homelands, their forced relocation, and later the termination of the reservations to which the government forcibly relocated them. In 1970, President Nixon established the Federal policy of self-determination, and that policy has been supported and strengthened by each succeeding administration.

The Congress has sought to do its part in fostering strong Native economies through the enactment of a wide range of Federal laws, including a series of incentives that are designed to stimulate economic growth in Native communities and provide economic opportunities for Native American-owned businesses. Native American-owned businesses include not only those that are owned by an Indian tribe or an Alaska Native corporation or a Native Hawaiian organization, but those businesses that are 51 percent or more owned by Native Americans.

As the U.S. Supreme Court has made clear, time and again, the political and legal relationship that this nation has had with the indigenous, aboriginal, native people of America is the basis upon which the Congress can constitutionally enact legislation that is designed to address the special conditions of Native Americans. In exchange for the cession of over 500 million acres of land by the native people of America, the United States has entered into a trust relationship with Native Americans. Treaties, the highest law of our land, were originally the primary instrument for the expression of this relationship. Today, Federal laws like section 8014, are the means by which the United States carries out its trust responsibilities and the Federal policy of self-determination and economic self-sufficiency.

I thank my Chairman for proposing this clarifying amendment which I be-

lieve is fully consistent with the original purpose and intent of section 8014.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—95

Abraham	Enzi	Lott
Akaka	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nickles
Breaux	Hagel	Reed
Brownback	Harkin	Reid
Bryan	Hatch	Robb
Bunning	Helms	Roberts
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee, L.	Inhofe	Schumer
Cleland	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—3

Boxer	Feingold	Wellstone
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NOT VOTING—2

Rockefeller	Specter
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So the bill (H.R. 4576), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate insist on its position on this bill with the House and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. BROWNBACK) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUE, Mr. HOLLINGS, Mr. BYRD,

Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. DORGAN, and Mr. DURBIN conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I believe that we completed action on this bill in almost record time.

I want to personally thank Steven Cortese, majority staff director, and Charles Houy, minority staff director, for their very intense work, and their respective staffs. Since last Friday we have been working to try to eliminate some problems in this bill. Without question, they are responsible for the speed and dispatch with which we have been able to handle this bill.

There are many amendments we are now taking to conference that may be subject to later modification. We will do our very best to defend the Senate position as represented by the vote that has just been taken in the Senate.

I thank my distinguished friend and colleague from Hawaii for his usual cooperation. Without it, passage of this bill would have been impossible.

I yield the floor.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask that the Senate proceed to a period of morning business with Senators permitted to speak therein for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. REED. Mr. President, it has been nearly 14 months since the Columbine tragedy, and over a year since the Senate passed common sense gun safety legislation as part of the Juvenile Justice bill, and still the Republican majority in Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until Congress acts, Democrats in the Senate will read the names of some of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight.

Following are the names of a few Americans who were killed by gunfire one year ago, on June 13, 1999:

Robert Ayala, 21, Chicago, IL.
Timothy Croft, 39, Detroit, MI.
Warner Freeman, 21, Philadelphia, PA.

James Harley, 40, Baltimore, MD.
Rico Perry, 27, Charlotte, NC.
Wesley Rodenas, 19, San Bernardino, CA.

Thoyce Sanders, 45, Dallas, TX.
Charles Stewart, 32, Dallas, TX.
Mario Taylor, 23, Chicago, IL.
Renardo Wilson, 38, Dallas, TX.
Unidentified male, 49, Portland, OR.
Mark Pierce, 36, Providence, RI.

Mr. Pierce was killed in a late-night drive-by shooting after a confrontation between one of his friends and two young men, one 18 and one 21, at a marina on the Providence River waterfront. After an initial scuffle, the two young men departed and returned within an hour in a car. One of them opened fire with a handgun, killing Pierce. It's another example of a quarrel that, in another time in America, might have resulted in a bloody nose and a bruised ego, but instead took the life of Mark Pierce.

And, Mr. President, the gun violence continues every day across America. Three weeks ago, a 15-year-old girl in Providence, who was a key witness for the prosecution in an upcoming murder trial, was shot with a handgun at point blank range in her front yard on a Sunday evening. She died the next day. She was to testify in the trial of a 19-year-old charged with shooting to death a 17-year-old last August.

Just this past Friday, in Providence, Rhode Island, two college students were carjacked at gunpoint, robbed, taken to a nearby golf course, and shot execution style with a .40 caliber semi-automatic handgun. The handgun was stolen from the car of a freelance photographer while he shopped at a local convenience store in February. This case makes a strong argument against concealed carry laws and other liberal gun laws that encourage citizens to bring their handguns out of their homes and into the streets of our cities. It also underscores the need for aggressive research into smart gun technology to ensure that a weapon can only be fired by its legitimate owner.

Finally, although in this instance the police were able to trace the gun relatively quickly because it was stolen in Providence and reported by the owner, in many cases crime guns cannot be traced because law enforcement is completely dependent upon the record keeping of gun manufacturers and gun dealers, and post-retail private sales are usually unrecorded. If we registered handguns and licensed handgun owners, the police could put out an immediate alert when a weapon is reported stolen, and they could trace a weapon more quickly upon its recovery after a horrible crime like this one. In addition, the assailants would face yet another felony charge for illegal possession of a weapon not registered to them.

Mr. President, twelve young Americans lose their lives to gun violence every day. That's a new Columbine tragedy every 24 hours. It is time for Congress to do its part to reduce gun violence by passing sensible gun safety legislation to keep firearms out of the hands of children and convicted felons. We should do so without further delay.

I yield the floor.

REMEMBERING THE ISRAELI MISSING IN ACTION

Mr. SCHUMER. Mr. President, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. The Syrians succeeded in capturing Sgt. Zachary Baumel, 1st Sgt. Zvi Feldman and Cpt. Yehudah Katz. Upon arrival in Damascus, the crew and their tank were paraded through the streets draped in Syrian and Palestinian Flags.

Since that terrible day in 1982, the Israeli and United States Governments have been working to obtain any possible information about the fate of these missing soldiers, joining with the offices of the International Committee of the Red Cross, the United Nations, and other international bodies. According to the Geneva Convention, the area in Lebanon where the soldiers first disappeared was continually controlled by Syria, therefore deeming it responsible for the treatment of the captured soldiers. To this day, despite the promises made by the Syrian Government and by the PLO, very little information has been forthcoming about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

June 11 marks the anniversary of the day these soldiers were reported missing in action. Eighteen pain-filled years have passed since their families have seen their sons, and still the Syrian Government has not revealed their whereabouts.

One of these missing soldiers, Zachary Baumel, is an American citizen from Brooklyn, NY. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. But fate decreed otherwise, and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the American Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of their pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their

efforts. For eighteen years, these families have been without their children. Answers are long overdue.

TIBET

Mr. FEINGOLD. Mr. President, last year I delivered a statement for the record commemorating the 40th anniversary of the 1959 Tibetan uprising, during which His Holiness the Dalai Lama and more than 100,000 Tibetans were forced to flee their homeland as a result of brutal suppression by the Chinese government. Unfortunately, the human rights situation in Tibet has not improved, and has if anything deteriorated over the past year.

U.S. Administration officials and Congressional supporters of Permanent Normal Trade Relations with China often claim that more open trade with the West will expose ordinary Chinese to new ideas, new ideals, and a new independence from the State. This will awaken their desire for more freedom, paving the way for democracy in China. I have often voiced skepticism about these claims.

We do not have to wait for the people of Tibet to express their yearning for freedom. They have continuously struggled for their rights for over forty years, and have paid dearly for their actions. Their efforts so far have failed, not because they do not yearn to be free, but rather because their efforts are brutally suppressed and we are apparently little able to help them. Even our efforts in March to introduce at the annual meeting of the UN Commission for Human Rights a resolution condemning PRC officials' human rights practices in China and Tibet were blocked by the PRC and most of the industrialized nations.

If the Administration and Congress are serious about their efforts to promote human rights in China, surely Tibet should be the bellwether. We need to find concrete ways to demonstrate this commitment, and to encourage other countries to do the same.

TRIBUTE TO COLONEL LES BROWNLEE, USA (RET.)

Mr. WARNER. Mr. President, today the United States Army came to the U.S. Capitol to honor one of its most distinguished retired officers.

Colonel Les Brownlee is currently serving as Staff Director of the Senate Armed Services Committee, having previously served as a staffer on the Committee and in my Senate office. He is known and respected throughout our nation's military and defense industry. This award—for his lifetime of extraordinary leadership in uniform and with the Senate—is well deserved.

I ask that the introduction by the Vice Chief of Staff of the Army, General Jack Keane, and the citation be

printed in the RECORD of the U.S. Senate which Colonel Brownlee has served for sixteen years. His record of public service stands as an inspiration for all.

The PRESIDING OFFICER. There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY GENERAL JACK KEANE

June 13, 2000.

Senator WARNER, Senator THURMOND, thank you for taking time out of your busy schedules to join us. I would also like to welcome Les' son, John, his wife, LeAnne, and their new daughter, Thompson Ann.

Distinguished guests, friends and fellow soldiers. Thank you all for being here today to help us honor a true American patriot.

Originally, Major General LeMoyne, the Commander of the Infantry Center, was going to present this award during the Infantry Conference at Fort Benning, right there in building number four in the shadow of Iron Mike—a symbol that is so familiar to infantrymen. Unfortunately, scheduling conflicts would not allow that to happen.

The citation that we will present to Les in just a few moments reads that the Order of Saint Maurice is presented for "distinguished contribution to, and loyal support of the Infantry, and demonstrating gallant devotion to the principle of selfless service."

No one fits that description better than Les Brownlee. He is a passionate advocate for soldiers who has devoted his entire life to the service of his country—both in peace and in war.

Les' career of military service is, by any measurement, an extraordinary record of courage, devotion to duty, and love of soldiering.

Les chose the Army's most demanding branch of service—the Infantry. Infantry training and infantry battle demand the very most of the human spirit—where leaders are expected to exercise personal, physical leadership with daring and courage; where soldiers must be willing to give up everything they care about in life; where God-forsaken terrain, foul, miserable weather, extreme cold and extreme heat, can be as challenging as any enemy; where raw, stark fear is personal and normal; where training can be every bit as dangerous and demanding as combat; and where death is always a silent companion.

Les Brownlee volunteered for this life—a life of hardship and challenge, but a life of service in the company of the very best men our nation has to offer.

He volunteered for special skills—airborne, Ranger—skills that required an even greater degree of personal courage and sacrifice, but skills which would enable him to become and even better infantryman.

Les is a veteran of two tours of combat in Vietnam. A decorated Hero who has twice been awarded the Silver Star—our Nation's third highest award for valor. He also has three Bronze Star Medals, and the Purple Heart Medal for wounds received in combat.

Leading soldiers in combat is the most challenging and demanding assignment an officer will ever face . . . it tests the character of a commander . . . it forces him to bare his soul and face his own human frailties like no other experience.

Les Brownlee faced that test, twice in Vietnam, and it has shaped the character of his service ever since. It is where he learned about the bonds that form between soldiers and between soldiers and their leaders; it is where he learned that service to others is more important than service to self.

He is a paratrooper who understands all types of infantry.

He served as a platoon leader in the 101st Airborne Division, a Company Commander in the 173 Airborne Brigade, and he commanded a mechanized Battalion in the 3rd Infantry Division in Germany.

Despite his distinguished combat record, the thing that his friends who served with him will tell you that he is most proud is that, in January of 1965, he was named the distinguished honor graduate of his Ranger class. This prestigious honor is determined by peer and instructor evaluations and is awarded to the soldier who exhibits extraordinary leadership abilities.

Incidentally he was also graduated an Honor Graduate of his Officer Advanced Course and the Command and General Staff College.

Throughout his distinguished Army Career, and certainly in his capacity on the Armed Services Committee, Les has kept the welfare of the common soldier close to his heart.

NECESSARILY ABSENT

Mr. CONRAD. Mr. President, last week I was necessarily absent from the Senate to attend my daughter's graduation from college. As a result, I missed two votes Thursday and one Friday morning as I was returning to Washington.

For the record, had I been present, I would have voted nay on the motion to table the Daschle amendment related to a Patients' Bills of Rights. I would have voted nay on the point of order raised with respect to the McCain amendment related to the so-called Section 527 loophole in our campaign finance laws. I would have voted aye on the Grassley amendment related to accounting practices at the Department of Defense. My vote would not have changed the outcome on any of these votes.

Also for the record, I am extraordinarily proud of my daughter, Jessamyn, who graduated magna cum laude with highest honors from Harvard University last Thursday, June 8.

WARTIME VIOLATION OF ITALIAN-AMERICAN CIVIL LIBERTIES

Mrs. BOXER. Mr. President, today I wish to speak about a little known, but very dark chapter in American history. While many are familiar with the deplorable treatment of Japanese-Americans and others of Japanese ancestry living in the United States during World War II, there is far less discussion and understanding of what Italian-Americans were forced to endure during that period.

Italian-Americans refer to what happened at this time as "Una Storia Segreta," or "A Secret Story." Beginning before the war and until after Italy's surrender in 1943, Italian-Americans and those of Italian decent living in the United States were made suspects simply because of their country

of origin. Like Japanese-Americans, they were subjected to all manner of civil rights violations including curfews, warrantless searches, summary arrests, exclusions, relocations and even internment.

The United States must accept responsibility for its grievous treatment of Italian-Americans during World War II. To this end, Senator TORRICELLI has introduced S. 1009, the Wartime Violation of Italian-American Civil Liberties Act, a bill to require the Justice Department to make a full accounting of the injustices suffered by Italian-Americans during World War II. After the Justice Department completes its report, the President would formally acknowledge these injustices.

I am pleased to cosponsor this overdue legislation. Although it may be painful to revisit and admit to the mistakes made during this time, I hope my colleagues would agree that it is the necessary and right thing to do.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 12, 2000, the Federal debt stood at \$5,648,173,825,800.99 (Five trillion, six hundred forty-eight billion, one hundred seventy-three million, eight hundred twenty-five thousand, eight hundred dollars and ninety-nine cents).

Five years ago, June 12, 1995, the Federal debt stood at \$4,901,416,000,000 (Four trillion, nine hundred one billion, four hundred sixteen million).

Ten years ago, June 12, 1990, the Federal debt stood at \$3,120,196,000,000 (Three trillion, one hundred twenty billion, one hundred ninety-six million).

Fifteen years ago, June 12, 1985, the Federal debt stood at \$1,766,703,000,000 (One trillion, seven hundred sixty-six billion, seven hundred three million).

Twenty-five years ago, June 12, 1975, the Federal debt stood at \$527,785,000,000 (Five hundred twenty-seven billion, seven hundred eighty-five million) which reflects a debt increase of more than \$5 trillion—\$5,120,388,825,800.99 (Five trillion, one hundred twenty billion, three hundred eighty-eight million, eight hundred twenty-five thousand, eight hundred dollars and ninety-nine cents) during the past 25 years.

ADDITIONAL STATEMENTS

VIRGINIA TECH'S CLASS OF 2000

• Mr. WARNER. Last month, I had the privilege of addressing the graduating class at Virginia Tech University. During the commencement ceremony, three Virginia Tech students, Class President Lauren Esleeck, Graduate Student Representative Timothy Wayne Mays, and Class Treasurer Rush K. Middleton, addressed the graduating

class and those in attendance. The speeches given by these three students were so eloquent and so inspiring, that I felt it was important to share them with my colleagues in the United States Senate and with the people of the United States.

To date, I have been able to obtain copies of Ms. Esleeck's speech and Mr. Middleton's speech. It is my pleasure to ask that these speeches be inserted into the CONGRESSIONAL RECORD.

The speeches follow:

SPEECH OF RUSH K. MIDDLETON, CLASS
TREASURER

Only July 4th, 1939, Lou Gehrig, recently diagnosed with a terminal illness that would cripple and kill him in the prime of his life, stood before 60,000 adoring fans at Yankee Stadium and proclaimed, "I consider myself the luckiest man on the face of the earth."

How could a man who was so surely facing death profess that he was more blessed than those who sat around him and viewed their own deaths as nothing more than a distant shadow. The answer is quite simple: Lou Gehrig did not measure his fortune by the number of home runs he hit, the number of games he played, or the sum of money he earned. Instead, confronting his own mortality, he calculated the worth of his life by the people that surrounded him. For, unlike the countless tangible rewards and honors that were bestowed upon him, the friendships and relationships he established would not perish with his physical passing.

How does the Class of 2000 want to measure its worth? Do we wish to be defined by the jobs that we accept, the salaries we earn, or the number of promotions we receive? Or would we rather be characterized by the unbreakable bonds that we established with the people around us? I would challenge our Class to pursue the latter. My challenge is this: That we should leave this amazing institution with high expectations of what we will accomplish in our years as alumni. That we remain true to VPI's motto of *Ut Prosim*, "That I may serve," honorably serving our community, our family, our church, and our alma mater. Let us remember that we have but one chance on earth to dedicate ourselves to the task of helping our fellow man. If we give of ourselves, we give the most appreciated gift, and the one gift which no sum of money can possibly buy.

As we pen these final lines in the collegiate chapters of our lives, surrounded by family, friends, faculty, and peers, let us remember that we should strive to define ourselves by these relationships, and not by those material items that will surely fade into our past. If we can accomplish this goal, we can say with confidence, just as Lou Gehrig did, that we are luckiest people on the face of the earth. God bless each one of you, and God bless Virginia Tech. Thank You.

SPEECH OF LAUREN ESLEECK, CLASS
PRESIDENT

Today, we are here in celebration of a truly significant occasion and may I begin by saying, "Congratulations".

The Class of 2000 Motto is "With Honor there is Power, with Character there is Strength." Recently our Class bestowed a gift to Virginia Tech which certainly reflects this theme. The Class of 2000 has chosen to present the university with a new mace, symbolizing the power and strength Virginia Tech has achieved through both her honor and character. During the Founder's Day

celebration the Class of 2000 presented Dr. Charles Steger with the new mace immediately following his installation as President of Virginia Tech. Our university's mace has long been a symbol of our tradition of excellence and our Class is fortunate to have contributed a gift to Virginia Tech which will ensure this tradition continues. The new mace, created by Steve Bickley, is resting here on stage. It is a gold-plated contemporary design bearing 3 different seals of the university:

The official university seal affixed to Hokiestone;

The centennial seal from 1972; and

The earliest seal of the university—dating back to 1872.

It also includes 8 spires representing each of the pylons.

Thank you the Class of 2000 for such a tremendous gift.

During this time of excitement and celebration, I have 2 wishes for the Class of 2000. I hope that:

1. We view our Class motto not as a statement, but as a goal;
2. That we be humble.

Again, the Class of 2000 Motto is, "With Honor there is Power, with Character there is Strength."

I encourage you to view our motto not as a statement, but as a goal because I hope that we strive to achieve personal strength and power by developing both our character and honor.

Character. Please allow me to borrow some thoughts on the importance of character from General Charles Krulak of the U.S. Marine Corp. Character is the moral courage that is within each of us. Everyday we have to make decisions. It is through this decision making process that we show those around us the quality of our character. The majority of decisions we make are "no brainers." Deciding whether to eat at West End Market or Owens is not going to test your character. . . . judgment maybe, but not character. The true test of character comes when the stakes are high, when the chips are down, when your gut starts to turn, when you know the decision you are about to make may not be popular, but it is to be made. That's when your true character is exposed.

Success in life has always demanded a depth of character. Those who can reach deep within themselves and draw upon an inner strength, fortified by strong values, always carry the day against those of lesser character.

Honor. Honor is captured by two essential ingredients—honesty and integrity. I hope that we may each find the courage to be not only true to others, but also true to ourselves—a far more difficult challenge. Such uninhibited self-evaluation will provide endless opportunities for personal growth and development.

Perhaps the most important determinant of integrity is work ethic. Hard work and determination have earned us the degrees we celebrate today. A wise man once said, "It is amazing how many people who work very hard are damn lucky." While hard work may often go unrecognized, it will undoubtedly further one's integrity. Both integrity and honesty are essential to achieving honor. Likewise, both honor and character are essential to achieving power and strength.

My second and final wish is that we may each be humble.

Two of the simplest words in the English language are too often forgotten. Thank you. At a time when it is also appropriate to offer thanks. None of us have walked this journey

alone. Whether it's your parents who offered financial support, the coach who served as a father figure, the professor who spent the extra time, the unknown person was created the scholarship you received, the friends who offered unending support, or the organizations which provided the opportunity for personal growth. When someone says "congratulations" we should each respond with "Thank You," thanking those who have allowed us to achieve our goals.

Thank You.●

HONORING MOKAN KIDS NETWORK

● Mr. ASHCROFT. Mr. President, I stand before you today to recognize the accomplishments of the MoKan Kids Network and to congratulate it for winning the 21st Century Award from the Association of America's Public Television Stations. The 21st Century Award is given to public television stations that demonstrate extraordinary involvement in long-range planning, collaboration with others, experimentation with new technologies or the creation of new services for underserved communities. The MoKan Kids Network, a service of Kansas City Public Television, Smoky Hills Public Television, and 350 Missouri and Kansas school districts, has helped move classroom instruction into the 21st century.

The MoKan Kids Network provides instructional television, online networking and professional development and teacher training for 30,000 teachers in Missouri and Kansas. The network offers teachers more than 700 hours of educational video materials for classroom use and provides teachers with Internet access and curriculum-based web browsing capabilities. MoKan also makes available to teachers special training through its National Teacher Training Institutes, online conferences, and hands-on training in computer labs. MoKan's generous resources have allowed teachers to offer an enriched learning experience to 350,000 elementary and secondary students in Missouri and Kansas.

Mr. President, please join me in congratulating the MoKan Kids Network for being honored with the 21st Century Award. We thank MoKan for its fruitful efforts supporting educational broadcasting, and we hope its example will influence others around the country to establish similar programs.●

RETIREMENT OF DEE LEVIN FROM THE FBI

● Mr. GRAMS. Mr. President, I would like to pay tribute today to Special Agent Donald (Dee) Levin on his retirement from the Federal Bureau of Investigation after 29 years of service. In 1967, shortly after graduating from the University of Minnesota, Dee joined the Marine Corps, where he served in Vietnam. Dee began his career with the FBI in 1971, starting out in the Indianapolis and Detroit offices before mov-

ing to Minnesota in 1980. Since then, he has worked in the Minneapolis field office as the technical coordinator.

The FBI is a worldwide leader in crime investigation and crime solving. The respect commanded by the FBI is due in large part to the individual agents, like Dee, who serve with honor and integrity in their duty to make the United States a safer place to live.

Dee will be very busy in his retirement. As new grandparents, Dee and his wife Judy look forward to spending time with their family and remaining active in their church, Galilee Lutheran.

I admire Dee's dedication to the FBI and on behalf of all Minnesotans, I thank him for his service.●

DAIRY OF DISTINCTION AWARD

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to pay tribute to the 99 Vermont Farms that have been recognized by the Northeast Dairy Farms Beautification Program and received the Dairy of Distinctions Award.

The Dairy of Distinction Awards are given in New York, Pennsylvania, New Jersey and Vermont. The award was originally designed to help boost confidence in the quality of the milk, therefore increasing the milk sales. This is the fifth year that the honor has been bestowed on Vermont.

The criteria each farm must meet in order to receive this award are extremely stringent. According to the Vermont Department of Agriculture, Food, and Markets, the farms must include: clean and attractively finished buildings; neat landscaping, ditches, roads, and lanes; and well-maintained fences. Also taken into account are the conditions of other aspects of the farm operations such as cleanliness of animals, the barnyard, feed areas and manure management. This is a great feat considering that the average farm in Vermont is 217 acres.

Vermont is fortunate to have so many citizens who hold such pride in the presentation of their farms. I offer my congratulations to all of the farms that received the Dairy of Distinction Award, and may they be a shining example to all of the farms in Vermont. The winners are:

ADDISON COUNTY

Ernest, Earl, and Eugene Audet, Earl, Alan, and Edward Bessette, Herman and Gretta Buzeman, Paul Bolduc, Eric Clifford, Jeffery and Mary Demars, John and Rusty Forgues, Gerardies Gosliga, Dean Jackson, Peter James, Gerrit and Hank Nop, Thomas Pyle, Richard and Jodie Roorda, Tom and Shaina Roorda, Gerald and Judy Sabourin, Raymond Van Der Way, Loren and Gail Wood.

CALENDONIA COUNTY

William and Edith Butler, Paul and Rosemary Gingue, David and Mary Rainey, Bruce and Catherine Roy, Bebo and Lori Webster, Mary Kay and Dennis Wood.

CHITTENDEN COUNTY

June, Charles, and Mark Bean; David and Kate Cadreact; David and Kim Conant;

Claude and Gail Lapierre; Donald Maynard; Larry and Julie Reynolds.

ESSEX COUNTY

Hans and Erika Baumann; James Fay; K. Dean and Claudette Hook; William F. and Ursula S. Johnson; Louis and Nancy Lamoureux; Bernard Routhier; Stephen and Carla Russo.

FRANKLIN COUNTY

Kristen Ballard; Robert A. Beaulieu; Scott Bessette; Germain Bourdeau; Robert E. Brooks; Richard and Andrew Brouillette; Ricky Doe and Alan Chagnon; Fournier Family; Wayne and Nancy Fiske; Gary and Olive Gilmond; Patrick Hayes; Paul and Karen Langelier; Robert, David and Sandra Manning; Ronald Marshall; Jacques and Mariel Parent; Philip and Suzanne Parent; Robert and Linda Parent; John Carman and Everett Shonyo; Paul and Linda Stanley; Garry and Eileen Trudell; David Williams.

GRAND ISLE COUNTY

Joyce B. Ladd; Louis E. Sr. and Anna S. Martell; Andrew and Ellen Paradee; Roger and Clair Rainville.

LAMOILLE COUNTY

Frederich B. Boyden; Russell Lanphear.

ORANGE COUNTY

Katherine Burgess; Karen Galayda and Tom Gilbert; Herbert and Beverly Hodge; Alan Howe; Robert and Anne Howe; Linwood Jr. and Gordon Huntington; Paul and Martha Knox; Larry and Sue Martin; Ron Saldi; David P. and Louise B. Silloway; Scott and Fred Smith Steve; Lynn and Alice Wakefield.

ORLEANS COUNTY

Robert and Michelle Columbia; Paul and Nancy Daniels; Bryan and Susan Davis; Andrew and Kathy DuLaBruere; Robert Judd; Roger and Deborah Meunier; Richard and Helen Morin.

RUTLAND COUNTY

Martha Hayward; Neal and Julianne Sharrow; Holly Young.

WASHINGTON COUNTY

David and Susan Childs; Austin C. Cleaves; Everett and Kendall Maynard; Stuart and Margaret Osha; Douglas H. and Sharon A. Turner.

WINDHAM COUNTY

R. Edward Hamilton; Steve and Terry Morse; Alan Smith; Leon and Linda and Roy and Vanessa; Robert Wheeler.

WINDSOR COUNTY

Robert and Elizabeth Kennett Robert A.; and Gail J. Ketchum; James Lewis; Amy M. Richardson.●

THE 60TH BIRTHDAY OF MR. ROBERT GILLETTE

● Mr. ABRAHAM. Mr. President, on June 16th, 2000, a very dear friend of mine, Mr. Robert Gillette, will celebrate his 60th birthday. I rise today to commemorate this occasion, and to honor a wonderful man who has worked extremely hard to improve living conditions for seniors throughout the State of Michigan.

Mr. Gillette is the president of American House, an organization that owns and operates 24 housing facilities for seniors in the metropolitan Detroit area. American House strives to be the most outstanding affordable senior

housing organization in the State of Michigan, and to provide all seniors, regardless of their income, with quality services and care. The organization is founded on the principle that individuals are entitled to living with dignity and with freedom as they enjoy the later years of their lives.

Recently, I have had the privilege of working with Mr. Gillette on an issue that is of utmost importance to the seniors of Michigan—affordable senior housing. At certain American House locations, a program has been developed which utilizes two assistance programs available to seniors. A Michigan State Housing Development Authority tax credit provides qualified applicants with a tax credit and rent subsidies, based on income limitations. In addition, the federally funded Medicaid Waiver Program, which has been in effect since the early 1990's assists qualified applicants in paying for housework, meals, and personalized care services in a home environment.

Mr. President, taking advantage of these two government subsidy programs has the potential to narrow the gap in housing prospects that exists between low, middle, and high-income seniors. It will provide many seniors, who otherwise would be forced to move into publicly-funded nursing homes, with the ability to remain in assisted living programs like that which American House offers. It is a wonderful program with enormous potential.

Combining these programs to assist seniors was the idea of Bob Gillette. This is the kind of work that he does every day. He is always thinking about how to make the lives of people around him better. His enthusiasm for his job and his genuine interest in the people around him make others want to help him.

Anyone who knows Bob will tell you that he is a wonderful person. I consider it a privilege to have him as a friend. He is truly a remarkable man. On behalf of the entire United States Senate, I wish Bob Gillette a happy 60th birthday, and best of luck in the future.●

TRIBUTE TO THE TELEPHONE PIONEERS OF AMERICA

● Mr. L. CHAFEE. Mr. President, I want to take a moment to pay tribute to the Telephone Pioneers of America. This tremendous volunteer organization has provided 40 years of volunteer labor service to the repair of talking-book machines for the National Library Service for the Blind and Physically Handicapped of the Library of Congress, Washington, D.C. Since 1960, the Pioneers have provided over \$70 million worth of volunteer labor and have repaired nearly 2 million machines. More than a half-million blind and physically disabled individuals benefit from this outstanding volun-

teer repair service. In Rhode Island alone, Pioneers have volunteered 27,186 hours and repaired 17,146 machines since 1986.

The Pioneers are a good-will organization of a million people. This international organization is led by President Irene Chavira of U.S. West, Senior Vice President, Harold Burlingame of AT&T, and Executive Director and Chief Operating Officer James Gadd of Bell South. The organization is further supported by countless special people who make up the association, headquarters advisory board, and sponsoring companies.

Concerning the talking-book program itself, there are 1,500 Pioneer men and women who work on talking-book repair. They consist of volunteer personnel from AT&T, Bell Atlantic, Bell South, Lucent Technologies, Southwestern Bell Corporation, SBC, Communications, Inc., and U.S. West. They are ably supported by their Pioneer Vice Presidents and are also ably assisted by regional coordinators.

Through the generosity of the sponsoring companies, talking-book repair Pioneers are provided facilities in which they repair the equipment. Further, they are provided funding for tools, while the National Library Service for the Blind and Physically Handicapped provides testing equipment and parts for necessary repairs. The Pioneer organization also ensures talking-book coordinator leadership, including administrative support, management support for the program, and funding for travel to training and for recognition events.

The talking-book machines provided by the National Library Services to blind and visually impaired Americans are nothing less than a lifeline. Profound vision loss and blindness can seem like an insurmountable obstacle to what most of us take for granted, reading. We live in the information age, but for blind and visually impaired individuals, most information would be out of reach if it were not for the availability of specially designed talking-book machines. With talking-book machines, and other forms of assistive technology, blind boys and girls, men and women are reading for pleasure, for academic achievement, and for professional advancement.

Volunteerism is one of the greatest of all American virtues, and most who given their time for the benefit of others, do so without hope of fanfare. The Telephone Pioneers of America truly have sounded a clarion call for all other volunteer organizations to follow by responding to those in need, and I commend them for it.●

DEATH OF JEFF MACNELLY

● Mr. FITZGERALD. Mr. President, readers of the Chicago Tribune and newspapers across America suffered a

great loss last Thursday when legendary political cartoonist Jeff MacNelly lost his battle with lymphoma. He was 52.

Jeff MacNelly was one of the giants of modern political commentary. In this era of multi-media communication, round-the-clock news, and ubiquitous political punditry, Jeff offered a fresh and witty perspective on local and national affairs.

It has been said that a picture is worth a thousand words. But Jeff MacNelly was a master, and his were worth more. No matter what the issue, no matter who the subject of his praise or caustic criticism, Jeff had a way of making his point and making you laugh at the same time. That was his gift.

Born in New York City in 1947, Jeff MacNelly knew he was meant to draw. He left college during his senior year in 1969 to pursue a career as a political cartoonist, and accepted a job with a weekly newspaper in Chapel Hill, North Carolina. Jeff won his first Pulitzer Prize in 1972 at age 24, and two more followed in 1978 and 1985. His legendary comic strip "Shoe," which he continued for the rest of his life, was born in 1977. By the time Jeff passed away last week, "Shoe" was syndicated in over 1,000 publications nationwide. Jeff briefly decided to retire his pen in 1981, but, missing the excitement of politics and the daily news business, was lured back into action in 1982 by the Chicago Tribune. He worked at the Tribune until his death.

For nearly 30 years, Jeff MacNelly entertained and informed us with his unique blend of humor and political insight. He died young, but left his mark—literally and figuratively—on the entire world.●

RECOGNITION OF MARK LAMPING

● Mr. BOND. Mr. President, I rise today to honor Mark Lamping, President of the St. Louis Cardinals. Today, the St. Louis Catholic Youth Council presented its Annual Achievement Award for the year 2000 to Mr. Lamping. His tenure as head of the Cardinals has seen a 1996 Central Division championship, a return to post-season play for the first time since 1987, and a complete renovation of Busch Stadium. In 1999, his dedication as President enabled the Cardinals to receive the honor of Major League Baseball's Fan Friendly team by the United Sports Fans of America for the Cardinals' outstanding efforts at making the ballpark a more enjoyable, affordable, and memorable experience for the paying public.

In February of 1994, after serving for five years as Anheuser-Busch's group Director of Sports Marketing, Mr. Lamping was appointed Commissioner of the Continental Basketball Association. While in this position, Mr.

Lamping managed the company's TV and radio sports marketing activities for all Anheuser-Busch beer brands, including sponsorship agreements with the Olympics, World Cup, the National Hockey League, the National Football League, the National Basketball Association, and all other major professional sports.

Mr. Lamping's accomplishments are not limited to the realm of sports; he also gained experience in the corporate world. In 1981, Mr. Lamping joined the Anheuser-Busch family and began his work as a financial analyst within the company's corporate planning division. He then moved on to serve as the District Manager in Southern Illinois and Central Iowa. In addition to these responsibilities, Mr. Lamping served as the Senior Brand Manager for New Products and the Director of Sales Operations.

Mr. Lamping has also added a number of civic and charitable activities to his resume, including the St. Louis Sports Commission Board of Directors, the St. Louis University Business School Board of Directors, and the SSM Health Care Central Regional Board. He has served on the Board of Directors for the Roman Catholic Orphan Board, the Boone Valley Classic Foundation, the St. Louis Cardinals Community Fund, as well as Chairperson of the Make-A-Wish Foundation Golf Classic in 1997, 1998, and 1999, Chairman of the Old Newsboys Day for Children's Charities, and as the Chairperson for 1999 St. Louis papal visit.

In 1998, Mr. Lamping received the Man of the Year honor from the St. Louis Chapter of Sudden Infant Death Syndrome Resources. That same year he received the James O'Flynn Award from St. Patrick's Center in recognition of his hard work to help fight homelessness in the St. Louis area. Also, Mr. Lamping was recently inducted into the Vianney High School Hall of Fame.

The holder of a bachelor's degree in accounting from Rockhurst College of Kansas City and a master's degree in business administration from St. Louis University, Mr. Lamping is husband to Cheryl and father to three children—Brian, Lauren, and Timothy.

St. Louis is lucky to count as a resident a man so dedicated to his native community. It is my honor and pleasure to congratulate Mr. Mark Lamping on his outstanding success as a Missouri citizen and as this year's recipient of the Catholic Youth Council's Annual Achievement Award.●

BEST HARVEST BAKERY

● Mr. BROWNBACK. Mr. President, I rise to recognize a significant minority enterprise in my home state of Kansas. The venture is Best Harvest Bakery, and its founders are two highly capable and energetic African-American busi-

nessmen, Bob Beavers, Jr. and Ed Honesty. Best Harvest is supplying hamburger buns to 560 McDonald's restaurants throughout the Midwest and will supply a new type of soft roll to the U.S. military. As minority suppliers to McDonald's, Bob and Ed join a growing force that last year provided over \$3 billion in goods and services to the system.

Bob and Ed got their start as McDonald's employees and rose through the ranks to senior positions. Bob started as crew and attained the rank of senior vice president and a position on McDonald's board of directors. Ed joined the company right out of law school and became managing counsel for the Great Lakes Region. Last year, the two left their secure positions to become independent entrepreneurs and suppliers to the company. Bob and Ed chose to locate in Kansas City, Kansas because, as they said, it is "the heart of the bread basket." I along with many others in my home state welcome them and Best Harvest's contribution to our thriving economy.

Mr. PRESIDENT, I ask that this article on Bob Beavers and Ed Honesty, published in the April 2000, issue of *Franchise Times*, be placed in the *RECORD*, and I encourage my colleagues to read the account of these two outstanding African-Americans and their evolving relationship with McDonald's, which has again demonstrated its commitment to diversity.

[From the *Franchise Times*, Apr. 2000]

FORMER EXECs SWITCH TO SUPPLY SIDE

(By Nancy Weingartner)

Robert M. Beavers Jr. Started as a part-time McDonald's worker earning \$1 an hour. At his girlfriend's suggestion, he took the job during his junior year at George Washington University, because it was close to where she lived. He became an intricate part of the franchisee's business and when it was sold, corporate asked him to come to Oak Brook. In his 36-year career with McDonald's, he climbed the ladder to a senior vice president position and was responsible for bringing hundreds of minority franchisees into the system. He was also the first African American on the hamburger giant's board of directors.

Edward Honesty Jr. joined McDonald's right out of law school. He worked his way up to managing counsel for the Great Lakes Region, helped start the Business Counsel Program and was a frequent attendee and speaker at the American Bar Association's Forum on Franchising and the International Franchise Association's Legal Symposium.

So why would two men who were at the top of their game decide to give up their expense accounts and their impressive titles to become suppliers?

In one word—entrepreneurship.

It was because of their contacts at McDonald's and the fact that they knew the system so well, they were able to put together a deal where everyone could rise to the top.

"We look at the McDonald's system as a three-legged stool," Beavers said. Each leg—corporate, franchisees and suppliers—are necessary in order to keep the stool on its feet. "No one has been all three," Beavers said. Until now.

Beavers is part of an investment group, including Berkshire Partners, that purchased Fresh Start Bakeries from the Campbell Soup Company in 1999. Fresh Start's 14 bakeries worldwide supply 24 percent of McDonald's restaurants in the U.S., 64 percent of the Latin America restaurants and 14 percent of those in Europe. Beavers will serve as a director of Fresh Start. In addition, Beavers and Honesty purchased a majority interest in the Kansas City bakery and formed a joint venture with Fresh Start. Honesty is president and chief operating officer and Beavers is chairman and CEO.

They chose buns because it's a core product that McDonald's uses in large quantities, and the Kansas City location because it's in "the heart of the bread basket" and close to the McDonald's restaurants they supply.

While McDonald's is their largest customer, they don't have a written contract. All arrangements with suppliers at McDonald's are by a handshake, Beavers said. That's the way Ray Kroc started doing business in 1955 and the way the company still does it, he said. "We (suppliers) have to do our part, they (corporate) have to do their part. It makes for a powerful relationship," he said.

Structuring the deal with a handshake has served McDonald's well, Beavers said, and "that's the spirit (in which) I want to grow our business."

LEAVING CORPORATE

Part of the reason Honesty was able to join Beavers in the endeavor with a minimum amount of trepidation was that they were able to get McDonald's "blessing" before leaping. Both knew that being a supplier to McDonald's was a win-win deal.

Honesty had put together a blue binder with his mission statement, attributes and financials and took it to McDonald's purchasing department a couple of years before the Fresh Start deal materialized. He let it be known, he said, that he was interested in becoming a supplier for McDonald's.

Meanwhile, Beavers was also looking for a change of pace. When he heard about the bakery opportunity, he spoke to the head of McDonald's, Jack Greenberg, who Beavers said thought it was a great opportunity.

It was a great opportunity for Honesty also, who invested his life's savings and stock options in his quest for the entrepreneurial life. He moved his family, a son, 15, and a daughter, 11, from the Chicago area to Kansas City, necessitating his wife to give up her prestigious job as a medical director for Advocate Health Care.

Was he nervous? "I didn't dwell on the nervousness or the 'what ifs,'" he said. "I hope to remain nervous forever, I don't want to get complacent; I need to maximize my potential. I'm just where I want to be—slightly over my head," he said.

Because of their positive experiences with McDonald's both men knew they wanted to remain in the family. Their training at McDonald's, including sweeping the floors and learning how to make a hamburger, prepared them to build their company based on McDonald's winning recipe.

Beavers' experience on the board for 19 years gave him a "good understanding of how a public company is run and great insight into developing a brand."

Honesty's dealing with the legal side of the business taught him about fairness and how to settle problems at the business table rather than in court. In business, he said, you're in it for the long haul, and the ones you met on the way up are the same ones you'll meet on the way down," he contends.

While McDonald's will always be their No. 1 customer—"Always dance with the one who brung you." Honesty quips—Great Harvest has room in its production schedule to develop other business. One contract they've won is with the U.S. military to develop a soft roll that can be used as rations during the military's war games. "It's an exotic, tough bun to make," Honesty said, but could prove to be a lucrative one now that they've got the military specs down pat. They're also looking into doing private labeling for supermarkets, Beavers said.

One thing the pair wants to ensure down the road is that the bakery remains a minority venture, Honesty said. Beavers welcomes the opportunity to bring two of his four grown children into the company. And even though they've left their corporate jobs, they still consider themselves a part of McDonald's extended family. A very important leg on that three-legged stool that keeps McDonald's centered.

"We've got a passion for McDonald's," Honesty said.

THE BUN PART OF THE BUSINESS

Name: Best Harvest Bakeries
Location: Kansas City, Kansas
Production capacity: 3,000 dozen buns an hour, 17 million dozen buns, or soft rolls, a year

Shifts: Five days a week for three shifts
Size: 32,000 square feet
Employees: about 47

Customers: 560 McDonald's restaurants, the U.S. Military, which just awarded Best Harvest a contract to make a bun that serves as rations during military "war games" (all the oxygen is taken out of the package so the bun stays fresh for three years).

Goal: "To become the premier supplier of grain-based products having outstanding quality in a service environment that exceeds our customers' expectations while ensuring that our customers receive unsurpassed value from our relationship."●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "THE WEKIVA RIVER ROCK SPRING RUN AND SEMINOLE CREEK"—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Wekiva River

and several tributaries in Florida. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The Wekiva study was authorized by Public Law 104-311.

The National Park Service conducted the study with assistance from the Wekiva River Basin Working Group, a committee established by the Florida Department of Environmental Protection to represent a broad spectrum of environmental and developmental interests. The study found that 45.5 miles of river are eligible for the National Wild and Scenic Rivers System (the "System") based on free-flowing character, good water quality, and "outstandingly remarkable" scenic, recreational, fish and wildlife, and historic/cultural values.

Almost all the land adjacent to the eligible rivers is in public ownership and managed by State and county governments for conservation purposes. The exception to this pattern is the 3.9-mile-long Seminole Creek that is in private ownership. The public land managers strongly support designation while the private landowner opposes designation of his land. Therefore, I recommend that the 41.6 miles of river abutted by public lands and as described in the enclosed report be designated a component of the System. Seminole Creek could be added if the adjacent landowner should change his mind or if this land is ever purchased by an individual or conservation agency who does not object. The tributary is not centrally located in the area proposed for designation.

I further recommend that legislation designating the Wekiva and eligible tributaries specify that on-the-ground management responsibilities remain with the existing land manager and not the Secretary of the Department of the Interior. This is in accordance with expressed State wishes and is logical. Responsibilities of the Secretary should be limited to working with State and local partners in developing a comprehensive river management plan, providing technical assistance, and reviewing effects of water resource development proposals in accordance with section 7 of the Wild and Scenic Rivers Act.

We look forward to working with the Congress to designate this worthy addition to the National Wild and Scenic River System.

WILLIAM J. CLINTON.
THE WHITE HOUSE, June 13, 2000.

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3995. An act to establish procedures governing the responsibilities of court-ap-

pointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

H.R. 4504. An act to make technical amendments to the Higher Education Act of 1965.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill, and division A of the Senate amendment, and modifications committed to conference: Mr. HOBSON, Mr. PORTER, Mr. TIAHRT, Mr. WALSH, Mr. MILLER of Florida, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. YOUNG of Florida, Mr. OLVER, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. DICKS, and Mr. OBEY.

For consideration of division B of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. ROGERS, Mr. SKEEN, Mr. CALLAHAN, Mr. OBEY, Mr. MURTHA, Ms. PELOSI, and Ms. KAPTUR.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent; and referred as indicated:

H.R. 3995. An act to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government; to the Committee on Governmental Affairs.

H.R. 4504. An act to make technical amendments to the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9198. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9199. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9200. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9201. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9202. A communication from the Corporation For National Service, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9203. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9204. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9205. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9206. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9207. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9208. A communication from the Executive Director of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9209. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9210. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports issued or released in April 2000; to the Committee on Governmental Affairs.

EC-9211. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Performance Plan for fiscal year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without an amendment:

S. 1967. A bill to make technical corrections to the status of certain land held in

trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes (Rept. No. 106-307).

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 2720. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON:

S. 2713. A bill to amend title 23, United States Code, to require States to use Federal highway funds for projects in high priority corridors, and for others; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. BREAU):

S. 2714. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2715. A bill to amend title 18, United States Code, with respect to ballistic identification of handguns; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 2716. A bill to prohibit the Secretary of Transportation and the Administrator of the Federal Motor Carrier Administration from taking action to finalize, implement, or enforce a rule relating to the hours of service of drivers for motor carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 2717. A bill to amend the Internal Revenue Code of 1986 to gradually increase the estate tax deduction for family-owned business interests; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2718. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. HATCH, and Mr. INOUE):

S. 2719. A bill to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHELBY:

S. 2720. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. THOMAS (for himself, Mr. SHELBY, Mr. REID, Mr. BREAU, and Mr. CONRAD):

S. 2721. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 2722. A bill to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith; considered and passed.

By Mr. INHOFE:

S. 2723. A bill to amend the Clean Air Act to permit the Governor of a State to waive oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, to establish a program to phase out the use of methyl tertiary butyl ester, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 2724. A bill to direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself, Mr. DURBIN, Mr. KERREY, Mr. LAUTENBERG, and Mr. JEFFORDS):

S. 2725. A bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself, Mr. DOMENICI, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BOND, Mr. BREAU, Mr. BROWBACK, Mr. L. CHAFEE, Mr. DODD, Mr. EDWARDS, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Mr. LANDRIEU, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. SMITH OF NEW HAMPSHIRE, Mr. STEVENS, Mr. THURMOND, and Mr. VOINOVICH):

S. Res. 322. A resolution encouraging and promoting greater involvement of fathers in their children's lives and designating June 18, 2000, as "Responsible Father's Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. BREAU):

S. 2714. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Finance.

THE HOME OWNERSHIP MADE EASY (HOME) ACT

Mrs. LINCOLN. Mr. President, today I am introducing the Home Ownership Made Easy (HOME) Act, which will expand home ownership opportunities for low- and moderate-income, first-time home buyers.

Providing affordable, fair, and quality housing for all people is important.

Home ownership is not only the American Dream, it also increases pride in community, schools, and safety. Too often, however, American workers who make too much money to qualify for public assistance and too little money to afford a home on their own are stuck in the middle. These families are stuck in substandard housing or in neighborhoods that are far from their jobs. Fortunately, in the early 1980's, Congress established the Mortgage Revenue Bond (MRB) program, which allowed state and local governments to issue tax-exempt bonds to finance mortgages at below-market interest rates to first-time home buyers. Unfortunately, as sometimes happens in government programs, administrative barriers have rendered the program less effective in recent years.

The Internal Revenue Service and the Department of Housing and Urban Development have been unable to collect and maintain statistical data on average area purchase prices in all states. In Arkansas for instance, the MRB Program is based on an average area purchase price that was established in 1993. This means that, while housing prices are going up, the threshold for homeowners to qualify for an MRB loan has stayed the same.

The HOME Act reduces the administrative burden on the Internal Revenue Service and the Department of Housing and Urban Development. It will allow state and local housing finance agencies to use a multiple of income limits, which are readily available and updated annually. Relying on already established MRB income requirements is a natural fit because families generally purchase homes within their income range.

The Mortgage Revenue Bond program is a state administered program that works. The HOME Act will continue to expand the MRB's track record and success.

Mr. President, I ask unanimous consent that the text of this legislation be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PURCHASE PRICE LIMITATION UNDER MORTGAGE SUBSIDY BOND RULES BASED ON MEDIAN FAMILY INCOME.

(a) IN GENERAL.—Paragraph (1) of section 143(e) of the Internal Revenue Code of 1986 (relating to purchase price requirement) is amended to read as follows:

“(1) IN GENERAL.—An issue meets the requirements of this subsection only if the acquisition cost of each residence the owner-financing of which is provided under the issue does not exceed the greater of—

“(A) 90 percent of the average area purchase price applicable to the residence, or

“(B) 3.5 times the applicable median family income (as defined in subsection (f)(4)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. TORRICELLI:

S. 2715. A bill to amend title 18, United States Code, with respect to ballistic identification of handguns; to the Committee on the Judiciary.

BALLISTICS FINGERPRINTS ACT OF 2000

• Mr. TORRICELLI. Mr. President, I rise today to introduce the “Ballistics Fingerprints Act of 2000” which will help reduce gun violence in our communities. Despite recent progress in reducing gun violence, the number of people killed or injured each year in this country remains too high. Each year more than 32,000 Americans are killed by gunfire. This means that each day, almost 90 Americans, including almost 12 young people under the age of 19, die from gunshot wounds. For each fatal shooting, three more people are injured by gunfire. These grim statistics require all of us to do more to further reduce gun violence.

History has shown that coordinated law enforcement strategies involving the public and private sector are the most effective tools in reducing gun violence. This includes targeting the illegal shipment of firearms and implementing strategies to keep guns out of the hands of criminals. It also includes using advanced technologies, such as computer ballistic imaging, to assist law enforcement in investigating and identifying violent criminals.

Like fingerprints, the barrel of a firearm leaves distinguishing marks on a bullet and cartridge case and no two firearms leave the same marks. Computer ballistic imaging technology allows these distinguishing marks or characteristics to be maintained in a database where they can be rapidly compared with evidence from a crime scene for possible matches. The ATF and FBI have been using this technology since 1993 to help state and local crime laboratories across the country link gun-related crimes and recently these agencies entered into an agreement to create one unified system. In 1999 alone, a total of 2,026 matches were made with this unified system which represents the linkage of at least 4,052 firearm related crimes.

The “Ballistics Fingerprints Act” would take this innovative approach to crime fighting one step further by creating a national registry of ballistic fingerprints. Under this legislation, every gun manufacturer will be required to obtain the ballistic fingerprints or identifying characteristics for every gun manufactured prior to distribution so that guns used in the commission of a crime can be easily traced and identified. The bill also requires the Department of Treasury to inspect this information and create a national registry of ballistic fingerprints. With the help of this information, police will

be better able to locate and identify the guns used in criminal activity and to prosecute the criminals who use these guns.

The saturation of guns in American communities and the frequency of gun related violence calls upon all of us to do more to combat gun related violence. Common sense tells us that one way to further reduce firearm violence is to identify the guns used in committing these crimes so that the criminals who use these can be brought to justice. Regardless of where one stands on gun control, we all should be able to unite behind this simple but highly effective crime fighting tool. I look forward to working with my colleagues to see this legislation enacted into law.

Mr. President, I ask unanimous consent that the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ballistic Fingerprints Act of 2000”.

SEC. 2. HANDGUN BALLISTIC IDENTIFICATION.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

“(m) HANDGUN BALLISTIC IDENTIFICATION.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘projectile’ means the part of handgun ammunition that is, by means of an explosion, expelled through the barrel of a handgun; and

“(B) the term ‘shell casing’ means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

“(2) INCLUSION OF HANDGUN IDENTIFIERS IN MANUFACTURER SHIPMENTS.—A licensed manufacturer shall include, in a separate sealed container inside the container in which a handgun is shipped or transported to a licensed dealer—

“(A) a projectile discharged from that handgun;

“(B) a shell casing of a projectile discharged from that handgun; and

“(C) any information that identifies the handgun, projectile, or shell casing, as may be required by the Secretary by regulation.

“(3) REQUIREMENTS RELATING TO DEALERS.—A licensed dealer shall—

“(A) upon receipt of a handgun from a licensed manufacturer, notify the Secretary regarding whether the manufacturer complied with the requirements of paragraph (2); and

“(B) upon the sale, lease, or transfer of a handgun shipped or transported in accordance with paragraph (2), transfer to the Secretary the sealed container included in the container with the handgun pursuant to that paragraph.

“(4) DUTIES OF SECRETARY.—The Secretary shall establish and maintain a computer database of all information identifying each projectile, shell casing, and other information included in a sealed container transferred to the Secretary under paragraph (3).”.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the

Secretary of the Treasury shall promulgate final regulations to carry out the amendment made by subsection (a).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date on which the Secretary of the Treasury promulgates final regulations under subsection (b).●

By Mr. CAMPBELL:

S. 2716. A bill to prohibit the Secretary of Transportation and the Administrator of the Federal Motor Carrier Administration from taking action to finalize, implement, or enforce a rule relating to the hours of service of drivers for motor carriers; to the Committee on Commerce, Science, and Transportation.

THE MOTOR CARRIER FAIRNESS ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing the Motor Carrier Fairness Act of 2000. This legislation would prohibit the Secretary of Transportation and Administrator of the Federal Motor Carrier Safety Administration from taking action to finalize, implement, or enforce a rule relating to the hours of service of drivers for motor carriers.

Trucking is the backbone of the U.S. economy. The industry transports approximately 80 percent of the nation's freight, and well over 70 percent of communities in the United States depend solely on trucking to deliver their goods. The hours of service are arguably the single most important rule governing how trucking companies and truck drivers operate. However, the Department's proposed rules fail to consider the impact of the proposal on the nation's economy as well as the drivers.

The fundamental change in hours is a shift from an 18 hour, to a 24-hour clock. Under DOT's proposed rules, a driver's basic workday would be 12 hours on, 12 hours off with mandatory two consecutive days off. I was amazed to find out that by imposing these changes and increasing the number of off-duty hours DOT creates the need for a 50 percent increase in the number of refrigerated and dry van trucks. This in turn translates into an additional 180,000 drivers and trucks on already crowded roads, just to keep the current economy moving. I know, from speaking to freight carriers in my home state of Colorado, that the job market is already short approximately 80,000 drivers, and these trucking companies are experiencing substantial problems finding the necessary number of drivers for their operations.

There are many reasons why this bill is necessary. For example DOT's proposals would:

Reduce driver's salaries since they are paid per mile. By reducing the overall working time from 15 to 12 hours, salaries will also decrease. A 12-hour day will not allow drivers to take advantage of income opportunities that

fluctuating freight volumes provide. Furthermore, as an article in the Denver Post reported today, the mandatory weekend time off could result in thousands of dollars of lost income per year for drivers.

Overcrowded rest stops. There are an estimated 187,000 parking stalls in truck stops around the country and the 2.5 to 3 million Class 8 trucks, and the result is overcrowded rest stops. Most drivers will be forced to use public rest stops, gas stations or even highway ramps to comply with the proposed rules. In fact the DOT held a field hearing yesterday at the Jefferson County Fairgrounds in Colorado. Truckers there specifically warned of the re-emergence of thieves, scam artists, and prostitutes who linger around truck stops, preying on resting truckers.

These rules would inevitably crowd the highways with more trucks. Since waiting time at loading docks is considered "on-duty" hours, refrigerated carriers will need 70 percent more trucks in order to meet delivery times and dry-freight haulers another 50 percent. This means that 600,000 to 700,000 more trucks will be needed in order to keep with the current delivery pace. In another example from the afore mentioned article, a mozzarella cheese maker in Denver will have to add 23 new truck tractors in order to compensate for the down time of drivers forced to idle because of these new rules. I might also add that this proposal claims to reduce the number of highway fatalities, but as we can see the need to add more trucks to our roads will only increase the possibility of highway accidents occurring. The number of truck related accidents has actually decreased 34 percent in the last 10 years, so we should not allow the DOT to reverse this trend through its proposed rule.

Another area of concern regards the issue of the "electronic onboard recorders" that will track the drivers hours. The cost of equipping Type I and II long haul trucks with these devices is most certainly going to be passed on for the companies to bear. These devices, at approximately \$1,000 apiece, could put some smaller hauling companies out of business.

Mr. President, I have been and still am a trucker. In fact, I just renewed my commercial drivers license last year. I understand first hand the concerns that most workers in this industry have with the proposed regulations. The trucking industry provides millions of Americans with on-time delivery. Our economy is dependent on this, and I believe that these proposed rules have not taken the impact of this aspect into consideration.

The cost of DOT's plan is not limited to the trucking industry as a whole, but will disrupt our nation's supply chain which consequentially will have a ripple effect on the rest of our econ-

omy, not to mention American jobs. Therefore, I urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Carrier Fairness Act of 2000".

SEC. 2. PROHIBITION OF ACTION TO FINALIZE, IMPLEMENT, OR ENFORCE RULE ON HOURS OF SERVICE OF DRIVERS.

Neither the Secretary of Transportation nor the Administrator of the Federal Motor Carrier Safety Administration may take any action to finalize, implement, or enforce the proposed rule entitled "Hours of Service of Drivers" published by the Federal Motor Carrier Safety Administration in the Federal Register on May 2, 2000 (65 Fed. Reg. 25539), and issued under authority delegated to the Administrator under section 113 of title 49, United States Code.

By Mr. THOMAS:

S. 2721. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

GRASSROOTS ADVOCACY TAX

● Mr. THOMAS. Mr. President, today I introduce legislation, along with my colleagues Senators SHELBY, BREAU, CONRAD and REID to make it easier for Americans to participate in the decision-making process in their state capitols. Current tax law denies main street business the ability to deduct legitimate expenses incurred while advocating their positions at the state level of government. This legislation will remove both the financial and administrative penalties imposed by this "grassroots advocacy tax."

As part of the Budget Reconciliation Act of 1993, Congress approved a proposal recommended by President Clinton to deny the deductibility of expenses incurred to lobby on legislative issues. As passed, the bill created an "advocacy tax" by denying a business tax deduction for expenses incurred to address legislation at both the state and federal levels. Expenses incurred regarding the legislative actions of local governments, however, are exempt from this tax.

When the deductibility for lobbying expenses was partially repealed in 1993, the debate centered on activities at the federal level. The fact that lobbying at the local level is exempt indicates that the original authors of this proposal did not intend to cover all lobbying activities. Although lobbying at the state level was not part of the debate, it was included in the final legislation that was approved by Congress. This grassroots advocacy tax is an unwarranted

intrusion of the federal government on the activity of state governments. We should not make it harder for Americans to participate in the decision making process in their state capitols.

At the state level, there is more active outside participation in the legislative process. This is partly because state legislatures have smaller staffs and meet less frequently than the U.S. Congress. In most states, the job of state legislator is part-time. In addition, many governors appoint "Blue Ribbon Commissions" and other advisory groups to recommend legislative solutions to problems peculiar to a specific state. These advisory groups depend on input from members of the business, professional and agricultural community knowledgeable about particular issues.

However, the record keeping requirements and penalties associated with this tax discouragement and penalize participation in the legislative process by businesses in all fifty states. This is especially true for the many state trade associations, most of whom are small operations not equipped to comply with the pages and pages of confusing federal regulations implementing this law. Compliance is both time consuming and complicated, and detracts from the legitimate and necessary work and services they perform for their members, who are primarily small businesses that depend on these associations to look after their interests.

This bill is very simple. It restores the deductibility of business expenses incurred for activities to deal with legislation at the state level, and gives them the same treatment that exists under current law for similar activities at the local level. This change will help ensure that the voices of citizen advocates and main street businesses will be heard in their state capitols. It is good legislation and it should be enacted into law.●

By Mr. JEFFORDS:

S. 2724. A bill to direct the Secretary of the Army to carry out an assessment of State, municipal, and private dams in the State of Vermont and to make appropriate modifications to the dams; to the Committee on Environment and Public Works.

VERMONT DAM LEGISLATION

● Mr. JEFFORDS. Mr. President, I rise today to speak of a pressing problem that affects not only the streams and rivers of Vermont, but the land and people who live and work along their winding routes. Vermont is home to over 2,000 dams of all sizes that clog Vermont's 5,000 river miles. Many of these dams were built in the eighteenth and nineteenth centuries, when industries were located along rivers to utilize dams for running machinery, dispose of waste, and transport raw materials and goods. Currently, most

of these dams no longer serve any commercial purpose and sit in disrepair, posing a significant safety threat and fundamentally altering the surrounding environment.

There are 150 dams in Vermont listed as either "high" or "significant" hazard, meaning that the failure of one of these dams presents a real threat to human life, property, and the environment. Last week, a Vermont newspaper highlighted the extreme danger if one of these dams were to fail by describing the 80 feet high wall water that would crash down the river valley if the Waterbury dam were to fail. Such a structural failure would mean that 22 square miles would be flooded, and a 15 foot high wall of water would hit the city of Burlington.

A disaster of this scope would be caused by the breakage of only a few dams across the state, but serious and extensive damage could also be caused by many smaller, similarly weak dams. Not only could damage occur due to failure, but many of the dams pose a significant threat to people using rivers for recreational purposes. The dams contain broken concrete, protruding metal, rotted timber cribbing and other hazards that threaten fisherman, boaters and swimmers with a serious threat of injury or death.

Not only are people and property at risk, but significant harm is being inflicted on the environment. Dams alter the basic characteristics of the rivers in which they are constructed and directly affect the features that comprise a riverine habitat. Non-functioning dams unnecessarily block wildlife, including fish that are attempting to migrate to spawn.

The Vermont Dam Remediation and Restoration Program allows the Army Corps of Engineers to enter into partnership with State, municipal, and private dam owners to assess and modify dams. The expertise and resources of the Corps would provide the much needed assistance to dam owners who would otherwise be unable to properly assess and modify dangerous, structurally unsound or environmentally harmful dams. I urge my colleagues to join me in addressing this critical problem and quickly pass this much needed authorizing legislation.●

By Mr. SMITH of New Hampshire (for himself, Mr. DURBIN, Mr. KERREY, Mr. LAUTENBERG, and Mr. JEFFORDS):

S. 2725. A bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE AND PROTECTION ACT

● Mr. SMITH of New Hampshire. Mr. President, today I rise along with Sen-

ators DURBIN, KERREY, LAUTENBERG, and JEFFORDS to introduce the Chimpanzee Health Improvement, Maintenance and Protection (C.H.I.M.P.) Act. This legislation will create a nonprofit sanctuary system for housing chimpanzees that federal researchers have decided are no longer needed for their research. Our bill, establishes a public/private matching fund which will provide for the permanent retirement of these animals. This is a wonderful opportunity for the Senate to support the sanctuary concept which is backed by many distinguished scientists, including Dr. Jane Goodall and humane people across the country. Mr. President, in the wild, the chimpanzee is an endangered species. We are fortunate that we have an opportunity now to provide decent, humane care for a species which is, sadly, on the decline in its natural habitat.

At this point in time we have a tremendous surplus of research chimpanzees in the United States. It began in the 1980's, when the terrible AIDS epidemic first appeared. Researchers in Federal agencies created breeding colonies of chimpanzees in five regional chimp centers. The hope was that chimpanzees, because of their genetic similarity to humans, would be a good model for various AIDS vaccine experiments. Scientists discovered, however, that although the chimpanzees proved to be carriers of the virus, that once it was injected into them, the chimps do not develop full-blown AIDS.

For this reason, many researchers are, in their own words, getting out of the chimp business. The chimpanzee does not serve as a model for how the disease progresses in humans and the researchers want to divest themselves of these intelligent animals. The problem is that there is really no place for the chimpanzees to go. Many of the chimps will live to be 50 years old! It is estimated that several hundred of the approximately 1,500 chimps currently in labs are ready to be sent to sanctuaries, but that we lack the sanctuary space to house them.

In a sanctuary the chimps can be put in small groups rather than living in isolation as many do in labs. Small social groups enable the chimps to recover from research more quickly both physically and mentally, and it is far more cost-effective than housing them in the present laboratory system. We should remember that taxpayers are currently footing the bill for what is basically the "warehousing" of these animals in expensive and inhumane labs.

I have based many of the features of the C.H.I.M.P. bill on a report entitled "Chimpanzees in Research: Strategies for Their Ethical Care, Management, and Use," that was published in 1997 by the National Research Council. In this study of research chimps, the well-respected National Academy of Sciences

(NAS) reported that there may be approximately 500 chimpanzees that are no longer needed in research. The NAS recommended that NIH initiate a breeding moratorium for at least 5 years, that surplus chimps be placed in sanctuaries rather than be euthanized, and that animal protection organizations, along with scientists, have input into the standards of care and the operation of the sanctuaries.

Our bill has addressed all these issues and is supported by The American Society for the Prevention of Cruelty to Animals, The American Anti-Vivisection Society, The Humane Society of the United States, The National Anti-Vivisection Society and The Society for Animal Protective Legislation. I want to again point out that our bill does not interfere with any ongoing medical experiments involving chimps. The bill allows for the retirement of chimps only after the researchers themselves have decided that a chimp is no longer useful in research. This is the humane, ethical, and fiscally responsible way to handle the question of what to do with a surplus of intelligent animals who have contributed to the knowledge of science and the health and well-being of humanity. This really should be a nonpartisan issue and I am proud to ask for the support of all my Senate colleagues.●

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 312, a bill to require certain entities that operate homeless shelters to identify and provide certain counseling to homeless veterans, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. DURBIN), the Senator from Nebraska (Mr. KERREY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor

of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1191

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1191, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration, and for other purposes.

S. 1250

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1250, a bill to amend title 38, United States Code, to ensure a continuum of health care for veterans, to require pilot programs relating to long-term health care for veterans, and for other purposes.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1459

At the request of Mr. MACK, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1795

At the request of Mr. CRAPO, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 1795, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1909

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2013

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs,

and youth conservation corps; and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

At the request of Mr. EDWARDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2293, *supra*.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2407

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2407, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 2520

At the request of Mr. JEFFORDS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2520, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of certain covered products, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2597

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 2597, a bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration.

S. 2608

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2688

At the request of Mr. CAMPBELL, his name was added as a cosponsor of S. 2688, a bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S.J. RES. 46

At the request of Mr. ROBB, his name was added as a cosponsor of S.J. Res. 46, a joint resolution commemorating the 225th Birthday of the United States Army.

At the request of Mr. REED, his name was added as a cosponsor of S.J. Res. 46, *supra*.

S. RES. 319

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 319, a resolution expressing the sense of the Senate that the Senate should participate in and support activities to provide decent homes for the people of the United States, and for other purposes.

AMENDMENT NO. 3175

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3175 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3176

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3176 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3177

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of amendment No. 3177 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3292

At the request of Mr. REID, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3292 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3311

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3311 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3312

At the request of Mr. STEVENS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 3312 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3324

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3324 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3325

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3325 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3346

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3346 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3352

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 3352 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3366

At the request of Mr. WELLSTONE, the names of the Senator from California (Mrs. BOXER) and the Senator from

Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3366 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3370

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3370 intended to be proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3372

At the request of Mr. STEVENS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3372 proposed to H.R. 4576, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 322—ENCOURAGING AND PROMOTING GREATER INVOLVEMENT OF FATHERS IN THEIR CHILDREN'S LIVES AND DESIGNATING JUNE 18, 2000, AS "RESPONSIBLE FATHER'S DAY"

Mr. BAYH (for himself, Mr. DOMENICI, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. L. CHAFEE, Mr. DODD, Mr. EDWARDS, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. SMITH of New Hampshire, Mr. STEVENS, Mr. THURMOND, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas 40 percent of children who live in households without a father have not seen their father in at least 1 year and 50 percent of such children have never visited their father's home;

Whereas approximately 50 percent of all children born in the United States spend at least ½ of their childhood in a family without a father figure;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

Whereas 3 out of 4 adolescents report that "they do not have adults in their lives that model positive behaviors";

Whereas many of the United States leading experts on family and child development agree that it is in the best interest of both children and the United States to encourage more two-parent, father-involved families to form and endure;

Whereas it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have two caring parents to help them grow up healthy and secure and not to—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in or enter into abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children who are apart from their biological father are, in comparison to other children—

(1) 5 times more likely to live in poverty; and

(2) more likely to—

(A) bring weapons and drugs into the classroom;

(B) commit crime;

(C) drop out of school;

(D) be abused;

(E) commit suicide;

(F) abuse alcohol or drugs; and

(G) become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

Whereas violent criminals are overwhelmingly males who grew up without fathers;

Whereas the number of children living with only a mother increased from just over 5,000,000 in 1960, to 17,000,000 in 1999, and between 1981 and 1991 the percentage of children living with only 1 parent increased from 19 percent to 25 percent;

Whereas between 20 percent and 30 percent of families in poverty are headed by women who have suffered domestic violence during the past year and between 40 percent and 60 percent of women with children who receive welfare were abused at some time in their life;

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe, loving environments;

Whereas responsible fatherhood should always recognize and promote values of non-violence;

Whereas child support is an important means by which a parent can take financial responsibility for a child and emotional support is an important means by which a parent can take social responsibility for a child;

Whereas children learn by example, community programs that help mold young men into positive role models for their children need to be encouraged;

Whereas promoting responsible fatherhood is not meant to diminish the parenting efforts of single mothers but rather to increase the likelihood that children will have 2 caring parents to help them grow up in loving environments; and

Whereas Congress has begun to take notice of this issue with legislation introduced in both the House of Representatives and the Senate to address the epidemic of fatherlessness: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(2) recognizes that while there are millions of fathers who serve as a wonderful caring parent for their children, there are children on Father's Day who will have no one to celebrate with;

(3) urges fathers to participate in their children's lives both financially and emotionally;

(4) encourages fathers to devote time, energy, and resources to their children;

(5) urges fathers to understand the level of responsibility required when fathering a child and to fulfill that responsibility;

(6) is committed to assist absent fathers become more responsible and engaged in their children's lives;

(7) designates June 18, 2000, as "National Responsible Father's Day";

(8) calls upon fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend "National Responsible Father's Day" with their children, and to express their love and support for their children; and

(9) requests that the President issue a proclamation calling upon the people of the United States to observe "National Responsible Father's Day" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED ON JUNE 6, 2000

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2000

COLLINS AMENDMENT NOS. 3175– 3177

Ms. COLLINS proposed three amendments to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, which was previously submitted and intended to be proposed by her to the bill (S. 2593) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 3175

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$2,000,000 may be made available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

AMENDMENT NO. 3176

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amounts appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be made available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

AMENDMENT NO. 3177

At the appropriate place in the substituted original text, insert the following:

SEC. . Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be made available to support spatio-temporal database research, visualization and user interaction testing, enhanced image processing, automated feature extraction research, and development of field-sensing devices, all of which are critical technology issues for smart maps and other intelligent spatial technologies.

COLLINS AMENDMENT NO. 3178

Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. BREAUX) proposed

an amendment to the bill, H.R. 4576, supra, which was previously submitted and intended to be proposed by them to the bill, S. 2593, supra; as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the funds appropriated in title III under the heading "PROCUREMENT, DEFENSE-WIDE", up to \$7,000,000 may be made available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

AMENDMENTS SUBMITTED ON JUNE 13, 2000

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2000

LOTT AMENDMENT NO. 3374

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to amendment no. 3349 proposed by Mr. EDWARDS to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the end of the amendment add the following:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$27,914,000, of which, \$25,000,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the funds made available for the development and implementation of a common computing environment shall only be available upon prior notice to the Committee on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk as-

essment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,462,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,421,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,765,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,046,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,171,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$629,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$182,747,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., \$15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be

transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$36,840,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,568,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than \$2,202,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,873,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$66,867,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$31,080,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$556,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,038,000: *Provided*, That \$1,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627, Public Law 105-113, and other laws, \$100,615,000, of which up to \$15,000,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$871,593,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each

be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2001, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$56,330,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a-i); \$21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a-a7); \$30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which \$1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; \$62,207,000 for special grants for agricultural research (7 U.S.C. 450i(c)); \$13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); \$121,350,000 for competitive research grants (7 U.S.C. 450i(b)); \$5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); \$750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); \$650,000 for grants for research pursuant to the Critical Agricultural Materials Act of

1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; \$1,000,000 for the 1994 research program (7 U.S.C. 301 note), to remain available until expended; \$3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); \$4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); \$1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); \$3,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); \$3,000,000 for a program of noncompetitive grants, to be awarded on an equal basis, to Alaska Native-serving and Native Hawaiian-serving Institutions to carry out higher education programs (7 U.S.C. 3242); \$1,000,000 for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)); \$4,000,000 for aquaculture grants (7 U.S.C. 3322); \$9,500,000 for sustainable agriculture research and education (7 U.S.C. 5811); \$9,500,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); \$1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382; and \$16,402,000 for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109; in all, \$494,744,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American institutions endowment fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$7,100,000: *Provided*, That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$3,400,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$12,400,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for youth-at-risk programs under section 3(d) of

the Act, \$9,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under section 3(d) of the Act, \$2,500,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,000,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), \$2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University, \$26,843,000, of which \$1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$12,107,000; in all, \$426,504,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, \$43,541,000, as follows: payments for the water quality program, \$13,000,000; payments for the food safety program, \$15,000,000; payments for the national agriculture pesticide impact assessment program, \$4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$6,000,000; payments for crops affected by the Food Quality Protection Act implementation, \$2,000,000; and payments for the methyl bromide transition program, \$3,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration, \$635,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$458,149,000, of which \$4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used

to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2001, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2001, \$87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$9,870,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$64,696,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this ap-

propriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That \$639,000 may be transferred to the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Production Program and that such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$27,269,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed \$42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$460,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, \$678,011,000, of which no less than \$578,544,000 shall be available for Federal food inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$589,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$828,385,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a

fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$559,373,000, of which \$431,373,000 shall be for guaranteed loans; operating loans, \$2,397,842,000, of which \$1,697,842,000 shall be for unsubsidized guaranteed loans and \$200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$1,028,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$15,986,000, of which \$2,200,000 shall be for guaranteed loans; operating loans, \$84,680,000, of which \$23,260,000 shall be for unsubsidized guaranteed loans and \$16,320,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$166,000; and for emergency insured loans, \$6,133,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$269,454,000, of which \$265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committee on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$65,597,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures,

within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND
REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR
HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR
NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$711,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$714,116,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$5,990,000 is for snow survey and water forecasting and not less than \$9,975,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-

Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1009), \$10,705,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That of the funds available for Emergency Watershed Protection activities, \$4,000,000 shall be available for Mississippi and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78-534; 58 Stat. 905), and the pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriation Act, 1954 (Public Law 83-156; 67 Stat. 214).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant

Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$36,265,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$605,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), \$749,284,000, to remain available until expended, of which \$53,225,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$634,360,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$61,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided*, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under the Rural Community Advancement Program: *Provided further*, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical

assistance for rural transportation in order to promote economic development; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed \$20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed \$16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which \$8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs as authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926 for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements: \$130,371,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$3,200,000,000 shall be for unsubsidized guaranteed loans; \$32,396,000 for section 504 housing repair loans; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$114,321,000 for section 515 rental housing;

\$5,152,000 for section 524 site loans; \$7,503,000 for credit sales of acquired property, of which up to \$1,250,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$215,060,000, of which \$38,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$11,481,000; section 538 multi-family housing guaranteed loans, \$1,520,000; section 515 rental housing, \$56,326,000; multi-family credit sales of acquired property, \$613,000; and section 523 self-help housing land development loans, \$279,000: *Provided*, That of the total amount appropriated in this paragraph, \$13,832,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$409,233,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$680,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2001 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$44,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$5,000,000 shall be for a housing demonstration program for agriculture, aquaculture, and seafood processor workers: *Provided further*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2001, for authorized em-

powerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$28,750,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$2,036,000 shall be for Federally Recognized Native American Tribes; and of which \$4,072,000 shall be for the Mississippi Delta Region Counties (as defined by Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,256,000: *Provided further*, That of the total amount appropriated, \$3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,640,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,911,000 shall not be obligated and \$3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$6,000,000, of which \$1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,500,000; 5 percent rural telecommuni-

cations loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$295,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$1,700,000,000 and rural telecommunications, \$120,000,000; and \$500,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, \$19,871,000; and cost of municipal rate loans, \$20,503,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$34,716,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$2,590,000.

In addition, for administrative expenses necessary to carry out the loan programs, \$3,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$27,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which \$2,000,000 may be available for a pilot program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)): *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$570,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except

sections 17 and 21; \$9,541,539,000, to remain available through September 30, 2002, of which \$4,413,960,000 is hereby appropriated and \$5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading, up to \$6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That of the funds made available under this heading, \$500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: *Provided further*, That up to \$4,511,000 shall be available for independent verification of school food service claims.

**SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
FOR WOMEN, INFANTS, AND CHILDREN (WIC)**

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,052,000,000, to remain available through September 30, 2002: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate \$15,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional \$5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to \$14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than \$6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$21,221,293,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as

authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); and the Emergency Food Assistance Act of 1983, \$140,300,000, to remain available through September 30, 2002: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, \$141,081,000, to remain available through September 30, 2002.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$116,807,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$113,424,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for

Public Law 83-480 are utilized, \$1,850,000, of which \$1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

**PUBLIC LAW 480 TITLE I OCEAN FREIGHT
DIFFERENTIAL GRANTS**

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committee on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLES II AND III GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$837,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

**COMMODITY CREDIT CORPORATION EXPORT
LOANS PROGRAM ACCOUNT**

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

**RELATED AGENCIES AND FOOD AND
DRUG ADMINISTRATION**

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES**

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,216,796,000, of which not to exceed \$149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation: *Provided further*, That none of

these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$292,934,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$313,143,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$12,534,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) \$141,368,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$59,349,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$164,762,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$35,842,000 shall be for the National Center for Toxicological Research; (7) \$25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) \$104,954,000 shall be for payments to the General Services Administration for rent and related costs; and (9) \$78,589,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$31,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$67,100,000, including not to exceed \$1,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations

made for the Department of Agriculture for fiscal year 2001 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligatory authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, boll weevil program, up to 10 percent of the screwworm program, and up to \$2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the

Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2001 shall remain available until expended to cover obligations made in fiscal year 2001 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 714. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this

Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: *Provided*, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure

in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 722. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under section 793 of Public Law 104-127 (7 U.S.C. 2204f).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$174,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 727. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 728. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 729. Hereafter, none of the funds appropriated by this Act or any other Act may be used to:

(1) carry out the proviso under 7 U.S.C. 1622(f); or

(2) carry out 7 U.S.C. 1622(h) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: *Provided*, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 730. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105-185.

SEC. 733. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities, without the specific authorization of Congress.

SEC. 734. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 735. Notwithstanding any other provision of law, for any fiscal year, in the case of a high cost, isolated rural area of the State of Alaska that is not connected to a road system—

(1) in the case of assistance provided by the Rural Housing Service for single family housing under title V of the Housing Act of 1949 (7 U.S.C. 1471 et seq.), the maximum income level for the assistance shall be 150 percent of the average income level in metropolitan areas of the State;

(2) in the case of community facility loans and grants provided under paragraphs (1) and (19), respectively, of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and assistance provided under programs carried out by the Rural Utilities Service, the maximum income level for the loans, grants, and assistance shall be 150 percent of the average income level in nonmetropolitan areas of the State;

(3) in the case of a business and industry guaranteed loan made under section

310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)), to the extent permitted under that Act, the Secretary of Agriculture shall—

(A) guarantee the repayment of 90 percent of the principal and interest due on the loan; and

(B) charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan; and

(4) in the case of assistance provided under the Rural Community Development Initiative for fiscal year 2000 carried out under the rural community advancement program established under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), the median household income level, and the not employed rate, with respect to applicants for assistance under the Initiative shall be scored on a community-by-community basis.

SEC. 736. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: *Provided*, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: *Provided further*, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.

SEC. 737. Hereafter, funds appropriated to the Department of Agriculture may be used to employ individuals to perform services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such employment actions, hereafter referred to as Personal Service Agreements (PSA), are authorized to be negotiated, the terms of the PSA to be prescribed and work to be performed, where necessary, without regard to such statutory provisions as related to the negotiation, making and performance of contracts and performance of work in the United States: *Provided*, That individuals employed under a PSA to perform such services outside the United States shall not, by virtue of such employment, be considered employees of the United States government for purposes of any law administered by the Office of Personnel Management: *Provided further*, That such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.: *Provided further*, That Government service credit shall be accrued for the time employed under a PSA should the individual later be hired into a permanent U.S. Government position if their authorities so permit.

SEC. 738. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 739. Of any shipments of commodities made pursuant to Section 416(b) of the Agri-

cultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not less than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

DIVISION B

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$39,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FEDERAL CROP INSURANCE CORPORATION FUND

For an additional amount for the Federal Crop Insurance Corporation Fund, up to \$13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105-277): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the Rural Community Advancement Program, \$50,000,000 to provide grants pursuant to the Rural Community Facilities Grant Program for areas of extreme unemployment or economic depression, subject to authorization: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Pro-*

vided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, \$30,000,000 to provide grants pursuant to the Rural Utility Service Grant Program for rural communities with extremely high energy costs, subject to authorization: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, \$50,000,000, for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve for applications associated with a risk to public health or the environment or a natural emergency: *Provided*, That of the amount provided by this paragraph, \$10,000,000 may only be used in counties which have received an emergency designation by the President or the Secretary after January 1, 2000, for applications responding to water shortages resulting from the designated emergency: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for \$50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 for section 515 rental housing to be available from funds in the rural housing insurance fund to meet needs resulting from Hurricanes Dennis, Floyd, or Irene, \$40,000,000.

For the additional cost of direct loans for section 515 rental housing, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$15,872,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RENTAL ASSISTANCE PROGRAM

For an additional amount for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 for emergency needs resulting from Hurricanes Dennis, Floyd, or Irene, \$13,600,000, to remain available until expended: *Provided*, That the entire amount is

designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

For additional five percent rural electrification loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), \$113,250,000.

For the additional cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of five percent rural electrification loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$1,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional \$35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1102. The paragraph under the heading "Livestock Assistance" in chapter 1, title I of H.R. 3425 of the 106th Congress, enacted by section 1000(a)(5) of Public Law 106-113 (113 Stat. 1536) is amended by striking "during 1999" and inserting "from January 1, 1999, through February 7, 2000": *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1103. The issuance of regulations by the Secretary of Agriculture to implement section 104 of H.R. 3425 of the 106th Congress, as enacted by section 1000(a)(5) of Public Law 106-113 (113 Stat. 1536) shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5 United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking; and

(3) chapter 35 of title 44 United States Code.

SEC. 1104. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed \$5,000,000 for benefits to such associations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricanes Dennis, Floyd or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: *Provided*, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such quantity: *Provided further*, That no more than \$81,000,000 of the funds of the Corporation shall be available to carry out this section: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1105. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105-18, the term "livestock" shall have the same meaning as the term "livestock" under section 104 of Public Law 106-31.

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average: *Provided*, That the Secretary shall make payments to producers under this section in a manner consistent with the payments to dairy producers under section 805 of Public Law 106-78: *Provided further*, That the Secretary shall make a determination as to whether a dairy producer is considered a new producer for purposes of section 805 by taking into account the number of months such producer has operated as a dairy producer in order to calculate a payment rate for such producer: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1107. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities of the Commodity Credit Corporation to administer and make payments to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernadino/Riverside counties in California since their imposition on August 14, 1998, and September 22, 1999, respectively; (b) compensate growers in relation to the Secretary's "Declaration of Extraordinary Emergency" on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce's disease; (d) compensate growers for losses incurred due to infestations of grasshoppers and mormon crickets; and (e) compensate commercial producers for losses due to citrus canker: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1108. (a) Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking "and 2000" and inserting "through 2001"; and

(2) in subsection (h), by striking "2000" each place it appears and inserting "2001".

(b) Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking "2001" and inserting "2002".

(c) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1109. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to \$450,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: *Provided*, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for \$450,000,000, that includes designation of the entire amount of the request as an emergency requirement as

defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1110. In lieu of imposing, where applicable, the assessment for producers provided for in subsection (d)(8) of 7 U.S.C. 7271 (Section 155 of the Agricultural Market Transition Act), the Secretary shall, as necessary to offset remaining loan losses for the 1999 crop of peanuts, borrow such amounts as would have been collected under 7 U.S.C. 7271(d)(8) from the Commodity Credit Corporation. Such borrowing shall be against all excess assessments to be collected under subsection 7 U.S.C. 7271(g) for crop year 2000 and subsequent years. For purposes of the preceding sentence, an assessment shall be considered to be an "excess" assessment to the extent that it is not used or will not be used, under the provisions of 7 U.S.C. 7271(d), to offset losses on peanuts for the crop year in which the assessment is collected. The Commodity Credit Corporation shall retain its own account sums collected under 7 U.S.C. 7271(g) as needed to recover the borrowing provided for in this section to the extent that such collections are not used under 7 U.S.C. 7271(d) to cover losses on peanuts: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General investigations" to complete preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, \$4,500,000, to remain available until expended: *Provided*, That the work shall include an Environmental Impact Statement and the international coordination required to comply with the Boundary Waters Treaty of 1909: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for emergency repairs and dredging due to the effects of drought and other conditions, \$10,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an

emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for emergency repairs and dredging due to storm damages, \$35,000,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662, shall be derived from that Fund: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For an additional amount necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, \$11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for \$11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", \$17,172,000 to remain available until expended, of which \$15,687,000 shall be used to address restoration needs caused by wildland fires and \$1,485,000 shall be used for the treatment of grasshopper and Mormon Cricket infestations on lands managed by the Bureau of Land Management: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$100,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", \$1,500,000, to remain available

until expended, for support of the preparation and implementation of plans, programs, or agreements, identified by the State of Idaho, that address habitat for freshwater aquatic species on nonfederal lands in the State voluntarily enrolled in such plans, programs, or agreements, of which \$200,000 shall be made available to the Boise, Idaho field office to participate in the preparation and implementation of the plans, programs or agreements, of which \$300,000 shall be made available to the State of Idaho for preparation of the plans, programs, or agreements, including data collection and other activities associated with such preparation, and of which \$1,000,000 shall be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements.

In addition, for an additional amount for "Resource Management", \$5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in the State of Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon: *Provided*, That, of the amounts appropriated under this paragraph, \$2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing, and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and \$500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: *Provided further*, That the amounts appropriated under this paragraph shall not be subject to section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)): *Provided further*, That the National Fish and Wildlife Foundation shall give special consideration to proposals that include matching contributions (whether in currency, services, or property) made by private persons or organizations or by State or local government agencies, if such matching contributions are available: *Provided further*, That funds made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: *Provided further*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", \$8,500,000, to remain available until expended, to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters and conduct critical habitat restoration directly necessitated by natural disasters: *Provided*, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$3,500,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$1,300,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$1,800,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act, Public Law 95-87, as amended, \$9,821,000, to remain available until expended, of which \$6,222,000, not subject to section 705(a) of the Act, shall be available for regulatory program enhancements for the surface mining regulatory program of the State of West Virginia: *Provided*, That the balance of the funds shall be made available to the State to augment staffing and provide relative support expenses for the State's regulatory program: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$9,821,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", \$1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation's Signal Peak Road that have the most severe damage: *Provided*, That the entire amount is designated by the Congress as an emergency re-

quirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from damages from wind storms, \$5,759,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management" for emergency expenses resulting from damages from wind storms, \$1,620,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For an additional amount for "Reconstruction and Maintenance" for emergency expenses resulting from damages from wind storms, \$1,870,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION PROGRAM MANAGEMENT

For an additional amount for "Program Management", \$15,000,000 to be available through September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire

amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ADMINISTRATION FOR CHILDREN AND FAMILIES LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), \$600,000,000, to remain available until expended: *Provided*, That the entire amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent an official budget request for a specific dollar amount that includes designations of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH JOINT ITEMS

CAPITOL POLICE BOARD SECURITY ENHANCEMENTS

For an additional amount for costs associated with security enhancements, as appropriated under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$11,874,000, to remain available until expended, of which—

(1) \$10,000,000 shall be for security enhancements in connection with the initial implementation of the United States Capitol Police master plan: *Provided*, That notwithstanding such chapter 5, such funds shall be available for facilities located within or outside of the Capitol Grounds, and such security enhancements shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate; and

(2) \$1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITOL POLICE SALARIES

For an additional amount for costs of overtime, \$2,700,000, to be available to increase, in equal amounts, the amounts provided to the House of Representatives and the Senate: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ARCHITECT OF THE CAPITOL

FIRE SAFETY

For an additional amount for expenses for fire safety, \$17,480,000, to remain available until expended, of which \$7,039,000 shall be for "Capitol Buildings and Grounds—Capitol Buildings—Salaries and Expenses"; \$2,314,000 shall be for "Senate Office Buildings"; \$4,213,000 shall be for "House Office Buildings"; \$3,000 shall be for "Capitol Power Plant"; \$26,000 shall be for "Botanic Garden—Salaries and Expenses"; and \$3,885,000

shall be for "Architect of the Capitol—Library Buildings and Grounds—Structural and Mechanical Care": *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "\$10,000,000" each place it appears and inserting "\$14,500,000".

(b) Section 201 of such Act is amended—
(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:
"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the \$14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3))."

SEC. 1502. TRADE DEFICIT REVIEW COMMISSION. (a) ISSUES TO BE ADDRESSED.—Section 127(d)(2) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 19 U.S.C. 2213 note) is amended by adding at the end the following new subparagraph:

"(I) The impact of the merchandise trade and current account balances on the national security of the United States, including in particular an assessment of the significance to national security of persistent and substantial bilateral trade deficits and the need of a fully integrated national security, trade, and industrial base trade-impact adjustment policy."

(b) DEADLINE FOR SUBMISSION OF FINAL REPORT.—Section 127(e)(1) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 19 U.S.C. 2213 note) is amended by striking "12 months" and inserting "15 months".

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," \$24,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: *Provided*, That such funds shall be available for wreckage location and recovery, facilities, technical support, testing, and wreckage mock-up: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES SALARIES AND EXPENSES

For an additional amount, \$24,900,000 for the Secretary of the Treasury to establish and operate an in-service firearms training facility for the U.S. Customs Service and other agencies, to remain available until ex-

pendent: *Provided*, That the Secretary is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and to conduct training: *Provided further*, That the Director of the U.S. Fish and Wildlife Service shall without compensation and at the earliest practicable date, initiate a permanent, no-cost transfer of property owned by the U.S. Fish and Wildlife Service, identified as the Sleepy Hollow Partnership & Marcus Enterprises tract, (44-R), 327.46 acres, Harpers Ferry Magisterial District, Jefferson County, West Virginia, together with a forty-five foot right-of-way over the lands of Valley Blox, Inc. as described in the deed from Joel T. Broyhill Enterprises, Inc. to Sleepy Hollow Partnership, et al., in a Deed dated March 29, 1989 and recorded in the Jefferson County Clerk's Office in Deed Book 627, Page 494, to the United States Department of the Treasury: *Provided further*, That the total amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

For an additional amount for "Salaries and Expenses" for enforcement of existing gun laws, \$93,751,000, to remain available until expended: *Provided*, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION POLICY AND OPERATIONS

For an additional amount, \$3,300,000 to remain available until expended for the Salt Lake 2002 Winter Olympic and Paralympic Games doping control program.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$25,000,000: *Provided*, That these funds shall be provided to states with designated disaster areas caused by Hurricane Floyd for the purpose of providing temporary assistance in obtaining rental assistance and for the construction of affordable replacement rental housing for very low-income families displaced by flooding caused by Hurricane Floyd: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided fur-*

ther, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under the heading "Federal Emergency Management Agency, Disaster Relief" in Public Law 106-74, in addition to other amounts made available, up to \$50,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout of repetitive loss properties which are principal residences that have been made uninhabitable by floods in areas which were declared federal disasters in fiscal year 1999 and 2000: *Provided*, That such properties are located in a 100-year floodplain: *Provided further*, That no homeowner may receive any assistance for buyouts in excess of the pre-flood fair market value of the residence (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): *Provided further*, That each state shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: *Provided further*, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): *Provided further*, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: *Provided further*, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: *Provided further*, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9

GENERAL PROVISION—THIS TITLE

SEC. 1901. For an additional amount for "Health Resources and Services Administration, Health Resources and Services", \$3,500,000, for the Saint John's Lutheran Hospital in Libby, Montana, for construction and renovation of health care and other facilities and an additional amount for the "Economic Development Administration", \$8,000,000, only for a grant to the City of Libby, Montana: *Provided*, That the entire amounts in this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended: *Provided further*, That the entire amounts provided within this section shall be available only to the extent an official budget request that includes designation of the entire amounts of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 1902. For an additional amount for "Operations, Research, and Facilities", for emergency expenses for fisheries disaster relief pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, for the Pribilof Island and East Aleutian area of the Bering Sea, \$10,000,000 to remain available until expended: *Provided*, That in implementing this section, notwithstanding section 312(a)(3), the Secretary shall immediately make available as a direct payment \$2,000,000 to the States of Alaska, Washington, and Oregon for distribution of emergency aid to individuals with family incomes below 185 percent of the federal poverty level who have suffered a direct negative impact from the fisheries resource disaster and \$3,000,000 for Bering Sea ecosystem research including \$1,000,000 for the State of Alaska to develop a cooperative research plan to restore the crab fishery: *Provided further*, That the Secretary of Commerce declares a fisheries failure pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 1903. For an additional amount for the District of Columbia Metropolitan Police Department, \$4,485,000 for the reimbursement of certain costs incurred by the District of Columbia as host of the International Monetary Fund and World Bank Organization Spring Conference in April 2000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$4,485,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE II

SUPPLEMENTAL APPROPRIATIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

From amounts appropriated under this heading in Public Law 106-78 not needed for federal food inspection, up to \$6,000,000 may be used to liquidate obligations incurred in previous years, to the extent approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Section 381A(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009(1)) is amended as follows:

"(1) RURAL AND RURAL AREA.—The terms 'rural and rural area' mean, subject to 306(a)(7), a city or town that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city or town that has a population in excess of 50,000 inhabitants, except for business and industry projects or facilities described in section 310(B)(a)(1), a city or town with a population in excess of 50,000 inhabitants and its immediately adjacent urbanized area shall be eligible for funding when the primary economic beneficiaries of such projects or facilities are producers of agriculture commodities."

SEC. 2102. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Long Park Dam in Utah from funds available for the Emergency Watershed Program, not to exceed \$4,500,000.

SEC. 2103. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kuhn Bayou (Point Remove) Project in Arkansas from funds available for the Emergency Watershed Program, not to exceed \$3,300,000.

SEC. 2104. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Snake River Watershed project in Minnesota from funds available for the Emergency Watershed Program, not to exceed \$4,000,000.

CHAPTER 2

DEPARTMENT OF JUSTICE

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For an additional amount for "Payment to Radiation Exposure Compensation Trust Fund", \$7,246,000.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$8,000,000 for public works grants for communities affected by hurricanes and other natural disasters.

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$300,000 to administer public works grants for communities affected by hurricanes and other natural disasters.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for the account entitled "Operations, Research, and Facilities", \$5,500,000.

DEPARTMENT OF STATE

PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

For an additional amount for the "Presidential Advisory Commission on Holocaust Assets in the United States", as authorized by Public Law 105-186, as amended, \$1,400,000, to remain available until March 31, 2001, for the direct funding of the activities of the Commission: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium enrichment decontamination and decommissioning fund", \$58,000,000, to be derived from the Fund, to remain available until expended.

CHAPTER 4

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$40,000,000, to be available for obligation for the period April 1, 2000, through June 30, 2001, to be distributed by the Secretary of Labor to States for youth activities in the local areas containing the 50 cities with the largest populations, as determined by the latest available Census data, in accordance with the formula criteria for allocations to local areas contained in section 128(b)(2)(A)(i) of the Workforce Investment Act: *Provided*, That the amounts distributed to the States shall be distributed within each State to the designated local areas without regard to section 127(a) and (b)(1) and section 128(a) of such Act.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking "including not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy" and inserting "and, in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance" for payments for fiscal year 2000, \$35,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting after "\$934,285,000" the following: ", of which \$2,200,000 shall be for the Anchorage, Alaska Senior Center, and shall remain available until expended".

GENERAL PROVISIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2401. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is

amended by inserting before the period at the end the following: “: *Provided further*, That this section shall not apply to funds appropriated under the heading ‘Centers for Disease Control and Prevention—Disease Control, Research, and Training’, funds made available to the Centers for Disease Control and Prevention under the heading ‘Public Health and Social Services Emergency Fund’, or any other funds made available in this Act to the Centers for Disease Control and Prevention”.

SEC. 2402. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is repealed.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

Funds appropriated under this heading in Public Law 105-78 to carry out title X-E of the Higher Education Act shall be available for obligation by the states through September 30, 2000, and funds appropriated in Public Law 105-277 to carry out title VIII-D of the Higher Education Amendments of 1998 shall be available for obligation by the states through September 30, 2001.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) by striking “North Babylon Community Youth Services for an educational program” and inserting “Town of Babylon Youth Bureau for an educational program”;

(2) by striking “to promote participation among youth in the United States democratic process” and inserting “to expand access to and improve advanced education”;

(3) by striking “Oakland Unified School District in California for an African American Literacy and Culture Project” and inserting “California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California”;

(4) by striking “\$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts” and inserting “\$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and \$370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts”.

RELATED AGENCIES

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

For an additional amount for “Limitation on Administration”, \$500,000, to be available through September 30, 2001.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$50,000,000, to be available through September 30, 2001.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2403. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations

Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—
(1) in subparagraph (F), by striking “\$1,500,000” and inserting “\$15,000,000”;

(2) in subparagraph (G), by striking “\$900,000” and inserting “\$9,000,000”; and

(3) in subparagraph (H), by striking “\$300,000” and inserting “\$3,000,000”.

SEC. 2404. (a) WORKFORCE INVESTMENT ACT OF 1998.—The Workforce Investment Act of 1998 (20 U.S.C. 2841) is amended—

(1) in section 503—

(A) by striking “under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.)” each place it appears and inserting in lieu thereof, “under Public Law 105-332 (20 U.S.C. 2301 et seq.)”; and

(B) by adding at the end the following:

“(d) Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105-332 (20 U.S.C. 2301 et seq.) and shall not award a grant under subsection (a) based on the levels of performance for that Act.”.

(b) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 111 (a)(1)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321) is amended by striking “fiscal years 2000” and inserting in lieu thereof “fiscal years 2001”.

CHAPTER 5

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION OPERATIONS

(AIRPORT AND AIRWAYS TRUST FUND)

(TRANSFER OF FUNDS)

For an additional amount for “Operations”, \$77,000,000, of which \$50,400,000 shall be derived by transfer from the unobligated balances of “Facilities and Equipment”, and \$26,600,000 shall be derived from funds transferred to the Department of Transportation for year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105-277, to be available until September 30, 2001.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Under the heading “Discretionary Grants” in Public Law 105-66, “\$4,000,000 for the Salt Lake City regional commuter system project,” is amended to read “\$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway Intermodal Terminal”.

SEC. 2502. Notwithstanding any other provision of law, the Commandant shall transfer \$8,000,000 identified in the conference report accompanying Public Law 106-69 for “Unalaska, AK—pier” to the City of Unalaska, Alaska for the construction of a municipal pier and other harbor improvements: *Provided*, That the City of Unalaska enter into an agreement with the United States to accommodate Coast Guard vessels and support Coast Guard operations at Unalaska, Alaska.

SEC. 2503. From amounts previously made available in Public Law 106-69 (Department of Transportation and Related Agencies Appropriations Act, 2000) for “Research, Engineering, and Development”, \$600,000 shall be available only for testing the potential for ultra-wideband signals to interfere with global positioning system receivers by the National Telecommunications and Information Administration (NTIA): *Provided*, That the results of said test be reported to the House and Senate Committees on Appropriations not later than six months from the date of enactment of this act.

SEC. 2504. Notwithstanding any other provision of law, there is appropriated to the Federal Highway Administration for transfer to the Utah Department of Transportation, \$35,000,000 for Interstate 15 reconstruction; such sums to remain available until expended: *Provided*, That the Utah Department of Transportation shall make available from state funds \$35,000,000 for transportation planning, and temporary and permanent transportation infrastructure improvements for the Salt Lake City 2002 Olympic Winter Games: *Provided further*, That the specific planning activities and transportation infrastructure projects identified for state funding shall be limited to the following projects included in the Olympic Transportation Concept Plan approved by the Secretary of Transportation:

- (1) Planning
- (2) Venue Load and Unload
- (3) Transit Bus Project
- (4) Bus Maintenance Facilities
- (5) Olympic Park & Ride Lots
- (6) North-South Light Rail Park & Ride Lot Expansion.

SEC. 2505. Notwithstanding any other provision of law, the Secretary of Transportation may hereafter use Federal Highway Administration Emergency Relief funds as authorized under 23 U.S.C. 125, to reconstruct or modify to a higher elevation roads that are currently impounding water within a closed basin lake greater than fifty thousand acres: *Provided*, That the structures on which the roadways are to be built shall be constructed to applicable approved United States Army Corps of Engineers design standards.

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE GRANTS

Amounts made available under this heading in title II of Public Law 106-74 shall first be made available to renew all expiring rental contracts under the supportive housing program (as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended), and the shelter plus care program (as authorized under subtitle F of title IV of such Act): *Provided*, That a request for such funding be submitted in accordance with the eligibility requirements established by the Secretary pursuant to a notice of funding availability for fiscal year 2000: *Provided further*, That the Secretary may make funds available as necessary to renew all grants for rental assistance under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, for permanent housing for homeless persons with disabilities or subtitle F of such Act where a request for funding was submitted in accordance with the eligibility requirements established by the Secretary pursuant to the notice of funding availability for fiscal year 1999 covering such programs but not approved; and the grant request was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year and the funding under such previous grant expires during calendar year 2000: *Provided further*, That each grant awarded under this heading shall be certified by the Secretary as needed to meet the needs of the homeless in the community in which the grant was made and that the financial accounts of each grantee are determined to meet all applicable accounting requirements.

HOUSING PROGRAMS

FHA-GENERAL AND SPECIAL RISK PROGRAM
ACCOUNT

For an additional amount for "FHA General and special risk program account" for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$49,000,000, to remain available until expended.

MANAGEMENT AND ADMINISTRATION
OFFICE OF THE INSPECTOR GENERAL
(INCLUDING RESCISSION OF FUNDS)

Of the amounts made available under this heading in Public Law 106-74, the \$20,000,000 provided for the Office of the Inspector General is rescinded. For an additional amount for the "Office of the Inspector General", \$20,000,000, to remain available until September 30, 2001: *Provided*, That these funds shall be made available under the same terms and conditions as authorized for the funds under this heading in Public Law 106-74.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
HUMAN SPACE FLIGHT

For an additional amount for "Human Space Flight" to provide for urgent upgrades to the space shuttle fleet, \$25,800,000, to remain available until September 30, 2001.

MISSION SUPPORT

For an additional amount for "Mission Support" to provide for needed augmentation of personnel, \$20,200,000, to remain available until September 30, 2001.

NATIONAL SCIENCE FOUNDATION
EDUCATION AND HUMAN RESOURCES

For an additional amount for "Education and human resources", \$1,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Title V, Subtitle C, section 538 of Public Law 106-74, is amended by striking "during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if" and inserting in lieu thereof the following: "the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to reside,".

SEC. 2602. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to hire any staff for the replacement of any position that is designated or was formerly designated as an external community builder position within the Department of Housing and Urban Development: *Provided*, That none of the funds appropriated under this or any other Act shall be used to hire any staff above a GS-12 grade level until the Secretary has submitted an employment staffing plan to the House and Senate Committees on Appropriations that reflects the staffing and capacity needs of the Department: *Provided further*, That the Secretary may hire staff above a GS-12 level on a finding of special need and that the finding of special need has been certified as such by the Office of Personnel Management.

SEC. 2603. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Develop-

ment to prohibit or debar any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: *Provided*, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

SEC. 2604. Section 175 of Public Law 106-113 is amended by striking out "as a grant for Special Olympics in Anchorage Alaska to develop the Ben Boeke Arena and Hilltop Ski Area," and insert in lieu thereof the following "to the Organizing Committee for the 2001 Special Olympics World Winter games to be used in support of related activities in Alaska,".

SEC. 2605. Of the amount made available under the fourth undesignated paragraph under the "Community Planning and Development—Community Development Block Grants" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74; 113 Stat. 1062) for neighborhood initiatives for specified grants, the \$500,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report No. 106-379, 106th Congress, 1st session)) to the City of Yankton, South Dakota, for the restoration of the downtown area and the development of the Fox Run Industrial Park shall, notwithstanding such provisions, be made available to such city for activities to facilitate economic development, including infrastructure improvements.

SEC. 2606. (a) TECHNICAL REVISION TO PUBLIC LAW 106-74.—Title II of Public Law 106-74 is amended—

(1) under the heading "Urban Empowerment Zones", by striking "\$3,666,000" and inserting "\$3,666,666"; and

(2) under the heading "Community Development Block Grants" under the fourth undesignated paragraph, by striking "\$23,000,000" and inserting "\$22,750,000".

(b) TECHNICAL REVISION TO PUBLIC LAW 106-113.—Section 242(a) of Appendix E of Public Law 106-113 is amended—

(1) by striking "seventh" and inserting "sixth"; and

(2) by striking "\$250,175,000" and inserting "\$250,900,000".

(c) EFFECTIVE DATES.—The amendments made by—

(1) subsection (a) shall be construed to have taken effect on October 20, 1999; and

(2) subsection (b) shall be construed to have taken effect on November 29, 1999.

SEC. 2607. SECTION 235 RESCISSION. Section 208(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended—

(1) by striking "235(r)" and inserting "235";

(2) by inserting after "104 Stat. 2305)" the following: "for payments under section 235(r) of the National Housing Act"; and

(3) by striking "for such purposes".

SEC. 2608. PUBLIC HOUSING ADVISORY COMMITTEE. Section 2(b)(2) of the United States Housing Act of 1937 is amended—

(a) by striking "or" at the end of subparagraph (A);

(b) by striking the period at the end of subparagraph (B) and inserting in lieu thereof "or"; and

(c) by adding the following new subparagraph (C):

"(C) that is a state housing finance agency that is responsible for administering public housing or section 8 in a state, except that the state housing finance agency shall establish an advisory committee of persons who are residents of such public housing or who are assisted under such section 8. This advisory committee shall meet not less than quarterly and shall advise the state housing finance agency on issues that directly impact the public housing or section 8 that is administered by the state housing finance agency.".

CHAPTER 7

OFFSETS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE CHIEF INFORMATION OFFICER

Of the funds transferred to "Office of the Chief Information Officer" for year 2000 conversion of Federal information technology systems and related expenses pursuant to Division B, Title III of Public Law 105-277, \$2,435,000 of the unobligated balances are hereby canceled.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available under this heading for General Administration, \$2,000,000 are rescinded.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$1,147,000 are rescinded.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading for the Civil Division, \$2,000,000 are rescinded.

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$13,500,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading for the Information Sharing Initiative, \$15,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS
(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, including all unobligated balances available for the Office of the Chief of the Border Patrol, \$5,000,000 are rescinded.

CITIZENSHIP AND BENEFITS, IMMIGRATION
SUPPORT AND PROGRAM DIRECTION

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, \$5,000,000 are rescinded.

VIOLENT CRIME REDUCTION PROGRAMS
(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, \$5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE
(RESCISSION)

Of the amounts made available under this heading for the Bureau of Justice Assistance, \$500,000 are rescinded from the Management and Administration activity.

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE
(RESCISSION)

Of the unobligated balances available under this heading for the State Criminal Alien Assistance Program, \$82,399,000 are rescinded.

DEPARTMENT OF COMMERCE
SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES
(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, \$4,500,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES
(RESCISSION)

Of the unobligated balances available under this heading, \$5,000,000 are rescinded from the New Markets Venture Capital Program.

BUSINESS LOANS PROGRAM ACCOUNT
(RESCISSION)

Of the unobligated balances available under this heading for the New Markets Venture Capital Program, \$1,500,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

DEPARTMENTAL MANAGEMENT
PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND

Of the funds transferred to "Public Health and Social Services Emergency Fund" for year 2000 conversion of Federal information technology systems and related expenses pursuant to Division B, Title III of Public Law 105-277, \$26,452,000 of the unobligated balances is hereby canceled. In addition, of the funds appropriated for the Department's year 2000 computer conversion activities under this heading in the Department of Health and Human Services Appropriations Act, 2000, as enacted by section 1000(a)(4) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), \$98,048,000 is hereby canceled.

EXECUTIVE OFFICE OF THE PRESIDENT
FEDERAL DRUG CONTROL PROGRAMS
SPECIAL FORFEITURE FUND
(RESCISSION)

Of the amounts made available under this heading in Public Law 106-58 for the national media campaign, \$3,300,000 are hereby rescinded.

UNANTICIPATED NEEDS
INFORMATION TECHNOLOGY SYSTEMS AND
RELATED EXPENSES

Under this heading in division B, title III of Public Law 105-277, strike "\$2,250,000,000" and insert "\$2,015,000,000".

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

PUBLIC AND INDIAN HOUSING
HOUSING CERTIFICATE FUND
(RESCISSION)

Of the amounts recaptured under this heading from funds appropriated during fiscal year 2000 and prior years, \$128,000,000 is hereby rescinded.

GENERAL PROVISION—THIS CHAPTER
(RESCISSION)

SEC. 2701. (a) Of the unobligated balances available on October 1, 2000 from appropriations made in fiscal year 2000 and prior years, in the nondefense, general purpose category to the departments and agencies of the Federal Government for Information Technology programs and activities, \$325,000,000 are rescinded.

(b) Within 30 days after the date of the effective date of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

(c) Subsection (a) shall be effective on October 1, 2000.

CHAPTER 8

GENERAL PROVISIONS—THIS TITLE

SEC. 2801. For purposes of Section 201 of the Drug Price Competition and Patent Term Restoration Act, commonly known as the Hatch-Waxman Act (35 U.S.C. 156), a patent which claims an elemental biologic used in manufacturing a product shall be eligible for an extension of its term on the same terms and conditions as other patents eligible under such Section, except that: (1) under 35 U.S.C. 156(a)(4), the product manufactured using such elemental biologic, rather than such elemental biologic, shall have been subject to a regulatory review period before its commercial marketing or use; and (2) an application for extension of term may be submitted within the sixty-day period beginning on the date of enactment of this section or within the sixty-day period beginning on the date the patent becomes eligible for extension under this section. For purposes of this section, the term "elemental biologic" means a genetically engineered cell, or method of making thereof, used in manufacturing five or more new drugs, antibiotic drugs, or human biological products, each subject to a regulatory review period before commercial marketing or use and each receiving permission under the provision of law under which the applicable regulatory review period occurred for commercial marketing or use. To be eligible to apply for a term extension under this section, the owner of record of a patent claiming an elemental biologic must: (1) be a non-profit organization as defined by section 201 of title 35; (2) not itself commercially sell the product, and have made reasonable efforts to promote utilization of the patented invention in commercial markets by licensing, on a non-exclusive, royalty free or reasonable royalty basis, rights to make, use, offer to sell, or sell the invention; and (3) share any royalties with the inventor, and after payment of expenses (including payments to inventors) incidental to administration of inventions, invest the balance of any royalties or income earned from the invention in scientific research or education. This section shall apply to any patent not yet expired at the time of enactment of this section and to any patent issued thereafter. A timely applicant shall

be entitled to a decision by the Commissioner of Patents and Trademarks granting or denying the application prior to such expiration of the patent, or if the Commissioner cannot render such decision prior to such expiration, an extension under section 156(e)(2), Title 35 United States Code, prior to expiration of the patent.

SEC. 2802. At the end of the first paragraph under the heading "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" in title II of H.R. 3421 of the 106th Congress as enacted by section 1000(a)(1) of Public Law 106-113, add the following: "Provided further, That the vessel RAINIER shall use Ketchikan, Alaska as its home port".

SEC. 2803. Notwithstanding any other provision of law Section 109 of the Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act 1995, Public Law 103-317 (28 U.S.C. 509 note) is repealed.

SEC. 2804. Notwithstanding any other provision of law, not later than 15 days after the date of enactment of this Act the Department of Justice shall transfer back to any Department or Agency all funds provided to the Department of Justice as reimbursement for the costs of tobacco litigation: *Provided*, That the Department of Justice shall report to the Committees on Appropriations on the amounts reimbursed, by Department and Agency, and the date when the reimbursements are completed.

SEC. 2805. Under the heading "Federal Communications Commission, Salaries and Expenses" in title V of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113, delete "\$210,000,000" and insert "\$215,800,000"; in the first and third provisos delete "\$185,754,000" and insert "\$191,554,000" in each such proviso.

SEC. 2806. Under the heading "Telecommunications carrier compliance fund" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113, strike "\$15,000,000" and insert "\$115,000,000".

SEC. 2807. At the end of the paragraph under the heading "Justice prisoner and alien transportation system fund, United States Marshals Service" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113, add the following: "In addition, \$13,500,000, to remain available until expended, shall be available only for the purchase of two Sabreliner-class aircraft."

SEC. 2808. Title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106-113) is amended in the paragraph entitled "Diplomatic and consular programs" by inserting after the fourth proviso: "Provided further, That of the amount made available under this heading, \$5,000,000, less any costs already paid, shall be used to reimburse the City of Seattle and other Washington state jurisdictions for security costs incurred in hosting the Third World Trade Organization Ministerial Conference."

SEC. 2809. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, \$1,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 2810. Title I of the Departments of Commerce, Justice, and State, the Judiciary,

and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106-113) is amended in the paragraph entitled "Federal Bureau of Investigation, Salaries and Expenses" by inserting after the third proviso the following new proviso: "Provided further, That in addition to amounts made available under this heading, \$3,000,000 shall be available for the creation of a new site for the National Domestic Preparedness Office outside of FBI Headquarters and the implementation of the 'Blueprint' with regard to the National Domestic Preparedness Office".

SEC. 2811. Of the funds made available in fiscal year 2000 for the Department of Commerce, \$1,000,000 shall be derived from the account entitled "General Administration" and \$500,000 from the account entitled "Office of the Inspector General" and made available for the Commission on Online Child Protection as established under Title XIII of Public Law 105-825, and extended by subsequent law.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

SEC. 3101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3102. Notwithstanding the provisions of 10 U.S.C. 125(a), 3013, 3014, 3015, and 3016, none of the funds made available in this or any other Act may be used to restructure, reorganize, abolish, transfer, consolidate, or otherwise alter or modify, the organizational or management oversight structure; existing delegations; or functions or activities, applicable to the Army Corps of Engineers.

SEC. 3103. Notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until further act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

SEC. 3104. Funds appropriated in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this or any subsequent fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. Any financial responsibility requirement in a permit or license for the Waste Isolation Pilot Plant on the date of enactment of this section may not be enforced against the United States or its contractors or subcontractors at the Plant.

SEC. 3105. None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior, in this or the succeeding fiscal year, to promulgate final rules to revise or amend 43 C.F.R. Subpart 3809, except that the Secretary may finalize amendments to that Subpart that are limited to only the specific regulatory gaps identified at pages 7 through 9 of the National Research Council report entitled "Hardrock Mining on Federal Lands" and that are consistent with existing statutory

authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

SEC. 3106. No funds may be expended in fiscal year 2000 by the Federal Communications Commission to conduct competitive bidding procedures that involve mutually exclusive applications where one or more of the applicants in a station, including an auxiliary radio booster or translator station or television translator station, licensed under section 397(6) of the Communications Act, whether broadcasting on reserved or non-reserved spectrum.

SEC. 3107. Using previously appropriated and available funds, the Secretary shall develop and implement a process which pays interim compensation by June 15, 2000, to all persons and entities eligible for compensation under section 123 of title I, section 101(e) of Public Law 105-277, as amended.

SEC. 3108. OREGON INLET, NORTH CAROLINA, FLOOD CONTROL IMPROVEMENTS. (a) IN GENERAL.—

(1) JOINT DESIGNATION.—Not later than 60 days after the date of enactment of this Act—

(A) the Secretary of the Interior and the Secretary of the Army, acting through the Chief of Engineers, shall jointly designate tracts of land for the jetty and sand transfer system for the Oregon Inlet on the Coast of North Carolina, approximately 85 miles south of Cape Henry and 45 miles north of Cape Hatteras (as described on page 12 of the Report of the House of Representatives numbered 91-1665), authorized under the River and Harbor Act of 1970 and the Flood Control Act of 1970 (Public Law 91-611; 84 Stat. 1818); and

(B) the Secretary of the Interior shall transfer administrative jurisdiction over the tracts of land referred to in subparagraph (A) to the Secretary of the Army.

(2) FAILURE TO JOINTLY DESIGNATE.—If the Secretary of the Interior and the Secretary of the Army fail to jointly designate the tracts of land referred to in paragraph (1)(A) by the date that is 60 days after the date of enactment of this Act, the Secretary of the Army shall designate the tracts of land pursuant to a description prepared by the Secretary of the Army, in consultation with the Chief of Engineers, and shall provide notice to the Secretary of the Interior of the designation. Upon receipt of the notice, the Secretary of the Interior shall transfer administrative jurisdiction over the tracts of land to the Secretary of the Army.

(b) SIZE.—

(1) LIMITS.—Except as provided in paragraph (2), the quantity of acreage in the tracts of land referred to in subsection (a) shall not exceed—

(A) with respect to the tract in the Cape Hatteras National Seashore Recreational Area, 93 acres; and

(B) with respect to the tract in the Pea Island National Wildlife Refuge, 33 acres.

(2) EXCEPTION.—If the Secretary of the Army and the Secretary of the Interior jointly designate the tracts of land pursuant to subsection (a)(1)(A), the area of each tract may exceed the acreage specified for the tract in paragraph (1).

(c) MODIFICATION OF SIZE IN EVENT OF FAILURE TO JOINTLY DESIGNATE.—Notwithstanding subsection (b)(1), if, after designating the tracts of land pursuant to subsection (a)(2), the Secretary of the Army determines that any tract is inadequate for the construction, operation, and maintenance of a jetty and sand transfer system for the Oregon Inlet, the Secretary of the Army may

designate, not earlier than 60 days after providing notice of a designation to the Secretary of the Interior under subsection (a)(2), an additional tract of land adjacent to the inadequate tract.

SEC. 3109. Notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska authorized under section 353 of Public Law 105-277 (112 Stat. 2681-303).

SEC. 3110. Section 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, is hereby repealed.

TITLE IV—FOOD AND MEDICINE FOR THE WORLD ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the "Food and Medicine for the World Act".

SEC. 4002. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL PROGRAM.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) JOINT RESOLUTION.—The term "joint resolution" means—

(A) in the case of section 4003(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4003(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 4003(a)(1) of the Food and Medicine for the World Act, transmitted on _____", with the blank completed with the appropriate date; and

(B) in the case of section 4006(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4006(2) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 4006(1) of the Food and Medicine for the World Act, transmitted on _____", with the blank completed with the appropriate date.

(4) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) UNILATERAL AGRICULTURAL SANCTION.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program

with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) **UNILATERAL MEDICAL SANCTION.**—The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

SEC. 4003. RESTRICTION.

(a) **NEW SANCTIONS.**—Except as provided in sections 4004 and 4005 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) **EXISTING SANCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

(2) **EXEMPTIONS.**—Paragraph (1) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed—

(A) with respect to any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(B) with respect to the Export Credit Guarantee Program (GSM-102) or the Intermediate Export Credit Guarantee Program (GSM-103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622); or

(C) with respect to the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14).

SEC. 4004. EXCEPTIONS.

Section 4003 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 4003—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 4005. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 4003 and except as provided in section 4007, the prohibitions in effect on or after the date of the enactment of this Act under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credits or credit guarantees, shall remain in effect for such period as the Secretary of State determines under such section 620A that the government of the country has repeatedly provided support for acts of international terrorism.

SEC. 4006. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 4003(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 4007. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) **IN GENERAL.**—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall only be made—

(1) pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period and completed with the 12-month period beginning on the date of the signing of the contract, except that, in the case of the export of items used for food and for food production, such one-year licenses shall otherwise be no more restrictive than general licenses; and

(2) without benefit of Federal financing, direct export subsidies, Federal credit guarantees, or other Federal promotion assistance programs.

(b) **QUARTERLY REPORTS.**—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) **BIENNIAL REPORTS.**—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal

Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 4008. CONGRESSIONAL EXPEDITED PROCEDURES.

Consideration of a joint resolution relating to a report described in section 4003(a)(1) or 4006(1) shall be subject to expedited procedures as determined by the House of Representatives and as determined by the Senate.

SEC. 4009. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title takes effect on the date of enactment of this Act.

(b) **EXISTING SANCTIONS.**—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title takes effect 180 days after the date of enactment of this Act.

This Division may be cited as the “Fiscal Year 2000 Emergency Supplemental Appropriations Act for Natural Disasters Assistance”.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001”.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

EDWARDS AMENDMENT NO. 3375

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

DEPARTMENT OF DEFENSE APPROPRIATIONS 2001

LOTT (AND COCHRAN) AMENDMENT NO. 3376

Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available in Title II under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION" (DEFENSE-WIDE) up to \$2,000,000 may be made available to the Special Reconnaissance Capabilities (SRC) Program for the Virtual Worlds Initiative in PE 0304210BB.

LOTT AMENDMENT NO. 3377

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available in Title III under the heading "PROCUREMENT OF AMMUNITION, NAVY/MARINE CORPS, up to \$5,000,000 may be made available for ROCKETS, ALL TYPE, 83mm HEDP.

COMMEMORATING THE 225TH BIRTHDAY OF THE UNITED STATES ARMY

THURMOND AMENDMENT NOS. 3378-3380

Mr. ENZI (for Mr. THURMOND) proposed three amendments to the joint resolution (S.J. Res. 46) commemorating the 225th birthday of the United States Army; as follows:

AMENDMENT NO. 3378

Strike all after the resolved clause and insert the following:

That Congress, recognizing the historic significance of the 225th anniversary of the United States Army—

(1) expresses the appreciation of the people of the United States to the Army and the soldiers who have served in it for 225 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that American soldiers have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 225th birthday of the United States Army and the dedicated service of the soldiers who have served in the Army; and

(B) calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

AMENDMENT NO. 3379

Strike the preamble and insert the following:

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 225 years, the Army's central mission has been to fight and win the Nation's wars;

Whereas whatever the mission, the Nation turns to its Army for decisive victory;

Whereas the 172 battle streamers carried on the Army flag are testament to the valor, commitment, and sacrifice of the brave soldiers who have served the Nation in the Army;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, the Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where soldiers of the United States Army have won extraordinary distinction and respect for the Nation and its Army;

Whereas the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

Whereas the United States Army today is the world's most capable and respected ground force;

Whereas future Army forces are being prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them: Now, therefore, be it

AMENDMENT NO. 3380

Amend the title so as to read: "A Joint Resolution recognizing the 225th birthday of the United States Army.".

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENT NO. 3381

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 31, after line 25, add the following:

SEC. 132. CONVERSION OF AGM-65 MAVERICK MISSILES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), \$5,000,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the AGM-65H and AGM-65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by \$5,000,000, with the amount of the reduction applicable to amounts available under that section for ALE-50 Code Decoys.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 14, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up the following: S. 1586, Indian Land Consolidation Act Amendments; S. 2351, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; S. Res. 277, Commemorating the 30th Anniversary of the Policy of Indian Self-Determination; S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000; and H.R. 3051, Jicarilla Water Feasibility Study; to be followed by a hearing, on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the Department of Agriculture. The hearing will be held in room 485, Russell Senate Building.

Those wishing additional information contact committee staff at 202-224-2251.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Friday, July 7, 2000, at 10:00 a.m. at the Myles Reit Performing Arts Center, 720 Conifer Drive, Grand Rapids, Minnesota.

The purpose of this hearing is to conduct oversight on the July 4, 1999, blow-down in the Boundary Waters Canoe Area and other national forest lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Select Committee on Intelligence and the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 14 at 10:15 a.m. in Room SH-216 of the Hart Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Loss of National Security Information at the Los Alamos National Laboratory.

For further information, please call Howard Useem at 202-224-6567 or Trici Heninger at (202) 224-7875.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 13, 2000, at 10 a.m. on online profiling and privacy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 13, at 9:30 a.m. to receive testimony from James V. Aidala, nominated by the President to be Assistant Administrator for Toxic Substances, Environmental Protection Agency; Arthur C. Campbell, nominated to be Assistant Secretary for Economic Development, the Department of Commerce; and Ella Wong-Rusinko, nominated to be Alternate Federal Co-Chair of the Appalachian Regional Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND
PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Drug Safety and Pricing during the session of the Senate on Tuesday, June 13, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, June 13, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC
AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Tuesday, June 13, 2000 at 10:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES AND FINANCIAL
INSTITUTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Financial Institutions be authorized to meet during the session of the Senate on Tuesday, June 13, 2000, to conduct a joint hearing on "Merchant Banking Regulations pursuant to the Gramm-Leach-Bliley Act of 1999."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Roger Brown, a member of my staff, be allowed on the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Sarah Donnar and Jennifer Loesch of my office have access to the floor during the consideration of this bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of Senator COLLINS, I ask unanimous consent that Kristine Fauser, who currently works in Senator COLLINS' office, be granted the privilege of the floor during the consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that Bob Morgan, a fellow on Senator EDWARDS' staff, be granted the privilege of the floor during the pendency of the DOD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN ALCOHOL AND
SUBSTANCE ABUSE PROGRAM
CONSOLIDATION ACT OF 2000

Mr. ENZI. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 585, which is S. 1507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1507) to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Alcohol and Substance Abuse Program Consolidation Act of 2000".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) *to enable Indian tribes to consolidate and integrate alcohol and other substance abuse prevention, diagnosis and treatment programs, and mental health and related programs, to provide unified and more effective and efficient services to Native Americans afflicted with alcohol and other substance abuse problems; and*

(2) *to recognize that Indian tribes can best determine the goals and methods for establishing and implementing prevention, diagnosis and treatment programs for their communities, consistent with the policy of self-determination.*

SEC. 3. DEFINITIONS.

(a) *IN GENERAL.—In this Act:*

(1) *FEDERAL AGENCY.—The term "Federal agency" has the same meaning given the term in section 551(1) of title 5, United States Code.*

(2) *INDIAN.—The term "Indian" shall have the meaning given such term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).*

(3) *INDIAN TRIBE.—The terms "Indian tribe" and "tribe" shall have the meaning given the term "Indian tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) and shall include entities as provided for in subsection (b)(2).*

(4) *SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of Health and Human Services.*

(5) *SUBSTANCE ABUSE.—The term "substance abuse" includes the illegal use or abuse of a drug, the abuse of an inhalant, or the abuse of tobacco or related products.*

(b) *INDIAN TRIBE.—*

(1) *IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this Act, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this Act).*

(2) *INCLUSION OF OTHER ENTITIES.—In a case described in paragraph (1), the term "Indian*

tribe", as defined in subsection (a)(2), shall include the additional authorized Indian tribe, inter-tribal consortium, or tribal organization.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary of Health and Human Services, in cooperation with the Secretary of Labor, Secretary of the Interior, Secretary of Education, Secretary of Housing and Urban Development, United States Attorney General, and Secretary of Transportation, as appropriate, shall, upon the receipt of a plan acceptable to the Secretary that is submitted by an Indian tribe, authorize the tribe to coordinate, in accordance with such plan, its federally funded alcohol and substance abuse and mental health programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under any plan referred to in section 4 shall include—

(1) any program under which an Indian tribe is eligible for the receipt of funds under a statutory or administrative formula for the purposes of prevention, diagnosis or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or any program designed to enhance the ability to treat, diagnose or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders;

(2) any program under which an Indian tribe is eligible for receipt of funds through a competitive or other grant program for the purposes of prevention, diagnosis or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis and prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose or prevent alcohol and other substance abuse and related problems and disorders, if—

(A) the Indian tribe has provided notice to the appropriate agency regarding the intentions of the tribe to include the grant program in the plan it submits to the Secretary, and the affected agency has consented to the inclusion of the grant in the plan; or

(B) the Indian tribe has elected to include the grant program in its plan, and the administrative requirements contained in the plan are essentially the same as the administrative requirements under the grant program; and

(3) any program under which an Indian tribe is eligible for receipt of funds under any other funding scheme for the purposes of prevention, diagnosis or treatment of alcohol and other substance abuse problems and disorders, or mental health problems and disorders, or treatment, diagnosis and prevention of related problems and disorders, or any program designed to enhance the ability to treat, diagnose or prevent alcohol and other substance abuse and related problems and disorders, or mental health problems or disorders.

SEC. 6. PLAN REQUIREMENTS.

For a plan to be acceptable under section 4, the plan shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated into the project;

(3) describe a comprehensive strategy that identifies the full range of existing and potential alcohol and substance abuse and mental health treatment and prevention programs available on and near the tribe's service area;

(4) describe the manner in which services are to be integrated and delivered and the results expected under the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies in the tribe to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies or procedures that the tribe believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the tribe.

SEC. 7. PLAN REVIEW.

(a) CONSULTATION.—Upon receipt of a plan from an Indian tribe under section 4, the Secretary shall consult with the Secretary of each Federal agency providing funds to be used to implement the plan, and with the tribe submitting the plan.

(b) IDENTIFICATION OF WAIVERS.—The parties consulting on the implementation of the plan under subsection (a) shall identify any waivers of statutory requirements or of Federal agency regulations, policies or procedures necessary to enable the tribal government to implement its plan.

(c) WAIVERS.—Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the affected agency that has been identified by the tribe or the Federal agency under subsection (b) unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this Act or with those provisions of the Act that authorizes the program involved which are specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

(a) IN GENERAL.—Not later than 90 days after the receipt by the Secretary of a tribe's plan under section 4, the Secretary shall inform the tribe, in writing, of the Secretary's approval or disapproval of the plan, including any request for a waiver that is made as part of the plan.

(b) DISAPPROVAL.—If a plan is disapproved under subsection (a), the Secretary shall inform the tribal government, in writing, of the reasons for the disapproval and shall give the tribe an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

SEC. 9. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE INDIAN HEALTH SERVICE.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, and the Secretary of Transportation shall enter into an interdepartmental memorandum of agreement providing for the implementation of the plans authorized under this Act.

(2) LEAD AGENCY.—The lead agency under this Act shall be the Indian Health Service.

(3) RESPONSIBILITIES.—The responsibilities of the lead agency under this Act shall include—

(A) the development of a single reporting format related to the plan for the individual project which shall be used by a tribe to report on the activities carried out under the plan;

(B) the development of a single reporting format related to the projected expenditures for the individual plan which shall be used by a tribe to report on all plan expenditures;

(C) the development of a single system of Federal oversight for the plan, which shall be implemented by the lead agency;

(D) the provision of technical assistance to a tribe appropriate to the plan, delivered under an arrangement subject to the approval of the tribe participating in the project, except that a tribe shall have the authority to accept or reject the

plan for providing the technical assistance and the technical assistance provider; and

(E) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out projects under this Act, in consultation with each of the Indian tribes that participate in projects under this Act, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out projects under this Act to discuss issues relating to the implementation of this Act with officials of each agency specified in paragraph (1).

(b) REPORT REQUIREMENTS.—The single reporting format shall be developed by the Secretary under subsection (a)(3), consistent with the requirements of this Act. Such reporting format, together with records maintained on the consolidated program at the tribal level shall contain such information as will—

(1) allow a determination that the tribe has complied with the requirements incorporated in its approved plan; and

(2) provide assurances to the Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

SEC. 10. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a participating tribe involved in any project be reduced as a result of the enactment of this Act.

SEC. 11. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Housing and Urban Development, the United States Attorney General, or the Secretary of Transportation, as appropriate, is authorized to take such action as may be necessary to provide for the interagency transfer of funds otherwise available to a tribe in order to further the purposes of this Act.

SEC. 12. ADMINISTRATION OF FUNDS AND OVERAGE.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered under this Act in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount utilized from each program) are expended on activities authorized under such program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring a tribe to maintain separate records tracing any services or activities conducted under its approved plan under section 4 to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among individual programs.

(b) OVERAGE.—All administrative costs under a plan under this Act may be commingled, and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes so long as the overage is used for the purposes provided for under this Act.

SEC. 13. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code (the Single Audit Act of 1984).

SEC. 14. REPORT ON STATUTORY AND OTHER BARRIERS TO INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act,

the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the implementation of the program authorized under this Act.

(b) *FINAL REPORT.*—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the results of the implementation of the program authorized under this Act. The report shall identify statutory barriers to the ability of tribes to integrate more effectively their alcohol and substance abuse services in a manner consistent with the purposes of this Act.

SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ALCOHOL AND DRUG TREATMENT OR MENTAL HEALTH PROGRAMS.

Any State with an alcohol and substance abuse or mental health program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of subchapter IV of chapter 33 of title 5, United States Code (the Intergovernmental Personnel Act of 1970), may deem appropriate to help insure the success of such program.

Mr. ENZI. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1507), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes."

225TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. ENZI. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 46, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 46) commemorating the 225th Birthday of the United States Army.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that an amendment to the resolution which is at the desk be agreed to, and the resolution, as amended, be read a third time and passed. I further ask unanimous con-

sent that an amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, a title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3378, 3379, AND 3380 EN BLOC

The PRESIDING OFFICER. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. ENZI), for Mr. THURMOND, proposes amendments numbered 3378, 3379 and 3380, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3378, No. 3379, and No. 3380), en bloc, were agreed to, as follows.

AMENDMENT NO. 3378

Strike all after the resolved clause and insert the following:

That Congress, recognizing the historic significance of the 225th anniversary of the United States Army—

(1) expresses the appreciation of the people of the United States to the Army and the soldiers who have served in it for 225 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that American soldiers have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 225th birthday of the United States Army and the dedicated service of the soldiers who have served in the Army; and

(B) calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

AMENDMENT NO. 3379

Strike the preamble and insert the following:

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 225 years, the Army's central mission has been to fight and win the Nation's wars;

Whereas whatever the mission, the Nation turns to its Army for decisive victory;

Whereas the 172 battle streamers carried on the Army flag are testament to the valor, commitment, and sacrifice of the brave soldiers who have served the Nation in the Army;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, the Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where soldiers of the United States Army have won extraordinary distinction and respect for the Nation and its Army;

Whereas the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

Whereas the United States Army today is the world's most capable and respected ground force;

Whereas future Army forces are being prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them: Now, therefore, be it

AMENDMENT NO. 3380

Amend the title so as to read: "A Joint Resolution recognizing the 225th birthday of the United States Army."

The joint resolution (S.J. Res. 46), as amended, was read the third time and passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 46

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 225 years, the Army's central mission has been to fight and win the Nation's wars;

Whereas whatever the mission, the Nation turns to its Army for decisive victory;

Whereas the 172 battle streamers carried on the Army flag are testament to the valor, commitment, and sacrifice of the brave soldiers who have served the Nation in the Army;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, the Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where soldiers of the United States Army have won extraordinary distinction and respect for the Nation and its Army;

Whereas the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

Whereas the United States Army today is the world's most capable and respected ground force;

Whereas future Army forces are being prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress, recognizing the historic significance of the 225th anniversary of the United States Army—

(1) expresses the appreciation of the people of the United States to the Army and the soldiers who have served in it for 225 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that American soldiers have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 225th birthday of the United States Army and the dedicated service of the soldiers who have served in the Army; and

(B) calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

NOMINATION OF JOHN A. GORDON

Mr. WARNER. Mr. President, could I interrupt the proceedings here momentarily and get the attention of the distinguished Democratic leader and the ranking member of the Armed Services Committee?

Early this morning, I say to the distinguished minority leader, on the subject of General Gordon, we talked and I talked to the majority leader. I think there is a consensus that tomorrow morning at some point his nomination can be voted upon.

Could we, at the conclusion of this day, before it is finished, at least represent that?

Mr. DASCHLE. Mr. President, in response to the senior Senator from Virginia, let me say we have no objection to moving to the nomination, with the understanding that at a date no later than a date that we could mutually agree to, we deal with the accompanying nomination.

I think that understanding has now been made, and I believe we can proceed to the first piece of this with that understanding.

Mr. WARNER. I thank our distinguished leader.

Mr. LEVIN. If the Senator will yield on that point, General Gordon has very strong support on both sides of the aisle. He is a Presidential nominee who has gotten a very positive response from just about everybody I know. I think the people look forward to voting on his nomination as early as possible tomorrow morning.

Again, I think there is an effort being made to set a deadline for another vote on a nominee to the same Department, someone who has been waiting for a long time.

Mr. DASCHLE. Mr. President, if the Senator will yield for another moment, Madelyn Creedon has been on the calendar since April 13, and General Gordon has been on the calendar since May 24.

We have no objection to moving to General Gordon first, even though he was just reported out a couple of weeks ago, and Mrs. Creedon has been now on the calendar for almost 2 months, with some understanding that we can move to the Creedon nomination no later than a time on which we can agree.

We have no reason not to want to move to the Gordon nomination.

Mr. WARNER. Mr. President, it would be no longer than the day or day after we return from the July 4 recess.

Mr. DASCHLE. That is acceptable, Mr. President.

Mr. WARNER. July 11 or July 12.

Mr. DASCHLE. With the understanding we would vote no later than July 11, we have no reservations.

Mr. WARNER. Could we make it July 12? I am not in a position to know exactly when votes are ordered on the return.

Mr. DASCHLE. We will make it the July 12.

Mr. LEVIN. If the Senator will yield on that, that opens the possibilities that we would vote on that nomination prior to the recess because it says "no later than."

Mr. WARNER. It does not foreclose earlier consideration. I thank my colleagues.

I yield the floor.

NATIONAL RESPONSIBLE FATHER'S DAY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322, introduced earlier today by Senators BAYH, DOMENICI, and others.

The PRESIDING OFFICER (Mr. ALBARD). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 322) encouraging and promoting greater involvement of fathers in their children's lives and designating June 18, 2000, as "Responsible Father's Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, a motion to consider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Encouraging and promoting greater involvement of fathers in their children's lives and designating June 18, 2000, as "Responsible Father's Day".

Whereas 40 percent of children who live in households without a father have not seen their father in at least 1 year and 50 percent of such children have never visited their father's home;

Whereas approximately 50 percent of all children born in the United States spend at least ½ of their childhood in a family without a father figure;

Whereas nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

Whereas 3 out of 4 adolescents report that "they do not have adults in their lives that model positive behaviors";

Whereas many of the United States leading experts on family and child development agree that it is in the best interest of both

children and the United States to encourage more two-parent, father-involved families to form and endure;

Whereas it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have two caring parents to help them grow up healthy and secure and not to—

(1) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(2) lessen the protection of children from abusive parents;

(3) cause women to remain in or enter into abusive relationships; or

(4) compromise the health or safety of a custodial parent;

Whereas children who are apart from their biological father are, in comparison to other children—

(1) 5 times more likely to live in poverty; and

(2) more likely to—

(A) bring weapons and drugs into the classroom;

(B) commit crime;

(C) drop out of school;

(D) be abused;

(E) commit suicide;

(F) abuse alcohol or drugs; and

(G) become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

Whereas violent criminals are overwhelmingly males who grew up without fathers;

Whereas the number of children living with only a mother increased from just over 5,000,000 in 1960, to 17,000,000 in 1999, and between 1981 and 1991 the percentage of children living with only 1 parent increased from 19 percent to 25 percent;

Whereas between 20 percent and 30 percent of families in poverty are headed by women who have suffered domestic violence during the past year and between 40 percent and 60 percent of women with children who receive welfare were abused at some time in their life;

Whereas millions of single mothers in the United States are heroically struggling to raise their children in safe, loving environments;

Whereas responsible fatherhood should always recognize and promote values of non-violence;

Whereas child support is an important means by which a parent can take financial responsibility for a child and emotional support is an important means by which a parent can take social responsibility for a child;

Whereas children learn by example, community programs that help mold young men into positive role models for their children need to be encouraged;

Whereas promoting responsible fatherhood is not meant to diminish the parenting efforts of single mothers but rather to increase the likelihood that children will have 2 caring parents to help them grow up in loving environments; and

Whereas Congress has begun to take notice of this issue with legislation introduced in both the House of Representatives and the Senate to address the epidemic of fatherlessness: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to encourage active involvement of fathers in the rearing and development of their children;

(2) recognizes that while there are millions of fathers who serve as a wonderful caring

parent for their children, there are children on Father's Day who will have no one to celebrate with;

(3) urges fathers to participate in their children's lives both financially and emotionally;

(4) encourages fathers to devote time, energy, and resources to their children;

(5) urges fathers to understand the level of responsibility required when fathering a child and to fulfill that responsibility;

(6) is committed to assist absent fathers become more responsible and engaged in their children's lives;

(7) designates June 18, 2000, as "National Responsible Father's Day";

(8) calls upon fathers around the country to use the day to reconnect and rededicate themselves to their children's lives, to spend "National Responsible Father's Day" with their children, and to express their love and support for their children; and

(9) requests that the President issue a proclamation calling upon the people of the United States to observe "National Responsible Father's Day" with appropriate ceremonies and activities.

AWARD OF MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2722, introduced earlier today by Senator AKAKA.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2722) to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, I am proud to introduce legislation which would award the Medal of Honor to James K. Okubo, Ed W. Freeman, and Andrew J. Smith. There is no doubt that these three individuals are deserving of this award based on their brave and selfless service in defense of our great nation. The passage of this measure makes it possible for these men to receive a long overdue and well-deserve honor.

This legislation marks the culmination of my efforts to recognize James K. Okubo for his acts of gallantry during World War II. James K. Okubo was born in Ancacortes, Washington, raised in Bellingham, Washington, and interned at Tule Lake, California. Mr. Okubo entered military service in Alturas, California on May 22, 1943 and was discharged from the Army in December 1945. Following his military service, Mr. Okubo was a professor at the University of Detroit Dental School. Mr. Okubo passed away following a car accident in 1967.

Mr. Okubo (Tec 5) served as a medic, member of the Medical Detachment, 442nd Regimental Combat Team. For his heroism displayed over a period of several days (October 28, 29 and Novem-

ber 4, 1944) in rescuing and delivering medical aid to fellow soldiers during the rescue of the "Lost Battalion" from Texas, he was recommended to receive the Medal of Honor. The medal, however, was downgraded to a Silver Star. The explanation provided at the time was that as a medic, James S. Okubo was not eligible for any award higher than the Silver Star.

Due to my concern that Mr. Okubo did not receive full recognition for his acts of heroism and bravery, I requested reconsideration of Mr. Okubo's case under section 1130, Title 10 of the United States Code. The Senior Army Decorations Board reviewed the case and submitted it to Secretary Caldera recommending an upgrade to the Medal of Honor. Secretary Caldera approved the recommendation which resulted in this important measure.

This legislation is especially significant as fellow members of Mr. Okubo's unit will be awarded the Medal of Honor next week. It is my hope that this legislation will be enacted shortly, thereby allowing the Okubo family to participate in this auspicious event with the other families of members from the 100th Battalion, 442nd Regimental Combat Team.

Mr. Okubo's heroism on the battlefield is an inspiration to all who believe in duty, honor, and service to one's country. Mr. Okubo takes his rightful place among America's great war heroes. He is a shining example of the sacrifices made by so many other Asian Pacific Americans during World War II, who served our country so ably in spite of the difficulties they faced as members of a suspect minority.

Mr. ENZI. I ask unanimous consent the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2722) was considered read the third time and passed, as follows:

S. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH.

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-com-

mand of a helicopter lift unit at landing zone X-Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

(2) James K. Okubo, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on October 28 and 29, and November 4, 1944, at Foret Domaniale de Champ, near Biffontaine, France, during World War II, while serving as an Army medic in the grade of Technician Fifth Grade in the medical detachment, 442d Regimental Combat Team.

(3) Andrew J. Smith, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 30, 1864, in the Battle of Honey Hill, South Carolina, during the Civil War, while serving as a corporal in the 55th Massachusetts Voluntary Infantry Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Silver Star, or other award, has been awarded.

ORDERS FOR WEDNESDAY, JUNE 14, 2000

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 14.

I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 2549, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. For the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow, and will immediately resume debate on the Defense authorization legislation. As a reminder, there are over 200 amendments filed to this authorizing bill. Senators can expect amendments to be offered and voted on throughout the day. It is hoped that all Senators who have amendments in order will work with the bill managers in an effort to complete this important legislation. Senators should be aware that the Senate may begin consideration of the Transportation appropriations bill as early as tomorrow afternoon.

MEASURE PLACED ON THE CALENDAR—H.R. 4475

Mr. ENZI. I now ask unanimous consent that H.R. 4475 be discharged from the Appropriations Committee and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. ENZI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:27 p.m., adjourned until Wednesday, June 14, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 2000:

DEPARTMENT OF TRANSPORTATION

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE CHARLES A. HUNNICUTT, RESIGNED.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE JAMES P. RUBIN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM F. KERNAN, 0000

HOUSE OF REPRESENTATIVES—Tuesday, June 13, 2000

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 13, 2000.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

THE INTERNET AND THE NEW ECONOMY

Mr. WELLER. Mr. Speaker, today we are enjoying very good economic growth, and I am so proud this Congress played a role by balancing the budget and cutting taxes for the middle class, boosting our economy. The key part of our economy today is what many call the New Economy, the technology economy.

Let me give my colleagues some statistics that really illustrate the role of the new economy in American society. Today, over 100 million Americans are using the Internet, and 7 new people are on the Internet every second. Seventy-eight percent of Internet users almost always vote in national, State and local elections, compared with 64 percent of nonInternet users. It took just 5 years for the Internet to reach 50 million users, much faster than when compared to the traditional electronic media. It took television 13 years to reach 50 million and radio 38 years to reach the same audience.

The Internet economy generated an estimated 302 billion U.S. dollars in revenue in 1998, employing 4.8 million workers. More workers are employed in the technology economy than auto and steel and petroleum combined, and the average high technology wage is 77 percent higher than the average private sector wage elsewhere. As I noted earlier, one-third of all new economic growth is generated by the technology economy.

I am proud to say I am from a technology State. I represent the State of Illinois. Illinois ranks fourth in high technology employment. Illinois ranks third in high technology exports, so Illinois is clearly a technology State. I have had the opportunity many times to talk with friends and neighbors who are involved in the new economy, and we talk about who has access to the Internet. Over 100 million Americans have access to the Internet, are on line, and 7 new Americans go on line for the first time every second. So clearly there is a great opportunity, not only for information, but also for employment and moving up the economic ladder.

They tell me that it seems that the higher the income level of the family, the more likely that they are on line. If a family has an income of \$75,000 or more, they are 20 times more likely than a family with a lesser income to have Internet access or a computer at home. When we ask the question of why are they less likely to have Internet access or computers at home, they tell us that it is because of the cost. They would like to have a computer at home for their children to be able to do their school work, they would like their children to have access to the Internet so that they can access the Library of Congress to do their school papers, but they do not feel they can afford it.

So clearly the cost of Internet access creates what some call the digital divide, but clearly as well is the need for an agenda to provide digital opportunity.

When we look at the costs, I believe we have an important choice to make as we talk about the information superhighway and giving every American access to the information superhighway. We have to make a choice, and that choice is do we want the information superhighway to be a tollway or a freeway. Well, clearly, if we want to address the concern that lower and moderate income families have, and that is that cost is the chief bar-

rier, we need to work to make sure that the Internet, the information superhighway, is a freeway.

So many have pointed out that our new economy is growing because of a tax-free, regulation-free, trade barrier-free climate, but we need to move forward again to create more initiatives to continue to work to eliminate the toll booths on the information highway.

I was proud just a few weeks ago to introduce legislation we call the DATA Act, legislation designed to help lower and moderate-income families go on line, to become part of the new economy. Educators back home in the south side of Chicago and the south suburbs that I represent, they tell me that they notice a difference in children who have a computer and Internet access in the home versus those who do not, their ability to compete and do their homework.

I am proud to say that some major employers in the Illinois area, as well as across this country, have stepped forward to help solve that so-called digital divide by providing computers and Internet access as a basic employee benefit. What that means is the employees of Ford Motor Company, American Airlines, Delta Airlines and Intel, everyone from the janitor, the laborer, the assembly line worker, the flight attendant, the baggage handler, all the way up through middle management to senior management, will now have computers and Internet access in their homes for their kids to do their school work. It is a wonderful initiative by the private sector and I salute them and congratulate them. As a result of that, 600,000 American working families will have computers and Internet access at home, many who before never could afford it. That is a great thing.

Many in the Fortune 100 are looking to and following the lead of these 4 great companies, but their tax lawyers tell them that if they do, that it will be treated as a taxable employee benefit, meaning the employee will be taxed. I say to my colleagues, let us remove that toll booth. Let us ensure that computers and Internet access as an employee benefit are not taxed, that it is a tax-free employee benefit treated the same as an employer's contribution to a pension or an employer's contribution to health care.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMPACT-IMPACT FUNDING FOR GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to discuss an issue of vital concern to the people of Guam and this concerns Compact-Impact Aid, which is part of the Interior Appropriations bill which will be brought to the floor today.

Compact-Impact Aid is the assistance that is annually given to the people of Guam as compensation for social and educational costs for the unrestricted migration of 3 newly-created independent States in the Central Pacific, the Compact States of the Republic of the Marshalls, the Republic of Palau and the Federated States of Micronesia.

The President's budget for fiscal year 2001 proposes that Guam receive an increase of \$5.42 million for Compact-Impact funding in the Department of Interior's Office of Insular Affairs' budget, which would bring Guam's total to \$10 billion annually. Last year, Guam received a total of \$7.58 million, a 3.5 increase from previous years. From fiscal year 1996 to 1999, Guam received \$4.58 million annually. Annual actual Compact-Impact costs for all of the social and educational costs to the government of Guam as a result of this free and unrestricted migration are actually estimated to be between \$15 million to \$20 million annually.

Unfortunately, this year's Interior Appropriations provides only \$4.58 million to Guam because of budgetary scoring problems that the House Committee on Appropriations had with the way in which the administration had identified the source of funding within the Office of Insular Affairs. This is a very serious issue which hopefully will be resolved in the context also of current renegotiations of these Compacts between the United States and the Federated States of Micronesia and the Republic of the Marshall Islands.

I simply want to emphasize that Compact-Impact Aid has been a Federal responsibility since 1986 which has only recently been addressed for Guam, and 1986 was the year that these Compacts went into effect. I understand that the House Committee on International Relations Subcommittee on Asia and the Pacific will be holding an oversight hearing later on this month, and I certainly hope, and I plan to raise the issues of migration of FAS citizens at this important hearing.

The issue of Compact-Impact Aid is not new. Funding authority for Compact-Impact assistance to Guam stems from the 1986 law which governs the relationship between the United States and these newly-created nations. Sec-

tion 104(3)6 pertains to impact costs and states: "There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985 such sums as may be necessary to cover the costs, if any incurred, by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia."

Since Guam is clearly the most economically developed island in the central Pacific and because of its geographical proximity, the vast majority of these immigrants come to Guam. Under the Compact Agreement, it also states that "It was not the intent of the Congress to cause any adverse consequences for the U.S. territories and commonwealths or the State of Hawaii."

It also states that if any adverse consequences occur, Congress will act sympathetically and expeditiously to redress these adverse consequences.

We are now in the 15th year of the implementation of these contracts, and while I appreciate all of the sympathy that Congress could perhaps give on this issue, I certainly expect more expeditious action, particularly in the reimbursement of costs that are incurred directly by the taxpayers of Guam.

Guam's unemployment rate is currently over 15 percent, and from mid 1997 to mid 1998, the total of Compact migrants to Guam was over 7,000. This is a population of 140,000, and this exceeds the numbers that are going to Hawaii and other areas.

This is not the same as problems normally referred to in addressing the impact of immigrant issues in the 50 States. The obligation to Guam is clear in the law; the obligation is written into the treaties of free association between these new countries and the United States, and the obligation to the people of Guam is clear. I am hopeful that we will be able to work on this through the process of conferencing, and we are grateful for the fact that this still remains a high priority for the Clinton administration.

STOP TB NOW ACT FOR EFFECTIVE TUBERCULOSIS TREATMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, tuberculosis is the greatest infectious killer of adults worldwide. It is the biggest killer of young women, tuberculosis kills 2 million people each year, 1 percent around the world every 15 seconds. Tuberculosis hit an all-time

high in 1999 with 8 million new cases, 95 percent of them in the developing world.

We have a small window of opportunity during which stopping tuberculosis is very cost-effective. The costs of Directly Observed Treatment, Short Course, so-called DOTS, can be as little as \$20, that is \$20 to save a life. If we wait, if we go too slowly, so much drug-resistant TB will emerge that it will cost billions of dollars to control with little guarantee of success. Multi-drug resistant TB is more than 100 times more expensive to cure than nondrug resistant TB.

I have introduced the Stop TB Now Act with the gentlewoman from Maryland (Mrs. MORELLA) in an effort to control tuberculosis. The bill authorizes \$100 million to USAID for tuberculosis control in high incidence countries, mostly using the Directly Observed Treatment, Short Course, so-called DOTS. It calls on USAID to collaborate its efforts with CDC, the World Health Organization, the National Institutes of Health and other organizations with tuberculosis expertise. The measure provides funding for combating Multi-Drug Resistant TB, which is spreading at an alarming rate.

Multi-drug resistant TB has been identified on every continent. According to the World Health Organization, multi-drug resistant tuberculosis ultimately threatens to return TB control to the preantibiotic era where no cure for TB was available. An effective DOTS cure program can prevent the development of multi-drug resistant tuberculosis.

A recent World Health Organization study in India found in areas where effective TB treatment was implemented, the death rate from tuberculosis fell by more than 85 percent. TB accounts for one-third of AIDS deaths worldwide and up to 40 percent of AIDS deaths in Asia and in Africa. Eleven million people are currently affected with TB around the world and with HIV. The good news is that TB treatment is equally effective in HIV positive and HIV negative people. So if we want to improve the health of people with HIV, we must address the issue of tuberculosis.

WHO estimates that one-third of the world's population is infected with the bacteria that causes tuberculosis; two billion, two billion people. An estimated 8 million people develop active tuberculosis each year, and roughly 15 million people in the United States are infected with tuberculosis.

The threat TB poses for Americans derives from the global spread of tuberculosis and the emergence and spread of strains of tuberculosis that are multi-drug resistant.

Up to 50 million people worldwide may be infected with drug-resistant tuberculosis. Incidence is particularly high in selected regions and populations such as Russian prisons where

an estimated 5 percent of prisoners have active multi-drug resistant TB. In the U.S., TB treatment, normally about \$2,000 per patient, skyrockets to as much as \$250,000 per patient, as it did in New York City in the early 1990s when we had to treat multi-drug resistant tuberculosis. Treatment may not even be successful. MDR drug-resistant TB kills more than half those infected, even in the United States and in other industrialized nations, and it is a virtual death sentence in the developing world.

The President recently visited India. I contacted him before that trip to discuss our bill. India has more tuberculosis cases than anywhere else in the world. Their situation illustrates the urgency of this issue. Two million people in India develop TB every year, and nearly 500,000 die from it each year. More than 1,000 Indians a day die from this infectious disease. The disease has become a major barrier to social and economic development, costing the Indian economy \$2 billion a year. Three hundred thousand children are forced to leave school in India each year because their parents have tuberculosis, and more than 100,000 women with TB are rejected by their families due to social stigma.

India has undertaken an aggressive campaign to control tuberculosis, but they also need western help. Not surprisingly, the statistics on access to TB treatment worldwide are pretty grim. Fewer than 1 in 5 of those with TB are receiving DOTS treatment. Based on World Bank estimates, DOTS treatment is one of the most cost-effective health interventions available, costing the developing world as little as \$20 to save a life. DOTS can produce cure rates of 85, 90, even 95 percent, even in the poorest countries.

Mr. Speaker, Gro Bruntland, the Director of WHO, has said that TB is not a medical issue, but a political issue. We have an opportunity to save millions of lives now and prevent millions of needless deaths in the future.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 18 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, ever present and Lord of history, throughout the ages You have drawn our attention and told us: "You are a chosen race, a royal priesthood, a holy nation, a people truly set apart as God's own."

Frankly, Lord, You overwhelm us. We wrestle with the times in which we live because they demand so much from us. We wrestle with Your own deep calling which dignifies us yet demands great responsibility.

Empower us to live up to Your expectations as uniquely chosen to guide the course of human events in this holy Nation.

We are dedicated to serve You by lifting up the sacrifice of work today.

We embrace this work as dedicated service to You, Our God, and as service to the holy people we represent.

Since You have called us to this task, You will surely gift us with Your Spirit, transforming each aspect of our work into an act of worship; transcending all barriers and distinctions into realizing a deeper unity at work in us, Your Spirit, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. BARTLETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARTLETT of Maryland led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes on each side.

PRESS USE OF TERM "CONSERVATIVE"

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Caspar Weinberger, our former Secretary of Defense, wrote a short column for Forbes Magazine recently that should make every conservative and every journalist stop and think for a moment.

Let me quote: "Why is it," the magazine asks, "that the press always calls the worst elements in Iran the 'conservatives' and refers to the group identified with President Khatami as the 'reformers' or even the 'liberals'?"

"The fanatical mullahs who rule Iran . . . oppose human rights, freedom of speech and religion, and all other manifestations of an individual's right to achieve all he or she can."

"They believe in an all-powerful state, ruled by them, where the individual does not count."

"This is not conservatism."

"While President Khatami is not pro-America, he and certainly some of his followers believe in human rights and far more personal freedom than do the clerics."

"That is conservatism."

Mr. Speaker, we have to wonder what definition our friends in the Fourth Estate are using. Listen to their language. Is anyone they do not like a conservative?

VOTE AGAINST THE LABOR-HHS-EDUCATION APPROPRIATIONS BILL

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, I rise today in opposition to the fiscal year 2001 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Studies show that smaller class sizes help teachers provide more personal attention to students. Teachers are then able to spend less time on discipline, more on instruction for the students that they serve. This helps students receive a stronger foundation in basic skills, skills that will help them succeed in the 21st century economy. The economic function of education must not be overlooked if today's students are to compete in our rapidly growing global economy. I believe that we must ensure that young children have the kind of one-on-one contact with teachers that smaller class sizes will permit.

This bill does not include funding to hire new teachers to reduce class sizes. Let us stop talking about improving education and put our resources into the classrooms. I urge my colleagues to vote against this bill.

CONDEMNING IRAN OVER THE DETENTION AND TRIAL OF 13 JEWS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today I rise to condemn the actions of Iran in accusing and now trying 13 Jews for allegedly spying for Israel and the United States.

All 13 have been jailed and isolated for more than a year without being formally charged with anything. They are now being formally tried, again without formal charges having been brought.

Mr. Speaker, we are talking about a group of people aged 17 to 48 who are among the least likely to ever be involved in espionage. We are talking about a rabbi, a student, three Hebrew teachers, a shoe store clerk, and a kosher butcher.

They are now confronting a judge who has it in his power to execute them on grounds that are unsupported and without evidence.

All 13 were arrested by the authorities of the Islamic Republic on the eve of Passover in 1999. They have had little access since then to either family or legal counsel.

Mr. Speaker, I think this Congress should rise as one voice repeatedly and repeatedly to condemn this trial and to demand that Iran release these people back to their families and to freedom. This trial is a sham, and it should be treated as one by the world.

NEW JERSEY DEVILS ARE NEW JERSEY'S ANGELS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, it is my great pleasure to rise today to honor the New Jersey Devils as the 2000 Stanley Cup champions.

The Devils play a brand of hockey that typifies New Jersey. They are tough competitors led by their captain and playoff MVP, Scott Stevens, whose hard-nosed play shut down the best offensive players in the game. In the finals, they were the underdogs against the defending champs, and we in New Jersey love an underdog.

With a stone wall for a goal tender in Martin Brodeur, the offensive firepower of Jason Arnott, Patrick Elias and Peter Sykora, and a quartet of rookies, including the first Hispanic American player drafted in the first round, Scott Gomez, the Devils fought late into the night in sudden death double overtime on Saturday. In the end, it was the sweet passing from Stevens to Elias that Arnott for the game-winning goal that brought the Cup back to East Rutherford, New Jersey.

Mr. Speaker, the New Jersey Devils are the Stanley Cup champions once

again. In the hearts of New Jerseyans, in bringing this Stanley Cup back to New Jersey, these Devils are our angels.

PRESCRIPTION DRUG COVERAGE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Republicans believe that no senior citizen or disabled American should be forced to choose between buying food or buying the prescription drugs necessary to keep them alive.

Prescription drugs have become a major component of quality health care in America, and they have saved and improved many lives.

But these miracles frequently come with a substantial price tag, one that many Medicare recipients on fixed incomes cannot afford without insurance.

Republicans believe the way to solve this dilemma is to create a fair and responsible prescription drug plan that is affordable, available, and voluntary for all Medicare beneficiaries.

It is the right and moral thing to do. By making prescription drug coverage accessible to everyone. Republicans want to make sure that no senior citizen or disabled American falls through the cracks.

CONGRATULATING NEW JERSEY DEVILS ON WINNING STANLEY CUP

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, early Sunday morning, throughout New Jersey, one could hear screams of joy coming from thousands of homes, diners, and bars. Jason Arnott had just scored the shot heard around the Garden State.

After last night, we have some levity and relaxation. I think it is good in the House this morning.

I rise to congratulate the Devils. This is a prize that has been given to the best hockey team in the world. This year, we will have our very own New Jersey Devils inscribed upon it for the second time in 5 years.

Over the past season, the Devils, who practice at beautiful South Mountain Arena in West Orange, have taken New Jersey fans on a roller coaster season we will soon not forget.

We have watched the break-out seasons of potential rookie of the year and, as Congressman Rothman mentioned, the first Hispanic national hockey league star, Scott Gomez, as well as the short-handed goal prowess of former Wolverine John Madden.

No player he faced or hit will forget the awe-inspiring and inspirational play of Captain Scott Stevens, which

earned him the coveted Conn Smythe Trophy as playoff most valuable player.

It is a great happy day for New Jersey, for the Devils, and again, after last night, a point of relaxation for the Congress. We deserve it.

IN MEMORY OF REVEREND MONSIGNOR THOMAS WELLS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the Reverend Monsignor Thomas Wells, 56, of Germantown, Maryland, pastor of Mother Seton Catholic Parish in Germantown, died Thursday, June 8, in the parish rectory. He was the victim of an apparent breakin and killed after a violent and bloody struggle with the intruder.

This morning, at 11 o'clock, a funeral mass will be celebrated by Cardinal James A. Hickey at the Sacred Heart Church, which is one of the churches that Monsignor Wells served.

What can I say about a man who was in his prime, who was a shepherd to a community, whether they belonged to his faith or not.

I talked to some of the congregants who made statements, such as, "He was only the pastor at Mother Seton for about a year and a half, but he touched so many people in the 2,000-member congregation, just as he touched those in other parishes that he served."

He had served in 5 parishes within the last 3 decades in the State of Maryland. The churches where he served over the past 30 years had been filled in recent years with people who loved the priest for whom they now pray. They are overwhelmed by grief.

He encouraged a lot of the young people. He inspired all who knew him. He was warm, friendly. He had a tremendous sense of humor. He always gave very exciting sermons, motivating people to be the best and to do the most for others.

One can see that the light of God was within him. He was a very holy man, not just by his position in the church as monsignor, but by the way he helped people.

Articles in the paper pointed out story after story of how he reached out and helped the community. The community grieves for him. He preached a lot about love. He remembered that Thornton Wilder wrote, "there is a land of the living and a land of the dead, and the bridge is love, the only survival and the only meaning."

Monsignor Wells will live on in love.

DEPARTMENT OF LABOR ASLEEP ON THE JOB WHEN IT COMES TO HIGH-TECH JOB CREATION

(Mr. TRAFICANT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Department of Labor is bragging about all the new high-tech jobs they created. Let us check a few of them out. Dust collector, potato peeler, pretzel twisting, mattress testing, pillow stuffer, brassiere cup molder cutter, and panty hose crotch closer.

Does that mean, Mr. Speaker, there is a panty hose crotch closer supervisor job that has been created? What is next? A pocket scientist? Beam me up.

Evidently, the Department of Labor worked so hard that, even when they are sleeping, they are sleeping on the job, Mr. Speaker.

I yield back that the only high tech of the Department of Labor is they are probably getting higher.

□ 1015

BLAME WHITE HOUSE FOR HIGHER GAS PRICES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, we understand that today there is tremendous growing concern about the rapidly increasing price of gasoline in this country. The American people need to know that the President, in 1995, vetoed legislation which would have allowed drilling and oil exploration in one tiny portion of the coastal plain of Alaska. Less than 3,000 acres out of the 19.8 million acre Arctic National Wildlife Refuge contains what the geologic survey tells us is up to 16 billion barrels of oil. This is 30 years of Saudi oil.

The President also signed an Executive Order putting 80 percent of the outer continental shelf off limits for oil drilling. This is many billions more barrels of oil in those areas. So if the American people like higher oil prices, they should write the White House and thank them, because that is where the blame and the responsibility lies.

Gas prices could be much, much lower if the President had not vetoed that 1995 legislation and if he would allow more oil drilling and exploration in the outer continental shelf.

SPENDING CUTS TO EDUCATION IN LABOR-HHS-EDUCATION APPROPRIATIONS BILL

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as we move from budget and taxes to appropriations, we learn the true priorities of our colleagues on the other side of the aisle.

We have seen a trillion dollar tax cut, and we have seen this trillion dol-

lar tax cut divided into smaller pieces: Marriage tax and estate tax. But the bottom line is these are tax cuts which are targeted at a very few of our most privileged in our society.

Now we bring forward today an education bill which provides no money for critical school modernization, for class size reduction, and for targeting low performing schools.

Mr. Speaker, I urge all of my colleagues to vote against this misguided legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will now put the question on the Speaker's approval of the Journal on which further proceedings were postponed earlier today, and then on the motion to suspend the rules on which further proceedings were postponed on Monday, June 12.

Votes will be taken in the following order:

The Journal's approval, by the yeas and nays; and

H.R. 4079, also by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 329, nays 66, answered "present" 1, not voting 38, as follows:

[Roll No. 257]

YEAS—329

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Biley

Blumenauer
Blunt
Boehert
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn

Coble
Collins
Combest
Conyers
Cooksey
Coyne
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards

Ehlers
Ehrlich
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson

Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel

Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Siskiy
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stump
Sununu
Tanner
Taubin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—66

Aderholt
Baider
Bilbray
Borski
Brady (PA)
Capuano
Clay
Coburn
Condit
Costello
Crane

DeFazio
Dickey
English
Etheridge
Filner
Gibbons
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hill (MT)

Hilliard
Hooley
Hulshof
Jefferson
Johnson, E. B.
Klink
Kucinich
Lewis (GA)
LoBiondo
McDermott
McNulty

Miller, George
Moran (KS)
Oberstar
Oliver
Pallone
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Ramstad

Riley
Rogan
Rothman
Sabo
Sanchez
Sanford
Schaffer
Slaughter
Stark
Stupak
Sweeney

Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—38

Baldacci
Bishop
Boehner
Bono
Campbell
Chenoweth-Hage
Cook
Cox
Cramer
Danner
DeMint
Deutsch
Doyle

Engel
Fattah
Gephardt
Gillmor
Goodlatte
Gordon
Hinchey
John
Jones (OH)
LaTourette
Manzullo
Markey
McCollum

Owens
Sanders
Stearns
Strickland
Talent
Toomey
Turner
Vento
Waters
Watts (OK)
Weldon (PA)
Young (AK)

□ 1042

So the Journal was approved.

The result of the vote was announced as above recorded.

REQUIRING FRAUD AUDIT OF DEPARTMENT OF EDUCATION

The SPEAKER pro tempore (Mr. QUINN). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4079, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 4079, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 19, answered "present" 1, not voting 34, as follows:

[Roll No. 258]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray

Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehler
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson

Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Coynne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey

Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hushof
Hunter
Hutchinson
Hyde
Inlee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg

Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalfe
Mica
Millender
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Oliver
Ortiz
Ose
Oxley
Packard
Pallone
Pascarell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad

Wilson
Wise

Wolf
Woolsey

Wu
Young (FL)

NAYS—19

Capuano
Clay
Clayton
Clyburn
Conyers
Filner
Hastings (FL)

Hilliard
Hoyer
Jackson-Lee (TX)
Johnson, E. B.
Lee
Lofgren

McDermott
Nadler
Payne
Scott
Towns
Wynn

ANSWERED "PRESENT"—1

Frank (MA)

NOT VOTING—34

Baldacci
Bishop
Boehner
Campbell
Chenoweth-Hage
Cook
Cox
Danner
DeMint
Deutsch
Doyle
Engel

Fattah
Gephardt
Gillmor
Goodlatte
Gordon
Jones (OH)
LaTourette
Manzullo
Markey
McCollum
Obey
Owens

Sanders
Strickland
Talent
Toomey
Turner
Vento
Waters
Watts (OK)
Weldon (PA)
Young (AK)

□ 1051

Mr. NADLER changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MANZULLO. Mr. Speaker, I want the record to reflect that had I been present for the vote on H.R. 4079, requiring an Audit for the Department of Education, I would have voted "yea".

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On passage of the Journal, I would have voted "yea".

On the bill, H.R. 4079, to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education, introduced by the gentleman from Michigan, Mr. HOEKSTRA, I would have voted "yea".

PERSONAL EXPLANATION

Mr. BALDACC. Mr. Speaker, this morning, I was unavoidably detained at the White House at the release of a rural prescription drug coverage report with President Clinton. I missed rollcall vote 247 (approving the journal) and rollcall vote 248 (passage of H.R. 4079). Had I been present, I would have voted "yes" on both.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4577, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

□ 1054

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, June 12, 2000, Amendment No. 24 by the gentleman from Wisconsin (Mr. OBEY) had been withdrawn and the bill was open for amendment from page 37, line 13, through page 38, line 5.

Pursuant to the order of the House of that day, no further amendments shall be in order except pro forma amendments offered by the chairman and ranking member or their designees; the amendment printed in part B of House Report 106-657; the remaining amendments listed in the order of the House of Thursday, June 8, 2000, as modified; and the following further amendments, which may be offered by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question;

an amendment by the gentleman from Florida (Mr. YOUNG) regarding an across-the-board reduction;

an amendment by the gentleman from Michigan (Mr. HOEKSTRA) regarding reductions in education for the disadvantaged, Impact Aid, school improvement programs, and bilingual and immigrant education and increase in special education;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in education research, statistics, and improvement and increase in special education;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in Even Start and increase in special education for grants to States;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in Job Corps training and increase in special education for grants to States;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in the United States Institute of Peace and increase in special education for grants to States;

an amendment by the gentleman from Oklahoma (Mr. COBURN) regarding fetal tissue research;

an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding a report on the impact of PNTR on United States jobs;

an amendment by the gentleman from Vermont (Mr. SANDERS) regarding NIH;

an amendment by the gentleman from Ohio (Mr. HALL) regarding additional funding for Meals on Wheels; and the amendments printed in the CONGRESSIONAL RECORD numbered 1, 2, 3, 4, 5, 7, 182, 183, 184, 185, 186, 189, 190, 191, 192, 196, 198 and 201.

The Clerk will read.

The Clerk read, as follows:

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be \$1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS
(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322 and section 126 and titles IV and V of Public Law 100-485, \$7,231,253,000, of which \$43,000,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679); of which \$595,376,000 shall be for making payments under the Community Services Block Grant Act; and of which \$5,667,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carry-over into the next fiscal year for expenditure by such entity consistent with program purposes.

tent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carry-over into the next fiscal year for expenditure by such entity consistent with program purposes.

Funds appropriated for fiscal year 2001 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2001 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND
ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,863,100,000;

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2002, \$1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$925,805,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$206,780,000, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$31,394,000: *Provided*, That, for the current fiscal year, not more than \$120,000,000 may be made available under section 1817(k)(3)(A) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund for purposes of the activities of the Office of Inspector General with respect to the Medicare and Medicaid programs.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$18,774,000, together with not to

exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$236,600,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$182,000,000, of which \$30,000,000 shall be for the Health Alert Network; and Office of Emergency Preparedness, \$54,600,000. In addition, \$114,040,000 shall be available to the Centers for Disease Control and Prevention for the following activities: \$61,000,000 for international HIV/AIDS programs; \$25,000,000 for global polio eradication activities; \$18,040,000 for continued study of the anthrax vaccine; and \$10,000,000 for activities related to the West Nile-like virus. In addition, \$100,000,000 shall be available to support the Ricky Ray Hemophilia Relief Fund Act of 1988: *Provided further*, That, notwithstanding any other provision of law, up to \$8,000,000 of the amount provided for the Ricky Ray Hemophilia Relief Fund Act may be available for administrative expenses of the Health Resources and Services Administration. In addition, \$50,000,000 shall be available to the Office of the Secretary for minority AIDS prevention and treatment activities: *Provided further*, That the entire amount under this heading is hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this heading shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, on page 44, beginning on line 4 with the word "provided" and continuing through the colon on line 14, constitutes legislating on an appropriation and is, therefore, a violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. PORTER. Mr. Chairman, this is the money for bioterrorism; and it has historically for the last 3 years been designated an emergency. We have designated it as an emergency in this bill. But the point of order of the gentleman is correct, and we would have to concede it.

Mr. OBEY. Mr. Chairman, I would also like to be heard on the point of order.

Mr. Chairman, if I understand it correctly, the point of order of the gentleman is being lodged to the proviso that begins on line 4, page 44; is that correct?

The CHAIRMAN. Two provisos.

□ 1100

Mr. OBEY. All right, Mr. Chairman, both provisos down through line 14?

The CHAIRMAN. That is correct.

Mr. OBEY. Mr. Chairman, as I understand it, if that proviso is stricken, then the CBO is estimating that this bill will be \$479 billion above the budget cap in budget authority and \$1.7 billion in outlays.

I want to make sure I understand what these numbers are. I understand that the committee itself is estimating that if the supplemental passes that, then this bill would be in excess of the budget cap by \$500 million in budget authority and \$217 million in outlays.

Since the argument is being made that Democratic amendments are breaching the ceilings, I think it is interesting to note that if this point of order lies, that the committee bill itself will be in excess of the amount in the budget resolution.

I would ask either the gentleman from Illinois (Mr. PORTER) or the gentleman from Oklahoma (Mr. COBURN), do these numbers correspond with your understanding of the situation?

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Wisconsin may not yield. The Chair hears argument from each member in his own time.

Mr. OBEY. Mr. Chairman, I got my answer, so I appreciate it. And we concede the point of order.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Oklahoma (Mr. COBURN) makes a point of order that the provision beginning with "provided" on page 44, line 4, through "as amended" on line 14 changes existing law in violation of clause 2(b) of rule XXI.

The provision designates an amount as emergency spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. As stated on page 796 of the House Rules and

Manual, such a designation is fundamentally legislative in character.

Accordingly, the point of order is sustained and the provision is stricken. The Clerk will read.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer: *Provided further*, That this section shall not apply to funds appropriated under the heading "Centers for Disease Control and Prevention-Disease Control, Research, and Training", funds made available to the Centers for Disease Control and Prevention under the heading "Public Health and Social Services Emergency Fund", or any other funds made available in this Act to the Centers for Disease Control and Prevention.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made

available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. SUBSTANCE ABUSE.—With respect to fiscal year 2001, the amount of an allotment of a State under section 1921 of the Public Health Services Act shall not be less than the amount the State received under such section for fiscal year 2000 increased by 33.33 percent of the percentage by which the amount allotted to the States for fiscal year 2001 exceeds the amount allotted to the States for fiscal year 2000.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II of the bill through page 48, line 25, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 213. None of the funds in this Act or any other Act may be used to obligate funds for the National Institutes of Health in excess of the total amount identified for this purpose for fiscal year 2001 in the President's budget request (H. Doc 106-162): *Provided*, That none of the funds made available for each Institute, Center, Office, or Buildings and Facilities shall be reduced below the amounts shown in the budget request column of the table printed in the report accompanying the bill making appropriations for the Departments of Labor, Health and Human Services, Education, and Related Agencies for fiscal year 2001.

AMENDMENT NO. 13 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer Amendment No. 13.

The CHAIRMAN. Is the gentlewoman from California a designee of the gentleman from Wisconsin (Mr. OBEY)?

Ms. PELOSI. Yes, I am, Mr. Chairman.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. PELOSI:

Page 49, strike line 1 through 12 (section 213).

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 8, 2000, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am introducing this amendment to add \$1.7 billion to the NIH budget. That would bring us to an increase of \$2.7 billion in this bill, which will keep us on track for doubling NIH budget in 5 years.

The distinguished chairman of our committee, the gentleman from Illinois (Mr. PORTER), has long been a champion and advocate for the National Institutes of Health. It is a sad thing then to see in this bill that we cannot stay on track.

Why can we not? We cannot stay on track because of the bad budget numbers that have reduced a bad result in this bill, as I said, when we talked about this during general debate, when they asked the question why do so many excellent mathematicians come out of MIT, because so many good mathematicians go into MIT.

Why, conversely, do so many bad results come out of this appropriations process? Because a bad budget bill went into this appropriations process, because that budget agreement, that budget bill insists on a huge tax cut for the wealthiest Americans.

If the majority were willing to cut that tax break for the wealthiest 1 percent in our country by 20 percent, we would have more than enough money to cover all of the amendments that we are talking about in the course of this debate on this legislation; whether it deals with afternoon childcare or worker training or increasing the funding at the National Institutes of Health; whether we are talking about having more funds available to stop substance abuse in our country.

The list goes on and on, but who benefits instead? The wealthiest 1 percent in our country. Indeed, that same wealthiest 1 percent would benefit from increased investments at the National Institutes of Health. Members all know

that the National Institutes of Health almost has a biblical power to cure every person in America, rich or poor, who is one episode, one diagnosis, one accident away from needing access to excellent health care. The research at the National Institutes of Health can find cures.

We have far more scientific opportunity and applications for excellent grants than we are able to meet with appropriate funding. Mr. Chairman, again, the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) have both been longtime champions of increased funding at NIH, but that cannot happen in this bill, sad to say.

In fact, in the bill before us it says that we have a \$2.7 billion increase, recognizing the need that my amendment spells out; yet a provision in the back of the bill limits the amount appropriated each of the accounts to the level requested by the President.

I will have more to say on this, Mr. Chairman, after we hear from some of our other colleagues.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SESSIONS) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. McDevett, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) rise in opposition?

Mr. PORTER. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said to the gentlewoman from California (Ms. PELOSI) in full committee markup of this bill, this amendment, of course, tests my resolve more than any other of your theme amendments.

I consider the funding for NIH to be of the highest priority I would very much have liked to put into this bill the full 15 percent increase that I believe is necessary and proper. Such funding is among the best spent money in government to continue on our path of doubling NIH over a 5-year period.

Unfortunately, the allocation was not sufficient to do so.

We have in the bill a limitation to limit the obligation to the President's budget, which is a \$1 billion increase less the cap and comes out to probably 4 percent to 5 percent, rather than the 15 percent that we favor.

However, the gentlewoman has just used this amendment to make a number of political points, and I would simply say to the gentlewoman she ought to look at the history of funding for NIH. It indicates that the President of the United States has put this at a very, very low priority in all of his budgets for the last 5 years, while the majority party has put it at a very, very high priority.

Congress has provided a total of \$7.8 billion in cumulative increases for NIH as opposed to the \$4.3 billion requested by the President over the last 5 years. We have put NIH on a funding path to double its level in 5 years, we have made two down payments and are committed, within the fiscal responsibility, to making the third payment this year.

We cannot do it within the allocation that we have, but we are committed to making that third payment this year.

I would not say that this was done on a partisan basis. It has been a bipartisan effort. It has been supported by both sides of the aisle. I know, and the gentlewoman from California (Ms. PELOSI) knows that there are more scientific opportunities today. Increased funding can lead to cures for major diseases like Alzheimer's disease Parkinson's disease, forms of cancer, diabetes and a host of other diseases is closer than it ever has been before.

We are doing all that we can to get to achieve the 15% increase, but we are constrained by a budget allocation that is not sufficient to allow us to do it at this point.

I know that the gentlewoman herself is committed to reaching that point. What I do not like to see is making political points. This leads us away from the importance of this funding and makes this seem a political clash.

I would simply point out that we have made great progress. We are committed to making continued progress. We believe that this funding can lead to scientific discovery that will help people who need help. It will lead to longer and more healthy lives for all the American people and, perhaps, all the people in this world. This is the best spent money, because it leads ultimately to driving down health care costs in our society. If we work together, we can achieve a result that we can all be proud of in doubling funding for NIH over a 5-year period.

In the 5 years that I have been chairman, 1995 to now, we have increased funding for NIH by 58 percent. If we can double it this year, we will be at 82 percent over that 6-year period, and I simply believe that this is not the proper

context to raise political issues. This is something that all of us are committed to accomplishing.

We have made great progress, and we are very hopeful that we will make the kind of progress that all the American people can be proud of in the end.

Mr. WICKER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding me the time.

I, too, agree, Mr. Chairman, that it is unfortunate that this debate is being used to make political points. NIH and health research has certainly been something that this committee and this subcommittee has approached on a bipartisan basis. And I must say that the gentleman in the well, the gentleman from Illinois (Mr. PORTER), who is in his last year as subcommittee chairman, is leaving a rich legacy of bipartisanship and also support for real programs for real people, improving their health.

Under his leadership, this subcommittee and this committee have shown their support in terms of the dollars indicated there.

□ 1115

I would like to ask the chairman though about the chart there. Do I understand that the red figures are the cumulative amounts of money proposed by President Clinton in his budget; is that correct?

Mr. PORTER. That is correct.

Mr. WICKER. Mr. Chairman, if the gentleman will yield further, then the large amounts above and beyond that in blue amount to the actual appropriations that we have been able to get through this subcommittee and through the Congress of the United States for the National Institutes of Health?

Mr. PORTER. Yes, the gentleman is correct.

Mr. WICKER. As far as the cumulative increases, since the gentleman from Illinois (Mr. PORTER) has been chairman, the cumulative increases are almost double those requested by the President of the United States?

Mr. PORTER. That is correct.

Mr. WICKER. Finally, let me ask the gentleman, Mr. Chairman, with regard to this appropriation in this bill, which I agree is regrettably low, how does it compare to the amount requested by President Clinton in his budget this year for NIH and health research?

Mr. PORTER. If I understand the gentleman's question correctly, the President requested \$1 billion in increased funding for NIH this year. We have placed in the bill numbers indicating a \$2.7 billion increase, but, then, because of our budget allocation, we have been forced to limit that amount to the President's request.

Mr. WICKER. The amount contained in this bill is precisely what the President requested; is that correct?

Mr. PORTER. Yes.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield for a question regarding his chart?

Mr. PORTER. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, the question I had, and I can barely read it, but the chart starts with fiscal year 1995; is that correct?

Mr. PORTER. That is correct.

Mr. BENTSEN. Does that chart reflect what the appropriations are, or does it reflect concurrent budget resolutions? My question is would that reflect what the fiscal 1995 concurrent budget resolution as adopted by the House and Senate did, which would show a dip of 5 percent?

Mr. PORTER. Mr. Chairman, budget resolutions do not have any effect. They are only advisory. These are appropriations.

Mr. BENTSEN. If the gentleman will further yield, part of the budget allocation we are dealing with today, the fact that the gentleman raised, is the fact that the budget resolution passed by the House does not provide sufficient allocation to meet the doubling of the NIH, and we had a problem with the budget resolution in fiscal year 1995 as passed by the House and the other body that called for a 5 percent reduction in NIH in real terms.

Mr. PORTER. Mr. Chairman, the gentleman should remember that the only jurisdiction the Committee on the Budget has is to set overall spending numbers. The rest is advisory.

Mr. Chairman, reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1-3/4 minutes to the gentleman from Illinois (Mr. JACKSON), a distinguished member of the subcommittee.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, let me first begin by congratulating the gentleman from Illinois (Mr. PORTER) for what every member of this subcommittee knows to be the truth, that no one in this Congress has had a greater commitment to expanding and increasing NIH funding than the gentleman from Illinois (Mr. PORTER). If the entire House were present during this part of the debate, I would ask at this time for all of them to stand and give the gentleman from Illinois (Chairman PORTER) an outstanding round of applause for his interest and for his commitment and dedication in this area.

I would say to the gentleman from Illinois (Chairman PORTER), we have enormous respect for his efforts in this particular area, and I certainly rise to salute the gentleman.

Let me also indicate that this is the first time since I have been in Congress

for 5 years that I am not going to dispute any of the facts that were offered by the majority in the brief demonstration that we had here from the chairman. But I want to make it very, very clear that the gentleman from Illinois (Chairman PORTER), if he had been dealt the appropriate hand in this particular allocation, that we would be looking at increases in NIH consistent with the effort to double resources as consistent with our 5-year objective.

Mr. Chairman, this amendment raises our investment in biomedical research at the National Institutes of Health. Fiscal year 2001 is the 3rd year of this "doubling NIH in 5 years" initiative. For 2 straight years we have agreed to provide NIH the 15 percent increases needed to double the budget. This year, the House fails to do so. Staying on track to double NIH's budget requires a \$2.7 billion increase for fiscal year 2001. The House bill provides the increase, then takes it away in a general provision and reduces that increase to the administration's request.

Mr. Chairman, it is one thing in an era of deficits to say we cannot afford to invest additional resources in these programs; but now that we are in an era of surpluses, we no longer have that excuse. All we need to do to pay for this amendment is to scale back the size of the tax cut for the wealthy by 20 percent. We can leave the middle-class tax cuts alone, just scale back the tax cuts for the individuals at the top 1 percent; and we can do just that.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. CAPPS), a member of the Committee on Commerce, an expert on health issues, and a health professional before she came to the Congress.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Pelosi amendment, which seeks to increase funding for the National Institutes of Health. I commend the committee and Congress for the commitment that has been made to double the NIH budget in 5 years specifically by providing necessary 15 percent increases in appropriations each year. But this year, we are going off track. Our budget is throwing us off our 5-year track.

Mr. Chairman, there is not a family in this country that does not feel the promise and the hope of the research that is done under the auspices of the NIH. A year ago it was the deputy director who told my daughter, recently diagnosed with advanced lung cancer, that if she could hold on for 2 years, there was such promising research coming down the pike through NIH.

So many families in this country hold their hope in the research that is done and is spawned by our funding for the NIH. Research in the real life miracle areas of Parkinson's disease, cancer research, Alzheimer's, diabetes, these are situations that people across

this country are dealing with on a daily basis. We have established a wonderful track record for funding. We need to keep our resolve now and stick to our promise to double the funding in 5 years.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment to provide a \$1.7 billion increase to the NIH in order to keep us on track to double its budget by 2004.

Mr. Chairman, the last century will be remembered as the century in which we eradicated polio, developed gene therapy, and discovered some treatments for breast cancer. At the center of this research has been the NIH.

NIH funded scientists have learned how to diagnose, treat and prevent diseases that were once great mysteries. The decoding of the human genome, soon to be completed, will lead to yet more opportunities for research that will revolutionize how we look at and treat diseases. Our efforts will shift increasingly to the genetic level, where we will learn to cure diseases now untreatable.

We should not abandon our commitment to double the NIH budget in 5 years. Let this new century see humanity vanquish cancer and heart disease and genetic diseases and AIDS. Let us not start reversing that goal now. We are now the most prosperous society in the history of this planet. We have unparalleled budget surpluses. We should not deny medical research the funds it needs because of artificial budget restraints in an artificial and politically motivated budget resolution.

In the names of the thousands, perhaps millions of people whose lives will be prolonged and saved by adoption of this amendment, I urge its adoption.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the very distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I offered this same amendment when the House Committee on the Budget marked up the budget resolution, and I was told at the time that we had put enough money into NIH, that this year we just could not do it.

It is ironic that a few weeks ago we passed the China PNTR bill because we wanted to gain access to more markets where we have a comparative advantage. In the world of medical research, where the United States leads the world and has a comparative advantage, we do not want to provide the resources to do that. I know the gentleman from Illinois (Chairman PORTER) wants to do it, but he is constrained by the budget.

How can a sophisticated, mature economy like the United States not provide the resources that are nec-

essary? It is all part of this budget fal-lacy, because the Chairman well knows that the Senate is going to mark up the full amount and we will go to conference and we will do it. But we are living under artificial constraints by a budget resolution that is not going to hold water at the end of the year. We should do the right thing today, adopt the gentlewoman's amendment, and move forward where we do enjoy a comparative advantage and bring these cures to the American people, because we know we can do it.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), a distinguished member of the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations, and a person who is an expert on health policy.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from California (Ms. PELOSI). I support a strong national investment in biomedical research. The reason being is that I am alive today due to the advancements in biomedical research. I am a 15 year survivor of ovarian cancer. I know how it feels to be the person behind the statistics.

We are on the brink of tremendous breakthroughs in cancer and many other areas. We have committed ourselves as a Congress to doubling the funding for the NIH over the next 5 years. Why then would we want to fall short of that goal this year?

All the gentlewoman from California (Ms. PELOSI) is asking for is the \$1.7 billion that will allow us to get to meeting that goal this year, and the trade-off is, the trade-off is, a tax cut that is going to only benefit the most wealthy people in this country. The lives, the health, the safety of American people all over this country is not to be traded away, not to be traded away, because of a tax cut that will only benefit the wealthiest.

Mr. PORTER. Mr. Chairman, I am happy to yield 3½ minutes to the gentleman from California (Mr. CUNNINGHAM), a very, very strong supporter of NIH and biomedical research.

Mr. CUNNINGHAM. Mr. Chairman, the gentlewoman well knows that I am a champion for medical research. I have got a goal. My daughter scored a perfect 1600 on her SATs this year as a senior at Torrey Pines. She is going to intern in cancer research at NIH this summer.

I am a cancer survivor. There is nothing worse than a doctor looking you in the eye and saying, "Duke Cunningham, you have got cancer."

I am a survivor. And if the gentlewoman would have offsets in this, I would be with her in this amendment. I would hope in conference we can add to this and somehow come up with the additional dollars in this.

Unfortunately, the politics in this, that is being shown in all these amendments, is what is discouraging, because the gentlewoman, the ranking minority member, Democrats and Republicans, have come together on NIH funding to support it, and I still hope in some way we can add these particular dollars down the line.

In cancer, Dr. Klausner, and you see what he is doing at NIH, I would say I was saved because of a PSA test. Do you know that right now, because of this research, there are markers for ovarian cancer which we have never had before? Women had no markers in this.

I met a gentleman at NIH that contacted HIV in 1989. The only thing he ever thought about was dying. And now he has hope. He has bought an apartment. He has even bought stocks. This is what we are talking about when we talk about NIH funding.

□ 1130

If the gentlewoman would offer off-sets on this, we would support it. She is right. But I want to tell the Members, fiscal responsibility down the line, where we balance the budget and we pay off the national debt as soon as 2012, we spend \$1 billion a day, a day, \$1 billion a day on just the interest. Think what we are going to have in the future for the Americans for education, for crimefighting, for NIH, just by keeping our fiscal house in constraint.

The death tax that we passed, a little bit out of touch, saying tax break for the rich, passed on a bipartisan vote; the social security tax that my colleagues put in in 1993 we eliminated, a little bit out of touch by saying that is a tax break for the rich; taking a look at the marriage penalty for people who are married, that is sure not a tax break for the rich.

My colleagues on the other side wish to politicize this and say, tax break for the rich. I think some people actually believe that, after saying it 10,000 times, someone is going to believe it. It is just not so.

Let us come together and support this NIH increase in conference, if there is some way we can do it, and work in a bipartisan way on this particular issue.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. LOWEY), another distinguished member of our Subcommittee of Labor, Health and Human Services, and Education.

Mrs. LOWEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in strong support of the Pelosi amendment.

Over the last 2 years, with the strong leadership of the gentleman from Illinois (Chairman PORTER) and broad bipartisan support, we have made tremendous progress in our goal of doubling the NIH budget.

Dr. Kirschstein and the Institute directors have done an outstanding job of describing how they have managed large increases and used them to fund good science.

We have to continue our bipartisan effort to increase funding for biomedical research. Whether it is breast cancer, diabetes, autism, or heart disease, we have made real progress towards better understanding and treatment.

My good friends are saying this is politics. They are right. What politics is about is making wise decisions. We have that choice. We can have a smaller tax cut and invest in the National Institutes of Health, and invest in the continued extraordinary challenges that are ahead of us.

We have the opportunity on our subcommittee in this Congress to face the extraordinary challenges in health care ahead. Let us do it. Let us do it now. Let us support the Pelosi amendment.

Ms. PELOSI. Mr. Chairman, I am very, very pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of our subcommittee and the ranking member of the full Committee on Appropriations, who, along with the gentleman from Illinois (Mr. PORTER), has been a champion for increased funding at the National Institutes of Health.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the issue is not what the Congress and the President did on this issue in the last decade. The issue is what we are going to do in the next decade.

This bill appropriates \$2.7 billion above last year to the National Institutes of Health. But then it has a provision in the bill which says it can only spend \$1 billion of that, so the committee has it both ways. It can say yes, we have provided \$1.7 billion when they pull this piece of paper out of their pocket, and then they go to the other pocket and say, oh, no, we did not spend that much money, we held the budget down.

The result of this budget is that it cuts \$439 million below current services, and that means that it reduces the new and competing grants that go out to scientists to do research on cancer, Alzheimer's, diabetes, and everything else, by about 15 percent.

In real terms, this bill is a reduction from last year. A lot of people on that side of the aisle keep saying, well, this is just the second step in the process. Do not worry, down the line we are going to try to fix this.

What we are saying is that it makes no sense for them to say, well, at some point somebody else is going to be responsible. We are asking the majority side to be responsible now. They keep talking about fiscal responsibility.

Two weeks ago I was at Marshfield Clinic in my district. I had a number of senior citizens talk to me about the miracles that had occurred when they had strokes that disabled them, and they were able to recover from those strokes because of new medical research.

My question to them and my question to the Members today is this: What is more important to this country, to have more success stories like that, more success stories, like the gentleman from California (Mr. CUNNINGHAM), or instead to continue the path that the majority party has been following in providing huge tax cuts, with over 70 percent of the benefits aimed at the wealthiest 1 percent of people in this society?

Members gave away in the minimum wage bill \$90 billion in tax cuts to people who make over \$300,000 a year. All we are saying is they could finance this amendment on health care, they could finance our amendment on education, on child care, on all the rest if they simply cut back what they are providing in those tax packages by 20 percent. Leave the middle-income tax cuts in place, just take the tax cuts that they are providing for the high rollers, cut them back by 20 percent, and they can meet all of these needs.

It is not enough to have budgets at last year's level, or around last year's level. This is a growing country. It is a growing population. We have new medical discoveries. Every time we make a new medical discovery, we ought to build on it, not use it as an excuse to slack off. That is what we are saying. To me it is outrageous that this amendment cannot even get a vote on the floor of the House today.

Ms. PELOSI. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I thank the Chair for presiding over this very respectful, I think, debate. We have acknowledged the leadership of our chairman and our ranking member in supporting the highest possible funding levels for the National Institutes of Health.

We have recognized that despite the priority that the gentleman from Illinois (Chairman PORTER) gives to the National Institutes of Health, that the budget allocation does not allow him to put the additional \$1.7 billion in the bill which keeps us on track of doubling the NIH budget in 5 years.

Members have shared their personal stories about themselves and their children, and pointed to the need for us to invest in this research. There is no argument about that. But when Members say that we are politicizing this debate by saying because we have a tax cut because we cannot afford this funding level for NIH, they are being political.

The fact is, bad budget numbers necessitate a bad appropriation. If we did not have the tax cut, we could afford

the NIH funding. It is that simple. That kind of decision is what people send us to Congress to make. We must recollect the values of the American people, which say that it is a good investment to invest in basic biomedical research. It saves lives. It adds to the productivity and the quality of our lives.

This is the most fiscally sound vote a Member can make is to invest further in the National Institutes of Health to save lives, to create jobs in the biomedical industry, and to help us balance our budget by having less money have to be put out because of illness, loss of work days by people who become sick or disabled.

I urge my colleagues to think in a fiscally sound way and support the additional appropriation for the National Institutes of Health.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am very sorry and I think it is very ill-advised that this subject has been raised in this political context. The work to raise NIH funding over the last 5 years has been bipartisan, and I am sorry that it is being used as a point of departure to make a political point. It constrains me to have to make a political point, as well.

The minority party was in charge of this House for many, many years. During the previous 5 years the minority was in charge, and President Clinton was also in charge. If we look at the commitment made for increasing funding for biomedical research during that period of time and compare it to the last 5 years when the majority party has been in control of the Congress, I think we can easily see that we have placed this at a far higher priority.

To me, however, this is not a political matter and should not be raised in a political context. This is a matter that is of utmost importance to our country and to its people. As I said earlier, this is among the best funding anywhere in government, and we should continue to work together on a bipartisan basis to increase it.

However, to propose such increases is easy when you do not have responsibility for any constraints and can spend whatever you want to spend, which is basically what all these amendments do. They say, "here is what we ought to do."

We cannot do that. We do not have that luxury. We are the majority party and responsible for the bottom line. We have to live within a budget resolution that was adopted by the majority of the Congress.

So we do the best that we can within that context. We have done the best we can. I would much rather we had a 15 percent increase in the bill for NIH. Unfortunately, we simply do not have the funds to do that. We intend, in this process, to achieve that priority and hopefully we will get there, but it is

easy simply to say, well, we ought to spend more money in this area.

This is an important area. Sure, we would like to provide a 15 percent increase, but in the end, somebody has to be responsible for the overall spending of this government and to live within fiscal restraints. We are taking that responsibility, and we are doing the very best that we can within it.

I believe very strongly, and I think the gentlewoman believes very strongly, that in the end we will reach our goal of doubling NIH and providing the third year of a 15 percent increase to get there.

Ms. ESHOO. Mr. Chairman, I rise in support of the amendment by my good friend and colleague from California, NANCY PELOSI. This amendment increases NIH funding by \$2.7 billion and would restore the funding level to the amount the Congress agreed to two years ago when it decided to double the NIH budget within five years.

Mr. Chairman, this amendment is truth-in-budgeting legislation. In 1998, and again in 1999, this Congress decided it was critical the National Institutes of Health be funded at a level which doubled the NIH budget by Fiscal Year 2003. Now we are in year three and this appropriations bill seeks to back off from that promise.

Let me remind my colleagues why we decided to double the NIH budget. According to a Joint Economic Committee report issued just last week, 15 of the 21 most important drugs introduced between 1965 and 1992 were developed using knowledge and techniques from federally funded research.

If the Pelosi amendment does not pass, the funding cuts in this bill mean there will be 1,309 fewer federal research grants. Mr. Chairman, my district has the largest concentration of biotechnology companies in the world. The scientific advancements they are working on are moving at revolutionary speed. We cannot afford to cut back on the groundbreaking work they are doing.

The need for increased research grants at NIH has never been greater. Infectious diseases pose a significant threat as new human pathogens are discovered and microorganisms acquire antibiotic resistance. In today's Washington Post, the front page story was about a World Health Organization report which said that disease-causing microbes are mutating at an alarming rate into much more dangerous infections that are failing to respond to treatment.

Mr. Chairman, in the story the WHO warned . . . that the world could be plunged back into the preantibiotic era when people commonly died of diseases that in modern times have been easily treated with antibiotics.

A WHO official said,

The world may only have a decade or two to make optimal use of many of the medicines presently available to stop infectious diseases. We are literally in a race against time to bring levels of infectious disease down worldwide, before the disease wears the drugs down first.

Mr. Chairman, we need NIH to join in this battle before time runs out.

And speaking of time running out, the number of Americans over age 65 will double in

the next 30 years. What are we going to do to fight the diseases of the elderly? Also, the threat of bioterrorism—once remote—is now a probability.

Mr. Chairman, our purpose for a sustained funding track for NIH was so that the multi-year process for NIH grantmaking was well planned and spent federal funds efficiently. This amendment by my colleague, NANCY PELOSI, achieves that objective.

More importantly, the Pelosi amendment keeps a congressional promise. Last March, over 108 Members on both sides of the aisle signed a letter urging a \$2.7 billion increase in the NIH budget. The Pelosi amendment would provide that increase. It is the third installment on a bipartisan plan to double the NIH budget by 2003.

I thank my colleague, NANCY PELOSI, for offering this amendment, and I compliment her on her leadership and her tireless efforts to improve the health of this country. I urge my colleagues to join her and support this amendment.

The CHAIRMAN. All time has expired on this amendment.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of Section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 8, 2000, House Report 106-660. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under Section 302(b), and is not permitted under section 302(f) of the Act.

I would ask a ruling of the Chair.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Ms. PELOSI. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Chairman, the distinguished chairman lodged a point of order on the basis that this is outside the budget allocation. On that score, he may be correct. But the fact is that despite the expressions of priority for the funding at the National Institutes of Health, which the chairman has very sincerely made and others have made in this Chamber, we had other choices in this bill.

In fact, if this is of the highest priority, why was it not given the same status that other Republican priorities are given in this bill?

As we know, there is a \$500 million budget adjustment to accommodate \$500 million of other spending in this bill. That could have been done for this \$1.7 billion and we could have ensured, guaranteed, given peace to the American people that their health and that the research to ensure it to be protected.

Instead, the only thing protected in this bill is the tax break for the

wealthiest people in America. That is the decision that Members have to make. It is not about this being fiscally responsible. We all want to be that. Indeed, our alternative Democratic budget resolution had this \$1.7 increase and it was fiscally responsible.

Two things, Mr. Chairman. Because the distinguished chairman has said he is calling a point of order because this is beyond the allocation of the budget, it could be protected just the way this other funding had a lifting of the budget, had an adjustment of the budget figure.

□ 1145

Secondly, I would say that if we are not going to go down that path then it is not the priority we say it is, and we have to answer to the American people for that.

Technically, on the point of order, the rule protects the wealthiest 1 percent at the expense of the National Institutes of Health, and I concede the point of order.

Mr. PORTER. Mr. Chairman, can I be heard further on the point of order?

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) is recognized.

Mr. PORTER. Mr. Chairman, I would simply respond to the gentlewoman that she had every opportunity to make those choices by offering an amendment within the rules that would have taken money from lower priority accounts and put it in this account if that was her desire. She did not take that opportunity to operate within the bounds of fiscal restraint and has simply offered an amendment without any offset, which is clearly out of order.

The CHAIRMAN. The Chair is prepared to rule.

Ms. PELOSI. Mr. Chairman, if I may, since the gentleman characterized my remarks, if I may?

The CHAIRMAN. Very briefly the gentlewoman from California may respond.

Ms. PELOSI. Mr. Chairman, the distinguished gentleman knows that I had no opportunity to have an offset of the \$1.7 billion. All I am saying is give this the same treatment as has been given to other Republican priorities by making a budget cap adjustment so that this can be afforded in this bill.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has conceded the point of order, but the Chair would say that he is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from California, by proposing to strike a provision scored as

negative budget authority, would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 4 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ANDREWS: Page 49, after line 12, insert the following new section:

SEC. 214. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", and increasing the amount made available for "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES" (to be used for a block grant to the Inner City Cardiac Satellite Demonstration Project operated by the State of New Jersey, including creation of a heart clinic in southern New Jersey), by \$40,000,000.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) reserves a point of order on the amendment.

Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by expressing my appreciation to the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) for the fair and even-handed way in which they handled this matter procedurally. Those of us who wish to offer these amendments very much appreciate the expansiveness of the time agreement, the fairness of it, and I wanted to say that for the record this morning.

Let me also say the purpose of this amendment is a commendation and a challenge. In the area of commendation, it is to commend the gentleman from Illinois (Mr. PORTER), the gentleman from Wisconsin (Mr. OBEY), and all the members of this subcommittee for the attention they have paid and the commitment they have made to the health care of the people of this country, in particular, the issue of our struggling urban hospitals.

I represent the City of Camden, New Jersey, which by just about any measure is one of the poorest cities in the United States of America. We are fortunate to have a number of health care

institutions in the City of Camden which remain, despite very difficult economic conditions. One of the consequences of their continued commitment to a poor urban area is that they carry a disproportionate share of the burden of caring for the uninsured or for those whose care is not fully compensated by Medicaid or other public programs.

In New Jersey, we have undertaken a rather creative and progressive way to try to address this imbalance. New Jersey has decided to create a special opportunity for urban hospitals to operate heart hospitals or heart clinics, cardiac services, in more affluent suburban areas. The strategy is rather wise and simple. The revenues that would be gained from operating these heart facilities in more affluent areas would recapture dollars which could then be used to help offset and subsidize the cost of providing care for the uninsured and for persons for whom the compensation is not sufficient in the poor urban areas. It is a wise strategy.

The challenge that I would offer, however, is what comes to what I believe is New Jersey's incomplete execution of this strategy. The original plan in our State was that there be two of these demonstration projects, one in the northern part of our State and one in the southern part of the State, which I am privileged to represent. For reasons which are not clear to me, and not clear to the health care institutions in southern New Jersey, only one of these pilot programs has gone forward. I believe that this is a mistake.

The purpose of this amendment is to provide a Federal opportunity, a Federal subsidy, for this pilot program to go forward both in the southern part of our State and in the northern part of our State.

I believe that the problems in our part of New Jersey are at least as acute, at least as difficult, as those of our northern neighbors and the proper position for our State health department is to provide for a second pilot project in the southern part of our State.

The purpose of this amendment is to offer an idea for a Federal share or a Federal partnership in making that pilot program succeed.

Now having said that, because the committee has been so progressive and wise in promoting the interests of urban hospitals, it is my intention to ask unanimous consent to withdraw this amendment after my colleagues have had a chance to comment on it.

Mr. Chairman, with that in mind, after making this statement, I would reserve the balance of my time.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI, and I would ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman offering an amendment?

Mr. STEARNS. I am going to offer an amendment. Also, Mr. Chairman, I wanted to have a colloquy with the gentleman from Illinois (Mr. PORTER).

The CHAIRMAN. Does the chairman designate the gentleman to strike the last word?

Mr. PORTER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Chairman, I intend to offer an amendment to move \$10 million into the Adoption Incentives Program. I decided not to offer that amendment today, but I would like to engage in a colloquy with the gentleman from Illinois (Mr. PORTER) regarding the importance of funding this program.

Mr. Chairman, the Adoption Incentives Program has helped to dramatically increase a number of children adopted out of foster care. I certainly appreciate all the good work he has done in the Labor, Health, and Human Services appropriations bill, including the \$2 million increase for the Adoption Incentives Program.

I would like to ask the gentleman to continue his hard work in conference and build on this program by further increasing funding for this program.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Florida (Mr. STEARNS) for highlighting the importance of the Adoption Incentives Program. I will continue to work with him and with my colleagues in conference to ensure States receive the funding they need to help more kids move from foster care to permanent and loving, caring homes.

Mr. STEARNS. I thank the chairman. I appreciate his commitment to providing more money for adoption. I

strongly support the positive steps Congress has taken in this area and believe we should do even more. That is why I am here this morning. President Clinton supports increasing funding for this program. Adoption is also a positive alternative to abortion, and I hope the gentleman is successful in finding additional money in funding for the Adoption Incentives Program.

AMENDMENT NO. 189 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 189 offered by Mr. STEARNS:

Page 49, after line 12, insert the following section:

SEC. 214. Amounts made available in this title for carrying out the activities of the National Institutes of Health are available for a report under section 403 of the Public Health Service for the following purposes:

(1) To identify the amounts expended under section 402(g) of such Act to enhance the competitiveness of entities that are seeking funds from such Institutes to conduct biomedical or behavioral research.

(2) To identify the entities for which such amounts have been expended, including a separate statement regarding expenditures under section 402(g)(2) of such Act for individuals who have not previously served as principal researchers of projects supported by such Institutes.

(3) To identify the extent to which such entities and individuals receive funds under programs through which such Institutes support projects of biomedical or behavioral research, and to provide the underlying reasons for such funding decisions.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a sensitive subject. I have a Congressional Research Report here, which I worked with in doing this amendment. My amendment has three components to it. The first identifies and asks NIH to identify amounts that are distributed, given to individuals and corporations seeking funds from the Institute to conduct research. We have had constituents who have applied to NIH and who have been unable to find out, after great frustration, why they did not get the money. They could not find out who the individual was who got the money, or corporations, and they did not know or find out how much it was. So my amendment, first of all, asks NIH to identify the monies that are given to

individuals and also then the amendment asks that they identify the individuals so that we see the money expended, the individuals who received it and then we would like to see some justification for why the NIH gave this money.

Now I have a report from the Congressional Research Service that sort of confirms what my amendment is talking about. It concludes, and I would just like to read the conclusion from this Congressional Research Report, that there is no question that NIH is an esteemed institution that subsidizes biomedical research and is a value to the people the world over, but that does not remove it from its vast agenda and continuing controversy over how the agency should allocate its ever-increasing appropriations.

As a public agency, supported through tax revenues, NIH will, in all likelihood, face even greater scrutiny in the future. That is what my amendment does.

It attempts to bring NIH into the next millennium with more transparency.

I have been a long-time advocate of NIH. In fact, I have supported the idea of doubling its funding over the next 5 years. A lot of universities in Florida, particularly the University of Florida and Florida State, have benefited from NIH research grant money. So I am a great supporter of NIH, but we are talking about Federal tax dollars here, and I am concerned we are not making public the information from grants that NIH has given the individuals, the amount of money provided, and how they made their decisions on these grants.

So I hear in my congressional district in Central Florida from doctors that they have not been able to succeed in getting NIH funding and they do not know why and they have to apply 5, 6, 7 times with no answers. There is just sort of a huge Federal bureaucracy. They say we just need to have much more transparency there.

Let me share what I have learned about the research grants and how these decisions are made. In reviewing steps that could or should be taken by NIH, I discovered that NIH is starting, just starting, to move in the right direction with a peer review process. There are several areas that Congress must look at when assessing NIH approaches and decisions that are made by them and how research dollars are to be spent.

First of all, how effective is its peer review system and the agency's ability to identify proposals with the greatest potential? Another issue is why the agency has not installed an electronically-based grant application award system. This is pretty basic today. So I urge them to do so. This would be exceedingly beneficial to everybody.

Supporters of NIH, and there are many, including myself, would like to

see a greater accountability of the NIH director and to make its planning and budgeting reporting process more open.

In 1998, Mr. Chairman, a report was issued by the Institute of Medicine and the National Academy of Sciences entitled *Scientific Opportunities and Public Needs*. This report highlighted several issues that needed to be addressed by NIH, including its peer review process. So we have on the books documentation that shows that NIH needs to be more scrupulous in how they award grants and make the information known.

I think NIH's policies and reviews and procedures should be expedited and this amendment simply is saying to NIH, let us have some more transparency and make the number of people, their names available, who the research grants are given to, how much money they were given and in the end what was the process that was used. If this was done, Mr. Chairman, I think this would move this Agency towards this transparency concept I envision.

Mr. Chairman, I have an amendment at the desk. My amendment would require a report to: (1) identify amounts disbursed to enhance competitiveness of entities seeking funds from the Institutes to conduct biomedical and behavioral research; (2) to identify the entities receiving funding, including a separate statement on expenditures for individuals who have not previously served as principal researchers of projects supported by the Institutes; and (3) to provide an explanation for such funding decisions made by the National Institutes of Health to entities seeking funds to conduct biomedical and behavioral research. Money is available under Section 403 (42 U.S.C. 283) of the Public Health Service Act for the purposes of carrying out such a report.

First, I want to say that I am a long-time supporter of NIH because I know how valuable the research being conducted by this illustrious body has been to our nation in finding the causes and cures of diseases. The NIH has and will continue to greatly benefit our nation.

In fact, I am a cosponsor of the resolution to double the NIH budget over a five year period. We are currently in our third year in that effort. There are many fine universities in the State of Florida that benefit from NIH research grant money, including the University of Florida, which I once had the privilege of representing. That being said, however, I have heard from numerous individuals about the difficulties involved in securing research grants through NIH. These are federal tax dollars we are talking about! I am concerned that we are not making these grants available to new graduates who need this important seed money to continue their biomedical and behavioral research in their chosen fields.

We all know that universities and colleges across the country are not having students enter the hard sciences as they once did—we must ensure that those that do are not discouraged from putting their talents to work in research efforts being conducted by the federal government.

There is a positive note to all this. Let me share with you what I learned about the re-

search project grants and how these decisions are made. In reviewing steps that could or should be taken by NIH, I discovered that NIH is moving in the right direction in its peer review process. There are several areas that Congress must look at when assessing NIH's approach to decisions that are made by them in how research dollars are to be spent. First, how effective is its peer-review system and the agency's ability to identify proposals with the greatest potential. Another issue is why the agency hasn't installed an electronically-based grant application and award system. This would certainly be beneficial.

Supporters of NIH, and there are many, including myself would like to see a greater accountability of the NIH Director, and to make its planning, budgeting and reporting process more open. In 1998 a report was issued by the Institute of Medicine and the National Academy of Sciences entitled, *Scientific Opportunities and Public Needs: Improving Priority Setting and Public Input at the National Institutes of Health*. This report highlighted several issues that needed to be addressed by NIH, including its peer review process.

As a result, the NIH Council of Public Representatives (COPR) was created by former NIH Director Dr. Harold Varmus. The IOM committee recommended steps to make the agency more welcoming to public input, including the establishment of COPR. There were 20 public members selected to COPR and the first meeting was in April 1999. The committee members have participated in the NIH budget retreats, the NIH Government Performance and Results Act (GRPA), hearings on patient protections, health research related to diverse populations, health disparities, performance reviews of Institute Directors in addition to the regular COPR meetings and conference calls. The council has taken a life of its own and taken its role very seriously reviewing NIH's policies and procedures, research priorities, research funding, public input, and input to the public.

The Council sets the agenda and directs the discussion items. During these meetings we have learned the difficulties involved in the budget process and with the uncertainty of each year's appropriations bills, and the difficulty in making multi-year research commitments. Most directors have played it conservatively to make sure they will have the funds to continue projects. In addition the need to increase young researchers has been a priority at NIH. The research training program and mentorship program has been increased to meet this important crisis.

My amendment would require a report to identify and provide an explanation for funding decisions made by the NIH to entities seeking research grants. I would urge the NIH to continue in its efforts to ensure that our nation's best and brightest receive the dollars necessary to conduct important life saving research. While it is good to know that some steps have been taken, I believe it is incumbent upon Congress to continue to serve as a watch dog since taxpayer dollars are involved. I believe that we have benefited by finding out more about this newly formed Council, but I would remind my colleagues that this did not come about until the IOM and the National Academy of Sciences brought these issues to light.

□ 1200

Mr. PORTER. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) claims the time in opposition and will be recognized for 5 minutes.

Does the gentleman from Illinois continue to reserve a point of order?

Mr. PORTER. Mr. chairman, I continue to reserve my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman from Florida (Mr. STEARNS) that who receives grants of NIH funding and the amount of those grants and the purpose for which the grants are made is public knowledge. That is readily available and can be provided to the gentleman, or anyone else, at any time he would like to have it.

The peer review process is a process that has developed over a long, long period of time. It is set forth in Federal regulation. It is easy to understand the process and to see it at work. Is it perfect? Certainly nothing is perfect. It needs to be reviewed and made more responsive.

Ask the scientific community, generally, whether this is a good system that is competitive and separates good science from bad science, I think there is, overwhelmingly, a general consensus that it works quite well to separate good science from bad, to bring the best science to the top and to fund only that which has great potential and is well conceived.

With respect to electronic grant applications, NIH is working on that right now. I think it is a very good point that the gentleman makes and ought to be followed up on; but it is already being done, and we expect that the system will be perfected and brought on-line very soon.

So I would simply say to the gentleman that he makes good points, but I think that there is great progress being made with respect to each one.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. Yes, I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Illinois for his comments. Dr. Harold Varmus was the former NIH director, and he sort of confirmed what my amendment intends. He recommended steps to make the agency more welcoming to the public and available and transparent, including what he called a Council of Public Representatives, COPR. There were 20 members that he selected, put this together; and he had a meeting in April 1999.

Mr. PORTER. Mr. Chairman, those councils are up and running, yes.

Mr. STEARNS. I know, Mr. Chairman, but part of the thinking he had was the council was there to make this agency more transparent. So I urge the gentleman from Illinois (Mr. PORTER) and the committee to continue this peer review and the process of making this more transparent.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if it changes existing law by imposing additional duties."

I ask for a ruling from the Chair.

The CHAIRMAN. The point of order is raised by the gentleman from Illinois (Mr. PORTER) against the Stearns amendment. Does any Member wish to be recognized on the point of order?

In pertinent part, the amendment earmarks funds in a manner not supported by existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2001".

TITLE III—DEPARTMENT OF EDUCATION
EDUCATION REFORM

For carrying out activities authorized by sections 3122, 3132, 3136, and 3141, parts B and C of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, \$1,505,000,000, of which \$119,500,000 shall be for section 3122: *Provided*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register.

AMENDMENT NO. 14 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. OBEY:

Page 49, line 20, after the dollar amount, insert the following: "(increased by \$65,000,000)".

Page 49, line 21, after the dollar amount, insert the following: "(increased by \$65,000,000)".

Page 52, line 7, after "titles" insert "II,".

Page 52, line 12, after each of the two dollar amounts, insert the following: "(increased by \$960,000,000)".

Page 52, strike the proviso beginning on line 17 and insert the following:

: *Provided*, That of the amount appropriated, \$960,000,000 shall be for title II of the Elementary and Secondary Education Act of 1965, notwithstanding any other provision of law, for State formula grants and other competitive grants subject to such terms and conditions as the Secretary of Education shall establish to improve the knowledge and skills of such individuals as early childhood educators, teachers, principals, and superintendents, and for teacher recruitment and retention activities: *Provided further*, That of the amount appropriated, \$2,115,750,000 shall be for title VI of the Elementary and Secondary Education Act of 1965, of which \$1,750,000,000 shall be available, notwithstanding any other provision of law, to reduce class size, particularly in the early grades, using fully qualified teachers to improve educational achievement for regular and special needs children in accordance with section 310 of Public Law 106-113

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendments.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) reserves a point of order on the amendment.

Pursuant to the order of the House on Thursday, June 8, 2000, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Illinois (Mr. PORTER) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, last year during the debate on education issues, Democrats focused primarily on the need to reduce classroom size. On the Republican side of the aisle, the gentleman from Pennsylvania (Chairman GOODLING) said, and he made a good point, he said, look, it does not do any good to have smaller classrooms if the teachers in those classrooms are not well trained to teach. I happen to agree with that.

So this year, President Clinton added \$1.1 billion in his budget for teacher training and \$1.7 billion to reduce classroom size.

In my view, there ought to be room in this budget for both Republican and Democratic priorities. This amendment adds a little over \$1 billion to teacher-training programs and to teacher-retention programs. It strikes the action that the committee has taken in block granting teacher training funds into a solid single block grant rather than identifiable programs.

Why do we do that? Because we have seen what happened before. What happens with this Congress is that, if they take individual programs and block grant them, then the next time down the road, they cut them. They do not have to take the heat for cutting the individual programs because the effect of those cuts on those programs are masked. So we want that to remain visible.

Secondly, I offer it because one out of every 10 teachers in this country is teaching a subject that they are not

trained to teach. We are about to lose 20 percent of the teachers that we do have in the country to retirement.

When parents get up in the morning and they send their kid to school, it seems to me they have got a right to know four things: first of all, that their child is going to spend that day with a well-trained teacher; secondly, it is going to be in a decent school; thirdly, that school is going to be equipped with modern 21st century technology; and, fourth, the class size is going to be small enough so that you have got enough discipline so that the kid can learn. I think that is what they are entitled to.

Now, we have heard a lot of talk about the need for special education. I agree with that. What we have to recognize is that these funds that we are trying to add today help teachers prepare themselves to be able to deal with children with disabilities who are mainstreamed in regular classrooms.

As this chart demonstrates, we are going to see an increase in the number of students in high schools from a little less than 15 million children to a little over 16 million children over the next decade. This budget needs to respond to that increase, and we are not doing it.

I would suggest that, if our schools work, that our society will work. I happen to have the old-fashioned belief that, if our churches are able to function, if our schools are able to function well, that everything else in society will take care of itself. Then if our schools do not work, nothing will eventually work in this society.

Our schools cannot work without well-trained teachers. Our schools cannot work without having the resources to put an additional 100,000 and even more teachers in the classrooms, every one of them well trained.

So that is what we are trying to do. We are trying to double, essentially, the Eisenhower training programs. We are trying to increase technology training so teachers know how to use technology in educating, and we are trying to put an additional \$270 million in to help the highest poverty schools in the country to recruit, to train, and to mentor qualified teachers.

We will not be able to get a vote on this amendment today because of the rule under which it is being debated. The issue to me is very simple. Do my colleagues think it is more important to respond to this coming challenge in the classroom, or is it more important to give away \$90 billion in tax cuts to people who made over \$300,000 last year? That is the choice. I think my colleagues ought to be on the side of the kids.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, first of all, I want to make sure that I do

not think there is any Member of Congress that does not understand that if we can reduce class size in the early grades, and if we have a quality teacher in that classroom, children will probably do better. The problem is the quality of the teacher has not been the driving force.

Now, when we think about 100,000 teachers, that is a sound bite. Somebody did a poll, and somebody said, "Boy, that is sexy. Let us get that out there." Why is it kind of silly? Well, it is kind of silly because there are 15,000 public school districts. There are a million classrooms, 100,000 teachers, a million classrooms. So my colleagues know very well it is a sound bite issue more than anything else.

I pleaded with the President when he started it not to indicate that that is the direction to go, but to indicate whatever one needs in the local district. If one can reduce class size, fine. If one can prepare teachers who one already has who have potential, that is even better.

The very day last year when we finished negotiating the 100,000 teacher business, the New York newspaper whole front page said, "Parents, 50 percent of your teachers are not qualified."

Now, probably many of those 50 percent might have had potential, but of course no, no, no, one just hired. What did they do with the first group that we allowed the President to hire? Thirty-three percent had no qualifications whatsoever. They did this in California, spent \$2 billion, and ended up again where they needed the most qualified in Los Angeles, for instance, over 30 some percent were totally unqualified.

Now, I do not know where the 18 came from, this magic number that somehow or other 18 will really give one quality education. Every piece of research that I have ever read has indicated that, if one cannot get class size down to 12 or 13, one is probably not making much difference. However, the important thing is that, even if one has five and the teacher is unqualified, one has not done anything to help the students.

That is why it is so wrong to move away from the Teacher Empowerment Act. The Teacher Empowerment Act is a bipartisan effort. What do we do in the Teacher Empowerment Act? We reform teacher certification. We have mentoring programs to help retain beginning teachers. We have expanding alternative groups to teacher certification. We work with teachers to reform tenure systems so we can reward those who do well. We support initiatives to use technology to deliver professional development. We support partnerships between high-need schools, higher education institutions, businesses, and other groups to promote and deliver high quality professional development programming.

In our Teacher Empowerment Act, hiring much-needed special education teachers is allowed, providing professional development for math and science teachers, implementing projects to promote the retention of highly qualified teachers, and attracting professionals from other areas to teach.

All of these things are in the Teacher Empowerment Act. In other words, we are trying to make very, very sure that we are talking about quality, and this is the way to go. As I said, it was a bipartisan effort just passed last year. If we get the other body to move, we will finally get around to this business of saying, not only can we reduce class size, which we now allow, and that is part of the Teacher Empowerment Act, part of the money must go to reduce class size; but we say we will only do that if one replaces a teacher that is there with a quality teacher, or any new teacher is a quality teacher.

I mention, again, we are dealing with education technology. I indicated yesterday, we have seven programs on the books, five are funded, spread out over every agency downtown. The amounts are so small that no one can do anything worthwhile.

What we say again in our reauthorization of the Elementary and Secondary Education Act is we will combine it. If one needs equipment, one will get equipment. If one needs to better prepare one's teachers to use technology, use one's funds for that. If one needs software, do that. If one needs hardware, do that.

But let us not proliferate existing programs and even add more programs so that, again, we spread the money so thinly that it does not help anybody anywhere.

Now, again, our teacher program makes very, very sure in a bipartisan way that we prepare teachers for the 21st century, that they are quality teachers. We realize that reducing class size means nothing unless there is a quality teacher in that classroom.

Now, last year, the Secretary mentioned three or four superintendents who were so pleased to get this amount of money to reduce class size. I called each one of those superintendents. Do my colleagues know what each one said? Thank you for the money. We appreciate the money. However, had we been able to use the money to help all of our children, these are the ways we would have used it.

□ 1215

One said they would have improved their homework hot line; another said I would have had in-depth professional training.

We have to get away from this program of where we meet in an afternoon or we meet in the evening and somehow or other we are going to improve the quality of teaching. They need in-

depth summer programs; they need in-depth semester programs. All of these things we do in TEA.

So I would say let us reject this amendment and let us move on with the IDEA reauthorization.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding me this time.

I hope that all Members of the House heard the words of the Chair of the Committee on Education and the Workforce. He said that there is absolutely no doubt that if you lower class size and improve the quality of the teacher that the children will learn better. That is exactly what we are talking about today.

The gentleman makes reference to what the committee reported out in terms of improved conditions for our teachers and the quality of their service, but he forgets to tell us that we are talking about an authorization bill. My colleagues, today is the time to put those words into reality and to provide the money. That is what this amendment is all about. We are trying to improve the conditions upon which our children are now faced with in thousands of classrooms across this country.

In one of my schools, we have 120 children with four teachers; a ratio of 30 to 1. By the acts of this Congress, I got two teachers into that school for this third grade. It immediately lowered the classroom ratio to 20. There is absolutely no doubt that those children will be better educated because of the funding priority of this Congress.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I cannot believe that any Member would support a bill that would repeal last year's bipartisan agreement to hire 100,000 new teachers in this country. Communities all across America had faith in that agreement. They hired new teachers to give their youngest students smaller classes. Almost 3 million children could be denied the benefits of smaller classrooms unless we pass the Obey amendment.

And what about our teachers? H.R. 4577 cuts funding for improving teacher quality, and it also cuts the funding for recruitment of new qualified teachers. The Obey amendment will put top quality teachers in small classrooms. Our students will get the assistance they need to perform at the very highest standards.

The Obey amendment is a wise investment in this Nation's future and it deserves a vote.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to clarify what we have done, we have taken the \$1.3 billion that is in class size and we have added it to the \$335 million in Eisenhower Professional Development. We have added other small programs to reach a total of \$1.75 billion; and we have appropriated that for the Teacher Empowerment Act, pending its enactment into law.

As the chairman just said, the Teacher Empowerment Act strikes a balance between hiring more teachers to reduce class size and recruiting, and retraining quality teachers. It also empowers teachers to choose the training that best meets their classroom needs. It encourages States and localities to implement innovative strategies, such as tenure reform, merit-based performance plans, alternative routes to certification, and differential and pay bonus for teachers. Ninety-five percent of the funds would go directly to the local level.

The President has eliminated funding for Eisenhower Professional Development in his budget and then proposed a number of new national programs related to teachers, as well as consolidations and restructuring of existing teacher training programs. What he has added is a number of different programs with nice sounding names; all unauthorized, while zeroing out the money for an authorized program, the Eisenhower Professional Development.

We have met the President's request for teacher training and quality teachers in the classroom. We believe this is a very, very high priority. It is very much a part of our education agenda. Our difference here is that we are operating within the constraints of a budget resolution while the amendment, of course, does not and simply adds another billion dollars.

I believe that this amendment simply is another politically motivated amendment that tries to create an issue over teacher training. We agree on the importance of teacher training and development. We believe that the Teacher Empowerment Act will do that far better than the number of categorical programs that are unauthorized, as the President has suggested, and far better than his 100,000 teachers sound bite. We are hopeful that the Teacher Empowerment Act will be enacted into law and we can fund it fully, as the President has requested.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

All I would say, Mr. Chairman, is that the Senate has brought out its authorization bill and it has not included the Teacher Empowerment Act. So that may be false hope.

Secondly, with respect to block granting, what the majority has done with the social service block grant, which was at \$2.4 billion 2 years ago,

they cut it to \$1.7 billion under the TEA-21 legislation. Then the Senate cut it in the labor-health bill this year to another \$600 million. It has become the incredible shrinking block grant, and we are afraid we are going to do the same thing to education by first blocking them and then shrinking them.

Thirdly, I would point out that it is incorrect to say that the President is zeroing out the Eisenhower Teacher Training program. He is doubling that program essentially from \$335 million to \$690 million, and then adding some features that strengthen it as well.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I would inquire of the Chair of the time remaining.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) has 6 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me this time.

It gets awfully tiresome on this side of the aisle to listen to the fact that we may have constraints in the budget when, in fact, the architects of the budgets are the ones who have tied themselves in knots and now are leaving us without the proper amount of money to fund both the quality of our teachers as well as the size of our classrooms.

I was one of the people who worked in a bipartisan manner with the chairman on the Committee on Education and the Workforce and understand full well that the best, the optimum situation is to have a qualified teacher teaching a class of proper proportion so that the job gets done. By underfunding both aspects of that, we are not getting it done. Making it conditional on the passage of the Teacher Empowerment Act, particularly in light of the Senate's action leaving out part of that equation, is the wrong way to do. We need to make sure we can fund both the teacher quality aspects of this and the size aspect of it.

There are 533 new teachers in Massachusetts because of the classroom size initiative that the President put in place with the help of this Congress. To jeopardize that is unfair to those children and those parents as well as the teachers and the principals and superintendents.

That is the direction to go. Fund this. Stop giving us this stuff about how we are constrained by the budget when my colleagues on the other side of the aisle are, in fact, the architects of a bad piece of work.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank the gentleman for yielding me this time.

Class sizes are way too large and we all know that, but it is not right to pit teacher training against class size reduction or any other education priority. The reason that we cannot do both class size reduction and teacher quality enhancement, and all of our other education priorities, is because of the trillion dollar tax cuts which have been proposed in this House. If we jettisoned these irresponsible trillion dollar tax cuts, we could do both class size reduction and teacher quality enhancement and all of our other educational priorities.

We need to take a more common sense approach to our budget to achieve our education priorities: Reducing class size and enhancing teacher quality. These are all things that can be done if we jettison these irresponsible tax cut proposals.

Mr. PORTER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, I just wanted to compliment the other side. They are doing an outstanding job of sticking to the political line. There is no question about that.

I did want to mention block grant. Those are two words that the other side despises more than any other words. But who built title I? My colleagues on the other side of the aisle. Do my colleagues know what title I is and was? The biggest block grant that ever came from the Congress of the United States.

Do my colleagues know what did not happen? We have not closed the achievement gap after \$140 billion. So I would hope we would put that argument to rest.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my colleague from Wisconsin for yielding me this time.

Mr. Chairman, in response to the recent remarks of the gentleman from Pennsylvania, why would we then go from one block grant program that he feels has failed our American children and move to another block grant philosophy with a variety of other programs if they are not, in fact, working?

As a member of the Committee on Education and the Workforce, I rise in support of the Obey amendment. We know now that, other than the active involvement of parents in their own child's education, the next most important determinant of how well kids are going to perform in the classroom is the quality of the teacher and whether that teacher has a manageable class size in which to work. That is exactly what the Obey amendment addresses, and we know that this is working.

In our own State of Wisconsin, we have a very successful SAGE program of class size reduction and teacher training with reports and studies coming out to show student achievement in this area. Down in the State of Tennessee we have the STAR program as well, which is working very effectively.

We had hearings in the Committee on Education and the Workforce showing the importance of class size reduction. But over the next 10 years, we are going to have a 2.2 million teacher turnover. That presents both an opportunity and a challenge, a challenge that we can address here today with the Obey amendment to make sure that there are the professional development funds to get quality teachers in the classroom come see students succeed in those classrooms.

That is why we need to stress teacher quality when authorizing teacher training and professional development programs. That is why we need to demand accountability to the federal investment in public education. And that is why so many of us here believe in the commitment to class size reduction, which is thwarted by the majorities' bill.

And that is why my own State of Wisconsin started a program in 1995 designed specifically to improve the achievement levels of students in grades K- through 3 in disadvantaged schools. The program, known as the Student Achievement Guarantee in Education, or S.A.G.E., incorporates four components into a comprehensive effort at raising student performance: class size reduction, teacher professional development, challenging curriculum, and community involvement.

In 1998, a study by the University of Wisconsin at Milwaukee discovered dramatic improvements in student test scores from those schools participating in the S.A.G.E. program. S.A.G.E. has been so successful that it has been expanded statewide and has secured significant funding increases by the state's legislature. This focus on reduced class size and teacher quality not only works, but is extremely popular among participating students, teachers and parents.

Wisconsin is not alone in working to reduce class size in order to improve student scores. In Tennessee, the STAR and Challenge projects have produced good data indicating a general educational advantage for students in smaller classes. Similar programs in North Carolina, Indiana, Nevada and Virginia, as well as initiatives either started or planned in at least 20 other states show clear indication that a focus on reducing class size helps students, particularly those in areas of higher need, achieve greater performance goals and standards.

I am profoundly disappointed that this underlying bill does not maintain a solid Federal commitment to class size reduction and teacher quality. The Federal role in education is to provide targeted assistance to those students and schools with high economic need, and to identify and address issues of national significance. In terms of class size reduction, this bill is simply another attempt to turn the Federal commitment to education into a new form of general revenue to State Governors.

This bill is anything but education friendly. The Majority has squandered a unique opportunity to address the pressing needs of our Nation's schools and leverage wise investments in our children's learning environment. I urge my colleagues to support the Obey amendment. It's time we approach our commitment to education seriously.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of this. There are few things that we can point to that have more of an effect on a student's performance than personal attention from teachers, and this is critically important.

I have with me here today in Washington representatives of school boards from across central New Jersey, and they have pointed out again and again, wherever I go, whenever I visit schools, that class size is getting the better of them. They want, help and we should be helping them. This is important across the country and we must do it.

□ 1230

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I rise in support of the Obey amendment.

Mr. Chairman, we should be making a national priority today reducing class size, and we ought to take the lead to provide some support to our local school districts that want to do this.

Anyone who has visited elementary schools today knows that one of the most fundamentally important things we can do is to support the teacher in developing that personal relationship with the student to really excite and engage them about learning.

We face major challenges ahead. We are having a problem now retaining a lot of people who have chosen to go into the teaching profession. And what do teachers need and want more than anything? They want control back in their classroom. And we can give control of the classroom back to them by giving them a workable class size, around 20 students per teacher to teach.

The third thing we need to keep in mind is we have to hire over 2.2 million new teachers over the next decade, just 7,000 alone in my home, the Tampa Bay area. We are not going to be able to attract the type of teachers we need and keep them unless we can give them a manageable class size and invest in professional development to give them the tools they need to use technology and the curriculum to excite kids about learning.

That is why we need to adopt the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I am astounded to hear the majority say that our proposal for 100,000 teachers to reduce class size is nothing more than a sound bite. They cannot tell the students in my school that have two teachers in the third grade that reducing the class size from 30 to one to 20 to one is a sound bite. This is a reality.

It has not only improved the educational opportunities for the children that got the two new teachers, but it improved the classroom quality, also, of the remaining three classes.

So this is an amazing statement that the chairman of our Committee on Education and the Workforce has propounded today. The 30,000 teachers that have been spread across the country have dramatically improved the educational opportunities of these youngsters.

Let us not just talk about what we are going to do for education. If title I is a block grant, wonderful. It was block granted for the poor children in this country based upon a very precise formula. That is what we are doing here today. We are asking this Congress to appropriate money to reduce class size and improve teacher quality.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MCKEON) the chairman of the Subcommittee on Post-Secondary Education, Training and Life-Long Learning of the authorizing committee.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the 100,000 teachers sounds like a great idea, and it may be a great idea. But a Federal 100,000-teacher mandate does cause problems in the local area.

We set out last year in a bipartisan way to really find out how our committee could help do a better job of education across the country. We held hearings across the country, and we listened to people. We listened to parents. We listened to teachers. We listened to school board members, superintendents. We asked them, what is the most important thing in education? And they said, first of all, the parent; and, secondly, a qualified teacher.

Now, I have six children. I have 19 grandchildren. It is important to me that they have a good education. When our children were going to school and my wife was active, she was PTA president. She was very active in the local schools, most of the parents know who the best teachers in the schools are. Most of the parents know which teachers are the most qualified and which can help their students learn the most. And they try to get their students into the classroom with the best qualified teacher.

Now, it is very important, it is very popular right now to talk about reducing class size. And in California, our

governor did this a few years ago. He cut all class sizes from K through three down to 18. We thought would be very helpful. But the problem was we did not have enough qualified teachers available to be hired, just as there is not 100,000 qualified teachers right now to be hired. And so it resulted in over 30,000 underqualified teachers in the classroom in California to get that class size down to 18.

I asked parents, I said, if they had a choice of having their child in a classroom of 15 students with a brand new teacher just out of school, maybe not quite as seasoned, quite as qualified as some that had been around a little longer, or if they had their chance to have the very best teacher in that school of a class size of 25, where would they have their child go? And every time they say, I would take the class with the best qualified teacher even if we had 25 students.

The thing is, with the Teacher Empowerment Act, we do not have to make that kind of decision. We could have both. We say in the Teacher Empowerment Act, use this money for class size reduction. If they cannot get enough qualified teachers, then they can use that money to help their teachers become better qualified. They can give them a voucher. They can let them go get the training that they need.

In one of our hearings here in Washington, D.C., we had a young African American teacher that had been teaching just a few years; and he told us that he was hired to teach reading in the third grade and he was very frustrated. His first year he had not had a class in how to teach reading. But he was told that he knew how to read, he can teach reading. He said he was very frustrated. He was not able to teach. His students were not learning. He was ready to give up the teaching profession.

Fortunately, he had an administrator that helped him get the teaching that he needed so that he was able to adequately teach his students. But it took a few years of preparation. He said now he felt better about what he was doing, his students were learning, and he was able to progress.

That is what we do with the Teacher Empowerment Act. We help teachers become better teachers so that they are qualified and able to really help young children learn, which is what we are all trying to achieve.

But instead of having a mandate out of Washington saying they have to hire 100,000 teachers, we give the local jurisdictions the opportunity to make the best use of that money.

I oppose this amendment and encourage all of my colleagues to do so.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I swear that the previous speaker has not read this amend-

ment. This amendment says, instead of spending \$700 billion dollars on tax cuts, instead of spending \$90 billion in tax cuts for people who make more than \$300,000 a year, instead of giving \$200 billion in tax cuts to the richest 400 people in this country, instead, do two things: provide an increased number of teachers so you can have smaller classes and it says provide more teacher training.

The gentleman who just spoke acts as though we do not have anything in here for teacher training.

Under the law, under the 100,000 new teachers effort which the President is trying to move forward, 25 percent of that can be used for training; and if you reached 18 kids per classroom, you can use it all for teacher training.

This amendment that we are trying to add would add 1 billion additional dollars for teacher training, not for class size, for teacher training. We add \$690 million to help upgrade existing teachers in the classroom, and we use the other money to help recruit and retrain new teachers in high-poverty areas. That is what it does.

We are taking the criticisms from that side of the aisle last year and responding to them. We are saying, do not just do smaller class size, do both smaller class size and additional teacher training.

The question really is, when you blow the smoke away, are you trying to save this money for your high-roller friends on their tax cut, or are you willing to put it into the classroom, recognizing we have got a million more kids that we have to teach and we need the best teachers in the country to do it?

So it is a choice between your high-rollers and your kids, and I think you know what side you ought to come down on.

Mr. PORTER. Mr. Chairman, I yield the balance of the time to the distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, first of all, let me remind everyone that that amendment says nothing about tax cuts. So I do not know what that discussion is all about.

But let me say again to the gentleman from Hawaii (Mrs. MINK), yes, I want to repeat, it was positively a political sound bite; 100,000 teachers, 15,000 school districts, one million classrooms, and they talk about class size reduction. But they got embarrassed because the President never once mentioned quality when he started that. I pleaded with him to talk about quality. And then they got embarrassed because of the first 20,000 hired, 33 percent were totally unqualified.

Now, was that not something to do to children, stick them in a classroom with fewer people with a totally un-

qualified teacher. Shame. Shame. Shame.

And so, we say in the Teacher Empowerment Act, we are not interested in this quantity business that we have talked about for all these years; we are only interested in quality.

In 1970, yes, I reduced class size in the early grades as a superintendent. I did not come to Washington. I went to my school board. That is where I went. And, yes, I did not put any in there until there was a quality teacher to put in there to reduce class size.

Let us stick with the Teacher Empowerment Act. Get the most for your money. Get quality. Get class size reduction. Get everything that is needed to improve instruction in the classroom. That is what we are all about.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if it changes existing law."

The amendment directly amends existing law. I would ask for a ruling from the Chair.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) raises a point of order against the Obey amendment.

Does any Member wish to be heard?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, as I understand the rule, we are not able to offer an amendment that adds to the funding level assigned to this subcommittee through the budget resolution because the budget resolution set aside a huge amount of money for tax cuts, which the majority party would prefer to see instead of funding for programs like this and Social Security and Medicare and all the rest.

That means that all we can do is offer these amendments, but we cannot get a vote on it. It is a pretty strange way to run a railroad, but that is the way we are going to be railroad, I guess. And so, I reluctantly concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The gentleman from Illinois (Mr. PORTER) makes a point of order that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) proposes to change existing law, in violation of clause 2(c) of rule XXI.

The amendment in pertinent part includes a provision directly waiving "any other provision of law." By seeking to waive any other provision of law, the amendment constitutes legislation on an appropriation bill in violation of clause 2(c) of rule XXI.

Accordingly, the point of order is sustained.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, a complaint was filed with the Department of Health and Human Services Office of Civil Rights (OCR) because of discriminatory practices against limited English speaking persons as well as hearing impaired clients who applied for TANF and Medicaid benefits.

In October 1999, the Health and Human Services Office of Civil Rights (OCR) found the New York City Human Resources Administration, the New York State Department of Health, the New York State Office of Temporary and Disability Assistance, and Nassau and Suffolk Counties guilty of discriminatory practices against limited English speaking and hearing-impaired persons.

These local, county, and state entities were found in violation of Title VI of the Civil Rights Act as well as the Americans With Disabilities Act.

Those who already are challenged with navigating a massive bureaucracy should not have to be penalized further because they do not speak the language and dared to ask for help. This is appalling.

The Office of Civil Rights within the Department of Health and Human Services came to some very troubling revelations. Limited English-speaking clients were asked to bring their own language interpreters.

This pattern of misconduct was so prevalent and well known to the community that clients seeking assistance made arrangements to bring their own interpreters before going to a public assistance office.

Bilingual staff people were limited or non-existent, and staff were often not aware they were required to provide such assistance. This is unacceptable.

Investigators from HHS found that public assistance offices failed to provide necessary assistance and services to hearing-impaired clients and staff members lacked the ability to ensure effective communication with hearing-impaired clients.

The basic conclusion of the Office of Civil Rights was that clients were denied access to federal funds. Specifically, they were denied access to Medicaid and TANF funds.

The Office of Civil Rights required the Human Resources Administration to submit a corrective plan of action.

To add insult to injury, the plan submitted by the agency was totally devoid of any serious intent to correct its conduct. The plan submitted was so inadequate, that the Office of Civil Rights rejected it. The Office of Civil Rights then drafted a plan for the agency which the agency has yet to agree to.

As the Representative of one of the largest Hispanic constituencies in New York City, one of the largest Asian populations nationally, and the largest number of Eastern European immigrants in Brooklyn, I am very concerned that my constituents are being denied their rights.

New York City is not an island unto itself. I dare to think, how prevalent such behavior may be on a national level. We have a responsibility to ensure that funds which we

deem as necessary for the well-being of our constituents reaches them.

In a nation that is founded upon the diversity of its people, this conduct cannot be tolerated. Because of this, our capacity for tolerance and understanding of all people should be a foregone conclusion.

Mr. Chairman, it is for this reason that I ask that you consider the inclusion of language in the Committee Report to urge the Department of Health and Human Services to examine this matter on a national level.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, \$8,816,986,000, of which \$2,569,823,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which \$6,204,763,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: *Provided*, That \$6,783,000,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,158,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$8,900,000 shall be available for evaluations under section 1501 and not more than \$8,500,000 shall be reserved for section 1308, of which not more than \$3,000,000 shall be reserved for section 1308(d): *Provided further*, That \$190,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference report accompanying Public Law 105-277: *Provided further*, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

□ 1245

AMENDMENT NO. 192 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 192 offered by Mr. VITTER: Page 50, line 11, insert after the dollar amount the following: “(decreased by \$116,000,000)”.

Page 51, line 21, insert after the first dollar amount the following: “(decreased by \$78,548,000)”.

Page 52, line 12, insert after the first dollar amount the following: “(decreased by \$158,450,000)”.

Page 53, line 5, insert after the dollar amount the following: “(decreased by \$30,765,000)”.

Page 53, line 17, insert after the first dollar amount the following: “(increased by \$1,419,597,000)”.

Page 54, line 13, insert after the dollar amount the following: “(decreased by \$900,000)”.

Page 54, line 17, insert after the dollar amount the following: “(decreased by \$5,849,000)”.

Page 55, line 2, insert after the dollar amount the following: “(decreased by \$3,420,000)”.

Page 55, line 10, insert after the first dollar amount the following: “(decreased by \$36,850,000)”.

Page 56, line 13, insert after the dollar amount the following: “(decreased by \$823,283,000)”.

Page 57, line 14, insert after the first dollar amount the following: “(decreased by \$158,502,000)”.

Page 58, line 3, insert after the dollar amount the following: “(decreased by \$7,030,000)”.

The CHAIRMAN. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I bring before the House today an amendment to fully support over time our Federal commitment to IDEA, the Individuals with Disabilities Education Act. This has been a long-running frustration in the education community and across our country. Mr. Chairman, the fact that since 1975, the Federal Government has created an enormous burden and mandate with IDEA but has not kept its commitment to adequately fund that mandate.

In 1975, IDEA was passed, and part of that passage was the notion that the Federal Government would fully fund over time that additional mandate on local government by funding 40 percent of the national per-pupil expenditure for students with disabilities. Unfortunately, we have never come close to that mark.

Now, recently, just about a month ago, we took an important vote on H.R. 4055 by the gentleman from Pennsylvania (Mr. GOODLING). I was a cosponsor of that measure. That measure, which passed overwhelmingly, 421-3, said that over the next 10 years, we would increase IDEA funding by \$2 billion per year, and, therefore, over that 10-year period, we would get to our full Federal commitment on the issue of IDEA, something we have promised to do but have failed to do since 1975. That was just a month ago. 421-3.

Also this year, we passed a budget resolution, the fiscal year 2001 budget resolution. That committed us to the same thing, an increase in \$2 billion per year to, over a reasonable amount of time, get us to our full funding commitment. In fact, that budget resolution went further. It said that we would commit ourselves to fully funding special education before appropriating funds for new Federal education initiatives.

My amendment, which I bring before the House today, lives up to that promise, lives up to the promise of the budget resolution that we passed recently and lives up to the promise of H.R. 4055 which we passed recently by an overwhelming margin.

It is really quite simple. It would take any increases in funding on education initiatives and shift those increases, only increases in funding over last year, to IDEA, and that would fully fund our \$2 billion per year commitment so that we will stay on track to get to full Federal funding of our Federal commitment over 10 years.

Now, I know some of these increases in other areas are very warranted, are very popular. But we need to keep this fundamental Federal commitment which we have just restated this year twice through both the bill of the gentleman from Pennsylvania (Mr. GOODLING) and the fiscal year 2001 budget resolution before we move on to new programs and to new spending in existing programs. My amendment will do that.

In summation, Mr. Chairman, there are many good reasons to pass this amendment. Number one, we should keep our commitment, a commitment restated twice this year. Number two, we should support Federal education initiatives and our special education students. Number three, and perhaps even most importantly, we should give local systems additional flexibility, because every time we give them more special education dollars to keep our Federal commitment, we free up local and State money, and that gives more flexibility, more power to the local level where it belongs.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

There is no one in this House who would like to see funding rise for special education more than I would. I have a nephew that benefits from special education. But this amendment is a Johnny-one-note approach to education, and it ought to be defeated.

We will be offering an amendment later on in the process which attempts to add a billion and a half dollars to special education by asking the majority to consider cutting back its tax cuts by about 20 percent in size. That is the best way, in my view, under present circumstances to strengthen special education.

This amendment is opposed by the National Association of State Directors of Special Education, it is opposed by the National PTA, it is opposed by the American Association of School

Administrators, the National Education Association, and the National Education of Federally Impacted Schools. Why? Because it cuts the maximum Pell grant award for every working-class kid trying to go to college \$275 below last year's level. It cuts education for the poorest kids in this country who are having the most trouble getting an education, the disadvantaged, by \$116 million. That means 178,000 fewer kids will be served. It cuts the increases in this bill for Even Start literacy services, comprehensive school reform and high school equivalency and college assistance for migrant students. It cuts services to the deaf and blind students at Gallaudet and at the Printing House for the Blind and at the National Technical Institute for the Deaf. It cuts Impact Aid by \$78 million.

The National Association of State Directors of Special Education says as follows:

"While we support full funding for IDEA and welcome increases in funding that take us toward that goal, we are concerned that these increases are the result of cuts in proposed spending on Federal education programs that also serve the needs of children with disabilities, including title I, 21st century community learning centers, and vocational education. As a result, taking money from one education program and putting it into special education will not increase the total amount of funding available to support children with special needs. These proposed amendments demonstrate the fundamental problem with this appropriations bill. It lacks sufficient funding and support for education programs across the board. This deficiency will not be fixed by moving dollars from one program to another."

I could not have said it better myself. I would urge rejection of the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my friend from Wisconsin for yielding me the time. I would like to say to the gentleman from Louisiana, he has got the right idea, he is just taking it out of the wrong pot of money.

What we are trying to do with this debate in education today and yesterday and last week is say that the majority budget where they have put so much money, a trillion dollars, aside for a tax cut, we need to make sure that some of that money can go toward new ideas with accountability, with good quality, for education. Nothing is more important than the title I program for the poorest of the poor.

This bill funds it at about \$8.5 or \$8.6 billion. I offered an amendment with 39 Republicans on the authorization process that increased title I by \$1.5 billion. This does not increase it by \$1.5 billion. This amendment takes money away from the poorest kids, puts it into a

good account, but we should not be forced to take it from poor kids to put it in special education programs. We should be able to do both.

I urge defeat of the amendment.

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

In closing on this side, I want to make two fundamental points. First of all, this amendment only involves cuts by the Washington definition of the term. In the real world, across the country, people know what a cut is, and they know the difference between a cut and a lack of increase in spending. This keeps our same level of spending on other vital education programs as last year, and it only moves what would be new and additional spending dollars to special education. So it is not a cut except in the old, stale Washington definition and Washington sense of the term.

We do this in the amendment, we move that money, those additional new funds to special education for a very good and compelling reason, because we voted twice this year, in the bill of the gentleman from Pennsylvania (Mr. GOODLING) by an overwhelming margin and in the fiscal year 2001 budget resolution to put special education and meeting our Federal commitment to special education at the top of the priority list. It is time we did that.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is no enterprise that is more important and no responsibility that is greater for any public official than to see to it that our public schools are our first priority, not just for some kids but for all kids. That means kids who need special education; that means kids from wealthy families. It means kids from middle-class and poor families.

The only thing you have got when you start out in life is opportunity. The question is how much you are going to be given by your society as you grow or how much is going to be taken away. This amendment seeks to give additional opportunity for some kids at the expense of others.

That is not the way we ought to be doing things in this country. We should not be making it more difficult for 178,000 kids who are most at risk of failing in education to lose help under Federal education programs. We should not be taking funding away for the National Technical Institute for the Deaf. We should not be taking it away for Gallaudet, the university for deaf and deaf/blind. We ought to be able to find a way. And sooner or later before this year is over, we will. Before this year is over, the majority will have to recognize that more money is going to have to go into this bill for education. It is \$3.5 billion below the President's request.

If you want to fix this bill, take care of that and you will fix most of the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was rejected.

AMENDMENT NO. 202 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 202 offered by Mr. HOEKSTRA:

Page 50, line 11, insert after the dollar amount the following: "(decreased by \$116,000,000)".

Page 51, line 21, insert after the first dollar amount the following: "(decreased by \$78,548,000)".

Page 52, line 12, insert after the first dollar amount the following: "(decreased by \$158,450,000)".

Page 53, line 5, insert after the dollar amount the following: "(decreased by \$30,765,000)".

Page 53, line 17, insert after the first dollar amount the following: "(increased by \$383,263,000)".

The CHAIRMAN. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when Congress passed the Individuals With Disabilities Act in 1975, the Federal Government made a commitment to pay 40 percent of the special education budget and required States to pay the other 60 percent. The Federal Government, however, currently only pays roughly 12.6 percent toward the IDEA budget, and the States are forced to make up the rest of what is an unfunded mandate.

This amendment takes a more targeted approach by eliminating increases in four programs and moving the money into funding for the Individuals with Disabilities Education Act. This amendment would move about \$383 million in funding, still far short of the \$2 billion in increase necessary to move IDEA funding to the target that was outlined in the budget resolution. The amendment is not a criticism of the programs where we are taking the money out of. Rather, it is a transfer of funding to a program which Congress has said should be our number one funding priority. This is consistent with the budget resolution. It is also consistent with the resolution that passed the House of Representatives identifying IDEA as our most important funding priority.

□ 1300

It is also very consistent with what educators, school administrators, and parents have said at the local level as we have gone around the country, be-

cause what this mandate does, without fully funding it, is it saps resources from local school budgets.

Governor George Ryan in Illinois: "The support of increased Federal funding is a key element in assuring successful compliance with IDEA in the future." Representative Alice Seagren told us this last week in Minnesota: "One of the most positive things Congress could do is to fund the Federal Special Education mandates before you consider any new programs." Bob Selly who is superintendent of the East Yuma County School District in Colorado: "My suggestion, if it is going to be mandated by the Federal Government, figure out what is it is going to cost the schools and fully fund the Federal mandate."

Eric SMITH, superintendent of the Charlotte Schools in Charlotte, North Carolina: "Based on a lack of funding, there are systemwide struggles which directly affect the quality of service we can provide to our students." From a parent in Pennsylvania: "I believe that a lack of funding is a major detriment to fulfilling the promise of IDEA giving children with disabilities access to a free and appropriate education in the least restrictive environment."

This amendment seeks to move us in the direction that the budget resolution has said we should go, that this House has said we should go, and that Congress in 1975 said that we should go by funding 40 percent of the mandate that we imposed on some State and local schools.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition?

Mr. OBEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, the choice we face is this, both parties want to increase support for special education. The question is, are we going to do that by scaling back by just a tiny amount the size of the tax cuts that the majority party is pushing through this place, or are we going to do that by cutting back on funding for disadvantaged children? Are you going to do that by cutting back on Impact Aid to local school districts?

Are you going to do that by cutting out increases for charter schools in this bill and the increases for education for homeless children? Are you going to really cut \$31 million from Indian Education, 29 percent below the House bill and 33 percent below the request?

I do not know how many times you have had the occasion to have Native American children either in your office or just talking to them at home. So

often we see that they lack confidence. They are not sure of themselves. They do not want to speak up.

They have not been treated very well in this society, and this amendment provides that that treatment is going to be just a little bit worse.

I do not think that it makes sense fiscally. I do not think it makes sense in terms of human values. This amendment is opposed by the National Association of State Directors of Special Education, the very people that it purports to help. And it is also opposed by the Easter Seals Society. It says Easter Seals does not support amendments that propose to reduce funding of Federal general education programs in order to provide an increase for special education. Every child in America benefits when all educational programs are adequately funded. Moreover, Easter Seals is working to ensure that students with disabilities have the opportunity to benefit from general education programs, including the 21st Century Community Learning Centers, GEAR-UP, and title I.

Mr. Chairman, we know in the end this bill is going to have to provide more funding for special education and for a lot of other education programs. That, unfortunately, is not going to happen today, because of the rule under which this bill is being brought to the floor, but this is not a vote that you want to cast. This is not a vote you want to go home and explain to your constituents.

We should not be picking on the most defenseless and most troubled children in this society in order to help other defenseless and troubled children. I would urge defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Michigan (Mr. HOEKSTRA) has 1½ minutes remaining, the gentleman from Wisconsin (Mr. OBEY) has 1¾ minutes remaining.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting to take a look at the funding and the taking away from different groups to fund others. Title I since 1998 increased 19 percent. Impact Aid since 1998 increased 22 percent. Indian Education since 1998, an increase of 80 percent. School improvement programs since 1998, an increase of 110 percent.

What we are saying is these programs have been funded and increased over the last 3 years, but let us meet and fulfill the commitment that this House said, which was special education funding is our number one priority. Let us fully meet our commitment as we fully met our commitment, then let us take a look at the other programs. But

these other programs have been receiving increases. What we are saying this year is let us take a focused approach, and let us put our money where our promises and our commitments were.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, how much is remaining?

The CHAIRMAN pro tempore. The gentleman from Wisconsin has 1¾ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time and would simply state that, I believe, while well-intentioned, this amendment might jeopardize the \$30 million increase that we have worked so hard for a program that the gentleman from Michigan (Mr. HOEKSTRA) and I have had hearings on; that we both agree should be supported at a higher level of funding, and that is charter schools.

The gentleman from Michigan (Mr. HOEKSTRA), who I have the deepest of respect for, we work together on the Subcommittee on Oversight and Investigations on the Committee on Education and the Workforce, have had a hearing, an extensive hearing on what a wonderful innovation is being brought forward on charter schools in this country.

They are accountable. They are innovative and creative. They allow us to do new things at the community level with parental involvement. We need more funding. And we hear from the business community and the high-tech community that starting a new charter school, the upstart costs are one of the most difficult barriers to get them going, so we have a \$30 million increase; the Senate has this at \$210 million. Let us keep that in the bill; let us not threaten that with taking money away from that charter school program.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the gentleman from Michigan (Mr. HOEKSTRA) said that special education should be our highest priority. I agree that special education, teacher training and small class size all ought to be our top priorities, but I do not believe that special education ought to be our only priority; and I do not think it ought to be funded by dealing another heavy blow to other children who in some cases are even more disadvantaged than some of the children who need special education.

It seems to me in the end we will recognize what we all have to do, that will not happen until conference; but this approach is a beggar-thy-neighbor approach, and I do not think it would be well received by the public; and I urge its rejection.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

Mr. BONILLA. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Washington (Mr. NETHERCUTT).

The CHAIRMAN pro tempore. Is the gentleman from Texas (Mr. BONILLA) a designee of the gentleman from Illinois (Mr. PORTER)?

Mr. BONILLA. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. BONILLA) for 5 minutes.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, I had previously intended to offer an amendment to this bill, which would increase the Star Schools Program up to last year's funding level of about \$51 million. My amendment would have increased this program a little over \$5½ million with offsets proposed for administrative costs in the Department of Education.

I have decided not to offer the amendment formally, but to enter into a colloquy with the chairman of our subcommittee to get some assurance that this issue will be considered in conference. The purpose of the Star Schools Program is to capitalize on new interactive communication technologies which allow educators to improve instruction in mathematics, in science, foreign languages, adult literacy and other subjects, especially to traditionally underserved students.

The Stars Schools Program was first authorized in 1988 and was reauthorized most recently under title III of the Improving America's Schools Act. The program allows the Office of Educational Research and Improvement to make grants for a duration of 5 years, allows the authority to make awards to special statewide projects and special local projects.

The program has been really a very effective program in my district, the east side of the State of Washington. It has provided services to more than 6,000 schools in every State, the District of Columbia, and several territories.

About 1.6 million learners have participated in the student staff development parental and community-based activities produced under the Stars Schools Program. I visited the STEP Star Program in Spokane, Washington, which is the Star Schools Program offered by Educational Service District 101 in my 5th Congressional District of

Washington. The program is tremendously impressive, and I must say we held a town hall meeting with several schools in rural communities outside of the Spokane area, and it was very effective. I especially commend the work of ESD 101 Superintendent Terry Munther and Government Affairs manager Steve Witter.

We could have interactive communication and discussion of not only issues of the day, but the opportunity for students in local, rural communities to have the same opportunities to learn as students in urban communities.

It is a very great program. It is well operated. It services children as it should, regardless of geographic location. So I am delighted that the chairman of the subcommittee is willing to enter into this colloquy and to talk a little bit about this, and allow me to say a few words in support of the program, because I think if we had a vote on it, we would have a good chance of passage; but I do respect the process here of trying to make sure we stay within our budget limitations, but also try to solve the funding issues that affect very serious programs like this one in the conference.

Mr. Chairman, I would ask for the assurance of the gentleman from Illinois (Mr. PORTER) that we will seek to increase funding for the Stars Schools Program up to the level of last year to the extent that we can during the conference with the other body.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Washington (Mr. NETHERCUTT) for bringing this good program to the attention of the subcommittee, and the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER), gives his assurance that he will work to increase the line item for this particular program, the Stars Schools Program in conference.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$985,000,000, of which \$780,000,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$82,000,000, to remain available until expended, shall be for payments under section 8003(f), \$25,000,000 shall be for construction under section 8007, \$40,000,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles IV, V-A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; and part B of title VIII of the Higher Education

Act of 1965; \$3,165,334,000, of which \$1,073,500,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which \$1,515,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001-2002: *Provided*, That of the amount appropriated, \$1,750,000,000 shall be for the Teacher Empowerment Act, if such legislation is enacted.

AMENDMENT NO. 185 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 185 offered by Mr. ROEMER: Page 52, line 12, after the first dollar amount, insert the following: "(increased by \$25,000,000)".

Page 52, line 19, strike the period and insert the following: "": *Provided further*, That of the amount appropriated for programs under this heading, \$25,000,000 shall be made available for teacher transition programs described under section 306."

Page 59, line 10, after the first dollar amount, insert the following: "(decreased by \$25,000,000)".

Page 64, after line 6, insert the following new section:

SEC. 306. (a) PURPOSE OF TEACHER TRANSITION.—The purpose of this section is to address the need of high-need local educational agencies for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those agencies, following the model of the successful teachers placement program known as the 'Troops-to-Teachers program', by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary is authorized to use funds appropriated under paragraph (2) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$9,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPLICATION.—Each applicant that desires an award under subsection (b)(1) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus its recruitment efforts in carrying out its program under this section, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this section;

(2) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(3) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, support, and provide teacher induction programs to program participants under this section, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(4) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(5) such other information and assurances as the Secretary may require.

(d) USES OF FUNDS AND PERIOD OF SERVICE.—

(1) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

(A) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(B) training stipends and other financial incentives for program participants, not to exceed \$5,000 per participant;

(C) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(D) placement activities, including identifying high-need local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(E) post-placement induction or support activities for program participants.

(2) PERIOD OF SERVICE.—A program participant in a program under this section who completes his or her training shall serve in a high-need local educational agency for at least 3 years.

(3) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under paragraph (1)(B), but fail to complete their service obligation under paragraph (2), repay all or a portion of such stipend or other incentive.

(e) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall make awards under this section that support programs in different geographic regions of the Nation.

(f) DEFINITIONS.—As used in this section:

(1) The term 'high-need local educational agency' has the meaning given such term in section 2061.

(2) The term 'program participants' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section \$25,000,000 for fiscal year 2001.

The CHAIRMAN pro tempore. Pursuant to the order of the House on Monday, June 12, 2000, the gentleman from

Indiana (Mr. ROEMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer a bipartisan amendment offered by myself, my good friend, the gentleman from Florida, (Mr. DAVIS), and my good friend, the gentleman from Michigan (Mr. UPTON). I also rise to offer an amendment that is offset, \$25 million towards the transition to teaching, to bring new people in second careers into teaching, in math and science and technology, three of the real concerns that we have for improvement in the quality of teaching today.

It is offset. It is offset by a \$25 million cut from the fund for the improvement of education.

□ 1315

So I do not know what the majority's opposition to this is. It is a brand new program based on a successful program that is currently working called Troops-to-Teachers. The Troops-to-Teachers idea was to help people move from the military to the teaching profession. Right now that 1994 program has 3,300 former military people teaching in schools, and 83 percent of them have stayed in inner-city school or rural school hard-to-teach areas.

What is the difficulty? It is a bipartisan amendment. It is offset. It is based on a successful idea to bring new people into the teaching profession.

Now, we might hear from the majority that this is legislating on an appropriations bill. Only in Washington do you hear such terminology, "legislating on an appropriations bill," which means a bipartisan bill with a good idea and a solid track record might not even get a vote on it.

So I am exasperated. I cannot figure out why an education subcommittee of the Committee on Appropriations would rule out of order an innovative, creative idea, with such promise for quality in the teaching profession.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. BONILLA) continue to reserve his point of order?

Mr. BONILLA. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) wish to claim the time in opposition?

Mr. OBEY. Mr. Chairman, if the gentleman from Texas (Mr. BONILLA) is not going to claim the time in opposition, then I will claim the time in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment. I very much support where the gentleman wants to put this money, but I do not agree with where he wants to get it. I think the same problem lies with this as it lies with other amendments. So, at the proper time, if it is pursued to a vote, I would have to urge the House to oppose it.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), and ask unanimous consent that he be allowed to control the time.

The CHAIRMAN *pro tempore*. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to my friend and neighbor, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank my Hoosier colleague and friend for yielding me time.

Mr. Chairman, I want to lend my support to the gentleman's amendment. I agree with the offset, and I believe it is commendable that the gentleman has an offset. But I also think that there are few issues that are of importance to our education system as much as where we are going to get the math, science and technology teachers for the next generation.

We do job training through the Federal Government, we do transitions' training through the Federal Government, and we do teacher training through the Federal Government. This crosses all different categories. This is not a new innovation.

I hope that if we cannot get it done today, we can move it through the authorizing committee. I think it is a great idea. Our only hope really to address this question is how we can get people moving from the private sector, many of whom have made their money in the private sector and may be willing to come back and teach our young people, or we will not be able to compete worldwide.

Mr. Chairman, I thank the gentleman for his leadership.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his support of this amendment.

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from the State of Florida (Mr. DAVIS), who has worked so hard on this bill.

Mr. DAVIS of Florida. Mr. Chairman, we face, over the next 10 years, a need to hire over 2.2 million new teachers in this country. In my home, the Tampa Bay area, 7,000 new teachers we will need over the next 10 years. The problem is there is already a cut. School districts around the country are already starting to experience a lot of difficulty in attracting qualified teachers.

Well, today we can adopt a solution to that. We can adopt an amendment

that is a Transition to Teaching Act, that will allow people who aspire to be teachers to go back to school to qualify for up to a \$5,000 grant to cover their tuition and fees. In return, they must meet the same high standards that anyone else would need to be certified in their particular State, and they must spend at least 3 years teaching in a school with a high level of poverty, the schools having the greatest difficulty attracting the teachers we need today.

Most importantly, we are finding that around the country people that are prepared to move from the boardroom to the classroom, from the police station on Main Street to the school on Main Street, are valuable teachers. They are using their life experience to reach out to kids, to help them get excited and engaged in learning.

This amendment adopts the President's budget proposal of \$25 million to start this program. It has bipartisan support. It has passed unanimously in both the House and the Senate. This is something we can do today to begin to equip our school districts and States to deal with this teacher shortage problem; not just to replace teachers, but also to bring more quality in the classroom by allowing these professionals to use their life experience to succeed as teachers.

Mr. Chairman, I would urge adoption of the amendment.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. OBEY. Mr. Chairman, I yield the gentleman from Indiana (Mr. ROEMER) 2 minutes.

The CHAIRMAN *pro tempore*. The gentleman from Indiana (Mr. ROEMER) is recognized for 3 minutes. The gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining and the right to close.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me time, as well as his hospitality on that issue.

Mr. Chairman, the issue I close on in this bipartisan debate is we are trying to be innovative, and we are piggybacking on a successful idea called Troops-to-Teachers that has transitioned thousands of people from the military sector into the teaching sector. Now we are trying to transition people, from accountants, police officers, people in high technology jobs, into the teaching profession. It is a bipartisan idea, supported by the gentleman from Indiana (Mr. SOUDER), the gentleman from Michigan (Mr. UPTON), the gentleman from Florida (Mr. DAVIS), and me. It has an offset, so it is fiscally responsible.

I would like to ask somebody on the Republican side to tell me substantively why they disagree with this issue? I would be happy to yield the next 10 seconds to them to disagree with it.

Nobody rises on the Republican side to show any opposition to this amend-

ment, which we have worked on, which the House has passed, which the Senate has passed, which we are trying to get through procedural obstacles and distractions, some way of bringing a good idea from the floor of the House to the American people.

We would hope that there would be some kind of bipartisan support between Republicans and Democrats, since both support this idea, that we could get this bill on the suspension calendar or as a separate piece of legislation through this body to help the critical need for more teachers in America.

We have a digital divide, Mr. Chairman, with too many poor kids not having access to technology. We have a teaching divide in this country, where so many teachers may not get access to technology, or, when they get a donation of a brand new computer, they do not know how to use it. They are not equipped with the software and the skills to teach that technology to young people in inner-city or rural areas. This amendment deals with that shortage and that paucity, but, because of obstacles by the majority side, we cannot get this amendment voted on today.

So I would hope in the future when we have an education idea that is bipartisan, that is based on a successful idea that is working, that has been passed by the House and the Senate, I would hope that we could get some cooperation to support this legislation in the future.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, the gentleman wanted somebody to stand up in opposition. I could not get any time. My problem is the gentleman is authorizing on an appropriations bill. The gentleman helped us create TEA. Get the gentleman's two Members of the other body to move, and all of these things that the gentleman wants to do here are included in that, and then it will be done properly.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN *pro tempore*. The gentleman is recognized for 1½ minutes.

Mr. OBEY. Mr. Chairman, this amendment proposes in part a good idea. It wants to take the concept of using retired military people in the classroom and add to that the concept of also using retired civilians in the classroom, especially to deal with problems like math and science. That is a terrific idea, and we ought to do it. The amendment that we will be offering later in the bill will do it; it just will not do it by damaging some of the programs that would be damaged if we funded that increase by reducing the programs the gentleman is trying to reduce.

I understand that the gentleman is forced to do that because of the rule under which we are operating. That is not his fault. But eventually we are going to have to do it the right way, and at that point I will look forward to the gentleman's full support, because I think the gentleman will be happy with the product that we produce after the President eventually is able to convince the majority party that they are not going to go home until they restore the money which they have cut from his education budget. I will predict that will include initiatives such as this.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BONILLA) reserved a point of order. Does the gentleman from Illinois insist on the point of order?

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." This does that.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. ROEMER. Mr. Chairman, with your patience and diligence, only in Washington, D.C., can you have a point of order on legislation on an appropriations bill on a bipartisan amendment that is on a successful idea that has an offset and does not take money and harm other programs.

I reluctantly, very reluctantly, concede the point of order on a technical Washington, D.C. term.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, \$65,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and \$195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, \$107,765,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), \$406,000,000: *Provided*, That State educational agencies may use all, or any part of,

their part C allocation for competitive grants to local educational agencies.

AMENDMENT NO. 15 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer Amendment No. 15 as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mrs. LOWEY: Page 53, after line 14, insert the following:

SCHOOL RENOVATION

For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, \$1,300,000,000, which shall become available on July 1, 2001 and shall remain available until expended, of which (1) \$50,000,000 shall be for grants to local educational agencies (as defined in section 8013(9) of such Act) in which the number of children determined under section 8003(a)(1)(C) of such Act constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year; (2) \$125,000,000 shall be for grants to local educational agencies (other than those eligible under paragraph (1)); and (3) \$1,125,000,000 shall be for the costs of direct loans to local educational agencies: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$7,000,000,000: *Provided further*, That notwithstanding any provision of titles XII and XIV of the Elementary and Secondary Education Act of 1965, the Secretary of Education shall make these grants and loans subject to such terms and conditions as the Secretary shall establish.

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. A point of order is reserved.

Pursuant to the order of the House of Thursday, June 8, 2000, the gentleman from New York (Mrs. LOWEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mrs. LOWEY).

□ 1330

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment to include a package of \$1.3 billion in grants and loans for urgently needed repair and modernization at our Nation's crumbling schools.

The desperate need to repair America's school schools is not a new issue for any of us. Four years ago, I conducted a survey of New York City schools and discovered that one in every four schools holds classes in areas such as hallways, gyms, bathrooms, janitors' closets. Two-thirds of these schools had substandard critical building features such as roofs, walls, floors.

This is an outrage. This is a disgrace. In response to that shocking study, I

worked with the administration to author the very first school modernization bill in 1996. It is now 4 years later. School enrollment is skyrocketing.

High-speed modems and the wiring to support them is no longer a luxury. We have kids in the United States of America attending classes in rooms with asbestos-filled ceilings and in rooms heated with coal stoves. It would be laughable if it was not so disgraceful and potentially tragic.

Some of my colleagues will say this is not a Federal responsibility but the fact is that the States are doing the best they can. They need a partnership. They need Federal dollars to fill in the holes. In fact, the National Education Association estimates that the unmet school modernization need in America's schools totals over \$300 billion, and that is on top of what school districts and States are already spending.

The problem is simply too big for local and State officials to handle alone. Simply stated, the need for school modernization is a national problem that demands a national response.

The Federal government, in my judgment, has a responsibility to ensure that public education is more than a promise, and our students cannot learn when the walls are literally crumbling around them. That is why we just should not end this session, Mr. Chairman, without providing at least this proposal for emergency school repair.

Frankly, Mr. Chairman, this is an issue where we will either pay now or we are going to pay later. If we do not provide the resources even for this targeted emergency assistance, we will continue to undermine our students and teachers as they struggle to meet standards and achieve academically.

We can spend the money now, targeted at the most urgent repairs first, and its reach will be broad. Through loans and grants, \$1.3 billion would be leveraged with local dollars to provide \$7 billion for approximately 8,300 school projects. The funding will go to high-need school districts for critical repairs such as ceilings, leaky roofs, and removing asbestos.

Pay now, or pay later in lower student achievement, even more burdened teachers, and potentially, even accident or injury in crumbling schoolrooms.

America's children need us to make the right choice now, to use this opportunity we have in this time of unprecedented prosperity to rebuild their schools and lift up the quality of their education. If we fail as a Congress once again to take action to meet our school modernization needs, it is wrong and we are going to pay.

I urge my colleagues to join me, acknowledge the shameful physical condition of our schools, give some relief to our States and localities. We cannot give our students a 21st century education in 19th century schools.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to the order of the House, points of order are reserved.

Does the gentleman from Illinois (Mr. PORTER) wish to claim the time in opposition?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for at least 212 years of our Republic the schools in our country, the public schools, have managed to handle their own construction. They have done a pretty good job of it. It has never ever been a Federal responsibility, nor should it be.

As the gentlewoman points out, there is an estimate of over \$300 billion in unmet needs. I do not doubt the needs at all. The needs are there. The question is, who should be funding it? I think, as throughout our entire history, our local school districts, aided by the States, should provide for this need.

If we had an allocation of \$300 billion more, Members might be able to make an argument that there are sufficient funds to do this right now. But we do not have an allocation anywhere near that. To get the Federal government into this area of responsibility would undermine local control of public education. Local control is at the heart of our educational system in America. This is not another area where the Federal government ought to go in.

One of the things that was done in the last Congress was to pass the Taxpayer Refund and Relief Act of 1999. This Act included the national public school construction initiative. This initiative would have made permanent changes in bond rules so that State and local governments issuing public school construction bonds could take increased advantage of arbitrage rebate rules to help finance school construction and renovation.

Unfortunately, the President of the United States vetoed that legislation when it was laid on his desk.

I cannot see the possibility of the Federal government undertaking the kind of spending responsibility contemplated in this amendment. The States are doing very well. The economy is performing very well. State coffers are overflowing. The money is actually being spent by many of our States to support this State responsibility and to improve the condition of the schools, as it should be.

Mr. Chairman, it seems to me that this matter is a responsibility of another level of government, not a Federal responsibility. It will be undertaken properly and carried out by States and localities. We should not get the Federal government into yet another area of local control.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman, but briefly, as the gentleman well knows, after World War II, the United States did respond to the tremendous demand for schools and we built schools. We understood at that time that education was a priority.

All I am saying, Mr. Chairman, is that there is a tremendous problem in this country. Two hundred years ago we did not have computers in every classroom. Pencils and pens were adequate. We need to wire our schools. We need to provide computers. We need to ensure that every youngster has the best education they can.

Mr. Chairman, I am very pleased to yield 90 seconds to my good colleague, the gentlewoman from California (Mrs. CAPPES).

Mrs. CAPPES. Mr. Chairman, I rise in strong support of the Lowey amendment. Our local school districts cannot raise sufficient funds to do all that is needed, desperately needed school construction funds to repair schools and to improve the overcrowding situation.

The city of Santa Maria lies in the heart of my Central Coast district. It has some of the worst overcrowding problems in the country. They have tried repeatedly to raise bonds, funds for this, and were not able to do it.

I recently visited Oakley School in Santa Maria, a school built originally for 400 students with an enrollment now of over 900. The school is forced to use precious playground space for 14 portable classrooms, which requires them to hold three different lunch periods. The first lunch period starts at 10:30 in the morning.

Mr. Chairman, I am so disappointed that we have done nothing in this 106th Congress to address the overcrowding and needed repairs in our schools across the country. The families of the Central Coast of California have told me again and again that school construction funding is their number one priority.

Just this morning I met with some middle school students from Santa Lucia school in Cambria where they carved up their multipurpose building into classrooms, and they have used their library for classrooms. I myself as a school nurse know what it is like to do vision and hearing screening in the janitors' closets.

Mr. Chairman, I believe this Congress has to treat school construction in a manner that reflects the importance of our schools and of our education in society and in our communities today. I ask Members to show their support for schools and students in need. Support the Lowey amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, I am a little confused as to where the administration stands on school construction.

Back in 1995, we had a rescission of the funding that was already appropriated, and then in the President's 1996 budget he put no money in for any kind of construction. We got out of his language in that budget request, "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers," and now, this is the administration I am quoting, not me, "primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reasons explained above, the administration opposes the creation of a new Federal grant program for school construction."

That is the administration doing the talking here. Then, of course, we passed legislation that would have made permanent changes to bond rules, so that State and local governments issuing public school construction bonds could more easily comply with the arbitrage rebate rules. Guess who vetoed that?

So it is a little confusing as to where the administration stands on school construction. All schools would be eligible to take advantage of that change in the arbitrage rules, unlike the President's proposal, which is a limited eligibility.

We already provide school construction assistance for schools that show a need for additional funds. The qualified zone academy bonds program provides \$400 million of tax credits to investors who purchase bonds issued by qualified zone academies for school renovation projects.

What is also confusing is when they offer an amendment like this with so little money, and then they do not prioritize. I do not understand that. It seems to me with that small amount there certainly would be a priority list. Otherwise, it gets misused.

Again, it is confusing because I am reading what the administration is saying, and the administration is saying over and over again, both in their veto of the tax bill and also back in 1996, that they thought that this is a place they do not want money because they thought it was the for local taxpayers.

Last night I was amazed because the gentleman said, oh, but it was your administration that was administering these programs. I have news for them, they administered the programs just exactly as the majority said they had to administer the program. They had to send the money, that is all they said. They never went out to look to see what was happening with the money. They said, you send the money

where we said the money goes. So do not give me that foolish, facetious argument.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), a member of the committee.

Mr. HOYER. Briefly, the distinguished chairman talked about waste, fraud, and abuse. They did not cancel one Head Start program under their administration, I told the chairman, and he said that, as well. It was Donna Shalala that came along and said if Head Start is not working, we are going to shut down programs.

Mr. Chairman, the chairman of our committee continually says, regrettably, we do not have the money. He does not say we ought not to do it. He says, regrettably, we do not have the money. That is a self-imposed tax-cutting limitation. That is why we do not have the money, because they have determined that the wealthiest in America needed more than the children in America.

The President does have a program, as the chairman knows. For the jurisdictions that have the money to sell bonds he allows a tax credit, which makes them a little cheaper and therefore easier to sell, and therefore easier to proceed to provide the classroom space that our children so desperately need and that teachers need to have safe schoolrooms in which to teach.

This program supplements it for the neediest children in America. Are we so parsimonious that we will not do that for the neediest children in America?

The CHAIRMAN pro tempore. Does the gentleman from Texas (Mr. BONILLA) claim the time of the gentleman from Illinois (Mr. PORTER)?

Mr. BONILLA. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized.

Mr. BONILLA. Mr. Chairman, I yield 15 seconds to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to remind everyone in the Chamber that the Secretary only made that decision after we said, from the Congress, we are not interested in quantity anymore, we are interested in quality. It did not matter whether it was the Johnson administration, it did not matter whether it was the Reagan administration, they did not have that edict from the Congress. They now do, and she is taking advantage of what we have given her.

□ 1345

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MILLER), a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank my colleague from the subcommittee, the gentleman from Texas (Mr. BONILLA), for yielding me this time.

Mr. Chairman, this amendment is another one of these theme amendments from the other side and basically what has happened, the goal is to basically undermine the budget process that we have. The budget process was adopted back in the 1970s to try to put some fiscal discipline in our spending programs here in Congress. It did not work for the first couple of decades, while the Democrats controlled this House, and once we started getting a handle on our fiscal problems and now we have a surplus, the idea is let us forget about the budget process and let us just spend, spend, spend.

The way the budget process works is, we propose a budget in the House and in the Senate. We agree to a budget. We agree to a set of numbers. This was passed by a majority in the House and a majority in the Senate. Now we have to live with these numbers. I know some do not like the budget that was adopted but the majority of the Congress adopted this budget and we have to live within this budget.

So that is what we are doing is saying are we going to believe in the budget process or are we going to just undermine it? That is what the basic objective we are talking about here is.

Now, when we have a surplus, the question is what do we do with all of our extra money? I mean, it is exciting to spend money and there are a lot of good programs in the Federal Government but the problem is we have to establish priorities. There are some, I think, very high priorities.

For example, I am a very strong supporter of the National Institutes of Health, as I think many of my colleagues on the other side are. We want to attack cancer with research. We want to go after the problems of Alzheimer's and Parkinson's diseases. That is a high priority. We are concerned about world health problems with the CDC, but all of a sudden now we have a new program.

Last night we just appointed conferees to the Subcommittee on Military Construction. Maybe we are moving in the direction of having a school construction subcommittee, because this is a slippery slope. When one starts putting a billion here to start with, it is not too much; a billion in Washington it does not seem like a lot of money to some people but it is a slippery slope.

There is a need. There is a problem with education. There is a problem with our school systems, but this is traditionally done at the State and local level. That is where we need it to remain. If we want to help our schools, let us relieve them with special education funding but we have to still live within the principles of a budget. If we want to stay responsible and keep this surplus and preserve it and not get ourselves in the hole where not too many years ago we were looking at \$200 bil-

lion deficits as far as the eye could see, let us start spending money.

I mean, we are talking about billions and billions of dollars in these theme amendments that totally destroy and undermine the budget agreement. This is a totally new program. It is not authorized. It is my opinion it should be defeated.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD), a fighter on school modernization, who understands how important it is.

Mr. FORD. Mr. Chairman, I thank the gentlewoman from New York (Mrs. LOWEY) for yielding me this time.

Mr. Chairman, we get called back here every week to name post offices and to even fund unwanted aircraft carriers, but when it comes time for us to confront education head on we begin to fiddle, Mr. Chairman. We send money from the Federal Government to build roads, to build highways. I am always fascinated when I hear my colleagues on the other side suggest that this is a local issue, this is local control. They did not complain when the home builders came before us recently asking that local land disputes be decided in Federal courts. Neither did I. I supported it.

They do not come complaining that building prisons is a local issue when those at the local level say we need more money to throw criminals in jail, which I support. But when it comes time to build schools, to provide children with an opportunity to learn in a safe and clean and learner-friendly environment, they begin to buckle, they begin to flinch. They begin to point fingers and suggest that it is not our responsibility.

Name me a prison in America, Mr. Chairman, that closes early, as 30 of my schools do during the summertime because they have no air conditioning. There is not one.

I would hope my colleagues on the other side could do better by our kids. We ought to be thankful they cannot write campaign checks like the gunmakers, the insurance industry, and the pharmaceutical industry. If they could, perhaps we could give a better answer than the answer we are giving today.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, as the individual who heads the subject matter of K through 12 education, the Committee on Education and the Workforce, there are a few figures we need to trot out here in the overall understanding of what we are doing.

One figure is simply this: In the five previous years, including two Presidents, the Republicans have put an increase of 48.2 percent in education

funding K through 12, or 8.2 percent per year. In the 5 years before that, when the Democrats were in charge of the Congress under two Presidents at that time, the total was 32.9 percent or 6 percent a year, a lesser percentage than the Republicans have been putting in, in the last 5 years.

There are a lot of reasons for this: A President who cares about education; a Congress which cares about education; both parties which care about education, but we need to be very careful in saying who is slighting education because the last 5 years have been the highest increases in K through 12 education in the history of the Congress of the United States.

Now we get to the issue of school construction here. There is a lot of room for expenditures. That is being done in this budget, as in other budgets. We also can, frankly, afford some of the tax cuts that have been talked about and debt retirement. I understand we are probably going to have an extra trillion dollars here very shortly.

The real issue is what are we supposed to be doing about this? I know when I was a governor, we fought hard to reduce the size of the classrooms in K through 3 because we thought that was so important, but we also fought hard for school construction; mostly done at the State level. That indeed is a State function, something which we thought a great deal about in terms of what we had to do.

Yet in Delaware, a State which has, according to all the studies, relatively good schools, we need a billion dollars for new schools. If we take that and extrapolate that over 435 congressional districts because that is just one congressional district, that is \$435 billion. If we put together a program like that, it is probably \$500 billion. Others will say it is \$300 billion.

In the event, that is the low. I would say it is something higher than that.

We are talking here about \$1.3 billion. Maybe if it can be leveraged, some more; but if it is leveraged, money is owed. So even if one gets to \$7 billion, they are talking about an absolute drop in the bucket. That is the problem with this. We are buying into a program which is a State and local responsibility, with a very small sum of money, so that we can stand up politically and say that we have solved the problems of construction of our schools.

This does not even begin to do that. We all need to understand it and, in my judgment, it probably should not be a Federal responsibility. If it is, let us look at what the Federal Government has mandated or facilitated to the States, including dealing with IDEA, dealing with technology, dealing with safety, dealing with the OSHA requirements, whatever it may be. Maybe in that area we could do something but, in my judgment, an open-ended con-

struction bill is not the way to go, and we need to be very careful about this. We need to have further discussions. Perhaps something can be done, but I do not think this is the solution right now.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a leader in education.

Mr. ETHERIDGE. Mr. Chairman, I brought this chart up here because we talk about numbers. I want people to understand, we are not talking about a static number. We are talking about the growth in the number of students in high school over the next 10 years, the greatest we are facing in this Nation's history in terms of numbers.

So if we are talking about how much we have increased the budget, we need to reflect. We have not increased it anywhere near what we need to be increasing it to meet the needs.

We need to pass the Lowey amendment, to restore the administration's plan to assist our local schools in repairing the schools that need to be repaired instead of this massive tax cut that we are talking about.

As a former superintendent of my State schools, I know firsthand that we need to invest in schools to help our children get individual attention, to have proper discipline and instruction that they need to meet the skills of the 21st century, and this \$1.3 billion will restore 5,000 local schools that badly need it.

We can see from this chart that would only be a scratch in where we need to go.

Mr. Chairman, there is a lot that needs to be done. I grew up on a farm, and there is one thing a person understands. One does not eat the seed corn, and this Congress is about to do that.

Mr. Chairman, I rise in strong support of the Lowey amendment that restores the administration's plan to assist repair plans for local school buildings. This bill would kill that plan to finance the majority's massively irresponsible tax scheme. I strongly oppose those misplaced priorities.

As the former superintendent of my state's public schools, I know firsthand we must invest in our schools so that students get the individual attention, discipline, and instruction they need to learn the skills to succeed in this New Economy. This amendment will restore to the bill \$1.3 billion for 5,000 local school districts across the country to fix leaky roofs, upgrade plumbing, and bring schools into compliance with local safety codes. Common sense tells us that no school can provide an adequate education if children are subjected to substandard facilities.

Mr. Chairman, budget choices come down to a question of our values. Do we value investment in our nation's future by providing our children the best education in the world? Or do we fritter away that future by acting like drunken sailors when it comes to tax cuts? I support responsible tax relief for middle class families, but we must not raid the Treasury

and jeopardize our ability to make necessary investments.

Mr. Chairman, I grew up on a small farm. The farm teaches you hard lessons. I believe cutting education to finance massive tax breaks is as dumb as eating your seed corn. I call on my colleagues to reject the Republican majority's misguided values, reject this bill and vote for the Lowey amendment.

Mr. BONILLA. Mr. Chairman, I yield an additional minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this additional time.

Mr. Chairman, it is nice to have all these Johnny-come-latelys. For 22 years, I tried to get 40 percent of excess spending back to the local districts as far as special ed is concerned. If the majority had done that for all these years, Los Angeles, for instance, would have been getting an extra 100 million dollars every year. Can one imagine what they could have done in school construction, what they could have done in class size reduction? Chicago would have gotten \$76 million extra every year. New York City would have gotten \$170 million extra every year. Imagine what they could have done.

Again, I could not get them to move to get that 40 percent of excess funding back to those local districts, so their money would be freed to do just the things that we think now is our responsibility: Class size reduction; school construction. All the money would have been available, but they had to take their money for our mandate and so they could not do the kinds of things they should have been doing in relationship to class size reduction, in relationship to construction.

Again, I am confused about where the administration stands on construction.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY), my good friend and leader.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise to show my strong support for the Lowey amendment. This is a crisis. When we have had crises before, the Federal Government has, in fact, stepped in. Over the last 4 years, I visited many of the schools in my district and, frankly, I was shocked by the conditions I found.

Our teachers are holding classes in trailers because their classrooms aren't safe. Students crowd into these rooms. They sit on floors. They sit on radiators. They have classes in closets. Just this morning, a gentleman came into my office. He said his daughter in high school went into a classroom, 40 chairs, 60 students.

Schools in my district are being forced to trade teachers for bricks and mortar. These children cannot afford the trade-off and they should not have to expect to choose between safe and adequate classrooms and more teachers.

Studies show that on the average, students who attend schools in poor conditions score lower on achievement tests. This is just one more hurdle our students should not have to jump through.

One-third of all of our schools need extensive repair and over half of our schools need repair of at least one major building. Please support this amendment. It provides the States the much-needed assistance to renovate the decrepit schools.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), my good colleague, and a leader on school construction. I have seen his district and the need is clear.

Mr. CROWLEY. Mr. Chairman, I rise in support, in strong support, of the Lowey amendment. School renovation and construction is of the utmost importance to our children and to the future of our country.

My colleague from New York has been a leader in the fight for Federal funding for school renovation and construction assistance.

Schools, as part of our Nation's infrastructure, are in desperate need of repair and modernization. One-third of our Nation's schools were built prior to World War II. In the city of New York, the average age of a school is 55 years of age, and one out of five schools is over 75 years of age.

I have the most overcrowded school district in New York City, School District 24, which is operating at 119 percent of capacity. Additionally, enrollment is increasing by 30,000 every 5 years. My colleagues from New York are seeing similar problems arise.

How can we expect our children to work hard and care about their education and their future when they have classrooms that were formerly closets or bathrooms? That is not showing that we care about our children.

I ask, would someone allow their child to attend a school that has a roof falling in or fire alarms that do not work? Congress is allowing their children to go to school under those conditions.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Brooklyn, New York (Mr. OWENS), my colleague who knows firsthand what a tremendous problem we have in our city schools.

Mr. OWENS. Mr. Chairman, \$1.3 billion is a very tiny amount, but it is one step forward. \$1.3 billion is \$1.3 billion above zero.

The Republican majority has offered nothing. This small step to take care of emergency repairs will open the door, I hope, to an understanding that our schools are a part of our national security system.

We had 300 personnel short of an aircraft carrier launched last year because we did not have the right per-

sonnel to put on. They could not meet the high-tech requirements. We have a bill coming up next week to bring in people from outside the country to take jobs in our high-tech industries. Those same people came from countries that built their own nuclear industry on the basis of what they learned here as students and as workers here.

We need to deal with the problem of \$254 billion needed to bring up our school infrastructure as determined by the National Education Association survey, which was completed recently.

The General Accounting Office in 1995 said we needed \$110 billion at that time. Enrollments have grown. We need to spend on a level which understands that we are going into the 21st century, a cyber civilization.

□ 1400

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from New York (Mrs. LOWEY) has 3 minutes remaining. The gentleman from Texas (Mr. BONILLA) has 1½ minutes remaining and has the right to close.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), our distinguished ranking member of the committee, who has been a leader on education.

Mr. OBEY. Mr. Chairman, who are we trying to kid? I have been in this House 31 years, and there has not been a year when the Republicans in this House have not favored less funding for Federal education than Democrats.

Over the last 5 years, first they wanted to abolish the Department of Education. Then they tried to savage every education program that they can get their hands on. Now that the polls are showing that education is increasing in popularity, they are backing away.

Now they act as though somehow the idea of the Federal Government helping local school districts with renovating buildings is a new idea. Franklin Roosevelt, for goodness sake, helped local school districts build 5,200 new schools when he was President in the 1930s. He helped them renovate 1,000 schools that needed renovation.

My colleagues passed a minimum wage bill just a few weeks ago that gave \$11 billion in wage benefits to low-wage workers but gave \$90 billion in tax cuts to people making over 300,000 bucks a year.

What does one have to do to finance this amendment? Cut back that \$90 billion to their wealthy friends to \$89 billion. Is not that a terrible thing to ask to them do?

My colleagues ask why the administration opposed the Archer arbitrage position. It is very simple. Because that provision encouraged delays in construction because delaying construction would mean that schools could have earned additional interest

by leaving the money in the bank rather than putting it in the school. That is why the administration opposed that provision and supports this one.

If my colleagues are for education, if they are for helping kids in lousy school buildings get a better deal, support this amendment. I was in a school 2 weeks ago where the furnace room looked like it was in the Titanic, for God's sake.

It is about time my colleagues recognize this is a growing population. There are some communities that do not have the financial power to do this job without Federal help. It is about time my colleagues give it to them.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask my colleagues to forget the old stereotypes. We need a partnership between the Federal, State, and local governments. This is an emergency. I visited a school in New York just a couple of weeks ago where the kids had to move from one side of the gymnasium to the other side of the gymnasium when it was raining. This in the United States of America; this at the time of our greatest prosperity.

Franklin Roosevelt responded to the emergency. If we can build roads, if we can build highways, if we can build bridges, if we can build prisons, Mr. Chairman, let us work and be a partner to the State and local government; and we can reduce the taxes at the same time.

We just do not have to have as large a tax cut as we are proposing. We can respond and make sure that we are really educating every youngster. This is the least we can do. Shame on us if we do not. Shame on us if we do not pass this amendment.

This is \$1.3 billion, and we have a responsibility to all the youngsters in this great country of ours. I ask for my colleagues' support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BONILLA) has 1½ minutes remaining.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I am a person who can recall back when I started high school in the late 1960s that, not only did we have a problem with facilities, we had no facilities with which to attend high school classes, and they had to split the class size up. Freshmen and sophomores went in the morning, and juniors and seniors went in the afternoon.

I would venture to say that because of the disarray with the local school board back then, that even if we had a program in place like this, they would have squandered that money; and they would have never seen the light of day and created one single classroom.

The myth exists in this country that some people, and with good intention,

stand up and try to say, if we give Washington the power, they can solve all problems locally for us, education, health care, school construction, child care, all of these things, if only Washington will create one more program.

But I venture to say this, the solutions for these problems do lie back in the neighborhoods, and they will not be easy problems to solve. But they must be done at the grassroots level, or the true solutions will never be found. Solutions like this will only, at best, provide a Band-Aid for very temporary relief for a very serious problem.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, I concede the point of order. I regret that we were not able to offer this amendment so we can provide this to our youngsters all throughout the United States.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BONILLA) raises a point of order that the amendment offered by the gentlewoman from New York (Mrs. LOWEY) changes existing law, in violation of clause 2(c) of rule XXI.

The amendment, in pertinent part, establishes a new program in the area of school renovation and waives the Elementary and Secondary Education Act to do so.

Clause 2(c) of rule XXI provides that an amendment to a general appropriation bill shall not be in order if changing existing law. This provision has been construed to prohibit the enactment of law where none exists. By seeking to waive existing law and establish a new program, the amendment changes existing law and constitutes legislation on an appropriation bill in violation of clause 2(c) of rule XXI. Accordingly, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$6,550,161,000, of which \$2,557,885,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which \$3,742,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: *Provided*, That \$9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials.

AMENDMENT NO. 16 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer amendment No. 16 by the gentleman from Wisconsin (Mr. OBEY), and I am offering the amendment as his designee.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. DELAURO:

Page 53, line 17, after each of the two dollar amounts, insert the following: "(increased by \$1,510,315,000)".

The CHAIRMAN pro tempore. On this amendment, points of order are reserved.

Pursuant to the order of the House of Thursday, June 8, 2000, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment today that would increase special education funding in this bill by \$1.5 billion. This amendment calls attention to the fact that this bill grossly underfunds the Individuals with Disabilities Act. It fails to put us on the road to full funding by the year 2010. That is the goal this House set with its recent vote of 421 to 3 in support of the IDEA full funding act. That was just a few short weeks ago.

We should be living up to the commitment that we made with that vote and the commitment that this Congress made to help local schools meet the needs of educational needs of children with disabilities when it passed IDEA in 1975.

A number of Members have come to the floor today bemoaning the lack of IDEA funding in this bill. There is a simple reason why we cannot provide additional funding for IDEA, and it is because the Republican leadership proposed a tax cut that benefits the wealthiest 1 percent of Americans, ahead of the special education needs of our children.

If my colleagues supported the Republican budget resolution, they set these priorities in place. Do not now come to the floor of this House and lament the lack of IDEA funding. Because of these misplaced priorities, the needs of special education youngsters will not be met in this bill. We will not be on track to fully fund IDEA by the year 2010.

For so many years, back before IDEA became law, hundreds of thousands of disabled children received no formal education. Those were dark days. We should never go back to a time when the potential of so many bright youngsters with so much to offer was squandered due to a lack of understanding.

We finally opened our eyes to what these children have to offer. The passage of IDEA authorized several programs to support and improve early intervention and special education for infants, toddlers, children, and youths with disabilities. It, in fact, has made a world of difference, but we are not doing enough.

I offered this amendment in the Committee on Appropriations that would have started us on the road to fully fund the Individuals with Disabilities Education Act by adding \$1.5 billion to the bill, bringing the increase in funding for this year up to \$2 billion. That increase would put us on target for fully funding IDEA by 2010 as we said we would in this body.

Without a \$1.5 billion increase this year, we will miss the mark. While it is estimated that it would require \$15.8 billion to fully fund IDEA, the most the Congress has ever spent on the program is one-third of that amount. Mayors, school superintendents, and teachers from across my district tell me again and again that they are struggling to provide these youngsters with the education they deserve.

I might add that we mandate government, the States and local government to provide an education for these youngsters. In fact, what we do is impose an unfunded mandate on them. But this Congress has not made good on its commitment to provide the 40 percent of the cost that schools pay for special education.

These school districts and the children are being shortchanged by a shortsighted policy. And we are shortchanging ourselves by not ensuring that these children receive every opportunity available to learn and to thrive because they can thrive. They have so much to offer us. We just need to give them the chance. We can do that by fully funding IDEA.

I thought we could all agree that IDEA was grossly underfunded. This Congress voted almost unanimously by a vote of 421 to 3 in favor of a resolution that said that we would fully fund this program by 2010. When it came time to put their money where their mouth is, the Republican leadership balked. They rejected moving us forward to fully funding this program and opposed the amendment.

Unfortunately, this House will not have an opportunity to repair this error because the rules of the House require that we must rob from school modernization, Head Start, America's workers, and our seniors if we were to increase funding for IDEA today. The rules set in place by the Republican leadership would force us to rob from the poor to help the poor, and that is wrong.

These needs will go unaddressed in this bill because the Republican leadership refused to scale back the massive tax cut that benefits the wealthiest 1

percent of Americans. If we reduce that tax break by only 20 percent, we could add this funding for IDEA and still provide tax relief for working middle-class families, the families who need it the most.

I urge my colleagues to support this amendment. We will not sit quietly while IDEA receives only lip service while crumbling schools are ignored and while the health care needs of seniors and the uninsured are disregarded in exchange for a tax break for the wealthiest 1 percent of Americans in this country. Support this amendment and oppose the bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) seek to claim the time in opposition to the amendment?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. PORTER) for 15 minutes.

Mr. PORTER. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. MILLER), a very valued member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from Illinois (Chairman PORTER) for yielding me this time; and, of course, I commend him for the great work he has been doing for these past 6 years chairing this committee.

This particular amendment by the gentlewoman from Connecticut (Ms. DELAURO) is a little different than the last amendment because it advocates increasing spending on a program that is, in reality, is a favorite for Republicans. We have done very well over the years in the past 6 years and the past 5 years in appropriations for this program because we really believe very strongly in special education.

However, this is another attempt to undermine the budget process that we have here in the House of Representatives. The Democratic Congress passed a budget process bill back in the 1970s that said we must pass a budget, and we must live within it.

Now that we have a surplus, and now that the budget process is working, let us spend money. It is kind of like kids in a candy store. Hey, we have got a surplus. Let us spend more money.

Well, there are good spending programs, and this is certainly one of the good spending programs in Congress. The Republican Congress in our control of the Congress in the past 5 years has certainly shown our favorable interest in special education.

For me personally, I have a niece who is a special ed teacher back in Manatee County, Florida. I have a sister who is a mother of a special ed student who wrote a book of a mother's perspective for special education. So I have a very personal, committed interest to special education.

That is one reason we continue to see the Republicans have done very well.

Look at the chart. The Republicans were in control the 5 years prior to our control in 1995. The President proposed increases of 4 percent, .3 percent, .1 percent, 5.8 percent. We have given double digit increases every year.

For the previous 5 years prior to the Republican control, spending went from \$1.5 billion to \$2.3 billion. In that 5 years is an \$800 million increase. When we took over, spending went from \$2.3 billion to \$5.4 billion. We have more than doubled the spending of special ed in the past 5 years.

So we have made some great strides, some great progress in funding a program. Look what it compares, again, to what happened when the Democrats were under control. In the 1993, 1994 years, they had total control of the White House and Congress and barely increased spending of special ed.

Now they want to undermine the entire budget process to try to score some political points when, in reality, they are kind of Johnny-come-lately. We are the ones who are doing such, I think, a good job. We can use more money. As the gentleman from Pennsylvania (Chairman GOODLING) has been advocating for years, we need to take up the full responsibility to 40 percent. And we are making great strides in that.

□ 1415

Because we have gone from pushing 7 percent now to 13 percent. Not as far as 40 percent, but we are moving in the right direction. If the Democrats had been in control and we followed the President's budget, we would have seen a decline in special education.

It is a very important program, one that we strongly support, but this is not fiscally responsible. It does not fit in with the budget agreement and so it does not fit in the emergency category, and I advocate the defeat of this amendment.

Ms. DELAURO. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from Connecticut (Ms. DELAURO) has 9½ minutes remaining, and the gentleman from Illinois (Mr. PORTER) has 12 minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

Special education is not, nor should it be, a partisan issue or a partisan program. The fact of the matter is that the introduction of the tax proposal was by the Republican leadership. It seriously underfunds special education only because the Republicans want to provide a tax cut to the richest 1 percent of the people in this country.

It was also a Republican resolution to fully fund IDEA over the next several years, a 421 to 3 vote, one which, I might add, demonstrates a sham to the reality of what this budget is about.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms.

WOOLSEY), who sits on the Committee on Education and the Workforce.

Ms. WOOLSEY. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time and for this amendment.

In my district, like all districts around this country, parents of children with special needs are frantic. They are frantic about their children's education. They often feel that their schools are giving them the runaround, while the schools are worried about having the resources to do the job that is needed.

At the same time, the parents of students without special needs are fearful that special ed kids are taking precious resources from their children. Therefore, we are pitting family against family. This cannot continue.

Congress must step up to our responsibility, and we can do it this year while the economy is good and we have a surplus. The DeLauro amendment gets us on the road towards full funding for IDEA without taking one penny from other good programs. By scaling back the proposed cuts for the very wealthiest taxpayers, IDEA can be funded to the Federal commitment.

I urge my colleagues to put education for children with disabilities before tax cuts for the wealthiest Americans. Support the DeLauro amendment and help all of our children and all of our families.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, my only regret, as I leave this institution, is that the first 20 years I sat there in the minority trying to make everybody understand that the thing that is driving local school districts up the wall more than anything else is the fact that we are only sending them about 6 percent of the 40 percent we promised them in excess costs to educate special needs children.

Let me review, however, the last 5 years. I am very pleased with the leadership of the gentleman from Illinois (Mr. PORTER). The President asked, in 1997, for \$2.6 billion; the final appropriation \$3.1. The President asked, in 1998, for 3.2 level funding; he got 3.8. Level funding means that he cut in his budget special education, because the increased numbers that came in to special ed, as well as inflation, of course, meant it was a cut.

In 1999, again he sent a budget up here cutting IDEA. At a Christmas function, I asked him if he realized he was cutting IDEA. He said they were putting a lot of money in IDEA. I advised him that he was cutting it with the budget request that he was sending up. Fortunately, under the leadership of the gentleman from Illinois, not his 3.8 in 1999 but 4.3 billion.

He cut it again in his fiscal year 2000 budget, again asking for level funding,

which is a cut because of the increased numbers that have come in to special education and the costs of living increases. But thanks to the leadership of the gentleman from Illinois, he did not get that cut down to 4.3. He got an increase to \$4.9 billion.

Again, in this budget, he has requested \$5.2, and under the leadership of the gentleman from Illinois it is \$5.4.

These increases are dramatic. We have doubled the amount that we have been sending in the last 5 years. We do have a long way to go, but, oh, my, I am glad these born-again have now understood that the greatest problem facing local school districts is our unfunded mandate in special education.

So I thank the gentleman from Illinois (Mr. PORTER) for the dramatic increase; a 92 percent increase over the President's 1997 budget request. Those are big bucks. I thank him, and all the school districts thank him as well.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds to just say to my colleague who spoke, that the President of the United States is not offering this amendment. This is my amendment. This is our amendment.

It was just several weeks ago when the Republicans offered a resolution on this floor to fully fund IDEA, and we are just trying to get there from here. That is what this amendment is about.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong support of this amendment to strengthen special education, and I thank the gentlewoman from Connecticut (Ms. DELAURO) for introducing it.

Special education students have particularly acute needs which begin early in childhood. We know that the right attention can make an enormous difference in children's lives and impact their future. Teachers' aides are needed to provide one-on-one support. Counselors can help disabled children follow often very difficult paths through childhood, adolescence and into adulthood.

Right now schools are forced to make terrible choices. They can put limited funds into special education and deny other basic needs, or they can neglect those children and try to meet the basic needs of other children. Those are choices our schools should not have to make.

Last month the House overwhelmingly passed the IDEA Full Funding Act, so why are we not appropriating the funds to meet the needs of some of our most vulnerable children? This is not right.

I support the DeLauro amendment to increase special education funding without denying other vital programs. Our children must be our national priority, not huge tax cuts for the wealthy.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), a member of the authorizing committee.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, just for 2 seconds I wish to indicate to the gentlewoman that I know it is not the President offering the amendment, but she missed my point. For 20 years I sat here trying to get her side to do something about it and they did nothing.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I alluded to this earlier, but I think it is very important to understand where we are with respect to spending on education in terms of both political parties.

Basically what this chart shows is a period of time starting with 1990 as a base year that shows the years of 1991 through 1995, in which there was a Republican President and there was a Democrat president. We also had a Democrat Congress during that period of time. It shows what all those expenditures are.

The important thing to understand in all this is that the average increase during that period of time was 6 percent in K through 12 spending. Six percent. What is K through 12? It includes Goals 2000, school to work, ESEA, and vocational education. For a total of a \$32.9 percent increase.

In that year, in that particular election, Republicans took over control of the Congress of the United States. And the statistics since that time, with the same Democrat President who was President during a couple of those years before, has been average annual increases in K through 12 education of 8.2 percent. Six percent versus 8.2 percent, or an overall increase of 48.2 percent.

Now, I say all this because we had a whole evening last night, a whole discussion of the rule last week as well as discussion today in which the basic message has been that the Republicans are sacrificing education because, A, they do not want to spend or, B, they want to give tax cuts to whomever, the wealthy or whomever it may be. The bottom line is that the totals show that Republicans have done more for education in 5 years while in control of the House and Senate, in this Congress, than in any other 5-year period of time, probably in the history industry of the Congress of the United States of America.

Now, I will be the first to say that there is a presidential influence, and there are many other things which are out there, but this is not a Congress which has exactly shirked its responsibilities with respect to K through 12 education.

I am a total believer that that is, of all the programs that we have that could help people, K through 12 education is the one that could help the most. I also believe it is a State and local responsibility, but there is some Federal responsibility. We see it in IDEA, we see it in title I and in a variety of programs that we need to support here, and I believe that we are supporting them.

I am going to borrow the chart of the gentleman from Florida for just a moment, which also shows something else, and that is where we have gone with respect to the subject of this amendment in that special education funding. It shows a tremendous increase by dollars and by percentage since Republicans have taken over control of the Congress of the United States. The very subject matter of this amendment.

This amendment, by the way, is empty. This amendment will probably be stricken down on a point of order. The bottom line is that Republicans have come through on the funding for special education.

Ms. DELAURO. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has 6¼ minutes remaining, and the gentleman from Illinois (Mr. PORTER) has 6 minutes remaining, and has the right to close.

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds.

What is before the House this year is not what has been done in the past but, in fact, what it is we are going to do in this year. The majority party may have been on the right side of the issue in the past; this year they are on the wrong side. We need to deal with the surplus that we have and take care of children's needs today.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS), a champion of education.

Mr. OWENS. Mr. Chairman, the gentlewoman from Connecticut is to be congratulated for speaking on behalf of the overwhelming majority of the Members of this House, the 421 Members who voted to follow the wisdom of the head of the Committee on Education and the Workforce and increase the funding for special education. She is only asking in this appropriations bill that we follow the authorizing move that we made a few weeks ago.

I accept the reasoning of the chairman of the Committee on Education and the Workforce. If we put money in to special education, we are allowing the local education agencies to move that money that they were spending on special education somewhere else. That is a back-door approach, but I will accept any approach to get additional funding for education. So let us do it. Let us not back away from the commitment of \$1.5 billion that we made

and only, instead, have a \$500 million commitment.

Let us go all the way and let us realize that the big issue that has been repeated here over and over again is that there is more money for education if my Republican colleagues will yield on their tax cut. Instead of a tax cut commitment, let us have a smaller tax cut and let us dedicate 10 percent of the surplus to education. That is reasonable. Ten percent of the surplus this year and 10 percent of the surplus for the next 10 years will solve the funding problems for the Federal Government with respect to education.

We now only contribute 7 percent. Of the total education bill each year, the Federal Government takes responsibility for only 7 percent. Seven percent is too little. That is a Stone Age, a Neanderthal approach. We need more Federal assistance to education at the local level. The Federal Government is now where the money is. We have a \$200 billion surplus this year, and we will have a \$200 billion surplus for the next 10 years. Let us dedicate 10 percent of that. We can put part of it into school construction, 5 percent, and another 5 percent can be used for special education and more teachers. Ten percent of the surplus is our answer to all of these problems.

□ 1430

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, just this Monday, I met with the Superintendent of Schools in Lynbrook and the Chair of their school board, and they expressed to me the urgency of mainstreaming youngsters in their community. They have been so successful. But it costs money. They had a quadriplegic who cost them \$100,000 a year. And because they have been so successful, they are attracting other youngsters.

It is because of the leadership of this administration that we are in a time of great prosperity. This is the time to respond to the urgent need in education.

I applaud the leadership of the gentleman from Pennsylvania (Mr. GOODLING). And that is why I am so puzzled. Frankly, I do not get it. On May 3, the House passed by an overwhelming bipartisan vote of 421-3 a bill calling for a \$2 billion increase in 2001 and full funding by 2010.

Even with the additional \$1.5 billion provided by the DeLauro amendment, we will still be providing only 17 percent of the national average per pupil.

Please, we should be supporting the DeLauro amendment on both sides of the aisle to move forward on our commitment.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, I think that we should commend the gentlewoman from Connecticut (Ms. DELAURO) for bringing up a very important issue. Special education funding is the top priority for the governor of Kansas. It is the top priority for the largest school district in Kansas, headed by Superintendent Winston Brooks. They have found themselves all over the State of Kansas trying to fund special ed by taking money for other programs that are very important. So I think that we should focus on special education.

I am disappointed that this amendment was not within the guidelines so that it will be struck on a point of order, as is my understanding. But I think that we should continue our efforts through the course of this bill and as we progress further in this session to try to focus our efforts by getting the appropriate funding for the Department of Education special education portion.

If we look at the amount of money that gets spent right here inside Washington out of the budget the Department of Education gets, about 35 percent of it does not even get outside the beltway, it is spent right here in Washington, D.C.

So if we can direct the money for special education specifically to the school districts, then it will free up some of their money, it will not be wasted here in Washington, D.C., and those students that truly need help are going to receive it.

At the local school district level, it gives them the opportunity to fully fund the programs that are helping the average student and the other students. But those with special needs are going to get the help from Washington if we can focus our resources here.

There are several amendments that will follow. The gentleman from Wisconsin (Mr. RYAN) and myself have one where we are going to have, under the appropriate guidelines, taking some money from a program that has grown dramatically, take a small portion of that and move it over toward special education to help us achieve our goal. I hope that Members of the House will take that into consideration in the future, because it is very important that we meet the needs of these special students.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the gentleman from Florida has said that we are trying to break the budget process. The majority party has already obliterated the budget process.

Last year alone, the majority provided \$40 billion worth of budget gimmicks to hide \$40 billion worth of spending in the budget.

With respect to special education numbers that have been cited on the

floor, let me simply state the facts. Under the Reagan and Bush presidencies, in nine of the 12 years, the Congress provided more money for special education than President Reagan and President Bush asked for.

When the Republicans took over in 1996, they tried to provide \$400 million less than the President provided in special education. And it has only been in the last 2 or 3 years that they have had a road-to-Damascus conversion.

With respect to the overall education numbers cited by the gentleman from Delaware (Mr. CASTLE), the fact is all that chart shows is that he is bragging about the fact that his own party lost the budget fights with President Clinton the last 5 years. Because if you take a look at what you tried to do before the President forced you to change your mind, you tried to cut in fiscal 1996, 1997, 1998, 1999, 2000; and now this year, you have tried to cut a total of over \$14 billion from the President's education budgets.

And then you have the gall to come to the floor and show what you have provided. You provided it after the President dragged it through the room. I know; I was in the room for the last 5 years. I was the Democratic negotiator. And each year he had to drag it to the table to drag those numbers up for education so you could finally do right by America's children.

So let us not hear any more hurrah about either budget responsibility on your side or about how dedicated you are to education. You are the party that started out your stewardship here by trying to wipe out the Department of Education.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we mentioned Nate from Minnesota. When he entered the first grade, his parents told him he had severe mental retardation. School officials, using testing funded by IDEA, found Nate actually had an extremely high IQ but had serious learning disabilities. They made accommodations for his needs. He graduated from high school and went on to college. With support from his family and school and services through IDEA, he has a very bright future.

All we are asking our colleagues to do is to scale back the tax cuts for those in the top 1 percent of all earners. All they need to do to pay for this \$1.5 billion is to cut back the size of that tax cut for the wealthy by 20 percent. In that case, we can in fact meet the needs of youngsters with serious disabilities.

We are in an era of surplus. It is one thing if we are in an era of deficit, but we have no excuse not to move to fully funding the IDEA program, as we said on the floor of this House on May 3, 2000.

Let us put our money and our resolve where our mouths are.

Mr. PORTER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the gentlewoman from Connecticut (Ms. DeLauro) and others on her side of the aisle would have us believe that this amendment and the other amendments that they have offered would have something to do with tax cuts versus spending, that in these amendments there contains a transfer of money from the tax side to the spending side.

Let me say that those are not contained in these amendments. In fact, they controlled this House for 40 years. There was never a time ever when we could transfer money under a procedure in the House from tax cuts to spending under their control.

Now, that may be quite understandable, Mr. Chairman, because I do not think anytime during that 40 years they ever proposed to cut taxes, ever, once.

But there is no element in any of these amendments, including this one, of moving money from tax cuts to spending. It simply is a figment of their imaginations and does not exist under the rules and never did.

Now, Mr. Chairman, I am worried about misinformation. I am worried about people not committed to the truth. And I think at least three of their theme amendments, this being one of them, tried to get people to believe that the majority party is not supportive of special education or funding for biomedical research or providing young people the opportunity to get a higher education through Pell Grants.

Nothing could be further from the truth. We have been the champions in each of those areas. They have been the followers. And yet, each of these amendments wants to add more money irresponsibly outside the budget process to say that they are somehow the ones that have taken the leadership on this. They have not. We have.

We have plussed up Pell Grants higher than the President every time. We have plussed up special education much higher than the President every year. We have plussed up funding for biomedical research to the National Institutes of Health higher than the President every year. We are in the process, through our initiative, of doubling funding for NIH.

Do not believe these theme amendments. They simply are passing along misinformation. It is time that we looked at our whole society, our whole political process, what is on the Internet, what is happening to the truth in this process.

The truth is being lost. It is propaganda. It is false propaganda. These amendments, all of them, are false propaganda.

POINT OF ORDER

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Illi-

nois (Mr. PORTER) insist on his point of order?

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 8, 2000, House Report 106-660.

This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Ms. DeLauro. Mr. Chairman, I concede the point of order because the House of Representatives rules dictate that, unfortunately, the budget priorities of the majority will shortchange our youngsters and, in fact, tax cuts ought to go to working middle-class families.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

Are there further amendments to this section?

AMENDMENT NO. 7 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. BASS:

Page 53, line 17, after each dollar amount, insert the following: "(increased by \$200,000,000)".

Page 57, line 14, after the first dollar amount, insert the following: "(reduced by \$200,000,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have before my colleagues now is an amendment that they are going to be able to vote on, an amendment that will increase funding for special education by \$200 million.

Now, we have heard plenty of arguments today and also last week about how important it is to fully fund special education. Well, here is our chance to up funding in this appropriation from \$500 million to \$700 million.

Where does the offset come from? It comes from a program called GEAR UP. Now, GEAR UP is a new program that was started in 1998, and its purpose is to encourage children at a young age to pursue a college education.

However, similar programs already exist. The Talent Search program in TRIO provides grants to schools and academic institutions and so forth to provide counseling for young people wanting to go on to college. The Upward Bound Program in TRIO provides similar services.

Let me read to my colleagues what the Oakland, California Chronicle had to say as recently as June 3 about GEAR UP: "Consultants hired to provide college preparatory programs for thousands of Oakland middle school students paid themselves but spent only a fraction of the money meant for the children," the Chronicle has learned.

"Two of the consultants were fired, and the third resigned when Federal education officials overseeing the 5-year \$14 million grant became suspicious. According to documents and sources familiar with the case, the beleaguered Oakland School District had \$2.8 million to spend in the school year, the first year of the program, to help 3,500 seventh graders through their graduation in 2005. But by April, those in charge of the grant had budgeted just \$439,000 mainly on their own salaries, benefits, and travel.

"The students who were supposed to benefit from the grant saw just \$157,000 of that money in the form of a chess club, computer lab, and some math workshops, according to the records."

Now, this is a new program. I point out that the TRIO programs in this budget are receiving a \$35 million increase above the President's request, which is \$115 million above last year.

My friends, let us add \$200 million to special education. Let us do it by reducing funding for a program that has questionable results and is already funded, in essence; its functions are in the TRIO program. Let us, please, support my amendment.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment, and I yield myself 1 minute.

Mr. Chairman, let me simply say that, again, we are all in support of special education on this side of the aisle but not at the expense of taking away educational opportunity for kids who need it just as much.

The difference between TRIO and Talent Search is that the program the gentleman seeks to cut tries to identify children at a much younger age, sixth, seventh grade, and tries to put them on the right course so that they understand, number one, that there is such a thing as a college education.

□ 1445

And, number two, how to prepare for it at an early enough time to make a difference, and help build a support structure between the child and the family so that they understand that financial aid will be available to them. There are a lot of families in this country who never dreamed that they could

afford to send their kids to college. This is one of the few programs around that helps. It intervenes at an earlier age than the other programs mentioned by the gentleman. That is why the budget increases for programs such as TRIO are irrelevant. What we are trying to do is to intervene at an early enough time so that we reverse the trend of minority students getting less higher education than they were 5 years ago.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, we have heard a lot of speakers talk about tax cuts and perhaps using a little bit of their tax cut to pay for some of these initiatives. The gentleman from New Hampshire (Mr. BASS) is a good man, but for the life of me I cannot understand how he could be opposed to a program which takes entire groups of kids, classes of kids whom early in life many of us would suggest because of the dire economic conditions and social conditions they may face may have a more difficult time getting to college than perhaps some of their cohorts.

Study after study shows that high-achieving students from low-income families are five times as likely not to attend college as high-achieving students from middle- to higher-income families. I do not mean to discriminate against middle- and higher-income families by any means, but we know that kids who come from other circumstances often face different challenges.

It amazes me to hear the gentleman from New Hampshire and some of them suggest that we have another program that addresses this problem, because I do not think we can have enough programs to address this problem, Mr. Chairman. I say that understanding that the Federal Government cannot go out funding each and every program, but we offered tax cut after tax cut. I voted for the estate tax reduction. But it would be nonsensical of me to say, Well, we've given people an estate tax reduction so we don't need to give them a capital gains tax reduction. There are different issues and different challenges here.

In my State alone, the University of Tennessee at Chattanooga received over \$200,000 to help identify entire groups of classes to bring them through high school and to help them go to college. The numbers show, as the gentleman from Pennsylvania (Mr. GOODLING) knows, that a young person's ability to earn over a lifetime increases by \$600,000 with an opportunity to go to college, \$300,000 at Dyersburg State Community and \$650,000 at Memphis City schools.

I ask my colleague from New Hampshire, and perhaps we can engage in a colloquy, explain to me why not, if we can do it for wealthy Americans, we

ought to be able to do it for poor children in this Nation.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Tennessee (Mr. FORD) has expired.

Mr. FORD. Mr. Chairman, I ask unanimous consent for 30 additional seconds.

The CHAIRMAN pro tempore. The time is controlled by the gentleman from New Hampshire (Mr. BASS) who has 2½ minutes remaining.

Mr. BASS. Mr. Chairman, I ask unanimous consent that the gentleman be given 30 additional seconds.

The CHAIRMAN pro tempore. The Chair can provide additional time to both sides. Is that the gentleman's request?

Mr. BASS. That is fine with me, Mr. Chairman.

The CHAIRMAN. Without objection, both sides are granted 30 additional seconds.

There was no objection.

Mr. BASS. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Pardon my passion on this issue, Mr. Chairman, and I ask the House's forgiveness for violating our rules, but it is just hard for many of us to comprehend, and the gentleman from Illinois (Mr. PORTER) is a good man as many on the other side of the aisle are, why we would argue taking precious dollars at a time in which we are moments away from increasing the quota on H1-B visas because we are unable not to find workers but to provide workers with the skills they need to fill the jobs that we are creating here at a record number in this Nation.

This program, like many others, seeks to do that. I would hope that the gentleman would rethink his amendment and even those on his side who may support it. I would hope they would reconsider their support of it.

Mr. BASS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I respect and admire my friend from Tennessee's passion about this issue. I also appreciate the fact that he has not dwelt with the phony theme issue of tax relief.

There is a difference here in priorities. I believe that funding of special education provides broader funding for more people. I certainly agree that it might be a good idea in some school districts for sixth, seventh, and eighth graders to receive counseling preparatory to college. But I also feel that providing services for developmentally disabled students is a higher priority for me.

That is essentially a difference that we have between the two of us. The fact of the matter is by providing more funding for special education, we free up local funds so that local school boards in his district or mine can provide counseling if they want to for sixth, seventh, and eighth graders to prepare themselves for college.

Mr. Chairman, I support my amendment. I think, as the gentleman from Tennessee has pointed out, it is a question of priorities. I think this GEAR UP program is a troubled program. It is a new program. The TRIO program already funds it. I urge support of my amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the Bass amendment. Many people learn about how to get on the college track at home at the kitchen table from their mother and their father. But there are a lot of children, a lot of young people in this country who do not have someone sitting at the kitchen table who has been to college. GEAR UP is about giving that young man or that woman someone to talk to about that issue. It works. It should be given a chance to work. The TRIO argument, frankly, is irrelevant. This is a different program with a different set of parameters.

I agree with my friend from New Hampshire that wants to fund more special education. I would support a \$200 million increase in special education. We could pay for it by eliminating less than 2 percent of the tax cut that his budget resolution put forward in this House. That is the way to pay for it, not choosing between education programs. That is the right way to do this and it would be paid for in that way. We should all join together and oppose this amendment.

Mr. BASS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise in support of the gentleman's amendment because this amendment, unlike the previous amendment that was offered, has a real offset. We debated earlier about the importance of special education and how it is critical and both sides support special education. Now we have an opportunity to actually increase it by cutting a program that is of questionable merit and has not got a proven track record. Let us put the money where it is most important and flows directly to the school districts to help the most needy kids.

I commend the gentleman for having a real amendment, not a rhetorical one that is going to be kicked out because of a point of order.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strongest opposition to this amendment. I am astounded that we are even debating the elimination of funding for a program as critical as GEAR UP. Although it is a new program started only last year, it has had phenomenal success in my congressional district. It offers a solution to raise the graduation rate of many of the Hispanics. As

Members know, it is only 70 percent that graduate, compared to 92 percent for the Anglo-Saxon students. I am here to improve that and GEAR UP is one of the solutions. GEAR UP is designed to enable more young Americans to stay in school, study hard and take the right courses to go to college. Is that not what we are ultimately trying to do by funding school programs?

Look at this chart. Every single red dot on this map is a GEAR UP program like mine in my congressional district where there is excitement, there is hope because of GEAR UP. I ask my colleagues to all stand up and vote against this amendment.

Mr. BASS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I simply say that I believe the \$200 million more for special education will have an impact in every school district in this country, every family in this country, every school board, every teacher, and most importantly every student who is coded and part of the IDEA program. Now, this is an opportunity for Republicans and Democrats, as the old saying says, to put their money where their mouth is and vote for a significant increase in special education funding.

I would only point out that the operations undertaken by the GEAR UP program are already done by the TRIO program, not at as young an age but already done by the TRIO program, and the TRIO program is receiving a \$115 million increase over last year's appropriation. So it is not as if we are ignoring this important priority of preparing students in disadvantaged areas for college so that they get an equal chance to go on to higher education.

This is a good amendment. It will increase funding for special education. I urge the Congress to adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) has the right to close and 30 seconds remaining.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, with great respect to my colleagues, we had an opportunity to put \$1.7 billion in IDEA and that is what we should have done. We should not be choosing between a program such as IDEA and a program that reaches out to those kids who do not understand what it is to prepare for college.

Our kids, probably your kids, had the opportunity from the time they went to the first grade to plan, to be taught, to be tutored. What this program does and the reason GEAR UP is so successful, it helps kids understand that they can have their dream, they can be what they want to be. It provides tutors and

assistance to help them seek the American dream. I am opposed to this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BASS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BASS) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,776,803,000: *Provided*, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 ("the AT Act"), each State shall be provided \$50,000 for activities under section 102 of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$11,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$54,000,000, of which \$6,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$89,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act and the Adult Education and Family Literacy Act, \$1,718,600,000, of which \$1,000,000 shall remain available until expended, and of which \$923,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which \$791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$4,600,000 shall be for tribally controlled vocational institutions under section 117: *Provided further*, That of the amount provided for Adult Education State Grants, \$25,500,000 shall be made

available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, half shall be allocated to the States with the largest absolute need for such services and half shall be allocated to the States with the largest recent growth in need for such services, based on the best available data, notwithstanding section 211 of the Adult Education and Family Literacy Act: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$14,000,000 shall be for national leadership activities under section 243 and \$6,500,000 shall be for the National Institute for Literacy under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$10,198,000,000 (reduced by \$48,000,000), which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001–2002 shall be \$3,500: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

AMENDMENT NO. 17 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, as the designee of the gentleman from Wisconsin (Mr. OBEY), I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mrs. LOWEY: Page 56, line 13, after the dollar amount, insert the following: "(increased by \$938,000,000)".

Page 56, line 16, after the dollar amount, insert the following: "(increased by \$300)".

The CHAIRMAN pro tempore. On this amendment, all points of order are reserved.

Pursuant to the order of the House of Thursday, June 8, 2000, the gentleman from New York (Mrs. LOWEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume. My amendment would add \$300 to the maximum Pell grant for a total maximum award of \$3,800. As we are all aware, the cost of a college education has been increasing faster than the rate of inflation, putting college out of reach for many Americans.

The Federal Government has had a role in helping students gain access to

college since the GI bill in 1944. Financial aid has evolved over time into a safety net of programs that have made college possible for generations of Americans, including many of the staffers who work in this House, and perhaps some of the Members, too. The Pell grant program is the cornerstone of that safety net, providing grant aid to nearly 4 million needy students. It is one of the few sources of grant aid still available to help cut down on the crushing college debt burden assumed by so many students and their families today.

When President Clinton took office in 1993, the Pell grant maximum award was \$2,300, the same as it was in 1989. The maximum Pell grant in this current fiscal year is \$3,300, an increase of 43 percent since 1993. The bill before us today proposes an increase in the maximum to \$3,500 as the President requested. This is good news but it is still not enough. A \$200 increase in Pell equals less than the cost of one semester's required books for a full-time student. The Pell funding in this bill is simply inadequate to meet the costs of higher education today.

The authorized ceiling for these grants is now \$4,800, a full \$1,500 above this year's appropriated level. The real dollar value of a maximum Pell award has declined 18 percent since 1975.

□ 1500

To get to the level we were in 1975, the Pell Grant award would have to be merely \$4,300. My amendment will get us closer to that, setting the maximum award at \$3,800; but leaving us room for improvement.

Over the next 10 years, my colleagues, more than 16 million students will be enrolled in our Nation's colleges and universities, preparing for the challenges of a high-tech economy and a highly educated and productive workforce.

We must do better to demonstrate our commitment to Federal student aid, and we can do that by increasing the maximum grant to \$3,800.

We can also do better by improving the allocation for this subcommittee. Once again, our subcommittee was not provided adequate resources to meet the significant human needs addressed by programs under our jurisdiction.

In this time of surplus, in this time of prosperity, the failure to provide sufficient resources puts this committee at risk of failing a course in logic, because we know that education is a lifelong investment in our people and our future; yet this bill does not live up to our responsibility to make that investment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Illinois (Mr. PORTER) claim the time in opposition?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. PORTER) for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida, (Mr. MILLER), a valued member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank my chairman, the gentleman from Illinois (Mr. PORTER), for yielding me the time.

Mr. Chairman, once again, we have one of these so-called theme amendments. It is an amendment that is not going anywhere, but it is to try to score some political points to try to show that Republicans are not really the big supporters of this programs, but they are. Well, once again, it is not going to work. It is just like with special ed.

Special ed, the Republicans have been the big supporters of the special ed over the years; and since Republicans took control, we have seen the increase for special ed go up much, much faster than when the Democrats controlled it.

And once again, under Pell Grants, Members will find Republicans have strongly supported Pell Grants for the past 5 years. Just as this chart shows, back in 1991 and 1992, the maximum Pell Grant was \$2,400; then it dropped down to \$2,300 for the first 2 years of the Clinton administration.

Look what happened since the Republicans took over, we are going up to \$3,500 now, Johnny come lately. The Democrats say, hey, we want to even increase it more. They always use this argument, oh, my gosh, tax cuts.

Last week we did pass tax cuts and one-third of the Democrats, and I congratulate them, one-third of the Democrats supported it. So I guess they are one-third of the Democrats that was bad. Someone mentioned capital gains. Oh, my gosh, capital gains helps the rich. Capital gains is one reason we have a surplus.

When we cut capital gains, we increased the revenue to the Federal Government. We talk about tax cuts on the Spanish American War, tax on telephones. Luckily the Democrats support that one. Marriage penalty, they talk like they support getting rid of the marriage penalty, and we should take care of that.

So the thing is let us talk about specifics. The Committee on Ways and Means handles tax cuts. We are in an appropriations, this is spending. Appropriations follow-up with a budget resolution. The budget resolution, of which a majority of Members of this House and a majority of the Members of the Senate passed earlier this year, tells us we have to live within our means, and that is exactly what we are doing right now.

Now, we talk about this issue of Pell Grants. I am a former college pro-

fessor. I taught college at Louisiana State University, Georgia State, University of South Florida. I worked with lots of students. I know the importance of financial assistance to students.

It is very important that we provide the most opportunity for every kid to get the highest education they can, so that is the reason Members find Republicans have continued to provide an increase every year more than the President has requested.

Now, all of a sudden, they say oh, my gosh, the Republicans do not like this program. Let us live within our means. Let us do the right thing. This is important for our youth in this country.

One of the most important things we can do for the youth of our country is to get rid of this national debt that we have that has been accumulated over the past several decades and provide the most educational opportunities every student can get.

We have increased Pell Grants by over 50 percent in the past 5 years. I am proud of that accomplishment. I am proud of the leadership that the gentleman from Illinois (Chairman PORTER) has provided and the gentleman from Pennsylvania (Chairman GOODLING) has on these issues. And I do not take any second seat to anybody in support for higher education.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member and leader of the Committee on Education and the Workforce.

Mr. ANDREWS. Mr. Chairman, I rise in very strong support of the Lowey amendment. For a lot of people, the difference between succeeding in higher education and not succeeding in higher education is the Pell Grant. The amount that is proposed in this increase is modest, a few hundred dollars. But it can be the difference between being able to pay for your books or not pay for your books or have your computer access or perhaps take another course that gets us that much closer to your ultimate educational goal.

Mr. Chairman, I really believe that the choice that we should have made about this would not have been made today on the floor. It should have been made several months ago when an unrealistic budget resolution was passed by a majority of this House.

The costs of this proposal by the gentlewoman from New York (Mrs. LOWEY) is under \$1 billion this year. It is important to understand how that fits into the scheme of things.

The costs of the majority's tax scheme is about \$13 billion this year. So for 7 percent of the costs of the majority's tax scheme, we would be in a position to make this substantial investment in better education for more Americans. So the majority could still give 93 cents on the dollar of tax relief that they want to give and approve the Lowey amendment. That is a good deal

for this economy. That is a good deal for this country.

I understand that she does not follow the technical rules, but I think the majority's ignoring the more important rules, which say that we ought to be investing in the future of the economic growth of this country.

In the future, the difference between success and failure will be the difference between an educated and prepared workforce and an under-educated and unprepared workforce.

The Lowey amendment is a step in the right direction for the future, and I urge its adoption.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a very valued member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I was a teacher and a coach both in high school and in college. I can talk articulation agreements. I also know the value of assisted education. The gentleman and I have worked together before on education matters, Pell Grants and the support; but unfortunately, this is just another exercise. No matter what we do, the Democrats try to oneupman by saying we want just a little bit more and that we, the Republicans, do not care.

I think that is wrong. I think this exercise in politics is wrong. I think it disdains the House and what we really stand for. I would tell the gentleman Pell Grants are very, very important; but when Members talk about tax breaks for the rich, which is your mantra on this whole bill and probably will be throughout, then I think Members do a disservice. Because in the case of the death tax, it was not for the rich.

If we take a look at marriage penalty for people, that was not for the rich. Taking away the Social Security increase tax that Democrats put on in 1993 when in control of the White House, the House and the Senate; that is for senior citizens. I think that that itself is a disservice.

If Members take a look at some other areas where we may have cut, take a look at the 149 deployments that the White House has had us all over the world. We had decent debates on the floor. Look at Somalia, Haiti. Haiti we put \$2.4 billion, and it is still one of the worst places in the world. Most of the monies in Aristide's pocket, they just caught Russia laundering \$7 billion in a New York bank. So when Members go log for funds, most of the people supported on that side all of these deployments. Like we said we should not stay in Somalia. We should not go into Haiti and Kosovo and Bosnia. We should not hit an aspirin factory in the Sudan, \$200 billion.

And when I tell the gentleman there would be a lot of money, that money comes out of the general fund. It comes out of the Defense. So there is

money, and we can have increased Pell Grants.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), a leader in education.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman from New York (Mrs. LOWEY) for yielding me time.

Mr. Chairman, I think the important message that I want to leave is to echo the words of the chairman of the Committee on Education and Workforce who spoke about the authorization language that we had for the Teacher Empowerment Act. It is very important when we talk about Pell Grants to understand that the authorization level is \$4,800 as a maximum.

We are far below achieving what the Committee on Education and the Workforce has established as an appropriate grant for those who qualify. We are not handing money out to students who come into the office and say they would like to have assistance in going to college. There is a very complicated formula, a process in which an analysis is made about the need of each specific student.

The monies that we are talking about to add on to the \$300 is based upon a very, very strict analysis of the need of that particular student. And the Congress has already said in its authorization that that maximum ought to be \$4,800. And we are only talking about \$3,800 today. We have to meet this challenge.

Look at what we are doing. We are bringing in 200,000 foreigners to come in and beef up our high-tech industry. High-tech industry is supposed to be the future of this country, the future of the world; and we are not meeting the challenges of higher education.

We talk about our young people needing to be encouraged to go to high school, not to be a dropout, to go on further to achieve their college aspirations. Many of them are too poor to be able to go; many of them come from families where not a single child has gone to college. So to steal from them this small amount of money, \$300, which could lift them up, give them the opportunity to go to college, to me, is an obligation of this country, as wealthy as it is, as prosperous as it is. I strongly support the Lowey amendment.

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. CUNNINGHAM) claim the time of the gentleman from Illinois (Mr. PORTER)?

Mr. CUNNINGHAM. Yes, Mr. Chairman.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), a great supporter of education.

Mr. TIAHRT. Mr. Chairman, it has been good for education to have Republicans in control. Under the direction of the gentleman from Illinois (Chair-

man PORTER), we have improved the important programs; and education has done very well, and Pell Grants is one of those programs.

Under the Democrats' control, prior to the gentleman from Illinois (Mr. PORTER) taking over, Pell Grants were stagnant in their funding levels. It actually shrank a little when the Clinton administration took over. But under the leadership of the gentleman of Illinois (Chairman PORTER), in the last 5 years, we have increased the funding for Pell Grants by 50 percent. It is a very good program, so I want to commend the gentlewoman from New York (Mrs. LOWEY) for bringing to our attention the importance of Pell Grants so that we can talk about how, under Republican control, Pell Grants have done very well.

There has been some confusion on the floor about the relationship between this education funding bill, appropriations bill, and tax relief. There is no tax provisions in this bill, but there is an increase to education. In the last 5 years under Republican control, education has grown faster than the rate of inflation.

The important programs have been highlighted and have also grown. So let us not be confused by this talk about tax relief and education, because Republicans have emphasized the need for good programs, like Pell Grants, like special education, and have increased the funding dramatically.

So when we consider this bill and this amendment, I think that we should remember that it has been very good for education in America, especially for in the classrooms, those people trying to get into college; it has been good to have Republicans under control. And I am very pleased with the gentleman from Pennsylvania (Chairman GOODLING) and his Committee on Education and the Workforce and the gentleman from Illinois (Chairman PORTER) and the Appropriations Subcommittee on Labor, Health and Human Services and Education, because they have emphasized programs that have been efficient and that worked well and more fully funded those.

So let us not be confused by the arguments about tax provisions, and let us focus on the needs of our children and the improvements that the Republicans have made.

□ 1515

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I rise in support of the Lowey amendment. Slowly, but surely, we are shifting the higher educational financial aid system away from low-income working families who need it the most. We all know that college costs are skyrocketing and that these costs are particularly burdensome for working class

and minority families trying to send their first child to college.

Pell Grants are the one program specifically designed to help these low-income students get their foot in the door of a college or university. Since 1980, adjusted for inflation, tuition has more than doubled, while the value of the maximum Pell award has dropped by 25 percent.

So I do not buy the Republican argument that we have done enough financial aid for needy kids. None of us should buy the argument put forth by some, including Governor Bush, that says, well, if they cannot afford school, let them just take out loans. For a low-income family, particularly one that has never sent a child to college, the prospect of taking out \$15,000, \$30,000, or \$50,000 of loans is often unthinkable. That option is simply not in the cards. In many cases, if the family cannot afford the tuition bill, these kids simply do not enroll at all.

So I support the modest Lowey amendment to raise the Pell Grant by \$300 to \$3,800 a year. A yes vote on this amendment sends a message that Congress is willing to give the neediest, hard working kids an extra boost into college. It is not a handout, but a helping hand, to those students who need it the most.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, appropriations for Pell Grants have increased by 24 percent under the leadership of the gentleman from Illinois (Mr. PORTER). The maximum Pell Grant has gone from \$2,340 to \$3,500, again an increase of almost 50 percent under the leadership of the gentleman from Illinois (Mr. PORTER). 237,000 more students receive Pell Grants. For fiscal years 1987 to 1995, when the appropriations were written by the other side, the maximum Pell Grant increased by an average annual rate of 1.4 percent. Under the leadership of the gentleman from Illinois (Mr. PORTER), that annual average rate is 7.1 percent.

In addition to funding, the funding for work study has increased by 52 percent under the leadership of the gentleman from Illinois (Mr. PORTER) and would increase much more if we had not gotten into this community service business and set up all those bureaucracies. All of that money could have gone into work study, and the college students would have done the public service work.

Funding for Supplemental Education Opportunity Grants has increased by \$70 million. Funding for TRIO programs has increased \$115 million, for a total of \$760 million. The Perkins capital contributions are level funded at \$100 million, but the cancellation fund has been increased to \$40 million. Aid for institutional development has in-

creased by \$95 million, for a total of \$388 million, and that will assist hundreds of institutions with their efforts to improve academic instruction, in technology upgrades and institutional management.

Yes, Mr. Chairman, the students at the colleges and the universities today and the proprietary schools say, Thank you, Mr. PORTER, for making higher education a priority during your reign, and the students who wish to be college and university students and proprietary school students also say, Thank you, Mr. PORTER. I will be able to realize my dream, thanks to your making higher education one of the priorities in your leadership.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York to increase the maximum Pell Grant level to \$3,800. This is a reasonable and modest amendment; and I would like to see the increase, quite frankly, be even greater. I have even introduced a bill that would fully fund Pell and restore its original purchasing power. To do that, the maximum Pell level should be at \$6,900.

Everyone in this Congress talks about increasing funding for Pell Grants, but somehow there is never enough money to fully fund this program. Somehow our students always get shortchanged.

This is a debate over national priorities. The majority in this Congress believes we can spend hundreds of billions of dollars on tax breaks for the wealthiest 2 percent of Americans. Certainly then, Mr. Chairman, we can afford \$938 million for the working families of this country, so that we can move closer toward that day when every single child in America will be able to get the higher education that they need.

With an increasingly global economy, our students must be prepared to face the challenges of the future. A college education is key to that success. We will not continue to be the world's economic superpower if we do not have a well-educated workforce.

All young people, regardless of income, deserve the opportunity to go to college. Mr. Chairman, to do that, we must increase the funding for Pell Grants.

Mr. Chairman, I want to thank the gentlewoman from New York (Mrs. LOWEY) for her leadership and courage in bringing this issue up for debate, and I urge my colleagues on both sides of the aisle to put students first and to support the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of our committee.

Mr. OBEY. Mr. Chairman, I think we ought to call a spade a spade here today and recognize what is happening. The majority party in 1995 tried to shut down the government in order to force President Clinton to cut \$270 billion out of Medicare and to make deep cuts in education and health care and a number of other domestic programs just to finance huge tax cuts which were primarily aimed at the highest income Americans. You got burned. Since then, you have been a little shy about attacking education.

We have seen charts today that brag about what the Republican Party has done to raise Pell Grants. This chart shows in the blue graphs what the President has asked for in Pell Grants since 1985. The red chart shows what the Republicans have provided, or what the Congress has provided. As you can see, it has been the presidential demand that has driven the number up each year, except for 2 years when the President asked for more money and the majority party one-upped him by a tiny amount of money. So it has been the President driving this upward increase in Pell Grants.

The question is not so much what you did yesterday; it is what you are going to do today and tomorrow. In 1976, Pell Grants paid for over 70 percent of the cost of sending a working family's kid to college. Today it pays for less than 40 percent.

We think now that we have surpluses instead of deficits we ought to do something about that. We are afraid that you are not going to make higher education a priority because your standard bearer, George Bush, said on March 22: "Higher education is not my priority." He also said when he came to my State, when he was asked by a student, what are you going to do about the huge debt overhang that kids have when they leave college, he said, and this is an exact quote: "Too bad. That is what loans are; they are to be paid back. There is a lot of money out there, if you just go looking for it. Some of you are just going to have to pay it back, and that is just the way it is."

That is a "let them eat cake" attitude, and we do not subscribe to it. I urge that the House recognize the wisdom of the amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to urge my colleagues on both sides of the aisle to do the right thing, to support this amendment. I have heard my good friends say live within our means, do the right thing. I heard other good friends on the other side of the aisle saying this is just an exercise. This is just politics.

I just wish my good friends were with me at Westchester Community College just a few weeks ago talking to the students who are benefiting from student

aid. One of them was in tears. She desperately wanted to be a teacher. Now, maybe it is hard for people on the other side of the aisle to understand that this young woman could not put together the \$2,500 she needed to pay her tuition. She just could not do it, and we were there just trying to figure out how we could respond to these problems.

It seems to me that we have to get beyond the politics, get beyond the partisan politics and focus on what are the real needs. You cannot say that a tax cut is irrelevant. You are saying there is a limited pot of money. Well, in my judgment, at this time of such prosperity in this country, at a time when people are in need and they are struggling to pay their tuition, not only should we be funding GEAR UP to motivate young people, to help them understand that getting an education, working hard, will provide them with the opportunities of a good life in the United States, not only must we support IDEA, which helped those disadvantaged kids, to give them the opportunity to reap the rewards of this society; but it seems to me that we have a responsibility to do what we can to get as close as we can to the authorized level.

That is why I offer this amendment. These youngsters work two and three jobs. They are not just depending on public assistance. Let us support this amendment. Let us support our youngsters. Let us invest in education. Let us get real.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, one of the matters that the other side has conveniently failed to address, and both the gentleman from Massachusetts and my colleague from Wisconsin failed to address it as well, is the fact that what we are attempting to do by increasing funding for Pell Grants is to get more access for more young people of modest means to get a higher education. One of the difficulties is that every time we raise the Pell Grants, the colleges and universities across this country raise their tuition and expenses, and we buy no new access. So simply raising the money, unfortunately, does not get us greater access. In fact, as one of the speakers said earlier, education inflation has outstripped the increases that all of us have strongly supported in Pell Grants. We really ought to all be concerned about this trend.

Now, I would say to the gentlewoman offering the amendment, our bill increases student financial aid by \$763 million, an increase of 8.1 percent. That is about what we have been trying to do every year. That is a 6 percent real increase; a large increase. We are, obviously, concerned, as you do not have to be, with the bottom line.

Now, budgets are meant to give limits. Limits are something that my col-

leagues in the minority paid no attention to for years and they are not paying any attention to those limits today. For the 30 years that they controlled the House, they spent as if there were no limits. They spent the Social Security reserve, all of it. They spent us into huge deficits, some years nearly \$300 billion, until finally the American people said, "We don't think you ought to be in control any longer. You are not responsible."

So here we are again. You are offering no limits, no restraint with the budget. You will not even recognize it, even though it is adopted by both sides of the House. Unfortunately, somebody has to be responsible. We are trying to be responsible.

We have met the President's goal in raising funding for Pell Grants. In some years we have exceeded the President's suggested funding level for the maximum grant. We put this at an extremely high priority. We believe that young people across this country who want to go on to a higher education ought to have that opportunity. Kids of modest means need that kind of support.

All of us ought to be concerned about the fact that this money is just absorbed in our education system. There seems to be no restraint on education inflation, and the access we are trying to get for more kids often is lost in higher costs and higher tuition.

□ 1530

Mr. Chairman, I would say to my colleague that we have made this a high priority. I would say that we have made it a higher priority than the President year after year. This amendment does not have the responsibility of an offset and simply raises the spending in the bill. It is not in order, as all the rest of these amendments are not in order. It shows no responsibility for limits on spending that all of us must observe.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Illinois (Mr. PORTER) insist on a point of order?

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 8, 2000, House Report 106-660.

This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and is not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the motion?

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from New York (Mrs. LOWEY) proposing to strike a provision scored as negative budget authority on its face proposes to increase the level of new discretionary budget authority in the bill. As such, the amendment would violate section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title III of the bill through page 63, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title III of the bill from page 57, line 4, through page 63, line 19, is as follows:

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, \$48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; \$1,688,081,000, of which \$10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That \$10,000,000, to remain available through September 30, 2002, shall be available to fund fellowships for academic year 2002-2003 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That \$3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$226,474,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the

Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$207,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and sections 10105 and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103-227, \$494,367,000: *Provided*, That \$50,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference report accompanying Public Law 105-277: *Provided further*, That the funds made available for comprehensive school reform shall become available on July 1, 2001, and remain available through September 30, 2002, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: *Provided further*, That \$30,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B-F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227: *Provided further*, That \$45,000,000 shall be available to support activities under section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, of which up to \$2,250,000 may be available for evaluation, technical assistance, and school networking activities: *Provided further*, That funds made available to local educational agencies under this section shall be used only for activities related to establishing smaller learning communities in high schools: *Provided further*, That funds made available for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965 shall become available on July 1, 2001, and remain available through September 30, 2002.

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, \$382,934,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$71,200,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$34,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. (a) INTERNET FILTERING.—No funds made available under title III of the Elementary and Secondary Education Act of 1965 to a local educational agency or elementary or secondary school may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, unless such agency or school has in place, on computers that are accessible to minors, and during use by such minors, technology which filters or blocks—

- (1) material that is obscene;
- (2) child pornography; and
- (3) material harmful to minors.

(b) DISABLING DURING ADULT USE.—An administrator, supervisor, or other authority may disable the technology described in subsection (a) during use by an adult, to enable unfiltered access for bona fide research or other lawful purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency or elementary or secondary school from filtering or blocking materials other than those referred to in paragraph (1), (2), or (3) of subsection (a).

(d) DEFINITIONS.—

(1) MATERIAL HARMFUL TO MINORS.—The term "material harmful to minors" has the meaning given such term in section 231(e)(6) of the Communications Act of 1934.

(2) CHILD PORNOGRAPHY.—The term "child pornography" has the meaning given such term in section 2256(8) of title 18, United States Code.

(3) MINOR.—The term "minor" has the meaning given such term in section 2256(1) of title 18, United States Code.

(e) SEVERABILITY.—If any provision of this section is held invalid, the remainder of such section and this Act shall not be affected thereby.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 305. None of the funds made available in this Act may be used to carry out any activities related to any federally sponsored national test in reading, mathematics, or

any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law, except that such limitation shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.) and administered to only a representative sample of pupils in the United States and in foreign nations.

AMENDMENT NO. 186 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 186 offered by Mr. RYAN of Wisconsin:

Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION—EDUCATION REFORM" for the 21st Century Community Learning Centers, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by \$300,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN)

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in short, my amendment that I bring forward is an amendment to make special education a priority by increasing the funding for IDEA by \$300 million and by reducing the 21st Century Learning Centers by the same amount, an appropriation which is \$600 million at this time.

My reason for offering this amendment really comes down to the promise made to special education students and their parents and teachers by the Federal government. When Congress passed the IDEA law in 1975, we did so with the stipulation that the Federal government would fund 40 percent of special education and the State governments would fund 60 percent of special education.

Sadly, that is not the case today. This new law from 1975 on amounts to an unfunded mandate being placed upon our local school districts. It is a law where every single dollar in local school districts being chased to fund this unfunded mandate comes at the expense of every other local resource decision allocation made in our local school districts.

This funding formula right now stands at 12.6 percent, meaning the Federal government is funding 12.6 percent of IDEA, where it promised in 1975 to fund 40 percent. It is a huge funding shortfall, which is a large unfunded

mandate being placed on our local schools.

Last month the House passed legislation authorizing the IDEA Grants to States program, which is where the bulk of the IDEA funding comes from. It is \$7 billion. Many voted in favor of this legislation. However, the underlying appropriations bill being debated here provides \$5.49 billion for IDEA.

As I mentioned earlier, the increase for special education will be offset by a \$300 million decrease in 21st Century Learning Centers. This is a program that was created by a Wisconsinite, Steve Gunderson, in 1994. The purpose of this program at that time was to allow local communities in rural areas like western Wisconsin to have the chance of using the facilities, the libraries, the computer systems in high schools and other areas where those kinds of facilities do not exist.

Well, this program has gone well beyond its original intent to the point where, Mr. Gunderson has said, if we examine both the Department's publicity for this program and its allocations of funds, we discover little of the legislative intent.

This program has grown in function and in funding beyond the scope of why it was created in the first place. Beyond that, Mr. Chairman, this program has grown 800 times in 5 years, from \$750,000 to \$600 million in this budget year's budget, an 80,000 percent increase in just 5 years. Yet, this program is unauthorized. This program has had no IG reports, no GAO reports, no reports discovering whether or not this program is using its money wisely.

There is another very important point which the authorizers have pointed out. That is that it vastly mirrors and duplicates other existing programs in the Federal government; namely, the Safe and Drug-Free Schools Act.

That bill that has been passed through the authorizing committee, H.R. 4141, would add these two programs together, would put 21st Century Learning Centers in the Safe and Drug-Free Schools Act. Even with this amendment passing, it would provide a 50 percent increase in Safe and Drug-Free Schools Act with the authorizing language.

My point is this, Mr. Chairman. Almost every Member of Congress, on a vote of 413 to 2, voted for House Concurrent Resolution 84 earlier this year, stipulating that the highest priority of Federal spending in education would be IDEA, would be special education. All this amendment does is seek to go down the road of trying to cover that unfunded mandate Washington is placing on our local schools.

It says to other Members, "Be consistent. If you voted for House Concurrent Resolution 84, as 413 Members did, then be consistent and vote for this amendment putting \$300 million into IDEA and leaving the growth of the

21st Century Learning Centers to be a 50 percent growth for fiscal year 1999."

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member wish to claim time in opposition?

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I am opposed to this amendment. We have done more to increase IDEA than any other governmental account. It has been placed at the highest priority. It has the highest dollar increase of any other educational account. There is half a billion dollars in this bill of increase. We bring up the account to \$5.5 billion.

Over the last 5 years we have doubled the funding for IDEA. It is a high, high priority for us, Mr. Chairman. But there are other programs that are important, as well. The 21st Century After-School Learning Centers provide kids who are in high-risk neighborhoods with an opportunity to be off the streets. It places them in an educational environment where they are not going to get into trouble. They are not going to end up in prison. They are not going to be able to lose their chance for an education. They will get an opportunity to get ahead in our society.

This is where the money is going. It is providing them safe havens at a time when crime is often being committed by young people. We want to get them off the streets.

While I respect the gentleman and his amendment, I believe that we have done everything we possibly can do for IDEA. I think this is a very important and effective program, and I think the amendment therefore is misguided.

Mr. RYAN of Wisconsin. Mr. Chairman, I ask unanimous consent to reclaim the balance of my time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. RYAN) has 1 minute remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas (Mr. TIAHRT), a cosponsor of this amendment.

Mr. TIAHRT. Mr. Chairman, I think this amendment is important because we are taking a program that is going to increase. We are not taking away the large portion of the increase. We are still leaving \$100 million as an increase in the 21st century learning program. We are simply redirecting the remaining money to a higher priority. That is the special education program.

I think it is a good amendment. I think it meets the priorities of this

House as was voted on just last May. I would ask the Members to support the Ryan-Tiahrt amendment.

Mr. Chairman, I rise today in strong support of this amendment. Forty days ago this very body stood up and by an overwhelming vote of 421-3 passed H.R. 4055, the IDEA Full Fund Act stating this Congress' commitment to fully funding the Individuals with Disabilities Education Act. Many of my fellow colleagues joined me at this podium and asserted our responsibility to live up to our promise to our school districts. Additionally, last May we passed H. Con. Res. 84, again by an overwhelming vote of 413-2, which urged Congress and the President to give programs under the Individuals with Disabilities Education Act the highest priority among Federal elementary and secondary education programs. The highest priority.

The legislation increases IDEA funding by \$500 million from FY2000 funds, continuing the Republican Congress' record of consistently adding money to the IDEA program. I commend Chairman PORTER for his drastic increase in IDEA funding from 13 percent to 25 percent. It is under his and Chairman GOODLING's guidance that we have stepped up our efforts to help local school districts comply with IDEA mandates. However, even this great increase is still about \$1.5 billion short of the 40 percent funding we promised to our school districts. This is a good bill that will improve our nation's schools. I just believe that we have an opportunity to do even more to ease the burden IDEA has placed on school districts.

My home state of Kansas can expect to see about a quarter of the promised \$69 million this year for IDEA mandates. Anyone who has spoken with school officials in their districts know that this is inadequate. While school districts are forced to rob Peter in order to pay Paul to meet IDEA mandates, at the expense of both children with and without disabilities, Congress has increased funding for Department of Education programs that are not vital to our children's education. One such program, the 21st Century Learning Centers program, has ballooned 800 percent in the last 4 years. This program was originally funded at \$750,000 to help rural areas maximize their resources. I am not looking to eliminate the 21st Century Learning program. I am only looking to cut the increase in funding by \$300 million, about half of the \$600 million it was funded, and still a 400 percent increase from FY1996 funding.

I don't know how many Members have toured special education facilities in their home districts. I have. I have toured Levy Special Education Center in Wichita and seen these special children. I have met with special education teachers and listened to their frustration about the lack of funding combined with the burden of increased paperwork.

Twenty-five years ago with the passage of IDEA the Federal Government mandated that our local school systems educate all children, even those with severe mental and physical disabilities. IDEA has placed an extreme financial burden on our public schools which could be partially alleviated by keeping our commitment to fully fund 40 percent of the program. To not do so, and instead increase funding for

programs like the 21st Century Learning Centers, we are completely ignoring the needs of our local school districts. I challenge my fellow colleagues to live up to their vote last month and support our effort today to put more money into IDEA.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. OBEY) for purposes of control.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin (Mr. OBEY) will control 2 minutes.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in strong opposition to the Ryan amendment, and support the chairman's opposition.

Mr. Chairman, this is a measure which would cut the 21st Century Community Learning Centers program by \$300 million. This amendment is a wolf in sheep's clothing. This wolf is ready to attack our students.

By drastically cutting this program, the gentleman from Wisconsin (Mr. RYAN) and other Members of this House would be responsible for pulling our children out of safe educational settings and sending them to empty homes and to unsafe streets.

The gentleman's State, Wisconsin, has 19 programs. Our State, New Jersey, has seven. We have been planning for this for over 6 months. Now the gentleman is going to pull the rug out from what we believe is going to be a very successful program because it has brought together many segments of the community for something that is worthwhile, something very tangible, and something very educational.

Mr. Chairman, this would dismantle new programs. It would stop us looking to other places where these programs should be implemented. This amendment would cut over \$260,000 in one system alone. That is Passaic, New Jersey. I ask for the defeat of this amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the reason this bill is here is because 15 million kids go home every day to an empty house because so many of them have two parents working outside of the home. That is why we are providing after-school centers.

If this amendment passes, we will be ignoring the fact that most of the juvenile crime in this country occurs between the hours of 3 o'clock in the afternoon and 7 in the evening. We will be ignoring the fact that this amendment would cut back by 27 percent each and every one of the grants that now serves some 3,000 centers in the United States.

If we take a look at the way this program works that the gentleman is try-

ing to cut, 28 percent of the kids who are participating in these after-school activities have been identified as kids with disabilities.

In terms of need, if we want to measure it, just recognize the fact that there are 2,200 communities which have requested that we provide a total of \$1.3 billion in assistance for after-school centers. The agency has been able to fund only 310 new grants. That is not enough to meet the problem.

I would suggest to the gentleman, I appreciate where he wants to put the money, but where he wants to take the money from is a tremendously bad idea. If Members care about youth discipline, if Members care about crime, I urge rejection of the amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

A few brief points. This program goes vastly beyond its original intent, even stated by the author of the program.

Two, even with this amendment, after-school programs will be vastly increased. Even with this amendment, in fiscal year 1999 there is a \$100 million increase.

Number three, it really comes down to an issue of local control. If we vote to fully fund IDEA and get as close to that goal as possible, we are voting for any program that helps local school districts, because we are voting to put those dollars in the hands of local education decision-makers. It is a vote for after-school programs. It is a vote for local control.

Mr. PORTER. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM), a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, Members do not know how good it is to work on a bipartisan basis on an amendment with the other side.

Both sides, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. PORTER) and my colleagues, have worked for after-school programs, not just babysitting, but to make sure there is education going on. I laud that from both sides.

Alan Bersin is the Superintendent of Schools in San Diego. I support him 100 percent. He is one of my champions. He is a Clinton appointee on the board, and before now he was superintendent.

If we really want to help special education, we are losing thousands of good teachers that just want to teach in special education. But there are trial lawyers that are using and abusing the schools and forcing many of these teachers out.

This is an area where we can come together and work to actually enhance special education, instead of having trial lawyers take all the money that we are trying to help with that.

I laud my colleagues on the other side for supporting the after-school

programs. I thank the gentleman from Illinois (Mr. PORTER) and the gentleman from Pennsylvania (Mr. GOODLING).

The CHAIRMAN pro tempore. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

□ 1545

The CHAIRMAN pro tempore (Mr. PEASE). Are there further amendments?

AMENDMENT NO. 2 OFFERED BY MR. GARY MILLER OF CALIFORNIA

Mr. GARY MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GARY MILLER of California:

Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION—EDUCATION REFORM" for ready to learn television, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by \$16,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from California (Mr. GARY MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Ready-to-Learn television program was created by the Improving America's School Act of 1994. It was intended to support the first national educational goal of Goals 2000, that by the year 2000 all American children begin ready to learn for school.

The Ready-to-Learn television program authorizes the Secretary of Education to award grants to enter into contracts or cooperative agreements with nonprofit entities to develop, produce, and distribute educational instructional television programming and support materials.

The target age group is pre-school and elementary age children. In the past, it has gone to a collaboration between the U.S. Department of Education and the Corporation of Public Broadcasting.

We are transferring money from one Federal agency to another.

We are not against funding quality educational television programs. This vote is not a referendum on the validity of spending \$16 million on the Ready-to-Learn television program. This vote is about prioritizing our limited educational dollars as we go. Meeting the direct needs of our local districts should be our first priority.

Labor HHS also increases the Corporation for Public Broadcasting's budget by an additional \$15 million, as requested, for a total of \$365 million. That does not include the \$16 million.

Special education has been chronically underfunded. In 1975, Congress passed the Individuals with Disabilities Education Act.

The Ready-to-Learn television program basically supports two shows, *Dragon Tales* and *Between the Lions*. Cutting the Ready-to-Learn television program does not cut *Sesame Street*, *Mr. Rogers' Neighborhood*, *Teletubbies*, *Barney*, *Arthur*, *Theodore Tugboat*, *Noddy*, *Zoom*, or any of the programs children watch.

We need to prioritize our dollars. We need to vote for special education. I ask for support for this amendment.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) seek to claim the time in opposition?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The amendment would eliminate all funding for the Ready-to-Learn TV program and puts the money into IDEA State grants.

Now I just indicated on the last amendment that we have made IDEA State grants a high priority in our bill. We increased it up by half a billion dollars this year. I am at a loss to understand why the gentleman would target the Ready-to-Learn service that serves 132 public television stations in 46 different States, including his own.

Ready-to-Learn TV currently provides a minimum of 6.5 hours of non-violent educational programming each day. The number of participating stations across the country has grown from 10 stations in 1994 to 132 in the year 2000, reaching 90 percent of American homes.

In addition, two new daily children's educational programs, *Dragon Tales* and *Between the Lions*, and two parenting initiatives, have been developed as a result of this project.

The program was recently reauthorized as part of both the House and the Senate ESEA bills.

I believe that while the gentleman has a very wise intention to continue to increase IDEA funding, we have cer-

tainly done a far better job in this area than the President has suggested in his budgets, which are after all political documents. Nevertheless to zero out this effective program that is subscribed in almost every State in the Union and by so many of our public television stations, seems to me to be unwise. I would oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARY MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the chairman for his work on IDEA. He has done a commendable job, and this is in no way to impugn his efforts in that direction, but we have a limited amount of funds. We have to say when a child spends a little over 4,000 hours in front of a television before they start school, does the Federal Government need to fund an additional \$16 million each year for *Dragon Tales* and *Between the Lions* when we need to prioritize our funds?

The money should go to the classroom. This is reasonable. It is established by offsets. We are not trying to drag monies in that do not exist and we are just saying we have made a promise to fund special education. We have not complied with that promise. We have left local districts underfunded. This is a small amount of money, \$16 million, but when we are dealing with monies that are not available it can be a large amount of money, and I ask for support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) control 2 minutes of my time, for the purpose of yielding time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will simply say this is the kind of amendment that should be supported if you believe that our young children are being exposed to too much quality television. If you think that they are not, then I think it is an amendment that one ought to oppose.

Mr. Chairman, I yield the rest of my time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. ANDREWS) is recognized for 1½ minutes.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me time.

Mr. Chairman, I rise in opposition to the amendment and in support of the position expressed by the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY).

I think one of the most effective ways to reduce the need for special education is to improve reading skills for very young children. \$16 million for a program that reaches every corner of the country is a very modest, and I believe very wise investment.

Many of the special education problems in our public schools are actually misidentified because they are reading problems. They are children that are struggling in school because they never built the building blocks of reading skills in the early ages.

Now getting children to a quality pre-K program is a noble goal. It is something I believe we ought to do, but for many families it is an impossible goal. It is much more possible for the family and the children to gather at the appropriate time in front of a television set and begin to pick up some of those skills in the privacy of the home.

This is a very small investment in a very great need, and I believe that the amendment is misguided. It is certainly wise in trying to add to special education but reducing the need for special education is what we get when we invest in reading.

I oppose the amendment.

Mr. GARY MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting the concept that government must provide quality television. It is the first time I have heard an argument maybe children should come home at night and watch TV instead of do homework. I think dollars belong in the classroom. When we have a shortage of dollars and we have made a commitment and a promise to special education classes that we are going to fund them, and we have yet to do that, to make an argument that we need to provide more television time for children at home rather than an opportunity for them to learn in the school is a different argument, an argument I am unaccustomed to hearing.

It is interesting that the House budget in 1997, 1998, 1999 and 2000 allocated zero dollars for this program. It came back from the Senate with a final appropriation bill in 1997, 1998, allocating \$7 million.

There are a lot of sponsors in this country looking for an opportunity to sponsor good television shows. We argue against tobacco companies for advertising and encouraging young people to smoke. Obviously, advertising works. Sponsors will put their money where it works. If money works in good television shows for young people, they will sponsor those shows. But when we are dealing with the government having to fund television and when we have special education fundings that should be provided for and we are not providing for them, that is not a very good argument. I think

we need to put our money in the classroom, put our money where our mouth is and support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield the balance of our time to the gentleman from California (Mr. CUNNINGHAM).

The CHAIRMAN pro tempore. The gentleman from California is recognized for 1 minute.

Mr. CUNNINGHAM. Mr. Chairman, once again I find myself up here in support, and I would say to my colleague, the ranking minority member on the committee, in the regards to Archie the Cockroach, which I have right here, in this bipartisan support against this amendment, children do watch too much television. They are going to watch television. If we look at the violence and the things that are out there, I want my children watching something that is going to improve their literacy, that is going to improve their knowledge on education, especially for those who are going to enter kindergarten. This has been proven the case.

If we were talking about some of the other programs, yes, I would support this, but in this particular case I reluctantly oppose the gentleman's amendment. In the spirit of Archie the Cockroach, I support the gentleman's position.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to this amendment.

This amendment robs Peter to pay Paul, and will gut the Ready to Learn program that serves as an educational tool for millions of school age children.

The sole PBS station in my home city of Jacksonville provides quality educational, cultural, and information programming services that directly affect the quality of life of my constituents. They have been doing a tremendous job of providing top notch outreach and pro-children programming with the limited Ready to Learn funds they receive. They are partnering with the local public library and children's commission to provide outreach and training to underserved communities, and have been recognized by the county school systems Teen Parent Program for providing outstanding service to young mothers. All of this with a meager \$12,000.

It's unbelievable to me that we can stand here on the House floor and talk about tax cuts while we strip funds from our PBS stations. I agree that we need more funding for special education programs, but not at the expense of a program that serves millions of young children.

I ask my colleagues to do the right thing. Oppose this amendment and save these valuable funds.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GARY MILLER).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. GARY MILLER of California. Mr. Chairman, I demand a recorded vote,

and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from California (Mr. GARY MILLER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word and yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, the gentleman from Illinois (Mr. PORTER) said before that Democrats are operating without limits, and that is why the deficits got out of control. I was really puzzled by those comments.

Mr. Chairman, I would like the gentleman from Wisconsin (Mr. OBEY), our ranking member, to clarify for the record that statement.

Mr. OBEY. Mr. Chairman, I would not do this but because we have repeatedly heard the statements that it is the uncontrolled spending of the Democrats that have caused the deficits, I want to repeat a little history lesson.

This graph shows that at the end of World War II our national debt, as a percentage of our total national income, was more than 100 percent because we fought World War II first and thought about paying for it afterwards. If we had not done that, Hitler flags would be flying all over the world.

That dropped under a succession of Presidents, Republican and Democrat, until the debt was down to about 23 percent of our total national income. Then it stalled out between, say, 1973 and 1979 with the two energy crises under President Ford and President Carter.

President Reagan got elected. The Congress passed his budgets which doubled the defense spending on borrowed money and which cut taxes by very large amounts at the same time. As a result, as the gentleman from Maryland (Mr. HOYER) pointed out last night, the debt exploded as a percentage of our national income and in all other ways. We added over \$4 trillion to the debt, and it was pushed back up to about 50 percent of our annual national income.

Since that time, the President has recommended budget changes and the economy has resurrected itself at a remarkable rate, and at this point we are rapidly on our way to eating into that debt both as a percentage of our national income and in terms of its overall dollar amount.

What we have been doing the last 18 years, we have been spending the last 18 years trying to eliminate this debt bubble that was caused by the irresponsible spending of the President and the Congress under the Reagan administration.

President Bush signed a budget agreement that began the downturn

and President Clinton got his budget package through the Congress by one vote in both houses, which substantially reduced that debt.

So all I would say, in response to the gentlewoman, is that I will never again listen to any lectures on the other side of the aisle about being responsible in terms of spending and debt, because we have spent the last 18 years trying to get back to a budget which is reasonably in balance, and thankfully we now are. So the issue is not what happened yesterday but what we ought to do tomorrow. We think that since we have moved from an era of deficits to an era of surpluses that not all of those surpluses should be used for tax cuts; that some of them should be reserved to deal with Medicare, with education, with health care, with child care, and that is what we are trying to do in these amendments.

Mr. Chairman, I thank the gentlewoman for her question.

□ 1600

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I am not going to bring Archie out this time. Mr. Chairman, in the spirit of Archie, I have got to oppose the statements of the gentleman from Wisconsin (Mr. OBEY).

First of all, the proof is in the pudding right here today. The Democrats controlled this House and Senate almost exclusively for 40 years. Spending is controlled within Congress, not the President of the United States. We sent him the bills.

The President in every one of his budgets, not many Democrats ever supported it, nor Republicans. We brought it up to show how ridiculous it was. It was a political document. I would say in the spirit of Archie, Republican Presidents have done similar things.

But the proof is in the pudding right here today. No matter what we put as a mark within the balanced budget, within a budget frame, they want more. They want more and more and more. Just like they have in every single one of their appropriations bills, every single time, which drives up the debt.

For 40 years, did they have a balanced budget? Absolutely not. They had \$200 billion deficits as far as one can see. Welfare reform, which limited their spending, welfare, they spent trillions of dollars in just dumping more money into it. Sixteen years is the average. Now, we have people working, bringing home a paycheck instead of letting the children see them bring home a welfare check. Billions of dollars of revenue in, and not the Democrats when we talk about policies that increased.

President Kennedy, along with Ronald Reagan, recognized that tax refunds to the American people, they are going to go out and buy a double egg, double cheese, or double fry burger, or a car or buy real estate; and that money is going to turn over. That revenue is going to provide tax money to the general fund. That has always been the case.

But, yet, my colleagues on the other side, tax increases, look at 1993 in the tax increase. Then we have eliminated many of those tax increases on the American people. Look what has happened to the economy. But they cannot help themselves increasing taxes, and then every dime out of the Social Security Trust Fund they spent and put in IOUs, which drove up the debt over \$5 trillion.

We said no more. Let us put it into a lockbox. Guess what, we are paying off the debt by the year 2012. Forty years they had to do that. We have been in leadership for 5 years. Look at the difference.

The chart of the gentleman from Wisconsin (Mr. OBEY) is almost laughable, because in every single appropriations bill we bring up, except for defense, watch my colleagues try and increase spending above a balanced budget.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. PORTER. How much time is remaining, Mr. Chairman?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. PORTER) has 2 minutes remaining.

Mr. PORTER. I yield to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I would just say to the gentleman from California (Mr. CUNNINGHAM), I appreciate the talk. I was elected in 1996. But in 1993, the tax bill that was passed by the Congress, there were those on the other side of the aisle who suggested it would cause unemployment to rise, interest rates to rise, and the economy to move in the wrong direction.

But if I am not mistaken, 8 years ago, the DOW was at 3,500; it is now three times that amount. We had a \$390 billion projected deficit for last fiscal year. We are now running \$180 billion plus surplus. According to the front pages of newspapers around the country, those projections are conservative.

I appreciate the gentleman from California trying to take credit. I think there is a lot of credit to be given here, as entrepreneurs and innovators deserve a lot of it as well. But to suggest that we are at fault here, I think, is somewhat of a misnomer.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman from Illinois (Mr. PORTER) will further yield, the fact is that one can spend it any way one wants. The gentleman from Tennessee (Mr. FORD) is my friend, and he knows that. One can spend this any way one wants.

But increasing the taxes on the American people does not stimulate the economy. Not operating under a balanced budget does not.

Those taxes that Democrats supported without a single Republican vote, we have repealed the Social Security tax. We have balanced the budget. We brought revenue in with welfare reform. We saved Medicare. We put Social Security in the trust fund. Those are the economic stimulus that I think have stimulated the economy, not a tax increase.

Mr. FORD. Mr. Chairman, if the gentleman from Illinois (Mr. PORTER) will further yield, I would just contend that we all deserve a little credit for that.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 203 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 203 offered by Mr. SCHAFFER:

Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION—EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT" for the research activities, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by \$10,356,700.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask for favorable consideration of the amendment I have offered. What that amendment does is shifts approximately \$10.3 million toward the Individuals with Disabilities in Education Act funds, special education as we know it.

Mr. Chairman, this House has acted three times in recent months on establishing for ourselves and for the country a priority of fully funding the Individuals with Disabilities in Education Act. This first was initiated in the first session, about a year, a little over a year ago, where 413 of us said that this is the highest priority in the Department of Education.

Let me reemphasize that, because the funds I am shifting come from the Office of Education Research and Improvement and some research expenditures; I might also add, the same funds that the gentleman from Indiana (Mr. ROEMER) proposed to move \$25 million from earlier.

That is a priority for some clearly, but I would submit and defy anyone to

challenge my statement that IDEA is the highest priority established by this Congress. I say that because 413 of us voted for those exact words, that the fund I am proposing to increase by \$10 million is the highest priority that we have.

So I do not want to get into the debate of whether the funds we are moving are coming from a priority, only whether it is true that we are shifting funds from a lesser priority to a higher priority. I think when viewed within that context, I hope that the numbers will be similar on this amendment that they were when we established that priority a little over a year ago.

Now, just a month ago, we passed a similar resolution where we suggested that we would fund this year's IDEA to the tune of \$7 billion. Well, we have not really done that. We have added, I think, a half a billion dollars, which is a billion and a half short of where we promised the American people we were headed. In fact, in that resolution, the schedule is lined out right in the bill itself. My colleagues can take a look at it. It was H.R. 4055. It says right here, in 2001, we will authorize for appropriations \$7 billion. We are a billion and a half short of that, despite the heroic efforts, I might add, of the chairman and others who believe that IDEA is a high priority.

I am here to make a case that it is, in fact, the highest priority. When we make the promise to the American people, not once, not twice, but in fact three times, then we ought to fulfill that promise and make a stronger effort. I am suggesting at least to the tune of \$10 million how we might be able to do that.

Then, finally, in the budget resolution, which just passed days ago, we assumed at least a \$2 billion increase in fiscal year 2001 over the current fiscal year as part of our commitment to get us to 40 percent of full funding, the congressional promise to the Individuals with Disabilities in Education Act.

Mr. Chairman, I urge favorable adoption of my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) claim the time in opposition?

Mr. PORTER. Mr. Chairman, I claim the time in opposition, and I yield 1 minute of that time to the gentleman from Wisconsin (Mr. OBEY), and ask unanimous consent that he be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. PORTER)?

There was no objection.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate that the gentleman from Colorado (Mr. SCHAFFER) is a very strong supporter of IDEA. All of us are.

We put it at the very highest priority. Other programs are a priority also. We cannot know whether educational programs, including IDEA, work unless somebody evaluates how they work.

The Federal Government is the primary source of funds for long-term investment in national education research and development. Much of what we know about how to improve schools, much of what we know about how kids learn has come from investments made over the past 30 years.

The education industry is a \$584 billion industry. It absorbs 7.2 percent of our gross domestic product. But we spend only three-hundredths of 1 percent of that money on R&D, education research and development, learning what works and what does not work and how to improve the learning of our children. Most of that spending is cut by this amendment.

The President's 1997 Technology Advisory Report and Senator FRIST's 1998 Budget Committee Education Report and this year's Republican Main Street Partnership paper all call for more spending, not less, on education R&D.

Cutting education statistics will eliminate the retesting of students who took the TIMS exam, which found our students lacking in math and science knowledge. This will prevent our Nation from knowing whether our students are getting better or worse in those very, very important areas.

Mr. Chairman, the desire to increase IDEA is one we certainly share with the gentleman from Colorado (Mr. SCHAFFER). But taking money from this account is not wise. We need to know what works and what does not work. This is very, very important spending. I urge Members to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we spend billions of dollars of taxpayers' money on education. We spend it on programs with various groups in the education community promoted as being good ideas.

We spent a fraction of that amount to actually determine what works and what does not. Each Member brings to this floor his ideology, his biases, his prejudices. Once in a while, maybe a few facts. But the fact is that, without education research, we are flying blind. We are spending the taxpayers' money blindly, and we are more likely rather than less likely to put it in the wrong places.

That is why I think the amendment is wrong and should be defeated.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. SCHAFFER) has 1½ minutes remaining. The gentleman from Illinois (Mr. PORTER)

has 2 minutes remaining and has the right to close.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address a couple of points. One, it was said that this amendment cuts most of the funds where research is concerned. The reality is this cuts a fraction of the funds from our research efforts, about 10 percent to be exact. In fact, much less than what was proposed by the gentleman from Indiana (Mr. ROEMER) earlier today.

Secondly, the notion that this is a reliable use of funds today is also errant in my estimation. I would point to the testimony given by a witness that was called before the Committee on Education and the Workforce by the Democrats. This is Dr. Robert Slavin, who was the co-director of the Center for Research on Education of students placed at risk. He says, "OERI does have a good deal of money, but very little of it is for anything like research. This must change. We can talk all we want about standards or assessment or governance or charters or vouchers or other policy initiatives. But until every teacher is using better methods and materials with every child every day, fundamental change is unlikely."

I guess, Mr. Chairman, this really is the focus of the decision I am asking us to make now. We have established for the country the high priority of getting funds to those children who have various disabilities where education is concerned.

The Supreme Court has ordered the Congress to make sure that those children have equal access to an equal education. Do not steal funds from those children for programs of questionable merit and value. Again, research funds may have some merit to some, but they do not achieve the high priority of disabled children. Please fund them first.

Mr. PORTER. Mr. Chairman, I yield myself the balance of the time. The gentleman from Colorado (Mr. SCHAFFER) is correct. What I meant to say was that most of the money involved in the gentleman's amendment comes from the spending cut by this amendment.

I would say to the gentleman, he quoted Dr. Slavin of Johns-Hopkins. If one looks at the models contained as suggestions in the Porter-Obey comprehensive school reform legislation, half the model cited in the legislation were Federally funded including Dr. Slavin's own model itself.

Another example, the Nation's only nonbiased paper on class size reduction and one that is cited by Republican and Democratic Senators alike during last month's ESEA debate over in the Senate was done through education research and development.

□ 1615

Studies making exit exams more accurate, ensuring that States attempt to use standard-based exit exams and actually test what students know, are developed through education R&D.

This is a very important account. We need to evaluate the programs that we have in existence and those that are proposed. It would be a serious mistake to undercut the funding in this account; and, in fact, most observers on both sides of the aisle believe that this funding ought to be increased.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) will be postponed.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Education Appropriations Act, 2001".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$69,832,000, of which \$9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18 and 252.232-7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$294,527,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall

be available within limitations specified by that Act, for the fiscal year 2003, \$365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

AMENDMENT NO. 182 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 182 offered by Mr. OXLEY: Page 65, line 22, strike "\$365,000,000" and insert "\$361,350,000".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, June 8, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

I want to begin first, Mr. Chairman, by thanking my good friend, the gentleman from Chicago, Illinois (Mr. PORTER), for his service to this institution for so many years. We will all miss his great leadership on the Committee on Appropriations. It has been a pleasure to work with him on a number of issues.

Mr. Chairman, I have an amendment that reduces the funding for the Corporation for Public Broadcasting by 1 percent. Let me begin by saying that it is unfortunate that the last authorization for the CPB expired in 1996 and, as a result, in the failure of the authorization process, the Committee on Appropriations has basically been appropriating funds for CPB during that time, including today's bill.

The CPB funding makes up approximately 14 percent of public broadcasting's budget. Last year's appropriations bill increased CPB spending by some \$10 million and this year the bill that my friend from Illinois brought forward has another \$15 million increase. With this kind of increase each year that appropriators have provided for CPB, I would argue that it leaves little room or any incentive for reform by CPB. And, indeed, they need reform.

All of us are familiar with last year's fiasco, when it became obvious that PBS had swapped donor names with Democrats for a number of years and affected thousands and thousands of members of public broadcasting stations all over the country. And while the stations ultimately apologized, it turned out it was a far more widespread scandal than anyone could have

anticipated. But the fact is that this Congress, nor anybody else, has really reacted to provide some kind of incentive for CPB to look at some real reforms and some accountability for what went on.

These were illegally shared lists of donors with Democratic campaigns. Many of my colleagues will recall that when we had the hearing in the Committee on Commerce, CPB came in and initially said that this was also shared with Republican groups. Those Republican groups turned out to be nonexistent and, in fact, this was clearly an effort by CPB to work with the Democrat campaigns and Democrat donors. I wrote language in last year's satellite bill to protect the privacy of contributions to PBS and NPR stations but there was never any sanction for the violation of this public trust.

In 1997, it was discovered that senior executives at NPR and PBS had evaded a statutory cap on their pay by granting themselves bonuses of up to \$45,000 a year, which gave them more pay than the Secretary of State, other cabinet officials, and Members of Congress. Rather than complying with the law, they hired expensive lobbyists to get the cap lifted. Public records show that PBS alone payed Covington & Burling \$60,000 to get the cap removed.

Last year, it was revealed that PBS headquarters in Old Town Alexandria employs a professional masseuse as part of its "preventive health" program. So much for providing cultural content as part of public broadcasting.

Now, many of these NPR stations and public stations have, I think, started to understand that maybe some time in the future the Federal largess will end. And as they expand into Internet ventures, satellite, radio, and digital cable, I think, frankly, this provides the opportunity that we have all been looking for to wean public broadcasting away from the Federal Treasury and the taxpayers' money. And, indeed, the digital conversion that is mandated in the Telecommunications Act sets up the possibility for public broadcasting to go digital and to have the capability, at least in part of their digital programming, to provide the necessary funding that can wean them away from this dependency on taxpayers' dollars.

So, for that, I applaud them. I think it makes a lot of sense, if they will continue to follow through, make those kind of changes necessary. And, in fact, as I told our worthy chairman, I support the concept of digital transition for public broadcasting. I support the money necessary, the \$10 million. I wish we had authorized a program in the Committee on Commerce so we could have done exactly that, and I would have been the first to support it. Because I think it provides the magic key to separating the tax dollars from the members.

Mr. Chairman, I would ask that the 1 percent cut that we have proposed, the gentleman from Arizona (Mr. SHADEGG) and myself, be accepted.

The CHAIRMAN pro tempore. Does any Member claim time in opposition?

Mr. PORTER. I claim time in opposition, Mr. Chairman.

Do I understand the gentleman's time has expired?

The CHAIRMAN pro tempore. That is correct.

Mr. PORTER. Mr. Chairman, I yield myself 2½ minutes.

If I may say so, Mr. Chairman, I have the highest regard for the gentleman from Ohio. He is an expert in this area as a member of the Subcommittee on Telecommunications, Trade, and Consumer Protection. But I think I am correct in saying that the scandal, and that is a proper designation for what happened, involved 53 public television and public radio stations. Twenty-nine were TVs and 24 were radio grantees who exchanged or rented donor lists with political entities. Clearly, this activity should not have taken place. But it was 53 out of over 1,000 stations, and it certainly was not as widespread as the news reports first indicated.

In July of 1999, the Corporation for Public Broadcasting adopted a policy to ban such practices and worked cooperatively with Congress on a statutory prohibition, which we passed in November 1999 as part of the Satellite Home Viewers Act. A thorough investigation determined that the motives of the minority of stations who were involved in this activity were not political but financial.

Now, clearly, there was wrongdoing involved. But cutting the appropriation, it seems to me, will undoubtedly hurt a lot of the very small stations that serve rural communities in the most isolated areas in our country. It will not provide the kind of sanction that I am sure the gentleman intends, to those larger stations that undoubtedly were part of this process.

We have a lot of large stations and large metropolitan areas that are not dependent at all on the Federal funding. They have a small amount of Federal funding and they can leverage funds. We also have a number of smaller stations in smaller markets that depend very heavily upon the grants from CPB through its affiliates, and those are the ones that an amendment like this can most likely hurt. They really need the money.

So while I certainly agree that the gentleman has put his finger on something that I deplore and all Members, I would hope, deplore, the misuse of political donor lists by certain stations. I would urge Members to oppose the amendment.

Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think the gentleman from Ohio (Mr. OXLEY) is absolutely right. I think that we should require of every other program administrator in government the same pristine perfection that we demonstrate in the Congress every day.

I am being sarcastic. I assume people understand that. I mean, the gentleman is suggesting that because a tiny handful of stations allowed somebody to exchange fund-raising lists, that somehow they ought to pay a penalty for that by cutting back on funds which will assist them to deliver programming to every American.

Now, if Members are satisfied with what they get on the private TV networks, then, fine, be my guest and vote for this amendment. But all I would say is that I think, in general, the quality provided on public television is considerably less violent, considerably less ridden with sexuality than the programs that we see on any of the major networks.

I would simply say that if Members of Congress had 1 percent deducted from their office budgets every time we did something stupid, we would be operating on budgets of zero. So I think that public broadcasting has already paid a very large penalty for what happened. They lost the momentum of their reauthorization bill that they had been working on for the last three sessions. They lost \$15 million for DTV conversion in 1999 that was appropriated contingent upon that authorization.

So it seems to me that, while the gentleman is perfectly within his rights to offer the amendment, I think it is ill-advised, and I will urge its rejection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OXLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Ohio (Mr. OXLEY) will be postponed.

Are there further amendments to this section of the bill?

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 84, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the bill from page 66, line 6 through page 84, line 17 is as follows:

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$37,500,000, including \$1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,200,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, \$170,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,400,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,450,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$205,717,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing

agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$9,800,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,600,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$160,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$95,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$5,380,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the

Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, \$114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$22,791,000,000 (increased by \$85,000,000), to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, \$245,000,000 (reduced by \$35,000,000), to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2002, \$10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$10,000 for official reception and representation expenses, not more than \$6,367,036,000 (increased by \$70,000,000) may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software

infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$130,000,000 (increased by \$70,000,000) shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$520,000,000 (reduced by \$70,000,000), to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, \$91,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed \$91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$14,944,000, together with not to exceed \$50,808,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$15,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are au-

thorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$20,000 and \$15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing

projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is sig-

nificant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2000, for each such account for the purposes authorized: *Provided*, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds: *Provided further*, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education.

SEC. 514. Section 5527 of Public Law 105-33, The Balanced Budget Act of 1997, is repealed.

SEC. 515. (a) DATES FOR EVALUATION.—Section 403(a)(5)(H)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(iii)) is amended by striking "2001" and inserting "2005".

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by adding at the end the following:

"(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress an interim report on the evaluations referred to in clause (i)."

SEC. 516. Section 403(a)(3)(A) (42 U.S.C. 603(a)(3)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "1999, 2000, and 2001" and inserting "1999 and 2000"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) for fiscal year 2001, a grant in an amount equal to the amount of the grant to the State under clause (i) for fiscal year 1998."

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 517. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170) is amended by striking "2009" each place it appears and inserting "2001".

□ 1630

AMENDMENT NO. 205 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 205 offered by Mr. SCHAFFER:

Page 84, after line 21, insert the following:

SEC. 518. The amounts otherwise provided by this Act are revised by decreasing the amount made available in title I under the heading "DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION—TRAINING AND EMPLOYMENT SERVICES" for the Job Corps program under the Workforce Investment Act of 1998, and by increasing the amount made available in title III under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by \$42,224,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Colorado (Mr. SCHAFFER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, is it in order to request the rest of the amendment be read by the Clerk?

The CHAIRMAN pro tempore. Is there objection to the reading of the amendment?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will read the amendment.

The Clerk read the amendment.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask favorable adoption of this amendment. This is an amendment that moves approximately \$42 million to the Individuals with Disabilities Education Act.

I have spoken on this topic before and proposed to increase the funding for IDEA in a previous amendment, and the philosophy here is quite the same. The Individuals with Disabilities Education Act is, quite frankly, a well-established priority, not only a priority, but the highest priority of the United States Congress. We have established that as the highest priority three times.

My colleagues, what we have accomplished, basically, is, if we fail to fulfill our obligation to fully fund the Individuals with Disabilities Education Act to the extent that we have promised previously, we have done the following:

In May of 1999, we promised about \$2 billion this year in increases for IDEA. We held the cash out to the American people for special education and we said, we are going to give this money to them.

About a month ago we came to the floor here and passed a similar resolution and said, we are going to fully fund the IDEA program; we are going to give this cash to them.

Just days ago we passed the budget resolution, where we suggested an authorization of a \$2 billion increase; and, for the third time, we said to the American public, those who are concerned about IDEA, we are going to give this money to them.

And today, the point at which it is time to actually give the money to

those who care about special education, we are not going to do it because there are other priorities.

I will agree with those who say there are other priorities. But the fact is we have voted three times to say that there is no higher priority than fully funding IDEA.

Now, this is a long-term goal; but the first installment on that payment occurs right now. We promised \$2 billion this year in additional funding for special education. And by the end of the day, I suspect that this amendment fails, as others who are proposing the same that we keep our pledge, we will only increase funding by about half a billion dollars, a substantial amount, a good gesture, to be sure.

But the reality is that principals, superintendents, State legislators, and parents are asking us to fully fund the Individuals with Disabilities Education Act. It is the largest Federal mandate that every school administrator has to deal with. By our failure to fully fund these children who need our help and assistance and who have been promised three times and where we have been obligated by the Supreme Court, they are being left high and dry.

I would ask our colleagues to find it in their hearts to reach out and just fulfill the promises that we have made and support this amendment. It is one that I think is reasonable and modest. In fact, it does not go nearly far enough to fulfill the promises that we have made. But these are the children who need the dollars most, who have every right to an equal access to a quality education, and they are denied that because this government has foisted a mandate upon the States and upon the people in it, and it has refused to pay for its share of the cost.

This amendment moves us in that direction. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, again, I understand why the gentleman from Colorado (Mr. SCHAFFER) wants to increase IDEA, as we did in the bill and we have in prior bills. I do not understand why he would want to cut a very, very successful program that the majority has strongly supported over the last 6 years and has become the centerpiece of our work on job training.

There are many young people who in their home neighborhoods generally have little or no hope of participation in the prosperity of this economy. They lack the opportunity to get work experience and get ahead.

Job Corps has taken young people out of such neighborhoods and put them into a situation where they can learn skills, get a work ethic, get an opportunity to get a job, get a job, hold

a job, have a family, participate in the American dream.

To cut funding in this area seems to me to be very misguided. The young people that have been served by this program have done amazingly well. It is a program that we have consistently increased more than the President has included in his budgets. We increased funding because we believe there is a real chance for young people who otherwise are so much at risk to get an opportunity to get ahead in our society. I believe that it would be extremely unfortunate if this program were cut and this money were transferred.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I reject the characterization of this amendment as one that cuts Job Corps. The reality is this amendment shifts the new funding in Job Corps that the program does not have today, essentially leaving the funding at the current level without any change. That is not a cut. That is an amendment that holds the program harmless.

Secondly, as to the value and the merit of the Job Corps program, let us keep in mind that, even with my amendment, we will still spend \$1.4 billion on the Job Corps program. And that is not to mention several other job-seeking types of programs that the Federal Government maintains.

I would love to offer for consideration of our colleagues and perhaps submit for the RECORD a report by Mark Wilson of the Job Corps program; and in it it finds that Job Corps is government's most expensive job-training program and continues to receive increases despite serious questions raised about the program by the U.S. General Accounting Office.

There are several other findings that Job Corps has a spotty record in. In some parts of the country, it seems to work well. In other spots, it is hemorrhaging cash without providing results.

All of that being put aside, Job Corps may be a persuasive priority for some. I merely maintain that the highest priority should be those children who are in classrooms today suffering from various disabilities that impair their ability to receive a first-rate, quality education.

The reason it becomes so challenging for these children is because this Congress has mandated rule after rule after rule and regulation and failed to put the cash forward. That is what this amendment accomplishes. I urge its adoption.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would simply say that when we talk about

the Job Corps, we are talking about young people who up to that moment in their lives are 100-percent failures and the Job Corps manages to salvage about 50 percent of those young people. That is a better batting average than Babe Ruth had.

I must say, I am amused by the fact that just 3 days ago we saw on the floor a chart by one of the Members of the majority side and that chart was used to brag about how much the Job Corps was being increased by the majority party; and now this amendment seeks, I guess, to rip up that chart. And I guess maybe those speeches on behalf of the Job Corps that were given on the other side would have to be ripped up, as well.

This just is not something we ought to do. It goes at people who have no hope without help, and I think we ought to turn the amendment down.

Mr. PORTER. Mr. Chairman, I would say, in closing, as the chairman of the authorizing committee just said to me, this is an expensive program. But the alternative is much, much more expensive both to the individual and to our society.

I believe in this program. I think it has made a difference in so many young people's lives in this country. It is the model, I believe, for overcoming poverty and gang neighborhoods and violence and getting young people an opportunity and a chance. And God knows what this country stands for is people getting an opportunity and a chance to reach their level of achievement. If we do not provide that opportunity, we are short changing the very things we believe most deeply in.

I oppose the amendment and urge Members to vote against it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 7 offered by the gentleman from New Hampshire (Mr. BASS), amendment No. 186 offered by the gentleman from Wisconsin (Mr. RYAN), amendment No. 2 offered by the gentleman from California (Mr. GARY MILLER), amendment No. 203 offered by the gentleman from Colorado (Mr. SCHAFFER), amendment No. 182 offered

by the gentleman from Ohio (Mr. OXLEY), and amendment No. 205 offered by the gentleman from Colorado (Mr. SCHAFER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. BASS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from New Hampshire (Mr. BASS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 319, not voting 17, as follows:

[Roll No. 259]

AYES—98

Aderholt	Hayes	Pryce (OH)
Barr	Hayworth	Ramstad
Bass	Hefley	Reynolds
Bereuter	Hilleary	Riley
Blunt	Hoekstra	Rivers
Boehner	Hostettler	Rogan
Brady (TX)	Hunter	Rohrabacher
Bryant	Inslee	Roukema
Burton	Jenkins	Ryan (WI)
Cannon	Johnson, Sam	Ryun (KS)
Chabot	Jones (NC)	Salmon
Chenoweth-Hage	Kasich	Sanford
Coble	Kelly	Schaffer
Coburn	Kolbe	Sensenbrenner
Cooksey	Kuykendall	Sessions
Crane	Largent	Shadegg
Cubin	Latham	Shimkus
DeLay	Maloney (CT)	Simpson
Dickey	Manzullo	Smith (MI)
Doolittle	McInnis	Stump
Dreier	McIntosh	Sununu
Duncan	Metcalfe	Talent
Dunn	Miller (FL)	Tancredo
Ehlers	Miller, Gary	Taylor (MS)
Ehrlich	Moran (KS)	Terry
Fowler	Myrick	Thornberry
Frelinghuysen	Nethercutt	Tiahrt
Gibbons	Norwood	Toomey
Goode	Nussle	Vitter
Green (WI)	Oxley	Walden
Gutknecht	Paul	Wamp
Hansen	Pitts	Weldon (FL)
Hastings (WA)	Pombo	

NOES—319

Abercrombie	Berry	Camp
Ackerman	Biggart	Canady
Allen	Bilbray	Capps
Andrews	Bilirakis	Capuano
Archer	Bishop	Cardin
Armey	Blagojevich	Carson
Baca	Bliley	Castle
Bachus	Blumenauer	Chambliss
Baird	Boehert	Clay
Baker	Bonilla	Clayton
Baldacci	Bonior	Clement
Baldwin	Bono	Clyburn
Ballenger	Borski	Collins
Barcia	Boswell	Combest
Barrett (NE)	Boucher	Condit
Barrett (WI)	Boyd	Conyers
Bartlett	Brady (PA)	Costello
Barton	Brown (FL)	Coyne
Bateman	Brown (OH)	Cramer
Becerra	Burr	Crowley
Bentsen	Buyer	Cummings
Berkley	Callahan	Cunningham
Berman	Calvert	Davis (FL)
		Davis (IL)
		Davis (VA)
		Deal
		DeFazio
		DeGette
		Delahunt
		DeLauro
		Deutsch
		Diaz-Balart
		Dicks
		Dingell
		Dixon
		Doggett
		Dooley
		Doyle
		Edwards
		Emerson
		Engel
		English
		Eshoo
		Etheridge
		Evans
		Everett
		Ewing
		Farr
		Fattah
		Filner
		Foley
		Forbes
		Ford
		Fossella
		Frank (MA)
		Frank (TX)
		Galleghy
		Ganske
		Gejdenson
		Gekas
		Gephardt
		Gilchrest
		Gilman
		Gonzalez
		Goodling
		Goss
		Graham
		Granger
		Green (TX)
		Greenwood
		Gutierrez
		McDonald
		Miller, George
		Minge
		Mink
		Moakley
		Mollohan
		Moore
		Moran (VA)
		Morella
		Murtha
		Nadler
		Napolitano
		Neal
		Ney
		Northup
		Oberstar
		Obey
		Oliver
		Ortiz
		Ose
		Owens
		Packard
		Pascarella
		Pastor
		Payne
		Pease
		Pelosi
		Peterson (MN)
		Peterson (PA)
		Petri
		Phelps
		Pickering
		Pickett
		Pomeroy
		Porter
		Portman
		Price (NC)
		Quinn
		Radanovich
		Rahall
		Rangel
		Regula
		Reyes
		Rodriguez
		Roemer
		Rogers
		Ros-Lehtinen
		Rothman
		Roybal-Allard
		Royce
		Rush
		Sabo
		Sanchez
		Sanders
		Sandlin
		Sawyer
		Saxton
		Scarborough
		Schakowsky
		Scott
		Serrano
		Shaw
		Shays
		Sherman
		Sherwood
		Shows
		Shuster
		Sisisky
		Skeen
		Skelton
		Slaughter
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Souder
		Spence
		Spratt
		Stabenow
		Stark
		Stearns
		Stenholm
		Strickland
		Stupak
		Sweeney
		Tanner
		Tauscher
		Tauzin
		Taylor (NC)
		Thomas
		Thompson (CA)
		Thompson (MS)
		Thurman
		Tierney
		Towns
		Trafficant
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Velazquez
		Visclosky
		Walsh
		Waters
		Watkins
		Watt (NC)
		Waxman
		Weiner
		Weller
		Wexler
		Weygand
		Whitfield
		Wicker
		Wilson
		Wise
		Wolf
		Woolsey
		Wu
		Wynn
		Young (AK)
		Young (FL)

NOT VOTING—17

Campbell	Franks (NJ)	Pallone
Cook	Gillmor	Thune
Cox	Goodlatte	Vento
Danner	Gordon	Watts (OK)
DeMint	Markey	Weldon (PA)
Fletcher	McCollum	

□ 1705

Messrs. HUTCHINSON, LUTHER, COLLINS, SCARBOROUGH, SPENCE, PETRI, EDWARDS and Mrs. BONO changed their vote from “aye” to “no.”

Messrs. ADERHOLT, STUMP, HUNTER, BURTON of Indiana, and DICKEY changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FLETCHER. Mr. Chairman, on rollcall No. 259 I was inadvertently detained. Had I been present, I would have voted “no”.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to House Resolution 518, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 186 OFFERED BY MR. RYAN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 186 offered by the gentleman from Wisconsin (Mr. RYAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 293, not voting 17, as follows:

[Roll No. 260]

AYES—124

Aderholt	Dreier	Latham
Archer	Duncan	Leach
Armey	Ehrlich	Maloney (CT)
Baker	Everett	Manzullo
Ballenger	Ewing	McHugh
Barr	Ganske	McInnis
Bartlett	Gibbons	McIntosh
Barton	Goode	Metcalfe
Bass	Goodling	Mica
Bereuter	Graham	Miller (FL)
Blunt	Hansen	Miller, Gary
Boehner	Hastings (WA)	Moore
Bono	Hayworth	Moran (KS)
Brady (TX)	Hefley	Myrick
Burr	Herger	Nethercutt
Burton	Hill (MT)	Norwood
Buyer	Hilleary	Nussle
Canady	Hoekstra	Oxley
Cannon	Horn	Paul
Chabot	Hostettler	Pease
Chambliss	Hulshof	Petri
Chenoweth-Hage	Hunter	Pickering
Coble	Istook	Pitts
Coburn	Jenkins	Portman
Collins	Johnson, Sam	Radanovich
Combest	Jones (NC)	Ramstad
Crane	Kasich	Riley
Cubin	Kelly	Rivers
DeLay	Kuykendall	Rohrabacher
Doolittle	Largent	Royce

Ryan (WI)	Smith (MI)	Terry
Ryun (KS)	Smith (TX)	Thornberry
Salmon	Souder	Tiahrt
Sanford	Stearns	Toomey
Scarborough	Stump	Upton
Schaffer	Sununu	Vitter
Sensenbrenner	Sweeney	Walden
Sessions	Talent	Wamp
Shadegg	Tancredo	Watkins
Shaw	Tauzin	Weldon (FL)
Shimkus	Taylor (MS)	
Simpson	Taylor (NC)	

NOES—293

Abercrombie	Etheridge	Lofgren
Ackerman	Evans	Lowey
Allen	Farr	Lucas (KY)
Andrews	Fattah	Lucas (OK)
Baca	Filner	Luther
Bachus	Fletcher	Maloney (NY)
Baird	Foley	Martinez
Baldacci	Forbes	Mascara
Baldwin	Ford	Matsui
Barcia	Fossella	McCarthy (MO)
Barrett (NE)	Fowler	McCarthy (NY)
Barrett (WI)	Frank (MA)	McCrery
Bateman	Frelinghuysen	McDermott
Becerra	Frost	McGovern
Bentsen	Galleghy	McIntyre
Berkley	Gejdenson	McKeon
Berman	Gephardt	McKinney
Berry	Gilchrest	McNulty
Biggart	Gilman	Meehan
Bilbray	Gonzalez	Meek (FL)
Bilirakis	Goss	Meeks (NY)
Bishop	Granger	Menendez
Blagojevich	Green (TX)	Millender-
Bliley	Green (WI)	McDonald
Blumenauer	Greenwood	Miller, George
Boehlert	Gutierrez	Minge
Bonilla	Gutknecht	Mink
Bonior	Hall (OH)	Moakley
Borski	Hall (TX)	Mollohan
Boswell	Hastings (FL)	Moran (VA)
Boucher	Hayes	Morella
Boyd	Hill (IN)	Murtha
Brady (PA)	Hilliard	Nadler
Brown (FL)	Hinchey	Napolitano
Brown (OH)	Hinojosa	Neal
Bryant	Hobson	Ney
Callahan	Hoeffel	Northup
Calvert	Holden	Oberstar
Camp	Holt	Obey
Capps	Hooley	Olver
Capuano	Houghton	Ortiz
Cardin	Hoyer	Ose
Carson	Hutchinson	Owens
Castle	Hyde	Packard
Clay	Inslee	Pascarell
Clayton	Isakson	Pastor
Clement	Jackson (IL)	Payne
Clyburn	Jackson-Lee	Pelosi
Condit	(TX)	Peterson (MN)
Conyers	Jefferson	Peterson (PA)
Cooksey	Johnson (CT)	Phelps
Costello	Johnson, E. B.	Pickett
Coyne	Jones (OH)	Pombo
Cramer	Kanjorski	Pomeroy
Crowley	Kaptur	Porter
Cummings	Kennedy	Price (NC)
Cunningham	Kildee	Pryce (OH)
Davis (FL)	Kilpatrick	Quinn
Davis (IL)	Kind (WI)	Rahall
Davis (VA)	King (NY)	Rangel
Deal	Kingston	Regula
DeFazio	Klecza	Reyes
DeGette	Klink	Reynolds
Delahunt	Knollenberg	Rodriguez
DeLauro	Kolbe	Roemer
Deutsch	Kucinich	Rogan
Diaz-Balart	LaFalce	Rogers
Dickey	LaHood	Ros-Lehtinen
Dicks	Lampson	Rothman
Dingell	Lantos	Roukema
Dixon	Larson	Roybal-Allard
Doggett	LaTourette	Rush
Dooley	Lazio	Sabo
Doyle	Lee	Sanchez
Dunn	Levin	Sanders
Edwards	Lewis (CA)	Sandlin
Ehlers	Lewis (GA)	Sawyer
Emerson	Lewis (KY)	Saxton
Engel	Linder	Schakowsky
English	Lipinski	Scott
Eshoo	LoBiondo	Serrano

Shays	Stupak	Watt (NC)
Sherman	Tanner	Waxman
Sherwood	Tauscher	Weiner
Shows	Thomas	Weller
Shuster	Thompson (CA)	Wexler
Sisisky	Thompson (MS)	Weygand
Skeen	Thune	Whitfield
Skelton	Thurman	Wicker
Slaughter	Tierney	Wilson
Smith (NJ)	Towns	Wise
Smith (WA)	Trafficant	Wolf
Snyder	Turner	Woolsey
Spence	Udall (CO)	Wu
Spratt	Udall (NM)	Wynn
Stabenow	Velazquez	Young (AK)
Stark	Visclosky	Young (FL)
Stenholm	Walsh	
Strickland	Waters	

NOT VOTING—17

Campbell	Gekas	McCollum
Cook	Gillmor	Pallone
Cox	Goodlatte	Vento
Danner	Gordon	Watts (OK)
DeMint	John	Weldon (PA)
Franks (NJ)	Markey	

□ 1714

Mr. SPENCE changed his vote from “aye” to “no.”

Mr. ROYCE and Mr. HULSHOF changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1715

AMENDMENT NO. 2 OFFERED BY MR. GARY MILLER OF CALIFORNIA

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from California (Mr. GARY MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 267, not voting 17, as follows:

[Roll No. 261]

AYES—150

Aderholt	Cannon	Gibbons
Archer	Chabot	Goode
Armey	Chambliss	Graham
Baker	Chenoweth-Hage	Green (WI)
Ballenger	Coble	Gutknecht
Barcia	Coburn	Hall (TX)
Barr	Collins	Hansen
Bartlett	Combest	Hastings (WA)
Barton	Crane	Hayworth
Bass	Cubin	Hefley
Bilirakis	DeLay	Herger
Blunt	Diaz-Balart	Hill (MT)
Boehner	Dickey	Hilleary
Bono	Doolittle	Hoekstra
Brady (TX)	Dreier	Hostettler
Bryant	Duncan	Hulshof
Burr	Dunn	Hunter
Burton	Ehrlich	Inslee
Buyer	Everett	Istook
Calvert	Foley	Jenkins
Camp	Fossella	Johnson (CT)
Canady	Ganske	Johnson, Sam

Jones (NC)	Pease	Shimkus
Kasich	Petri	Simpson
Kelly	Pickering	Smith (MI)
Kingston	Pitts	Smith (TX)
Kuykendall	Pombo	Souder
Largent	Portman	Spence
Latham	Quinn	Stearns
Leach	Radanovich	Stump
Lewis (KY)	Ramstad	Sununu
Linder	Reynolds	Sweeney
Lucas (OK)	Riley	Talent
Maloney (CT)	Rivers	Tancredo
Manzullo	Roemer	Tauzin
McCrery	Rogan	Terry
McHugh	Rohrabacher	Thomas
McInnis	Ros-Lehtinen	Thornberry
McIntosh	Roukema	Thune
Metcalfe	Royce	Tiahrt
Mica	Ryan (WI)	Tierney
Miller (FL)	Ryun (KS)	Toomey
Miller, Gary	Salmon	Udall (NM)
Moore	Sanford	Upton
Myrick	Scarborough	Vitter
Norwood	Schaffer	Walden
Nussle	Sensenbrenner	Wamp
Oxley	Sessions	Watkins
Pastor	Shadegg	Weldon (FL)
Paul	Shays	Wilson

NOES—267

Abercrombie	Doggett	Kind (WI)
Ackerman	Dooley	King (NY)
Allen	Doyle	Klecza
Andrews	Edwards	Klink
Baca	Ehlers	Knollenberg
Bachus	Emerson	Kolbe
Baird	Engel	Kucinich
Baldacci	English	LaFalce
Baldwin	Eshoo	LaHood
Barrett (NE)	Etheridge	Lampson
Barrett (WI)	Evans	Lantos
Bateman	Ewing	Larson
Becerra	Farr	LaTourette
Bentsen	Fattah	Lazio
Bereuter	Filner	Lee
Berkley	Fletcher	Levin
Berman	Forbes	Lewis (CA)
Berry	Ford	Lewis (GA)
Biggart	Fowler	Lipinski
Bilbray	Frank (MA)	LoBiondo
Bishop	Frelinghuysen	Lofgren
Blagojevich	Frost	Lowey
Bliley	Galleghy	Lucas (KY)
Blumenauer	Gejdenson	Luther
Boehlert	Gekas	Maloney (NY)
Bonilla	Gephardt	Martinez
Bonior	Gilchrest	Mascara
Borski	Gilman	Matsui
Boswell	Gonzalez	McCarthy (MO)
Boucher	Goodling	McCarthy (NY)
Boyd	Goss	McDermott
Brady (PA)	Granger	McGovern
Brown (FL)	Green (TX)	McIntyre
Brown (OH)	Greenwood	McKeon
Callahan	Gutierrez	McKinney
Capps	Hall (OH)	McNulty
Capuano	Hastings (FL)	Meehan
Cardin	Hayes	Meek (FL)
Carson	Hill (IN)	Meeks (NY)
Castle	Hilliard	Menendez
Clay	Hinchey	Millender-
Clayton	Hinojosa	McDonald
Clement	Hobson	Miller, George
Clyburn	Hoeffel	Minge
Condit	Holden	Mink
Conyers	Holt	Moakley
Cooksey	Hooley	Mollohan
Costello	Horn	Moran (KS)
Coyne	Houghton	Moran (VA)
Cramer	Hoyer	Morella
Crowley	Hutchinson	Murtha
Cummings	Hyde	Nadler
Cunningham	Isakson	Napolitano
Davis (FL)	Jackson (IL)	Neal
Davis (IL)	Jackson-Lee	Nethercutt
Davis (VA)	(TX)	Ney
Deal	Jefferson	Northup
DeFazio	John	Oberstar
DeGette	Johnson, E. B.	Olver
Delahunt	Jones (OH)	Ortiz
DeLauro	Kanjorski	Ose
Deutsch	Kaptur	Owens
Dicks	Kennedy	Packard
Dingell	Kildee	Pascarell
Dixon	Kilpatrick	Payne

Pelosi
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott

Serrano
Shaw
Sherman
Sherwood
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)

Thurman
Towns
Traficant
Turner
Udall (CO)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Campbell
Cook
Cox
Danner
DeMint
Franks (NJ)

Gillmor
Goodlatte
Gordon
Markey
McCollum
Obey

Pallone
Peterson (MN)
Vento
Watts (OK)
Weldon (PA)

□ 1722

Mr. MOORE of Kansas changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 203 OFFERED BY MR. SCHAFFER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 203 offered by the gentleman from Colorado (Mr. SCHAFFER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 262]

AYES—132

Aderholt
Archer
Armey
Bachus
Baker
Barr
Bartlett
Bass
Blunt
Boehner
Bono
Brady (TX)
Burton
Buyer
Camp
Cannon
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Crane

Cunningham
Davis (VA)
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Fossella
Fowler
Gekas
Gibbons
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley

Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Insee
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Kuykendall
LaHood
Largent
Latham
Leach
Lewis (KY)
Lucas (OK)
Luther

Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Paul
Pickering
Pitts
Pombo
Portman

Quinn
Radanovich
Ramstad
Reynolds
Riley
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Smith (TX)
Smith (WA)

Souder
Spence
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Wamp
Weldon (FL)

NOES—287

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehrlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLaunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell

Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filmer
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Mascara
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hoolley
Houghton
Hoyer
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Jones (MN)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg

Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Packard
Pascarell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall

Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows

Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Rothman
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant

Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Campbell
Cook
Cox
Danner
DeMint

Franks (NJ)
Gillmor
Goodlatte
Gordon
Markey

McCollum
Pallone
Vento
Watts (OK)
Weldon (PA)

□ 1729

Mr. MCHUGH changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded:

AMENDMENT NO. 182 OFFERED BY MR. OXLEY

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on amendment No. 182 offered by the gentleman from Ohio (Mr. OXLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 305, not voting 19, as follows:

[Roll No. 263]

AYES—110

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Boehner
Bonior
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Chabot

Chenoweth-Hage
Coble
Coburn
Collins
Combest
Crane
Cubin
Cunningham
DeLay
Dickey
Doolittle
Dreier
Duncan
Ehrlich
Everett
Goss
Graham
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth

Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Istook
Johnson, Sam
Jones (NC)
Kingston
Kuykendall
Largent
Latham
Linder
LoBiondo
Manzullo
McCrery
McInnis
McIntosh

Mica
Miller (FL)
Miller, Gary
Myrick
Norwood
Oxley
Paul
Pease
Petri
Pitts
Pombo
Portman
Radanovich
Riley
Rogan

Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (TX)

Souder
Spence
Stearns
Stenholm
Stump
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Toomey
Upton
Wamp
Weldon (FL)

NOES—305

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo

Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Goodfellow
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (WI)
King (NY)
Klecza
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee

Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Packard
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer

Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter

Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)

Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Campbell
Cook
Cox
Danner
DeMint
Ewing
Franks (NJ)

Gillmor
Goodlatte
Gordon
Kanjorski
Kasich
Markey
McCollum

Pallone
Vento
Watts (OK)
Weldon (PA)
Weller

□ 1736

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 205 OFFERED BY MR. SCHAFER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 205 offered by the gentleman from Colorado (Mr. SCHAFER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 103, noes 315, not voting 16, as follows:

[Roll No. 264]

AYES—103

Aderholt
Archer
Armey
Baird
Barr
Bartlett
Barton
Bass
Bereuter
Blunt
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Camp
Cannon
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Combest

Crane
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Foley
Goss
Graham
Green (WI)
Gutknecht
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler

Hunter
Istook
Johnson, Sam
Jones (NC)
Kasich
Kelly
Largent
Lewis (KY)
Linder
Maloney (CT)
Manzullo
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Norwood
Nussle
Oxley
Paul
Pease
Petri
Pitts
Pombo

Portman
Radanovich
Ramstad
Riley
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford

Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (TX)
Spence
Stump
Sununu

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans

Farr
Fattah
Filner
Fletcher
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin

Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napitano
Neal
Ney
Northup
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Packard
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush

Sabo	Spratt	Udall (NM)
Sanchez	Stabenow	Upton
Sanders	Stark	Velazquez
Sandlin	Stearns	Visclosky
Sawyer	Stenholm	Walden
Saxton	Strickland	Walsh
Schakowsky	Stupak	Waters
Scott	Sweeney	Watkins
Serrano	Talent	Watt (NC)
Shaw	Tanner	Waxman
Shays	Tauscher	Weiner
Sherman	Tauzin	Wexler
Sherwood	Taylor (MS)	Weygand
Shows	Terry	Whitfield
Shuster	Thomas	Wicker
Simpson	Thompson (CA)	Wilson
Sisisky	Thompson (MS)	Wise
Skeen	Thune	Wolf
Skelton	Thurman	Woolsey
Slaughter	Tierney	Wu
Smith (NJ)	Towns	Wynn
Smith (WA)	Trafficant	Young (AK)
Snyder	Turner	Young (FL)
Souder	Udall (CO)	

NOT VOTING—16

Campbell	Franks (NJ)	Pallone
Cook	Gillmor	Vento
Cox	Goodlatte	Watts (OK)
Danner	Gordon	Weldon (PA)
DeMint	Markey	
Ford	McCollum	

□ 1744

Mr. PICKERING and Mr. SHAYS changed their vote from "aye" to "no."

□ 1745

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 84, after line 21, insert the following: SEC. 518. (a) Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by adding at the end the following:

"Subchapter E—Normal Trade Relations For China Transitional Adjustment Assistance Program

"SEC. 250A. ESTABLISHMENT OF TRANSITIONAL PROGRAM.

(a) GROUP ELIGIBILITY REQUIREMENTS.—
 "(1) CRITERIA.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as eligible to apply for adjustment assistance under this subchapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and either—

"(A) that—

"(i) the sales or production, or both, of such firm or subdivision have decreased absolutely,

"(ii) imports from the People's Republic of China of articles like or directly competitive with articles produced by such firm or subdivision have increased by reason of the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of China, and

"(iii) the increase in imports under clause (ii) contributed importantly to such workers'

separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

"(B) that there has been a shift in production by such workers' firm or subdivision to the People's Republic of China of articles like or directly competitive with articles which are produced by the firm or subdivision by reason of the extension of non-discriminatory treatment (normal trade relations treatment) to the products of China.

"(2) DEFINITION OF CONTRIBUTED IMPORTANTLY.—The term 'contributed importantly', as used in paragraph (1)(A)(iii), means a cause which is important but not necessarily more important than any other cause.

"(3) REGULATIONS.—The Secretary shall issue regulations relating to the application of the criteria described in paragraph (1) in making preliminary findings under subsection (b) and determinations under subsection (c).

"(b) ADDITIONAL REQUIREMENTS.—The provisions of subsections (b) through (e) of section 250 shall apply to the administration of the program under this subchapter in the same manner and to the same extent as such provisions apply to the administration of the program under subchapter D."

(b) CONFORMING AMENDMENT.—The table of contents of the Trade Act of 1974 (19 U.S.C. 2101) is amended by inserting after the item relating to section 250 the following:

"SUBCHAPTER E—NORMAL TRADE RELATIONS FOR CHINA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

"Sec. 250A. Establishment of transitional program."

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN pro tempore. The gentleman from Illinois reserves a point of order.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman from Ohio will state her parliamentary inquiry.

Ms. KAPTUR. Mr. Chairman, as I understand the point of order, if at the end of our brief period of discussion the point of order is called, then that means our amendment cannot be offered; is that correct, will not be voted on?

The CHAIRMAN pro tempore. If the point of order has been reserved, the gentlewoman can proceed with her 5 minutes. If the gentleman insists on his point of order, at that time the Chair will make a ruling on whether the point of order is well taken.

Ms. KAPTUR. Just so I understand it, if the point of order is upheld, then our amendment could not be offered; is that correct?

The CHAIRMAN pro tempore. The gentlewoman is correct.

Ms. KAPTUR. I just wanted to make that very clear in the beginning.

The CHAIRMAN pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just a few days ago on May 24, this House voted to extend permanent normal trade relations to the People's Republic of China without restriction. Yet based on projections by our own government, the U.S. International Trade Commission, the approval of that agreement threatens to eliminate more than 870,000 jobs in this country, predominantly in the manufacturing area.

They estimate over 742,000 jobs will be lost to China. In my own State of Ohio, over 34,500 jobs are projected to be lost. America has an obligation to assist working people and their families who will suffer from the devastating consequences of job loss due to this deal with China.

What this amendment does is it would help meet our obligations by establishing the China PNTR transitional adjustment assistance program, or China TAA, modeled after the trade adjustment assistance that locked into place when NAFTA was passed.

We have all seen how important that program has been with the hundreds of thousands of jobs that have been moved to Mexico.

Under our proposal, workers could petition for critical reemployment services such as job training, job search, training for important employment in other jobs or careers, and certainly in many cases direct income support.

The very least this Congress should do, and I cannot understand why it was omitted from the base bill that came out of the Committee on Ways and Means, we ought to respond to the basic needs of people who want to work when their jobs disappear. If advocates for PNTR truly believe that America's workers will only benefit from PNTR for China, then they have nothing to fear from this amendment.

We should have a vote on this amendment. However, it is my understanding that this amendment may be struck by a point of order; and therefore, I want to ask my colleagues to join me in establishing a formal China TAA assistance program in a bill that I will drop into the hopper right after this debate today. And I urge Members to join me, along with a growing list of original cosponsors, in making a stand for the workers of this country by cosponsoring this important bill and supporting this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), who has been such a strong voice for working Americans from coast to coast.

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Congress has made its bed and now we want some accountability as we begin to sleep with the enemy. I rise today to voice my strong support, Mr. Chairman, for the amendment offered by my friend, the gentlewoman from Ohio (Ms. KAPTUR).

When the House passed PNTR, American job loss was an issue that was merely pushed aside by those who voted for business as usual and for business interests in the low-wage Chinese workforce. Now workers are coming to me and asking what we will do in the aftermath.

With this amendment, we have an answer for those who will lose their jobs. The administration admits there will be a loss, net loss of 872,000 jobs, in America. Twenty-two thousand of those jobs will be in New Jersey. We have no program set up in that interim period when those people lose their jobs.

What are we going to tell these workers, that they have lost their job to the low-production jobs in China? That is no answer. We need to train people to move on to other jobs.

I ask that we support this amendment, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of our time.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) claim the time in opposition?

Mr. PORTER. I do not claim the time in opposition. I would reserve my point of order and ask if the gentlewoman would like to make a summation.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to a very distinguished colleague, the gentleman from Lorain, Ohio (Mr. BROWN), who has worked with us so much on this issue and whose district has suffered directly from job losses to both Mexico and China.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time, and also thank her for her amendment on the Trade Adjustment Act, monies in support for the China PNTR bill.

Everyone knows that our trade deficit, \$70 billion and counting, with China will grow after the passage of PNTR. Ten years ago, it was \$100 million. Three years ago, it passed \$40 billion. Today it is \$70 billion. We know it will continue to grow. Everyone also knows that the China PNTR vote will cost American jobs. It is only right when we see a plant close, we see a Huffy Bicycle plant close, jobs move to China. Phillips TV job plant closes in Ohio, jobs move to Mexico; one after another after another.

We know we must do something for those workers. Passing these trade bills, this Congress has done. It passed NAFTA in a close vote. It passed PNTR in a close vote. At least with NAFTA we had some trade adjustment assistance. We should do the same thing with PNTR.

This amendment makes great sense, the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BROWN) for coming to the floor, and the gentleman from New Jersey (Mr. PASCRELL), and I would say that I have a sinking feeling that the Republican leadership of this House is about to call a point of order against our amendment and not permit us to pass a program to help American workers who are going to lose their jobs to China.

I think that is unconscionable. I have the greatest respect for the gentleman who chairs this particular subcommittee, but I know that the leadership of his party approached me prior to this vote and asked if I was really going to offer that amendment. I said, yes, we are.

I would ask the American people to know what is about to happen here. We need to help America's workers who are going to lose their jobs to China.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) insist on his point of order?

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law.

The amendment directly amends existing law, and I would ask for a ruling from the Chair.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. KAPTUR. Mr. Chairman, the net effect of that then is not to allow our amendment to assist America's workers who will be displaced because their jobs move to China from being able to have a vote on this today; is that correct?

The CHAIRMAN pro tempore. The Chair is prepared to rule. The effect of the Chair's ruling will be, if the Chair sustains the point of order, that the amendment will not be considered at this time.

Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, is the Chair saying that it is going to rule on that now?

The CHAIRMAN pro tempore. Yes.

Ms. KAPTUR. I would like to hear the ruling of the Chair.

The CHAIRMAN pro tempore. The amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) di-

rectly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 196 OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 196 offered by Mr. BOEHNER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for any program under part B of title IX of the Elementary and Secondary Education Act of 1965.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today and offer an amendment to protect the interests of taxpayers, as well as thousands of native students in the State of Hawaii.

Like all States, Hawaii currently receives funds under the Elementary and Secondary Education Act for struggling schools and students, but unlike other States Hawaii also receives an additional \$20 million each year in addition to its allocation for the native Hawaiian education programs.

The name is misleading, I think, to say the least. The recipients of these funds are not Hawaii's native students but much of this money goes to an entity known as the Bishop Estate Trust.

It was created over a century ago to carry out the legacy of a beloved Hawaiian princess who died in 1884 and left her fortune for the education of Hawaii's native children. That was a noble mission. Unfortunately, the princess would not recognize the Bishop Trust if she were alive to see it today.

The Bishop Estate is now the richest charitable trust in the United States and the largest landowner in Hawaii. The Bishop Estate's holdings include a pair of Hawaiian resort hotels, the Royal Hawaiian Shopping Center, several assets in Las Vegas, two of the largest shopping centers in Wisconsin, large expanses of timberland in Michigan and, until last year, owned 5 percent of Goldman Sachs.

In 1999, its annual revenues were \$460 million, with assets that totaled an estimated \$10 billion. Incredibly, this vast empire spends only a tiny share of its resources on its purpose, its only mission as given by the princess, to educate native Hawaiian children. Last year, it spent just \$100 million for that purpose.

As the program 60 Minutes reported this spring, and I will quote, "What was supposed to be a tax-exempt charitable trust devoted to education was behaving very much like an international conglomerate. While it was raking in hundreds of millions of dollars every year, the Bishop Estate was spending less than half of that on the school and serving just 6 percent of eligible children in Hawaii," end quote.

□ 1800

Until recently, the estate's trustees received compensation of nearly \$1 million per year. In recent years, the estate has been rocked by everything from an IRS investigation of its tax-exempt status to reported accusations of theft, kickbacks, and other crimes.

Yet the Federal Government is subsidizing this empire to the tune of more than \$20 million per year. Let me remind my colleagues their only mission with this \$10 billion trust is to educate Hawaii's native children.

Mr. Chairman, one does not have to be from Hawaii to wonder why a \$10 billion private trust needs another \$20 million subsidy from American taxpayers. One does not have to be from Hawaii to wonder why the Bishop Estate is spending only a fraction of its resources on the education of Hawaii's native students.

As long as the taxpayers continue to provide this \$20 billion subsidy, the estate will never reform itself. The longer Washington continues to provide the subsidy, the longer Hawaiian students, Native Hawaiians students, will have to wait for the Bishop Trust to stop skimping on their future.

In 1995, President Clinton proposed in his budget to eliminate these programs. Vice-President Gore called for the elimination of these programs as part of his reinventing-government initiative. Last October, the House repealed the authorization for this expenditure overwhelmingly.

My amendment will allow us to keep this bipartisan commitment. Instead of pouring another \$20 million into the account of this \$10 billion private trust, the \$20 million could be used to help all of America's children.

The longer we wait to take the step, the longer the Bishop Estate will continue to shortchange the native children of Hawaii. For the sake of taxpayers and Hawaii's children, I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentlewoman from Hawaii (Mrs. MINK) claim the time in opposition.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to claim the 5 minutes assigned to the side in opposition.

The CHAIRMAN pro tempore. The gentlewoman from Hawaii (Mrs. MINK) is recognized 5 minutes.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I listened very carefully to the words of the gentleman from Ohio (Mr. BOEHNER). He made his whole case on the fact that his belief, an assumption, the Bishop Estate, who is the enemy as far as he is concerned, is being identified as the recipient of 20-plus million dollars under this appropriation act.

Nothing could be further from the truth. There is absolutely nothing in the ESEA appropriations or authorization bill or whatever that lays any assignment of the money to the Bishop Estate or the Kamehameha schools. If we are talking about the bill that came out of the full committee, the gentleman from Pennsylvania (Chairman GOODLING), in offering the native Hawaiian reauthorization, there is absolutely nothing in this legislation either that identifies one penny to the Bishop Estate. In fact, the money goes to many nonprofit organizations, the University of Hawaii, other public entities.

To assume responsibility for the education of these children who are the most deprived children in the State of Hawaii, perhaps they could be taken care of under title I or other appropriations, but this unique legislation comes forth and has been enacted by the Congress because the Congress has recognized this certain responsibility that the Federal Government has to these native children.

We passed in 1996 an apology resolution for the Federal Government going into Hawaii, overriding the monarchy at that time, taking millions of acres of land, and appropriating it to its own use.

In order to rectify that injustice, in 1920, the Congress said we are terribly sorry about what happened in 1893. We are going to give back some of these lands to the native Hawaiian peoples. We returned land, but we did not appropriate one single dime so that the native Hawaiian people could go on these lands.

So gradually, as we looked at this deplorable situation, recognizing the moral responsibility that the Federal Government had to these children, we began to put together special legislation to take care of the most impoverished, most deserving needy children in the midst of our State.

The reason why they are in such a desperate situation is because, when the lands were returned to Hawaii, they were in the remotest part of the territory where nobody lived, where there were no jobs, no educational opportunities. So the lands were given to them, and the children were really relegated to a permanency of poverty.

Congress has now said in its wisdom we want to make right this situation, and we are going to provide special funds to these native Hawaiians. They are no different than Native Ameri-

cans. No one would repeal the Native American Act.

Mr. BOEHNER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BOEHNER) has 1 minute remaining. The gentlewoman from Hawaii (Mrs. MINK) has 2½ minutes remaining.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman. Who has the right to close?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BOEHNER) has the right to close. The gentleman from Ohio is the proponent of the amendment, and no manager controls the time in opposition.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Illinois (Mr. PORTER), all the members of the committees that have looked at this issue have decided that justice and equity resides with this appropriation.

The gentleman from Ohio (Mr. BOEHNER) has been at odds with the trustees of the Bishop Estate for some 6 years now. Those trustees are no longer in place. The argument that he has had with the Bishop Estate no longer applies. Not one single penny, as he well knows, goes to the Bishop Estate.

Why the gentleman from Ohio has this obsession to come to Hawaii, why he has the time to leave his district in Ohio and try to come to the floor of this House to act on behalf of Hawaiian children, I do not know. But I do know that his characterization to my colleagues is something that I take great offense at, because not one penny for these children is going to either those trustees or into that estate.

The people who are handling the funds that my colleagues have put forward in this bill are the University of Hawaii at Hilo, the Leeward Community College, the Maui Community College, the Kauai Community College, the Hawaii Community College, and four Hawaiian nonprofit organizations, none of whom have anything to do with the Bishop Estate.

Now, if my colleagues want to make this into a Republican versus Democratic issue, I most emphatically plead with them, do not do this. This is an educational issue that everyone in every district here can relate to on the basis of what is good for the children of one's district.

This is not a partisan issue unless the gentleman from Ohio (Mr. BOEHNER) is

able to make it that and unless he is able to convince my colleagues against the evidence that this has something to do with the estate with which he has had an argument in the past.

Every issue raised by the gentleman from Ohio (Mr. BOEHNER) with respect to the estate has been addressed. Every single issue now is moot.

So I plead with all the Members, Democrat or Republican here, to trust the judgment in this instance of Democrats and Republicans alike, leaders on both sides, and a plea from me and the gentlewoman from Hawaii (Mrs. MINK) that my colleagues allow us, as we do for any Member in this House, to trust us as we trust them to address the particular circumstances in their districts that require congressional attention.

I ask the gentleman from Ohio (Mr. BOEHNER) not to make this an issue that would divide this House along partisan lines and to recognize that his arguments have been met, his arguments have been addressed.

NATIVE HAWAIIAN EDUCATION ASSESSMENT PROJECT

Kamehameha Schools assists with the development of the needs assessment and targets programming to these needs. From the 1999 report, the most severe needs continue to be school readiness, basic skills, high school completion, and college enrollment and completion. Efforts to address these needs must begin with the very young, and it must integrate the language, culture, and values of the Native Hawaiian people.

STATUS OF KAMEHAMEHA SCHOOLS

In May 1999, the courts appointed a new Board of Trustees for the Bishop Estate. The interim trustees have moved swiftly to approve new policies and initiatives which have already changed the direction of Kam Schools in very constructive ways. The Board has held many town meetings to undertake strategic planning with all stakeholders.

The direction of Kam Schools for the next 10 or 15 years will spend more on education and try to reach more Hawaiians and form more community partnerships. Another major change—giving the Hawaiian community more of a say in how the trust is run—has already begun with the strategic planning process. The draft was formed from more than 3,000 comments and suggestions the estate has solicited from the public since August. Kam Schools currently serves 961 preschool age children, 1,000 elementary school students on three islands, and 2,482 students attending high school on Oahu. They plan to increase the education spending from \$100 million annually to \$159 million in the next budget.

Since May 1999, the following changes have occurred:

- Reorganized the Education Group, so all instructional and support programs report directly to the President;

- Began leveraging of Kamehameha's resources through partnerships to expand programs;

- Developed a K-3 reading program with DOE for DOE classrooms;

- Expanded Pre-schools for three-year olds

- Approved parenting program focusing on infants and toddlers.

NATIVE HAWAIIAN EDUCATION ACT OBJECTIVES

The NHEA was enacted in 1988. Its objective is to raise the educational status of Native Hawaiians (whose needs are documented below) through the provision of supplemental programs and services for curriculum development, pre-school education, gifted and talented programs, special education initiatives, and the provision of higher education. The Act was amended in 1994 and expanded to include the establishment of community-based learning center, a curriculum development and teacher training component, and the establishment of a statewide Native Hawaiian Education Council and individual island councils.

NATIVE HAWAIIAN EDUCATION ACT—SEVEN SECTIONS

(Sec. 9204) Native Hawaiian Education Council and Island Councils

(Sec. 9205) Native Hawaiian Family-Based Education Centers

(Sec. 9206) Native Hawaiian Higher Education Program

(Sec. 9207) Native Hawaiian Gifted and Talented Program

(Sec. 9208) Native Hawaiian Special Education Program

(Sec. 9209) Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program

(Sec. 9210) Native Hawaiian Community-Based Education Learning Centers

NHEA PROGRAMS ADMINISTERED BY KAMEHAMEHA SCHOOLS

(Other grantees include the University of Hawaii at Hilo, Leeward Community College, Maui Community College, Kauai Community College, Hawaii Community College, Pihana Na Mamo, Alu Like, Inc., Pulama I Na Keiki, Aha Punana Leo)

(1) Native Hawaiian Higher Education Program

\$1.036 million program funding—last year served 91 students.

provide financial assistance and direction to Native Hawaiian students seeking postsecondary education—also requires a community service commitment

(2) Kamehameha Talent Search

\$303,201 program funding—competitively granted—last year served 800 public schools students

assist students who may be first in family to graduate from a secondary school to enroll in postsecondary educational programs

SAFE AND DRUG FREE SCHOOLS NATIVE HAWAIIAN SET ASIDE ADMINISTERED BY KAM SCHOOLS

\$882,000 program funding—last year served 12,369 individuals

establish Safe and Drug Free Schools to reduce violence and substance abuse

REP. BOEHNER PREVIOUS ARGUMENTS

During the October 1999 markup of a section of the Elementary and Secondary Education Act reauthorization, Representative BOEHNER offered his amendment to repeal the program. He stated:

His comments would focus on Bishop Estate, its mission, its history of scandal, its budget, and potential for success with the recent reforms

He said there are 15,000 Native Hawaiian children in Hawaii—Patsy corrected him with Census data in her testimony, stating that there are actually 47,282.

He said Bishop Estate was worth \$10 billion and they own 10% of Goldman Sachs, numerous Hawaii hotels, Las Vegas casinos, and shopping centers. Kamehameha Schools budget data reflects a net worth closer to \$5 billion.

He said that the former trustees were involved in kickback schemes, mail fraud, drug use, and improper credit card use, but their biggest fault was their \$1 million annual compensation. He also mentioned the continuing probe of the estate's activities by the IRS and the State courts.

He said that there are 3,200 students in Kamehameha Schools and that only one-eighth of those that apply are accepted. Patsy corrected him that there are actually 5,000 children attending Kam Schools—my statistics show that the number is 4,444 kids.

He also made a point that the Estate should try using their interest income on educating Native Hawaiian children. That would raise the amount they spend by \$400 million annually.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have great respect for my two colleagues from Hawaii. We have been involved in this fight for some 6 years. The fact is that the largest charitable trust in the United States is the Bishop Estate. Their only mission in the trust document is to provide for the education of the native Hawaiian children. The fact is that, last year, they bring from \$460 million, and they only spent \$100 million for the benefit of those children.

As a matter of fact, the IRS has gone in to investigate them, almost took away their tax exempt status because of the corruption in the estate. The fact is that why should taxpayers in Washington, D.C., provide an additional \$20 billion to one State that other States do not get when, in fact, they have got a \$10 billion trust that has no other mission, there is no other use for this money than to help these children that they seek to help.

Mr. Chairman, I think it is time that we end this, and I urge my colleagues to vote yes on the amendment.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS:

Page 84, after line 21, insert the following:

SEC. 518. None of the funds appropriated or otherwise made available by title III of this Act may be used to prohibit a State vocational rehabilitation agency from counting a blind or visually-impaired person as successfully rehabilitated under the Rehabilitation Act of 1973 if the person is placed in a non-competitive or nonintegrated employment setting at the Federal minimum wage or higher.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) reserves a point of order on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS) for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is about preserving all of the best options for the job training and job placement of blind or visually impaired citizens.

The state of the law today I believe is correct. It says to State vocational rehabilitation agencies that, when they embark on the important work of preparing the blind or visually impaired for the work force, they have essentially two choices. They can direct their efforts toward a sheltered environment where individuals are placed and trained in an environment where there is public subsidy of the economic activity that ensues and where products are given certain market preferences; or they can attempt to train and place the blind or visually impaired citizen in the regular private sector marketplace.

In February of this year, the Department of Education embarked upon a rulemaking process that I believe would upset that delicate balance. This proposed rule would not permit State vocational rehabilitation agencies to count as a success a placement of a blind or visually impaired citizen in a sheltered work environment.

Now, I believe that some individuals should not be placed in a sheltered work environment. They are in fact prepared and ready for the regular private marketplace. I certainly believe that all individuals should not be placed in a sheltered work environment.

But I believe that we should leave the law as it stands today, that we should permit vocational rehabilitation decision-makers at the State and local levels to use their good discretion as to where the best placement for these citizens would be.

Mr. Chairman, the other body in report language that will accompany

their version of this appropriations bill has taken a stand in accordance with mine and has taken a stand in that report language stating that the law should remain the same and that the Department of Education should not go forward with this rule. I believe that is the correct position, and that is the purpose of my offering this amendment.

Now, I understand, Mr. Chairman, that this amendment is subject to a point of order because it is authorizing in nature. I would like to engage the gentleman from Illinois (Mr. PORTER), the chairman of our subcommittee, in a colloquy. Following that, I plan to withdraw my amendment.

Mr. Chairman, I am happy to yield to the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I would certainly engage the gentleman in a colloquy at this point if that is his desire.

Mr. ANDREWS. Yes. Mr. Chairman, reclaiming my time, could the gentleman from Illinois assure me that the report language addressing this matter as I just outlined will stand in conference?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, while I have not examined this particular issue in detail, I will tell the gentleman from New Jersey that each House's report language has independent standing with the agencies. The gentleman is correct that, unless the statements made in report language are specifically rejected by the conferees, the language included in the report of the other body will stand in conference.

Mr. ANDREWS. I thank the gentleman from Illinois (Mr. PORTER), the chairman, and his staff.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 198 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 198 offered by Mr. STEARNS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ None of the funds made available in this Act may be used to prohibit military recruiting at secondary schools.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday June 12, 2000, the gentleman from

Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that it is fitting that we address a crisis that our military is facing tonight.

□ 1815

Each branch of the military is facing this same problem. It is having a very tough time attracting the number and quality of recruits needed to staff our military. The military, in fact, is suffering its worst personnel crisis since the draft ended in 1973.

My colleagues, sadly, over a thousand high schools nationwide restrict military recruiters access to their high schools. This barring keeps recruiters from its number one source of recruits, graduating high school students. The precedent has been set in the past that recruiters be given the same access to post secondary institutions as businesses or companies that are allowed to do so. For example, the jewelers that come to give the high school rings are allowed. There are lots of different companies that come in, but not our military.

This ban not only hurts our military but it also places students who may face difficulty financing college at a disadvantage from learning of the opportunities that the military could offer them in bonuses to help them with their education.

Service in the military is honorable, and we should encourage our young people to consider the possibility of serving in our Armed Services. My amendment establishes that none of the funds made available in this act may be used to prohibit military recruiting at our secondary schools. This amendment still allows for local control but permits Congress the opportunity to express the importance of allowing military recruiters access to our high school campuses. With all-time lows in recruiting for our military, Congress should make a statement tonight to encourage schools to honor military recruiters' requests for access.

For federally-funded schools to ban any access for military recruiters defies logic and, of course, patriotism. Several school districts are banning military recruiters for social reasons. For some reason they just do not believe in the ideology of a military. So, therefore, they rob students of the privilege of hearing about the opportunities available in the Armed Services.

If school board members wish to oppose the military in their private lives, of course, in this Nation, they have the freedom to do so. Ironically, they have that freedom because men and women, of course, have served in the military and have sacrificed their lives for

Americans to have this freedom. But to impose their personal ideology, their views, on a federally-funded public school is not right.

The Washington Times, on May 29 this year, reported about a resolution passed by the San Francisco Unified School District during the height, during the height of the Persian Gulf War, while our men and women were putting their lives at risk. It said, "Unbridled military spending in the last 40 years has, in large part, been responsible for the growing national debt and for inadequate spending on education and other necessary social services." This resolution was coupled with the school board's determination to deny the military all access to their school campuses or student lists. School board members should take their views to the polls, not restrict access to public schools by our military recruiters.

The United States Navy missed its recruiting goal by nearly 7,000 sailors in 1998, forcing many ships to be deployed understaffed. In response, the Navy's leadership decided in 1999 to accept a higher percentage of recruits without high school diplomas. That same year, both the U.S. Army and the U.S. Air Force also missed their recruiting goals.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the policy expressed in the amendment, and we would accept the amendment.

Mr. STEARNS. I appreciate the Chairman's acceptance. If I could, Mr. Chairman, I just would like to finish my statement. How much time do I have remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman has 30 seconds remaining.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we are informed by the Secretary of Education that they have no intention of trying to prevent this kind of activity. In fact, the Secretary indicates he sent a letter urging them to emphasize the value of military service as a post high school option.

So, since it does not really do anything that I know of, I have no problem with accepting it.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank my colleagues, and I conclude by saying that we should support our military tonight. My amendment helps them to gain access so that they have the opportunity to get future soldiers.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment says that none of the funds in this appropriation can be used for implementing a uniform medical identifier. It is a privacy amendment. It was in the bill in 1998 and 1999. I think it would be a good idea to have it in this year's bill.

This comes from authority granted in the Health Insurance Portability Act of 1996 and it was designed to establish a medical data bank. But because many, on both sides of the aisle, have objected to this invasion of privacy to set up a medical data bank, there has been some resistance to this. Although the removal of the authority would be the proper way to solve this problem once and for all, I think that it would be very appropriate to continue the policy of not permitting any Federal funding to be spent on developing this universal medical identifier, which by all indications would be our Social Security numbers.

Many people object to this invasion of privacy. They do not place full trust in the U.S. Congress and in the U.S. Government to protect our privacy. Many say that this would not be an invasion of privacy and there would be some strict rules and regulations about how this medical information would be used, but that is not enough reassurance.

As a physician, I can tell my colleagues that this form of invasion of our medical privacy will not serve us well in medical care. What it leads to is incomplete and inaccurate medical records, because it becomes known to

the patient as well as the physician that once this information is accumulated that it might get in the hands of the politicians and used for reasons other than for medical care, I think, it could damage medical care endangered from having a medical data bank set up.

The American people have spoken out strongly in recent years about their invasion of privacy. There was a proposal to implement a know-your-customer bank regulations. These were soundly rejected by the people, and I think that this same sentiment applies to the medical data bank. Also, efforts to establish a national identification card for the American people has not met with a great deal of acceptance with the American people.

So my effort here in limiting this development of a universal medical identifier is to keep the Federal Government out of this business. It is too easy for abuse of this type of information to occur. We have heard that the various administrations over the years have abused records kept in the IRS as well as the FBI. This would just be another source of information that individuals could use in a negative fashion.

I believe it is a fallacy for those who promote the setting up of a universal medical identifier and a universal medical data bank that it is an effort to simplify the process, to streamline the system, to make government more efficient, to facilitate medical research. It has also been said this could be used in law enforcement. But just think about this. If these records can be turned over without the approval of the patient to law enforcement, it really, quite clearly, is a violation of the fifth amendment of self-incrimination. So this idea that this medical bank might be beneficial for law enforcement is rather scary and something that we should prevent.

Already, under authority that was given to Health and Human Services, they have started to draw up regulations which regulate privacy matters, not so much the medical data bank but in other areas. The other thing that concerns me a great deal is these medical regulations that have been proposed not only deal with the privacy of somebody that may be receiving medical care from Medicare but also in the private sector.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the policy of this amendment also, and we would be happy to accept the amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to accept the amendment

on this side of the aisle. I think the gentleman is correct.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today to engage in a colloquy with my colleague from Illinois.

Both the ranking member of the subcommittee, the gentleman from Wisconsin, and the gentleman from Illinois have been tremendous supporters of the asthma programs under the CDC Chronic and Environmental Disease Prevention program. Members on both sides of the aisle have agreed that this program is critical in addressing the increases in asthma amongst children. Under the subcommittee's leadership last year, we were able to provide an increase of \$10 million to this program. This year the total CDC Chronic and Environmental Disease budget was approved for an increase of over \$21 million, bringing its overall total to \$317 million. While this commitment is a wonderful step in the right direction, it is my hope that the subcommittee will continue its work in conference to assure that increases for asthma control and prevention are continued.

Asthma rates are rising dramatically across this country in all populations. Tragically, our children, in fact, are affected the most. Between 1980 and 1994, the rate of asthma incidence rose by 160 percent for children under 4 years of age. Across the Nation, 17 million Americans, 5 million of them children, are afflicted with asthma. As an asthmatic myself, I can assure my colleagues that prevention programs are vital. They teach asthmatics as well as their families how to develop strategies within the home to reduce allergens, as well as to treat the disease of asthma.

Again, Mr. Chairman, I appreciate the commitment of the gentleman from Illinois to the CDC and its programs regarding asthma control, and it is my hope that the gentleman will continue to work throughout this legislative process to ensure that the issue is provided additional funding in the final bill.

In this regard, Mr. Chairman, I know it is the gentleman's last year in this body, and I want to thank him for all of his hard work. He has been critical to our Nation's health programs, and I know that all of our Members widely regard the gentleman as just having been a great champion for the NIH and for so many important areas. There are few Members who have worked so hard

on areas of critical concern, like our health care system, and the gentleman has been terrific.

I also want to commend my colleague, the gentleman from Wisconsin (Mr. OBEY), for his efforts in his position as ranking member on the Committee on Appropriations. He has also attended to our national health programs with the utmost of integrity, and I want to thank the both of them for showing what it means to be both good appropriators as well as supporters of essential health programs.

Mr. PORTER. Reclaiming my time, Mr. Chairman, let me thank the gentleman from Rhode Island for his very kind words.

We have agreed in the subcommittee that the increased prevalence of asthma is of great concern. My sister is a sufferer from asthma. She is in the hospital right at this time.

As the gentleman mentioned, last year we increased the CDC Chronic and Environmental Disease program by \$10 million. We have provided an additional \$21 million this year for all programs in this account. The gentleman can be sure that we will do our best through the remainder of the process and within budget constraints of the bill to increase funding for asthma control programs.

I will be pleased to work with the gentleman from Rhode Island on this issue.

Mr. KENNEDY of Rhode Island. Mr. Chairman, if the gentleman will continue to yield, I want to thank him and wish his sister a speedy recovery.

□ 1830

PART B AMENDMENT OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment printed in House Report 106-657 offered by Mrs. WILSON:

Page 84, after line 21, insert the following new section:

SEC. 518. The amounts otherwise provided by this Act are revised by reducing the amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", and increasing the amount made available for "HIGHER EDUCATION", by \$25,000,000, to be used to carry out the 21st Century Teaching Scholarships Act, if such legislation is enacted.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I have at the desk and that I am offering today launches a G.I. bill for teachers.

I recognize that some may oppose this amendment today for procedural reasons and others for ideological reasons, but I believe it is very important for this country to lower our voices and to raise our sights with respect to public education and to embrace the greatest challenge that we face in the 21st century. And I believe that that is public education.

I want to commend the chairman and the ranking member for bringing forward a bill that does increase funds for education. While I realize that there are still disagreements on details and on programs, this bill does include an almost 10 percent increase in education in the bill, and I support additional increases as we go on.

But I do not think that we can do things the same old way and expect different results. We know that we are going to have a shortage in this country of 2 million teachers that we will need to hire over the next decade. I believe we need to get the best and the brightest we possibly can and get them, train them, and put them in the classroom. I would like to start this year.

I introduced a bill earlier this year which I call the GI Bill for Teachers. It is much larger than the amendment that I am offering today, but I would like to get a start.

The amendment that I am offering today would take \$25 million to start this GI Bill for Teachers. It would provide scholarships of \$10,000 a year for full-time students, \$5,000 a year for part-time students. Students who would be eligible include high school graduates, as well as certified teachers; and those scholarships would be available for up to 5 years for each student.

The idea is that teachers would give back 2 years in the classroom for every year that they are on full-time scholarship, or 1 year given back in service for every year that they are in a turnaround school, a school that has been identified by the State as one that needs to improve its performance for its students.

The scholarship program gives the money to the States based on student population, and it has the States set up selection boards and those selections would be based on merit.

It also allows States to set up up to 35 percent of the value of the scholarship to recruit teachers into critical-shortage areas so States like my own that are short of bilingual teachers or short of secondary school teachers in mathematics and science could set that as a special area of concern and try to recruit young people who are the best and the brightest to teach in those areas.

This is only a beginning. It would create 2,500 scholarships for young people who are committed to the profession of teaching or even for teaching assistants who want to go back to

school and get that degree to become a teacher in the classroom.

I believe we have much work to be done over the next decades to improve America's public schools, and I am very happy to be part of initiating a program like this to get started.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is absolutely nothing wrong with the program that the gentlewoman from New Mexico (Mrs. WILSON) seeks to promote. The problem is that the bill itself to which you would offer this amendment eliminates the guarantee that we will continue on the road to produce 100,000 new teachers in the classroom, an initiative which the President began 3 years ago.

Under the bill before us, that program guarantee would be eliminated because that program is tossed into a block grant and those funds could be gobbled up for other purposes.

Under the President's proposal, which this committee walks away from, the gentlewoman's own State will receive over \$14 million to assure the placement of additional teachers in the classroom.

In contrast, this proposal, laudable though it is, would, as I understand the impact of the bill, produce only about \$175,000 in funding for the home State of the gentlewoman.

But a more serious problem is that, while the amendment itself in terms of what it would add would do no harm, what it would cut certainly would. There are a lot of people who work in a lot of places in this country who do not worry about fancy slogans like moving into 21st century learning and living in a 21st century modern world; they simply worry about getting through the day without getting hurt. And if you take a look at what this amendment does, it funds this laudable program by a whopping \$25 million out of OSHA.

OSHA is the agency charged with the responsibility to protect workers' health and safety. Right now it has only one inspector for every 3,100 businesses. Of the 13,000 most dangerous non-construction workplaces in this country, OSHA was able to inspect less than 2,200 last year.

So it seems to me that the amendment of the gentlewoman, while laudable in terms of what it adds, is extremely troublesome in terms of where it gets the money; and I would say that, for that reason alone, the committee ought to turn it down.

Mrs. WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just add two things to my support of this amendment. The gentleman from Wisconsin (Mr. OBEY) is correct that this does have an offset, which is required in

order for an amendment to be in order on the floor. But that offset only reduces the general accounts, salaries and benefits accounts, of the OSHA administration by about 5 percent.

I am one of those who believes in safety in the workplace. But I also do not believe that we can inspect Quality Inn. And I think there is a distinct approach that is possible with respect to occupational safety and health and that this really is a rather modest reduction with respect to OSHA.

But with respect to his other point about 100,000 teachers to the classroom, we may have differences about how to administer funds, but I think we need to be fair that we are not talking about whether to increase funds for education.

I actually fully expect to support additional increases in funds for education, and that is why I got into public life is because of a concern about public education. But I have to say I would rather that those decisions be made by somebody who knows my son's name, and I would rather that my local school district have the authority to decide whether we are going to go to full-day kindergarten or whether we are going to have smaller kindergarten classes and be able to make those decisions even school by school, classroom by classroom.

That is the distinction between the sides of the aisle here. I can support a lot greater increases in funds for education. I just want to make sure that the quality is there and that the accountability is there and that the decisions are made at a local level.

I ask for my colleagues' support for this critical teacher-training amendment.

Mr. OBEY. Mr. Chairman, I yield myself the remaining 2 minutes.

Mr. Chairman, again let me say that I am perfectly willing to work with the gentlewoman to try to find funding for the program that she is talking about. But when she describes this cutback in OSHA funding as a modest reduction, I would simply say, tell that to the families of the 48 workers in New Mexico who were killed last year in occupational fatalities, tell that to the 30,000 people in her State who were injured last year, tell that to the 65 workers in her State who suffered amputations last year.

And I would also note that in her home State, on average, it takes 76 years for OSHA to get around to being able to inspect all of the plants in that State. And nationally, that bleak picture is much the same. Over 6,000 occupational deaths last year; almost 5 million occupational injuries.

I do not think if you sweat 40 hours a week to earn a living for your family that you would regard a \$25 million cut in the budget that protects your health, safety, and your very life as a modest reduction. For some individ-

uals, it would literally be a life-or-death decision. I urge rejection of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. WILSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ANDREWS:

At the end of the bill, insert after the last section (preceding the short title), the following new section:

SEC. 518. None of the funds in this Act may be used to make payments to a Medicare+Choice organization offering a Medicare+Choice plan with respect to which the Secretary finds the organization to be out of compliance with requirements of part C of title XVIII of the Social Security Act pursuant to an audit conducted under section 1857(d) of such Act (42 U.S.C. 1395w-27(d)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1997, this House enacted the Medicare+Choice Program. The idea was to give some senior citizens the ability to get extended benefits under Medicare, including prescription drugs, by enrolling in managed care plans.

There were advertisements in newspapers and on televisions across the country advertising zero premiums and very cheap premiums, and millions of senior citizens across the country flocked into the program. In my area, it is estimated that 35,000 Medicare recipients flocked to the program.

The law provided for the first 2 years of the program a substantial Federal subsidy to the Medicare+Choice Program. That subsidy evaporated at the beginning of this calendar year. As a result of that, on January 1, 2000, senior citizen enrollees in this program across the country received significant increases in their premiums.

For example, in the part of New Jersey that I represent, people who were paying nothing or \$10 a month saw

their premiums skyrocket to \$85 dollars or \$100 or \$120 a month. This is a serious problem.

The way to address it is for us to bring to the floor of this body legislation that would create for the first time a real and meaningful and comprehensive prescription drug benefit under Medicare.

While we await that hopeful action, there is some repair work that I believe needs to be done on Medicare+Choice.

In my region, we have the indefensible situation where constituents are paying \$120 a month in premiums for the same benefit under the same program where people who are literally a mile away living across the river in Pennsylvania are paying \$15 or \$20 or \$25.

Now, Mr. Chairman, they are living in the same regional economy. They pay the same hospital costs. They pay the same prescription drug costs. But the difference of ZIP code separates this price increase and imposes upon my constituents in southern New Jersey a price increase that is substantially higher than that of our neighbors.

Earlier this year, I spoke, Mr. Chairman, to the leadership of the Health Care Financing Administration and asked them, as they have under statutory authority, to conduct an audit to determine whether the managed care plans in southern New Jersey are charging the appropriate rates under this program. It has been represented to me by the leadership of the Health Care Financing Administration that this audit will be done in an expeditious fashion.

But I am concerned. The contracts for calendar year 2001 must be renewed this year by September 1, 2000. It is imperative that these audits be finished in a fashion so that adjustments can be made and contracts can be properly renegotiated so these premium increases can be rolled back in time for the September 1, 2000, contract deadline.

□ 1845

The purpose of my amendment, therefore, is to require that these audits be done in a timely fashion so that the results can have a bearing and a significance on the contracts for the new year in calendar 2001.

It is my intention, Mr. Chairman, in the interest of cooperation to withdraw the amendment, but I would like to yield to the gentleman from Illinois so that I can hear his comments on it.

Mr. PORTER. If I may claim the time in opposition, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Illinois may claim the time in opposition.

Mr. ANDREWS. Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume. I would have to oppose the amendment

of the gentleman from New Jersey. I know the gentleman is trying to make a point with this amendment and it is a valid point, but I do not think this is the right way to do it. If I understand the amendment correctly, it would shut down any Medicare+Choice health plan in the country for any reason a plan is not in compliance with an audit performed by the Department. This could be something as minor as using an incorrect calculation. I do not think the gentleman intends to start shutting down plans and leaving senior citizens without access to health care, so I would ask the gentleman if he would withdraw the amendment. I would work with him to make this a priority for HCFA and the Inspector General who is actually doing an audit of the plan the gentleman has concerns about right now.

Mr. ANDREWS. Mr. Chairman, if the gentleman will yield, it is certainly my intention to accede to his request. If I may just say, there is an audit ongoing by both HCFA and the IG at this time. My interest is in expediting the completion of that audit. I would ask for the chairman's, the ranking member's, and the committee's cooperation in impressing upon HCFA the importance of an expeditious completion of the audit.

Mr. PORTER. We will work with the gentleman in that regard.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 191 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 191 offered by Mr. TANCREDO:

Page 84, after line 21, insert the following new section:

SEC. 518. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", by reducing the aggregate amount made available for "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under the penultimate proviso (relating to section 1002(g)(2) of the Elementary and Secondary Education Act of 1965) under the heading "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under title III for "DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION", and by increasing the aggregate amount made available for "SPECIAL EDUCATION", which increase shall be available for carrying out part B of the Individuals with Disabilities Education Act, by \$5,000,000, \$20,000,000, \$20,000,000, \$5,000,000, and \$30,000,000, respectively.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Mon-

day, June 12, 2000, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Today on the floor of the House we have had a number of amendments offered on the same issue. This issue, of course, is the transferring of funds from someplace in this bill to IDEA, or the Individuals With Disabilities Education Act. They have been uniformly turned down by our Members at the point in time on which they were voted, so I recognize full well that I am here in a way perhaps as a *beau geste*. I believe so strongly that we should be reorganizing our priorities in this particular bill that I feel it is worth the effort to once again bring it to the attention of my colleagues. However, I would also say, Mr. Chairman, that I intend to ask for unanimous consent to withdraw this amendment at the appropriate time.

While Congress over the last 5 years under the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. PORTER) increased the Federal share of IDEA to 12.6 percent, we have much further to go to reach the promised 40 percent. That is why I was so disappointed to see the underlying bill, the bill which we are debating here, includes only a \$5.5 billion appropriation for special education grants to State programs, only a \$500 million increase over last year's level.

While I commend the House Committee on Appropriations for increasing the program, it is well short of the over \$16 billion level needed to reach the full 40 percent promised to States and localities and less than the \$2 billion increase promised in the budget resolution. The lack of adequate funding for special education in H.R. 4577 comes even as the bill increases funding for many education programs which are inefficient and have yet to produce reliable results.

It is for this reason that I and many of my colleagues come down to the floor today to offer the amendments to increase funding for special education which should be our first priority in the education part of this bill.

Today, I offer this amendment to increase IDEA funding by \$30 million by reducing funding for the comprehensive school reform program by \$20 million, for OSHA by \$5 million, and for the Department of Education administration by \$5 million. The amendment does not cut the comprehensive school reform program, it merely reduces the funding increase in the current bill and transfers that extra funding to special education.

In this case, Mr. Chairman, I must say that I am almost as concerned

about this constant attempt, or not just attempt but accomplished fact of appropriating money to unauthorized programs where now we are up to over \$200 billion a year. So it does call into question the need for authorizing committees in the first place, that is for sure, and once you recognize that this is another one of those programs, the comprehensive school reform program, it may be a wonderful program, we have never authorized this program, never from its inception. We have not the slightest idea how this program really is supposed to work against anything else. There are no rules and regulations that really the Department can operate on to determine whether or not it is doing well. It is now appropriated at about \$170 million. That is what it is going to be in this year. It is an extremely expensive program, again, never authorized. And so we do withdraw \$20 million in funding just bringing it down to last year's level.

The program was authorized at \$145 million per year to help low-performing schools raise student achievement by adopting research-based, schoolwide approaches. It is important to remember that under the schoolwide program approach of title I, schools with 50 percent or more poverty can use their regular title I funds to serve all students in the school and to change the whole school. But rather than debate all the different places from which this money is taken, I want to concentrate on the need for the Congress of the United States to live up to the commitment it made to the people of the United States when it enacted the first special education laws, because that is really where we should be focusing our attention.

That was the mandate. We tell every State in the Nation what they must do and how they must do it. And it is an extraordinarily expensive undertaking for them that drains money away from other very important programs. And so I suppose I will be here as often as I can to make the case for us to live up to the commitment in special education, even if it means reducing our commitment to these other programs which have in the past shown absolutely no improvement.

Mr. Chairman, I rise in opposition to the Tancredo amendment which would cost \$20 million in funding in the bill for the Comprehensive School Reform Demonstration Program.

Funding for the Comprehensive School Reform Program is authorized under the title I demonstration program (section 1002) of the Elementary and Secondary Education Act. In addition, the program has been included in bills passed by the House and reported by the Senate Education Committees to reauthorize the Elementary and Secondary Education Act.

I would like to insert at this point in the RECORD some preliminary findings of the Department of Education—data on early CSR

survey of schools—on the first year of implementation of the comprehensive school reform program. This program is beginning to accomplish significant results in schools in Wisconsin and in other States across the country.

[Memo]

To: Honorable David Obey.

From: Planning and Evaluation Service, U.S. Department of Education.

Re: Data on Early CSR Implementation from the National Longitudinal Survey of Schools.

Date: June 12, 2000.

This memo provides information on the early implementation of the Comprehensive School Reform Demonstration (CSR) program. The following is a compilation of preliminary results from the first year administration of the National Longitudinal Survey of Schools (NLSS). The NLSS was administered in Spring 1999 to a nationally representative sample of Title I schools as well as to a sample of approximately 300 Comprehensive School Reform Demonstration (CSR) schools that received grants under this program between July 1998 and mid-February 1999. The Title I school sample serves as a useful comparison group to the CSR schools.

The NLSS is collecting, for three years, information on school-level implementation of standards-based reform and Title I. Principals and up to six teachers in each school are surveyed. The surveys address topics such as awareness and understanding of standards, selection and implementation of externally-developed models, Title I services, parent involvement and professional development.

These data are taken from a draft report prepared by RAND, "Comprehensive School Reform Demonstration (CSR) Schools: Early Findings on Implementation," based on the first year of the NLSS. The draft report is currently circulating for review within the U.S. Department of Education and is expected to be formally released to Congress this summer. The data cited below highlight comparisons of CSR and Title I schools:

SCHOOL AND STUDENT CHARACTERISTICS

Overall, CSR schools are comparable to Title I schools as to the grade levels served and size. However, CSR appears to be serving higher poverty schools with larger minority populations. CSR serves a mix of urban (50 percent), suburban (15 percent) and rural (35 percent) schools, but are more likely than Title I schools to be located in urban areas.

CSR is more focused on turning around low-performing schools. CSR schools (42 percent) are more likely than Title I schools to be identified as in need of improvement (10 percent). In general, CSR schools in the sample had been identified as in need of improvement longer than Title I schools identified for improvement in the sample.

CSR is more targeted than Title I towards higher poverty schools. In about 96 percent of CSR schools, at least half or more of students receive free/reduced price lunch. In contrast, about 53 percent of Title I schools have half or more students receiving free/reduced price lunch.

CSR schools are serving schools with a higher concentration of minority students. Compared with 20 percent of Title I schools, in well over half of CSR schools between 75-100% of students are minority.

CSR schools are serving substantial numbers of special education students. Virtually all CSR schools in the sample have special education students. In 68 percent of CSR

schools at least 10 percent of the student population have Individual Education Plans (IEPs).

ADOPTION OF EXTERNALLY-DEVELOPED MODELS

One of the goals of the CSR program is to help facilitate the adoption and implementation of research-based models in Title I schools. According to the NLSS, in 1998-99, about 31 percent of Title I schools overall reported that they have adopted research-based models. This baseline figure will be tracked by the NLSS over the next three years to examine the extent that CSR may be catalyst for reform in Title I schools overall.

CSR schools are more focused than Title I schools on research evidence. CSR schools are more likely than Title I schools to report that the research evidence (95 percent compared to 88 percent) and improved student performance in similar schools (95 percent compared to 85 percent) was an important factor that influenced their choice of models.

Faithful implementation to a model design is often cited as a key issue for model effectiveness. According to the NLSS, significantly fewer (8 percent) CSR schools reporting adopting just parts of models compared with Title I schools (22 percent). Fewer Title I schools than CSR schools reported implementing models strictly without adaptations.

CSR schools are receiving more assistance from model developers. 96 percent of the CSR principals, compared with 82 percent of principals in Title I schools implementing models reported that their staff received professional development or assistance implementing their chosen model. In 80 percent of the CSR schools, compared with only 52 percent of Title I schools, assistance was provided by the model developer.

Teacher buy-in is also considered a key need in implementing reform. In 80 percent of CSR schools compared with 53 percent of Title I schools implementing models, teachers voted on the adoption of the model.

LEVERAGING TITLE I SERVICES

The NLSS seems to indicate that CSR may be helping to leverage Title I funds in ways that support the priorities of the Elementary and Secondary Education Act (ESEA). For example:

CSR schools are more likely to support extended learning time. Nearly 70 percent of CSR schools report having before and after school programs, compared with 52 percent of Title I schools and 53 percent of Title I schoolwides. CSR schools are more likely than Title I schools to have summer school, extended year, and weekend programs.

Improving parent involvement is more of a focus in CSR schools. CSR schools in general were much more likely to report parent services programs supported with Title I than Title I schools. About 80 percent of CSR principals reported parent training, 72 percent had a parent liaison, and 40 percent had a family literacy program. This was compared to 61, 54 and 29 percent respectively in Title I schools.

Minimizing pullouts. The percentage of Title I schoolwide elementary schools offering pull out services (57 percent) is higher than of CSR elementary schools (45 percent).

Use of teacher aides. Overall, far fewer CSR school principals reported using teacher aides to provide Title I instructional services in reading and math (66 percent) compared with schoolwide or all Title I principals (81 and 83 percent respectively).

Coordination of funds. In general, CSR schoolwide principals were more like than

Title I schoolwide principals to report greater integration of funds. Fewer CSRD schoolwides than Title I schoolwides reported challenges to coordinating federal resources with other funding sources. For example, in citing barriers, 55 percent of Title I schoolwide principals said they were unsure of what was allowed in combining funds compared to 38 percent of CSRD schoolwide principals.

PROFESSIONAL DEVELOPMENT

Professional development priorities. CSRD school principals were more likely to report that their school improvement plan and standards (70 percent) were important for determining professional development activities (55 percent in Title I schools).

Sustained professional development. CSRD teachers were more likely than Title I teachers to report that their professional development activities in the areas of instruction, strategies to help low-achieving students, and other professional development activities were sustained and ongoing.

PARENT INVOLVEMENT

Sharing information. CSRD schools are more likely than Title I schools to share documents, including school performance profiles with parents; provide homework hotlines to parents; and ask all parents to participate in a school-parent compact.

Support services. On the whole, CSRD schools resemble schoolwide Title I schools with respect to parent involvement strategies with one exception—a far higher number of CSRD schools provide social support services to parents.

Parent involvement strategies. CSRD teachers were more likely than Title I school teachers to report using certain parent involvement strategies such as home visits (20 percent to 15 percent), showing parents models of successful work (82 to 75 percent), and initiating phone calls to parents (74 to 69 percent).

CONCERNS

The comparative data between Title I and CSRD schools does raise some concerns, particularly in the area of expectations of students and use of technology. Some of these differences may be due to the significantly more targeted use of CSRD funds in high-poverty and low-performing schools. Recall that CSRD schools are more likely to be identified for improvement under Title I than Title I schools in general (42 percent compared with 10 percent) and significantly higher poverty (86 percent high-poverty CSRD schools compared to 53 percent high-poverty Title I schools).

CSRD school principals are more likely than Title I schoolwide or Title I principals in general to report that standards are too rigorous for most of their students (14 percent compared with 7 percent). Twenty-two percent of teachers in CSRD schools report that standards and assessments are too hard for most of their students.

The student to computer ratio in CSRD schools is 10:1 compared to 8:1 in Title I schoolwides. Sixteen percent of teachers in high-poverty Title I schools report that their students use computers daily, compared with 6 percent of teachers in CSRD schools.

CSRD principals were more likely to report barriers in using technology that principals in Title I schools. For example, 70 percent of CSRD principals reported lack of staff or inadequate training was a barrier to use of technology in their schools, compared to only 45 percent of Title I schoolwide school principals.

Additional findings will be available after completion of the internal review of the NLSS report on first year CSRD findings.

STATE EDUCATION ADMINISTRATORS VIEW CSRD AS HELPING STRENGTHEN THE QUALITY OF SCHOOLS' TITLE I SCHOOLWIDE PROGRAMS

COLORADO

The State of Colorado has been witness to the positive effects that CSRD has on student achievement. The response to this demonstration program has been enthusiastic from the local and state levels."—Brooke Fitchett, Consultant, Colorado Department of Education.

MAINE

"The current eleven CSRD schools are making great strides and serving as important role models for Maine's secondary education reform initiative Promising Futures; A Call to Improve Learning for Maine's Secondary Students."—Susan Johnson, CSRD Program Coordinator, Maine Department of Education.

MONTANA

"Montana is not the sort of place that usually comes to mind in connection with 'schoolwide restructuring.' It has a lot of rural, one-school districts, a lot of places where there are more members on the school board than students. The state has low-performing schools most of them on or near Indian reservations. Many of these schools face not only the usual problems associated with poverty, but also those associated with isolation. They tend to have a lot of staff turnover; one district that obtained a CSRD grant had had seven superintendents in five years.

We saw [CSRD] as a wonderful chance to bring more resources to the schools with the highest rates of poverty. . . . Five of the six schools are elementary schools; one is a rural high school. Four are located on reservations, and all have high percentages of Native American children.

The awards, which ranged from \$50,000 to \$147,000, were made in July and October 1999, but the effects are already obvious. More administrators stayed put this fall, for one thing.

Bringing members of the community in to see what their school is doing had tremendous positive impact. It's developed school-based leadership; made people in the community feel they have a stake in the plan.

Schools have given teachers more planning time, and forged new relationships with tribal colleges, other higher education institutions and the state education agency. Within the state agency, there is more collaboration among program offices, and there is a greater understanding of school programs at the state level as a result of CSRD."—Ron Lukenbill, Title I Specialist, Montana Department of Education.

OHIO

"In the past two years, the CSRD program has helped eighty-seven schools in thirty-nine Ohio school districts to improve the quality of their educational programming. This important resource has not only enabled school buildings to implement professional practices to address individual building needs, but also strengthened the connection between single buildings and districts in an effort to maximize the impact of their reform efforts. We hope to use future CSRD funds to strengthen the foundation we have built, and better serve even larger numbers of students and schools."—Frank Schiraldi, Associate Director, Comprehensive School Improvement, Ohio Department of Education.

"...ODE anticipates that CSRD will become the centerpiece of comprehensive

school reform in Ohio."—from State of Ohio Revised Application for Comprehensive School Reform Demonstration Program.

OREGON

"CSRD has served as a model for an intensive, in-depth school improvement planning process. Oregon is electing to use this same model to strengthen the Title I Schoolwide Program planning process throughout the state, and to provide a vehicle for change in schools that are in Title I school improvement status. In order to effectively design a coherent, cohesive process for these schools that is closely aligned to CSRD, Oregon has submitted a Consolidated State Plan amendment for the FY2000 Appropriation for Title I School Improvement. Oregon proposes to combine these funds with FY2000 CSRD funds. In this way, more low-performing schools will be eligible to engage in a common school improvement effort with the same support system in place."—Chris Rhines, Education Program Specialist, Office of Student Services, Title I, Oregon Department of Education.

UTAH

"The interest of Utah schools in the Comprehensive School Reform Demonstration program was high initially and has continued to grow in the last two years. . . each year the quality of the CSRD plans has improved and the grant competition has become more competitive."—Sandra Johnson, Title I Coordinator, and Nancy Casillas, Title I and CSRD Specialist, Utah Department of Education.

WISCONSIN

"Wisconsin's [CSRD] program has sparked an incredible amount of interest and energy for improving Wisconsin's schools. The legislation aligns well with our school improvement framework. For example, the legislation allows schools the flexibility to identify their needs and goals, and then select a reform design based on research that addresses those needs and goals.

"Also, the legislation focuses on schools with the greatest needs, such as our Title I schools; encourages a balance between our rural and urban schools, as well as between elementary and secondary school levels; and promotes a focus on Wisconsin's Model Academic Standards.

"These reform efforts in Wisconsin are not top-down mandates, but rather have been effectively initiated as a collaborative effort between teachers, administrators, and parents. We have seen schools reenergize; students have begun to achieve in the core academic subjects; a common vision and purpose developed within schools; a restructuring of professional development for school staff; and parents and communities involved."—Scott Jones, Director of School Improvement, Wisconsin Department of Public Instruction.

Excerpts from ECS Publication entitled Comprehensive School Reform: Five Lessons From the Field, December 1999

"Comprehensive school reform is not just another school improvement strategy—it is a significant leap forward in reforming today's public schools. Comprehensive school reform addresses all students, all academic subjects and all teachers. When done well, a school is overhauled from top to bottom. Adding one program on top of another is thrown out in favor of the much more difficult work of reorganizing schools, targeting professional development for teachers and principals, changing curriculum and making tough budget decisions.

"In short, comprehensive school reform transforms the way a school functions to accomplish one goal: improved student achievement for all students. Comprehensive school reform is a breakthrough that allows schools, districts and states to move beyond finger pointing and blame to real improvements in student learning. Implementing this reform strategy is not easy, however. There is nothing tougher than spending money differently, sticking with an approach long enough to see results, and overcoming turf battles along the way."

Wisconsin CSRD Evaluation Findings

The Wisconsin Department of Public Instruction's evaluation of the first year of CSRD implementation concluded that students in CSRD schools made notable gains on the Wisconsin Student Assessment System (WSAS). At the fourth grade level, students in CSRD schools improved slightly in reading and made large improvements in language arts, math, science and social studies. The percentage increases of the CSRD schools exceeded those of Wisconsin schools as a whole in all of the subjects except language arts.

CSRD Schools and the AIR Study

Approximately 369 schools, or 21% of CSRD schools, are using a model rated strong by the AIR study of comprehensive school reform models.

Approximately 531 schools, or 30% of CSRD schools, are using a model rated either strong or promising by the AIR study of comprehensive school reform models.

States Are Using the CSRD Framework To Strengthen Their Work With Schoolwide Programs and Low-Performing Schools

Oregon plans to integrate CSRD funds, Title I Accountability funds and state improvement funds in a reform effort based on the CSRD framework.

Virginia is using the CSRD framework to support low-performing schools through the Governor's Best Practice Centers.

California has integrated the CSRD program into the state's new accountability initiative. Schools identified for immediate intervention are eligible to compete for a CSRD grant this year or receive a planning grant using state dollars.

In Idaho and Utah, private foundations are providing significant resources to schools to implement comprehensive reform efforts, using the basic criteria from CSRD.

APPENDIX A.—CSRD SCHOOLS SERVE SPECIAL EDUCATION STUDENTS AS A PART OF THEIR EFFORTS TO IMPROVE TEACHING AND LEARNING FOR ALL STUDENTS IN THE SCHOOL

BLACKSTONE PRIMARY SCHOOL, BLACKSTONE, VIRGINIA

Blackstone Primary is an elementary school located in Nottoway County, Virginia, a small rural school district. Blackstone, a Title I schoolwide program, serves approximately 500 students in grades Pre-K to 4. Sixty-three percent of students are eligible to receive free lunch. The school population tends to be stable. The school has recently undergone a major facility renovation.

Blackstone was among the highest achieving schools in the state on the 1999 Virginia Standards of Learning assessments. On the grade three test, over 70% of students passed all four tests (English, math, science and social studies). Based on this level of achievement, Blackstone was one of a small percentage of schools that qualified for full state accreditation. The leadership of the school, however, knows there is still room for im-

provement. "We want them all" to pass is the school's goal.

Identified as a school in need of improvement under Title I in the past, Blackstone has been instituting reforms for the last eight years. From the time that Mrs. Horn became principal, the staff became involved in finding new programs that would result in increased student achievement. Support has steadily grown. Data-driven decision making and a rigorous focus on literacy are the key themes at Blackstone Primary. The implementation of the Onward to Excellence II reform model, supported by a grant from the Comprehensive School Reform Demonstration program, is assisting the school in these efforts. The whole staff is involved in the data collection and analysis process. Data is collected on achievement, discipline, attendance and teaching experience and is disaggregated by student, teacher, gender, free lunch and race. Priorities and goals for the school, along with strategies to reach them, are based on this information. Individualized strategies are also planned for students not making adequate progress.

The literacy program at Blackstone is based on instilling in children a love of reading and a belief that they can succeed as readers. Students are constantly assessed on their reading level, and every child knows exactly what his or her reading level is. Parents understand and are involved in the leveling system. The school also has an incentive system to reward students based on the books they have read.

Fourteen percent of students at Blackstone have individualized education plans to receive special education services. The school operates under an inclusion model. With the exception of one kindergarten class, there are no self-contained special education classes. The philosophy of Blackstone is to have one set of expectations for all students, including special education, and the school is committed to including special education students in testing where appropriate. On the 1999 Standard of Learning test, 70% of third grade special education students were tested.

The educators, administrators, parents and students of Blackstone Primary have created a true learning community. Strong leadership and constant assessment of their program have already shown positive results. Blackstone Primary is committed to enabling all students to succeed.

Mr. TANCREDO. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 84, after line 21, insert the following section:

SEC. 518. None of the funds made available in this Act for the Department of Health and Human Services may be used to grant an exclusive or partially exclusive license pursuant to chapter 18 of title 35, United States Code, except in accordance with section 209

of such title (relating to the availability to the public of an invention and its benefits on reasonable terms).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple bipartisan amendment that is cosponsored by the gentleman from California (Mr. ROHR-ABACHER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Wisconsin (Mr. BARRETT), and the gentleman from Maine (Mr. BALDACCIO). When I last introduced a version of this amendment in 1996, it received 180 votes. I hope we can win tonight with strong bipartisan support. This amendment is supported by Families USA, the National Council of Senior Citizens, and the Committee to Preserve Social Security and Medicare.

Mr. Chairman, over the years, the taxpayers of this country have contributed billions of dollars to the National Institutes of Health for research into new and important drugs, and that research money has paid off. Between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the NIH. Today, many of the most widely used drugs in this country dealing with a variety of illnesses were developed through NIH research, and that is very good news.

The bad news is that, by and large, these drugs which were developed at taxpayer expense were given over to the pharmaceutical industry with no assurance that American consumers would not be charged outrageously high prices.

Mr. Chairman, the pharmaceutical companies constitute the most profitable industry in this country. Yet while their profits soar, millions of Americans cannot afford the prescription drugs they desperately need because of the high prices they are forced to pay. In fact, Americans pay by far the highest prices for prescription drugs than the people of any other country on Earth, and many of these drugs are manufactured right here in the United States and their research was done through taxpayer dollars.

While there are many reasons for the crisis in prescription drug costs in this country today, in this amendment I want to focus on one small part of that problem, and, that is, that it is totally unacceptable for the taxpayers of this country to provide billions of dollars through the NIH in research money for the pharmaceutical industry and get nothing in return in terms of lower prices for the products that they help to develop.

Mr. Chairman, the reality is that taxpayers spend billions of dollars for research and development of prescription drugs and they deserve to get a return on that investment in terms of lower prices.

Let me cite some examples. Tamoxifen, a widely prescribed drug for breast cancer, received federally funded research, and NIH sponsored 140 clinical trials to test its efficacy. Yet today the pharmaceutical industry charges women in this country 10 times more than they charge women in Canada for a drug widely developed with U.S. taxpayer support. Many, many other drugs were developed with NIH support: Zovirax; AZT, the primary AIDS drug; Capoten; Platinol. And Prozac, the blockbuster antidepressant, was made possible by the basic NIH-funded research that discovered the brain chemical triggering depression. And on and on it goes.

The reality is, and The New York Times in a front page story made this point, that much of the drug research in this country comes from taxpayer support.

Our amendment requires that the NIH abide by current law and ensure that a company that receives federally owned research or a federally owned drug provide that product to the American public on reasonable terms. This is not a new issue. During the Bush administration, the NIH insisted that co-operative research agreements contain, quote, a reasonable pricing clause that would protect consumers from exorbitant prices of products developed from federally funded research. The NIH several years ago abandoned the clause under heavy pressure from the pharmaceutical industry.

While a reasonable pricing clause is not the only device that will protect the investment that American taxpayers have made in numerous profitable drugs, this amendment makes clear that Congress will not stand by while NIH turns over valuable research without some evaluation that the price charged to consumers will be reasonable as is required by current law.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, I need to know what amendment he is offering because the amendment we have talks about licensing, and he has just talked about reasonable pricing. I do not know which one he is offering.

Mr. SANDERS. This amendment, Mr. Chairman, is very, very clear.

Mr. Chairman, am I on his time or my own?

Mr. PORTER. The gentleman is still on his at the moment.

Mr. SANDERS. Why does the gentleman not take his own time, if he would.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) claim the time in opposition?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Let me first say a few things. First, this amendment has gone through about four different iterations, and we are not quite sure which one the gentleman is offering. I have the one in front of me dealing with licensing. That is the correct one.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. PORTER. First, I understand the point the gentleman is trying to make. I think the amendment misses the mark. First of all, let me say that we have this wonderful synergy in our country where a great deal of the basic research which provides the foundation for applied research is done through NIH grants and we build this body of knowledge and then our pharmaceutical industry and our biotech industry build on that knowledge to develop products that they take to market. I think that that is a wonderful system that does more to develop the kinds of drugs that help eliminate disease or prevent it than any other place in the world. But what the gentleman's amendment attempts to do, and if I can read it, I would read it this way, it says, "None of the funds made available in this Act for the National Institutes of Health may be used to grant an exclusive or partially exclusive license pursuant to," et cetera, dealing with the licensing of drugs.

The funds that NIH makes for grants are never involved in licensing operations. The licensing is done by the institution subsequent to the completion of the grant. So that while the gentleman, if this amendment passed, might think he is accomplishing something, I believe that the amendment as written would not hit the mark he is trying to hit. I think under those circumstances, and I know how hard it is to fashion an amendment that is in order on this subject under this bill, but this is really an authorizing matter that the gentleman really ought to address in an authorizing forum and not on an appropriations bill.

□ 1900

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Illinois (Mr. PORTER) for his thoughts, but I respectfully disagree. And here is the bottom line: the bottom line is that as a result of taxpayer-funded support, very important and wonderful drugs are developed. But the problem, Mr. Chairman, is that millions of Americans who paid for the research to develop those drugs cannot afford the product.

I think it is totally responsible for the United States Government to say to the private companies we are giving you important research. But in return, we have to make some guarantees to the public that we are going to serve the public interests in terms of controlling the prices that are charged. I think that that is something that the taxpayers of this country deserve.

Mr. PORTER. Mr. Chairman, reclaiming my time, I understand what the gentleman is trying to do. My point is that this amendment does not do that; that it deals with the grant funds for licensing, and grant funds are not used for licensing. So the amendment will be ineffectual to achieve the ends that the gentleman is seeking to attain, in my judgment; and where this whole discussion belongs is not on an appropriations bill but on an authorizing bill where that subject is in order.

Mr. SANDERS. Reclaiming my time, Mr. Chairman.

Mr. PORTER. It is my time, but I yield to the gentleman.

Mr. SANDERS. I am sorry. I did not mean to interrupt the gentleman.

Mr. PORTER. I yield to the gentleman.

Mr. Chairman, does the gentleman have additional time?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Vermont (Mr. SANDERS) has 30 seconds remaining, the gentleman from Illinois (Mr. PORTER) has the right to close and has 1 minute remaining.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent for an additional minute and yield 1 minute to my friend, the gentleman from California (Mr. ROHRBACHER).

The CHAIRMAN pro tempore. The Chair will entertain a request to grant 1 minute to each side.

Is there objection?

There was no objection.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to my friend, the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, I rise in strong support of this amendment, and let me say that the gentleman from Vermont (Mr. SANDERS) has been trying to propose an amendment of this purpose for several years now. But it seems that every time he proposes it, there is just something wrong with it, that it just is not exactly right.

I do not know about these details about the little loopholes of intricacies of the writing of the bill, but I do know that the fundamental principle he is trying to advocate here is right, and, that is, if a pharmaceutical company takes money from the taxpayers to develop a new drug, they have taken on the taxpayers as a partner; and thus they cannot then turn around and exploit the taxpayers and soak them for all money that they can get out of them because the taxpayer has paid basically for their research and development.

Research and development is the risk that a company takes, and if we are going to pay for that risk, the taxpayers should get something back in return. And fairer prices that are affordable prices is certainly a reasonable assumption for companies that are taking that money.

By the way, let me note, many pharmaceutical companies do not take research and development money; and they should have every right to charge what they want for their product. But in this case, the principle is absolutely sound, whether you are conservative or a liberal or a capitalist or a socialist. The fact is that the people have paid a certain amount of money, they deserve some rights with that money and protecting the consumer at the same time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California (Mr. ROHRBACHER) hit it right on the head and, that is, at a time when millions of Americans cannot afford the outrageously high costs of prescription drugs, they need to know that when their tax dollars went to develop these drugs, that the United States Government is saying to the private drug company they cannot charge anything they want; that they are going to go through the NIH, going to negotiate with you for reasonable prices.

This is nothing more than asking for a fair return for the taxpayers of this country on their investment.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman from Vermont (Mr. SANDERS), again, I understand what he is talking about, but I think that it misses the mark. If NIH is working on joint research with a pharmaceutical company in developing a drug, then clearly the NIH shares in the royalties or the profits from that drug.

What the gentleman is talking about is when basic research is done and then that body of knowledge, which is disseminated to everyone and available to all sciences, then picked up by the pharmaceutical industry from which they do research and develop a product that somehow we ought to somehow measure what that contribution is; and the fact is that there it is simply adding to a body of knowledge that is available to all science everywhere. That is the role of NIH research.

This amendment, even if the gentleman's premise was correct, this amendment will not accomplish what he is seeking to do, and it is the wrong place. It should be offered on the authorizing legislation dealing with the subject matter. So I would oppose the amendment and hope Members would not support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. PORTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

The point of no quorum is considered withdrawn.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Illinois for yielding to me.

Mr. Chairman, I want to thank the gentleman from Illinois (Mr. PORTER), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. GOODLING) for having some excellent provisions for giving education a priority.

I understand that an amendment that was going to take money out of Even Start and put it into IDEA is now not going to be offered, and I just want to emphasize how important I think that we move ahead with the concept of Even Start. Even Start brings parents in to make sure that parents are part of that encouraging effort.

Just briefly, what happened in Michigan, I put in some appropriations for what we call the HIPY program in Michigan, it is Home Improvement for Preschool Youth, and that program helps teach parents how to react to their kids to help their kids do a better job before they went in school.

What was exciting, it increased the reading comprehension for those children by 80 percent; but even more significant, it increased the reading comprehension for the parents by an equal amount. And 60 percent of those parents went on to get their GED.

As we move ahead with Even Start, as we move ahead with Head Start, it is important that we continue to bring parents into the picture to be part of that coordinated effort to encourage better education for their kids.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 18 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. OBEY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. It is the sense of the House of Representatives that tax reductions for tax-

payers in the top 1 percent of income levels should not be enacted until the Congress enacts a universal voluntary prescription drug benefit for all Americans under Medicare.

The CHAIRMAN pro tempore. On this amendment, points of order are reserved.

Pursuant to the order of the House of Thursday, June 8, 2000, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to read this amendment: "It is the sense of the House of Representatives that tax reductions for taxpayers in the top 1 percent of income levels should not be enacted until the Congress enacts a universal voluntary prescription drug benefit for all Americans under Medicare."

The fact is, Mr. Chairman, that for the last 18 years we have been digging out from deficits created when Ronald Reagan pushed through a supine Congress legislation which doubled military spending on borrowed money and made very large reductions in tax cuts.

And over the past 18 years, we have been desperate to finally work down these deficits that were built up and this increase in the national debt that was built up.

And now finally after 18 years of deficits, which gave us an excuse, a collective institutional excuse to do dilly for millions of Americans who needed help, we finally have an opportunity to provide some help. This House passed a number of tax bills in the last 2 months.

First of all, we passed a minimum wage bill that gave \$11 billion in benefits to minimum wage workers; but as a price for passing that, it included \$90 billion in tax cuts for people who made over \$300,000 a year.

They just passed an inheritance bill last week which gave \$50 billion per year when fully operative to the wealthiest 2 percent of people in this country. I observed at the time if we did not do that, we instead could provide a universal prescription drug benefit for every single senior citizen in this country. In fact, we could do it for a lot less than that cost.

In fact, what we could do, if we did not spend that \$50 billion on these folks, we could provide a universal health coverage for every single person in this country that does not have it.

Very simply, I would ask one thing. I have held a number of meetings in my congressional district. I run into senior citizens. I ran into a person just last Saturday, who spent \$24,000 a year on prescription drugs fighting cancer. I talked to another woman who spent over \$6,800 a year. I have talked to doctors who tell me that seniors have to choose between heating and eating, and

that they have known many a patient who has decided they would cut their dosage in half because they could not afford to buy their medicine.

Now, this Congress is very good at saying, oh, you should offset your spending increases. What we are asking you to do today in an amendment that we can offer, but which we cannot get a vote on, what we are asking for is to recognize that there are two parts to a budget: what you recognize in revenue and what you spend in expenditures.

We are asking you for a change like the outside world would, where you live in reality to put those two pieces of the budget together, and recognize that what you do on one half has an impact on what you can or cannot do on the other half.

Now, we cannot under the rules of the House get at that action today; and so this is, in essence, a symbolic amendment, because we have no opportunity to offer any other kind. This is a symbolic amendment that says decide who we ought to put first.

Now that we finally have some surpluses and can start meeting some of the Nation's challenges again, decide whether the wealthiest 2 percent of people in this country need that money more than someone who is living on \$16,000 a year on a fixed income. If you have a conscience, the answer is clear. That is why this amendment, though it will not be adopted by this House tonight, should be.

It would be a signal that at long last we are putting the needs of working people and retirees ahead of the economic establishment in this country. There are only 6 percent of the people in this country who contribute to political campaigns; that is why you get \$50 billion a year put here instead of here. And that, I think, is the most disgraceful thing you can say about this session of Congress.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) claim the time in opposition?

Mr. PORTER. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) and everyone on his side of the aisle have stayed very much all the time that we debated this bill on their political point, which they have made over and over and over again. They do not like tax cuts for the wealthy; and if we would only not have put those in the bill, we could do all kinds of things that they would like to do with the money.

Let me say something that I know that they will not like to hear, but I personally do not believe that we should every hear in this Chamber the

kind of language that divides us. It is wealthy against working people, over and over and over again in their vernacular; and I do not believe that is what this country stands for or what we believe in.

□ 1915

It is not a crime to work hard and become a wealthy person. In fact, I would say that universally Americans accept the principle that they value the opportunity to do exactly that. That is what they want to do. And I think this divisive language of setting class against class and saying over and over again that it is one group against another is really not what we ought to be engaged in in debate here, ever.

We ought to talk about the principles that we believe in, and the policies that advance those policies. I do not think we believe in class warfare, and I do not think we believe in dividing people by economic means.

We do believe, and I agree with the gentleman, that there are people in this country that are really put to the test as to whether they can afford the drugs that they need even to stay alive, and very clearly there are people that are having to make very difficult decisions in their lives in order to pay for those drugs that they should not have to make.

We ought to have a program to address the needs of those people. We ought not to have a program to provide universal coverage for prescription drugs, because there are lots of people in this country, about two-thirds of the people, the seniors in this country, that have a prescription drug benefit already under their own policies. They can afford it, they do not need the help. But there are certainly people that do.

I believe that this Congress will provide that kind of prescription drug benefit. We will make certain that we are taking care of those people who are put to that tough test and are deeply in need, and we ought to. But I think the language of divisiveness, the language of division, the language that divides people economically is not appropriate, has not been appropriate throughout this debate, and I would hope that we would reject that kind of class warfare.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, as far as class warfare is concerned, the fact is that the working class has already lost and the wealthiest 2 percent have already won. The wealthiest 1 percent of people have made so much in additional money over the past 5 years that they now control more of the Nation's wealth than 90 percent of the American people combined. I do not call that class warfare, I call that telling the truth.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, we stand accused by the gentleman from Illinois of recognizing reality. The reality is there is a budget. It limits the amount of money we can spend. If you spend on one set of things, you cannot spend for another. That is reality. If in fact you give large tax cuts to people who are very wealthy, you will have less money that you can spend elsewhere.

The gentleman says, "Oh, let's not have class warfare; let's just have the wealthy and the middle class and the working class all get along." It sounds like Woody Allen's statement, "the lion shall lie down with the lamb, but the lamb won't get much sleep." The wealthy and the poor can work together, as long as the poor are prepared to be submissive.

The Republican plan says that you will get some help in paying for prescription drugs, up to 150 percent of poverty, \$16,000 a year. If you are a retired individual making \$20,000, \$25,000, \$28,000 a year and you get hit with a drug bill of four, five or six hundred dollars a month, the Republican position is we cannot afford it.

Now, we say you could afford it if you did not give large tax cuts, and the gentleman says, Oh, that is class warfare. That is not class warfare, that is reality. If you, in fact, decide that Bill Gates should be allowed to pass down to his children all of his money with no taxes, and deprive the revenue base of 20 or 30 billion dollars, and you then say, "but we can't help you if you are making \$20,000 a year," and that is the Republican's plan. We did not make it up. This is not class warfare, this is your plan. One hundred fifty percent of poverty is the level at which you get subsidized.

The gentleman said, We don't need universal coverage under prescription drugs. It is the same argument that said on the part of the Republicans that we did not need Medicare, we did not need universal health care. The fact is if you were making up a health care plan today, you would fully cover prescription drugs. Yes, there are some older people who have private insurance for prescription drugs. They pay unduly for it.

We have a very simple case, and the gentleman apparently objects to our pointing it out. The more you do for people at the upper end of the scale, given a limited amount of money, the less you can do for people at the other end. I am sorry that that makes the gentleman uncomfortable. It does him honor that it makes him uncomfortable, but we did not create this situation. It is the reality that you have brought to the floor with your overall program.

Mr. PORTER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Arkansas (Mr. DICKEY), a very valued member of our subcommittee.

Mr. DICKEY. Mr. Chairman, in 1995, when I was fortunate enough to get on this committee, I asked what subcommittees I would be on and one was called the Subcommittee on Labor, Health and Human Services and Education. I asked people about that committee, and they said this is one time that you can go into deliberations and it will not be political; that there will be people like Louis Stokes on the other side who are just as concerned about poor people, just as concerned about medical needs of people, and just as concerned about all these programs that we have, NIH and all these programs that we have; that is, it is completely nonpartisan.

Well, I am afraid to say that is not true. I would like to point out why and how I can come to that conclusion right now.

We have had a subcommittee process going on here where we have laid out this whole plan, and I think the chairman has done an excellent job, and I believe that the opposition believes the same thing. In the subcommittee there was not one amendment that had a setoff to it, there was not one amendment mentioned. It was an ambush that was being planned, a political ambush, not an ambush in any other fashion or in a constructive way. They were sanitizing themselves and saying no, we are not going to have setoffs, we are not going to match these things. That could either be it was politically motivated, or they really and truly agreed this was a tremendous balance of all the interests in every respect.

Well, we come to the floor now, where we have all the bright lights, all the attention of our Nation on it, and we start talking about a very political issue called tax cuts, money that is not spent, but is withheld by the people who own it when there is a surplus.

These same people have been hollering against tax cuts in every way possible. They first of all said, back in the times when we were talking about trying to reduce the tax burden on the working people of America, they said we want to pay down the debt. Have they said one thing about paying down the debt here? No, they have not, because what they want to do is spend more and spend more and spend more. They want to keep this money in the government coffers so that they can have more control over it and so we can get right back in the same position that we were in when we started this business of balancing the budget and bringing ourselves into some reasonable economic sanity.

So it is very clear. Even the arguments about protecting Social Security, if we did not protect Social Security we could have all this money that they could spend on this part of their agenda. That has happened year after year after year after year, until the conservatives took control of Congress

and took the hard hits and said no, we are not going to borrow money from Social Security to satisfy your spending addiction.

It is sad to me that we have this circumstance here and that this committee is being used for that purpose. It is a setup. The people of America should understand that, the people on both sides of the aisle should understand it, that when we have somebody like Jim Kelly, the Buffalo Bills quarterback, and his wife coming before our committee and telling about their small son, Hunter, and his disease, we should not be talking about politics. We should be talking about gigantic needs.

When we look at what we can do in curing diseases across the globe, we should not be talking about politics, we should be talking about doing what is right. When we are talking about education and helping the people who have missed their opportunities, who do not have a pattern, a generational pattern for them to follow, we should not be talking about politics, we should be talking about what is right.

So I would say we ought to reject this idea of these tax cuts being a factor in this discussion. Those discussions are nothing but political. We are not being constructive, and I agree with the chairman, we are not gaining anything, and we are doing a disservice to our country and to all of these causes that we are trying to serve in this committee by continuing this harangue time after time after time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the other distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I strongly support the Obey amendment. The Republican leadership wants America to believe that adding a prescription drug benefit to Medicare is one of their top priorities. That simply is untrue. They have done nothing to seriously address prescription drug prices for citizens. Many of the 13 million senior citizens who have no insurance coverage for prescription drugs are forced to choose between food and medicine, yet the Republican leadership has just pushed a \$200 billion tax giveaway for the super rich through the House.

More than half of their reckless tax giveaway is available to only a few thousand of the wealthiest families out of more than 60 million families in America. We should put an end to these giveaways until Congress enacts a universal voluntary prescription drug benefit for all Americans who are eligible for Medicare.

Senior citizens' lives are at risk when they cannot afford prescription drugs that they need, yet pharmaceutical companies and their lobbying machine have kept this Congress from enacting a prescription drug benefit.

But, Mr. Chairman, this debate does tell America what Republican priori-

ties really are: Tax cuts for the super-rich, a few, before prescription drugs for the 13 million American senior citizens who cannot afford either the out-of-pocket costs or the insurance for drug coverage.

It is the Republican majority who have created the so-called class warfare that the gentleman from Illinois speaks about. They have put the comfort of the very wealthy over the needs of ordinary citizens. We must begin responding to the needs of all Americans, not just the super-rich.

Mr. Chairman, I urge a vote for this amendment and against this totally inadequate bill.

Mr. PORTER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, do I understand the gentleman correctly that he wants a universal prescription drug benefit?

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, a universal voluntary prescription drug benefit under Medicare.

Mr. PORTER. That would therefore provide a prescription drug benefit for these very wealthy people that the gentleman just described?

Mr. OLVER. Voluntary.

Mr. PORTER. Who do not need it.

Mr. OLVER. If they do not want it, they do not have to take it.

Mr. PORTER. It is always voluntary, of course.

Mr. OLVER. If they have a better plan, surely they will keep the plan they have, rather than take a plan which is inferior, if they have a better plan.

Mr. PORTER. We just want to get the government into this business directly and provide for all those people, even though they do not need it.

Mr. OLVER. It is voluntary, and it is one that anybody who has a better plan should keep their better plan.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I want to thank our ranking member, the gentleman from Wisconsin (Mr. OBEY), for his tireless efforts on behalf of hard-working, middle-class families. He has been an important voice for common sense in this debate.

The Obey amendment is an attempt to bring some of his common sense to this legislation, to help it to be able to reflect the priorities of the American people. It says, very simply, let us provide a prescription drug benefit for all of America's seniors, before, in fact, we enact a tax cut for the wealthiest 1 percent of Americans.

Sixty percent of our seniors on Medicare lack good, affordable coverage.

The nearly 12 million seniors who have no prescription drug coverage need our help. If all of senior citizens are covered, then we will see the prices drop on prescription drugs.

More than one in eight seniors are faced with an awful choice of paying for food and shelter or buying the prescription drugs that they simply cannot live without. In a time of unprecedented prosperity, the Republican leadership is telling these seniors that providing a tax cut to that wealthiest 1 percent of Americans is a higher priority than helping seniors afford prescription drugs.

They have given a lot of lip service to the need for a Medicare prescription drug benefit, but the fact is, Republicans still do not have a plan to provide a voluntary prescription drug benefit that covers all of America's seniors, no matter where they live.

□ 1930

They want to do this through private insurance companies who quite frankly have said their plan is absurd.

This amendment says that the Republican leadership needs to get back in touch with the values of the American people and provide prescription drug coverage to all of America's seniors before we pass those tax breaks for that wealthiest 1 percent. Those are the priorities of the American people. They should be our priorities.

I urge my colleagues to support the Obey amendment.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Chairman, I am a practicing politician, just like everyone else in this institution, so I would plead fully guilty. I would like to vote for a lot of tax cuts for my constituents. But I think I have some differences from some of my friends on the Republican side of the aisle. I want tax cuts that are aimed, for instance, at small businessmen so they can help provide health insurance for their employees.

I know what it is like to run a small business on a 1 percent or 2 percent profit. I do not want tax cuts that provide 73 percent of their benefits to the wealthiest 1 or 2 percent of the people in this country. I have nothing against those folks, but when we give 73 percent of the tax benefits to the very wealthiest 1 or 2 percent, we do indeed precipitate class warfare, and Members cannot object when the average working family asks their representatives to fight back.

I also do not want tax cuts that are so large that they get in the way of our protecting Medicare and Social Security,

and that require the kind of reductions from the President's budget that this bill has in education, that it has in health care, that it has in the National Science Foundation, that it has in a range of other programs that help build this country.

Mr. Chairman, we are the strong country we are today because we have always tried to be in everything together. We have tried to sacrifice together in wars and prosper together in peace. The problem is that today, in many places in this country that is not happening.

What we are saying is very simple: Yes, we want a universal health insurance plan for prescription drugs, a voluntary plan. The reason they have never been able, on that side of the aisle, the reason they have never been able to put a dent in Social Security, the reason they have never been able to wipe out Medicare, as their earlier leadership said they wanted to do, is because they provide universal benefits, regardless of income, so all levels of this society recognize they are in it together when it comes to those programs, so people at all levels of income defend those programs.

I make no apology for wanting to apply the same logic to prescription drugs. There is nothing wrong with asking Members to delay the tax cuts Members are giving to the wealthiest 2 percent of people in this country until they provide a prescription drug benefit for people who need it.

There is nothing wrong with pointing out time and time again that all they have to do to be able to avoid all of the cuts from the President's budget that they have in education, in health care, and child care, and everything else, is to simply cut by 20 percent the size of the tax cut that they are providing in the five tax cut bills they have put through this House so far.

It is true, our procedures do not allow us to directly join this issue tonight by way of votes, so all we can do is join it rhetorically. If those are the only tools that we have, then pardon me for making the best use of them that we know how. I make no apologies for it.

This amendment is the right thing to do if Members believe in a just society.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just say to the gentleman from Wisconsin that this entire debate has attempted to focus on tax cuts, and of course there are no tax cuts on the table here whatsoever.

In addition, I would say to the gentleman that he knows very well, and everybody on his side of the aisle knows very well, that there are no tax cuts of the type he describes on the table anywhere, because the President of the United States has said he would veto those tax cuts. That is not in play. It has not been in play at any time.

We on our side have to abide by the budget resolution. It is easy to talk about adding money for this program or that program, and to simply say, we are not going to take any responsibility for it. We can add whatever number we want, because we are not bound by the budget resolution.

I am sorry, we are bound by the budget resolution. We have to live within the allocation we are given. We have to act responsibly. We have to figure out the best priorities for our country.

I would say to the gentleman on the other side of the aisle, the gentleman, they have had ample opportunity to adjust those priorities if they do not agree with them by moving money from one account to another. They have not offered one single amendment to do that. All they want to do is add spending to the bill and breach the budget allocation that the subcommittee has been given.

That is why every one of these amendments are out of order and will not stand. They have simply used this as a political exercise to express the kind of statements that have been made over and over again about tax cuts. They are irrelevant to this process. They would be vetoed by the President anyway. The whole thing is simply a political exercise.

I would simply say that I think we have wasted a lot of time in this exercise that could be spent productively in legislating.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Illinois insist on the point of order?

Mr. PORTER. Mr. Chairman, I make a point of order on this amendment because it proposes to change an existing law and constitutes legislation in an appropriation bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law * * *."

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I do, for the reasons that I cited in my previous remarks.

I recognize that the rules of the House do not allow us to get a vote on this amendment. That does not mean the amendment is not correct.

Obviously, under the rules we are operating under it is not in order, so I concede the point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin concedes the point of order. The point of order is sustained.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we move to the final amendments on this bill, I know the gentleman from Pennsylvania (Mr. TRAFICANT) has one and I know the gentlewoman from Connecticut (Ms. DELAURO) has one and the chairman of the committee has one, but I simply want to take this time, in spite of the heat of the debate that we sometimes had, to take a moment to do honor to the man who is chairing this subcommittee as we consider this legislation for the last time under his stewardship.

Mr. Chairman, I have known the gentleman from Illinois (Mr. PORTER) for a long time now. I have never seen a day when I have thought that he did not act out of absolute patriotism and out of an absolute dedication to what he believes is good for this country.

I deeply believe that being a politician, and I am proud of it, I deeply believe that being a politician or public servant is one of the highest callings that one could have. In a democracy, I know of no higher calling except to be a minister, a rabbi, or a priest.

I think the gentleman from Illinois (Mr. PORTER) with all of the differences we have had on this bill, I think the gentleman from Illinois has in all ways, as long as I have known him, done honor to his constituency, done honor to his State, done honor to his party, done honor to this institution, and above all, has done honor, great honor, to the country that he has so ably served.

I will regret seeing him leave. I will miss him personally. I will miss him professionally. I think that the differences that he and I have had on this bill prove that when two people agree on everything one of them is unnecessary, so we have disagreed often today. We each have our roles to play. But public service loses something very precious when it loses people like the gentleman from Illinois (Mr. PORTER).

I simply want to say that whether the issue has been health or education or welfare, or whether the issue has been the foreign policy interests of the United States, the gentleman has always, in my view, been a credit to this institution and a credit to himself.

I think honestly he has deserved a better cut of the deck than he has gotten, because if we had a realistic budget situation in which we were operating, I think he could produce legislation which is far more in line with what I know his instincts to be and what his concerns to be.

I simply, if I were wearing a hat, would take it off to the gentleman, because he has been an exemplary public servant for as long as I have known him.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I cannot tell the gentleman how much I appreciate those very, very kind and generous words. I

have served in this body for 21 years, almost, and I have loved every minute of my service. I have loved the relationship that I have had with Members on both sides of the aisle.

I believe we lose a lot when we lose the collegiality of working together for our country. Too often we get involved in partisan bickering and partisan debate, instead of finding the common ground that we need to move this country ahead.

I particularly value my relation with the gentleman from Wisconsin. He has been steady and strong and articulate in his beliefs about policy for our country. He has been a man of great integrity. Yes, he is difficult to deal with at times, and he recognizes that himself, but he fights for what he believes in, and I respect that greatly.

I am going to miss greatly this body, and I am going to miss the relationships with Members. I am going to miss this kind of give and take on the floor and the processes of democracy, where we try to find the middle, where we try to find a way of coming together and working out our differences, and we will. We will in this bill, we will throughout the process. We will win some and lose some on both sides, but it will work for us.

I say to the gentleman from Wisconsin (Mr. OBEY) that I very much agree that we need to help our young people to understand that public service is a very, very honorable profession; that we can follow our ideals and work for the things we believe in and maybe make a difference in the results, if we want to get in and do that.

I think too often, if I may say so, too often we have a media that focuses on all the negatives. They do not recognize the hundreds and hundreds, 99 percent of this body or 100 percent, who are caring people: who care about their country, who work for the things they believe in, who work with others. They always look only at the negatives.

The American people need to know that this is a body of very able, caring people who work for this country, who work for their constituents, who sacrifice a great deal to make things work and make a difference in public policy. That message is not conveyed sufficiently.

I thank the gentleman for his kind words. It has been a real privilege to work with him all this year, and I consider him a very, very close and dear friend.

AMENDMENT NO. 201 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 201 offered by Mr. TRAFICANT:

At the end of the bill add the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.15 an hour beginning September 1, 1997,

“(B) \$5.65 an hour during the year beginning April 1, 2000, and

“(C) \$6.15 an hour beginning April 1, 2001;”.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois reserves a point of order on the amendment.

The gentleman from Ohio (Mr. TRAFICANT) is recognized.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from Wisconsin (Mr. OBEY.) There is not a tougher bulldog on our side, and I think at some point everybody gets mad at him, but I do not think anybody could have made a better statement in tribute to the contributions of the gentleman from Illinois (Mr. PORTER). I commend the gentleman.

□ 1945

I was about to do that, and I will let the great words of the gentleman from Wisconsin (Mr. OBEY) speak for themselves, except to thank the gentleman from Illinois (Mr. PORTER) for all he has done for America.

I want to commend also the gentleman from Florida (Mr. YOUNG). There is some talk of me even appealing the ruling of the Chair. I know this is legislation on an appropriation bill, but my people need it desperately.

I am going to ask the Republican leadership to allow for an up/down, clean vote at some point in the Congress on the Traficant bill to raise the minimum wage \$1.00 over 2 years.

Again, I would thank the gentleman from Wisconsin (Mr. OBEY) for fighting so hard for what we believe in. I thank him for the words he put together for the gentleman from Illinois (Mr. PORTER). He really deserves them. He is a great guy, and I wish the chairman the greatest.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 10 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer amendment No. 10 by the gentleman from Wisconsin (Mr. OBEY), as his designee.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. DELAURO:

Page 20, line 11, after the first dollar amount, insert the following: “(increased by \$244,000,000)”.

Page 33, line 19, after the dollar amount, insert the following: “(increased by \$36,000,000)”.

Page 34, strike the proviso beginning on line 16.

Page 40, line 25, after the dollar amount, insert the following: “(increased by \$175,000,000), of which not less than \$125,000,000 shall be for an expanded focus on respite and other assistance for families of vulnerable elderly, as authorized by section 341 of the Older Americans Act of 1965”.

Page 72, line 21, after the dollar amount, insert the following: “(increased by \$156,000,000)”.

Page 73, line 19, after the dollar amount, insert the following: “(increased by \$156,000,000)”.

The CHAIRMAN pro tempore. On this amendment, points of order are reserved.

Pursuant to the order of the House of Thursday, June 8, 2000, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say to the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER), that he does this House honor though we have disagreements and we disagree on this piece of legislation. It is an honor to serve with him in this body.

Mr. Chairman, this amendment addresses glaring insufficiencies in this bill in protecting the health and the welfare of America's seniors. It increases funding for the HCFA nursing home initiative, the Medicare integrity program, family caregivers, Meals on Wheels, the Social Security Administration, community health centers and health care for uninsured workers.

It provides \$661 million in needed funding for seniors and for middle-class families. These needs will go unaddressed in this bill because of misplaced priorities of the Republican leadership.

There was a lot of talk today about the need for offsets in order to pay for the vital needs for seniors, our schools, and health research. I have the offset right here, the one we ought to focus on, and that, in fact, is to scale back that massive tax cut that is wanted and that benefits the wealthiest 1 percent of Americans, and then we can meet the need of seniors and still be able to provide tax relief for working middle-class families.

Provide those tax breaks for working families. Scale back the enormity of

the tax cut, and we will have the offsets that we need to be able to do something for the families in this country.

Unfortunately, my colleagues on the other side of the aisle have rejected this type of a balanced approach, and just let me say who will not be served because of this misplaced leadership. Family caregivers, today over 5 million Americans, 3 to 4 million of whom are seniors, are able to remain in their homes during an illness because of the services provided to them by family caregivers. These family members face the stress of caring for a frail and ill senior while still struggling to look after the rest of their families. Many still work full time while providing care that allows their parent to maintain their dignity. This bill cuts \$125 million from this program.

Second, Meals on Wheels, we have all been the witness of the benefit of the Meals on Wheels program. It provides vital nutrition to low-income seniors, helps them again to stay in their homes and in their communities. We could have provided an additional 75,000 low-income seniors with this important help if this amendment would pass, if we could add \$50 million to the program. Rejecting the amendment means that these seniors will go without. Many of them will not be able to maintain their independence and remain in their homes because they will not receive the service of Meals on Wheels.

Nursing home initiative, with a helping hand many seniors can maintain their independence. Too many people my age have to face the awful choice of finding a nursing home that will provide around-the-clock care for a parent who can no longer live on their own. We have all seen the horror stories about homes that fail our seniors.

Most recently in today's papers, in New York, have talked about the inadequate care and actually the violation of seniors' human rights in some of these institutions.

One in every four nursing homes puts their patients at an unnecessary risk for death or injury. It is simply unacceptable that the greatest generation is being put at risk by the generation that followed them. We could have protected these seniors by funding a \$38 million nursing home initiative that would have insured quality nursing home care for 1.6 million seniors.

Funds for Medicare fraud and Social Security, the amendment funds efforts to protect Medicare, ensure that Social Security serves our seniors. By funding the Medicare integrity program, we can fight waste, fraud, and abuse in the Medicare system and return dollars that are so needed for the program. Every dollar invested in this fraud-fighting initiative means that we can return \$17 to Medicare that would be lost to fraud and abuse.

Support of this program would save Medicare \$850 million.

The Social Security Administration, the amendment would also ensure that the Social Security Administration could improve their services for seniors and reduce the waiting time for claims and requests.

Supporting the amendment would have made a real difference for seniors. Unfortunately, we will not be able to properly fund these critical needs or many of the other initiatives that are grossly underfunded in this bill today, because the Republican leadership has insisted on providing tax breaks for the wealthiest 1 percent of Americans.

We can keep the tax relief for middle-class families. They need it. Scale back the tax break for the top 1 percent, the wealthiest of the wealthy, and we can invest in these important initiatives.

I think that most Americans would make this trade-off. If we cannot find the funds for these vital needs, we should resoundingly reject this legislation. It betrays American seniors, fails to live up to the values that they have passed on to all of us.

I heard the chairman of the Committee on Rules refer to this bill as progress. If this is progress, then the future Republicans envision is not one that respects the contribution of America's seniors and that maintains their values. Oppose this misguided bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) seek to claim the time in opposition?

Mr. PORTER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentlewoman would increase funding for the Social Security Administration in spite of the fact that the bill increases the account by \$400 million.

I would say this: If I, like the gentlewoman, were not constrained by a budget allocation, I would attempt to do more in this account. It is obviously a very important one.

She would increase community health centers above our level, which is, in turn, above the President. I would say to the gentlewoman, this is an account that we have increased above the President every year for the last 5 years. This is a high priority for us. We have increased it this year above the President but, again, when one does not have any budget constraints I guess it is very easy to increase it to any level they want.

With respect to Meals on Wheels, we fund that at the request level which the gentlewoman would increase by \$50 million over the President's request. Now I would say to the gentlewoman that I do not think that we have done as good a job as we should do in respect

to some of the senior programs, but I would also say to the gentlewoman neither has the President.

Generally speaking, when we meet the President's requests in a program like this we feel that we have done a great deal when we have budget constraints, but I would also say that in the future, as more resources become available, we need to do a better job with Meals on Wheels and others in this area.

With respect to the nursing home initiative, the administration asks us to enact a user fee which has, as he well knows, the President well knows, essentially no support. We have not included the funds as a result of this proposed fee. Otherwise we carry this fund at the request level.

On health care access for the uninsured, this is a program that is not authorized. The administration requested funding for it in last year's budget request under the Office of the Secretary. The committee did not approve initial funding, but in conference the administration requested that \$25 million for a community access program be provided under HRSA using the demonstration authority.

The budget request for this year proposes to increase this demonstration to \$125 million. Unfortunately, the program is still not authorized.

The Secretary envisions this program to reach \$1 billion over 5 years. The committee believes that it should be acted upon by the authorizing committees of jurisdiction prior to any appropriation being made for it. Again, if one is not limited by any constraints, it is easy to put money into accounts; it is easy to put money into programs that are not authorized.

We cannot do that.

So I would simply say to the gentlewoman, while she makes some valid points about the priority of some of these programs, and they ought to be addressed, that particularly in reference to the community health centers which we consider a very high priority and which we have always funded above the President, this is a misguided amendment. Again, she is not bound by any budget constraints. She just pours money in, and says we ought to spend more.

That is easy to say. It is more difficult to live within some constraints and live within fiscal responsibility. I oppose the gentlewoman's amendment.

Ms. DELAURO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to just reiterate what I said earlier, that the President of the United States is not offering this amendment. I am offering this amendment, and we, in fact, have 3 coequal branches of government. The President may have made a request, but I believe that we need to increase the dollar amount for several of these programs.

Secondly, the constraints that have been put on the budget are irresponsible restraints because they reflect the priority of the Republican leadership. They reflect truly the values and the priorities of the Republican leadership, which says let us provide a tax cut to the 1 percent of the wealthiest people in this country, and when one places that constraint on the budget as an albatross, then all of those programs are held captive that, in fact, would benefit working families, seniors and the most precious commodity, our children.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the DeLauro amendment. It addresses some of this bill's most serious deficiencies in protecting the health and welfare of seniors and other vulnerable populations.

I recognize that the persons across the aisle are arguing there is no money for this; that the President did ask for this so we should not give any more money, but what I want to say to the folks on the other side of the aisle is tell some of the people back in my district, who have been the working poor for years, that this government has no money for the senior citizens who use senior citizen facilities across this country.

Let me make it personal for a few moments. Let me tell the story of my mother-in-law, Ruby Jones, who is 79 years old, who was taking care of her husband in her home.

□ 2000

As a result of her work and taking care of her husband, who has congestive heart failure, she developed a stroke. She has been in a coma for 4 years and in need of home health care in her home. My sister-in-law, now the caregiver, who works full-time as a pharmacist, is caring both for her father and mother in her home.

This amendment will provide additional dollars to caregivers who are providing services in their homes. Being a caregiver is not an easy task. Over half of them are over the age of 65. Most of them are women. One-third of them have full-time jobs.

Help for caregivers is needed now more than ever. The population age 85 and over will continue to grow faster than any other age, increasing by 50 percent from 1996 to 2010. Research has shown that caregiving exacts a heavy emotional, physical, and financial toll.

Therefore, support provided to informal caregivers significantly benefits them. The other day I visited a facility in my district called Concordia Health Care. It is a PACE program. At Concordia, there are women there who are 80 to 85 years old, and their families have been caring for them in their home. But this is a day care facility for

senior citizens. It is remarkable because most of these women would be stuck in their homes all day if it were not for the dollars that are provided for senior care.

So I support the amendment. I believe it provides for the working poor. These are our senior citizens who have worked all of their lives, and we cannot turn our backs on them now. I support the amendment.

Ms. DELAURO. Mr. Chairman, may I inquire how much time is remaining.

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from Connecticut (Ms. DELAURO) has 5½ minutes remaining. The gentleman from Illinois (Mr. PORTER) has 11 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, the gentlewoman from Connecticut (Ms. DELAURO) sets aside an additional \$125 million for section 341 (Part D—In-Home Services for Frail Older Individuals) of the Older Americans Act, and of course, therefore, is authorizing on an appropriation bill.

Now, I will be the first to admit that I am very disappointed that I have not been able to bring the Older Americans Act to the floor. I have not been able to reauthorize it. My colleagues on that side have just as much responsibility for that not happening as some on my side. My colleagues have to understand the Older Americans Act in the first place.

How 10 groups, 10 organizations got their fingers on all that money, I will never know. But that is the way it was passed. But what the law said when it was passed is that 55 percent of the money would go back to the States, 45 percent of the money would stay in Washington for the lobbyists here in Washington.

Unfortunately, the other body has not followed that law. The House has always appropriated properly. The other body has appropriated 75 percent for those lobbyists in Washington and 25 percent for those who really need it back in my colleagues' districts and my district.

We came up with a bipartisan bill, moved it out of committee. Again, those Washington lobbyists got to my colleagues' side of the aisle, got to my side of the aisle; and therefore we again do not have a reauthorization of the Older Americans Act.

H.R. 782 would do everything the gentlewoman from Connecticut (Ms. DELAURO) would like to do and more. In H.R. 782, we combine two of the programs: the programs of In-Home Services for Frail Older Individuals and Assistance for Caregivers into a family caregiver program.

Now, what does that program offer? That program provides services for

counseling, for training, for support groups, for respite care, for informational assistance and supplemental services for the frail elderly and their families.

The gentlewoman needs to talk to her side, as I need to talk to my side. It is time we buck the Washington, D.C., lobbyists that get their hands on most of this money. It is about time we get it back to those States and back to the people in need.

But I need my colleagues' help on their side just as much on our side if that authorization level is to get here. As I said, it came out of committee in a bipartisan fashion. It is authorized out of committee. You get it to the floor. Then you get the other body to act. And we will not only do what the gentlewoman from Connecticut (Ms. DELAURO) wants to do, but much, much more for senior citizens in need in this country.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am surprised that the gentleman from Pennsylvania (Mr. GOODLING) does not know this, because the gentleman is a student of these matters. The fact of the matter is, on page 324 of this document: "However, funding for the President's initiative does not require final passage of the authorization of the Older Americans Act. States can provide services to family caregivers under existing provisions of title III (Part D) of the Older Americans Act."

So, in fact, this has been authorized under an existing authority already.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding and for her outstanding leadership in bringing this amendment to the floor.

This amendment is about addressing misplaced priorities of this committee and this Congress. It attempts to repair the damage this bill does to initiatives that protect the health and welfare of seniors and other vulnerable populations.

This amendment is necessary for a simple reason. The Republican majority is more focused on providing a trillion-dollar tax cut that largely benefits the wealthiest Americans than on providing needed funding for the neediest Americans.

The DeLauro amendment is necessary because it provides an additional \$119 million increase to the community health centers above the House level to provide affordable care to the uninsured and underinsured.

I think every Member of this House respects the work of the community health centers, because nearly one in five working adults lack health insurance, and half the working Americans with incomes less than \$20,000 could not pay their medical bills last year.

Poverty, homelessness, poor living conditions, geographical isolation, lack of doctors, and lack of health insurance pose insurmountable access problems for many people at higher risk for serious and costly health conditions.

Community health centers address these access problems through the delivery of comprehensive primary and preventive services, the type of services not typically offered by traditional private sector providers to at-risk people. Health centers do it cost effectively. Health centers focus on wellness and early prevention.

At a time of great economic prosperity, we must not forget those who are not enjoying good financial times, those who do not have the health coverage for themselves or their families. The community health centers fill a need we cannot ignore.

As I said earlier in the day, if we would cut the budget, cut the tax break for the wealthiest Americans by just 20 percent, it would afford us the \$2.5 billion to address the initiatives put forth in these amendments.

Unfortunately, the Republican budget resolution passed by the House created a framework for failure. We are trying to redress those failures in this amendment.

The CHAIRMAN pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has 3 minutes remaining, and the gentleman from Illinois (Mr. PORTER) has the right to close.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this amendment tries to do a lot of good things. One of the most important things is that it tries to add back \$38 million to correct the fact that this bill cuts 95 percent of the funding for the administration's nursing home initiative, which is aimed at strengthening the protection of our senior citizens in nursing homes. The General Accounting Office has said that there are one in four nursing homes in this country that has serious deficiencies. I think we ought to do our best to correct that, and this amendment does.

I do not know how many have ever worked in a nursing home. I worked an entire summer in an institution when I was a young teenager that dealt with people in need of nursing home care and also dealt with people in need of care because of mental and emotional problems. It was not a pleasant job. It is a tough job.

Nursing homes that are trying to do right by their citizens need to be backed up by the Government who will keep those who are not quite so fastidious towing the line, because otherwise it makes it impossible for the nursing homes who we are trying to tow the line to do so.

I think it is a disgrace that we do not fund their money. I also think it

should be on notice that this amendment restores money that fights Medicare fraud. It restores money to try to shorten the delays that people have when they apply for Social Security disability. A woman came up to me 2 weeks ago who was facing the loss of her house because she could not get a hearing fast enough on her Social Security disability claim.

There are real people behind this amendment and real needs that we are trying to fill with this amendment.

I congratulate the gentlewoman from Connecticut (Ms. DELAURO) for trying. I would urge a vote for this amendment if we have the opportunity to get a vote.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just continue where my colleague left off on the \$38 million for a nursing home initiative that would provide quality nursing home care, because we do know the horror stories.

Today's New York Daily News, "Nursing Home Horror, Queens facility abused elderly residents, Feds say." "Elderly face mental and physical abuse."

Line after line of the most vulnerable citizens in a place in which they are unprotected, and their rights and their dignity are taken away from them.

We have an opportunity with this amendment, with this bill, which focuses in on the lives of people in this country to take \$38 million and provide additional nursing home care, quality care so that, in fact, we do not have to read stories like this in the newspapers.

Cut back the tax cut to 20 percent. Give us the \$2.5 billion for these amendments that are going to make a difference in the lives of the American people.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) insist on a point of order?

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 8, 2000, (House Report 106-660). This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentlewoman from Connecticut (Ms. DELAURO) wish to be heard on the point of order?

Ms. DELAURO. Yes, Mr. Chairman. I think that we understand that the rules of the House restrain us on this matter, and it is unfortunate. If there had been a vote on this issue, I believe

we would have prevailed. I concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded, and the point of order is sustained.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. Each amount appropriated or otherwise made available by this Act for fiscal year 2001 that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced to 0.617 percent.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Monday, June 12, 2000, the gentleman from Florida (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I would explain briefly that the amendment reduces all discretionary budget authority provided in this bill by 0.617 percent. I do not want to offer this amendment, Mr. Chairman; but it is essential and necessary that I do. It is the only fair and reasonable way to address the problem that was created when the emergency designation in this bill was struck on a point of order.

The emergency designation related to the funding in this bill approved by the subcommittee and the full Committee on Appropriations for the public health and social services emergency fund, and a declaration of emergency was attached to that funding. Now, because a Member on my side of the aisle decided that he did not like that, they struck it on a point of order.

Under the budget rules, removing an emergency designation from a bill, that has the effect of reducing the committee's budget allocation. Thus this bill is \$500 million in budget authority and \$217 million in outlays over its allocation thanks to that point of order. So this has to be fixed. If it is not fixed in this bill, then we would need to reduce the 302(b) allocations for one or more of the other subcommittees that have not yet marked up a bill.

□ 2015

In other words, the allocations for the Commerce, Justice, State, and Judiciary appropriation bill, or the Foreign Operations, Export Financing and Related Programs appropriation bill, or the Treasury, Postal Service, and General Government appropriation

bill, or the District of Columbia appropriation bill would have to be cut. We have to make up this \$500 million. This cut is required to remain within our allocation, and they must be found in this bill unless we intend to disrupt all of the other 302(b) allocations.

I would point out that this bill is an increase over last year. There is \$2.7 billion in discretionary funding more than last year's bill. There is \$11.5 billion more in this bill for the mandatory accounts. So this bill has had an increase. But despite that increase, I would really prefer that we allow this emergency declaration to stick with the public health and social services emergency fund. But that has been struck on a point of order, therefore, Mr. Chairman, this amendment is necessary.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Wisconsin (Mr. OBEY) wish to seek the time in opposition?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Let me explain this amendment, Mr. Chairman. This bill originally contained an emergency designation for funding for the Center for Disease Control to respond to bioterrorism attacks, as only that institution has the capacity to do. The committee designated it as an emergency. But then the organization in the Republican Caucus known as the CATS objected, and so the Committee on Rules did not protect the emergency designation for that money in the rule.

This amendment, while it is being offered by my friend, the gentleman from Florida (Mr. YOUNG), it really, I suppose, ought to be called the Coburn amendment. Because when the gentleman from Oklahoma (Mr. COBURN) struck the protection on the point of order, it left this bill some \$500 million over its budget ceiling. I would simply suggest that it is too bad that my good friend had to be put in a position to offer this amendment, because I do not think he believes it is good public policy any more than I do.

I would say that there is a group in the majority party caucus which has a highly erratic record on the issue of emergency designations. One week that group rabidly opposes emergency designation for items that are emergencies, such as hurricanes, floods, bioterrorism threats; the next week it supports designating as an emergency funding for a decennial census, which we all know comes every 10 years; and even supports emergency funding for Head Start, a program that has been around since I was a teenager.

I guess I would say that I find it most ironic that even after these cuts are

made this bill will still be \$33 million above its allocation in outlays. This is ironic given the fact that all day long we were told by the majority that we could not get a vote on the amendments that we were offering on our side of the aisle because they exceeded the numbers in the budget resolution.

So I would simply point out that this amendment cuts \$54 million from title I, \$40 million from special education, \$52 million from Pell grants, \$4 million from after-school centers, \$6 million from Impact Aid, \$11 million from class-size initiative, \$116 million for the National Institutes of Health, \$35 million from Head Start, \$30 million from job training, \$7 million from community health centers, \$9 million from low-income heating assistance program, and \$6 million from Administration on Aging.

If my colleagues are comfortable with those cuts, vote for it. But I do not think there will be many people on our side of the aisle doing so, because we recognize that there ought to be higher priorities in this country than giving the wealthiest 400 Americans \$200 billion in tax cuts, as the majority decided to do last week.

Mr. YOUNG of Florida. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. YOUNG) has 2½ minutes remaining, the gentleman from Wisconsin (Mr. OBEY) has 1½ minutes remaining, and the gentleman from Wisconsin has the right to close.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time, and just let me say again that I really regret that it is necessary for me to offer this amendment, but it is essential that we pass this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time, and I regret that the chairman has to regret to offer the amendment, too. I think this demonstrates what happens when we are ruled by accountants and when we come to be ruled by process rather than making decisions on the basis of good old-fashioned instinct and judgment.

I think that this amendment recognizes that it is impossible to pass this bill without departing from reality once again, as the majority has been forced to do many times in supporting appropriation bills. If I were in the gentleman's position, I would be as uncomfortable as I know he is right now. But he did not make this problem, the majority party leadership did when they decided to pursue the course that they decided to pursue.

We could have easily passed all these bills with bipartisan majorities if these bills had produced real trade-offs. But, instead, because the majority party

leadership has insisted that they put their tax plans above everything else, that has deprived this House of the opportunity to work on a bipartisan basis on all of these appropriation bills. I regret that personally, I regret that professionally, and I most of all regret it because of what it means for the people we are supposed to represent.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Florida (Mr. YOUNG) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the House knows, last night we spent a considerable amount of time in disagreement because this Congress has not voted on this bill in the last 3 years, and this labor, health and education and social services bill represents the major effort of the Congress to meet our national responsibilities in funding the needs of working American families. We wanted to make sure that the debate on this bill occurred not in the dead of night but in the light of day, and we finally reached an agreement under which that would occur.

I insisted at the time that I wanted the debate to occur at the same time that we were going to have the vote on final passage so that the issues would not be disconnected from the vote on final passage. I was told by the majority party leadership staff that they would assure me of that with one caveat. They said that when the time comes, if we do not think we have the votes to pass the bill, we will have to lay it over and, therefore, would not vote on it tomorrow.

Well, I have now been told that the leadership does not intend to push this bill to passage tonight. If that is the case, then assuming, and I do, good faith on the part of the leadership staff, then it must mean that they do not have the votes at this point for this bill. I would simply say if that is the case, then while the majority party has suggested all day long that they were not comfortable with our constant efforts to drive home the fact that their tax actions have had serious consequences on their ability to meet our responsibilities in the area of education, health and worker training, while they have expressed great discomfort with our efforts to drive that point home every hour, apparently that message has, at least with some members of the majority party caucus, hit home. If it has, then this day's debate has not been a waste of time.

It is clear, even if sufficient Members of the House on the majority side can overcome their rightful concerns about this bill, that this bill is going nowhere because the President has made clear his intention to veto it until the Congress restores the funding they have cut from his budget request for education, for health care, for worker training and the like. So if this bill is not to be put to a final vote, I assume it is because it does not have the votes; and all I can say is, it does not deserve to.

That is not the fault of the gentleman from Illinois handling the bill, but, nonetheless, we do not vote on each other, we vote on the product that we produce, and this product is not in the interest of the American people who we represent.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

I would simply say to the gentleman from Wisconsin that I am afraid his attacks have been ineffectual. The reason we are not voting tonight is because we have a number of Republican absences. They will be back tomorrow, and I think the gentleman will see the result.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would ask, Mr. Chairman, if the gentleman can tell me, when would it be convenient for the majority party to be present so that we can vote on the product?

Mr. PORTER. Perhaps tomorrow.

Mr. OBEY. That would be very nice.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 518, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 196 offered by the gentleman from Ohio (Mr. BOEHNER), amendment No. 198 offered by the gentleman from Florida (Mr. STEARNS), part B amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), amendment offered by the gentleman from Vermont (Mr. SANDERS), and the amendment offered by the gentleman from Florida (Mr. YOUNG).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 196 OFFERED BY MR. BOEHNER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 220, not voting 12, as follows:

[Roll No. 265]

AYES—202

Aderholt	Goodling	Petri
Archer	Goss	Pickering
Armey	Graham	Pitts
Bachus	Granger	Pombo
Baker	Green (WI)	Porter
Ballenger	Greenwood	Portman
Barr	Gutknecht	Pryce (OH)
Barrett (NE)	Hansen	Quinn
Bartlett	Hastings (WA)	Radanovich
Barton	Hayes	Ramstad
Bass	Hayworth	Regula
Bateman	Hefley	Reynolds
Bereuter	Herger	Riley
Biggert	Hilleary	Rogan
Bilbray	Hobson	Rogers
Bilirakis	Hoekstra	Rohrabacher
Bliley	Horn	Ros-Lehtinen
Blunt	Hostettler	Roukema
Boehlert	Houghton	Royce
Boehner	Hulshof	Ryan (WI)
Bonilla	Hunter	Ryun (KS)
Bono	Hutchinson	Salmon
Brady (TX)	Hyde	Sanford
Bryant	Isakson	Saxton
Burr	Istook	Scarborough
Burton	Jenkins	Schaffer
Buyer	Johnson, Sam	Sensenbrenner
Callahan	Jones (NC)	Sessions
Calvert	Kasich	Shadegg
Camp	Kelly	Shaw
Canady	Kingston	Shays
Cannon	Knollenberg	Sherwood
Castle	Kolbe	Shimkus
Chabot	Kuykendall	Shuster
Chambliss	LaHood	Simpson
Chenoweth-Hage	Largent	Skeen
Coble	Latham	Smith (MI)
Coburn	LaTourette	Smith (TX)
Collins	Lazio	Souder
Combest	Leach	Spence
Cooksey	Lewis (KY)	Stearns
Cox	Linder	Stump
Crane	LoBiondo	Sununu
Cubin	Lucas (OK)	Sweeney
Cunningham	Manzullo	Talent
Deal	McCrery	Tancred
DeLay	McHugh	Tauzin
Diaz-Balart	McInnis	Taylor (NC)
Dickey	McIntosh	Terry
Dreier	McKeon	Thomas
Duncan	Metcalf	Thornberry
Dunn	Mica	Thune
Ehlers	Miller (FL)	Tiahrt
Ehrlich	Miller, Gary	Toomey
Emerson	Moran (KS)	Upton
English	Myrick	Vitter
Everett	Nethercutt	Walden
Ewing	Ney	Walsh
Fletcher	Northup	Wamp
Foley	Norwood	Watkins
Fossella	Nussle	Weldon (FL)
Fowler	Ose	Weller
Ganske	Oxley	Whitfield
Gekas	Packard	Wicker
Gibbons	Paul	Wolf
Gilchrist	Pease	Young (FL)
Gilman	Peterson (MN)	
Goode	Peterson (PA)	

NOES—220

Abercrombie	Berman	Capps
Ackerman	Berry	Capuano
Allen	Bishop	Cardin
Andrews	Blagojevich	Carson
Baca	Blumenauer	Clay
Baird	Bonior	Clayton
Baldacci	Borski	Clement
Baldwin	Boswell	Clyburn
Barcia	Boucher	Condit
Barrett (WI)	Boyd	Conyers
Becerra	Brady (PA)	Costello
Bentsen	Brown (FL)	Coyne
Berkley	Brown (OH)	Cramer

Crowley	Kennedy	Phelps
Cummings	Kildee	Pickett
Davis (FL)	Kilpatrick	Pomeroy
Davis (IL)	Kind (WI)	Price (NC)
Davis (VA)	King (NY)	Rahall
DeFazio	Kleccka	Rangel
DeGette	Klink	Reyes
Delahunt	Kucinich	Rivers
DeLauro	LaFalce	Rodriguez
Deutsch	Lampson	Roemer
Dicks	Lantos	Rothman
Dingell	Larson	Roybal-Allard
Dixon	Lee	Rush
Doggett	Levin	Sabo
Dooley	Lewis (CA)	Sanchez
Doolittle	Lewis (GA)	Sanders
Doyle	Lipinski	Sandlin
Edwards	Lofgren	Sawyer
Engel	Lowey	Schakowsky
Eshoo	Lucas (KY)	Scott
Etheridge	Luther	Serrano
Evans	Maloney (CT)	Sherman
Farr	Maloney (NY)	Shows
Fattah	Markey	Sisisky
Filner	Martinez	Skelton
Forbes	Mascara	Slaughter
Ford	Matsui	Smith (NJ)
Frank (MA)	McCarthy (MO)	Smith (WA)
Frelinghuysen	McCarthy (NY)	Snyder
Frost	McDermott	Spratt
Gallegly	McGovern	Stabenow
Gejdenson	McIntyre	Stark
Gephardt	McKinney	Stenholm
Gonzalez	McNulty	Strickland
Gordon	Meehan	Stupak
Green (TX)	Meek (FL)	Tanner
Gutierrez	Meeks (NY)	Tauscher
Hall (OH)	Menendez	Taylor (MS)
Hall (TX)	Millender-	Thompson (CA)
Hastings (FL)	McDonald	Thompson (MS)
Hill (IN)	Miller, George	Thurman
Hill (MT)	Minge	Tierney
Hilliard	Mink	Towns
Hinchey	Moakley	Traficant
Hinojosa	Mollohan	Turner
Hoeffel	Moore	Udall (CO)
Holden	Moran (VA)	Udall (NM)
Holt	Morella	Velazquez
Hooley	Murtha	Waters
Hoyer	Nadler	Watt (NC)
Inlee	Napolitano	Waxman
Jackson (IL)	Neal	Weiner
Jackson-Lee	Oberstar	Weldon (PA)
(TX)	Obey	Wexler
Jefferson	Oliver	Weygand
John	Ortiz	Wilson
Johnson (CT)	Owens	Wise
Johnson, E. B.	Pascarell	Woolsey
Jones (OH)	Pastor	Wu
Kanjorski	Payne	Wynn
Kaptur	Pelosi	Young (AK)

NOT VOTING—12

Campbell	Franks (NJ)	Pallone
Cook	Gillmor	Vento
Danner	Goodlatte	Visclosky
DeMint	McCollum	Watts (OK)

□ 2048

Messrs. TANNER, RANGEL, MARTINEZ and GALLEGLY changed their vote from “aye” to “no.”

Mrs. CUBIN, Mr. LUCAS of Oklahoma, and Mr. PETERSON of Pennsylvania changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to House Resolution 518, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 198 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 41, answered “present” 1, not voting 11, as follows:

[Roll No. 266]

AYES—381

Abercrombie	Clyburn	Goode
Ackerman	Coble	Goodling
Aderholt	Coburn	Gordon
Allen	Collins	Goss
Andrews	Combest	Graham
Archer	Condit	Granger
Armey	Cooksey	Green (TX)
Baca	Costello	Green (WI)
Bachus	Cox	Greenwood
Baird	Coyne	Gutierrez
Baker	Cramer	Gutknecht
Baldracci	Crane	Hall (OH)
Ballenger	Crowley	Hall (TX)
Barcia	Cubin	Hansen
Barr	Cummings	Hastings (FL)
Barrett (NE)	Cunningham	Hastings (WA)
Barrett (WI)	Davis (FL)	Hayes
Bartlett	Davis (IL)	Hayworth
Barton	Davis (VA)	Hefley
Bass	Deal	Herger
Becerra	DeLauro	Hill (IN)
Bentsen	DeLay	Hill (MT)
Bereuter	Deutsch	Hilleary
Berkley	Diaz-Balart	Hilliard
Berman	Dickey	Hinchey
Berry	Dicks	Hinojosa
Biggert	Dingell	Hobson
Bilbray	Dixon	Hoeffel
Bilirakis	Doggett	Hoekstra
Bishop	Dooley	Holden
Blagojevich	Doolittle	Horn
Bileye	Doyle	Hostettler
Blunt	Dreier	Houghton
Boehlert	Duncan	Hoyer
Boehner	Dunn	Hulshof
Bonilla	Edwards	Hunter
Bonior	Ehlers	Hutchinson
Bono	Ehrlich	Hyde
Borski	Emerson	Inlee
Boswell	Engel	Isakson
Boucher	English	Istook
Boyd	Eshoo	Jackson-Lee
Brady (PA)	Etheridge	(TX)
Brady (TX)	Evans	Jefferson
Brown (FL)	Everett	Jenkins
Bryant	Ewing	John
Burr	Fattah	Johnson (CT)
Burton	Fletcher	Johnson, E. B.
Buyer	Foley	Johnson, Sam
Callahan	Forbes	Jones (NC)
Calvert	Ford	Kanjorski
Camp	Fossella	Kaptur
Canady	Fowler	Kasich
Cannon	Frelinghuysen	Kelly
Capps	Frost	Kennedy
Capuano	Gallegly	Kildee
Cardin	Ganske	Kilpatrick
Carson	Gejdenson	Kind (WI)
Castle	Gekas	King (NY)
Chabot	Gephardt	Kingston
Chambliss	Gibbons	Kleccka
Chenoweth-Hage	Gilchrist	Klink
Clay	Gilman	Knollenberg
Clement	Gonzalez	Kolbe

Kuykendall	Oberstar	Sisisky
LaFalce	Obey	Skeen
LaHood	Ortiz	Skelton
Lampson	Ose	Slaughter
Lantos	Oxley	Smith (MI)
Largent	Packard	Smith (NJ)
Larson	Pascarell	Smith (TX)
Latham	Pastor	Smith (WA)
LaTourette	Pease	Snyder
Lazio	Peterson (MN)	Souder
Leach	Peterson (PA)	Spence
Levin	Petri	Spratt
Lewis (CA)	Phelps	Stabenow
Lewis (GA)	Pickering	Stearns
Lewis (KY)	Pickett	Stenholm
Linder	Pitts	Strickland
Lipinski	Pombo	Stump
LoBiondo	Pomeroy	Stupak
Lowey	Porter	Sununu
Lucas (KY)	Portman	Sweeney
Lucas (OK)	Price (NC)	Talent
Luther	Pryce (OH)	Tancred
Maloney (CT)	Quinn	Tanner
Maloney (NY)	Radanovich	Tauscher
Manzullo	Rahall	Tauzin
Markey	Ramstad	Taylor (MS)
Martinez	Regula	Taylor (NC)
Mascara	Reyes	Terry
Matsui	Reynolds	Thomas
McCarthy (MO)	Riley	Thompson (CA)
McCarthy (NY)	Rodriguez	Thompson (MS)
McCrery	Roemer	Thornberry
McHugh	Rogan	Thune
McInnis	Rogers	Thurman
McIntosh	Rohrabacher	Tiahrt
McIntyre	Ros-Lehtinen	Tierney
McKeon	Rothman	Toomey
McNulty	Roukema	Traficant
Meehan	Roybal-Allard	Turner
Meek (FL)	Royce	Udall (NM)
Meeks (NY)	Rush	Upton
Menendez	Ryan (WI)	Velazquez
Metcalfe	Ryun (KS)	Visclosky
Mica	Sabo	Vitter
Millender-	Salmon	Walden
McDonald	Sandin	Walsh
Miller (FL)	Sanford	Wamp
Miller, Gary	Sawyer	Watkins
Minge	Saxton	Waxman
Mink	Scarborough	Weiner
Moakley	Schaffer	Weldon (FL)
Mollohan	Schakowsky	Weldon (PA)
Moore	Scott	Weller
Moran (KS)	Sensenbrenner	Wexler
Moran (VA)	Sessions	Weygand
Murtha	Shadegg	Whitfield
Myrick	Shaw	Wicker
Napolitano	Shays	Wilson
Neal	Sherman	Wise
Nethercutt	Sherwood	Wolf
Ney	Shimkus	Wynn
Northup	Shows	Young (AK)
Norwood	Shuster	Young (FL)
Nussle	Simpson	

NOES—41

Baldwin	Jones (OH)	Pelosi
Bateman	Kucinich	Rangel
Brown (OH)	Lee	Rivers
Clayton	Lofgren	Sanchez
Conyers	McDermott	Sanders
DeFazio	McGovern	Serrano
DeGette	McKinney	Stark
Delahunt	Miller, George	Towns
Farr	Morella	Udall (CO)
Filner	Nadler	Waters
Frank (MA)	Oliver	Watt (NC)
Holt	Owens	Woolsey
Hooley	Paul	Wu
Jackson (IL)	Payne	

ANSWERED “PRESENT”—1

Blumenauer

NOT VOTING—11

Campbell	Franks (NJ)	Pallone
Cook	Gillmor	Vento
Danner	Goodlatte	Watts (OK)
DeMint	McCollum	

□ 2058

Mr. DeFAZIO, Mr. JACKSON of Illinois, Mrs. CLAYTON, Mrs. JONES of

Ohio, Mr. WU, and Mr. CONYERS changed their vote from “aye” to “no.”

Mr. ROTHMAN changed his vote from “no” to “aye.”

Mr. KUCINICH changed his vote from “present” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT OFFERED BY MRS. WILSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 267, not voting 11, as follows:

[Roll No. 267]

AYES—156

Aderholt	Gibbons	Pease
Archer	Gilchrest	Peterson (PA)
Armey	Goode	Pickering
Bachus	Goss	Pickett
Baker	Graham	Pitts
Ballenger	Granger	Pombo
Barr	Greenwood	Portman
Barrett (NE)	Gutknecht	Pryce (OH)
Bartlett	Hall (TX)	Radanovich
Barton	Hansen	Ramstad
Bass	Hastings (WA)	Regula
Bereuter	Hayes	Reynolds
Bilbray	Hayworth	Riley
Bilirakis	Hefley	Rogan
Bliley	Herger	Rogers
Blunt	Hill (MT)	Royce
Boehner	Hilleary	Salmon
Bonilla	Hobson	Scarborough
Bono	Horn	Sensenbrenner
Brady (TX)	Hostettler	Sessions
Bryant	Hulshof	Shaw
Burr	Hunter	Shimkus
Burton	Hyde	Shuster
Buyer	Istook	Simpson
Callahan	Jenkins	Sisisky
Camp	Kasich	Skeen
Canady	Kingston	Smith (TX)
Cannon	Kolbe	Souder
Chambliss	Kuykendall	Spence
Coble	LaHood	Stearns
Combest	Largent	Stenholm
Cooksey	Latham	Stump
Cox	Lazio	Sweeney
Crane	Lewis (KY)	Talent
Cubin	Linder	Tancredo
Cunningham	Lucas (OK)	Tauzin
Davis (VA)	Manzullo	Taylor (MS)
Deal	Martinez	Taylor (NC)
DeFazio	McCrery	Terry
DeLay	McInnis	Thomas
Dickey	McIntosh	Thornberry
Doolittle	Mica	Thune
Dreier	Miller (FL)	Tiahrt
Duncan	Moran (KS)	Upton
Dunn	Myrick	Walden
Ehlers	Nethercutt	Wamp
Ehrlich	Norwood	Watkins
Emerson	Nussle	Wicker
Everett	Ose	Wilson
Fletcher	Oxley	Wolf
Foley	Packard	Young (AK)
Fowler	Pastor	Young (FL)

NOES—267

Abercrombie	Gutierrez	Northup
Ackerman	Hall (OH)	Oberstar
Allen	Hastings (FL)	Obey
Andrews	Hill (IN)	Olver
Baca	Hilliard	Ortiz
Baird	Hinchev	Owens
Baldacci	Hinojosa	Pascarell
Baldwin	Hoefel	Paul
Barcia	Hoekstra	Payne
Barrett (WI)	Holden	Pelosi
Bateman	Holt	Peterson (MN)
Becerra	Hookey	Petri
Bentsen	Houghton	Phelps
Berkley	Hoyer	Pomeroy
Berman	Hutchinson	Porter
Berry	Inslee	Price (NC)
Biggert	Isakson	Quinn
Bishop	Jackson (IL)	Rahall
Blagojevich	Jackson-Lee	Rangel
Blumenauer	(TX)	Reyes
Boehlert	Jefferson	Rivers
Bonior	John	Rodriguez
Borski	Johnson (CT)	Roemer
Boswell	Johnson, E. B.	Rohrabacher
Boucher	Johnson, Sam	Ros-Lehtinen
Boyd	Jones (NC)	Rothman
Brady (PA)	Jones (OH)	Roukema
Brown (FL)	Kanjorski	Roybal-Allard
Brown (OH)	Kaptur	Rush
Calvert	Kelly	Ryan (WI)
Capps	Kennedy	Ryun (KS)
Capuano	Kildee	Sabo
Cardin	Kilpatrick	Sanchez
Carson	Kind (WI)	Sanders
Castle	King (NY)	Sandlin
Chabot	Klecicka	Sanford
Chenoweth-Hage	Klink	Sawyer
Clay	Knollenberg	Saxton
Clayton	Kucinich	Schaffer
Clement	LaFalce	Schakowsky
Clyburn	Lampson	Scott
Coburn	Lantos	Serrano
Collins	Larson	Shadegg
Condit	LaTourette	Shays
Conyers	Leach	Sherman
Costello	Lee	Sherwood
Coyne	Levin	Shows
Cramer	Lewis (CA)	Skelton
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (MI)
Davis (FL)	LoBiondo	Smith (NJ)
Davis (IL)	Lofgren	Smith (WA)
DeGette	Lowey	Snyder
DeLauro	Lucas (KY)	Spratt
Deutsch	Luther	Stabenow
Diaz-Balart	Maloney (CT)	Stark
Dicks	Maloney (NY)	Strickland
Dingell	Markey	Stupak
Dixon	Mascara	Sununu
Doggett	Matsui	Tanner
Dooley	McCarthy (MO)	Tauscher
Doyle	McCarthy (NY)	Thompson (CA)
Edwards	McDermott	Thompson (MS)
Engel	McGovern	Thurman
English	McHugh	Tierney
Eshoo	McIntyre	Toomey
Etheridge	McKeon	Towns
Evans	McKinney	Traficant
Ewing	McNulty	Turner
Farr	Meehan	Udall (CO)
Fattah	Meek (FL)	Udall (NM)
Filner	Meeks (NY)	Velazquez
Forbes	Menendez	Visclosky
Ford	Metcalf	Vitter
Fossella	Millender-	Walsh
Frank (MA)	McDonald	Waters
Frelinghuysen	Miller, Gary	Watt (NC)
Frost	Miller, George	Waxman
Gallegly	Minge	Weiner
Ganske	Mink	Weldon (FL)
Gejdenson	Moakley	Weldon (PA)
Gekas	Mollohan	Weller
Gephardt	Moore	Wexler
Gilman	Moran (VA)	Weygand
Gonzalez	Morella	Whitfield
Goodling	Murtha	Wise
Gordon	Nadler	Woolsey
Green (TX)	Napolitano	Wu
Green (WI)	Neal	Wynn

NOT VOTING—11

Campbell	Franks (NJ)	Pallone
Cook	Gillmor	Vento
Danner	Goodlatte	Watts (OK)
DeMint	McCollum	

□ 2104

Ms. MCCARTHY of Missouri changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore (Mr. PEASE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The CHAIRMAN pro tempore. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 313, noes 109, not voting 12, as follows:

[Roll No. 268]

AYES—313

Abercrombie	Clyburn	Gejdenson
Ackerman	Coble	Gekas
Aderholt	Coburn	Gephardt
Allen	Collins	Gilchrest
Andrews	Condit	Gilman
Baca	Conyers	Goode
Bachus	Costello	Goodling
Baird	Coyne	Gordon
Baldacci	Cramer	Goss
Baldwin	Crowley	Graham
Barcia	Cummings	Green (TX)
Barr	Davis (FL)	Green (WI)
Barrett (WI)	Davis (IL)	Gutierrez
Bartlett	Davis (VA)	Gutknecht
Bass	Deal	Hall (OH)
Becerra	DeFazio	Hall (TX)
Berkley	DeGette	Hastings (FL)
Berman	DeLauro	Hayes
Berry	Deutsch	Hefley
Bilbray	Diaz-Balart	Herger
Bilirakis	Dickey	Hill (IN)
Bishop	Dicks	Hill (MT)
Blagojevich	Dingell	Hilleary
Blumenauer	Dixon	Hilliard
Boehlert	Doggett	Hinchev
Bonior	Doolittle	Hinojosa
Bono	Doyle	Hobson
Borski	Duncan	Hoefel
Boswell	Ehlers	Hoekstra
Boucher	Ehrlich	Holden
Boyd	Emerson	Hookey
Brady (PA)	Engel	Horn
Brown (FL)	English	Houghton
Brown (OH)	Etheridge	Hoyer
Bryant	Evans	Hunter
Burr	Everett	Hutchinson
Burton	Ewing	Hyde
Camp	Fattah	Inslee
Canady	Filner	Isakson
Capps	Fletcher	Jackson (IL)
Capuano	Foley	Jackson-Lee
Cardin	Forbes	(TX)
Carson	Ford	Jefferson
Chabot	Fossella	Jenkins
Chambliss	Frank (MA)	John
Chenoweth-Hage	Frost	Johnson, E. B.
Clay	Gallegly	Jones (NC)
Clayton	Ganske	Jones (OH)
Clement		Kanjorski

Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley

Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Owens
Pascarell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Ponce (NC)
Quinn
Radanovich
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Sabó
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays

Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (NJ)
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—109

Archer
Armey
Baker
Ballenger
Barrett (NE)
Barton
Bateman
Bentsen
Bereuter
Biggart
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Buyer
Callahan
Calvert
Cannon
Castle
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
DeLay
Doolley
Dreier
Dunn
Eshoo
Farr
Fowler
Frelinghuysen
Gibbons
Gonzalez
Granger

Greenwood
Hansen
Hastings (WA)
Hayworth
Holt
Hostettler
Hulshof
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Knollenberg
Kolbe
Largent
Lewis (CA)
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
McCrery
McIntosh
McKeon
Mica
Miller, Gary
Morella
Myrick
Nethercutt
Ose
Oxley
Packard
Pease
Peterson (PA)
Pitts
Pombo
Porter
Portman

Pryce (OH)
Rangel
Regula
Reynolds
Riley
Rogers
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Sensenbrenner
Shadegg
Sherman
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stump
Sununu
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Vitter
Watkins
Weldon (FL)
Young (FL)

NOT VOTING—12

Campbell
Cook
Danner
DeMint

Edwards
Franks (NJ)
Gillmor
Goodlatte

McCollum
Pallone
Vento
Watts (OK)

□ 2113

Mr. KASICH and Mr. BENTSEN changed their vote from “aye” to “no.” Messrs. WALSH, LAZIO and HERGER and Ms. KILPATRICK and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EDWARDS. Mr. Chairman, I was not recorded on vote No. 268. Had I voted, I would have voted “aye.”

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. YOUNG) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 236, not voting 12, as follows:

[Roll No. 269]

AYES—186

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggart
Bilirakis
Bliley
Blunt
Boehert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey

Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Frelinghuysen
Gekas
Gibbons
Gilchrest
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth

Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt

Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rohrabacher
Ros-Lehtinen
Roukema

Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu

NOES—236

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)

Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klecza
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)

McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabó
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spence

Spratt	Towns	Weiner
Stabenow	Trafficant	Weldon (FL)
Stark	Turner	Wexler
Strickland	Udall (CO)	Weygand
Stupak	Udall (NM)	Wilson
Tanner	Upton	Wise
Tauscher	Velazquez	Woolsey
Thompson (CA)	Visclosky	Wu
Thompson (MS)	Waters	Wynn
Thurman	Watt (NC)	
Tierney	Waxman	

NOT VOTING—12

Campbell	Franks (NJ)	McCollum
Cook	Gillmor	Pallone
Danner	Goodlatte	Vento
DeMint	Matsui	Watts (OK)

□ 2121

Mr. SPENCE and Mr. RAMSTAD changed their vote from "aye" to "no." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to do two things: First of all, as every Member knows, as hard as Members work, our staffs work twice as hard. I would simply like to take a moment to thank Christina Hamilton, Norris Cochran, Mari Johnson, Scott Lilly, Cheryl Smith, Mark Mioduski and Kori Hardin for the work they have done for me and for the Democratic minority.

I would like to thank Doyle Lewis, Marc Granowitter, Scott Boule, Clare Coleman, Kristin Holman and Charles Dujon for the work that they have done on behalf of the minority members of the subcommittee.

I would like to thank Tony McCann, Carol Murphy, Susan Firth, Francine Salvador, Jeff Kenyon, Tom Kelly, Spencer Pearlman, and Katharine Fisher for the work they have done on behalf of the majority. They have done very good work in preparing us and in preparing our arguments, even when they know that both of us are wrong.

Mr. Chairman, I appreciate the fact that many of them have gone without sleep for a long time, and I think they need our thanks. Also the folks in the front office of the committee, who also get beat up, but work very hard as well.

I also would simply like to note that with the defeat of the Young amendment on the last vote, this bill is now \$500 million in budget authority and \$217 million in outlays above its allowable spending levels in the budget resolution. That means that at this point the bill has the same defect that the majority objected to in the amendments that we offered on the minority side all day long. Very interesting.

Mr. PORTER. Mr. Chairman, it has been brought to my attention that HCFA is in the process of drafting a rule that will effectively eliminate the states ability to generate revenue through the so-called "upper limits test" to help cover the cost of providing healthcare for the uninsured. It is my understanding that such a change in policy would cost my state of Illinois approximately \$500 million in revenue annually, including \$200 million to Cook

County Hospital, a federally qualified health center that cares for the indigent. Mr. Chairman, I have spoken with the Director of HCFA to inform her of my concern over the affect of this proposed rule, which could greatly limit access to care for many uninsured individuals in mine and other states. I informed her, also, that I hoped that HCFA would be able to resolve this issue internally so that a legislative solution would not be required.

Mr. CROWLEY. Mr. Chairman, since coming here last January, I have repeatedly asked: What have our children done to deserve the little faith and support this body gives them? Year after year we level fund or cut their education, job training, child care, and health programs. Class size reduction program funds are zeroed out and instead, rolled into a giant block grant to states, which they can use for other purposes. And most importantly, we sit back and say it is not our responsibility to help schools whose roofs are falling in and whose classrooms are bursting at the seams.

The Fiscal Year 2001 Labor, Health and Human Services and Education appropriations is an injustice to our children. It freezes funding for Title I basic grants, safe and drug free schools, teacher quality enhancement and bilingual education. It eliminates the class size reduction program. Tell that to students at PS 19 in my district where the average class size is 26! And what about the students who use the new after school and summer programs in community School District 30? Well, 1.6 million students will not have after school programs since we are not investing in this worthwhile program. They can just go back to the streets where they are susceptible to drugs and gangs.

Most egregiously, this bill eliminates funding for elementary school counselors. At a time where school safety is of paramount concern to American families, H.R. 4577 would deny needed intervention and violence prevention services to as many as 100,000 children.

If there is one thing in this country that deserves an investment, it is our children. I believe it is unconscionable that we even consider a bill that will do nothing to help our children. Moreover, passage of this bill will harm our children as it denies desperately needed renovation assistance to schools across the country—schools that are failing inspections. Would you allow your child to attend a school that had a roof falling in or fire alarms that did not work? Congress is allowing that to happen to the children of America.

Additionally, this bill increases funding for abstinence only education but level funds Title X funding. While an integral part of Title X goes towards family planning, this program also provides important basic health services to young and low income women. Oftentimes, it is the only time low income women see a doctor. To level fund this program harms women and children.

Also included in H.R. 4577 is a restrictive rider that prohibits OSHA from implementing an ergonomics standard.

Each year, 1.8 million workers experience work related musculoskeletal disorders, about one third of them serious enough to require time off from work. An ergonomics standard would prevent 300,000 injuries annually and

would save \$9 billion each year in workers' compensation and related costs. There has been extensive research conducted and there is no reason for further delay.

I could go on, but overall, I urge you to vote against this bill and in support of our children, our workers and their future.

Mr. WU. Mr. Chairman, I rise today in strong opposition to H.R. 4577, the Labor, Health and Human Services, and Education bill for Fiscal Year 2001. This is an irresponsible bill that cuts critical funding to our nation's elementary and secondary education programs and severely limits the ability for students to receive a quality education.

The bill cuts \$600 million from the Administration's request for Head-Start. This would mean that 56,000 children would be denied Head-Start services. As I have traveled throughout Oregon, I have seen first-hand the positive impact that Head Start has on children in building a positive foundation. My wife Michelle taught Head-Start teacher in Portland. Through her work, I have seen that Head-Start is a life transforming educational experience.

Yet, only 26.7 percent of eligible children ages 0 to 5 can be served in Oregon. Nationally, this figure is as low as 14.4 percent. Significant research has shown the importance of brain development in young children and an increased focus on intervening in a young child's life during the most sensitive of years is vitally important. We must work toward serving 100 percent of these children.

The Education and the Workforce Committee spent a great deal of time considering the Elementary and Secondary Education Act (ESEA). Members of Congress from both parties agreed that we need to do more for our nation's schoolchildren even though we may come from different viewpoints on how to achieve this goal. One step in the right direction is reducing class size. Studies have shown that if you reduce class sizes in the early years the results last a lifetime. In classes with fewer students, children receive individualized attention that leads to a solid foundation in learning. The legislation we are considering today repeals our promise to students by gutting the class size initiative. For two years, this program has funded nearly 29,000 teachers and Oregon schoolchildren, their parents and teachers are seeing the benefit of smaller classes.

As more and more schools are hooking up to the internet with the e-rate as well as learning on-line with donated computers, we need to ensure that computers aren't merely a box on the desk but that teachers are able to fully integrate technology into the curriculum and our classrooms. In Oregon, public and private efforts empower students and teachers. They incorporate information technology into learning and teaching, at home and at school. I am proud of the innovative work done in Oregon as well as in other states. However, we must continue to foster these types of relationships to ensure that students are using technology in all of their classes.

Earlier this year, I introduced the Next Generation Technology Innovation Grants Act of 2000 with bipartisan support. This program combines the Star School program and Technology Innovation Challenge Grants to develop and expand cutting edge technologies

that deliver new applications for teaching and learning. Building on the successes of private/public partnerships, grants are made to a consortium of school districts, states, higher education institutions, nonprofit institutions and businesses.

The grant-funded projects would create models for effective use of educational technology including the development of distance learning networks, software, and online learning resources. Unfortunately, the Committee provided zero funding for this program.

On a positive note, I would like to commend the Appropriations Committee for recognizing the need to raise the maximum Pell Grant award to \$3,500. Today, the real value of the Pell Grant award has declined by 18 percent since 1975. To restore the value of the grant in current dollars, however, the maximum grant would need to be set at \$4,300.

Mr. Chairman, this is a bad bill for our nation's children, schools, and parents. I urge defeat of this bill so that we can go back to the drawing board and come back with a common sense, bipartisan bill that will truly make a positive impact on our students. The bill fails to provide adequate funding for crucial education programs such as the Class-Size Initiative, school construction, and teacher quality programs is rooted in the drive to cut taxes by \$1–\$2 trillion. More modest tax cuts would permit us to address our most pressing education needs.

Mr. HALL of Ohio. Mr. Chairman, I have drafted an amendment to the Labor-HHS-Education Appropriations (H.R. 4577) we are considering today but, in deference to Mr. OBEY I will not offer it.

My amendment aimed to increase the funding for "Meals on Wheels" and other nutrition programs for senior citizens by \$19 million. Cuts in the Department of Health and Human Services management budget would offset this vital increase.

Mr. Chairman, I recently visited senior centers and food banks in Ohio, Kentucky and West Virginia. As often as I have seen hungry people in this country and abroad, my trip was both eye-opening and disturbing. I met hundreds of people during the two days I spent looking at the problems hungry Americans face: senior citizens who must choose buying medicine and buying groceries; a couple who knows how to make a can of tomato juice last a week (by adding water); a woman who can make "chicken noodle soup" out of an egg, some flour and a lot of water (by omitting the chicken); a Navy veteran who doesn't eat on the weekends because the local soup kitchen isn't open.

I will be publishing my report on the trip in the CONGRESSIONAL RECORD, and I hope our colleagues will take a moment to read their stories. None of these places is far from an interstate, or more than 100 miles from a large community. They may be rural, but they are not isolated. And they are not alone in their difficulties—in fact, they are in the overwhelming majority of communities where hunger remains a real problem for large segments of the people who live there.

I crafted my amendment to help senior citizens who are turning to soup kitchens, food banks, and programs like "Meal on Wheels" in disproportionate numbers. I believe the \$19

million it would have provided is far better spent there in the HHS bureaucracy.

I chose that agency's management budget because I believe the Secretary of Health and Human Services is badly out of touch with people like the ones I met on June 1–2. A few days before my trip, at the National Nutrition Summit here in Washington, Secretary Shalala declared victory in the battle against hunger. "Except for a few isolated pockets," she told community leaders from around the nation, "for the most part, we've succeeded at ending hunger in America."

Mr. Chairman, that is a bizarre statement and a clear sign that this Cabinet official is out of touch with reality. Moreover, in her speech, Secretary Shalala went on to explain that she could declare victory over hunger because of dietary guidelines. Not because of Meals on Wheels, or WIC, or school lunch, or food stamps, or food banks or soup kitchens—but dietary guidelines! That, she said, is her understanding of why hunger is a problem only in "isolated pockets" of our nation. It is disturbing logic, particularly for a senior official charged with looking after senior nutrition, Medicaid, and other programs that serve the poor and hungry.

Three decades ago, a nutrition summit became a springboard for initiatives that brought greater attention to the fight against hunger. It was a watershed event that did some good for people. I hope the nutrition summit of 2000 does more for the on-going battle than Secretary Shalala's statement suggests.

The fact that hunger continues to be a problem for our country—even in these boom times—doesn't surprise most of us. We regularly see our elderly constituents at congregate feeding sites, and know that many of them struggle to decide whether to fill their prescriptions or their grocery carts. We know that many of our nation's seniors depend heavily on home-delivered and congregate meals. And we know that our communities' own program have watched their funding shrink by 35 percent since 1993, in large part because of senior's increased needs.

These are not just a few people: One in five Americans over 65 lives in poverty or near poverty according to America's Second Harvest. Nearly two million elderly Americans must choose between buying the food they need, or the medicine they need; and senior citizens are over-represented in the growing lines at food banks and soup kitchens.

Nor is the problem just one our nation's elderly face. The World Health Organization just found that America's poorest rank among Africa's poor when it comes to how long their good health will last. They ranked 23 other nations ahead of ours, largely because of how we treat the poor. Moreover, a new UNICEF report on child poverty in the 29 most developed nations puts the United States second to last, ahead of only Mexico.

Mr. Chairman, tomorrow, I plan to issue a challenge to Secretary Shalala. I will meet her anytime, anywhere and show her where to find hunger. It is in every community, in every month of the year. It is the underbelly of our booming economy: something you might not want to see, something you don't see unless you choose to look, but something that haunts our people.

As Senator LUGAR, who has been a champion in the fight against hunger, said in a letter to Roll Call last week, while "progress has been made in reducing hunger. * * * we can and should be doing much better." The first step is to refuse to quit before the problem is solved. Secretary Shalala has given up too soon, and I urge our colleagues not to follow her lead.

Mr. CARDIN. Mr. Chairman, I rise to express my concern regarding the level of funding including in this bill for the Social Security Administration's (SSA) administrative expenses. This bill reduces the President's request by \$156 million. Compared to the Commissioner's request, this is a reduction of \$378 million. These reductions will force SSA to reduce staff at the same time that the SSA is facing its own wave of retirements from its own employees in the next five to ten years as well. The reductions will also result in decreased service to individuals with disabilities and the nation's seniors, and reduced oversight of the integrity of the Agency's programs. I fear that these reductions will put a strain on the agency's ability to carry out its mission.

I believe that the SSA faces these funding shortfalls because it is subject to the allocation required by the spending caps, even though Social Security benefit payments are considered off-budget and not subject to spending cap restrictions. Since we are not able to fund the SSA properly, we should take Social Security's administrative expenses out of the caps. We could fund the Agency based on the size and scope of its programs—subject to the approval of the Committee on Appropriations, but not subject to the Section 302 allocation—rather than what we are able to find without our allocation.

Even though most of the administrative funding for SSA is derived from the Trust Funds—funds that cannot be used for any other program—we are limited in the allocation required by the budget caps. The demands on the Agency are greater than our allocation can fund that will grow as the baby-boom generation is quickly moving into its disability-prone years, with retirement not far behind.

I believe that the SSA should be funded at \$7.356 billion, the Commissioner's request, and that we need to work together, with the Administration, to find a solution to this structural anomaly which classifies administrative costs to run Social Security programs as under the discretionary caps. We should let the Agency use Social Security money for Social Security purposes.

Mr. CUNNINGHAM. Mr. Chairman, the Chairman of the Subcommittee, the gentleman from Illinois (Mr. PORTER) has included in the report accompanying this bill language providing \$125 million to the Centers for Disease Control for a National Campaign to Change Children's Health Behaviors. The language is found on page 54 of the H. Rept. 106–645.

I want to commend Chairman PORTER for seizing the initiative in this area. It makes sense that if we are to improve health habits in our young people, they will sustain better health and better quality of life for a lifetime. Just to cite one example, it was through the hearings in the Subcommittee on Labor-HHS-Education that we have learned a great deal about the growing epidemic of child obesity,

its causes, and its effects which include adult onset diabetes, high cholesterol, premature cardiovascular disease, arthritis and other substantial health problems.

As a former teacher and coach, I have a particular interest in the health of young people, and in the importance of physical education in particular. Before my election to Congress and my service in the Navy, I was a teacher and coach at Hinsdale (Illinois) High School and at the University of Missouri, and was privileged to coach swimmers who went on to win gold and silver medals in the Olympics. I was also privileged to coach young people who learned through physical activity the kind of good health and good fund that last a lifetime.

But just as we are funding that obesity is a major, growing public health problem among young people, we are likewise seeing major declines in the kinds of physical education and physical activity that would reduce obesity and its effects.

Children are becoming more and more inactive. One-half of young people ages 12 to 21 do not participate in physical activity on a regular basis. Less than one in four children get more than 20 minutes of physical activity a day.

Meanwhile, the physical education programs in this country's schools reflect the sedentary nature of our children's lifestyle. Only 27 percent of school children participate in physical education on a daily basis and 40 percent of the nation's high school students are not enrolled in physical education at all.

More children are obese. And fewer are participating in physical education. I believe these two are fairly directly linked.

Does every child need to be the star quarterback, or a varsity track star, to benefit from physical education? Not at all. Physical education, with broad participation among every young person blessed with every range of athletic gifts, builds health habits that last a lifetime.

More directly to the point on public health, physical education programs can help children counteract physical ailments by increasing their levels of physical activity. Physical education can help children develop skills, such as hand-eye coordination and dexterity. Physical education can provide alternatives to crime, drugs, alcohol, and tobacco.

And, Mr. Chairman, physical education is fun.

In an effort to realize some of these benefits, I believe that we must renew a real and positive focus on physical education in our nation's schools. I believe that Chairman's Porter's provision allocating funding to CDC to focus on children's health behaviors represents a good start. In part, I believe that it would benefit from a particular strong additional emphasis on physical education in schools, which helps accomplish many of the objectives we have in this area. And I hope that the Chairman and I can work toward this end as this appropriations bill goes to conference committee with the Senate. I am sure that he shares my belief that the time and effort we invest in physical education today will be small in comparison to the amount of work that will be necessary for health care treatment should our children's current trend towards sedentary lifestyles continue.

I urge my colleagues to support the bill.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to H.R. 4577, the Labor, HHS, Education, and Related Agencies Appropriations bill for Fiscal Year 2001. This legislation would shortchange funding for critical education programs and would seriously undermine efforts to maximize student achievement, improve teacher quality, and improve our public school systems. The legislation would also undermine important worker rights by shortchanging the principal programs which protect the health and safety of America's workers.

Mr. Chairman, at town meetings in my congressional district, parents tell me they want to ensure that their children have good teachers in small classes so that their children can get the personal attention they need. Parents tell me we need to strengthen accountability in the schools. Parents, teachers and principals tell me they urgently need help in renovating aging school buildings. Parents and counselors tell me that children need more after-school programs and that we need to work much harder to close the digital divide. But the bill before us today fails to meet the challenges of record enrollments, more students with special needs, shortages of teachers and principals and schools needing modernization.

Mr. Chairman, under this legislation students and schools in California next year would be denied critical federal funds for education. Under H.R. 4577, the state of California would receive no support specifically targeted to deal with our lowest performing schools or to improve the condition of outdated and dilapidated school buildings. California would lose more than \$396 million—money that was requested by the President to improve teaching and learning in our public schools and to help local schools improve the basic skills of disadvantaged students. Passage of this bill would mean that California would receive less money to hire new teachers and would jeopardize the jobs of over 2,000 new teachers recently hired. Passage of this bill would mean that California would lose more than \$80 million to improve teacher quality and recruit teachers for high-poverty school districts. Passage of this bill would mean that California would receive over \$56 million less to help students in high-poverty areas raise their academic performance.

Mr. Chairman, the American public ranks education as a top priority for federal investment. It is time to maximize student achievement. This bill fails to address the most urgent problems in our education system and falls over \$3 billion short of the President's proposed education funding levels. The bill eliminates important education programs which have had a proven track record in improving the academic performance of our children and our schools. I urge my colleagues in the House to reject this bill and support a bipartisan bill that provides all of our nation's students and schools with the resources and assistance they need to succeed.

Mr. Chairman, H.R. 4577 also contains unacceptable cuts in programs which protect the safety and health of America's workers. It would undermine the right of employees to organize and bargain collectively and would weaken attempts to enforce our nation's minimum wage and child labor laws.

H.R. 4577 also contains a very unwise and dangerous anti-labor rider. The legislation would prevent the Occupational Safety and Health Administration (OSHA) from enforcing its proposed ergonomic standards. Ergonomic hazards are still our nation's number one occupational safety and health problem. Ten years ago, when I served as Chair of the Employment and Housing Subcommittee, then-Secretary of Labor Elizabeth Dole announced the need for ergonomic standards. Since that time more than 6 million workers have suffered disabling ergonomic injuries. In 1997 alone, more than 600,000 workers suffered injuries as a result of ergonomic hazards in the workplace and required time off from work. It is critical that OSHA be allowed to move forward to issue ergonomic protections in the workplace.

Ergonomic injuries are painful often crippling musculoskeletal disorders (MSDs) or injuries and leave many unable to work or live a normal life. MSDs include injuries or disorders of the muscles, tendons, ligaments, joint, cartilage and spinal disks. The main causes of MSDs are overexertion and repetitive motion and can occur during heavy lifting, forceful exertions, repetitive motions and awkward postures. MSDs occur in all sectors of the economy including the manufacturing, service, retail, agricultural, construction, and industrial sectors. Ergonomic injuries are estimated to cost the US economy more than \$20 billion annually, \$9 billion in workers compensation. MSDs can be prevented. I urge my colleagues to oppose H.R. 4577 and oppose any efforts that would prevent OSHA from issuing ergonomic standards for the workplace.

Mr. Chairman, this legislation is unwise and detrimental to our children and to American workers. I urge my colleagues to vote no on this bill.

Mr. REYES. Mr. Chairman. I rise to strike the last word. I stand in strong opposition to the passage of the 2001 Labor, HHS, and Education Appropriations bill because it severely cuts programs that are extremely important to the education of our children, affects veterans programs, and because it hurts displaced workers. I urge my colleagues to oppose it.

The first problem with this bill is that it severely shortchanges education—by \$3.5 billion. This bill would end our commitment to hire 100,000 new teachers and to reduce class sizes. I am also concerned by the fact that this bill would eliminate Head Start for some 53,000 children and cut \$1.3 billion for urgent repairs to schools across the country. These are critical issues for my district and for many districts across the country. This bill will also eliminate school counselors serving over 100,000 children. This would deprive schools of the professionals they need to identify and help troubled children.

This bill also does considerable injustice to Bilingual and Immigrant Education. The amount included in the bill for programs addressing these issues in \$54 million below the budget request. The professional development of our bilingual education teachers is critically important. The Labor, HHS, and Education bill in its current form provides an amount that is \$28.5 million below the budget request for the important programs of Bilingual Education Professional Development. The grants that are

provided for the development of our teachers in bilingual education are needed to increase the pool of trained teachers and strengthen the skills of teachers who provide instruction to students who have limited English proficiency. These funds support the training and retraining of bilingual teachers. The disparities to minority education will be increased if this bill is passed.

Secondly, this bill severely shortchanges programs that assist displaced workers. This is a major issue for my constituents in El Paso, as I know that it is for many of you in your home districts. In El Paso and in other areas along the U.S./Mexico border, NAFTA has created many displaced workers, and this bill undermines programs designed to help them. For example, the bill cuts assistance to over 215,000 dislocated workers and it cuts the dislocated worker program by \$207 million below the 2000 budget level. These cuts will make it more difficult for these workers to find jobs. This bill also cuts adult job training for almost 40,000 adults. The cuts in adult training programs equal \$93 million or 10 percent below the request and 2000 levels.

Finally, this bill provides only \$9.6 million for employment assistance to another class of displaced workers: Our homeless veterans. There are over a quarter million homeless veterans in this country, and the provisions in this bill will deny employment assistance to thousands of these Americans who have faithfully served our country. This is unacceptable.

We are attacking programs that are needed to educate our children, help our veterans, and to assist displaced workers. Again, I stand in strong opposition to passage, and I urge my colleagues to oppose this bill.

Mr. WELDON of Florida. Mr. Chairman, for the past year, I have been investigating the scientific research regarding a possible link between the Measles, Mumps and Rubella (MMR) vaccine and a type of autism, known as autistic enterocolitis.

I have met with the directors of the Centers for Disease Control and National Institutes of Health officials to discuss this matter. I have also met with researchers that have identified measles virus in the intestines of children with autistic enterocolitis. I have become very concerned about a lack of interest on the part of the CDC and NIH to fully examine this issue.

I am a strong proponent of vaccines. Vaccines save thousands of lives in America each year and have spared our nation from the scourge of disease that plagued our nation in the early part of the 20th Century and that still plagues many parts of the globe. Recent reports (MMWR Weekly, April 4, 2000) of measles outbreaks in unvaccinated populations in developed countries like the Netherlands, indicate how important it is to ensure confidence in our vaccination program so that children are vaccinated against diseases.

This confidence is maintained by seriously considering all scientific research related to vaccines, even if such research indicates that we may need to make adjustments in the vaccine schedule. While some may argue that a quick dismissal of such studies is needed to ensure confidence in the national vaccination program, such action may actually lead to the opposite effect and undermine confidence in the program. I believe that the federal agen-

cies responsible for our nation's vaccination program must remain ever vigilant in fully examining any research related to questions about vaccines to ensure that confidence is maintained. This means giving serious consideration and independent review to any credible study related to vaccinations.

Recent peer reviewed studies reveal that there may be emerging an atypical phenotype of autism (autistic enterocolitis), in which normal development is followed by developmental regression with a simultaneous manifestation of chronic gastrointestinal symptoms. One hypothesis is that this may be related to a trivalent vaccine for Measles, Mumps and Rubella (MMR). It is important that the appropriate federal agencies give these studies a full and independent review to determine their validity. Specifically, symptoms described in the study include ileal lymphoid modular hyperplasia with chronic enterocolitis, immune and metabolic derangement combined with a regressive developmental disorder. Most important is the localization, quantitation and sequencing of measles virus genome in affected tissues in the gastrointestinal tract. The hypothesis, suggests the possibility of a gut-mediated autism associated with the trivalent vaccine, whereby damage to the gut may lead to damage to the central nervous system at a sensitive time and thus the onset of the developmental disorder. It is the combination of these vaccines in a single dose that may cause an adverse effect, according to the researchers. They do not indicate a similar concern when the measles, mumps and rubella vaccines are given in a monovalent form at different times.

I appreciate the chairman's and the committee's willingness to include language in the bill recognizing the research on the MMR/Autism issue by Dr. Andrew Wakefield of London, England and Professor John O'Leary of Dublin, Ireland. I further appreciate their inclusion of language in the report directing the National Institutes of Health (NIH) to:

... give serious attention to these reports and pursue appropriate research that will permit scientific analysis and evaluation of the concerns that have been raised through all available mechanisms, as appropriate, including an attempt to replicate the molecular evidence of persistent measles virus infection in children with autistic enterocolitis. This research should be pursued in a way that does not cause undue harm to the Nation's efforts to protect children against vaccine-preventable diseases.

This language will ensure that the NIH works to replicate the work of Dr. Wakefield and Prof. O'Leary and others who have raised concerns about the trivalent vaccine and incidence of a regressive form of autism.

Just last year the CDC took action to remove the Rotavirus vaccine when evidence was presented indicating adverse reactions in several children. It is this type of decisive action and willingness to fully review our vaccine schedule when questions are raised that builds confidence in our vaccine program. The CDC and NIH should pursue the evidence presented in the MMR/Autism arena with equal vigor.

It is the best interest of our national vaccine program and the safety of our children that the NIH and CDC attempt to replicate this work in a timely manner. If such independent studies

were to fail to demonstrate Dr. Wakefield's and Prof. O'Leary's findings, this would serve well to bolster public confidence in the safety of the MMR.

Certainly, if the research were to verify Dr. Wakefield's and Prof. O'Leary's findings, this would be an important scientific finding that policy makers would need to know and should know at the soonest time possible. There are acceptable alternatives to the MMR, including separating the vaccine and giving it at different times.

In order to secure public confidence in our national vaccine program. I believe it is critical that public health officials fully examine any research that calls into question the safety of vaccines. It is also important that this research be done independent of the government vaccine officials or vaccine manufacturers.

Mr. BENTSEN. Mr. Chairman, I rise today in strong opposition to H.R. 4577, the Fiscal Year 2001 Labor, Health and Human Services, and Education (Labor-HHS-Education) Appropriations Act, which includes insufficient funding for critical education and health programs. I am very concerned that this bill will not meet the needs of our nation and is \$7 billion less than the President's request for next year. I am also disappointed that this bill includes budget gimmicks such as advance funding and other mechanisms in order to fund programs. This is another example of the Republican leadership trying to have it both ways with its budget—say you are for unrealistic cuts in domestic priorities and then find ways to avoid such cuts. Advance funding means that programs do not get the funding they need on a timely basis and results in fewer funds being available in the out years. If we have needs to be met, I think we should be honest with the American people and let them know exactly how much funding is really needed to meet these needs. This bill fails this test.

I am particularly concerned about the proposed funding for the National Institutes of Health. This bill would provide \$18.8 billion, an increase of \$1 billion above the Fiscal year 2000 budget, well below Congress' goal of doubling the NIH's budget over five years. Over the past three years, a bipartisan effort has helped to provide 15 percent increases each year for the NIH. We know that the American public strongly supports this investment and we know that this increased funding can be well spent. For instance, only one in three of peer-reviewed grants is currently funded by the NIH. If we do not maintain this 15 percent increase, we will be losing the momentum that we have gained over the past three years. Failing to maintain a sufficient funding stream for NIH is counterproductive. With the President's announcement yesterday of the Executive Order directing the Health Care Financing Administration (HCFA) to begin covering the routine patient costs associated with clinical trials, the Administration and those of us in Congress who have been pushing for this coverage by Medicare had hoped to eliminate the bottleneck in biomedical research from the laboratory to treatment. Unfortunately, the Republicans are not sufficiently committed to providing the necessary resources to biomedical research and finding cures to diseases such as AIDS, cancer, heart disease, and Alzheimer's which

plague the nation. As one of the Co-Chairs of the Congressional Biomedical Caucus, I am committed to increasing this inadequate funding level.

Another concern is the funding for the Older Americans' Act. This bill provides \$926 million for senior citizen programs such as a popular Meals-on-Wheels program to provide nutritional meals to senior citizens. This funding level is \$158 million less than President Clinton's request and will not ensure that senior centers around the nation get the support they need. Throughout my district, thousands of senior citizens on fixed incomes rely greatly on these nutrition programs.

This bill also fails to properly fund child care grants to the states. The child care and development block grant program helps low-income families to pay for child care services while they work. This bill provides \$400 million for the child care program which is \$417 million less than the President's request of \$817 million. If we want people to move from welfare to work, and we do, we must ensure that they receive sufficient assistance in order to take care of their children in quality, safe child care centers. All of us as parents know the cost of child care is rising. And when we passed the Welfare Reform Act of 1996, my support was not only for limitations on benefits and requirements to work but also ensuring that sufficient child care funds were provided to the states. This bill goes back on that commitment.

This bill signals a retreat on education, which I cannot support. H.R. 4577 provides overall education funding at \$2.9 billion below both the Administration's budget and \$3 billion below the bipartisan Senate bill. These cuts in education funding would seriously undermine efforts to maximize student achievement, improve teacher quality and ensure accountability in public education for all of our nations' students. The unsatisfactory overall funding level for education neglects the needs of America's schoolchildren and it ignores the public prioritization of education as the pre-eminent issue of the new century.

For elementary and secondary education programs, the bill provides only a nominal increase—\$2.6 billion below the Administration's budget and more than \$2.5 billion below the Senate approved appropriation. Factoring in inflation and rising student enrollment, this funding level essentially represents a funding freeze at the same time the nation's public schools are experiencing record enrollment growth. While H.R. 4577 increases special education funding by \$500 million—which I strongly support—it does so by reducing virtually all other elementary and secondary education programs below current levels.

H.R. 4577 not only eliminates targeted funding to help low-performing students maximize student achievement, it would freeze Title I program funds and effectively deny additional math and reading services to several hundred thousand disadvantaged students. Last fall, the House passed H.R. 2, the Student Results Act, a bipartisan measure that set the Title I funding level for FY2001 at \$9.85 billion. H.R. 4577 would cut \$2 billion from the amount authorized in H.R. 2. Although the Congressional Research Service has determined that Title I funding would need to be tripled to \$24 billion in order to serve fully all of the nations eligible

low-income children, H.R. 4577 falls well short of meeting the needs of this important educational tool. At a time when parents and politicians are calling for better results and more accountability, H.R. 4577 would fail to target adequate resources to those students with the greatest need and would leave too many children who urgently need targeted educational assistance out in the cold.

In addition to the freeze in Title I funds, H.R. 4577 is \$1.5 billion below the level Congress recently approved on an overwhelmingly bipartisan basis in H.R. 4055, the IDEA Full Funding Act. On average, it costs more than \$14,000 to educate a special education student. Local school districts simply could not afford those expenditures on their own. The Budget Committee's assumption of a \$2 billion increase would have significantly advanced the congressional effort to provide 40 percent of the funding for IDEA.

H.R. 4577 also fails to fund the critical need for school modernization and renovation. Under this bill, \$1.3 billion in emergency grants and loans proposed by the Administration for essential school construction and modernization would be denied. These funds would leverage \$6.7 billion over 5,000 repair projects in the highest-need areas of our nation. This bill denies the desperately needed funds to fix leaky roofs, upgrade plumbing, improve accessibility for disabled students and bring local school buildings into compliance with local safety codes.

This legislation would also jeopardize the class-size reduction program Congress approved just last November. H.R. 4577 would block-grant the \$1.75 billion requested for smaller classes, which has already helped school district to hire 29,000 highly qualified new teachers including 2,500 in Texas. Eliminating funds for class-size reduction would jeopardize gains recently attained and would prevent the hiring of an additional 20,000 qualified teachers to serve 2.9 million children.

H.R. 4577 also provides \$1 billion less than the Administration's request for teacher quality programs. The House has already approved two ESEA reauthorization bills requiring all teachers to be fully certified and highly qualified. Schools will need additional funds to recruit and train the 2.2 million new teachers needed in the next decade, and to strengthen the skills of current teachers. The bill also reduces the Administration's request for teacher technology training by \$65 million, which will deny 100,000 teachers the opportunity to develop the necessary skills to use technology effectively in the classroom.

Federal education funding is critical for the improvement of our nation's schools. The FY2001 Labor-HHS-Education Appropriation bill fails to appropriate the necessary funding for education programs and quality resources, while it intrudes upon the realm of local decision makers. We must protect America's successful public school system by rejecting this inadequate bill.

The Committee erred in its approval of the Northup amendment banning the use of funds for implementation of Occupational Safety and Health Administration (OSHA) proposed rules for ergonomics. I believe OSHA has properly identified the need to address Repetitive Strain Injuries (RSIs) which research has

found annually forces more than 600,000 workers to lose time from their jobs. These disorders constitute the largest job-related injury and illness problem in the United States today. Employers pay more than \$15-\$20 billion in workers' compensation costs for these disorders every year, and other expenses associated with RSIs may increase this total to \$45-\$54 billion a year.

There appears to be broad consensus that a well-designed work space can reduce employee injuries, heightens productivity and save money. Employers benefit from creating office environments and workplaces that are healthful to workers. Clearly, OSHA has a significant role to play to prevent such injuries. But I also believe the OSHA proposed rule has some flaws which should be addressed, first through the rule-making process and only if it is determined that OSHA fails to fully address legitimate concerns should it subsequently be addressed through the legislative process. It is heavy-handed to simply ban any action and pretend ergonomics does not exist.

Additionally, H.R. 4577, fails to provide adequate funding for the Title X family planning program. Title X, as a federal domestic family planning program, grants state health departments and regional umbrella agencies funding for voluntary, confidential reproductive health services. This perennially underfunded program has provided basic health care to more than 4.5 million young and low-income women in over 4,600 clinics throughout the nation. Regrettably, Title X is often the only source for basic health care for many uninsured low-income women who fail to qualify for Medicaid. Eighty three percent of women receiving federal family planning services rely solely on clinics funded by Title X for their family planning services. In light of these dramatic statistics, H.R. 4577 fails once again for its meager \$239 million funding stream.

Mr. Chairman, this is a flawed bill which fails in almost every count, but particularly in health research and education. Rather than invest in our nation's potential, this bill tracks a flawed budget resolution which sacrifices our domestic priorities for the benefit of tax cuts, fails to adequately retire national debt and engages in fiscal chicanery. As such, I cannot support the bill as presented.

Mrs. ROUKEMA. Mr. Chairman, I rise today to reluctantly oppose the amendment offered by Representative SCHAFER. This amendment has a good objective but takes its funding from a valuable program that provides real learning opportunities to so many children and their parents.

Mr. Chairman, I have long called for the federal government to fully fund its commitment to IDEA. During the past four fiscal years, the Republican majority in Congress has increased funding for IDEA by 115 percent, or \$2.6 billion, for the federal share in Part B of IDEA. Even with the increase, however, the funding equals only 12.6 percent of the average per pupil expenditure to assist children with disabilities. We must do better.

Indeed, we passed a bill this year H.R. 4055 that calls for the federal government to meet its obligation to special education within ten years. The bill would authorize increases of \$2 billion a year over the next 10 years to meet the federal commitment of 40 percent by 2010.

The money to fully fund IDEA must come from somewhere. What this means is that some difficult decisions have to be made.

In this case though, reducing the funding for the Even Start Program is the wrong decision. The Even Start Program provides opportunities for parents lacking a high school diploma or GED and their children to receive instruction in basic skills, support for their children's education, and early childhood education for those participating in the program.

There is a great deal of unmet need in the family literacy field. The appropriation in the bill will help ensure we can help more families break the cycle of illiteracy and poverty and become self-sufficient. While we need additional funding for IDEA, we also need to increase spending for quality literacy programs. In fact, by taking money from literacy programs such as Even Start actually defeats the purpose of the programs. We should be trying to reduce the need for special education by investing in early childhood literacy programs.

The best argument against this amendment is that we know that family literacy works. Parents are the key to their child's academic success. The more parents read to their children and actively participate in their education, the greater the probability that their children will succeed in school. We should not be cutting funding for this important program.

I firmly believe that the amount of federal funding that goes to IDEA must be increased. Having said that, however, we need to be responsible about where we get the money to increase funding for IDEA. Even Start is not the place to take money away.

I urge my colleagues to oppose the Schaffer amendment.

Mr. UNDERWOOD. Mr. Chairman, in a time of unprecedented economic growth and surplus, the majority supported bill shortchanges every American citizen in our country. Republicans have systematically cut funding for a number of important initiatives in the President's budget. And, despite the fact that Americans ranked education—over health care, tax cuts or paying down the national debt—as their highest priority for additional federal funding, this bill falls short of providing \$3.5 billion of the President's request for education programs alone.

This bill fails to provide funding for the President's School Repairs initiative of \$1.3 billion in loan subsidies and grants to repair up to 5,000 aging and neglected public schools. Natural disasters and inadequate funding to provide maintenance have contributed to the decay of Guam's aging public schools. As a result, thousands of Guam's students are crowded into makeshift classrooms or in temporary buildings. The most dramatic example of this is the temporary closure of an entire elementary school in my District of Guam. Last year, C.L. Taitano Elementary School was shut down for repair because it could no longer meet the local safety codes required to keep its doors open. In the interim repair period, nearly all the students were shifted to temporary buildings—trailers. This interim is expected to last more than a year. Having classrooms housed in trailers is simply unacceptable. Having an entire elementary school in trailers is an abomination. All American students deserve a decent education; Guam is

no exception. Guam's schools are in dire need of repairs now.

This bill fails to support our school children and teachers by providing funding needed for the President's Class-Size Reduction initiative to hire 100,000 new teachers by FY 2005. This in effect repeals the bipartisan agreement on class size reduction and jeopardizes the Federal commitment to hire as many as 20,000 new teachers next year.

This bill cuts funding for ESEA Title I grants for local education agencies by more than \$400 million from the President's request of \$8.4 billion. Title I helps over 11 million disadvantaged school children gain skills in core academic subjects and helps them achieve to high academic standards. This would eliminate services to more than 650,000 low income students. In FY 2000, Guam's schools received \$5.3 million in Title I grants. The FY 2001 request for Guam is \$5.6 million.

This bill cuts \$51 million from the President's request of \$650 million for the Safe and Drug Free Schools Program. Fully funding the President's request would enable the expansion of the Safe School/Healthy Students school violence prevention initiative to an additional 40 school districts.

This bill freezes the FY 2001 appropriations for Bilingual Education to FY 2000 levels. At \$248 million, this is a decrease of \$48 million from the President's request of \$296 million.

Approximately 3.4 million students enrolled in schools through the nation have difficulty speaking English. From 1990 to 1997, we saw a 57% increase in limited English proficient (LEP) students. With continued growth in the school enrollments of LEP students, we will have to turn away more than 100 qualified school districts and deny desperately needed services to approximately 143,000 LEP students.

This bill also shortchanges labor and health programs which will put American workers and seniors at risk. Although the national unemployment rate is at its lowest level in 30 years, not all corners of the United States are experiencing the benefits of a robust economy. In Guam, unemployment is at 14%, nearly 3.5 times the national average of 3.9%. The unemployment forecast for 2000 is expected to be even higher. We need to safeguard programs that provide training and relief for all American workers.

This bill not only ignores the \$275 million requested increase for the second year of the five-year plan to provide universal re-employment services to all America, it cuts \$593 million or 30% below the President's request and 19% cut below the FY 2000 level.

Seventy-six million baby boomers will begin reaching retirement age eight years from now. The population of those over age 85, who often need the greatest care, is expected to increase by 33% in the next 10 years. The urgency to prepare for the needs of our aging population is critical.

This bill eliminates \$36 million in the HCFA budget for the Nursing Home Initiative. This would safeguard the delivery of quality health care in nursing homes across the nation through state surveying and certification reviews.

This bill eliminates the President's \$125 million request for the Community Access Pro-

gram to address the growing number of those workers without health insurance. Approximately 44.5 million Americans were uninsured in 1998—24.6 million of those uninsured were workers.

We cannot ignore the needs of our diverse community! The education, health, and social well-being of our nation is at stake. This bill neglects to recognize the most fundamental needs of our communities. For all these reasons, I strongly oppose the passage of this bill.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

REPORT ON WEKIVA RIVER AND TRIBUTARIES IN THE STATE OF FLORIDA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Wekiva River and several tributaries in Florida. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The Wekiva study was authorized by Public Law 104-311.

The National Park Service conducted the study with assistance from the Wekiva River Basin Working Group, a committee established by the Florida Department of Environmental Protection to represent a broad spectrum of environmental and developmental interests. The study found that 45.5 miles of river are eligible for the National Wild and Scenic Rivers System (the "System") based on free-flowing character, good water quality, and "outstanding remarkable" scenic, recreational, fish and wildlife, and historic/cultural values.

Almost all the land adjacent to the eligible rivers is in public ownership and managed by State and county governments for conservation purposes. The exception to this pattern is the 3.9-mile-long Seminole Creek that is in private ownership. The public land managers strongly support designation

while the private landowner opposes designation of his land. Therefore, I recommend that the 41.6 miles of river abutted by public lands and as described in the enclosed report be designated a component of the System. Seminole Creek could be added if the adjacent landowner should change his mind or if this land is ever purchased by an individual or conservation agency who does not object. The tributary is not centrally located in the area proposed for designation.

I further recommend that legislation designating the Wekiva and eligible tributaries specify that on-the-ground management responsibilities remain with the existing land manager and not the Secretary of the Department of the Interior. This is in accordance with expressed State wishes and is logical. Responsibilities of the Secretary should be limited to working with State and local partners in developing a comprehensive river management plan, providing technical assistance, and reviewing effects of water resource development proposals in accordance with section 7 of the Wild and Scenic Rivers Act.

We look forward to working with the Congress to designate this worthy addition to the National Wild and Scenic River System.

WILLIAM J. CLINTON.
THE WHITE HOUSE, June 13, 2000.

PROVIDING FOR CONSIDERATION
OF H.R. 4578, DEPARTMENT OF
THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 524 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 524

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with “: *Provided further*” on page 18, line 6, through line 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against

the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any proposed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 2130

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 524 would grant an open rule waiving all points of order against consideration of H.R. 4578, the Department of the Interior and Related Agencies Appropriations Act of 2001.

The rule provides one hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill will be considered for amendment by paragraph, and waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill, except as otherwise specified in the rule.

The rule also waives clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation) against amendments offered during consideration of the bill.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendment in the CONGRESSIONAL RECORD. In addition, the rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the

bill, and to reduce the voting time to 5 minutes on a postponed question if a vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 4578 is to provide regular annual appropriations for the Department of the Interior, except the Bureau of Reclamation, and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundations of Arts and Humanities.

H.R. 4578 appropriates \$14.6 billion in new fiscal year 2001 budget authority, which is \$303 million less than last year and \$1.7 billion less than the President's request. Approximately half of the bill's funding, \$7.3 billion, finances Department of the Interior programs to manage and study the Nation's animal, plant, and mineral resources, and to support Indian programs.

The balance of the bill's funds support other non-Interior agencies that perform related functions. These include the Forest Service in the U.S. Department of Agriculture; conservation and fossil energy programs run by the Department of Energy; the Indian Health Service, as well as the Smithsonian and similar cultural organizations.

In addition, Mr. Speaker, as a Westerner, I applaud several limitations on funding contained in this bill. One, for example, would prohibit the use of funds for lands managed under any national monument designation executed since 1999. These lands are already in Federal ownership, and may still be managed under their previous land management status.

For example, just last week the Clinton administration designated 200,000 acres along the Columbia River in my district known as the Hanford Reach, designated that as a national monument. This action pulled the plug on an extended series of negotiations among local, State, and Federal officials seeking to develop a shared partnership to manage the Hanford Reach for future generations.

Instead, unfortunately, the administration chose to unilaterally assign management responsibility to these lands with the Department of the Interior. Unfortunately, that left State and local citizens and officials with no real role except to comment periodically on plans and decisions of Federal regulators.

H.R. 4578 would prohibit the expenditure of funds to issue a record of decision or any policy implementing the Interior-Columbia Basin Ecosystem Management Project, or ICBMP, as we call it in the Northwest, unless a regulatory flexibility analysis is completed.

This project amazingly enough started in 1993 without congressional authorization, and affects a huge area of

the West, including 63 million acres of Forest Service and BLM lands in six States, including much of my district in the State of Washington.

The administration appears to be rushing to complete this project before the end of President Clinton's tenure, and the committee is concerned that such haste will expose the project to high-risk litigation for failure to comply with the requirements of the Small Business Regulatory Enforcement Fairness Act. I applaud the committee's decision in that regard.

I also want to thank the gentleman from Ohio (Mr. REGULA) and the Members of this committee for their willingness to address both the Hanford Reach National Monument and the ICBMP project, two issues that are of great concern in central Washington.

More generally, Mr. Speaker, I also want to commend the gentleman from Ohio (Mr. REGULA) for his tireless efforts to balance protection and sound management of our Nation's natural resources with the steadily increasing demands placed on those resources by commerce, tourism and recreation.

Significantly, the gentleman from Ohio (Chairman REGULA) and his colleagues have done so while staying within their allocation from the Committee on the Budget.

That said, Mr. Speaker, this bill, like most legislation, is not perfect. Individual Members will no doubt take issue with one or more provisions of this bill. Those wishing to offer amendments should be pleased that the Committee on Rules has granted the Committee on Appropriations's request for an open rule.

Accordingly, I encourage my colleagues to support not only the rule but the underlying bill, H.R. 4578.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule that will allow the Members of the House to work their will. But the underlying bill fails to honor Congress' obligation as steward of America's lands and history for future generations.

The measure contains several anti-environmental riders that continue the attack on our natural resources.

The first major rider would stop the management and protection of lands designated as national monuments by the President, the right of every president since Theodore Roosevelt.

The second blocks the management and protection of lands along the Columbia River, which contains a threatened species of salmon.

The third rider would prohibit the establishment of the North Delta National Wildlife Refuge near Sacramento, California.

Still other riders in the bill would limit funding for protection of endan-

gered species, allow grazing on public lands without an environmental review, and delay national forest planning.

In addition to the numerous policy riders, H.R. 4578 contains deep cuts that will harm our national parks, our forests, and the protection and enforcement of environmental laws.

The funding in H.R. 4578 is \$300 million below last year's level and \$1.7 billion below the President's request. Such deep cuts will have a devastating impact on Indian health, on national park maintenance, which has consistently been underfunded, and on energy research and conservation.

Even though the House overwhelmingly passed the land and water conservation bill in May by a vote of 315 to 102, this bill is \$736 million below the amount authorized in that bill. At a time of record surpluses, this bill cuts funding for key national priorities in order to fulfill the majority's commitment to fund huge tax breaks for the wealthy.

The bill's funding level is simply not realistic. Moreover, the majority had a failed yet again to restore some of the unwise cuts made 5 years ago in funding for those agencies responsible for the country's small but critically important arts and humanities education and preservation efforts.

The bill funds the National Endowment for the Arts at \$98 million, a level 48 percent below the 1995 funding level; the National Endowment for the Humanities at \$115 million, 33 percent below the level in 1995. These funding levels fundamentally ignore the successfully efforts by both NEA and NEH to broaden the reach of their programs and to eliminate controversial programs, the two reforms that were requested by the majority when they reduced the funding in 1995.

It is time to recognize the success of these reforms and give these agencies the resources they need to meet their critical needs. Unfortunately, the amendment offered by a Democrat committee to raise funding for both agencies was defeated.

Because of the inadequate funding levels, the President's senior advisors are recommending that he veto this bill, making this exercise on the floor a redundant act in our continuing theater of the absurd when it comes to spending bills.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the leadership of the gentlewoman from New York. I rise in support of the rule.

Mr. Speaker, I rise to support the open rule for the Interior Appropriations bill for Fiscal Year 2001 which protects what the Committee reported.

I want to commend our Chairman, Mr. REGULA, on the difficult task he was faced with

writing this year's spending bill. Unfortunately, the subcommittee was given an unrealistic allocation and as a consequence, this bill simply falls short in too many areas and I will be forced to oppose it on the floor.

I know that it would have been extremely difficult to provide all of the increases requested by the Administration, but I am frustrated that the allocation this bill received was so inadequate. With these levels, we will not even be able to provide fixed costs for all of the agencies within our jurisdiction. We are severely under-funding critical programs within our jurisdiction.

When this bill was considered by the full Appropriations Committee, the Administration sent a letter to the Chairman expressing deep concern over not only the spending levels provided in the bill but also several "riders" which were added at the last minute. The letter threatened a veto if substantial changes were not made to the bill.

Each of these legislative provisions jeopardizes passage of this bill on the floor, and guarantees another confrontation with the White House this fall. These riders deal with complex policy concerns and should be addressed by the authorizing committees of jurisdiction, not attached to an annual spending bill.

I do however appreciate that the Rule provided for this bill will enable Members wishing to offer amendments to these provisions the ability to do so.

I am forced to oppose this bill because I do not believe we have adequately funded dozens of important priorities within our jurisdiction, and I oppose the inclusion of these controversial riders. I do however appreciate the bipartisan cooperation and responsible manner with which our Subcommittee works. This bill however did not receive an adequate allocation to start with now faces an even greater hurdle with the inclusion of these riders.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, I support the rule. It is balanced, fair, and adequate for the job. I only wish I could say the same for the bill.

I do not blame the chairman of the subcommittee, the gentleman from Ohio. I do not think he is the villain in this situation. In fact, in my opinion he has been given an impossible task, because his own leadership has made it basically impossible for his bill to adequately provide for the important environmental and other programs that it covers.

As a result, the overall bill falls short of what is needed, even though it does include some good provisions. If I might, I would like to just touch on a few of those provisions.

The bill does provide some funds for the acquisition of a tract in the Beaverbrook area of Clear Creek County, part of the district I represent, owned by the city of Golden, Colorado. I requested inclusion of funds to enable these lands to be acquired for Forest

Service management. I want to express my appreciation to the chairman for inclusion of \$2 million for that purpose.

The amount provided, like the bill's total for such acquisitions, is simply inadequate to meet this and other urgent conservation needs.

In a similar fashion, the bill sets up a pilot project under which the Forest Service can arrange for Colorado State foresters to assist with fire prevention and improvement of watersheds and habitat on national forest lands that adjoin appropriate State or private lands.

I have had an opportunity to discuss this with Jim Hubbard, our State Forester, and I believe this can be very valuable, especially in the Front Range areas of Colorado where residential development is spreading into forested areas. Again, I appreciate the inclusion of that provision, especially since it states that all the environmental laws will continue to apply.

Again, the bill does not provide enough important support for many other Federal land management agencies, including not just the Forest Service but the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service.

It also fails to adequately address matters of concern to Native Americans. In fact, I think it takes a step backwards. The total funding for the Indian Health Services and the Bureau of Indian Affairs is cut by \$520 million. I think in effect the bill sends the message that we are no longer willing to meet our trust responsibilities to our American Indian tribes.

There can be no denying the need. Information I have seen indicates that in 1997, the Indian Health Service could provide only \$1,397 dollars per capita for its patients compared to about \$3,900 in per capita health spending by all Americans.

□ 2154

Even though Indians have a 249 percent greater chance of dying from diabetes and a 204 percent greater chance of dying from accidents than our general population. Since then, health care funding for our Indian citizens has failed to keep up with the growing Indian population and has also failed to rise along with inflation.

The bill is also loaded with undesirable riders. Let me mention three of them. One deals with the management of new national monuments. The idea there may be to reign in the President, but I think it would choke needed management and the real victims would be the American people and our public lands.

Another rider that should be thrown off is the one on global warming. By restricting funds that would be used to prepare to implement the Kyoto Treaty, this rider effectively would stop work on the most important tools for

holding down costs as we combat global warming.

This provision is extreme and should not be a part of this bill.

Finally, the bill does not do enough to promote energy efficiency. We need to do more to invest in Energy Department research and development programs that reduce our dependence on imported oil while furthering our national goals of broad-based economic growth, environmental protection, national security and economic competitiveness.

The rule properly permits amendments to address some of these shortcomings and I will be urging adoption of desirable amendments, but in my opinion unless the bill is dramatically improved it should be not passed.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, the bill as it is presently in front of us has language that notwithstanding any other provision of law, hereafter the Secretary of the Interior must concur in developing, implementing, and revising regulations to allocate water made available from Central and Southern Florida Project features.

My understanding is that a point of order will be raised and that language will be struck from the bill. It is not protected by the rule.

I think that that language is critical really in terms of Everglades restoration. I applaud the committee, the subcommittee, for an incredible effort, the largest ecosystem restoration in the history of the world that this committee has been part of. I think it is a legacy each of us are leaving, not just to our children and grandchildren but future generations as well.

Unfortunately, though, when this language will be struck from the bill, the concern that some of us have that the priority until we pass the Everglades Restudy, the priority of this funding is not necessarily the priority which I think most of us want, which is that resource protection be the highest priority but that flood management protection which is critical, and water supply which is critical will be potentially a higher priority.

Therefore, I look forward to working with the substantive committee and the Committee on Appropriations to include similar language which is necessary to the intent, I think which the majority of members want.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I would point out to the gentleman from Colorado (Mr. UDALL), who mentioned Indian health services and so on, that we do have increases;

not as much as we would like nor as much as the gentleman from Colorado (Mr. UDALL) would like, but we have increased Indian health service over last year. We have increased the BIA operation of Indian programs and we have increased BIA education.

Now we are going to hear during the debate a lot about cuts, and I just want to say to all of my colleagues those cuts that they talk about will be cuts from the President's proposals. It was easy for the President to propose 1.7 million additional dollars without having to identify a source for those dollars.

We have tried to work within the confines of the allocation that was provided to our committee, recognizing that it is \$300 million under last year. But in the process, we have addressed the needs of the land agencies in every way.

I thank the gentleman from Florida (Mr. DEUTSCH) for his comments on the Everglades issue, and I regret, too, that there will be a point of order on the language that would give the Department of Interior a voice in the way the water is distributed, because the whole mission of the Everglades restoration is to have adequate water supply so that the ecosystem will flourish.

Hopefully, in the process of a conference and final wrap-up on this bill we can get some language that will accomplish this goal in perhaps a somewhat different way, because I think all the parties on the Everglades restoration need to be at the table. The State of Florida, the Southeast Florida Water District, the mako sica Indians, but also the Federal Government, because we are putting a billion dollars of Federal money from 50 States into this restoration.

The great interest on the part of most of the people across this Nation would be restoring the asset and preserving the asset known as the Everglades.

So we will try to address that. I do not want to take time to get into the other merits. We will have time during the debate to discuss those. I simply want to say that I think the Committee on Rules did a great job here. They gave us a balanced rule. It is fair, as is the bill. Everybody will have their opportunity to be heard through the amendment process. Hopefully, out of all of this will come a constructive addressing of the problems that confront our national lands, almost 700 million acres.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material, on the bill, H.R. 4578.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4578.

□ 2153

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight I bring before the House the fiscal year 2001 interior appropriations bill. Before I begin, however, I would like to take the opportunity to reflect upon the previous, including this year, 6 years. Under the rules of the House, this year is my last year as chairman of the House Subcommittee on Interior of the Committee on Appropriations. I have served on this subcommittee for the past 26 years, first as a junior member, later as its ranking member and most recently as chairman.

This committee has been a labor of satisfaction for me. I believe it is a vitally important committee in the Congress; and even though I will not serve as its chairman next year, I intend to remain very involved in it and hope to continue the many positive initiatives begun over these years.

Upon reflection, three themes come to mind. First, I have tried to improve management within the agencies funded in the bill. Too often, government managers do not focus on the difficult issues of responsible and accountable

actions and decisions. Over my tenure as chairman, I have held 25 oversight hearings with the underlying focus on improving management. I believe these efforts are producing results. We have brought management reform to the national parks services construction program ensuring that the American taxpayer will no longer be asked to foot the bill for a \$784,000 outhouse in a national park. We have eliminated duplication in our Federal agencies with the abolishment of the Bureau of Mines which had jurisdiction over programs already being conducted by OSHA, the Department of Labor and the Department of Energy.

Next, over my years of service, I have grown increasingly concerned about our lack of attention to maintaining our federally owned lands and the facilities on them. Through an oversight hearing conducted by our subcommittee, I learned that I was correct in my concern. The four land management agencies, the National Park Service, Fish and Wildlife Service, the Forest Service and the Bureau of Land Management, provided estimates that the maintenance backlog totals nearly \$13 billion. To address this unacceptable situation, our committee initiated a recreation fee demonstration program in fiscal year 1995.

Under the program, the land management agencies are permitted to collect a nominal fee at up to 100 sites. The fee stays at the site where it is collected and is used at that site for maintenance or other projects to enhance the visitors' experience. The fees are expected to generate \$500 million over the period of this demonstration.

The fee program is working well as facilities and trails are now being maintained better today than we would have been able to do so through appropriations alone. Further, we have evidence that vandalism is down in sites where people are paying fees as they feel they have a stake in the park or forest they are visiting.

Let me emphasize, however, that recreation fees are not carrying the sole responsibility for maintenance of our public lands. Under my chairmanship, our committee has set maintenance funding as a priority and over these past 6 years we have provided several hundred million dollars in maintenance funding and, most importantly, we have required the land management agencies to assess their maintenance requirements, establish common criteria for what deferred maintenance is and develop 5-year master plans to address the situation. Our attention to the maintenance issue is making a difference.

Finally, each year I have brought the bill before this body for consideration, we have been faced with the difficult challenge of meeting the countless needs of the 35 agencies within the constraints of a tight budget environment.

We have tried to balance these needs with the simple test: Must do items, need to do items, and nice to do items.

We have always done the must do. We have done many of the need to do and some of the nice to do. Using this test as our guide, I believe our committee has done our best over these years to use the taxpayers' money wisely while meeting our Federal responsibilities.

I want to express particularly my appreciation to the gentleman from Washington (Mr. DICKS), who has served as the ranking member of the subcommittee. He has been a real partner, as we have worked together on a number of policy priorities of the committee, including the backlog maintenance issue.

Next I would like to compliment the able staff members who have assisted during my tenure as chairman. I particularly express my appreciation to our clerk, Debbie Weatherly, as well as other subcommittee staff members, Loretta Beaumont, Joe Kaplan and Chris Topik. On the minority side, I want to thank Leslie Turner on the staff of the gentleman from Washington (Mr. DICKS), and welcome Mike Stephens, a long-time committee veteran who returned to the Committee on Appropriations this year following the retirement of Del Davis.

I appreciate the professionalism of each of these people and the many dedicated hours they have provided this House over the years.

Mr. Chairman, today I present before the House the fiscal year 2001 interior appropriation bill. This year, the subcommittee received more than 550 letters from Members of the House requesting funding for more than 3,400 individual items totaling \$152 billion, all for interior and related agency programs.

For fiscal year 2001, we received an allocation of \$14.6 billion, which is \$300 million below the fiscal year 2000 enacted bill. As we can see, we have had to make some tough choices, and the bill reflects this challenge.

Again, I want to say the gentleman from Washington (Mr. DICKS) has been a real teammate in addressing these. I know that he has not agreed with the allocation. In some respects, I have not myself but we have made the best of what we had to work with. I think that took a real team effort.

I think the fact that we have had the requests of over \$152 billion demonstrates the popularity of this bill and the important projects that are out there if we had the means to provide the funding.

Within the constraints of our allocation, we were unable to fund the President's lands legacy initiative.

□ 2200

However, we have included \$164 million in Federal acquisition funding and an additional \$20 million for state-side land acquisition.

Mr. Chairman, as we become an increasingly stressed urban population, the respite that our Federal lands offer our society becomes even more important. Recreation on these lands continue to grow.

Last year, the four land management agencies received more than 1.2 billion visitors. Funding to maintain the pristine resources of these lands, from national treasures like Yosemite within our national park system, to the 93 million acres of national wildlife refuges, to the hundreds of millions of acres of BLM lands and national forests, is clearly a priority in the bill.

We have provided a \$62 million increase in National Park Service Operations, a \$30 million increase for the Bureau of Land Management, a \$22 million increase for national wildlife refuges, and a \$60 million increase for the National Forest System. I emphasize that each of these land agencies receive increases to ensure that the public has a quality experience in the use of our lands.

This became a number one priority given our limited resources to make sure that the places where the public interfaced with the public land, that there would be adequate money for them to meet their fixed costs, and they could maintain the staff and the quality experience that the public is entitled to.

The Department of Interior and Related Agencies Appropriations Act is an environmental bill, and I am pleased with the work that we are doing in areas such as abandoned mine restoration, which we have increased to \$198 million this year. Through the work of premier scientists at the U.S. Geological Survey, we are gaining greater understanding of the earth's processes and national resources. These scientists conduct important work in the area of hazards such as earthquakes and volcanic eruptions, water quality and quantity and coastal erosion.

The newest members of the USGS scientific team, the Biological Resources Division, are working with the land management agencies to provide the important scientific information needed to effectively manage our Nation's biological resources.

I want to say we have emphasized science in our bill. We recognize that wise management requires good science. Some Members may be aware of the three funding limitations of the bill, and I understand there will be amendments offered to remove them. I remind my colleagues that these funding limitations are for 1 year only, as they are in this annual appropriations bill. They are not permanent law. They simply give the Congress more time to reflect on the issues of some of the ac-

tivities taken by the executive branch. I am a great respecter of the separation of powers. Our responsibility is to make policy. The responsibility of the President and his team is to execute policy. Sometimes I think those two get confused. Of course, then we have the courts that interpret the impact of these laws.

Through the Interior bill, we have the obligation of the Federal Government to meet the needs of the American Indian and native Alaska populations in the vital areas of health care and education. While I would like to have been able to do more, we have increased funding for the Indian health service by \$30 million and for education programs through the Bureau of Indian Affairs by \$6 million.

I would mention here that the gentleman from Washington (Mr. NETHERCUTT), a member of our committee, has focused on juvenile diabetes and diabetes generally, which is a serious problem for the Native American population. Here again, we have tried to address that, thanks to his leadership.

Over these past 6 years, I have worked with Members on both sides of the aisle to achieve balances on Forest Service issues where conflicting goals have often clashed. Under my chairmanship and with the support of the gentleman from Washington (Mr. DICKS), the ranking minority member, we have eliminated the \$50 million purchaser road credit. That has always been a sore spot, and I am pleased that the gentleman from Washington (Mr. DICKS) provided the leadership to make this problem get solved.

We have reduced the annual allowable cut of timber on National Forests to 3.5 billion board feet. In fiscal year 1990, this level reached a low of 11.1 billion board feet, in other words, almost a 70 percent reduction. I think it reflects the fact that, on a bipartisan basis we have been sensitive to the environmental impact in maintaining our forests and recognizing that the forests are great carbon sequestering facilities.

Finally, we are working to return accountability and sound management to the Forest Service. For years, the GAO and the Inspector General, the Department of Agriculture have been producing critical reports on the Forest Service. We all heard about those or read about them. This year the subcommittee requested assistance from the National Academy of Public Administration to make recommendations for improving this agency, and we are putting into place changes to bring true accountability to this agency.

I might add here that the National Academy of Public Administration

does excellent work and their service to us, to our committee has been highly commendable.

Next, I call my colleagues' attention to energy research programs. The bill provides \$1.1 billion for these programs. It achieves a delicate balance to meet our Nation's energy needs as we try to utilize our energy in the most efficient and lowest polluting ways possible and, at this point in time, at the least cost possible.

Research on our domestic, natural, energy resources, including coal, natural gas, and oil remain paramount to the continuation of our strong economy. I remind my colleagues that this research is not the cost of research and development of renewable energy such as solar and wind power or biomass. Funding for these energy sources are contained in the Energy and Water Appropriations bill.

Some of our Nation's most treasured national cultural institutions are funded in the Interior bill. I call to my colleagues' attention the fine work of the National Gallery of Art, the U.S. Holocaust Memorial Museum, the Kennedy Center, and the Smithsonian Institute. Each of these organizations provides a wonderful service to the American people, not just to those who visit or live in the Nation's capital; but now through the Internet and the further outreach programs, these entities are able to play a role in communities and classrooms across the country. I encourage each American to take advantage of the opportunities they offer.

I want to say these agencies are doing a great job of taking their resources to the Nation through the Internet, through the outreach. I think that is highly commendable.

I conclude my remarks by thanking my colleagues on the subcommittee. I have greatly enjoyed working with each of the Members. It is a great subcommittee, and particularly including my dear friend Sid Yates who retired from this House at the end of the 105th Congress following a long and distinguished career in this body and contributed much to our Nation's resources, our interior resources. What a marvelous legacy he left as a result of his chairmanship.

Over these years, the Members on both sides of the aisle worked together in a bipartisan way to craft balanced bills that meet our responsibilities to the American people in managing our Federal lands, in conducting energy research, and in operating our cultural agencies. I appreciate their support and look forward to continuing to work with them in the future.

Mr. Chairman, I insert for the RECORD a table detailing the various accounts in this bill, as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4578)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	644,134	715,191	674,571	+30,437	-40,620
Wildland fire management	290,957	297,197	292,197	+1,240	-5,000
Central hazardous materials fund	9,955	10,000	10,000	+45	.....
Construction	11,196	11,200	5,300	-5,896	-5,900
Payments in lieu of taxes	134,385	135,000	134,385	.....	-615
Land acquisition	15,500	60,900	19,000	+3,500	-41,900
Oregon and California grant lands	98,775	104,267	100,467	+1,692	-3,800
Range improvements (indefinite)	10,000	10,000	10,000	.....	.....
Service charges, deposits, & forfeitures (indefinite)	8,800	7,500	7,500	-1,300	.....
Miscellaneous trust funds (indefinite)	7,700	7,700	7,700	.....	.....
Total, Bureau of Land Management	1,231,402	1,358,955	1,261,120	+29,718	-97,835
United States Fish and Wildlife Service					
Resource management	714,543	761,938	731,400	+16,857	-30,538
Construction	53,528	44,231	48,395	-5,133	+4,164
Land acquisition	50,513	111,632	30,000	-20,513	-81,632
Cooperative endangered species conservation fund	23,000	65,000	23,000	.....	-42,000
National wildlife refuge fund	10,739	10,000	10,439	-300	+439
North American wetlands conservation fund	14,957	30,000	15,499	+542	-14,501
Wildlife conservation and appreciation fund	797	800	797	.....	-3
Multinational species conservation fund	2,391	3,000	2,391	.....	-609
Commercial salmon fishery capacity reduction	4,625	.....	.....	-4,625	.....
Non-game wildlife state grants .....	.....	100,000	.....	.....	-100,000
Total, United States Fish and Wildlife Service	875,093	1,126,601	861,921	-13,172	-264,680
National Park Service					
Operation of the national park system	1,363,764	1,454,098	1,425,617	+61,853	-28,481
National recreation and preservation	53,399	68,648	49,956	-3,443	-18,692
Historic preservation fund	74,793	72,071	41,347	-33,446	-30,724
Construction and major maintenance	221,191	180,000	150,004	-71,187	-29,996
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	.....	.....
Land acquisition and state assistance	120,700	297,468	65,000	-55,700	-232,468
Total, National Park Service (net)	1,803,847	2,042,285	1,701,924	-101,923	-340,361
United States Geological Survey					
Surveys, investigations, and research	813,376	895,379	816,676	+3,300	-78,703
Minerals Management Service					
Royalty and offshore minerals management	234,200	241,538	234,200	.....	-7,338
Additions to receipts	-124,000	-107,410	-107,000	+17,000	+410
Oil spill research	6,118	6,118	6,118	.....	.....
Total, Minerals Management Service	116,318	140,246	133,318	+17,000	-6,928
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	95,585	97,801	97,478	+1,893	-323
Receipts from performance bond forfeitures (indefinite)	275	275	275	.....	.....
Subtotal	95,860	98,076	97,753	+1,893	-323
Abandoned mine reclamation fund (definite, trust fund)	195,873	211,158	197,873	+2,000	-13,285
Total, Office of Surface Mining Reclamation and Enforcement	291,733	309,234	295,626	+3,893	-13,608
Bureau of Indian Affairs					
Operation of Indian programs	1,639,535	1,795,010	1,657,446	+17,911	-137,564
Construction	197,404	365,912	184,404	-13,000	-181,508
Indian land and water claim settlements and miscellaneous payments to Indians	27,128	34,026	34,026	+6,898	.....
Indian guaranteed loan program account	4,985	6,008	4,985	.....	-1,023
(Limitation on guaranteed loans)	(59,682)	(62,000)	(59,682)	.....	(-22,318)
Total, Bureau of Indian Affairs	1,869,052	2,209,956	1,880,861	+11,809	-320,095
Departmental Offices					
Insular Affairs:					
Assistance to Territories	42,451	40,751	41,751	-700	+1,000
Northern Marianas Islands Covenant	27,720	33,140	27,720	.....	-5,420
Subtotal, Assistance to Territories	70,171	73,891	69,471	-700	-4,420
Compact of Free Association	8,311	8,545	8,745	+434	+200
Mandatory payments	12,000	12,000	12,000	.....	.....
Subtotal, Compact of Free Association	20,311	20,545	20,745	+434	+200
Total, Insular Affairs	90,482	94,436	90,216	-266	-4,220
Departmental management	62,706	64,469	62,406	-300	-2,063
Office of the Solicitor	40,196	43,952	40,196	.....	-3,756
Office of Inspector General	26,086	28,859	26,086	.....	-2,773

**DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4578)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Special Trustee for American Indians.....	90,025	82,628	82,428	-7,597	-200
Indian land consolidation pilot.....	5,000	12,501	5,000		-7,501
Natural resource damage assessment fund.....	5,374	5,403	5,374		-29
Total, Departmental Offices.....	319,889	332,248	311,706	-8,163	-20,542
Total, title I, Department of the Interior:					
New budget (obligational) authority (net).....	7,320,890	8,405,904	7,263,152	-57,538	-1,142,752
Appropriations.....	(7,350,890)	(8,435,904)	(7,293,152)	(-57,538)	(-1,142,752)
Rescissions.....	(-30,000)	(-30,000)	(-30,000)		
(Limitation on guaranteed loans).....	(59,682)	(82,000)	(59,682)		(-22,318)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research.....	217,694	231,008	224,966	+7,272	-6,042
State and private forestry.....	202,960	261,331	197,337	-5,623	-63,994
National forest system.....	1,147,951	1,286,571	1,207,545	+59,594	-79,026
Wildland fire management.....	617,956	620,372	614,343	-3,613	-6,029
Emergency appropriations.....	90,000	150,000		-90,000	-150,000
Capital improvement and maintenance.....	436,843	424,914	424,466	-12,377	-448
(By transfer).....		(30,000)			(-30,000)
Land acquisition.....	79,835	130,265	50,000	-29,835	-80,265
Acquisition of lands for national forests special acts.....	1,068		1,068		+1,068
Acquisition of lands to complete land exchanges (indefinite).....	234		234		+234
Range betterment fund (indefinite).....	3,300		3,300		+3,300
Gifts, donations and bequests for forest and rangeland research.....	92	92	92		
Southeast Alaska economic disaster fund.....	22,000			-22,000	
Management of national forest lands for subsistence uses.....		5,500			-5,500
Total, Forest Service.....	2,819,933	3,110,053	2,723,351	-96,582	-386,702
DEPARTMENT OF ENERGY					
Clean coal technology:					
Rescission.....	-38	-105,000		+38	+105,000
Deferral.....	-156,000	-221,000	-67,000	+89,000	+154,000
Energy resource, supply and efficiency.....	1,113,675	1,224,070	1,139,611	+25,936	-84,459
Biomass energy development (by transfer).....	(49,000)	(2,000)	(2,000)	(-47,000)	
Alternative fuels production (rescission).....		-1,000	-1,000	-1,000	
Elk Hills School lands fund (advance appropriation).....	36,000	36,000	36,000		
Economic regulation.....	1,992	2,000	1,992		8
Strategic petroleum reserve.....	158,396	158,000	157,000	-1,396	-1,000
SPR petroleum account (rescission).....		-7,000			+7,000
Energy Information Administration.....	72,368	75,000	72,368		-2,632
Total, Department of Energy:					
New budget (obligational) authority (net).....	1,226,393	1,161,070	1,338,971	+112,578	+177,901
Appropriations.....	(1,346,431)	(1,459,070)	(1,370,971)	(+24,540)	(-88,099)
Advance appropriations.....	(38,000)	(36,000)	(36,000)		
Rescissions.....	(-38)	(-113,000)	(-1,000)	(-962)	(+112,000)
Deferral.....	(-156,000)	(-221,000)	(-67,000)	(+89,000)	(+154,000)
(By transfer).....	(49,000)	(2,000)	(2,000)	(-47,000)	
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services.....	2,074,173	2,271,055	2,084,178	+10,005	-186,877
Indian health facilities.....	316,555	349,374	336,423	+19,868	-12,951
Total, Indian Health Service.....	2,390,728	2,620,429	2,420,601	+29,873	-199,828
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses.....	8,000	15,000	8,000		-7,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute.....	2,125	4,250		-2,125	-4,250
Smithsonian Institution					
Salaries and expenses.....	371,230	396,800	375,230	+4,000	-21,570
Repair, restoration and alteration of facilities.....	47,900	62,200	47,900		-14,300
Construction.....	19,000	4,000		-19,000	-4,000
Total, Smithsonian Institution.....	438,130	463,000	423,130	-15,000	-39,870
National Gallery of Art					
Salaries and expenses.....	61,279	64,848	61,279		-3,569
Repair, restoration and renovation of buildings.....	6,311	14,101	8,903	+2,592	-5,198
Total, National Gallery of Art.....	67,590	78,949	70,182	+2,592	-8,767

**DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4578)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
John F. Kennedy Center for the Performing Arts					
Operations and maintenance.....	13,947	14,000	13,947	.....	-53
Construction.....	19,924	20,000	19,924	.....	-76
Total, John F. Kennedy Center for the Performing Arts.....	33,871	34,000	33,871	.....	-129
Woodrow Wilson International Center for Scholars					
Salaries and expenses.....	6,763	7,310	6,763	.....	-547
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration.....	84,677	150,000	98,000	+ 13,323	-52,000
Matching grants.....	12,951	.....	.....	-12,951	.....
Total, National Endowment for the Arts.....	97,628	150,000	98,000	+ 372	-52,000
National Endowment for the Humanities					
Grants and administration.....	100,560	129,470	100,604	+ 44	-28,866
Matching grants.....	14,700	20,530	14,656	-44	-5,874
Total, National Endowment for the Humanities.....	115,260	150,000	115,260	.....	-34,740
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration.....	24,307	33,378	24,307	.....	-9,071
Total, National Foundation on the Arts and the Humanities.....	237,195	333,378	237,567	+ 372	-95,811
Commission of Fine Arts					
Salaries and expenses.....	1,021	1,078	1,021	.....	-57
National Capital Arts and Cultural Affairs					
Grants.....	6,973	7,000	6,973	.....	-27
D.C. Arts Education Grants					
Grants.....	.....	1,000	.....	.....	-1,000
Advisory Council on Historic Preservation					
Salaries and expenses.....	2,989	3,189	2,989	.....	-200
National Capital Planning Commission					
Salaries and expenses.....	6,288	6,198	6,288	.....	+ 90
United States Holocaust Memorial Council					
Holocaust Memorial Council.....	33,161	34,564	33,161	.....	-1,403
Presidio Trust					
Presidio trust fund.....	44,300	33,400	33,400	-10,900	.....
Total, title II, related agencies:					
New budget (obligational) authority (net).....	7,325,460	7,913,888	7,346,268	+ 20,808	-567,600
Appropriations.....	(7,355,498)	(8,061,868)	(7,378,268)	(+ 22,770)	(-683,600)
Advance appropriations.....	(36,000)	(36,000)	(36,000)	.....	.....
Emergency appropriations.....	(90,000)	(150,000)	.....	(-90,000)	(-150,000)
Rescissions.....	(-38)	(-113,000)	(-1,000)	(-962)	(+ 112,000)
Deferral.....	(-156,000)	(-221,000)	(-67,000)	(+ 89,000)	(+ 154,000)
(By transfer).....	(49,000)	(32,000)	(2,000)	(-47,000)	(-30,000)
TITLE IV - FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
Bureau of Land Management (contingent emergency appropriations).....	.....	.....	200,000	+ 200,000	+ 200,000
Forest Service (contingent emergency appropriations).....	.....	.....	150,000	+ 150,000	+ 150,000
Total, title IV, FY 2000 Emergency supplemental appropriations.....	.....	.....	350,000	+ 350,000	+ 350,000
TITLE V					
United Mine Workers of America combined benefit fund (emergency appropriations).....	68,000	.....	.....	-68,000	.....
TITLE VI					
Priority land acquisitions and exchanges.....	197,500	.....	.....	-197,500	.....
Grand total:					
New budget (obligational) authority (net).....	14,911,650	16,319,772	14,959,420	+ 47,770	-1,360,352
FY 2001 (net).....	(14,911,650)	(16,319,772)	(14,609,420)	(-302,230)	(-1,710,352)
Appropriations.....	(14,903,688)	(16,497,772)	(14,671,420)	(-232,268)	(-1,826,352)
Advance appropriations.....	(36,000)	(36,000)	(36,000)	.....	.....
Emergency appropriations.....	(158,000)	(150,000)	.....	(-158,000)	(-150,000)
Rescissions.....	(-30,038)	(-143,000)	(-31,000)	(-962)	(+ 112,000)
Deferral.....	(-156,000)	(-221,000)	(-67,000)	(+ 89,000)	(+ 154,000)
FY 2000, emergency appropriations.....	.....	.....	(350,000)	(+ 350,000)	(+ 350,000)
(By transfer).....	(49,000)	(32,000)	(2,000)	(-47,000)	(-30,000)
(Limitation on guaranteed loans).....	(59,682)	(82,000)	(59,682)	.....	(-22,318)

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to compliment the chairman on his remarks here tonight. I have always been against term limits, and I know that others here have learned the hard lessons. But I think that the 6-year limitation on chairmanships is one that sometimes it will be good and sometimes it will be bad. I happen to think in this case this is a very bad one, because I think the gentleman from Ohio (Mr. REGULA) has been a great chairman.

The gentleman from Ohio mentioned Sid Yates. I have served on this subcommittee, this is my 24th year; and Sid Yates was a great role model, a great chairman. The gentleman from Ohio (Mr. REGULA) has been an outstanding chairman as well. Both of these men have done a great service to our country over the last 30 years.

I want to congratulate the gentleman from Ohio tonight on his 6 years as our chairman. As he said, he has not been dealt the best hand when it came to allocations. I can remember the coach out at the Sea Hawks, Chuck Knox, who used to say one has got to play the hand that one is dealt. We have not been dealt a very nice hand, but we have tried our best with the money that we have to do the best job possible.

I want to compliment the chairman also for his efforts throughout his career, one, to bring better administration to the agencies over which we have jurisdiction and using the public administration people, using the National Academy of Science, using whatever oversight group we could find, the GAO, and our own investigative team, to look at agencies and try to help them do a better job. I think it was always done in a constructive way, trying to help them improve their management and to save money and so that they could do a better job with the task that they have. I think that is a legacy that will live on.

Number two, the chairman has been dogged and I think correct in his efforts to make certain that our existing parks, our existing Forest Service facilities, our BLM facilities all over this country which provide so much recreation to the American people are maintained properly.

Sometimes in this institution everybody wants to add new facilities or add new parks and new areas. Somebody has to remember that one has got to take care of the ones we have already got. The gentleman from Ohio (Chairman REGULA) has done a remarkable job, and it is also a legacy issue in terms of his commitment to that and educating our committee and the members of the subcommittee about how important that is.

Then of course an initiative that he took on his own with my support and

the committee's support was to have this fee-demonstration project. This is another legacy issue which is, I think, being supported all over this country, as people see that when they go to their park a significant amount of the money, 80 percent, will stay there, so that it will help take care of the high-priority maintenance problems, trails, other things that are essential to that particular park.

I think this has been kind of a pay-as-you-go formula. Frankly, I do not think the park supervisor, the Forest Service, the BLM would ever get caught up unless we try to do something innovative like this. I think that is another important issue.

We will have more time when we get into the bill to get into a deeper discussion of the issues. But tonight we should be congratulating the gentleman from Ohio (Mr. REGULA) for his outstanding service to the House and to this committee, and I am glad to hear him say he is going to stay on the committee. I look forward to working with him. He has an outstanding staff led by Debbie Weatherly and all the other members of the staff. I want to thank MIKE STEVENS and Leslie Turner on our side. They all work together so well, so professionally. It makes one very proud as a Member of this institution.

I am also very proud to be on the Committee on Appropriations because I believe this committee always works together in a bipartisan way. All the committees that I have ever been on, all the subcommittees, have always functioned that way. I think it is something we all should try to make a role model out of, because it is the way this institution should work when we get something done of importance. When we can work together and deal with these issues, we can get a lot more done for the American people.

So I say to the gentleman from Ohio (Mr. REGULA), I am going to miss him in his role as chairman; but I am glad he is going to still be on the committee. We will work on a lot of good things and keep going out and look at these facilities. Another thing that the gentleman from Ohio did is get us back out on the road to see these parks and to see these facilities, see where the problems are, and then come back and start fixing them. That is the way one should do it.

Unfortunately, our committee did not do that as much as we should have in years past, but the gentleman from Ohio reinstated that. I think it is a tradition we should maintain in the future.

So tomorrow we will discuss the bill. Tonight we thank the gentleman from Ohio (Chairman REGULA) for his great service.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS), my ranking member, for those kind comments. It really has been a great team. I failed to mention that also Lori Rowley is my staff person who works on this and does a marvelous job on my behalf as the appropriations staffer for Subcommittee on Interior. We appreciate her work a great deal.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT), an extremely valuable member of our subcommittee.

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Mr. NETHERCUTT. Mr. Chairman, I rise to echo the comments of my colleague from Washington State, not just on the term limits issue but most specifically his warm phrase for our chairman, the gentleman from Ohio (Mr. REGULA). I have been on this subcommittee all the time that I have served in this body the last 5½ years. The gentleman from Ohio was my chairman, my first chairman as the Subcommittee on Interior assignment was made, one that I have thoroughly enjoyed, not just because of working with colleagues on my own side of the aisle but colleagues on the other side of the aisle as well.

I think it is significant that not only the predecessor chairman of the subcommittee, Mr. Yates, but the current ranking member, the gentleman from Washington (Mr. DICKS), have such high praise for the work and the commitment of the gentleman from Ohio to the good work of the Subcommittee on Interior. I speak not only for the gentleman from Ohio's expertise in learning and understanding and knowing and having good judgment about the intricacies of this bill and the specifics of it because it is so vitally important to the soul of this Nation. It not only covers the arts and the humanities but the parks and the recreation efforts and really the maintenance of the national treasures that are under the jurisdiction of the Subcommittee on Interior, but it really speaks, I think, very highly that these men and these people who serve on this subcommittee on opposite political sides of the aisle but on the same human side having respect and admiration for our chairman.

It is sort of a bittersweet time that the chairman will not be the chairman after this year, but I again join my colleagues in appreciating the legacy he has left. Not only has he been a gentleman to me, but he has been a gentleman to every single member of the subcommittee and every single Member of this House. He is also a gentleman to his staff. This committee staff is here.

You can tell the value of a Member in some measure by the value that the staff places upon that Member. This

staff loves this Member. They respect him as we all do, and they love him dearly. So they have committed themselves not only to the cause of good government regardless of party but the cause of the good leadership of the gentleman from Ohio. He has been one who has treated every Member with respect, not arrogance or not dismissal but respect. I think that is the sign of a good leader. It is the sign of a good Member of this body. It is the real charge and responsibility of any chairman regardless of party. You do not see partisan politics playing a part most of the time, 99 percent of the time, with this chairman. He is trying to be even-handed with respect to all Members.

I listened to the gentleman from Colorado tonight speak on the rule and state that he was grateful for the inclusion of some provisions in this bill after working with this chairman and our subcommittee but was opposed to the bill. A narrower-minded chairman might have said, "Well, if you're not going to support my bill, your provisions are not going in this bill." But this is the modern era of fairness in politics, I hope, and I expect, and I believe, especially with the gentleman from Ohio at the helm.

I join not only the gentleman from Washington (Mr. DICKS) but virtually every single Member of this body in paying tribute to the gentleman from Ohio, thanking him profusely for all the good work that he has done and his commitment to the interior jurisdiction of this government, this Congress and trying his best and our best to have the best bill that can ever come out of this House as it relates to the national treasures of our public lands.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Washington for those kind remarks, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Terry) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-675) on the resolution (H. Res. 525) providing for consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

RECOGNIZING 225TH BIRTHDAY OF UNITED STATES ARMY

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 101) recognizing the 225th birthday of the United States Army.

The Clerk read as follows:

H.J. RES. 101

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 225 years, the Army's central mission has been to fight and win the Nation's wars;

Whereas whatever the mission, the Nation turns to its Army for decisive victory;

Whereas the 172 battle streamers carried on the Army flag are testament to the valor, commitment, and sacrifice of the brave soldiers who have served the Nation in the Army;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, the Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where soldiers of the United States Army have won extraordinary distinction and respect for the Nation and its Army;

Whereas the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

Whereas the United States Army today is the world's most capable and respected ground force;

Whereas future Army forces are being prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress, recognizing the historic significance of the 225th anniversary of the United States Army—

(1) expresses the appreciation of the people of the United States to the Army and the soldiers who have served in it for 225 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that American soldiers have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 225th birthday of the United States Army and the dedicated service of the soldiers who have served in the Army; and

(B) calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to call up this resolution today honoring the United States Army on the occasion of its 225th birthday. On June 14, 1775, the Continental Congress resolved to create the American Continental Army. From that day until the present, millions of Americans have served at home and abroad, in peace and in war, as soldiers in America's Army. It is fitting that we honor the memory of those who have served in our Army by reflecting on its proud traditions and history.

The Army, first and foremost, is this Nation's arm of decision. It was the Army that achieved victory at Yorktown, making possible our independence and securing our place in history. From Trenton, Mexico City, Gettysburg and Santiago, to the Meuse-Argonne and Normandy, from the Pusan Perimeter and the Ia Drang Valley, to Panama and Iraq, the Army has prevailed in thousands of battles, large

and small, in defense of this Nation and in the cause of liberty. In its 225-year history, tens of thousands of soldiers have sacrificed their lives on distant battlefields so that Americans could know victory in war and prosperity in peace.

The history of our Army is inextricably tied with the history of this Nation. In war, our Army has been pre-eminent on the battlefield. In peace, our Army has provided this Nation with engineers and explorers, diplomats, and presidents. The Washington Monument and the Panama Canal bear concrete witness to the Army's achievements. Lewis and Clark, George W. Goethals, George C. Marshall, as well as Presidents Washington, Jackson, Taylor, Grant, Truman, and Eisenhower are but a few whose names typify the selfless devotion to duty that is the hallmark of those who have served their Army and their Nation with distinction and valor both on and off the battlefield.

Most importantly, the Army has given us soldiers. Since 1775, Americans from every part of this Nation have answered the call to arms and served in the Army. In each of this Nation's conflicts, soldiers have earned battlefield honors that have made our Army one of the most successful and respected military organizations in history. Their devotion and sacrifice have left an indelible mark on this Nation. Victorious in war, these citizen-soldiers then returned home to win and strengthen the peace. I salute them and thank them for their service.

As we stand on the edge of the 21st century and reflect on 225 years of history, one thing is certain. America will call again on its Army and its soldiers during times of crisis. As in the past, I am confident that the Army and its citizen-soldiers will rise to the challenge.

I ask my colleagues to join me today in honoring the United States Army and its soldiers on its 225th birthday. I urge the House to join the gentleman from Missouri and me in strongly supporting this resolution commemorating this significant event.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.J. Res. 101, a resolution commemorating the 225th anniversary of our United States Army. The principal land force of our country, the United States Army traces its origins to the Continental Army of the Revolutionary War. That Army, raised by the Continental Congress, had the mission of engaging British and Hessian regulars and won our country's independence. That Army was composed largely of long serving volunteers. Now some 225 years and numerous major wars and minor conflicts later, our U.S. Army is again

composed of volunteers. We have come full circle. What is important and why we recognize the anniversary of the Army today is that the U.S. Army has defended our Nation and fought with distinction on countless occasions. We in Congress and the American people owe a debt of gratitude to all those who have served in our Army.

While the Army dates from 1775, the U.S. Army as a permanent institution really began in June of 1784 when the Confederation Congress approved a resolution to establish a regiment of 700 officers and men to assert Federal authority in the Ohio River Valley. Congress adopted this tiny force after the reorganization of the government under the Constitution of 1789.

Since then, the Army has served our great Nation with distinction in many, many memorable conflicts. From its humble beginnings, the Army has been the key force in achieving military success in the Revolutionary War, the War of 1812, the Mexican War, the War Between the States, the Spanish-American War, the First World War, the Second World War, the Korean War, and, of course, the war in Vietnam and, more recently, the Persian Gulf War. Hundreds of memorable battles in these many conflicts highlight a truly illustrious history of dedicated service and selfless sacrifice by literally millions of Americans.

Beyond the Army's participation in these major wars, the Army has also been a successful instrument in implementing our Nation's foreign policy objectives and helping to restore democratic institutions of government in a myriad of smaller, short-of-war conflicts and interventions, particularly within the last 50 years. Places like Panama, Grenada, Haiti, Somalia, Bosnia and Kosovo come to mind.

As we think today about the great service of our Army and what it has performed over the years, it is important to bear in mind two key considerations: First, the U.S. Army is really a microcosm of American society. Dating back to the days of the original militia in the Revolutionary War, our Army has succeeded in large measure because of the participation of citizen-soldiers. I believe our Army and our military will continue to be as successful as they have been only as long as the people who comprise our forces reflect the makeup of our country and only as long as they have the support of the American people. We need to continue to recruit and retain high quality personnel so that the total Army will continue to be the formidable force that it is today.

The second characteristic of the Army that has made it such a success is that it has adapted to changes in warfare, tactics, and techniques as well as technology.

□ 2230

It has stayed ahead of our adversaries in efforts to reform, modernize

and win wars. From the change from conscription to the all volunteer force; from the use of flintlock muskets to the use of stealth technology of today, the U.S. Army has evolved to become the premier ground force in the world. The effort under way now, to transform the Army into a lighter, more mobile and more lethal force, shows that our Army continues to adapt to the rigors of the modern battlefield and will continue to be successful in the years ahead.

As much as we may be inclined to remember the major wars and battles that ultimately brought us victory over the years, it is really the men and women who serve so bravely and so well to whom we should pay tribute to today. Without their selfless dedication, their valor, their perseverance, America would likely not be the free and prosperous society it is as we enjoy it today.

H.J. Res. 101 recognizes their service, expresses the gratitude of the Congress and the American people, and calls upon the President to issue an appropriate proclamation, something that he unquestionably should do.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel, and he is an Army veteran.

Mr. BUYER. Mr. Speaker, I rise today in support of H.J. Res. 101 recognizing the United States Army's 225 years of loyal and dedicated service to the Nation. As we enter the new millennium, we can look back with pride at the Army's tremendous contribution to our Nation's great history.

Today, thanks largely to the service and the sacrifice of millions of men and women who have worn an Army uniform, we enjoy unparalleled prosperity and unequalled freedom.

For more than 2 centuries, American soldiers have courageously answered their Nation's call to arms, as well as serving as a strong deterrent to potential adversaries during times of peace. Whether it was on Lexington Green or the cornfields at Gettysburg or in the trenches of France, or the beaches of Normandy, in the frozen hills around Chosin or the jungles of Vietnam, in the forests of Western Europe or in the deserts of Kuwait, where I was, Army soldiers have fearlessly demonstrated the requisite traits of self-sacrifice and courage under fire that have enabled us to prevail under sometimes enormously adverse conditions.

Their contribution to their current state of well-being is clearly evident. As we enter the 21st century, our Nation finds itself serving in a unique position of global leadership while facing an increasingly complex array of

threats. One of the keys to our Nation's success over the decades has been our flexibility and willingness to adapt to an ever-changing environment, without altering the fundamental values that make us uniquely American.

Similarly, the dynamic transformation effort that the Army has recently embarked should create a more strategically responsive force without compromising the core competencies that make it the world's most lethal fighting force. The Army in the 21st century will be more responsive, survivable and lethal. It will be an Army that is respected by our allies and feared by our opponents and honored and esteemed by the American people.

Throughout our Nation's history, our soldiers have stood in constant readiness to defend and preserve the ideals of these our United States. When deterrence has failed, committing American soldiers on the ground has always been the ultimate statement of our resolve to defeat an adversary or compel him to change his course of action.

In 1776, Captain John Parker of Lexington Militia stood on the green and voiced to the American spirit and said without resolve, men, stand your ground, if they mean to have war, let it begin here.

Unflinching courage and a proud heritage of service to our Nation is the legacy of the American soldier as he has honorably carried out his oath to fight and win our Nation's wars.

As a representative of the people, I want to extend my heartfelt appreciation to the men and women and their families who serve in the United States Army. The valor, commitment and sacrifice of the American soldier is displayed throughout our Nation's history and is captured in the motto that appears on the emblem of the United States Army: "This we'll defend."

These three words embody the strength and character that makes the Army pervasive in peace and invincible in war.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, as a Member of the House Committee on Armed Services, I rise to salute the 225th anniversary of the United States Army.

One year before the birth of our country, the United States Army was established. Originally, the Continental Army was comprised of 10 companies from three colonies.

Now, the United States Army comprises 10 divisions, with a strength of 480,000 men and women. The Army is the cornerstone of America's military might and thus its ideals.

And the soldier is the cornerstone of that Army. The courage, dedication and valor demonstrated by numerous individuals and numerous conflicts are to be commended.

For they made famous names such as the Big Red One, the 101st Airborne, Army Rangers and, of course, the Green Berets.

This country and the world are truly indebted to their duty. Happy Birthday, Army.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I rise to honor the Army for 225 years of service to our Nation, and I would like to have it recorded that I would like to join in with my chairman of the Subcommittee on Military Personnel, the gentleman from Indiana (Mr. BUYER), with his words. I thought they were very eloquent and to the point, and I am happy indeed to be able to associate myself with them.

The United States Army created the year before the Declaration of Independence was signed, has for over 200 years courageously fought this Nation's wars and ensured peace and prosperity. The sacrifices of our men and women in uniform have brought freedom, not just for our country, but also for many others throughout the world.

Particularly, in my own State of Hawaii, the Army has a proud history. On December 7, 1941, the soldiers of the 25 Infantry Division had the distinction of being the first Army soldiers to see combat in World War II when they fired on Japanese aircraft strafing Schofield Barracks during the attack on Pearl Harbor.

After the attack, the 25th quickly set up its defensive positions to protect Honolulu and Pearl Harbor against possible Japanese attack.

I must also mention the heroism during World War II of the legendary 442nd Regimental Combat Team and the 100th Infantry Battalion. Comprised of Asian-Americans, these two units performed with great valor and courage during the Europe campaign. Already, two of the most highly decorated units in the Army, the bravery of these soldiers will again be recognized when President Clinton on June 21 awards 19 medals of honor later this month for their courage during World War II.

While the Army can justifiably be proud of its history, it is also fearlessly looking to the future. The Army is demonstrating remarkable flexibility by transforming itself in a new fighting force that will be able to win on the battlefield tomorrow, whether that means urban combat in remote parts of the world or peacekeeping in a war-ravaged country.

The capability the Army provides continues to be an important and integral part of our ability to ensure the peace and security of our Nation. But the commitment of our military personnel does not come without peril and price. Duty often calls for prolonged periods away from family and home.

Today, Mr. Speaker, we recognize the sacrifice of those whose dedication and

devotion to duty ensure the blessings of freedom every day.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS), who is a graduate of the United States Military Academy at West Point.

Mr. SHIMKUS. Mr. Speaker, I rise in support of this resolution. Mr. Speaker, 225 years ago, our predecessors in this House agreed to form the United States Army.

For 225 years, our sons and our daughters have fought and served this country proudly in 173 different campaigns across the world. From battling the British in Lexington to freeing Kuwait to Iraqi occupation, the United States Army has answered the call to defend the right to freedom all over the world.

In those 225 years, 874,527 men and women have given their lives while serving our country, and 1,226,062 have been wounded.

Today's Army is much different than what was originally envisioned by early Members of Congress. Today's Army not only defends our borders, but it ensures freedom from other countries. It lends its support to the disaster relief. It is an integral part of our Nation's fight against drugs. But the Army has not changed in one important way, it is still the best fighting force in the world.

But I would like to quote General Douglas MacArthur from his 1962 address to the United States Military Academy at West Point, which keeps us focused on the Army's mission, and I quote: "And through all this welter of change and development, your mission remains fixed, determined, inviolable, it is to win our wars. Everything else in your professional career is but corollary to this dedication. All other purposes, all other public projects, all other public needs, great or small, will find others for their accomplishment: but you are the ones who are trained to fight: yours is the profession of arms, the will to win, the sure knowledge that in war, there is no substitute for victory; that if you lose, the Nation will be destroyed; that very obsession of your public service must be duty, honor, country."

For 225 years, the United States Army has been called upon to win our Nation's wars. God bless those who have served the United States Army and the United States of America.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT), who I might say, Mr. Speaker, has served our country in his State of Tennessee so well and ably through the years in the National Guard.

Mr. CLEMENT. Mr. Speaker, I first want to say to the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr.

SPENCE), and the gentleman from Missouri (Mr. SKELTON), these two gentlemen are real heroes in the U.S. House of Representatives and real heroes in the Committee on Armed Services. Both of them have distinguished themselves in so many different ways; and I know firsthand how they fought for those in uniform, our fighting men and women. They have made a real difference in America.

It is a great pleasure to stand before the House to celebrate the 225th birthday of the United States Army, all the way back to the Continental Congress, the Continental Army, the beginnings of what we call the United States of America, the greatest Nation on the history of this earth, a country that has made a difference and saved the lives of so many people overseas, as well as in the United States.

When I think of the United States Army, knowing that I was a part of them for 2 years and I was discharged a first lieutenant, and then I immediately joined the Tennessee Army National Guard, as the gentleman from Missouri (Mr. SKELTON) mentioned a while ago, and I knew I was not going to make a career out of the military; but I wanted to be a part of the military.

I think it is regrettable that so many of our young people do not have that experience now. We have an all volunteer force; and, therefore, they will not serve in the military. But serving in the military, it is almost like having a piece of the rock. It gives you a feeling that it is hard to describe and understand, but one does not have to love this country to serve in the military. One does not have to believe in America to serve in the military.

□ 2245

But I congratulate all those that have served, and have served in the U.S. Army, because in my Congressional District I have two predecessors by the name of Andrew Jackson and Sam Houston, and they were truly American heroes. Those two gentlemen, both U.S. Congressmen from the Nashville, Tennessee, area, have served us proudly.

But when I think of the U.S. Army, I think of sacrifice; when I think of the U.S. Army, I think of commitment, I think of discipline, I think of teamwork, I think of individuals that know how to wave that flag. I also know when you have served in the U.S. Army or our Armed Forces, you stand up at various sporting events and other places and say God bless America.

Happy birthday, U.S. Army.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER) the chairman of our Subcommittee on Procurement and also an Army veteran.

Mr. HUNTER. Mr. Speaker, I thank my great chairman, the gentleman

from South Carolina (Mr. SPENCE), for yielding to me, and I want to thank him also for his great service to our Nation, and the gentleman from Missouri (Mr. SKELTON), our ranking member, and all of our colleagues who have commented.

I want to pay homage to a couple of Army guys who I know who were in the 173rd Airborne, the unit I served with, without distinction, in Vietnam. The gentleman from California (Mr. THOMPSON) was a member of the 173rd Airborne in Vietnam during a very difficult time, and the gentleman from Georgia (Mr. NORWOOD) was also a Member of the 173rd Airborne and was a great member of that brigade, which is being stood up and has in fact just been stood up again and brought to life again in Italy just within the last couple of weeks. I wish I could have been with that unit when that momentous event occurred.

But let me just say to my colleagues, we have just left the bloodiest century in the history of the world and in American history. It was one in which 619,000 Americans, or more than that number, were killed in combat. We had an incredible century in which we experienced some very profound moments, ones in which we stood side-by-side with Winston Churchill and helped to defeat Hitler, and one in which President Ronald Reagan stood down the Soviet empire and helped to provide for a more benign climate for this country to enter this century.

A lot of that was carried on the back of the United States Army. The United States Army, unlike other armies in the world, has to take and hold ground in very difficult places. This was commentary when the U.S. Army hit the shores and engaged in the battles in France and the enemy was amazed when they saw that German troops would rise out of trenches and begin to fall at 800 meters, because Americans with rifles knew how to shoot. We held very difficult ground and took very difficult ground in World War II.

My secretary, Helen Tracy, in San Diego, was General George Patton's secretary during World War II, and she will recount the difficulties that the Third Army went through in that very momentous war.

We fought difficult battles in the cold war, from Vietnam to Korea. Those were all battles in the cold war in which we ultimately prevailed. The Army was a major player in that massive conflict and sacrificed greatly.

My cousin, Jan Kelly, is with us tonight, who just happened to come into Washington, D.C., and I thought it was particularly appropriate that her husband, Ron Kelly, who was a captain, a professional Army officer in Vietnam and Korea, and could be in Washington, D.C., on this anniversary.

I want to also say a word about Pop Carter, who was my platoon sergeant

in Charlie Rangers in Vietnam, who came home and ran his farm in Georgia, and whose son, Bobby Carter, went wrong and somehow joined the Marine Corps, but is today a great young warrant officer in that service, and Pop was a symbol of dedication to his country.

Lastly, I just want to mention the last of Ronald Reagan's speech in 1981, when I was sworn in, and I stood by a gentleman named Omar Bradley, then in a wheelchair, while Ronald Reagan pointed out to the Washington Monument. And he said, "There is the monument dedicated to the Father of Our Country, and beyond that is the Lincoln Memorial, dedicated to the man who saved the Union. But beyond those monuments are thousands of monuments marked with crosses and Stars of David that are dedicated to Americans who gave every full bit a measure of devotion to their country as the Founding Fathers, and that, of course, is Arlington Cemetery."

Ronald Reagan said, "Under one of those crosses lies a man named Martin Trepto, who left his little barber shop in 1917, joined the U.S. Army in the Rainbow Division in France, and after Martin Trepto had joined the Rainbow Division in France in 1917 and he had been there only 3 weeks in a country, he was killed. His friends, when they recovered his body, found that he had maintained a diary, and the last entry in the diary said these words: 'I must fight this war as if the success or failure of the United States of America depends on me alone.'"

That is the spirit of the United States Army that has carried us safely through this century. God bless the Army. Happy birthday.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa, Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, and certainly our Democratic ranking member as well, the gentleman from Missouri (Mr. SKELTON), for providing this legislation now before the Members for consideration.

Mr. Speaker, I rise today in strong support of House Joint Resolution 101, a resolution which recognizes the 225th birthday of the United States Army.

Mr. Speaker, from the establishment of the Continental Army in 1775, today's modern fighting force, considered to be the best land-based fighting force in the world, the Army has fought for our Nation through difficult times. In reviewing the history of our Nation's wars and other campaigns, one only begins to appreciate the enormous role the Army has played in our Nation's history.

As an Army veteran in Vietnam and as a former member of the 100th Battalion and 442nd Infantry Reserve

Group in Hawaii, I have experienced a small part of the Army's history and know how difficult war can be.

While we hope future generations may never have to experience any world wars like those of the past, we can all feel assured that our Army is ready to go wherever and whenever it is called.

I want to share with my colleagues, Mr. Speaker, some of the things that happened in World War II, one of the darkest pages of our Nation's history, of what we did to the Japanese-Americans. But despite all the problems that these patriotic Americans were confronted with, we had thousands of Japanese-Americans who volunteered to fight for our Nation. In doing so, the 100th Battalion and the 442nd Infantry Groups were organized to fight the enemy in Europe.

I want to share with my colleagues some of the accomplishments these two fighting units made in World War II. Over 18,000 decorations were awarded to individuals in these two units for bravery in combat; over 9,240 Purple Hearts; 560 Silver Stars; 52 Distinguished Service Crosses; and, one of the things, that I have complained about for all these years, why only one Medal of Honor?

I think this matter has been rectified, and I want to commend the gentleman from Hawaii, Senator AKAKA, whose legislation in 1996 mandated the Congress to review this. I think my colleagues are very happy, as well as myself, in seeing this month we are going to witness 19 Congressional Medals of Honor will be awarded in a special ceremony that will be made next week, and among them the distinguished Senator from Hawaii, DANIEL INOUE, who originally had the Distinguished Service Cross, and now he will also be awarded the Medal of Honor.

Mr. Speaker, I want to pay tribute to today's soldiers and all those who have gone before them. In addition, too, Mr. Speaker, I want to pay a very special tribute to the hundreds of thousands of Army wives and their children. I think this is perhaps one area that is sorely missing sometimes.

Yes, we do praise our soldiers in harm's way, but also we have to recognize the tremendous sacrifices that wives and their dependents have to make, where the women have to become both the fathers and mothers in the absence of the fathers being away. I think this is something that our country certainly owes to all the Army wives, for the tremendous services and sacrifices they have rendered on behalf of our Nation.

Our soldiers have never let us down, and when we call upon them, they are there to serve. I think my good friends have already made a comment on this, but I want to share it again because I think it is important. This is a special address that was given by the late Gen-

eral Douglas MacArthur to the West Point cadets at the Academy at West Point in 1962. It has been quoted, and I will quote it again.

"What is the mission of the Army? Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, and, that if we fail, the Nation will be destroyed."

Mr. Speaker, I want to say happy birthday, Army, and with exclamation to all the Army soldiers and veterans, I say "Huuah."

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Members who have stayed to this late hour to express the birthday wishes to the United States Army, and a special thanks to our chairman, the gentleman from South Carolina (Mr. SPENCE), for introducing this resolution.

There are two types of soldiers and have been through the years. First is the citizen soldier, who historically has served so well and then gone home after a conflict or after the service and performed duties in the civic arena. The second kind of soldier is the one who has made a career of leadership within the United States Army.

I come from Lafayette County, Missouri, which is the western part of the State, and in my home county there are two shining examples of each of these types of soldiers. Harry Earl Gladish was in the First World War, a member of the National Guard, Battery C of the 129th Field Artillery, 35th Division. He was gassed in combat, recovered and came home and elected mayor of Higginsville, a State representative from our county, and served many, many years as a magistrate judge of Lafayette County. The epitome of the citizen soldier.

Then I had the privilege of living next door to another soldier who came back after his distinguished career, a West Point graduate, coming through the ranks as an engineer, as a Brigadier General; built the Alcan Highway as a Brigadier General of the 9th Infantry Division, captured the Remagan Bridge, later retired as a four star general in charge of the entire American Army in Europe, Bill Hoge, General Bill Hoge of Lafayette County, Lexington, Missouri.

Both of these gentleman are gone, of course, but they have left the memory and they have left the example for those who follow; the citizen soldier on the one hand and the professional soldier on the other.

Those who follow in their footsteps and who wear the American uniform today are performing admirably, as long as they have the same spirit. For Judge Earl Gladish or General Bill Hoge, our Army will always be the finest institution of that sort in the world.

So I say happy birthday to the American Army, knowing full well that

there are decades and centuries ahead of us where it will perform great tasks for our country. I wish them continued success and Godspeed, as well as a birthday wish.

Mr. Speaker, I yield back the balance of my time.

□ 2300

Mr. SPENCE. Mr. Speaker, it would not be appropriate to close out this proceeding tonight without us remembering one of our colleagues who is now retired from this body, Sonny Montgomery, from the State of Mississippi, one of the greatest supporters of the Army and our military that I have ever known. We all wish him well.

Mr. Speaker, from a lifelong Navy man, I would like to wish the Army a happy birthday on its 225th anniversary.

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of this bill, congratulating the Army on its 225th birthday.

In this bill, we take this very appropriate opportunity to recognize the Army for the fighting force that it is, victorious in times of war, and persuasive in times of peace.

This legislation recognizes the 225 years of service the Army has to its record. On June 14th, 1997, a group of colonists came together on the town square in Cambridge, Massachusetts. They did so under the authority of the Continental Congress, even before we had signed the Declaration of Independence.

The group that came together that day, 225 years ago was the humble beginning that secured freedom for our country and has kept the peace since.

I want to join my colleagues today in expressing our appreciation for the Army and the fine work it does every day—work that is done so flawlessly that it sometimes goes unnoticed.

Many people may not realize that the Army today means more than fighting and winning wars on foreign territory. Today's Army means providing humanitarian relief to the flood victims in Mozambique. Today's Army means taking a proactive role to stop the flow of drugs into his country. Today's Army means homeland defense, because of which we are constantly prepared to respond to domestic threats of terrorism in our cities and on our subways.

These are the kinds of operations that the Army performs every day.

Mr. Speaker, since I became a member of Congress, I have been fortunate enough to interact with many of our brave men and women of the Army. And as an American, it gives me great pride to say that these individuals are some of the smartest, selfless, and most courageous individuals I have ever come across.

The relationship between the institution of the Army and its dedicated troops is one of mutual benefit. But the real winners here, as I have already said, are the American people. And it is on behalf of this country that I want to thank the Army and all of its loyal personnel. Happy 225th birthday, U.S. Army!

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of this resolution recognizing the long and glorious history of the United States Army.

On June 14, 1775, ten companies of riflemen were authorized by a resolution of the Continental Congress. Since that time our citizen soldiers have carried the banner of freedom around the globe. This Member is proud to have been one of those soldiers, having served as an officer in the "Big Red One," the 1st Infantry Division.

Today's soldier is in many ways very different from those first authorized in 1775. Today's soldier is male, or female, of all races and ethnic origins, far better educated and better equipped, and a professional in every aspect of the word. Yet, they are not so different. Each is as dedicated to protecting the freedoms and rights of Americans as were those first soldiers in our Army. They endure the same long hours, separation from loved ones, and low pay.

This body has embarked on a path to make life better for our soldiers. The FY2001 Defense Authorization and Defense Appropriations bill have made the first steps in returning the attraction and retention of the finest soldiers. These young Americans by their service demonstrate that they truly believe in the principles of this Nation. This body must show its belief in them. This Member hopes that the marking of this very significant birthday will help those Americans who have not had the privilege the serve to understand the difficulties and hardships that our soldiers carry, almost always without complaint, in the name of freedom.

Mr. Speaker, this Member urges all of his colleagues to join in honoring the men and women of our nation's great Army by adopting this resolution. Happy 225th Birthday to the United States Army.

Mr. THOMPSON of California. Mr. Speaker, I rise to join my colleagues in celebrating the 225th anniversary of the United States Army.

As a combat veteran myself, I am proud to have served with a branch of our Armed Services whose birth was the prelude to our nation's birth.

For more than two centuries, a long line of men and women have courageously and selflessly served in the United States Army and defended our nation's freedom and ideals. Many—too many—have given their lives in such service. Indeed, we all appreciate that our freedoms are hard-fought. More important, we understand that their continued survival requires us to be prepared, in the words of President Kennedy, "to pay any price, bear any burden, meet any hardship, support any friend, and oppose any foe." It's clear that the Army is ready to meet that challenge.

We cannot predict the security threats our nation will face in the future. But like its sister services, the Army is preparing to meet them. It is undergoing a transition that will increase its mobility and fighting power. It is transforming itself in anticipation that future crises will require a different set of talents and assets than the wars of the 20th century. To their success, I pledge my continuing support.

Mr. Speaker, this annual birthday commemoration is important because it allows us to confer appropriate recognition on the men and women who serve in today's Army. These men and women, like their predecessors, prepare every day and are ready to go into battle. We pray their service may not be required, but

we know that their strength and preparedness are our best weapons in keeping aggressors at bay. Of increasing importance is their role in peacetime and humanitarian operations around the world. To the last, they are ready to use their best efforts to fulfill whatever missions they are tasked to perform.

When I was in the Army during the Vietnam War, I served with the 173rd Airborne. My fellow sky soldiers served with valor. Each upheld the longstanding traditions that characterize the Army—duty, honor, and selfless sacrifice. Indeed, earlier this spring, I was privileged to attend a ceremony in which President Clinton awarded the Medal of Honor to a sky soldier, Specialist Four Alfred Rascon, who during that War was a medic assigned to the Reconnaissance Platoon that came under heavy fire. His extraordinarily courageous acts saved a number of his fellow sky soldiers and, as stated in the citation, "are in keeping with the highest traditions of military service and reflect credit upon himself, his unit, and the United States Army."

Mr. Speaker, in Army units around the world, there are many Alfred Rascons—individuals ready to place their lives in harm's way. Few will receive a Medal of Honor, but all have the same love of freedom, same love of country, and same dedication to duty. Our nation cannot be better served.

It is truly a privilege to join nearly 480,000 men and women in commemorating the 225th anniversary of their United States Army. I join my Congressional colleagues, and all Americans, in saluting them.

Mr. RODRIGUEZ. Mr. Speaker, this week we mark an important day in American history—June 14, 1775 is the day the United States Army was born. The birth of the Army was the prelude to the birth of freedom for our country the following year. This Army earned, and continues to earn, the respect of our allies, for fear of our opponents, and the honor and esteem of the American people.

The Army's ninth oldest installation was established in 1876 on land donated by the city of San Antonio, Texas. In 1890 the post was named Fort Sam Houston and it has continuously performed five basic roles and missions; as a headquarters, a garrison, a logistical base, mobilization and training, and a medical facility. By 1912 it was the largest Army post in the United States.

Highlights of the post's illustrative history include:

Geronimo and thirty-two other Apaches were briefly held prisoner there.

The 1st US Volunteer Cavalry (Roosevelt's Rough Riders) was organized and trained at Fort Sam Houston before heading for San Juan Hill.

Military aviation was born at Fort Sam Houston in 1910 when Lieutenant Benjamin D. Foulois began flight operations there in Army Aircraft #1, a Wright biplane.

Lieutenant Dwight D. Eisenhower met Mamie Doud on the porch of the officers' mess, married her, and lived in Building 688 on the post.

George C. Marshall, Douglas MacArthur, and John J. Pershing were among sixteen officers who served at Fort Sam Houston and later became general officers and distinguished leaders in the First and Second World Wars.

In 1917 over 1,400 buildings were constructed in three months to house and train more than 112,000 soldiers destined to serve in World War I.

The Army's first WAAC company arrived in 1942 to train and serve.

Fort Sam Houston, known as the home of Army medicine, has been a leader in the medical field since its first 12-bed hospital was built in 1886. Today, with a new, state of the art, medical treatment facility, the Brooke Army Medical Center, and the Army's Medical Department Center and School, Fort Sam Houston continues the important medical role it has played since the post was founded.

As we honor the United States Army, our nation's oldest service, now celebrating its 225th birthday, it is fitting we reflect on the historic role Fort Sam Houston, Texas, has played, and continues to play, in the defense of our country. It is a tangible connection with the history of the Army and the United States. It is important we preserve its legacy for future generations.

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.J. Res. 101, a resolution commemorating the 225th Birthday of the United States Army. I thank the Chairman and Ranking Democrat for bringing this resolution to the floor today.

I know that all Americans share an appreciation for the United States Army, but few know the Army actually predates the existence of this Congress. In mid-June of 1775, the Continental Congress, the predecessor of the U.S. Congress, authorized the establishment of the Continental Army. The Continental Army became the United States Army after the adoption of the United States Constitution, giving Congress the responsibility "to raise and support Armies" in Section 8, clause 12 of Article I.

Through this resolution we consider today, Congress notes the valor, commitment and sacrifice made by American soldiers during the course of our history; we commend the United States Army and American soldiers for 225 years of selfless service; and we call upon the people of the United States to observe this important anniversary with the appropriate ceremonies and activities. Many have observed that the freedoms and liberty we enjoyed in the 20th Century were a result of the wars fought by the United States military, which has the Army as its backbone.

As a former soldier in the Army, I have a unique appreciation for the work it does. As a member of the House Armed Service Committee which now writes policy to guide the same Army in which I served, I also have a unique appreciation for the job we ask the Army to do today. We ask them to do a dangerous and difficult job. They bleed and die for the cause of liberty and democracy. There is no way those who have not served can understand the everyday life of a ground or airborne soldier.

Let me speak to why it is important that Congress commends the Army so publicly today. As our overall force has drawn down, I find there is more and more of a disconnect between those who fight our wars and the civilians whose interests they protect. It is civilian command and control that is one of the most meaningful aspects of democracy. It is

also the closeness of the citizenry and the military that is, in and of itself, representative of a free society.

I urge my colleagues to support this resolution, but I urge them to do more than just that. I implore them, and the American people, to seek a greater understanding of today's military and the mission we expect them to do; appreciation of the job they do will follow.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE) that the House suspend the rules and pass the joint resolution, H.J. Res. 101.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

Mr. MCINTOSH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 266) expressing the sense of Congress regarding the benefits of music education.

The Clerk read as follows:

H. CON. RES. 266

Whereas there is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems;

Whereas music education grounded in rigorous instruction is an important component of a well-rounded academic program;

Whereas opportunities in music and the arts have enabled children with disabilities to participate more fully in school and community activities;

Whereas music and the arts can motivate at-risk students to stay in school and become active participants in the educational process;

Whereas according to the College Board, college-bound high school seniors in 1998 who received music instruction scored 53 points higher on the verbal portion of the Scholastic Aptitude Test and 39 points higher on the math portion of the test than college-bound high school seniors with no music or arts instruction;

Whereas a 1999 report by the Texas Commission on Drug and Alcohol Abuse states that individuals who participated in band or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs; and

Whereas comprehensive, sequential music instruction enhances early brain development and improves cognitive and communicative skills, self-discipline, and creativity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) music education enhances intellectual development and enriches the academic environment for children of all ages; and

(2) music educators greatly contribute to the artistic, intellectual, and social develop-

ment of American children, and play a key role in helping children to succeed in school.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

GENERAL LEAVE

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 266.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MCINTOSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have a great opportunity to acknowledge the importance of music education, and to honor music educators across the Nation who contribute so much to the intellectual, social, and artistic development of our children.

Music education has touched the lives of many young people in my State of Indiana and across this Nation. It has taught them teamwork and discipline while refining their cognitive and communication skills. Music education enables children with disabilities to participate more fully in school, while motivating at-risk students to stay in school and become active participants in the educational process.

Daily, daily in this country music educators bring these benefits to our children. Without these committed, hard-working individuals, professional educators who impart the benefits of music education, they would never be realized by their students. Those educators are heroes in the lives of so many students.

In passing this resolution, this House commends their work and their impact on the development of our young people.

For me personally, Mr. Speaker, music education has played an important role. When I was a child, I first was given piano lessons, learned to play the piano. Later I played the tuba in the high school band in Kendallville, Indiana. I learned to play that instrument and played it in the band, as we went into marching band. Doing that taught me a great deal about discipline and hard work, and it is my fondest hope that my little girl Ellie will also love music and will learn to play an instrument of her own, as much as I did.

Recently I had the privilege of speaking with a teacher, Mr. Bill Pritchett, who is the director of bands at Muncie Central High School in my home district and in my hometown of Muncie. Mr. Pritchard was at a field hearing held by Chairman Goodling and the

Committee on Education and the WorkForce. He sees about 600 students a day.

As I spoke with him about his work, it became very clear to me the passion that he brought to that was imparted onto those children, and that a well-run music program provides an effective way for those children to enhance their education.

His program, much like other music programs across this country, also encourages parental and community involvement, practice and discipline, school pride, ability and self-esteem, socialization and cooperation. In the area of cognitive development, studies are abundant showing that music education already enhances education and brain activity.

Mr. Robert Zatorre, a neuroscientist at McGill University in Montreal, made this very poignant observation: "We tend to think of music as an art or a cultural attribute. But in fact, it is a complex human behavior that is as worthy of scientific study as any other."

Studies indicate that music education dramatically enhances a child's ability to solve complex math problems and science problems. Further, students who participate in music programs often score significantly higher on standardized tests.

Accordingly, the college-bound high school seniors in the class of 1998 who received music education in their high school career scored 53 points, let me repeat that, 53 points higher on the verbal portion of the SAT and 39 points higher on the math portion than those college-bound students who had no music or arts instruction.

Recent studies by psychologist Francis Rauscher at the University of Wisconsin at Oshkosh indicate that young children who receive music education score 34 percent higher on spatial and temporal reasoning tests. So we see that our young people already have an impact when they are taught to appreciate music in the schools.

This study demonstrates a clear correlation between music education and math and science aptitude.

Gwen Hunter, a music teacher in DeSoto and Albany Elementary Schools in my district in Indiana recently sent me a letter. I want to quote from her letter today for my colleagues.

Ms. Hunter said, "I feel strongly that the arts broaden children's creativity, self-esteem, and emotional well-being. Music is an area of study that builds cognitive, affective, and psychomotor skills that can be transferred to other areas of interest. It caters itself to the different types of learners by offering opportunities to visual learners, listening learners, and kinesthetic learners. Music education allows students the opportunity to develop and demonstrate self-expression."

Ms. Hunter is so right. Developing and demonstrating self-expression is a positive way, and it also directs young people away from more destructive behaviors. Basically, studies show kids who are in band, choir, or otherwise involved in music are less likely to get into trouble, less likely to use drugs.

A 1999 report by the Texas Commission on Drug and Alcohol Abuse found that those individuals who participated in band or orchestra reported the lowest levels of current or lifelong use of alcohol, tobacco, and illegal drugs.

As we can see, Mr. Speaker, music education is an important academic discipline that can provide a deep, lasting contribution to a child's education on so many different levels.

Unfortunately, there are families in our country who cannot afford to buy the instruments for their children, and schools who do not have the resources to provide students with those instruments. Fortunately, there are opportunities for Members of this House and any Americans who are listening today to make a difference and to help those children who want to acquire an instrument, because this week, June 16, June 12 through 16, NBC's Today Show will focus on the importance of music education in supporting VH1's Save the Music Campaign.

During this week, VH1, along with their national partners, NAMM, the International Music Product Association, and the American Music Conference, will be conducting a nationwide instrument drive, Save the Music Campaign. They will be collecting instruments for needy schools at over 7,500 member sites of NAMM, as well as at over 300 Border Books locations.

Anyone who happens to have an old trumpet, flute, clarinet, saxophone, maybe even a tuba, hiding in their attic, let me ask them tonight, take that old instrument to one of their local music stores or a local Borders Bookstore and turn it in, donate it, so some child somewhere in America will be able to enjoy that instrument.

In so doing, you will open up a world of their dreams where they can enjoy music, learn it for themselves, and be able to experience the benefit of music education.

I do want thank VH1, NAMM, AMC, and Borders Books for providing this opportunity for more of our Nation's children to have the proven benefits of music education.

As we stand here today recognizing the value of music education, I encourage everyone, Members of Congress, school administrators, teachers, charitable groups, parents, and concerned Americans, to get involved in supporting music education in their local schools.

Mr. Speaker, I appreciate the opportunity to bring this resolution to the floor and to talk about the benefits of music education. I urge all of my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

□ 2310

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be here today to support this resolution. I am a cosponsor of this resolution authored by my colleague, the gentleman from Indiana (Mr. MCINTOSH), who I serve with on the House Committee on Education and the Workforce.

This legislation speaks to an element of everyday life in America. We may sometimes overlook the important role that music plays in our society, but it has been a part of human culture since the beginning of time. That is why music must be a part of our education system.

Not only does music education increase our children's ability to excel in the complex challenges they will face in subjects such as math and science, music prepares students to face the challenges outside of the school building. Music teaches self-discipline, communication, and teamwork skills. The whole is greater than the sum of the school band's part. Music keeps our children out of gangs, away from drugs and alcohol. These things apply to all of our children, and that is why all of our children should have the opportunity to play music, especially in school.

I was a little disappointed to see a program aimed at using the arts to help at-risk children succeed academically eliminated, and I am looking forward to working on a more bipartisan approach to this educational policy. Music education has proven its successes time and time again.

For example, in the Silicon Valley, where amazing numbers of our Nation's brightest engineers are musicians, or in our medical schools where the number of students admitted from backgrounds in music sometimes outnumber those who come with a background from biochemistry, for example; and in third grade classrooms, where learning about whole notes and half notes and quarter notes is what teachers are using to teach fractions and all of this is made possible by a very special group of professionals, music teachers.

Today we honor those gifted educators who expand children's worlds through music, and we thank them and we commend them for their work.

These are the people who take on extra jobs so they can teach music to our children. These are the people who often spend their own money, like many other teachers, to purchase program supplies so that in times of school budget cuts our children will not suffer and they will have their music.

I urge my colleagues to join me in honoring America's music teachers and

in supporting our Nation's music programs.

Mr. Speaker, I reserve the balance of my time.

Mr. MCINTOSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of our committee.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Indiana (Mr. MCINTOSH) for yielding me this time.

Mr. Speaker, I rise today in support of H. Con. Res. 266, expressing the sense of Congress regarding the benefits of music education. First I want to thank music teachers across the country for their efforts. Music education is an important part of a well-rounded education and its benefits last a lifetime. I also want to thank the gentleman from Indiana (Mr. MCINTOSH) for bringing this legislation forward. He is a valued member of the Committee on Education and the Workforce. It is clear from his efforts on the committee and on the floor today that education of our Nation's children is an issue that is very important to him.

I know from my experience as a teacher that music education can improve discipline and educational achievement. However, there is now a growing body of scientific evidence to support this.

Recent studies indicate that music education at an early age results in improved math and science aptitude. According to the College Board, students with four or more years of arts education score significantly higher on the SAT than those without an arts background. According to the March 15, 1999, edition of Neurological Research, second and third graders that first learned eighth, quarter, half and whole notes, scored 100 percent higher on fractions tests than their peers who were taught fractions using traditional methods alone.

Equally important are the findings of the Texas Commission on Drug and Alcohol Abuse. In its 1999 report, it found that individuals who participated in band or orchestra reported the lowest level of current and life-long use of alcohol, tobacco and illicit drugs. Clearly, the benefits of music education can last a lifetime.

I remain concerned that when schools and school districts face financial hardships, music education is often one of the first subjects cut.

This Congress is taking concrete steps to improve our music education programs. Recently my committee favorably reported H.R. 4141, the Education OPTIONS Act, which will make arts and music education an allowable use of funds in our after-school and drug prevention programs. It will also make improvements to the arts and education program and for the first time allow music educators to have a role in the grant-making process.

Many of my colleagues know how important my music is to me. Some walking past my office late at night may even have heard me playing my piano. It would truly be a tragedy if we lived in a world where we did not teach music to our children. Unfortunately when I retire and leave, the piano is too heavy to carry to give away to someone else. I will have to see whether they can come and pick it up.

Mr. MCINTOSH. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Indiana.

Mr. MCINTOSH. I thank the gentleman for that thought.

Mr. GOODLING. I commend our country's music teachers for their efforts and for the role they play in the lives of our children, and I urge my colleagues to join me by supporting this legislation and vote yes on final passage.

Ms. SANCHEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT). He is a Member of this body who has long led our efforts on behalf of school music education.

Mr. CLEMENT. Mr. Speaker, this resolution has been brought forward expressing the importance of music education to the floor tonight.

Mr. Speaker, I come from Nashville, Tennessee, which we call Music City USA, this week to celebrate Fan Fair. We will have people from all over the country to meet their favorite country music singers and listen to their music.

Music has had a profound impact on my home State, influencing many Tennesseans, enriching our lives. As Fan Fair gears up and VH-1 teams in concert with the Today Show to promote Save the Music programs, which is something that we are all proud of, I just cannot say what music and art have done in the lives of so many people. I am delighted to be an original cosponsor of this legislation because music education is something that is extremely important and should be important to all of us.

I have been a supporter of music and art education in schools for a long time because I know firsthand how influential it is. Both my daughters have taken music lessons and play the violin and the piano. I have seen firsthand the benefits their music education has afforded them developmentally, socially, and academically. I believe that we must provide our students with this opportunity. We can all appreciate the cultural and social benefits music education provides. Children who are involved in music programs gain not only appreciation for music and the arts but also self-confidence and social skills.

Beyond this, music education directly affects a child's ability to excel academically. Lessons learned through music classes transfer to study skills, communication skills, and cognitive

skills. Music study helps students learn to work effectively in the school environment without resorting to violent or inappropriate behavior.

Clearly, the benefits of music education extend far beyond the music classroom. Just as we would not think of doing away with math or science or history, we should not consider eliminating music from our schools' curricula.

I urge my colleagues to join me in supporting this resolution.

□ 2320

Ms. SANCHEZ. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I first want to commend the gentleman from Indiana (Mr. MCINTOSH) for his sponsorship of this resolution which I think is commendable. I want to commend also the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the full committee, and the gentleman from California (Ms. SANCHEZ) for managing on our side of the aisle this piece of legislation.

I want to suggest to the gentleman from Pennsylvania (Mr. GOODLING), my good friend, that I would be more than happy to accept his piano before he goes back to his home district in Pennsylvania. I would be more than happy to take him up on that.

To the gentleman from Tennessee (Mr. CLEMENT), my good friend, I do not know if other Members have had the privilege, but I have had the privilege of meeting Elvis Presley personally because we first participated in the movie that he made in Hawaii, which was called "Paradise Hawaiian Style" and for which I was privileged to work as an extra. I met the great Elvis, a fantastic humble person. I just thought I wanted to note that to the gentleman from Tennessee since so much of Elvis' history and his eloquence is being one of the greatest musicians in our country.

Mr. Speaker, I do rise today in support of the special recognition of the benefit of teaching music to children in our Nation's educational system. I started playing musical instruments early in my own life. I play the piano. I play the guitar. I play the ukulele. I even play the balilaika. I do not even know if any of my colleagues know what that is. That is a Russian guitar. I play even the autoharp. Now my little daughter is trying to teach me how to play the violin.

I enjoy playing these instruments, Mr. Speaker. I know it has benefited me throughout my life. I have seen the positive influence it can have on others. Music have been an integral part of Pacific Island cultures for thousands of years. To this day, we pass on our traditional songs from generation to generation.

It is true this music in our traditional legends that a 3,000-year-old cul-

ture has survived. For example, in my own Samoan culture, music is the thing that ties our whole Samoan community throughout the world. I have noticed the same to be true for other cultures as well. From Africa to Europe to Asia to the Pacific, music helps keep our societies together.

It is my hope that with our increased ability to communicate globally, we can use new technologies to find new ties to bind us together throughout the world.

Recently, studies have shown that there are clear benefits to including musical instruments as part of a well-rounded academic program. Students of music seem to score higher on standardized tests, have lower rates of abuse of alcohol, tobacco, and illicit drugs, and have improved cognitive and communicative skills, self-discipline and creativity.

What is music, Mr. Speaker? Music defines our humanity, whether it be times of sorrow or happiness; and above all, music lifts our souls and brings us closer to that divine source from whence all form of life depend upon. So let us hear it for music education.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume to conclude.

Mr. Speaker, I just would like to say that one of the things that the gentleman from Indiana (Mr. MCINTOSH) spoke about earlier was this whole idea of looking through one's closets and getting that instrument out and donating it to a local school so that our children can have music in their lives. It is a real exciting thing to do.

Our office recently was able to get our hands on some excess music sheets. We had the entire office filled back in the district. We noticed all of the school music directors that we had all of this music that they could come by and browse and pick out for free and take back with them in order to use it for the education of our children.

It was amazing because, before our office opened at 8:30 in the morning, there was a line of music professors from the different high schools and the elementary schools waiting to see what we had. They came in, and I tell my colleagues that we thought it would run for about 3 or 4 days in the district where they could come in and look through and take back with them whatever they wanted. The fact of the matter is that, within 3 hours, about 80 percent of the material had been carted off by our music teachers in our district.

So I would just say that there is a great need and a great desire, in particular that these music teachers do really take their time to go and find material and bring it back and teach our children. It is a great experience. In my own elementary and secondary education, I also played an instrument

in the band and was in the choir. So it is a great thing for our children.

With that comment, let us do the right thing for our children. Let us have music in their lives. When they have it in their lives, we have it in our lives.

Mr. Speaker, I yield back the balance of my time.

Mr. MCINTOSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. SANCHEZ) for her leadership on the committee. Her remarks tonight reminded me that my wife, Ruthie, has told me several times about how she in her education had missed out on multiplication tables because her dad was in the Navy, so they moved from school to school. The year when she was to learn multiplication was different in each of the schools, and somehow it fell between the cracks.

So a beloved aunt of hers, Kathy McManis, one summer spent the summer working with Ruthie teaching her to learn multiplication through songs that they would make up about the multiplication tables. So that was an early example in our family of music education really transcending over into learning math, as the gentlewoman from California (Ms. SANCHEZ) mentioned about the class that learned fractions through song. So it can be done.

I also want to mention that undoubtedly history will write that there was another Elvis sighting here tonight to bless this effort of ours. I appreciate the gentleman from American Samoa (Mr. FALEOMAVAEGA). Someday I will ask him to play "Nothing But a Hound Dog" on that Russian guitar and entertain all of us with that.

Also, I want to especially thank the gentleman from Tennessee (Mr. CLEMENT). Oftentimes in Congress, the person who first starts working on the issue is not the one who ends up bringing it forward to the floor. Really, credit goes to the gentleman from Tennessee (Mr. CLEMENT) for years ago realizing how important this was crafting the support for this issue, helping to write the resolution. I want to record that credit really goes to him for this being a child of his that he thought of, and now we are able to carry it to fruition. There is no stronger advocate, really, of music education in the House than the gentleman from Tennessee (Mr. CLEMENT). We owe him a great deal of appreciation for that.

I want to also thank the teachers from Indiana, Mr. Bill Pritchett, Ms. Gwen Hunter, Janet Morris, Mr. Don Ester who helped us put together the material for this, and all the music teachers across this great land of ours who put in those hours of dedication and effort and go scrounging for material, as the gentlewoman from California (Ms. SANCHEZ) described, the

ones who she was able to help in her office. They are truly dedicated to making sure that the children who they work with have a great opportunity and have their horizons broadened.

Two of my teachers, Mr. Peter Bottomly and Mr. Phil Zent, served as role models for me in high school. They were both band directors when I was there and really brought out the love of music in the teaching for all of us in high school band at that time. The discipline that I learned there while mastering the tuba has indeed served me well.

But with that, Mr. Speaker, let me thank my colleagues. I appreciate the chance to bring this resolution to the floor. I am proud of our House tonight for taking up this resolution on exactly how important music education is in our country.

Mr. HOLT. Mr. Speaker, I rise in support of H. Con. Res. 266, legislation expressing the sense of the House regarding the benefits of music education. I am proud to join my colleagues in passing this bipartisan proposal today in the House of Representatives.

As a teacher, I can testify to the value that music and art can have in a well-rounded academic program. There is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems.

Opportunities in music and the arts have also enabled children with disabilities to participate more fully in school and community activities.

There is something special about music and the arts that speak to what is special and unique in the human spirit. Music and the arts can motivate at-risk students to stay in school and become active participants in the educational process. They teach all students about beauty and abstract thinking.

According to the College Board, college-bound high school seniors in 1998 who received music instruction scored 53 points higher on the verbal portion of the Scholastic Aptitude Test and 39 points higher on the math portion of the test than college-bound high school seniors with no music or arts instruction.

Other data shows that individuals who participate in band or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs. Comprehensive, sequential music instruction assists brain development and improves cognitive and communicative skills, self-discipline, and creativity.

Mr. Speaker, music education enhances intellectual development and enriches the academic environment for children of all ages. I am proud to join with my colleagues in passing this bipartisan resolution in recognition of these facts.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in strong support of H. Con. Res. 266, and in honor of all the music educators and their students across the country. We've all heard the statistics about how studying music helps kids learn math, and how students who participate in fine arts programs are less likely to use drugs or alcohol. And behind

those statistics, are real teachers, making a difference every day in the lives of real kids.

Each year, in Nebraska the Omaha World-Herald presents the "My Favorite Teacher" award to teachers across the state. This year, two music educators won the prize. One of the teachers, Jean McGee, is an elementary music specialist at Sandoz Elementary in my hometown. She was nominated by her student Drew Nguyen (pronounced: New yen) who wrote in his nomination, "My teacher . . . taught me so much in my life so far . . . Her music is the glory in my days, even rough ones."

Drew's comments remind me of my own experiences. When I was young, my music teachers helped instill in me a real appreciation for music. Because of their efforts and my parents' encouragement, I was able to turn my music lessons into a job with a jazz band that helped pay my way through college. Later, while I was in the Navy, I enjoyed playing in military bands and dance bands. My summers were spent playing so-called "one nighters" throughout the midwest. Because of music, I developed lifelong friends, and savor the memories of one nighters "on the road with the band."

For many students, like Drew and me, music teachers provided the opportunities to learn—not just about music scores and techniques, but also about how the arts can enrich daily life. I applaud all music teachers who continue to teach a truly universal language, and their students, and urge passage of H. Con. Res. 266.

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 266 expressing the sense of Congress regarding the benefits of music education.

The value of a musical education in our society is immeasurable. Music affords free expression and sharing of ideas and feelings. In this way, music represents our most basic Constitutional right of free speech and expression. Musical performers are ambassadors to other nations who spread the joys of our music and democracy.

Music not only provides connections between cultures, but also across generations. Music has allowed me to form a closer bond with my children. Every summer we sit on the lawn of Saratoga Performing Arts Center in upstate New York, introducing each other to the symphony, rhythm and blues, country, Irish folk music, and rock and roll. Our experiences sparked a deep appreciation for music and truly allows us to enjoy the finer things in life.

My own musical experiences with the trombone are among my most cherished school memories. These musical studies boosted my self esteem and confidence. Music education still has this same valuable impact on millions of Americans today.

I cannot imagine America without music. I encourage my children, and all Americans, to immerse themselves in musical education. Sit down and listen to music together. Invite someone to a concert, musical or recital. Sign up for a music class. Discover the wonders of playing a musical instrument or turn on the car radio and enjoy the freedom music represents.

Mr. Speaker, please join me in voting in favor of House Concurrent Resolution 266, expressing the sense of Congress regarding the benefits of music education.

Mr. REYES. Mr. Speaker, growing up along the United States/Mexico border, music has always had a profound influence on my life. Music, like art, dance, and drama are windows through which we view culture. Music is a language that is understood by diverse people across the world and ties us together in our common humanity. With much of the strife and civil unrest that takes place in our world, music is one of those gifts that helps bridge cultural, social, and political gaps between people.

In our schools, I truly believe that music education enhances intellectual development and enriches the academic environment for children of all ages. I think that an investment in music education is an investment in the health and well-being of our society. Music education gives our children the opportunity to explore and experience something that has deep meaning and significance to all of us. This is critically important and should not be taken lightly.

The notes and scales in the musical scores are the threads that help us build and maintain the tapestry of culture. We all gain value through music, and we, as the 106th Congress, should support music education as an integral part of our educational curriculum. I urge my colleagues to support House Concurrent Resolution 266, expressing the sense of the Congress regarding the benefits of music education.

Mr. MCINTOSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Indiana (Mr. MCINTOSH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 266.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2330

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING AWARD OF MEDAL OF HONOR TO PRESIDENT THEODORE ROOSEVELT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I rise today to bring attention to a great man, a man of immense stature to the history of this Nation, a strong, moral

family man and a visionary conservationist, a man who distinguished himself in peace and in war and who would at the age of 43 become the first great American voice of the 20th century and our 26th President, Theodore "Teddy" Roosevelt.

My esteemed colleague the gentleman from New York (Mr. LAZIO) initially brought this case to my attention in 1997. As chairman of the House Committee on Armed Services' Subcommittee on Military Personnel, I worked with the gentleman from New York and former Pennsylvania Representative Paul McHale, the Roosevelt family, representatives of the Theodore Roosevelt Association, authors and historians to correct a historical oversight. Our crusade has been to see that then Colonel Teddy Roosevelt be awarded the Medal of Honor posthumously for conspicuous gallantry at the Battle of San Juan Heights during the Spanish American War.

On July 1st of 1898, Colonel Roosevelt led the First United States Volunteer Cavalry Regiment, the Rough Riders, into action alongside Army regulars at San Juan Heights outside Santiago, Cuba. During the battle, the Rough Riders encountered a regular Army unit that was reluctant to press the attack. Roosevelt boomed, "Step aside and let my men through," then proceeded to lead his men through a hail of enemy gunfire during the assault up Kettle Hill, one of two hills comprising San Juan Heights. His leadership was so compelling that many of the regular Army officers and men fell in line with the Rough Riders.

Mr. Speaker, Colonel Roosevelt's heroic performance on that day is well documented, but I believe it is enlightening to review some of the historical details:

Number one. Roosevelt's actions demonstrated an utter disregard for his own safety and were consistent with the actions of those that were awarded the Medal of Honor during the Spanish American war. Of the 22 officers and soldiers who were awarded the Medal of Honor that day, 21 received it because they gave up cover and exposed themselves to enemy fire. Once the order to attack was received, Colonel Roosevelt mounted his horse and rode up and down the ranks in full view of enemy gunners. During the final assault on Kettle Hill, he remained on horseback, exposing him to the withering fire of the enemy. If voluntary exposure to enemy fire was the criteria for award of the Medal, then Colonel Roosevelt clearly exceeds the standard.

By driving his Rough Riders through the ranks of a stalled regular Army unit to pursue the attack on Kettle Hill, Colonel Roosevelt changed the course of the battle. This is what a decoration for heroism is all about, the raw courage to make decisions and put your life in jeopardy to win the battle.

His decisive leadership in pressing the attack saved American lives and brought the battle to a successful conclusion.

The extraordinary nature of Colonel Roosevelt's bravery was confirmed by two Medal of Honor awardees who recommended him for the Medal of Honor on that day: Major General William Shafter and Colonel Leonard Wood, original commander of the Rough Riders and later military governor of Cuba. Both men were eminently qualified to judge whether Roosevelt's actions qualified him for the award. The Army thought so much of these two men that they named forts after them.

Yet despite the preponderance of evidence and the endorsement by these two Medal of Honor awardees, the War Department never acted upon their recommendation. I believe there is credible evidence that politics, not an honest assessment of Colonel Roosevelt's valor, was the prime reason the recommendation for the Medal of Honor was never approved. The McKinley administration's fear of a yellow fever epidemic prompted them to delay the troop's return from the war, a decision that Roosevelt publicly criticized. Seeking to quickly defuse the issue, the McKinley administration reversed course and brought the troops home. The then Secretary of War, Russell Alger, resented the public embarrassment that he received as a result of the criticism from the hero of San Juan Heights, Teddy Roosevelt. Lacking records to substantiate why the decoration was disapproved at the time, I believe that Secretary Alger had the opportunity and motivation to deny Teddy Roosevelt the Medal of Honor by simply just not acting on it.

Mr. Speaker, the Medal of Honor is this Nation's highest military award for bravery in combat. Since 1863, more than 3,400 extraordinary Americans have been awarded the Medal of Honor by the President in the name of the Congress. President Theodore Roosevelt's name would be an honorable and noteworthy addition to this most hallowed of lists. His raw courage and the fearless, bold decisiveness that he demonstrated while leading his Rough Riders up Kettle Hill on horseback altered the course of the battle, saved American lives and epitomized the selfless service of all Medal of Honor awardees.

On February 22, Secretary of Defense William Cohen forwarded a memorandum to President Clinton recommending that Theodore Roosevelt be posthumously awarded the Medal of Honor. I join the gentleman from New York (Mr. LAZIO) and former Representative Paul McHale in commending the Department of Defense for following the lead of Congress by choosing to acknowledge President Roosevelt's heroic leadership and courage under fire during the Spanish

American War. He will join 109 other soldiers, sailors and Marines who were awarded the Medal of Honor for their actions during that conflict.

However, it troubles me that for some inexplicable reason that President Clinton has delayed acting upon Secretary Cohen's recommendation. I urge President Clinton to announce the award now.

AWARDING MEDAL OF HONOR TO PRESIDENT THEODORE ROOSEVELT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAZIO) is recognized for 5 minutes.

Mr. LAZIO. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BUYER. Moreover, it is my sincerest hope that the award ceremony will be conducted here in Washington as befits a celebration that honors a truly larger than life American. Lastly, I spoke with Tweed Roosevelt today, a direct descendant of Teddy Roosevelt, and I endorse the Roosevelt family's desire that President Roosevelt's Medal of Honor permanently reside next to his Nobel Peace Prize in the Roosevelt Room of the White House. That is the working room of the West Wing just off the Oval Office. I can think of no better tribute to the greatness of President Roosevelt than to bring together in one room the accolades that he received as both a warrior and as a peacemaker. What finer example could we offer the leader of our Nation, what better inspiration for our future Presidents to strive for excellence in their quest of the greater understanding.

Mr. Speaker, I would like to commend Congress for its work to secure the Medal of Honor for Teddy Roosevelt. We have attempted to right a historical wrong and we have come to learn more about why Theodore Roosevelt was one of our greatest historical figures. He displayed the qualities of a great leader: courage, cunning, intellect, boldness and charisma all founded on deep moral purpose. His courage and the enthusiasm that his courage generated motivated his Rough Riders on the battlefield at San Juan Heights and inspired a generation of Americans as they emerged from the chaos of the late 19th century.

Mr. Clinton, we urge you to avoid further delay and expeditiously award the Medal of Honor to Colonel Theodore Roosevelt.

Mr. LAZIO. Mr. Speaker, I thank the gentleman from Indiana, and I want to begin by acknowledging his terrific work in terms of bringing this issue to the forefront of this Congress and all of his partnership with me in these last 3 years as we have been fighting for this sense of justice. People say why do we care about giving Theodore Roosevelt

the Congressional Medal of Honor 102 years after he earned it. I think it comes down to simple justice. The fact is that Theodore Roosevelt is one of our greatest Americans. His face appears on Mount Rushmore. He has been known as one of America's greatest Presidents. Before that, he was a Governor of the State of New York. He was a great conservationist and a reformer.

□ 2340

He was the architect of the modern Navy, and in many ways help shape American foreign policy as we entered the global age. But it is for none of those reasons that Theodore Roosevelt deserves the Congressional Medal of Honor. It is for the facts that the gentleman from Indiana (Mr. BUYER) has laid out.

On that day, on July 1 of 1898, when a volunteer Lieutenant Colonel Theodore Roosevelt led his men up a hill, a strategic hill to secure that high ground which saved many American lives that day, and contrary to public belief, a popular belief the Rough Riders, who Lieutenant Colonel led, went forward that day without their horses as dismounted infantry and they faced an enemy much better positioned than the Spaniards in securing the high ground. They faced an enemy with munitions and with arms far superior to that which they had, including machine guns, which were only a few years later in World War I create such mass destruction; but even at that point in 1898, these guns were trained down on them.

Alongside Roosevelt and his Rough Riders advanced the 9th and 10th colored Cavalry Regiments, the famed Buffalo Soldiers of the Indian Wars. And I will say to the gentleman from Indiana (Mr. BUYER), to all of those in the Chamber, the Spanish bullets respected neither race nor social rank. In the end the blood was American.

Up the steep hill, the Rough Riders climbed facing a withering fire from the trenches blow up the steep hill, climbed with men from the rear ranks taken the place of the fallen, up that steep hill they climbed led by their bespectacled, mustached leader, Colonel Roosevelt.

In the finest military tradition, Teddy Roosevelt led the way. Rather than pushing his men forward from behind, he pulled them forward from in front. By his own conspicuous courage, Roosevelt inspired his men to conquer their fear, to climb those heights against a hail of enemy lead.

In placing themselves in dire danger, Roosevelt animated his men to move towards the trenches that belched the venomous fire. By his leadership, by dint of his personal example, Roosevelt propelled his troops to capture the Spanish defenses. Of the 490 men who started to climb that hill that day, 89 were killed or wounded. One of those wounded was Colonel Roosevelt.

And I would say to the gentleman from Indiana (Mr. BUYER), who has served our Nation in uniform and I have great respect and admiration for him because of that, there is no greater service than I think an American can render to put his life on the line and cause freedom in America's interests.

This is what Colonel Roosevelt did as a volunteer. He displayed extraordinary courage, and that was documented at the time by his superiors and his contemporaries. So this is not something where Congress is reaching back and recreating history. We have a strong historical record. There was a voluminous brief that was submitted by me 3 years ago with the assistance of the gentleman from Indiana (Mr. BUYER). The fact is that there is plenty of evidence, plenty of evidence that suggests that Roosevelt was denied for political reason.

Now is a time to correct that record to see that justice is done and for President Clinton to give him his due, the Congressional Medal of Honor. We call upon the President to do that.

Mr. Speaker, I would like to include in the RECORD a part of that brief, if I can, which documents the historical record.

Congressman Rick Lazio submitted the following argument for the Award of the Congressional Medal of Honor for President Theodore Roosevelt on September 9, 1997

THEODORE ROOSEVELT DESERVES THE MEDAL OF HONOR

INTRODUCTION

The 100th Anniversary of the Spanish-American War has raised public interest in this important segment of American History. The Spanish American War is for many a line of demarcation signifying America's emergence as a world power. Inextricably entwined in this coming of age on the world stage is the history and efforts of President Theodore Roosevelt.

Roosevelt, as the leader of the First Volunteer Cavalry Regiment known more commonly as the Rough Riders, played a significant and heroic role in the victory in Cuba. This victory catapulted both Roosevelt and the United States onto the world stage and the eventual position of leadership we enjoy today.

The focus here is not on Theodore Roosevelt, leader of the Rough Riders and his gallant charges to secure the San Juan Heights. Theodore Roosevelt was unjustly overlooked for the Congressional Medal of Honor. His application, when taken in the context for awarding America's highest military honor at that time, warranted more serious consideration than it was given. Many attribute this oversight to political squabbles of the times as well as prejudice in favor of the regular army regiments. The Centennial of this historic effort is an appropriate time to correct this injustice.

NARRATIVE

Theodore Roosevelt's service in the Spanish American War began with an offer of a commission from Secretary of War Russell Alger as Lieutenant Colonel in a regiment commanded by Colonel Leonard Wood in April of 1898 after the United States declared war on Spain retroactive to April 21, 1898. The Regiment was designated the 1st United States

Volunteer Calvary. However, they quickly became more commonly known as the "Rough Riders." The regiment was made of volunteers from all walks of life and all classes of Americans. The outfit was considered to be unpolished and undisciplined. Much effort was required to reform the Rough Riders into a quality fighting unit. The Rough Riders were later sent to Tampa and on June 3, 1898 arrived to be joined with other Cavalry regiments to form a division under the command of Major General Joseph Wheeler. The division belonged to the 5th Corps, commanded by Major General William R. Shafter, a Medal of Honor recipient and veteran of the Civil War.

On June 22, 1898, the Rough Riders landed in Cuba on the outskirts of Santiago after little resistance but a difficult voyage. The unit soon moved out in the campaign to capture Santiago. Soon after beginning the campaign, the regiment encountered resistance from the Spanish Army. The regiment suffered several casualties including eight killed in a battle to secure a blockhouse. By June 30 the planning for the assault on Santiago began in earnest.

The battle was to begin with an assault on El Caney, a village on the outskirts of the San Juan Heights and in close proximity to the Camino Real, the principal route to Santiago. The assault would be made by the regular infantry under the command of Brigadier General H.W. Lawton and supported by an artillery barrage from a battery under the command of Captain Allyn K. Capron Sr. The rest of the army would take up positions in the jungle in front of the San Juan Heights. The plan was to capture El Caney and then directly assault the San Juan Heights.

It was at this time that Roosevelt was promoted to full colonel and given command of the Rough Riders. Several Officers had come down with fever. Colonel Wood was promoted to Brigadier General and given command of General Young's brigade leading to Roosevelt's promotion. By the end of the day, the Rough Riders were positioned near El Pozo, a hill flanking the Camino Real and about seven to eight miles from Santiago.

On the morning of July 1, 1898, the army began its attack on El Caney. The barrage was ineffectual and inspired return fire from the Spanish. Several men were killed and many others wounded, including a mild wound to Colonel Roosevelt. General Shafter, who was also ill, issued orders through his adjutant, Colonel McClernand for the army to get into position to attack the San Juan Heights as planned without waiting for El Caney to be captured. The force deployed as directed and quickly came under fire from the Spanish forces entrenched on the sloping hills overlooking them. The Rough Riders positioned themselves near the San Juan River at the foot of a hill that later became known as Kettle Hill because of the blockhouse and sugar refining kettle found there. The regiment and the other units it had moved to support quickly faced severe enemy artillery fire causing many to panic. Roosevelt walked up and down the line of Rough Riders to ensure that they were taking cover and receiving as much protection as possible. The Rough Riders were taking heavy casualties as they waited for orders to engage the Spanish.

After many hours of waiting and taking heavy casualties, Roosevelt finally received the order to advance on Kettle Hill in support of the Regular Cavalry. The Rough Riders soon reached the Ninth Cavalry. The Ninth's senior officers were reluctant to advance so Roosevelt and the Rough Riders

passed them. Many junior officers and enlisted men of the Ninth then followed Roosevelt and the Rough Riders up the hill. Roosevelt was at the forefront of the charge up the hill and through a barbed wire fence to the crest of the hill all while under constant fire from the Spanish. After capturing Kettle Hill, Roosevelt turned his attention to San Juan Hill to the left. After viewing the approaching infantry under heavy fire from San Juan Hill, Roosevelt began an assault on San Juan Hill from Kettle Hill. Initially, Roosevelt's Rough Riders did not hear the order, but later followed after some further urging from Roosevelt. In the charge, Roosevelt personally dispatched a Spaniard with a shot from his revolver. The Regiment then dug in and prepared for the siege of Santiago.

ARGUMENT FOR PRESENTING THE MEDAL OF HONOR TO THEODORE ROOSEVELT BASED ON THE FIRST-HAND ACCOUNTS OF HIS PEERS

I. The case of Lieutenant Colonel Roosevelt warrants reconsideration by the Secretary

Under the Department of Defense Manual of Military Decorations and Awards, the case of Theodore Roosevelt clearly fits under either section 3a or 3b of the regulations regarding the medal of honor.

3a. The remaining bases for reconsideration are instances in which a Service Secretary or the Secretary of Defense determines that there is evidence of material error or impropriety in the original processing of or decision on a recommendation for award of the Medal of Honor.

3b. All other instances of reconsideration shall be limited to those in which the formal recommendation was submitted within statutory time limits, the recommendation was lost or inadvertently not acted upon, and when these facts are conclusively established by the respective Service Secretary or other official delegated appropriate authority.

The situation regarding Roosevelt is unclear. It is clear that the first application lacked specific details. Roosevelt was then made to reapply in more detail. Several letters previously cited attest to his acts on the field on July 1, 1898.

a. The Secretary of War's personal bias against Roosevelt prevented Roosevelt from receiving the medal

It is clear that Roosevelt was not awarded the medal. Most sources attribute the failure to award the medal to a political rift between Roosevelt and Secretary of War Russell Alger. The rift developed after Roosevelt and other officers signed what has become known as the "round robin letter." The letter was an effort to convince the President and Secretary Alger to bring the soldiers in Cuba back to the United States. Many soldiers were suffering from Yellow Fever while in Cuba and it was felt by the command that they would fare better in the United States and away from the conditions that promote Yellow Fever in Cuba. Roosevelt's concern for his men throughout the conflict should have only counted toward his gallantry and his leadership. However, newspaper reports from January of 1899 clearly indicate that even at the time, many believed that the letter, which was considered embarrassing to Alger, was to blame for Roosevelt's failure to receive the medal. Roosevelt himself references such a bias in a letter to General Corbin, the Adjutant General at the time. A personal bias against Roosevelt would constitute an impropriety under the rules for reconsideration. Therefore, the Secretary has the authority to reconsider Roosevelt on this basis.

b. A bias against the volunteer regiments may have prevented Roosevelt and others from receiving the Medal of Honor

A second suspected reason for not awarding the medal to Roosevelt is an inherent bias against the volunteers in this war. Only Captain Albert Mills, Assistant Adjutant General U.S. Volunteers, received a Medal of Honor and it was not given to him until well after most of the other that received medals for their actions in the Spanish American War. Mills received the award for distinguished gallantry and bravery for encouraging those near him even though he had been severely wounded. While there is no direct evidence of bias, an inference may be drawn by the empirical data derived from the document. If such an inference is drawn, this would constitute an impropriety under the rules for reconsideration. The Secretary would clearly have the authority to reconsider Roosevelt for the Medal of Honor.

c. The lack of a report on Roosevelt's denial or other documents relating to the denial constitutes "material error" or "an inadvertent loss or failure to act upon" warranting reconsideration by the Secretary

The inability to recover records of the actual consideration of Roosevelt for the Medal of Honor warrants reconsideration at this time. Many documents attesting to Roosevelt's merit have been recovered. Diligent efforts on the part of many, including the Congressional Liaison Office, have failed to produce records of Roosevelt's consideration. The absence of such records and any explanation other than some bias against Roosevelt dictate that this case be reviewed and reconsidered at this time. The interests of justice have compelled nearly 160 members of Congress to sponsor a bill specific to this case. The bill has been held up due to the analysis by the awards branch that a formal request for reconsideration is most appropriate prior to the submission of a bill by the House of Representatives. The interests of justice should also provide the impetus for an official review by the Secretary. This request is in fact submitted in an effort to comply with the reasonable request of the Department.

II. Standard for awarding the Medal of Honor

"The Medal of Honor is awarded by the President in the name of Congress to a person who, while a member of the Army, distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force . . ." Furthermore, "The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life."

It is self-evident and uncontestable that Theodore Roosevelt was engaged in an action against an enemy of the United States. Therefore, the remainder of this argument will focus on the first hand evidence as preserved in the National Archives, the conspicuous and gallant nature of the act, and the risk to Roosevelt's life.

a. Then Lieutenant Colonel Theodore Roosevelt's acts were witnessed and attested to by many

Source material regarding this matter can be found in the United States Archives. Copies of original materials are attached to this document as exhibits for the convenience of the Department. The required letters attesting to the deed are also part of the exhibits.

The number of letters exceed the two required personal accounts.

Included among the exhibits are letters from Maxwell Keyes, 1st Lieutenant and Adjutant U.S. Volunteers (Exhibit 1), Robert Howze, 1st Lieutenant, 6th U.S. Cavalry (Exhibit 2), M.J. Jenkins, Major, 1st U.S. Volunteer Cavalry (Exhibit 3), Trooper W.J. McCann, Troop B, 1st U.S. Volunteer Cavalry (Exhibit 8), Captain C.J. Stevens, 2nd U.S. Cavalry (Exhibit 9), Colonel Leonard Wood, Major General Joseph Wheeler, and Major General William Shafter, U.S. Volunteers (Exhibit 10), Major General Leonard Wood, U.S. Volunteers (Exhibit 11) and Colonel A.L. Mills, Brigade Adjutant General and later Superintendent of the United States Military Academy at West Point (Exhibit 12).

These documents should provide an adequate basis for awarding the Medal of Honor to Theodore Roosevelt. The descriptions are detailed and come from both enlisted personnel and the highest of officers. A close inspection will reveal that they are both consistent with each other and are based on first hand knowledge of Roosevelt's actions

b. Lieutenant Colonel Roosevelt's deeds were both gallant and beyond the call of duty

Captain C.J. Stevens, then a 1st Lieutenant in the 9th Cavalry, concisely describes Roosevelt's actions as he witnessed them. "I witnessed Colonel Roosevelt, 1st Volunteer Cavalry, U.S.A., mounted, leading his regiment in the charge on San Juan. By his gallantry and strong personality he contributed most materially to the success of the charge of the Cavalry Division up San Juan Hill. Colonel Roosevelt was among the very first to reach the crest of the hill and his dashing example, his absolute fearlessness and gallant leading rendered his conduct conspicuous and clearly distinguished above other men." His actions are further elaborated on by then Colonel Leonard Wood, "Colonel Roosevelt, accompanied by only four or five men, led a very desperate and extremely gallant charge on San Juan Hill, thereby setting a splendid example to the troops and encouraging them to pass over open country intervening between their position and the trenches of the enemy." Wood continues, "the example set a most inspiring one to the troops in that part of the line, and while it is perfectly true, that everybody finally went up the hill in good style, yet there is no doubt that the magnificent example set by Colonel Roosevelt had a very encouraging effect and had great weight in bringing up the troops behind him. During the assault, Colonel Roosevelt was the first to reach the trenches and killed one of the enemy with his own hand."

Clearly, the act of gallantry in this case is founded upon Roosevelt's leadership. What makes Roosevelt's actions so deserving of consideration is the context in which they occurred. The letter of Lawrence Keyes points out that on the initial assault on Kettle Hill, Roosevelt and the Rough Riders passed through a regular army regiment that appeared to be awaiting orders. This action is confirmed by Major M.J. Jenkins, "Held in support, he brought his regiment, at exactly the right time, not only up to the line of regulars, but went through them and headed, on horseback, the charge on Kettle Hill; this being done on his own initiative. The Regulars as well as his own men following." It is clear that many soldiers were in fact reluctant to make the charge despite the fact that they were already under heavy fire and taking casualties. Roosevelt's actions broke this hesitation and quite possibly saved many lives. Though men died in the assault,

it appears that even more would have become casualties if they simply remained where they were. Instead, the advance led by Roosevelt removed the threat from Kettle Hill and provided a second avenue of attack on San Juan Hill. This served to relieve some pressure on those making the direct assault on San Juan Hill.

A further indicator of the severity of the situation at the position of the lines prior to the charge is implied by the twenty Medals of Honor given to Infantrymen for "assisting in the rescue of the wounded from in front of the lines and under heavy fire." This is a testament to the danger of the situation facing the soldiers while they hesitated in their advance.

The gallantry and wisdom of Roosevelt's actions are further illuminated when taken in historical context. Since the charge was successful, one can only speculate as to what the consequences of inaction would have been. One particular historical example comes to mind and that is the Union assault on the heights of Fredericksburg during the Civil War. During that engagement, many Union Soldiers were killed without ever reaching the Confederate lines at the crest of the hill. While the magnitude of the force in the present case is less, the situation is strongly analogous. It is fair to assume that had Kettle Hill not been taken quickly, many would have died from the continuing barrage from the high ground. Furthermore, there is evidence to suggest that the Spanish positions were close to being reinforced which could only have heightened the carnage. This was prevented by Roosevelt's quick action, leadership, and his gallant example.

Roosevelt's deeds are best summarized by General Sumner, "Col. Roosevelt by his example and fearlessness inspired his men at both Kettle Hill and the ridge known as San Juan, he led his command in person."

c. Roosevelt acted with a singular disregard for his own welfare

Then Captain A.L. Mills was in a perfect position to witness Roosevelt's actions during the battle. He writes, "During this time, (the assault on Kettle Hill) while under the enemies artillery fire at El Poso and while on the march from El Poso by the San Juan ford to the point from which his regiment moved to the assault—about two miles, the greater part under fire—Colonel Roosevelt was conspicuous above any others I observed in his regiment in the zealous performance of duty, in total disregard of his personal danger and in his eagerness to meet the enemy." Mills goes on to describe how Roosevelt, despite being grazed by shrapnel, continued his zealous leadership to the ultimate conclusion of the battle with total disregard to his own safety.

Captain Howze's account only augments that of Mills. "(T)he Colonel's life was placed in extreme jeopardy, owing to the conspicuous position he took in leading the line, and being the first to reach the crest of that hill, while under heavy fire of the enemy at close range."

Major Jenkins also recounts the danger involved and the conspicuousness of Roosevelt's actions. "He was so near the entrenchments on the second hill that he shot and killed with a revolver one of the enemy before they broke completely." Jenkins then adds, "His unhesitating gallantry in taking the initiative against men armed with rapid fire guns certainly won him the highest consideration and admiration of all who witnessed his conduct throughout the day."

W.J. McCann's letter further indicates the gravity of the risk to Roosevelt's own life.

"Regarding the Colonel's action in the charge, I remember hearing his close friend, Colonel (now General) Leonard Wood give him a good-natured scolding on the next day for his disregard for his own safety; and in this respect I am confirmed by at least one newspaper correspondent who wrote in substance, as I recollect it, 'I expect to see Roosevelt fall in the next battle if he takes the same chances.'"

III. Roosevelt's action should be judged under the standards used to evaluate other Spanish American war recipients

Today, there are many more awards given out for valor and gallantry of different degrees. However, during the Spanish American War, there were fewer decorations of honor and the guidelines for their distribution were also different.

The bulk of the Medals of Honor awarded during the Spanish American War were awarded for three acts. Some were awarded for rescuing wounded soldiers in front of the line while under fire during the battle of July 1st. Others were awarded for the bravery and coolness during the action to cut the cable leading from Cienfuegos, Cuba while under heavy fire. The third broad area of recognition is for coolness and bravery of action in maintaining naval combat efforts.

The lone standout is the award given to Albert L. Mills of the U.S. Volunteers for distinguished gallantry in encouraging those near him by his bravery and coolness after being wounded. Mills himself recognizes Roosevelt's similar merit in his letter to the Adjutant General recommending Roosevelt for the Medal of Honor. "In moving to the assault of San Juan Hill, Colonel Roosevelt was most conspicuously brave, gallant and indifferent to his own safety. He, in the open, led his regiment; no officer could have set a more striking example to his men or displayed greater intrepidity."

Historical perspective is a necessary factor in awarding the Medal of Honor to Roosevelt. Much has changed since the Spanish American War. The perfection and proliferation of automatic weapons, the tank, air power, and numerous other advances have led to different perceptions of risk and threat. Strategy has also changed in many ways. However, even in a more recent conflict, action similar to Roosevelt's in significant ways was both necessary and meritorious.

Finnis McCleery was the Platoon Sergeant for Company A, 1st Battalion, 6th Infantry in May of 1968 in the Quang Tin Province of the Republic of Vietnam. His force was assigned to assault well entrenched North Vietnamese Army Regulars on Hill 352, 17 miles west of Tam Ky. McCleery led his men up the hill and across an open area to close with the enemy when his platoon and other friendly elements began taking heavy fire. Realizing the damage that could be inflicted if they halted their advance or waited, McCleery charged and captured an enemy bunker, his men then followed and he began assaulting the lateral bunkers threatening the other forces charging the hill. Finally, after a bloody battle, McCleery and the friendly force captured Hill 352.

McCleery faced machine gun fire, grenades, and rocket fire. Roosevelt did not face modern machine gun fire, grenades, or rockets. The Spanish did have artillery and Mauser rifles. On the other hand, McCleery also had automatic weapons and grenades as well as a well-armed platoon to back him up. Roosevelt had a revolver. Stripped down to the bare essentials and adjusted for technology, McCleery's charge was in the true spirit of Theodore Roosevelt.

Both men, realizing the danger of holding a position on the low ground under heavy fire, made a gallant charge and singlehandedly inspired their men despite an extreme risk to their own lives. The only thing that separates these two men is the technology of the time. Both acted with extreme bravery in the true spirit of United States Army. Both men took action at great risk to their own lives. Both men displayed gallantry above all else on the field. One man received the Medal of Honor and the other has yet to. It is time for Theodore Roosevelt to join Sergeant McCleery at the top of that hill.

ILLEGAL NARCOTICS AND DRUG ABUSE IN THE WAR ON DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. MICA. Mr. Speaker, my colleagues, I come to the floor tonight with just a few minutes remaining before the magic hour of midnight when the House adjourns. I know the hour is late and my colleagues are tired and staff is tired, but I always try on Tuesday nights to address the House on the subject of illegal narcotics and drug abuse and the ravages that has placed upon our Nation.

We heard earlier a resolution relating to music; and as I sat and heard the speakers talk about music and the importance of music in people's lives, I translated that also into the thought that there are 15,973 Americans who died as a direct result of illegal narcotics in the latest statistical year, 1998. None of those individuals will ever hear music again.

The drug czar has told us that over 52,000 people die as a result of direct and indirect causes of illegal narcotics, and none of those people will hear music in their lives. In fact, the only lives that the parents, mothers and fathers and sisters and brothers will hear are funeral dirges and, unfortunately, that music for funerals over the victims of drug abuse and misuse. That music is much too loud across our land and repeated over and over.

It is equivalent for our young people to three Columboes every day across this country. And the latest statistics, and I would like to cite them, each week I come before the House to confirm that this situation is getting worse, rather than better. The latest report that we have on drug use being up is from USA Today, June 8, 2000, just a few days ago. This is an Associated Press story, and it is from the Centers for Disease Control and Prevention report from the Center in Atlanta. They just released this report. The story says cocaine, marijuana, and cigarette use among high school students consistently increased during the 1990s according to a government survey.

The report went on to say the increases in smoking and drug use came despite years of government-funded media campaigns urging teenagers to stay clean and sober. The record, again, from CDC went on to say that in 1991, 14.7 percent of the students surveyed said that they used marijuana. This was a survey involving 15,349 students in grade 9 through 12. That number steadily increased to some 26.7 percent in 1999, and students reporting that they tried marijuana at least once increased from 31.3 percent in 1991 to 47.2 percent in 1999; and in 1991, 1.7 percent of the students surveyed said they had used cocaine at least once in the prior month.

By 1999, that number rose to 4 percent. Those who had tried cocaine, who had at least tried cocaine, increased from 5.9 percent in 1991 to 9.5 percent in 1999. The latest survey on drug use and abuse by the Centers for Disease Control, again, confirms the problem that we are facing across the land, and this is with cocaine, marijuana, and cigarettes.

Of course, some of you may have seen this headline in the Washington papers, Suburban Teen Heroin Use On The Increase, and suburban teen heroin use and youth use of heroin and deadly, more purer heroin than we have seen back in the 1980s when we had single digit purity levels are now reaching some 70 percent and 80 percent deadly purity are affecting our young people; that deadly highly pure heroin is affecting our young people across the land. The number of heroin users in the United States has increased from 500,000 in 1996 to 980,000 in 1999.

□ 2350

The rate of use by children age 12 to 17 is extremely alarming. It increased from less than 1 in 1,000 in the 1980s to 2.7 per 1,000 in 1996. First-time heroin users are getting younger. They averaged some 26 years of age in 1991, now down to 17 years of age by 1997. Some of the latest statistics on drug use and abuse of heroin.

I also have the latest DAWN inter-agency domestic heroin threat assessment, which was produced in February of this year, and it shows the emergency department heroin related incidents involving 12 to 17-year-olds. From 1991 it was around 182, 1992, 232, and that soared in 1997 to 1,397 mentions, again, dramatic increases. We see from CDC, we see from the DAWN heroin report, drugs across the board.

That does not take into account our most recent epidemic, which is the problem of Ecstasy. I recently conducted a hearing in Central Florida on the problem of club drugs and designer drugs, Ecstasy, and we find that now we have another raging epidemic of drug use featured in Time Magazine, which is this past week's edition. "The lure of Ecstasy," one of the designer

drugs of choice for our young people, which we barely had mention of a year or two ago, and now we have incredible incidence of drug use of Ecstasy and abuse of Ecstasy and other designer drugs among our young people.

The problems created by these illegal narcotics are pretty dramatic to our society. I cited the 15,973 deaths, and that in itself is serious, but the cost to our society is a quarter of a trillion dollars a year, plus incarceration of tens of thousands of individuals who commit felonies under the influence of illegal narcotics. How did we get ourselves into this situation?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Florida (Mr. MICA) is recognized for the remainder of the time.

Mr. MICA. Mr. Speaker, how did we get ourselves into this situation? How did we get the flood of illegal narcotics coming in, in unprecedented amounts, heroin, cocaine, methamphetamine, designer drugs, in a torrent which we have never before seen?

Someone mentioned to me, a visiting female constituent from Florida, "You know, I haven't heard the President talk much about a war on drugs, and many people lately have said the war on drugs is a failure." In this discussion, I said, "You know, I think you are right. I don't think we have really heard the President speak either to the Congress or to the American people about the war on drugs."

In this little search that I had conducted by our staff, we went through all of the times that President Clinton has publicly mentioned the war on drugs since taking office. We did a search of all of his public speeches and statements. We find eight mentions in 7 years; two in 1993, March 18, 1993, and April 28, 1993, and that during the appointment primarily of his new Drug Czar, who turned out to be a disaster, or as the President was gutting the drug czar's office from some 130 positions to some less than 30 positions.

We hear other mentions, just casual mentions, about once per year of a war on drugs. That is basically because this administration has closed down the war on drugs.

Finally, the last time we can find a mention of the President, once last year, February 15, 1999, mentioning the war on drugs in casual passing.

In fact, the war on drugs was closed down by the Clinton Administration with the appointment of the chief health officer of the United States, the Surgeon General, Jocelyn Elders, who adopted the "Just Say Maybe," which, again, we can look at the statistics of drug abuse and misuse by our young people reaching record proportions. They understand a message or lack of a message from the highest office of our land to the highest health office of our land.

The close-down on the war on drugs continued on the international scene. I do not have time to get into all the statistics tonight, but there is no question that this administration closed down the international programs that were so successful under the Reagan and Bush Administrations, that stopped drugs at their source, that stopped drugs before they came in to the United States and came in to our borders.

What is sad is they perpetuated a myth that the war on drugs has been a failure, and some of their policies, again, closing down the efforts to stop drugs at their source, have resulted in an incredible volume of heroin, cocaine, coming into the United States.

The most dramatic example, of course, is Colombia. For 6 or 7 years now this administration has done everything possible to stop resources, assistance, right up until the last few months, from getting to Colombia, and even the efforts to get equipment, resources, there, surplus materials, equipment authorized by the Congress, has been a bungled effort. That has had some direct impact.

Colombia in 1992-1993 almost produced zero cocaine. There was almost no coca produced in Colombia. There was almost zero, none produced, of heroin. The poppies were almost nonexistent except for floral bouquets when this administration adopted its policy of stopping assistance in aid and drug combatting resources getting to Colombia. Now we are overwhelmed with the sheer volume.

If that did not do enough damage, the policy of this administration is revealed in this Dallas Morning News article that appeared March 13, 2000, about going after drug traffickers. "Federal drug offenders spending less time in prison, study finds."

Now, liberal papers like the New York Times would have you believe that everyone who puffed a joint or was guilty of some minor possession would be behind bars. In fact, recently I have heard that comment after they editorialized and said we have to do away with the harsh Rockefeller laws.

Our subcommittee in fact found that you really have to work hard to get in prison on a drug offense in the State of New York; that in fact 70 percent of the people behind bars, according to the most recent and most extensive study ever taken by judicial officials in New York that was revealed to our committee, are in jail for committing two or more felonies. Of the 30 percent who remain, they have committed at least one felony, and very few of those who were in prison on lesser charges are there because of small possessions of drugs. In fact, most of them that are there on lower charges, the study found, are there because the charge was reduced. It was plea bargained down.

So we have people who have committed in fact multiple felonies and serious offenses behind bars for these offenses. Our prisons and jails in New York, in particular, this study confirms, are not there because of minor drug offenses.

Unfortunately, tonight we do not have time to get into further detail. We will try to do that in subsequent special orders and update the Congress, you, Mr. Speaker, and my colleagues on these issues, to try to separate fact from fiction and shed some light on how we can do a better job in a multifaceted approach to bringing one of the most serious social challenges we have ever faced as a Nation or a Congress under control.

With those comments, unfortunately, my time has expired, and the business of the House has been completed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SANCHEZ) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 20.

Mr. BUYER, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today, June 14, and June 15.

Mr. LAZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. OBEY and to insert tables and extraneous material on H.R. 4577 in the Committee of the Whole today.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, June 14, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8098. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Release of the Reserve Established for the 1999-2000 Crop Year [Docket No. FV00-981-1 IFR] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8099. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Allocation of Funds Under the Capital Fund; Capital Fund Formula; Amendment [Docket No. FR-4423-C-08] (RIN: 2577-AB87) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8100. A letter from the Assistant Secretary, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs (RIN: 1840-AC82) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8101. A letter from the Associate Division Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Truth-in-Billing Format [FCC 00-111; CC Docket No. 98-170] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8102. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8103. A letter from the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Holtec HI-STORM 100 Addition (RIN: 3150-AG-31) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8104. A letter from the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: PSNA VSC-24 Revision (RIN: 3150-AG36) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8105. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: TN-68 Addition (RIN: 3150-AG30) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8106. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the quarterly report on the denial of safeguards information, pursuant to Section 147 of the Atomic Energy Act of 1954; to the Committee on Commerce.

8107. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled: "The Comprehensive Annual Financial Report Fiscal Year 1999," pursuant to D.C. Code section 47—119(c) Public Law 94—399; to the Committee on Government Reform.

8108. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List the Alabama Sturgeon as Endangered (RIN: 1018-AF56) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8109. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; San Juan Harbor, San Juan, Puerto Rico [COTP San Juan 00-013] (RIN: 2115-AA97) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8110. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1021.9 and 1022.6, Palm Beach, FL [CGD07-00-037] (RIN: 2115-AE47) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8111. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sacramento River, CA [CGD11-00-002] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8112. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA) [USCG-1999-5040] (RIN: 2115-AF69) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Areas R-5117, R-5119, R-5121 and R-5123; [Airspace Docket No. 95-ASW-6] (RIN: 2120-AA66) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Repair Assessment for Pressurized Fuselages [Docket No. 29104; Amendment Nos. 91-264, 121-275, 125-33 & 129-28] (RIN: 2120-AF81) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 99-SW-69-AD; Amendment 39-11695-; AD 2000-08-09] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas

Model MD-11 Series Airplanes [Docket No. 2000-NM-97-AD; Amendment 39-11689; AD 2000-08-03] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta Model A109C and A109K2 Helicopters [Docket No. 99-SW-28-AD; Amendment 39-11691; AD 2000-08-05] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2000-NM-88-AD; Amendment 39-11694; AD 2000-08-08] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes [Docket No. 99-NM-57-AD; Amendment 39-11667; AD 2000-07-13] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8120. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No. 99-SW-73-AD; Amendment 39-11702; AD 2000-08-16] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8121. A letter from the Chairman, Office of the General Counsel, Federal Maritime Commission, transmitting the Commission's final rule—Ocean Common Carriers Subject to the Shipping Act of 1984 [Docket No. 99-10] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8122. A letter from the Attorney General, transmitting the 1999 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 525. Resolution providing for consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-675). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURTON of Indiana (for himself and Mr. SCARBOROUGH):

H.R. 4642. A bill to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes; to the Committee on Government Reform.

By Mrs. BONO (for herself and Mr. GEORGE MILLER of California):

H.R. 4643. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Resources.

By Mr. FORD:

H.R. 4644. A bill to amend the Fair Credit Reporting Act to protect consumers from the adverse consequences of incomplete and inaccurate consumer credit reports, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. OBEY, Mr. DEFAZIO, Mr. NADLER, Mr. HINCHEY, Mr. OLVER, Mr. JACKSON of Illinois, and Mr. SERRANO):

H.R. 4645. A bill to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Defense; to the Committee on Armed Services.

By Mr. GOODE:

H.R. 4646. A bill to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 4647. A bill to terminate the authority under title 5, United States Code, under which the head of an agency may fix certain age limits for an original appointment as a law enforcement officer; to the Committee on Government Reform.

By Mr. HALL of Ohio:

H.R. 4648. A bill to provide for grants to establish the Bill Emerson and Mickey Leland memorial fellowship programs; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. HALL of Ohio, Mr. NORWOOD, and Mr. KUCINICH):

H.R. 4649. A bill to amend the Trade Act of 1974 to establish a transitional adjustment assistance program for workers adversely affected by reason of the extension of non-discriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania:

H.R. 4650. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election for Federal office to report information to the Federal Election Commission on the use of aircraft of the Federal government in the course of campaigns; to the Committee on House Administration.

By Mr. WISE:

H.R. 4651. A bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the old-age, survivors, and disability insurance program or the supplemental security income program; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

355. The SPEAKER presented a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution No. 108 memorializing the Congress of the United States to appropriate sufficient funding to the United States Naval Fleet and the United States Flag Merchant Marine Fleet; to the Committee on Armed Services.

356. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 266 memorializing Congress to pass H.R. 3293 and S1921, known as the "Vietnam Veterans Recognition Act of 1999," which authorize the Vietnam War "In Memory" memorial plaque; to the Committee on Resources.

357. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1854 Joint Resolution memorializing the President and Congress of the United States to oppose the entry of China into the World Trade Organization and to deny China permanent normal trade relations status; to the Committee on Ways and Means.

358. Also, a memorial of the General Assembly of the State of New York, relative to Assembly Resolution No. 1747 memorializing the United States Congress to grant the President's emergency supplemental request to provide additional funds for the Low-income Home Energy Assistance Program; jointly to the Committees on Commerce and Education and the Workforce.

359. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolution memorializing the Congress of the United States and the Governor of the Commonwealth to conduct an investigation and study of the shortage and cost of home heating oil in the Northeast; jointly to the Committees on Commerce and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 168: Ms. LOFGREN.

H.R. 303: Mr. LaFALCE, Mr. MILLER of Florida, Mr. ROMERO-BARCELO, and Mr. ADERHOLT.

H.R. 353: Mr. DOOLITTLE, Mr. SAWYER, Mr. LUCAS of Kentucky, Mr. FRELINGHUYSEN, Mr. COBLE, Mr. KASICH, Mrs. MYRICK, Mr. RADANOVICH, and Mr. CHABOT.

H.R. 460: Mr. FLETCHER, Mr. ENGLISH, and Mr. BERMAN.

H.R. 531: Mr. JONES of North Carolina, Mr. RAMSTAD, and Mr. HORN.

H.R. 583: Mr. BERMAN.

H.R. 742: Mr. LANTOS and Mr. RAHALL.

H.R. 914: Mr. LANTOS.

H.R. 920: Mr. WAXMAN.

H.R. 1037: Ms. MCCARTHY of Missouri.

H.R. 1107: Ms. DEGETTE.

H.R. 1216: Mr. PETRI.

H.R. 1227: Mr. DINGELL.

H.R. 1271: Mrs. CAPPS.

H.R. 1285: Ms. RIVERS.

H.R. 1322: Ms. GRANGER, Mr. JONES of North Carolina, and Mrs. NORTHUP.

H.R. 1731: Mr. BASS.

H.R. 1771: Mrs. BONO.

H.R. 1793: Mr. TOOMEY.

H.R. 1895: Ms. DeLAURO.

H.R. 1899: Mr. SAWYER.

H.R. 1926: Mr. GIBBONS.

H.R. 2282: Mr. RAMSTAD.

H.R. 2341: Mr. METCALF, Mr. RODRIGUEZ, Mr. REYES, Mr. GIBBONS, Mr. NETHERCUTT, and Mr. FOSSELLA.

H.R. 2397: Mr. FORBES, Ms. DANNER, Mr. SAWYER, Mr. BLUMENAUER, Mr. CONDIT, Mr. DeFAZIO, Ms. DeGETTE, Mr. DICKS, Mr. HOLDEN, Mr. SMITH of Washington, and Mr. GREEN of Texas.

H.R. 2512: Mr. KING.

H.R. 2655: Mr. DEAL of Georgia and Mr. WALDEN of Oregon.

H.R. 2817: Mr. BOEHLERT and Mr. HULSHOF.

H.R. 2980: Ms. CARSON.

H.R. 3113: Mr. BRYANT.

H.R. 3118: Mr. DICKEY.

H.R. 3144: Mr. RODRIGUEZ.

H.R. 3170: Mr. BERUTER.

H.R. 3214: Mr. ABERCROMBIE.

H.R. 3517: Mrs. MYRICK and Ms. LEE.

H.R. 3540: Mr. GIBBONS.

H.R. 3580: Ms. KILPATRICK, Mr. PAUL, Mr. HAYWORTH, Mr. CANADY of Florida, and Mr. JONES of North Carolina.

H.R. 3594: Mr. WU.

H.R. 3663: Mr. LUCAS of Oklahoma.

H.R. 3669: Mr. MANZULLO.

H.R. 3672: Mrs. KELLY.

H.R. 3850: Mr. BOEHNER.

H.R. 3875: Mr. NUSSELE.

H.R. 4011: Mr. MOORE and Mr. BUYER.

H.R. 4013: Mr. HOLT, Mr. UDALL of Colorado, and Mr. DOOLEY of California.

H.R. 4049: Mr. MURTHA and Mrs. ROUKEMA.

H.R. 4113: Mr. HUTCHINSON, Mr. DEMINT, Mr. WELDON of Florida, and Mr. CALVERT.

H.R. 4132: Ms. STABENOW.

H.R. 4162: Ms. WOOLSEY, Ms. KILPATRICK, Ms. MCKINNEY, Mr. ENGEL, Mr. HILLIARD, Mr. HINCHAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Ms. BALDWIN, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Mr. KILDEE, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. TIERNEY, Mr. McGOVERN, Mr. CAPUANO, and Mr. DELAHUNT.

H.R. 4213: Mr. FORBES.

H.R. 4219: Mr. QUINN, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. SHAYS, Mr. PRICE of North Carolina, Mr. MURTHA, Mr. WALDEN of Oregon, and Mrs. MINK of Hawaii.

H.R. 4259: Mr. DICKEY, Mr. BARRETT of Nebraska, Mr. EVERETT, Mr. FLETCHER, Mr. HASTINGS of Florida, Mr. JONES of North Carolina, Ms. WOOLSEY, Mr. WICKER, Mr. WHITFIELD, Mr. WELLER, and Mr. WAMP.

H.R. 4277: Mr. FILNER, Mr. CLAY, Mr. LANTOS, and Mr. HALL of Ohio.

H.R. 4290: Ms. DeLAURO.

H.R. 4303: Mr. BLAGOJEVICH and Mr. BUYER.

H.R. 4321: Mr. KUCINICH.

H.R. 4384: Ms. CARSON, Mr. ISAKSON, Mr. McNULTY, Mr. TANCREDO, Mr. BOSWELL, Mr. FALEOMAVAEGA, Mrs. CHENOWETH-HAGE, Mr. SISISKY, Mr. RUSH, and Ms. JACKSON-LEE of Texas.

H.R. 4390: Mr. ROMERO-BARCELO.

H.R. 4424: Mr. FROST.

H.R. 4441: Mr. LIPINSKI and Ms. BROWN of Florida.

H.R. 4442: Mr. FRELINGHUYSEN, Mr. MARKEY, Mr. JOHN, and Mr. TANNER.

H.R. 4455: Ms. LEE.

H.R. 4467: Mr. BOUCHER.

H.R. 4503: Mr. BALLENGER.

H.R. 4511: Mr. COBLE, Mr. SKEEN, Mrs. MYRICK, Mr. GREEN of Wisconsin, Mrs. EMER-

SON, Mr. WAMP, Mr. THUNE, Mr. LATHAM, Mr. TRAFICANT, Mr. HILL of Montana, Mr. MANZULLO, Mr. TANCREDO, Mrs. BIGGERT, Mr. McINNIS, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. ENGLISH, Mr. SHADEGG, and Mr. ROGAN.

H.R. 4539: Mrs. KELLY, Mr. LANTOS, Mr. BILBRAY, and Mr. LATOURETTE.

H.R. 4547: Mr. GILCHREST and Mr. PETRI.

H.R. 4548: Mr. MCHUGH, Mr. LAHOOD, and Mr. GIBBONS.

H.R. 4552: Mr. RAMSTAD.

H.R. 4567: Mr. ABERCROMBIE and Mr. WEINER.

H.R. 4614: Ms. LOFGREN and Mr. WAXMAN.

H.R. 4621: Mr. METCALF.

H.J. Res. 41: Mr. KUYKENDALL.

H. Con. Res. 115: Mr. GONZALEZ.

H. Con. Res. 133: Mr. CAPUANO.

H. Con. Res. 252: Mr. CUMMINGS.

H. Con. Res. 266: Ms. MCCARTHY of Missouri and Mr. PETRI.

H. Con. Res. 297: Mr. MANZULLO.

H. Con. Res. 308: Mr. KUCINICH and Ms. WOOLSEY.

H. Con. Res. 311: Mrs. ROUKEMA, Mr. LAHOOD, Mr. FRELINGHUYSEN, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 323: Mr. EHLERS, Ms. LOFGREN, Ms. CARSON, Mr. WEXLER, Ms. PELOSI, Mr. CROWLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 339: Mr. WAXMAN.

H. Con. Res. 341: Mr. MCGOVERN.

H. Con. Res. 342: Mr. REGULA, Mr. MCGOVERN, and Mr. FARR of California.

H. Con. Res. 343: Mr. CUMMINGS, Mrs. MYRICK, and Mr. GONZALEZ.

H. Res. 37: Mr. KUYKENDALL.

H. Res. 107: Mr. MALONEY of Connecticut, Mr. PRICE of North Carolina, and Mrs. JOHNSON of Connecticut.

H. Res. 462: Mr. TERRY.

H. Res. 494: Mr. FOLEY.

H. Res. 500: Mr. ROYCE, Mr. GEJDENSON, Mr. BURTON of Indiana, Mr. GILLMOR, Mr. STARK, Ms. ROS-LEHTINEN, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: Mr. CROWLEY

AMENDMENT No. 28: Page 19, line 4, insert after the first dollar amount the following: "(increased by \$5,000,000)".

Page 46, line 13, insert after the dollar amount the following: "(reduced by \$5,000,000)".

H.R. 4461

OFFERED BY: Mr. CROWLEY

AMENDMENT No. 29: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to enforce or otherwise carry out section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act as it pertains to the enforcement of any substance approved for use in the United States and approved by an appropriate regulatory authority in the country of sale and is solely for an individual's personal consumption given that this individual has acted in accordance with all local laws to acquire such products and had been granted a prescription for that product by a qualified medical professional.

H.R. 4577

OFFERED BY: MS. KAPTUR

AMENDMENT No. 208: Page 84, after line 21, insert the following:

SEC. 518. (a) Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by adding at the end the following:

“Subchapter E—Normal Trade Relations For China Transitional Adjustment Assistance Program

“SEC. 250A. ESTABLISHMENT OF TRANSITIONAL PROGRAM.

“(a) GROUP ELIGIBILITY REQUIREMENTS.—

“(1) CRITERIA.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as eligible to apply for adjustment assistance under this subchapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in such workers’ firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and either—

“(A) that—

“(i) the sales or production, or both, of such firm or subdivision have decreased absolutely,

“(ii) imports from the People’s Republic of China of articles like or directly competitive with articles produced by such firm or subdivision have increased by reason of the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of China, and

“(iii) the increase in imports under clause (ii) contributed importantly to such workers’ separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

“(B) that there has been a shift in production by such workers’ firm or subdivision to the People’s Republic of China of articles like or directly competitive with articles which are produced by the firm or subdivision by reason of the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of China.

“(2) DEFINITION OF CONTRIBUTED IMPORTANTLY.—The term ‘contributed importantly’, as used in paragraph (1)(A)(iii), means a cause which is important but not necessarily more important than any other cause.

“(3) REGULATIONS.—The Secretary shall issue regulations relating to the application of the criteria described in paragraph (1) in making preliminary findings under subsection (b) and determinations under subsection (c).

“(b) ADDITIONAL REQUIREMENTS.—The provisions of subsections (b) through (e) of section 250 shall apply to the administration of the program under this subchapter in the same manner and to the same extent as such provisions apply to the administration of the program under subchapter D.”.

(b) CONFORMING AMENDMENT.—The table of contents of the Trade Act of 1974 (19 U.S.C. 2101) is amended by inserting after the item relating to section 250 the following:

“SUBCHAPTER E—NORMAL TRADE RELATIONS FOR CHINA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

“Sec. 250A. Establishment of transitional program.”.

H.R. 4578

OFFERED BY: MR. BOEHLERT

AMENDMENT No. 33: Page 108, beginning at line 9, strike section 335.

H.R. 4578

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT No. 34: Page 102, strike lines 10 through 19.

H.R. 4578

OFFERED BY: MR. DEFazio

AMENDMENT No. 35: Page 53, line 14, insert after the dollar amount the following: “(increased by \$26,000,000)”.

Page 67, line 16, insert after the dollar amount the following: “(reduced by \$53,000,000)”.

H.R. 4578

OFFERED BY: MR. DICKS

AMENDMENT No. 36: On page 108, line 15, after the number “1999”, add the following new section:

SEC. _____. Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, designation of new wildlife refuges, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

H.R. 4578

OFFERED BY: MR. HEFLEY

AMENDMENT No. 37: Page 2, line 13, insert after the dollar amount the following: “(reduced by \$4,000,000)”.

Page 54, line 4, insert after the dollar amount the following: “(increased by \$4,000,000)”.

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT No. 38: Page 56, line 3, after “\$50,000,000” insert “(reduced by \$500,000) (increased by \$500,000)”.

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT No. 39: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to remove or rescind a designation, in existence as of the date of enactment of this Act, of a route or water surface for use by snowmobiles under section 2.18(c) of title 36, Code of Federal Regulations, or any special regulations promulgated thereunder, in Yellowstone National Park, Grand Teton National Park, or the John D. Rockefeller National Memorial Parkway.

H.R. 4578

OFFERED BY: MR. KUCINICH

AMENDMENT No. 40: Page 10, line 19, insert after the dollar amount “(decreased by \$500,000)”.

Page 10, line 19, insert after the dollar amount “(increased by \$500,000)”.

H.R. 4578

OFFERED BY: MR. KUCINICH

AMENDMENT No. 41: Page 11, line 21, after the period add the following: “Of the amounts made available under this heading, \$500,000 shall be for preparing a report to the Congress on the scientific impacts of genetically engineered fish, including their impact on wild fish populations. In preparing the report the Secretary shall review all available data regarding such impacts and shall conduct additional research to collect any information that is not available and is necessary to assess the potential impacts. The Secretary shall include in the report a review of

regulatory and other mechanisms that the United States Fish and Wildlife Service might use to prevent any problems caused by transgenic fish.”.

H.R. 4578

OFFERED BY: MR. LARGENT

AMENDMENT No. 42: Page 72, line 2, after “Provided,” insert “That when distributing such funds, the Secretary shall take into consideration the number of Indians being served by the program for which, or the entity to which, the funds are made available: Provided further,”.

H.R. 4578

OFFERED BY: MR. LARGENT

AMENDMENT No. 43: Page 109, after line 23, insert the following new title:

TITLE V—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 501. None of the funds made available under this Act may be allocated to an Indian tribe to carry out an Alcohol and Substance Abuse Program under the Indian Health Care Improvement Act unless that Indian tribe provides to the Secretary of Health and Human Services the following information on a quarterly basis:

(1) The gender of each patient treated.

(2) The substances with regard to which each patient received treatment.

(3) The rate of post-treatment abstinence from the substances with regard to which each patient received treatment at one month, three months, six months, and one year after treatment.

(4) With the consent of the patient, known criminal behavior of each patient treated.

(5) With the consent of the patient, employment records of each patient prior to and after treatment.

(6) With the consent of the patient, attendance of patients treated at self-help meetings during and after treatment.

(7) With the consent of the patient, reported change in the family relationships of each patient during and after treatment.

(8) With the consent of the patient, each patient’s reported satisfaction or dissatisfaction with the treatment received.

(9) Total funding for substance abuse treatment programs with regard to which the report provides information.

(10) Total patients receiving treatment.

(11) Average per patient expenditures.

H.R. 4578

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT No. 44: Page 24, beginning line 6, strike “transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers” and insert “transportation to wholesale market centers and processing of royalty production taken in kind”.

H.R. 4578

OFFERED BY: MR. GEORGE MILLER OF CALIFORNIA

AMENDMENT No. 45: Page 102, strike lines 10 through 19.

H.R. 4578

OFFERED BY: MR. NETHERCUTT TO THE

AMENDMENT OFFERED BY: MR. DICKS

AMENDMENT No. 46: Strike “monuments,” and insert “monuments or”.

Strike “, or activities related to the Interior Columbia Basin Ecosystem Management Plan”.

H.R. 4578

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT No. 47: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations, unless—

(1) a final judgment is issued in the case of Florida and Alabama versus the United States (case number 4:99CV137-RH, United States District Court for the Northern District of Florida, including any appeal thereof); and

(2) all petitions for certiorari have been exhausted with respect to such case.

H.R. 4578

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 48: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

H.R. 4578

OFFERED BY: MRS. WILSON

AMENDMENT NO. 49: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, or the Forest Service to conduct a prescribed burn on Federal land for which the Federal agency has not implemented those portions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995 regarding notification and cooperation with tribal, State, and local governments.

H.R. 4578

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 50: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. . Notwithstanding 36 Code of Federal Regulations 223.80 and associated provisions of law, the Forest Service shall implement the North Prince of Wales Island (POW) Collaborative Stewardship Project (CSP) agreement pilot project for negotiated salvage permits.

H.R. 4635

OFFERED BY: MR. LINDER

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for the designation, or approval of the designation of, any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone (62 Fed. Reg. 138, July 18, 1997, p.38855) that has been stayed by the District of Columbia Court of Appeals in the case, American Trucking v. EPA

H.R. 4635

OFFERED BY: MR. NADLER

AMENDMENT NO. 2: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the first dollar

amount, insert the following: "(increased by \$18,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the first dollar amount, insert the following: "(reduced by \$18,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the second dollar amount, insert the following: "(reduced by \$18,000,000)".

H.R. 4635

OFFERED BY: MR. NADLER

AMENDMENT NO. 3: At the end of title IV (relating to General Provisions), add the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount made available for "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and increasing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND (HCF)" for use only for incremental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by \$690,000,000.

H.R. 4635

OFFERED BY: MR. NADLER

AMENDMENT NO. 4: At the end of title IV (relating to General Provisions), add the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount made available for "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and increasing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND (HCF)" for use only for incremental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by \$344,000,000.

H.R. 4635

OFFERED BY: MR. NEY

AMENDMENT NO. 5: Under the heading "VETERANS HEALTH ADMINISTRATION" in title I, insert "(increased by \$5,000,000)" after "\$20,281,587,000".

Under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" in title III, insert "(reduced by \$5,500,000)" after "\$1,900,000,000".

H.R. 4635

OFFERED BY: MR. ROEMER

AMENDMENT NO. 6: Page 9, line 8, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 10, line 10, after the dollar amount insert the following: "(increased by \$56,000,000)".

Page 13, line 13, after the second dollar amount insert the following: "(increased by \$10,000,000)".

Page 14, line 13, after the dollar amount insert the following: "(increased by \$30,000,000)".

Page 73, line 3, after the dollar amount insert the following: "(reduced by \$2,100,000,000) (increased by \$300,000,000)".

Page 73, line 18, after the dollar amount insert the following: "(increased by \$290,000,000) (increased by \$20,000,000) (increased by \$6,000,000) (increased by \$49,000,000)".

Page 77, line 1, after the dollar amount insert the following: "(increased by \$405,000,000)".

Page 77, line 22, after the dollar amount insert the following: "(increased by \$62,000,000)".

Page 78, line 5, after the dollar amount insert the following: "(increased by \$34,700,000)".

Page 78, line 21, after the dollar amount insert the following: "(increased by \$5,900,000)".

H.R. 4635

OFFERED BY: MR. ROEMER

AMENDMENT NO. 7: Page 90, after line 16, insert the following new section:

SEC. 426. Not later than 90 days after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

H.R. 4635

OFFERED BY: MR. ROEMER

AMENDMENT NO. 8: Page 90, after line 16, insert the following new section:

SEC. 426. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

(a) LIMITATION OF COSTS.—Except as provided in subsection (c), the total amount appropriated for all fiscal years for—

(1) costs of the International Space Station through completion of assembly may not exceed \$21,900,000,000; and

(2) space shuttle launch costs in connection with the assembly of the International Space Station through completion of assembly may not exceed \$17,700,000,000 (determined at the rate of \$380,000,000 per space shuttle flight).

(b) COSTS TO WHICH LIMITATION APPLIES.—

(1) DEVELOPMENT COSTS.—The limitation imposed by subsection (a)(1) does not apply to funding for operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(2) LAUNCH COSTS.—The limitation imposed by subsection (a)(2) does not apply to space shuttle launch costs in connection with operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(3) SUBSTANTIAL COMPLETION.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amounts set forth in subsection (a) shall each be increased to reflect any increase in costs attributable to—

(1) economic inflation;

(2) compliance with changes in Federal, State, or local laws enacted after the date of enactment of this Act;

(3) the lack of performance or the termination of participation of any of the International countries participating in the International Space Station; and

(4) new technologies to improve safety, reliability, maintainability, availability, or utilization of the International Space Station, or to reduce costs after completion of assembly, including increases in costs for on-orbit assembly sequence problems, increased ground testing, verification and integration activities, contingency responses to on-orbit failures, and design improvements to reduce the risk of on-orbit failures.

(d) NOTICE OF CHANGES.—The Administrator of the National Aeronautics and Space Administration shall provide with each annual budget request a written notice and analysis of any changes under subsection (c) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change; and

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases.

(e) REPORTING AND REVIEW.—

(1) IDENTIFICATION OF COSTS.—

(A) SPACE SHUTTLE.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator of the National Aeronautics and Space Administration shall identify separately the amounts of the requested funding that are to be used for

completion of the assembly of the International Space Station.

(B) INTERNATIONAL SPACE STATION.—As part of the overall International Space Station budget request for each fiscal year, the Administrator of the National Aeronautics and Space Administration shall identify the amount to be used for development of the International Space Station.

(2) ACCOUNTING FOR COST LIMITATIONS.—As part of the annual budget request to the Congress, the Administrator of the National Aeronautics and Space Administration shall account for the cost limitations imposed by subsection (a).

(3) VERIFICATION OF ACCOUNTING.—The Administrator of the National Aeronautics and Space Administration shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) INSPECTOR GENERAL.—Within 60 days after the Administrator of the National Aeronautics and Space Administration provides a notice and analysis to the Congress under subsection (d), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis was provided.

H.R. 4635

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 9: In the item relating to “DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND”, after the first dollar amount, insert the following:

(increased by \$35,000,000), of which \$35,000,000 shall be derived by transfer from amounts provided in this title for “MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES”: *Provided*, That of the amount made available under this heading, \$35,000,000 shall be for a special purpose grant to the City of Youngstown, Ohio, for site acquisition, planning, architectural design, and construction of a convocation and community center in such city

H.R. 4635

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 10: In the item relating to “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND”, after the first dollar amount, insert the following: “(increased by \$35,000,000)”.

In the item relating to “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND”, after the sixth dollar amount, insert the following: “(increased by \$35,000,000)”.

In the item relating to “DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES”, after the second dollar amount insert the following: “(reduced by \$35,000,000)”.

EXTENSIONS OF REMARKS

HONORING MS. ELIZABETH
"LIZZY" SEARLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments of an outstanding student, Elizabeth "Lizzy" Searle. Her creative mind has earned her a distinguished award, the United States National Award Winner in Art.

In addition, Ms. Searle will appear in the United States Achievement Academy Official Yearbook in recognition of her academic performance, interest and aptitude, leadership qualities, responsibilities, enthusiasm, citizenship, attitude, motivation to learn and improve and dependability. Ms. Searle received her award for her remarkable dedication to learning. Ms. Searle is a model for all students to follow and one that will be sure to achieve great things. She has proven to be an asset to her school and the community.

It is with this, Mr. Speaker, that I say congratulations to Elizabeth Searle on a truly exceptional accomplishment. Due to her dedicated service and creativity, it is clear that Colorado is a better place.

TRIBUTE TO WALTER L. SMITH,
PH.D., SCHOLAR, DISTINGUISHED
EDUCATOR AND GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mrs. MEEK of Florida. Mr. Speaker, as Americans all across this land of ours celebrate graduation—a time of transition—from schools and colleges, I rise to pay tribute to Walter L. Smith, Ph.D., a scholar and professor of many years who will be transitioning from a distinguished and storied career in education into retirement this spring.

When I think about Dr. Smith and his many contributions to higher education, our nation, and the world, I'm reminded of a phrase from a favorite old poem:

"To sow a dream and see it spread and grow
To light a lamp and watch its brightness gleam
Here is a gift that is divine I know
To give a young child a dream."

Mr. Speaker, throughout his nearly forty year career in education, Dr. Smith has given generations of young men and women, the world over, so many wonderful dreams. It's been said that our children are our gift to a future that we will never see: Through his many years of labor and unselfish devotion to education Dr. Smith has helped generations of

young Americans transform their wonderful dreams into a beautiful reality. These efforts will continue to bear fruit for generations to come.

Dr. Smith has always believed that the vast majority of our nation's children can be good students who will become good citizens. They are intelligent and they are longing for knowledge. He has also always insisted that society cannot, and should not, forget that small minority of students who are not "good" students or citizens. He's believed that we cannot just cast those few children, who simply lack proper leadership, out in to the cold solitude of ignorance. Rather he believes that it is these few, who we as a society, must truly concentrate upon. Dr. Smith has taught us all that it is our responsibility as role models to keep our youth on the right path—in schools, in class, and involved.

Mr. Speaker, I congratulate Dr. Walter L. Smith, upon his retirement. He has truly lived the life of a model citizen and he has earned the right to say that he's made a difference.

Few have achieved the success that Walter Smith has known in his profession. Few have achieved such universal respect and love from his fellow man. Few men have known the thrill that has come to this compassionate giant in taking young men and women and instilling confidence and pride in them to the extent that those lessons are never forgotten.

Mr. Speaker, It is with great pride that I ask this body to join with me in saluting, Dr. Walter L. Smith, a giant among men, a great Floridian, and indeed, truly a great American.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. NEY. Mr. Speaker, due to my flight originating from Columbus, Ohio on June 12, 2000, being delayed several times, I missed rollcall votes No. 255 and No. 256. If I were present, I would have voted "no" on both rollcall votes.

PERSONAL EXPLANATIONS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. SMITH of Washington. Mr. Speaker, on the evening of Thursday, June 8, and Friday, June 9, I was unable to vote for family reasons.

If I had been present, I would have voted: "yea" on rollcall No. 250, the Traficant amendment to H.R. 4577; "yea" on rollcall No. 251,

to approve the House Journal; "yea" on rollcall No. 252, the Rangel substitute amendment to H.R. 8; "yea" on rollcall No. 253, the Motion to Recommit with Instructions on H.R. 8; and "yea" on rollcall No. 254, final passage of H.R. 8, the Death Tax Elimination Act.

HONORING JOHN SCHWARZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a man that has devoted his career to protecting the health of Colorado's environment, John Schwarz. In doing so, I would like to honor this individual who has exemplified the notion of public service and civic duty. Recently, the Public Lands Foundation named Mr. Schwarz its Outstanding Public Land Professional.

Mr. Schwarz was presented the monumental task of restoring the Blanca Wetlands, a dry arid area, back into a highly productive ecosystem. In doing so, his main focus was on designing a formula that would deal with the strong water opposition, while moving the project forward. His tenacity and professionalism were instrumental in reviving the wetlands into a vibrant and productive ecosystem. In recognition of his success in restoring this splendid natural system, John was named the Outstanding Public Land Professional. He traveled to Washington D.C. to receive the award on December 10, 1999. Public Lands Foundation President George Lea said at the ceremony that he hoped that "Mr. Schwarz's work will help the real owners of these lands to better understand and appreciate the high ideals and integrity that Mr. Schwarz and the Bureau of Land Management bring to this difficult task each day."

It is with this, Mr. Speaker, that I would like to pay tribute to Mr. Schwarz and his efforts to make his community a better place to live. His dedication and know-how have distinguished him greatly. The citizens of Colorado owe John a debt of gratitude and I wish him well.

A TRIBUTE TO LAUREN POLLINI
AND IRENE SORENSSEN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievement of Lauren Pollini, a seventh-grade student from Home Street Middle School in Bishop, CA. Lauren was a recent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

competitor in the National History Day Competition (June 11–15) at the University of Maryland. The competition involved students from across the United States who submitted projects on this year's theme: "Turning Points in History, People, Ideas, Events."

Lauren qualified for the national competition by first winning California State History Day competitions at the county and state levels. Her essay, entitled "Sunset School of Weedpatch, California: A Turning Point for Children, Teachers And Community," won the State historical research category. Lauren also won three special recognition awards and two historical groups would like to publish her paper in their official publications.

Lauren's outstanding accomplishments were undoubtedly guided by the leadership of her teacher, Mrs. Irene Sorensen. Irene is a past winner of the Richard Farrell Award from the National History Day as the 1996 Teacher of Merit.

Irene retired this month after 19 years of teaching at Home Street School and leading students to statewide and national recognition. The town of Bishop, and Home Street School are 200 miles from the closest university library or other academic research facility. Yet under Irene's direction, Home Street students have won at the State level and qualified for National History Day nine times during the 13 years of History Day competition. Clearly, the dedication of young students like Lauren, and the guidance of teachers like Irene Sorensen, make our public school system the finest in the world.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Lauren Pollini for her fine accomplishment. To say the least, her fine work is admired by all of us. I'd also like to commend Irene Sorensen for her fine leadership and her devotion to such remarkable educational standards, and wish her well in her new endeavors. Students like Lauren and instructors like Irene set a fine example for us all and it is only appropriate that the House pay tribute to them both today.

IN HONOR OF WISCONSIN STATE SENATOR GWEN MOORE, RECIPIENT OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATE'S ANNUAL LEADERSHIP IN GOVERNMENT AWARD

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to have this opportunity to honor Wisconsin State Senator Gwen Moore. She is a remarkable citizen, and I salute her for being recognized today as the recipient of the National Association of Child Advocate's [NACA] Annual Leadership in Government Award.

The NACA initiated this awards program nearly 5 years ago to recognize excellence in the field of child advocacy. The Leadership in Government Award is given to city, county or State government leaders who have demonstrated consistent leadership, creativity, and courage in their political arena speaking out

for and securing legislation that has a positive impact on the lives of children.

There is no one more deserving of this award. Senator Moore has served in the Wisconsin Legislature since 1989, and she has distinguished herself in the field of child advocacy. She is considered to be one of the most vocal, powerful and respected advocates working to improve the lives of children in Wisconsin. She worked hard to negotiate changes to Wisconsin's Temporary Assistance for Needy Families [TANF] program in a highly partisan political environment. In addition, she has successfully obtained funds for community health centers and nutritional outreach activities through the WIC program, the school breakfast program and child immunization efforts.

As government leaders, we all have a responsibility to act in the best interests of our children. Hubert Humphrey once said that, "the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." Senator Moore is a shining example of what good government is all about, and we should all follow in her footsteps.

Again, I am pleased to have this opportunity today to honor Senator Gwen Moore. I am thankful that our community has been represented strongly through her leadership. And I know that she will continue to play an important role in our community for decades to come and that America will continue to benefit from her service, dedication and hard work.

HONORING MAESTRO RAFFI ARMENIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Maestro Raffi Armenian on the occasion of his visit to Fresno, on April 15, 2000.

I want to welcome Maestro Raffi Armenian to the Pilgrim Armenian Congregational Church, where he will conduct Verdi's "Il Trovatore", featuring Fresno's Edna Garabedian in the role of Azucina. The people of Fresno are happy to have the chance to see Maestro Raffi Armenian conduct.

Maestro Armenian's passion for the human voice has manifested itself with conduction appearances at such illustrious companies as the Canadian Opera Company in Toronto, the Michigan Opera Theater, L'Opera de Montreal, Opera Hamilton, and Opera Columbus.

While living and working in Canada, Maestro Armenian garnered numerous awards for his work including an Emmy Award for Menotti's "The Medium", a Juno nomination for a recording a Ravel and Schoenberg with Maureen Forrester and the Canadian Chamber Ensemble. Over the years he has composed some twenty-four albums.

Mr. Speaker, I want to honor Maestro Raffi Armenian, as he visits Fresno. I urge my colleagues to join me in wishing Maestro Raffi

Armenian many more years of continued success.

HONORING CHARLES GALLAGHER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. MCINNIS. Mr. Speaker it is with personal privilege and honor that I enter this tribute in acknowledgment of Charles Gallagher, a friend, a philanthropist and humanitarian.

On June 1, Mr. Gallagher was recognized by the Mizel Museum of Judaica as the recipient of the Community Cultural Enrichment Award. The award publicly notes Mr. Gallagher's commitment to education as well as his deep commitment to the State of Colorado, its people and its future.

I would note, Mr. Speaker, that Mr. Gallagher's wife Diane is a critical element of her husbands success and that she shares the commitment to Colorado and dedication to education.

Mr. Gallagher serves on the board of the Metropolitan Denver Area Chamber of Commerce, the Metro Denver Network Board of Governors, the University of Colorado at Denver Graduate School of Business Administration, the Metropolitan State College of Denver Foundation, the National Jewish Medical and Research Center, Denver Art Museum, Denver Area Council Boy Scouts of America, Colorado UpLIFT, The Denver Foundation, The Catholic Foundation for the Archdiocese of Denver, Irish Community Center, and Xavier University in Cincinnati. Mr. Gallagher is also a member of The Colorado Forum, Colorado Concern, and a Regent for Regis University. He and Diane have four married children and nine grandchildren.

The people of Colorado have every right to be proud of Mr. Gallagher and his family. On behalf of the people of Colorado, I thank the Gallagher's for their involvement.

CONGRATULATING THE STUDENTS AND STAFF OF CORAL SHORES HIGH SCHOOL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to acknowledge the accomplishments of Coral Shores High School in Tavernier, Florida, congratulating the school for having been named a Service-Learning Leader School by the Corporation for National Service. This prestigious award recognizes the service-learning program that Coral Shores H.S. has integrated into its curriculum, a program that has promoted civic responsibility, strengthened community activism, and improved student performance since its inception.

This year, the Corporation for National Service has recognized 66 schools nationwide for promoting the benefits of service in the community. Community service cultivates generosity and gratitude in the lives of all parties

involved—enlightening volunteers and providing those who receive help with a sense of hope. I firmly believe in the benefits of community service, and I am quite pleased to see that Coral Shores H.S. in Monroe County, Florida, is setting such a wonderful example for schools across the nation.

One of five Florida schools that were named a Service-Learning Leader School, 71 percent of the students at Coral Shores H.S. are involved in voluntary service programs. Integrating service-learning into a variety of courses including environmental science, English, history, art, and television production, students interested in virtually any area of study have had the unique opportunity to relate community service to their course work. With over 750 students currently enrolled at Coral Shores High School, this integrated experience has greatly benefitted the community while enabling the school's students to master a particular subject through accompanying field work.

The National Service-Learning Leader School Program will be instrumental in opening up the door for Coral Shores to assist other schools in the advancement of nationwide service. Over the course of the next two years, Coral Shores students and teachers will serve as mentors to other schools in the South Florida community.

Through presentations and peer exchanges, the Coral Shores High School methodology that promotes a life of service will be shared with other schools.

Mr. Speaker, I ask my colleagues to join me in commending Coral Shores High School for all of the wonderful work they are doing to benefit the community. I would like to thank the Monroe County School Board, the administrative team at Coral Shores High School, the teachers, and all of the school's students for their extraordinary efforts in bettering the South Florida community.

Under the leadership of Principal Al Rother, Coral Shores High School has demonstrated that by starting with the individual we can make widespread change—change that will result in a nation dedicated to helping others.

SAN ANTONIO'S CITY PUBLIC SERVICE WINS COVETED EISENHOWER AWARD FOR SMALL BUSINESS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. RODRIGUEZ. Mr. Speaker, we all know the importance of small business to our economies and local communities. I am proud today to let my colleagues know that our municipally owned utility, City Public Service of San Antonio, TX (CPS), has put words into action in its efforts to increase small business participation. In recognition of these efforts, CPS this week is receiving the coveted Dwight D. Eisenhower Award for Excellence from the United States Small Business Administration. Competing against 2,500 utilities nationwide, CPS won this honor for its proven record of reaching out to and including small business in its contracting operation.

CPS has made the participation of small and historically disadvantaged businesses a central tenet of its operating policy. CPS conducted numerous seminars and individual interviews to explain the purchasing process and identify potential obstacles. By listening to the target audience—small, minority and women-owned businesses—CPS learned what was needed to make its outreach efforts most productive. Among other actions taken to increase subcontracting opportunities, CPS subdivided larger contracts into smaller ones, eliminated bonding, except in high risk areas, implemented longer contract terms in certain cases to allow small businesses the chance to amortize their capital costs, significantly reduced and sometimes eliminated insurance requirements, facilitated meetings with CPS personnel to foster communication, expanded the use of target businesses in professional contracting, lowered the subcontracting requirements for prime contractors to submit a plan for the use of small businesses from \$500,000 to \$100,000, and waived contract requirements on low-risk jobs under \$50,000.

CPS has been a leader in developing programs for small business. For example, in July 1998, CPS launched the first Mentoring/Protege year-long program for small, minority and women-owned businesses. The goal of this program is to enhance business skills for start-up businesses and to assist in the development of firms in operation from 4 to 7 years. In 1999, CPS joined with the city of San Antonio and other local governments to establish the South Central Texas Regional Certification Agency to centralize, and thereby simplify, the process for certification as a small, disadvantaged, or woman-owned business. CPS has also found success in its one-stop Supplier Diversity Program, which now has 3,800 certified vendors.

CPS works with local chambers of commerce to increase local and small business participation in contract bidding. Through educational programs and one-on-one meetings, the utility has been able to identify potential business partners. As a result, millions of dollars in contract awards have gone to businesses owned by women, Hispanics, and African-Americans.

The SBA's Eisenhower Award is a great tribute to the years of hard work by CPS leadership and its small business team. I welcome the CPS Chairman of the Board, Clayton Gay, and the Director of Purchasing, Contracts and Small Business Development, Fred Vallasenor, to Washington, and I congratulate CPS General Manager and CEO Jamie Rochelle for her leadership and vision. As you accept this award, I hope that it will be for you and the company an inspiration to continue your leadership in small and minority business contracting. You and all of CPS have made us proud.

A TRIBUTE IN HONOR OF ROSELLA COLLAMER BAUMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. BARCIA. Mr. Speaker, I rise today to congratulate Mrs. Rosella Collamer Bauman

on her retirement from the Michigan Women's Studies Association. Rose has truly led a unique and inspiring life, and one which will leave an indelible mark on her community, and the entire state of Michigan.

Born in 1920 to Edna and Ward Smith, Rose's family moved around quite a bit during her childhood, sometimes more than once in the same year. Determined to graduate high school, she left home at 15 and worked for room and board. When she was 18, she met Max Collamer and the two were married when Rose was 18. The couple would have three children, Larry, Jerry, and Mary, in the next 10 years.

After raising their three children, which is no small feat in its own right, and at a time when "nontraditional" students were uncommon, Rose went back to school to further her education. She earned an associate degree from Delta College, a bachelor of arts degree at her alma mater, then called Saginaw Valley State College, and a master degree in English at Central Michigan University. Rose appreciated the value of her education and the hard work it took to achieve it, so she founded the Chrysalis Center at Saginaw Valley to help women like herself have access to higher education. The center is thriving today, as Saginaw Valley State University awarded its first Chrysalis Scholarship to a student for this coming fall.

Rose continued to be a pioneer in the field of Women's Studies by being a founding member of the Michigan Women's Studies Association in 1973, and, in 1979, the association began the development of the Michigan Women's Historical Center and Hall of Fame to honor the achievement of Michigan women. And today, on the occasion of her retirement, I am proud to honor her years of service on the center's board and as editor of the newsletter.

Mr. Speaker, I could go on about Rose's service to the community, her impressive leadership in advancing women's studies, her career as an educator (with which I have had the honor of having firsthand experience), or her unparalleled commitment and dedication to her family. But I wanted to wish her well and hope that the days ahead are filled with all the good fruits of a well deserved retirement. I know that she will spend even more time with her second husband, William Bauman, and her children, grandchildren, and great grandchildren. Rose Collamer Bauman has lived a truly incredible life, and serves as a role model and an inspiration to everyone who has ever met her.

IN HONOR OF ALICE McGRATH

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to honor Alice McGrath, whose six decades of devotion to disadvantaged and oppressed people here and abroad will be recognized this weekend at the Interface Children Family Services' Tribute Dinner, in my district.

Alice McGrath's life and efforts on behalf of others have been memorialized in a play, documentary film, and two books. She began her

life of humanitarianism in the early 1940s as Executive Secretary of the Sleepy Lagoon Defense Committee. The committee was formed to protect the rights of a group of young Mexican-Americans who were falsely convicted of murder.

Her efforts on their behalf were depicted in the well-known play *Zoot Suit*, and the documentary about her, *From Sleepy Lagoon to Zoot Suit*.

Since 1984, Alice McGrath has organized and led delegations of United States citizens to observe conditions in Nicaragua and to facilitate academic research in its political processes. In 1990, she began to deliver donated pharmaceuticals to the children's hospital in Managua. Alice McGrath has made more than 80 trips to Nicaragua.

At home, Alice McGrath developed and managed the Pro Bono Program of the Ventura County Bar Association and coordinated volunteer services at the Ventura County Superior Court.

Not surprisingly, Alice McGrath has received numerous honors for her work on behalf of others, including the Woman of Distinction Award from Soroptimist International of the Americas, Human Rights Award from the Bahai Community of Ventura County, Cruz Reynoso Award of the American Bar Association of Los Angeles County, and Community Hero Award from the Ventura County Diversity Board.

Studs Terkel devoted a chapter to her in his book *Coming of Age*, and Debra Sands Miller did the same in her book *Independent Women*. Her oral history has been recorded for posterity by the UCLA Research Library.

Mr. Speaker, I have been a strong supporter of Interface Children Family Services for more than twenty years. The work of the organization and its volunteers has bettered the lives of countless families in my community. I know my colleagues will join me in congratulating Alice McGrath for the honor she so richly deserves and thank her for decades of helping others.

REFORM OF THE 1872 MINING LAW

HON. JOSEPH M. HOFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. HOFFEL. Mr. Speaker, last week the Budget Committee held a hearing on my legislation H.R. 3221, the Corporate Welfare Commission Act. The Committee heard testimony from several witnesses including members of Congress about the most egregious examples of unnecessary and wasteful subsidies to industry. While members of Congress have mixed feelings about many of the items other members consider corporate welfare, there is virtual unanimity in the belief that the 1872 Mining Law needs reform.

The 1872 Mining Law was enacted to promote mineral exploration and development on federal lands in the western United States and to encourage settlers to move west. This law granted free access to individuals and corporations to prospect for minerals on public lands. Once a discovery was made, they were allowed to stake a claim on the deposit.

The law works this way:

Once the prospector does some exploration work on public land, he may stake a claim on an area that he believes to contain a valuable mineral. The price of holding such a claim is \$100 per claim per year.

If the prospector spends at least \$500 on development work on the parcel and the claimed mineral deposit is determined to be economically recoverable, the claim holder may file a patent application for the title to surface and mineral rights.

If the application is approved, the claimant may purchase surface and mineral rights for between \$2.50 and \$5.00 an acre. These amounts have not been adjusted since 1872.

There is no limit on the number of claims a person can locate, nor is there a requirement that mineral production ever commence.

And as if this policy were not bad enough, the 1872 Mining Law lets mining companies extract the minerals without paying a royalty. This is unlike all other resources taken from public lands. For example, oil, gas and coal industries operating on the public lands pay a 12.5 percent royalty on gross income of the operation. On tribal lands, the average royalty paid for copper was 13 percent. In the private sector, gold royalties range from 5 to 18 percent.

As an unnecessary subsidy, this policy should have been reformed long ago. But the harm of this policy does not end with wasteful government support for the mining industry. Once the land has been exploited, the environmental damage is the additional price that taxpayers are forced to pay. Over the past century, irresponsible mining operators have devastated over half a million acres of land through carelessness and abandoned mines. According to the EPA, waste from mining operations has polluted more than 12,000 miles of our nations waterways and 180,000 acres of lakes and reservoirs.

My amendment to the FY 2001 Interior Appropriations Bill, which was rejected by the Rules Committee, would impose a 5 percent royalty on all hard rock minerals mined from public lands. The funds generated from the royalty would be devoted entirely to environmental cleanup of these mining sites. The amendment would also make the current one year moratorium on the issuance of mining patents permanent (the current moratorium has been extended each year over the past five years).

Mr. Speaker, this policy is in need of repair and reform. I am disappointed that the Rules Committee did not allow for House consideration of my amendment. I will continue to work with my colleagues to reform this outdated and wasteful policy.

HONORING MS. VALERIE BEASCOCHEA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments of an outstanding student, Valerie

Beascochea. Her sharp mind and strong work ethic recently won her the high distinction of being named the United States National Collegiate Award winner in Nursing. In addition, Valerie will appear in the United States Achievement Academy Official Collegiate Yearbook in recognition of her academic performance, interest and aptitude, leadership qualities, responsibilities, enthusiasm, citizenship, attitude, motivation to learn and dependability.

What makes these accomplishments even more remarkable is that Valerie is a wife and a mother of two. Her ability to successfully juggle the rigors of school, work and family underscores the significance of these outstanding achievements. She is a model that other students should follow and one that will be sure to achieve great things for the good of our community. She has proven to be an asset to her school, community, state and nation.

It is with this, Mr. Speaker, that I say congratulations to Valerie Beascochea on a truly exceptional accomplishment. Due to her dedicated service and integrity, it is clear that Colorado is a better place. We are all proud of Valerie.

HAILING GENERAL SERRANO, VALIANT DRUG FIGHTER AND GREAT FRIEND OF THE UNITED STATES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. GILMAN. Mr. Speaker, today I praise General Rosso Jose Serrano on his retirement as head of the Colombian National Police (CNP) as a valiant drug fighter and great friend of the United States. He will be hard to replace.

General Serrano saved countless American families from the nightmare of drug addiction. For this, we owe him a debt of gratitude.

In his nearly 40 years as a policeman in Colombia, General Serrano has fought corruption and drug traffickers and made the CNP the model of Latin American police agencies. Through his tireless and selfless leadership, General Serrano won the support of the Colombian people and the world for his valiant police officers, more than 5,000 of whom have died in the last 10 years in Colombia's drug-financed civil war.

General Serrano destroyed the powerful Medellin and Cali drug cartels. When finally provided with the Black Hawk utility helicopters, Serrano's CNP officers began inflicting massive damage on narco-terrorists, producing significant results in destroying cocaine labs and reducing opium and coca leaf crops.

I invite our colleagues to join in wishing General Serrano and his family our sincerest best wishes for a long, happy, and healthy retirement. We hope that he will continue to serve the international community by sharing his years of expertise through such institutions as the planned International Law Enforcement Academy (ILEA) for the Americas.

RECOGNITION OF CARMEN
SCIALABBA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. MURTHA. Mr. Speaker, I would like to share with my colleagues the attached newspaper article describing an achievement award recently bestowed upon a long-time member of my staff, Carmen Scialabba, by his high school alma mater. It is a fitting tribute to an extraordinary individual and I hope you will take the time to read it.

Many of you recognize or have gotten to know Carmen over the 24 years he has worked with me. He is a patient and tireless attendee of appropriations hearings and mark-ups and has been absolutely indispensable in his role as Associate Staff, handling all manner of appropriations-related issues as well as a wide array of constituent services. He has been an indispensable aide, conceiving numerous economic development projects with me and overseeing them to their fruition, to the benefit of countless workers and families back home in Pennsylvania.

Many of you probably do now know, however, the heroic story of how Carmen Scialabba has overcome the harshest adversities, beginning in his early childhood when the untimely death of his mother landed him and his brothers in an orphanage while his father went off to war.

You may not know that he had enlisted in the Marine Corps and become a champion boxer before he was tragically stricken with polio and collapsed before a fight at the height of his career.

You may not know how he overcame his debilitating illness to raise four daughters as a single parent after their young mother succumbed to leukemia; how he fought against appalling prevailing attitudes toward the disabled to be able to attend college, ultimately earning a masters degree; how he made a difference to hundreds of young students as a high school history teacher; how he then served his community as a local magistrate before he joined me in coming to Washington to help the people of Pennsylvania in yet another capacity.

He has been fighting for years to eradicate institutional discrimination against the disabled. Whether it involves helping a single long-suffering Veteran to obtain needed rehabilitation services and regain self-sufficiency or developing partnerships with employers and vocational rehabilitation facilities to help employ people with special needs, he has been a tireless advocate for "leveling the playing field" for the economic, as well as the physically, disadvantaged.

His passionate advocacy for 'doing the right thing' and his blunt, no-nonsense demeanor have earned him a somewhat fearsome reputation befitting a champion prizefighter. They've coined an expression in Washington. It is known as being "Carmenized," and they say you certainly know when it has happened to you. Yet to those who know him best he is a gentle soul with an enormous heart of gold.

I realize such achievements and praise are usually only associated with high-profile public

servants. Carmen has never been high-profile. A true product of the blue-collar hardscrabble steel and coal regions of Pennsylvania from which he hails, he has set about his extraordinary life with near-Biblical humility. He has never once lost sight of his guiding belief that his purpose in life is to serve others and that, although life is certainly not always fair, everyone deserves fair treatment by their government as well as their fellow man.

Again, I am glad to be able to share the attached article with my colleagues and submit it for inclusion in the CONGRESSIONAL RECORD so that history will remember the life and work of this consummate public servant as staff to the United States Congress.

[From the Eagle, June 9, 2000]

POLIO CAN'T KEEP '53 GRAD DOWN—CARMEN
SCIALABBA WINS PRESTIGIOUS BHS AWARD

(By Shari Kitzmiller)

BUTLER TWP—Base your life on what you can do for other people, not what they can do for you.

That's the doctrine that has gotten Butler alumnus Carmen Scialabba where he is today.

It's also the attitude that has earned him a prestigious award from his high school alma mater.

Scialabba was named the 21st recipient of the Butler School District Distinguished Graduate Award during commencement ceremonies Wednesday night.

He is a 1953 graduate of the school.

High school Principal Dale Lumley said recipients are not invited to attend commencement because it usually is too hard for those who no longer live in the Butler area to guarantee they can make it.

Winners are notified after the announcement is made public.

A committee of students picked Scialabba from more than 50 nominees.

Scialabba lives in Silver Spring, Md., with his second wife.

Scialabba's first wife, Janice Ann Collins, died in 1979. She also was a Butler graduate. Receiving the award is an honor, he said, because a teacher he admired—Margaret Puff—also won the award in 1986.

Puff was a geography teacher in the district who sparked Scialabba's interest in the subject, he said.

"Because of her, I got my master's in geography," he said.

Since that time, Scialabba has led a busy life.

A current associate staff member for the U.S. House of Representatives and a top aide to U.S. Rep. John Murtha of Johnstown, Scialabba started his career in the House in 1975.

Prior to that time, he served as a district magistrate in Johnstown. He also was a junior high history teacher in the Johnstown public school system.

A former Marine, Scialabba once thought he was destined for a professional boxing career.

In 1956 he represented the U.S. Marine Corps in the Southwest Olympic Trial. In 1959, he gained the ALL U.S. Marine Corps Lightweight Boxing Champion title and represented the Corps in the Pan American trials.

He began his professional boxing career when he left the Marines and was named Ring Magazine's Prospect of the Month in August 1960.

His career was cut short just a year later, however, when he was diagnosed with polio.

The illness left him paralyzed from the waist down.

But he didn't let his paralysis keep him from achieving his goals. Told he would never walk again, he fought against medical odds and learned to walk with leg braces.

That was just the start of his fight for the rights of the disabled.

Scialabba has taken his personal experience and used it to help others in similar situations.

He is working to get rewarding jobs for Americans who currently are receiving disability compensation because they have been unable to get employment.

"I want to form a non-profit group to talk to industry people to convince them it's wise to hire people with disabilities," Scialabba said, "I have a few members already in place. We're getting there, but we're not quite there yet."

He also has worked with engineers at Penn State University to create what he affectionately calls the "Lazy Carmen."

The invention, which he uses in this office at work, allows him to turn 360 degrees in his wheelchair without having to do it manually.

"It takes a lot of effort to turn this thing around," Scialabba said of his wheelchair. "Lazy Carmen" saves a lot of energy and a lot of time."

More information on the invention can be found on Penn State's Web site at www.psu.edu.

Scialabba said the invention is not yet ready to market, but he is looking for a manufacturer for the product.

Aside from his desire to help the disabled, Scialabba has some advice for the graduating class at Butler High School.

"This may sound kind of corny, but work awful hard," he said.

He also encourages the graduates to help those who can't help themselves because it builds good character.

"I've tried to frame my life around what I can do for other people, not what they can do for me," Scialabba said.

Also stay close to your family, he said, no matter where your life takes you.

Scialabba, who said his brother Nick helped him get into college, is still an important part of his life.

Nick and another brother, Anthony, still live in Butler.

CARMEN SCIALABBA

WHAT: 2000 Butler School District Distinguished Graduate Award recipient.

EDUCATION: 1953 Butler High School graduate; 1966 graduate of the University of Pittsburgh at Johnstown; 1965 history department scholar; master's degree in the arts from Indiana University of Pennsylvania.

ORGANIZATIONS: Formed the Johnstown Boxing Club.

EXTRA DUTIES: Serves on the Board of Directors for the Governor's Council for the Office of Vocational Rehabilitation; Operations and Planning Board member; New Partnerships Task Force member for the Hiram G. Andrews Center in Johnstown; Penn State University Review Board of the Institute for Non-Lethal Defense Technology; the City Planning Commission of Johnstown; and the Governor's Council for the Physically Handicapped.

AWARDS AND HONORS: 1974 Commonwealth of Pennsylvania Handicapped Person of the Year; 1975 inductee to the Butler Area Sports Hall of Fame; National Guard Ben Franklin Award for dedicated service to Pennsylvania; National Guard Patrick Henry Award for distinguished patriotic service.

June 13, 2000

HONORING MICHAEL E. MATZNICK
FROM THE SIXTH DISTRICT OF
NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. COBLE. Mr. Speaker, with health care reform taking the congressional stage once again, I would like to recognize a constituent and friend of mine from the Sixth District of North Carolina, who will be a key player in the debate. We are proud to announce that a resident of the Sixth District was recently selected as the new president of the National Association of Health Underwriters (NAHU).

Mr. Michael E. Matznick has been sworn in as NAHU's president for the 2000-2001 term by Alan Katz, the outgoing president. Michael has been a member of NAHU since 1980. He has served as president of the North Carolina state chapter of NAHU and received its distinguished service award. Michael joined NAHU's board as the vice president of the Southeast region in 1996.

Michael is the president of Med/Flex Benefits Center, Inc., a firm founded in 1986 that specializes in individual and group health insurance, employee benefits plans and Section 125. He has a degree in business administration from Illinois State University, and lives in Greensboro, North Carolina, with his wife Carol and their two sons.

On behalf of the citizens of the Sixth District of North Carolina, I would like to congratulate Michael Matznick for being selected for this national position. We wish him the best of luck as he leads the National Association of Health Underwriters into the twenty first century.

GUAM'S YOUTH MONTH ISLAND
LEADERSHIP DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. UNDERWOOD. Mr. Speaker, each year, Guam's Department of Education celebrates April as Youth Month with several activities, including an oratorical contest, a student exchange program, a school showcase, a youth conference, and the much-anticipated Island Leadership Day, during which students assume the roles of Guam's public, private, and military leaders for a day. In coordination with these sectors of our community, the activity gives middle- and high-school students the opportunity to play "boss" at participating offices and agencies. From senators and company accountants to military colonels and hospital nurses, selected students shadow such career men and women to experience an entire day's work.

On the morning of April 26, 2000, three high school students looking sharp and studious, ready to take on the challenge, walked in my office. They were Guam's student Washington Delegate William B. Jones, a senior from George Washington High School, Jonathan Pador, also a GW senior, who was my student

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District Director, and Madelene Marinas, a senior from the Academy of Our Lady of Guam, who was my student Communications Director. Their eagerness—tempered by a not surprising bit of nervousness—took me back to my own high school days and to the very first Island Leadership Day, for which I earned the privilege to be a senator for a day.

After arriving at the legislative session hall on that day in 1964, I made a bee line for the desk of my hero, Senator Antonio B. Won Pat, who, in 1965, was elected as Guam's first delegate to Congress. In 1972, Congress recognized the Guam delegate and Mr. Won Pat served in that office until 1984. Perhaps without realizing it, I took my dreams a step further and began setting my goals on that first Island Leadership Day in 1964. To the extent that Island Leadership Day is intended to introduce and inspire students to leadership positions in the community, I am proud to say that I was among many over the years who were inspired.

With the enthusiastic support of Guam's public, private and military sectors, more than 300 students from nearly every public, private and DoDEA middle and high school took part in Island Leadership Day 2000. At the Office of the Governor, in the pre-existing official order of precedence, Student Lieutenant Governor Ellen Randall, an Academy of Our Lady of Guam senior, had the opportunity to double as the Acting Governor of Guam. Her student special assistant that day was Bishop Baumgartner Middle School student, Maya Lujan. Meanwhile, at the Guam Legislature, the Student Speaker, Lourena Yco, also of Bishop Baumgartner, was also Guam's Student Acting Lieutenant Governor. In all, thousands of Guam's students participated in the various activities of Youth Month, each planned and coordinated by student leaders themselves. In particular, the Youth Month Central Planning Committee, was made up of students from Southern High School, specifically Cherika Chargualaf, president; Jermaine Alerta, vice president; Erwin Agar, secretary; Joseph Cruz, treasurer; and Angela Tamayo, activities coordinator. In having planned and executed a very impressive and successful schedule of varied events, our youth genuinely embodied in this year's Youth Month theme, "I Manhoben i Isla-ta, i Fuetsan i Tiempo-ta—The Youth of Our Island, the Strength of Our time."

Our youth are the stepping stones toward a bright future. Oftentimes we hear that children are our future. And indeed they are. Today they play our roles, but tomorrow those roles will be theirs. Seeing these success-bound students taking roles in the different career areas gives me a wonderful vision of Guam's future.

HONORING DR. R. DOUGLAS YAJKO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. McINNIS. Mr. Speaker, I consider it a personal privilege and honor to offer this tribute in acknowledgment of Dr. R. Douglas

Yajko, an avid hunter and great humanitarian. Recently, Dr. Yajko was recognized by the Safari Club International as the recipient of the highest award given to hunters, the Hunting Hall of Fame Award. The award is given to a member of the SCI who has had noteworthy contributions to the organizations.

Dr. Yajko has spent a lifetime working on behalf of hunters from around the world. His contributions to the hunting community have helped hunters everywhere educate the public about the nuances of hunting and wildlife. Dr. Yajko has participated in an array of associations, including the Foundation for North American Wild Sheep, the Rocky Mountain Elk Foundation, International Sheep Hunters Association, Boone and Crockett Club, and the National Rifle Association. In addition, the good doctor founded the SCI's Upper Colorado River Chapter in Glenwood Springs, Colorado, and served as president for five years. Dr. Yajko has been an avid hunter since his early childhood and has traveled to six continents in which he has successfully taken over 16 dozen distinct big game animals, many of which qualified as SCI records for trophy animals.

Although Dr. Yajko hunting exploits are formidable, his contributions to the medical community are probably more impressive. A general, vascular and thoracic surgeon, Dr. Yajko has been a committed surgeon in my district for more than 25 years, and has been published in various medical journals during that time.

It is with this, Mr. Speaker, that I say thank you and congratulations to Dr. Yajko for his life of service and success. Colorado is proud—and fortunate—to call him its own.

PERSONAL EXPLANATION

HON. JOSEPH M. HOFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. HOFFEL. Mr. Speaker, last night I missed two votes on procedural motions numbered 255 and 256. I was attending my son's graduation from high school. If present, I would have voted "aye" on both motions.

IN HONOR OF LARRY AND
BARBARA MEISTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to honor Larry and Barbara Meister, whose many years of volunteer service to the people of Ventura County, CA, in my district, will be recognized this weekend at the Interface Children Family Services' Tribute Dinner.

Larry and Barbara Meister have dedicated their lives to the values of education, charity, and compassion and have served as role models by leading and supporting many charitable causes.

Some of the organizations that have benefited from their dedication are Interface, Ventura Education Partnership, Jewish Family

Service, Casa Pacifica, Rubicon Theatre Company, New West Symphony, Ventura Boys & Girls Club, Foster Library, and several local hospitals.

Through their commitment to their Jewish Heritage, Larry and Barbara Meister have received Temple Beth Torah's highest honor. The Meister Scholarship Fund—Youth Trip to Israel has sent 18 students to Israel in the past 13 years.

The social hall at Temple Beth Torah, the boardroom at Casa Pacifica, and the lobby at the Rubicon Theatre Company have been named in honor of Barbara and Larry Meister.

Barbara Meister has served on the board of Casa Pacifica and is a cofounder of its Angels program. She also has served on the boards of Community Memorial Healthcare Foundation and United Jewish Appeal Women's Division. She was chair of the Rubicon Theatre Company's Education Outreach Program. She is a member of Hadassah, National Council of Jewish Women, the National Women's Political Caucus, and the Ventura County Community Foundation's Women's Legacy Fund Grants Advisory Committee. The latter organization recently established the Barbara Meister Fund for Women.

Larry Meister is a successful business leader as President and CEO of Barber Ford/Volkswagen/Isuzu and Barber Recreation Vehicles. He has received the Ford Distinguished Achievement Award for 32 years and the North American Customer Satisfaction Award for the past 5 years. He was recently awarded the prestigious President's Award from Ford Motor Co. for the second time. He has also supported a host of charitable organizations' events.

Mr. Speaker, I have been a strong supporter of Interface Children Family Services for more than 20 years. The work of the organization and its volunteers has bettered the lives of countless families in my community. I know my colleagues will join me in congratulating Larry and Barbara Meister for the honor they so richly deserve and thank them for decades of dedication to others.

HOGAN FAMILY REUNION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my privilege to honor and recognize the descendants of the city of Hogansville, GA, as they set aside June 15–18, 2000, to have the second, ever, Hogan Family Reunion. The founding father, William Hogan, established a one-man plantation in the 1930's which encompassed much of the current town of Hogansville.

William Hogan's efforts to stimulate the local economy began by ceding the right of way to the Atlanta and West Railroad, which eventually led to the town being chartered in 1870.

William had 18 children, accounting for 11 lines of descendants. Representatives of nine of those lines from 11 states, along with the entire town of Hogansville are invited to share in the festivities as Hogansville remembers its founding father, William Hogan.

Frances Hogan Moss, following in the footsteps of her father, William Hogan, Jr., has been instrumental in coordinating the reunion and is looking forward to the momentous occasion.

TRIBUTE TO RANDOLPH D. SMOAK, JR., M.D.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. CLYBURN. Mr. Speaker, today I honor Dr. Randolph D. Smoak, Jr., a renowned surgeon from Orangeburg, South Carolina. Tomorrow, June 14, Dr. Smoak will be inaugurated as 155th President of the American Medical Association (AMA) at its annual convention in Chicago, Illinois. A member of the AMA Board of Trustees since 1992, Dr. Smoak has been a member of its Executive Committee since 1994. Dr. Smoak currently chairs the American Medical Accreditation Program (AMAP) Governing Body, and is lead spokesperson for AMA's anti-smoking campaign. He served as AMA Commissioner to the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) from 1996–1999 and as the AMA's official representative to the National Health Council since 1994.

Born in Bamberg, South Carolina, Dr. Smoak received a Bachelor of Science degree from the University of South Carolina (USC) in Columbia, and his medical degree from the Medical University of South Carolina (MUSC) in Charleston. After completing his internship at Grady Memorial Hospital in Atlanta, Georgia, and residency training at the University of Texas Anderson Cancer Center in Houston, Texas, he returned to his home state to establish a surgical practice.

Dr. Smoak's dedication to organized medicine has been evident through his years of service on the state and national level. He has served in virtually every leadership capacity in the South Carolina medical community, including President of SCMA, Chair of the SCMA Political Action Committee, and President of the South Carolina Medical Care Foundation. He is a founding member of the South Carolina Oncology Society and served from 1992 to 1998 as Governor to the American College of Surgeons.

Dr. Smoak is a fellow of the American College of Surgeons and a diplomat of the American Board of Surgery. He is a clinical professor of surgery at the Medical University of South Carolina and clinical associate professor of surgery at the USC School of Medicine. Dr. Smoak's involvement in civic activities includes service as President of the South Carolina Division of the American Cancer Society, a member of the Orangeburg-Calhoun Technical College Foundation Board, and Lt. Governor of Carolina's Kiwanis Club.

Mr. Speaker, please join me in honoring Dr. Randolph D. Smoak for his meritorious service, indelible leadership, and unparalleled devotion in the field of medicine, and his continued success as the President of the American Medical Association.

IN HONOR OF RICHARD DIBARI ON HIS RETIREMENT FROM THE JERSEY CITY POLICE DEPARTMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Richard Di Bari on his retirement from the Jersey City Police Department after 29 years of serving and protecting the public.

Officer Di Bari began his career in 1971 as a foot patrolman. Since then, he has served with distinction and honor in a variety of positions, including scooter patrol, motorcycle radar instruction and enforcement, breathalyzer operator, grant writer, patrol officer, staff member of Support Services, Chief's office staff, and day tour desk assistant.

For three decades, Officer Di Bari has worked tirelessly to serve his community. His career reflects the character and dedication police officers require to succeed at meeting the considerable challenges of police work. This degree of dedication is based on a simple truth: the police have an obligation to serve and protect; and a community only prospers when its citizens are enabled to work and live in safety. Officer Di Bari understands this truth, and he lives by it.

He has received a commendation, a valor award FOP, a Motorcycle Unit Citation, and has been awarded four times for excellent police service.

I ask my colleagues to join me as I honor Richard Di Bari for his distinguished 29-year career as a police officer.

THE RETIREMENT OF JOHN BURKE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. GILMAN. Mr. Speaker, I rise to call to the attention of our colleagues the retirement of an outstanding teacher who dedicated his life to helping his students.

John Burke has influenced the lives of so many and is a man of great character and notoriety. He is looked upon with great respect and honor in the teaching profession.

Since 1967, John has served the Nanuet School District in Nanuet, New York, beginning his career as a Business Law Teacher. After serving as a business teacher for six years, he then became Nanuet's Assistant Principal from 1973–1978. From 1978 to the present he has served as Principal of Nanuet High School.

In 1994, John Burke was awarded the Robert J. Drennan Administrator of the Year Award from Rockland School Administrators Association. In addition to that John has other outstanding accomplishments such as the M.B.W.A., a degree in administration, known as Management By Walking Around, and two degrees. In addition to being principal, John has been involved in the school's extracurricular activities. He established the

L.E.N.S (Leadership Exchange for Network Students) program.

John's students have said: "Through the years you have always come to our games to cheer us on, to applaud our plays, to sing along with us at our concerts; wherever we look you were there to support us. If we were involved, you were involved. You have shown this affectionate concern with us and the Nanuet community. Our parents trust you and believe that we children are safe with you. We thank you for your invisible warm hands."

Mr. Speaker, I invite our colleagues to join in extending a warm thank you to John Burke for his dedication, his support, faithfulness, and love for his students, community, and his job. Well done John!

RABBI DR. H. JOSEPH SIMCKES
AND CHANA SIMCKES

HON. GARY L. ACKERMAN
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 13, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to celebrate and honor Rabbi Dr. H. Joseph and Chana Simckes on the occasion of the 25th Anniversary of their association with the Hollis Hills Jewish Center. It is with great pride that I pay tribute to two people who I have known closely, and with whom I have worked with on numerous issues critical to the Jewish community and beyond. Joseph and Chana Simckes have made the Jewish sage Hillel's ancient dictum, "Do not separate yourself from the community," a living guide for their lives and the basis for their continuing efforts to promote social justice and human dignity from within and beyond the walls of the synagogue.

Rabbi Simckes has been an exemplary spiritual leader, teaching Jewish values and providing moral guidance by his personal example, and I confidently expect that he will continue to be a source of leadership, learning and compassion for his congregation. Rabbi Simckes came to the Hollis Hills Jewish Center from a pulpit in Massachusetts and has been an energetic community leader in Jewish philanthropy, Jewish education and pro-Israel advocacy. Holding a doctorate in Pastoral Counseling, with experience in psychotherapy, Rabbi Simckes has been a source of counsel and comfort for hundreds of my constituents, sharing his great wisdom and boundless compassion.

Equally, Chana Simckes has won the hearts and respect of the Hollis Hills Jewish Center, and the larger Jewish community beyond, through her commitment and involvement in sustaining Jewish continuity and values. A refugee from Nazi Germany, Chana Simckes has embodied the American dream: graduating from Columbia University, succeeding as a professional in Jewish education, and rising to the leadership of numerous Jewish community organizations, all while raising a growing family.

Joseph and Chana Simckes have elevated and improved the lives of their community, providing those around them with guidance, education, support and leadership. Stalwart advocates of social action, tireless champions

of the Jewish people and the values of the Torah, I am honored to share with this House their marvelous example, and to hold them up for the recognition they both so richly deserve.

REGARDING THE SMALL BUSINESS
SUBCOMMITTEE HEARING ON
EMPOWERMENT ZONES

HON. DAVID D. PHELPS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 13, 2000

Mr. PHELPS. Mr. Speaker, I rise today in support of Empowerment Zones, and strongly encourage my colleagues to support this worthwhile program. Recently, the Small Business Subcommittee on Rural Enterprises, Business Opportunities and Special Small Business Problems, of which I am a member, held a hearing to discuss the benefits of Empowerment Zones and the need to authorize funding for Round II EZs.

The EZ and Enterprise Communities (EC) program, target federal grants to distressed urban and rural communities for social services and community redevelopment, and provide tax and regulatory relief intended to attract and retain businesses in these areas. The enacting legislation designated 104 communities as either EZs or ECs. As a part of this program, each urban and rural EZ receives \$100 million and \$40 million, respectively, in flexible Social Service Block Grant (SSBG) funds. In addition, qualifying EZ employers are entitled to a 20% credit on the first \$15,000 of wages paid to certain qualified zone employees.

The district I represent in Southern Illinois is home to the Southernmost Illinois Delta Empowerment Zone (SIDEZ). SIDEZ, is one of only eight rural empowerment zones in the United States, and provides a much needed economic boost to Southern Illinois. Currently, SIDEZ is working on community and economic development in seven areas. Those seven goals are, Infrastructure, Economic Development, Tourism Development, Stronger Unity/Sense of Community, Life-long Learning and Education, Housing and Health Care.

The enactment of EZ/EC legislation brought about an innovative, 10-year program to reduce urban and rural poverty and distress. I have seen how effective and well utilized these programs have been and I urge my colleagues to support full funding of current and future Empowerment Zones.

TRIBUTE TO CHRISTOPHER STONE
"KIT" DOVE

HON. ANNA G. ESHOO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 13, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor Kit Dove, an outstanding environmental activist of California's San Mateo County coast who passed away on April 20, 2000, and who will be honored in a public memorial service at Quarry Park in El Granada, California on June 17, 2000.

Mr. Dove was very active in politics since he first moved to the Coastsides with his family in 1980. He served as a board member and President of the Granada Sanitary District in the 1980's, and more recently, he served on the San Mateo County Agricultural Advisory Committee. In 1986, he was a co-author of the successful San Mateo County Measure A, a growth control measure for the unincorporated areas of the Coastsides. In 1994, he helped pass the Coastal Protection Initiative which closed certain loopholes in Measure A.

I had the honor of working closely with Kit to form the Midcoast Community Council in 1991 and I was always impressed with this passion and tireless dedication to the Coastsides and environmental preservation. He was subsequently elected to serve on the first Midcoast Community Council and was chosen to be Chairman.

Kit Dove was not only active in politics, he was also active in getting others to participate in the public arena. Numerous Coastsides environmentalists and elected officials have credited Kit with their own activism in politics, environmental issues and public participation in the community. His wisdom and ability to bring together diverse groups of individuals made him a much sought after advisor and a well respected member of the Coastsides community.

Mr. Speaker, Kit Dove was a very kind, selfless man dedicated to his family and his community. Anyone who ever came in contact with him gained a greater appreciation for the environment. He lives on through his two children, through his devoted wife Mary and through all of us who were fortunate to have known him.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a wonderful man who lived a life of purpose and to extend our deepest sympathy to Mary Freeman Dove and the entire Dove family.

IN HONOR OF LEONARD AND LUPE
ORTIZ

HON. ELTON GALLEGLY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 13, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to honor Leonard and Lupe Ortiz, whose devotion to the people and culture of Ventura County, CA, in my district, will be recognized this weekend at the Interface Children Family Services' Tribute Dinner.

Leonard and Lupe Ortiz have lived in Ventura County their entire lives and are close personal friends. They raised four children here, three of which continue to live in Ventura County. In 1952, the Ortiz family launched Ortiz Trucking, which flourished. While building and running a successful business and raising and nurturing a fine family, Leonard and Lupe Ortiz also made time to dedicate themselves to their community.

Leonard Ortiz has served on the boards of Interface, the United Way, Easter Seals, and Community Memorial Hospital. He has been a member of the Sheriff's Posse, which is involved in search and rescue operations. He is now a member of the newly formed La Voz—Voice of Santa Paula. Its goal is to preserve

the history of Santa Paula and promote its development.

Lupe Ortiz has served on the Fine Arts Committee of the Ventura County Museum of History and Art. She has also assisted the fundraising efforts of several charitable organizations, including Interface and Easter Seals.

Their tireless commitment to enrich the lives of their family and their neighbors deserves our deep appreciation.

Mr. Speaker, I have been a strong supporter of Interface Children Family Services for more than twenty years. The work of the organization and its volunteers has bettered the lives of countless families in my community. I know my colleagues will join me in congratulating Leonard and Lupe Ortiz for the honor they so richly deserve and thank them for decades of helping others.

SUPPORTING CHILD CARE DEVELOPMENT BLOCK GRANTS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. LEE. Mr. Speaker, I rise in strong support of increasing the Child Care Development block grant by \$417 million in order to meet the dire needs of our children and families.

How in the world do we expect single women to get a job and become self sufficient if affordable and adequate child care is not available?

Reliable and quality child care is necessary for the healthy development of our children and for parents' productivity at work.

I was in the California State Senate when the Welfare Reform Bill was signed into law. Then, I adamantly opposed the bill because I knew that while most women on Welfare want to work, they do not have affordable and accessible child care.

I was on the Conference Committee in the State Senate that negotiated the California Plan. Over and over again we heard testimony from women who pleaded with us to provide resources for child care so that they could go to work. While we directed additional resources for child care, today there are still over 200,000 families on the waiting list in California.

In many states, parents pay more than 10 percent of their income for child care. Women who make minimum or low wages can not afford 10 percent of their income for child care. Yet, welfare reform has forced women to take low paying jobs to meet the very stringent work requirements that the Congress has imposed. And now, we want to reduce even further these meager resources to low-income working families who need it now, more than ever.

I raised 2 boys as a single parent. I will never forget the long waiting lists, being told there were not enough slots for my kids and then, when I could find decent child care, I couldn't afford it. And, that was in the 70's and 80's.

This country is enjoying an incredible economic boom, and in the dawn of a new century, we can certainly establish children as our

priority. We must do whatever it takes to find the resources to ensure the future.

It is unconscionable that in the year 2000 families must choose between food, clothing, housing, or child care. We can and we must do better.

Also, in no way, in the year 2000 should we be reducing the number of children being served in child care centers. This debate really does go to our fundamental values, our most basic priorities. Do we care about our children's future or not?

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 257 and No. 258. Had I been present, I would have voted "yea" on rollcall vote No. 257 and "yea" and rollcall vote No. 258.

PRESIDENT PUTIN'S VISIT TO MOLDOVA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. SMITH of New Jersey. Mr. Speaker, President Putin of Russia continues to maintain a heavy schedule of international visits. Among the several destinations, he is scheduled to visit Moldova later this week.

The Republic of Moldova is located principally between the Prut River on the west and the Dniestr River to the east, between Romania and Ukraine. A sliver of the country, the "left bank" or "Transdnistria" region, extends beyond the Dniestr River and borders with Ukraine. The 4.3 million population in Moldova is 65 percent ethnic Romanian, with significant Ukrainian and Russian minorities. Gagauz, Bulgarians, Roma, and Jews constitute the bulk of the remainder.

While Moldova and Romania were united between World Wars I and II, following seizure by the Soviets in World War II, Moldova became a Soviet "republic." When the Soviet Union collapsed in 1991, Moldova gained its independence and is now an internationally-recognized sovereign state, a member of the United Nations, the Organization for Security and Cooperation in Europe, and a host of other international organizations.

When Moldova became independent, there were approximately 15,000 Soviet troops of the 14th Army based in the Transdnistria region of Moldova. In 1992, elements of these troops helped pro-Soviet elements establish a separatist state in Transdnistria, the so-called Dniestr Moldovan Republic. This state, unrecognized and barely changed from the Soviet era, continues to exist and defy the legitimate authorities of Moldova.

Meanwhile, elements of the former Soviet army, now the Russian army, remained in

Transdnistria after the collapse of the Soviet Union. Renamed the Operational Group of Forces, they presently number about 2,500. The Moldovan Government has wanted the troops to leave, and the Russians keep saying they are going to leave. The Moldovan and Russian Governments signed an agreement in 1994 according to which Russian forces would withdraw in three years. Obviously, that deadline has passed. Russia was supposed to remove her forces from Moldova as a part of the Council of Europe accession agreement in February 1996.

In fact, language in the declaration of the 1999 OSCE Istanbul Summit insists that Russia remove its military arsenals from Moldova by December 2001 and its forces by December 2002. This latest OSCE language enhances language included in the 1994 Budapest document and the 1996 Lisbon document calling for complete withdrawal of the Russian troops.

Mr. Speaker, there is no legitimate security reason for the Russian Government to continue to base military forces on the territory of a sovereign state that wishes to see them removed. This relatively small contingent of troops is a vestige of the Cold War. I would add also that the United States Government has agreed to help finance some of the moving costs for the Russian equipment. I would hope President Putin will assure his hosts in Moldova that the Russian forces will be removed in accordance with the OSCE deadline, if not earlier.

CONGRATULATING MICHAEL & COLLEENA MCHUGH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. ESHOO. Mr. Speaker, I rise today to congratulate Mr. and Mrs. McHugh of Belmont, California for their actions of good will. Colleena and Michael McHugh were on a weekend visit to Los Angeles when they spotted a van that had been profiled on a news report as belonging to a known kidnapper. Colleena reported the van to authorities on her wireless phone and was asked by the dispatcher to keep a close distance until California Highway Patrol units could take over. The couple kept the van in sight for about 40 miles before police began their pursuit and eventually made an arrest.

Mr. Speaker, I'm proud to honor the McHugh's for making California safer. Because of their assistance in this emergency situation they are also being honored by the Cellular Telecommunications Industry Association with the Wireless Samaritan Award. This award is given to individuals from each state across the country recognizing the contributions heroic individuals make to their communities. The McHugh's have more than earned this award for their exemplary civic service. I'm proud to represent them and I salute them for the distinction they bring to California's 14th Congressional District.

June 13, 2000

IN MEMORY OF JOSHUA MYRON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. GILMAN. Mr. Speaker, it is with deep sorrow that I rise to inform my colleagues of the recent passing of a remarkable individual in my 20th Congressional District of New York who devoted his life to his work, family, and the Jewish community.

Joshua Myron was born in Rishon le Zion, Israel in 1897. He attended the Talmud Torah, where he received his Jewish education. Upon graduation, he moved to Jerusalem to enter the Secular Lemel School and the famous David Yellin Hebrew Institute, the best secular school for higher education.

In 1916, Joshua volunteered as a member of the first Jewish Brigade in the British Army to chase out the Turkish Army from Palestine. He persevered to become company sergeant in charge of transport. After his army service, he helped to get arms for the Jewish underground group so that they could effectively fight the Arabs at that time.

Upon his honorable discharge from the Army he moved to the United States to further advance his education. He entered the Albany College of Pharmacy and graduated with a pharmaceutical chemist degree. He stayed in pharmacy until his retirement in 1967.

He met his wife, Sybil, in New York City. Together, they had one daughter, Naomi, who has presented Joshua and his wife with three grandchildren and four great grandchildren. Although Sybil passed away many years ago, he never remarried. He resided in Suffern, NY, since 1938.

Joshua became an active member of The Congregation Sons of Israel 45 years ago. He held the job of Gabai, a Member of the Religious Committee Board of Trustees, a Member of the Chevra Kidisha (Burial Society) and received a testimonial award from Israel Bonds in 1985. He was a member for a long time in AIPAC, a congregational UJA chairman for 25 years, and a contributing member to many Jewish Organizations especially those which help out in the cause of Israel.

He was buried in Suffern, New York on June 11, 2000 by the Congregation Sons of Israel.

Joshua is survived by his daughter: Naomi Scheuer. He is also survived by three grandchildren, Marcus Lubin, Eve Lubin, and Abigail Scheuer and four great grandchildren, Caroline, Emily, Alexander Lubin and Ella Atema. While no words can ease the grief that his family and community must be experiencing, the deep sense of loss many of us are experiencing at the passing of this remarkable individual hopefully will provide some consolation.

Mr. Speaker, I invite our colleagues to join in extending our deepest sympathies to all of Joshua Myron's many loved ones, and the numerous individuals who were inspired and influenced by this outstanding human being.

EXTENSIONS OF REMARKS

TRIBUTE TO RICHARD SIMMONS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man who is a dear friend of mine, Richard Simmons, on the occasion of his retirement from elected service to the constituents of State House District 84.

Richard Simmons has served the State of Arkansas and his country all of his life. He graduated from Rector, Arkansas High School in 1959 and later Mississippi State University with a degree in agriculture. In addition to Richard's schooling, he served six years in the Air Force Reserves. He is a lifelong resident of Clay County and has been active in farming since 1965.

Through his years in Arkansas, Richard has been active in state, civic, and community life and has always worked to represent agriculture, the greatest profession ever. He has served on the Clay County Conservation District Board for twenty years. He is currently Vice Chairman of that agency. Richard has also served on the Democratic Central Committee for twenty years and has been the Chairman of the Democratic Central Committee for ten years now.

Richard has been the State Representative from District 84 since 1995 and is unfortunately ending his elected career due to term limits. He has helped make strides in agriculture and economic development all across Arkansas by serving on the Rules Committee, House Revenue and Taxation Committee, Game and Fish Funding Sub-Committee, and Chairman of the House Agriculture and Economic Development Committee. Richard is also the Chairman of the First District House Caucus.

Richard Simmons resides in Rector, Arkansas, where he grew up. He has devoted his life to agriculture and Arkansas and the world is a better place because of his service. I am proud to call him my friend and I wish him the best of luck in the future and many more years of happiness and service to this great country of ours.

CONGRATULATING RAY AND BETTY WELLS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Ray and Betty Wells on their long record of contributions to community service and historic preservation in northern New Jersey. The Wells will be recognized this weekend as the honorees of the annual Rose Ball at the Hermitage, a priceless historic site they have been instrumental in helping preserve and restore. This honor has been prompted not only by Ray and Betty's activities on behalf of the Hermitage, but by their roles as leading members of our community through their church and many civic organizations as

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well. They are outstanding examples of the type of people who make Bergen County such a wonderful place to live, work, and raise a family.

Ray and Betty Wells have been active supporters of the Hermitage since they chaired the Hunt Breakfast fund-raiser in 1979. Betty has served as a trustee of the Friends of the Hermitage, as a docent and on a number of related committees. Ray has been a member of the Heritage Community Advisory Board and was the architect of the Hermitage Education and Conference Center completed last year.

Built in 1740 in what is now Ho-Ho-Kus, NJ, the Hermitage was the home of Theodosia Prevost, who invited George Washington and his officers to stay at the estate in July 1778, after the Battle of Monmouth. One of Washington's officers, Aaron Burr, became a frequent visitor afterward and eventually proposed marriage to the widow. Guests at the July 2, 1782, wedding included future President James Monroe, Alexander Hamilton, the Marquis de Lafayette, and New Jersey Governor William Paterson.

The Hermitage estate was purchased in 1807 by Dr. Elijah Rosencrantz, one of Bergen County's first physicians and an industrialist who built a cotton mill on the banks of the Hohokus Brook. Rosencrantz's son, Elijah Rosencrantz, Jr., enlarged and improved the original house, resulting in the Gothic Revival mansion we see today. The home remained in the Rosencrantz family until 1970, when it was bequeathed to the State of New Jersey by Mary Elizabeth Rosencrantz upon her death. Today, the estate has been restored as a museum by the nonprofit Friends of the Hermitage and is a National Historic Landmark. Through the Education and Conference Center designed by Ray Wells, the Hermitage provides extensive educational services for the public and through area schools.

In addition to their commendable dedication to the Hermitage, Ray and Betty have been leaders in a wide variety of community activities. Betty has served as an elder, deacon, choir member, Sunday School teacher and president of the Women's Guild at the Old Paramus Reformed Church. Ray has served as a Sunday School teacher, departmental superintendent and member of various building committees during their 46 years of membership in the church.

Betty has served as president of the Paramus Junior Woman's Club, the Paramus Garden Club, the Stony Lane School Parent-Teacher Organization and in several leadership roles with the Paramus Girl Scouts. Ray has been active with Rotary International, serving as president of the Paramus club. He has also been a member of the Paramus Board of Education, served as president of the Paramus Jaycees, a member of the Paramus Chamber of Commerce, with the Bergen County museum and as a member of the Oradell Planning Board.

Betty and Ray are the parents of 6 children, have 18 grandchildren and 1 great grandchild. They made their home in Oradell.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating this wonderful couple for all they have done for their community and for the outstanding example they set for all.

TRIBUTE TO RICHLAND "FRIENDS
OF THE LIBRARY"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. SKELTON. Mr. Speaker, I wish to pay tribute to Mary and Jearl Cobb and Maxine and Gordon Warren, of Richland, Missouri, for demonstrating extraordinary commitment to their community in the effort to obtain a public library.

Mary and Jearl Cobb served successive terms as president of the "Friends of the Library". During this time, they volunteered to become involved in the effort to maintain a public library service for Richland. Long-time Richland residents, Maxine and Gordon Warren, bought the run down Earl Morgan building to rehabilitate and offered it to the library for a minimal annual amount. They also donated \$40,000 to remodel the building and established a \$50,000 annual trust for additional community projects. Once the building was identified, Mary and Jearl Cobb voluntarily dedicated numerous hours to the library project in order to make it a reality. Mary raised over \$100,000 for mechanical equipment, lumber, paint, and other materials and also organized free lunches for the workers. Jearl recruited dozens of volunteers from all branches of the Armed Services stationed nearby and from the community to install air conditioning, siding and plumbing. He personally helped during every phase of the construction overhaul and even drove to St. Louis to pick up furniture donated to the library. The efforts of Mary and Jearl Cobb and Maxine and Gordon Warren have resulted in the new "Maxine Warren Library Building" which was dedicated on April 29, 2000.

Mr. Speaker, these Missourians deserve special recognition for completing an extraordinary job. I know the Members of the House will join me in paying tribute to them for their exceptional efforts.

HONORING RETIRED COMMANDER
WILLIAM ROBERT ANDERSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. DUNCAN. Mr. Speaker, today I honor retired Commander William Robert Anderson for his service to his Country in both the military and the House of Representatives.

Commander Anderson distinguished himself in combat and scientific accomplishment during his long career in the submarine service. During World War II, he completed a total of 11 submarine wartime patrols and earned a Bronze Star for his assistance in the sinking of 17 cargo-carrying crafts and the rescue of a downed aviator.

EXTENSIONS OF REMARKS

In May of 1953, Captain Anderson was granted his first command, the submarine U.S.S. *Wahoo*, and saw even more action during the Korean War. Two years later he would be chosen for another type of command, as head of the Tactical Department at the U.S. Submarine School in New London, Connecticut.

This would not be the end of his sea duty, though. In fact, his most important command and date with history was yet to come. It was actually while Anderson was at the U.S. Submarine School that the United States commissioned its first nuclear submarine, the U.S.S. *Nautilus* on January 17, 1955.

The potential of this new type of submarine brought a need for more officers trained in nuclear operations. And so, Commander Anderson found himself being called into Rear-Admiral H.G. Rickover's office to interview for the program in January of 1956.

He soon found himself recruited and awaiting a new command. During this time Rickover asked Anderson to devise a method of study for new officers entering the program. This project eventually evolved into the core study program for all nuclear submarine commanders.

It was on April 30, 1957, that Captain Anderson was ordered to assume command of the U.S.S. *Nautilus*. His classified mission was to be ready to take his submarine and crew under the Arctic polar ice cap whenever he received the order.

Known as "Operation Sunshine" by the Navy, this project would challenge both Captain Anderson's leadership skills and his nautical training.

No one had ever succeeded in finding a northern sea passage before, and the lack of information and charts on the pack ice, the inability of normal navigational instruments to operate so near to the magnetic North Pole and other instrumentation problems had to be sorted out and solved—all in the deepest of secrecy.

With the summer of 1957 ending, the crew of the *Nautilus* made its first attempt to traverse the ice pack while submerged. Using special ice detecting sonar, the *Nautilus* started maneuvering around the icebergs. It would not succeed on this attempt or the next one in June of 1958.

The same cannot be said for the third attempt, and on August 3, 1958, Captain Anderson and the crew of the *Nautilus* finally crossed under the North Pole. Upon return to the United States, the entire crew was honored with a ticker tape parade in New York City, and Anderson was personally awarded the Legion of Merit by President Eisenhower.

Commander Anderson's career continued to flourish—from his serving as an aide to the Secretary of the Navy, Fred Korth, to his appointment as the Director of the National Service Corps, which would be renamed the Peace Corps in later years by President Kennedy.

In 1960, Anderson was even considered as a possible gubernatorial candidate in Tennessee, but he decided to fulfill his 20 year

commitment to the Navy. Upon retirement from the Navy, Anderson was elected as the Representative from the Sixth District of Tennessee in 1965, and he continued to serve his constituents for four successive terms in office before retiring to Virginia.

I, for one, am proud of the accomplishments of my fellow Tennessean, William Robert Anderson. For his diligent and long-standing service to this great Country and the State of Tennessee, I would like to return the honor by paying him this tribute to his great accomplishments.

While Commander Anderson now resides in the great state of Virginia, we Tennesseans still choose to claim him as one of our native sons.

CENTRAL NEW JERSEY RECOGNIZES DOUGLAS H. NIECE AS
THE LONGEST SERVING
CUBMASTER IN THE U.S.

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of Mr. Douglas H. Niece, the longest-serving Cubmaster in the United States. For over 50 years, Mr. Niece has made tremendous contributions to our community through his commitment and dedication as the Cubmaster of Pack 61, the oldest Cub Scout pack in Hunterdon County.

In January 1948, several community leaders in Flemington decided to start a Cub Scout Pack in Hunterdon County. The Pack was founded on the principle of helping young men achieve a sense of self worth and satisfaction from knowing they can accomplish their goals. Today, Pack 61 continues to provide young men with the values and experiences that cultivate discipline and a sense of responsibility; traits that they will carry with them throughout their lives.

Mr. Niece has served as Cubmaster of Pack 61 since its inception over 50 years ago. As Cubmaster he has been a mentor to over 5,000 boys during his extraordinary tenure. Mr. Niece has taught Cub Scouts from Pack 61 the value of community and service to our nation. He has instilled lifelong values that will be used to build a foundation for future growth. Many of Mr. Niece's scouts have continued to serve their communities in a variety of ways, including volunteering their time as a Scouter or Cubmaster.

Mr. Niece is one of the few surviving graduates of the Flemington Children's Choir School, a school founded at the turn of the 20th century to train children to sing in the local church choirs. Even at the age of 80, he leads carolers around Flemington on Christmas morning, singing carols at any home with the porch light on—a tradition begun by the Choir School in the early 1900's.

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EXTENSIONS OF REMARKS

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Mr. Niece is a life-long member of the Flemington Presbyterian Church where he continues to teach Sunday School. He has served as both at Elder and Deacon of the Church and was Superintendent of the Sunday School for over a decade. Several years ago, on Boy Scout Sunday, the church hon-

ored him with the "God and Service Award" in recognition of his many years of service and dedication to the youth within the community. Mr. Niece embodies the true spirit of giving and dedication. He has centered his life around service to his community.

Mr. Douglas H. Niece has been, and continues to be, a strong presence in Central New Jersey. I urge all my colleagues to join me today in recognizing Mr. Niece's commitment and dedication to the children of our community.

SENATE—Wednesday, June 14, 2000

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, today as we celebrate Flag Day, we repledge allegiance to our flag and recommit ourselves to the awesome responsibilities You have entrusted to us. May the flag that waves above this Capitol remind us that this is Your land. We thank You for outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs our patriotism and dedication. It reminds us of Your providential care through the years, of our blessed history as a people, of our role in the unfinished and unfolding drama of the American dream, and of the privilege we share by living in this land.

Thank You, Lord, that our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as leaders. May the Senators experience fresh strength and vision as You renew in them the drumbeat of Your Spirit, calling them to march to the cadence of Your righteousness. We pledge allegiance to the high calling of keeping this land one Nation under You, our God.

Today on the 225th birthday of the United States Army we join with all Americans in thanking You for the patriotism, faithfulness, and bravery of the men and women of the Army throughout the years. Dear God, You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith of New Hampshire modified amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the leadership determined the Senate will return to consideration of this very important piece of legislation. I shall now read the order that was devised by the leaders.

Today, the Senate will immediately resume consideration of S. 2549, the Department of Defense authorization bill. As a reminder, there are an overwhelming number of amendments in order. In an effort to complete action on the bill, those Senators with amendments are encouraged to work with the bill managers during today's session.

Of course—I think I am joined by my distinguished ranking member—we desire to try our very best to continue to consider only those amendments that are actually germane to the purpose of this bill. That is my hope. Votes are expected throughout the day, and Senators will be notified as votes are scheduled.

Senators should be aware that consideration of the Transportation appropriations bill may begin as early as the leadership determines. Hopefully, also, last night we agreed among the leadership to vote on the nominee for the Department of Energy, General Gordon. There will be some announcement to that effect later today.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. Yes. I want to finish up.

Mr. BYRD. Did not the clerk read "a bill making appropriations"? Did not the clerk read "a bill making appropriations" being the business before the Senate?

The PRESIDING OFFICER. The bill is to authorize appropriations.

Mr. BYRD. Parliamentary inquiry: What is the business before the Senate?

The PRESIDING OFFICER. S. 2549 is the bill before the Senate. It is to authorize appropriations.

Mr. WARNER. I thank our distinguished colleague.

It had been my hope to lay aside the Smith amendment to which is attached the McCain amendment regarding campaign finance issues. I have been advised there is an objection to laying that aside. There is a possibility that objection could be raised solely for the purpose of the managers of the bill, Mr. LEVIN and myself, proceeding to clear amendments that have been agreed to on both sides. I am just not at the moment able to assure the Senate that is in place.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

Mr. DODD. Mr. President, for clarification—

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call has been requested.

Mr. WARNER. I urge us to proceed with the quorum call.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have had a discussion with the leaders on the other side of the aisle. I think there is a consensus that with the current objection to laying aside the Smith-McCain legislative package, which is the pending business, together with the Warner-Dodd amendment, which also needs a UC to lay aside, we cannot do either of those at this time. So the consensus is we go into a period of morning business, and at the hour of 11 o'clock the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, at the hour of 11 o'clock we would then return to the consideration of the matter that is now pending?

Mr. WARNER. Right, and that I be recognized.

Mr. LEVIN. And that the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, of course—and I think it is

our understanding collectively—that for the next 1 hour and 15 minutes, until 11 o'clock, there would be no substantive legislative issues that would be introduced in any manner.

Mr. WARNER. That is correct. I understand that is under the rules guaranteed. We should, I think to accommodate our distinguished colleagues who have been waiting—

Mr. REID. We should get that.

Mr. WARNER. Get the order entered. I was going to include a specific time for the President pro tempore, the former distinguished majority leader, and such others who want to be recognized during morning business.

Mr. President, I ask unanimous consent that 6 minutes be allocated to the distinguished senior Senator from South Carolina and—

Mr. REID. Twenty minutes.

Mr. WARNER. Twenty minutes be allocated to our distinguished colleague, Senator BYRD, and then the morning would flow in morning business until 11 o'clock.

Mr. REID. And all the reservations that were announced would be subject to the unanimous consent request that has been propounded?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF FLAG DAY, JUNE 14, 2000

Mr. THURMOND. Mr. President, 223 years ago today, the United States was engaged in its war for independence. I note that the American Continental Army, now the United States Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the United States Army on its 225th birthday.

At the start of that war, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–1777. This flag had thirteen alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that “the Flag of the United States be 13 stripes alternate red and white, and the Union

be 13 stars white in a blue field representing a new constellation.”

No record exists as to why the Continental Congress adopted the now-familiar red, white and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue—for vigilance, perseverance, and justice.

The stripes, symbolic of the thirteen original colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed twelve stars in a circle with the thirteenth star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the thirteen stars in a circle.

As our country has grown, the Stars and Stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated, “A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.”

Old Glory represents the land, the people, the government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggesting an observance was held throughout the State of

Connecticut, in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubesa, WI. This began his decades-long campaign for a day of national recognition of the Flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on “Laws and Customs Regulating the Use of the Flag of the United States” received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential Proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

Things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Flag Day was officially designated a national observance by a Joint Resolution approved by Congress and the President in 1949, and first celebrated the following year. This year then marks the 50th anniversary of a Congressionally designated Flag Day.

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to

prohibit the physical desecration of the U.S. flag. I regret that earlier this year this Senate failed to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that last year the Senate adopted a Resolution to provide for a designated Senator to lead the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 223rd birthday, and the 225-year-old Army which has so proudly and valiantly defended it and our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Mr. WARNER, the distinguished senior Senator from Virginia, and Mr. HARRY REID, the distinguished Senator from Nevada, for accommodating the President pro tempore, Mr. THURMOND, and me at this time.

PRESIDENTIAL POWER

Mr. BYRD. Mr. President, on Friday, June 9, I noted with particular interest the headline in *The Washington Post* which read, "Bush Aims at 'Discord' in Capital." Not surprisingly, candidate Bush's solution to too much partisanship in Washington is to increase the power of the Presidency.

We have heard that before. We have heard it from the current President, and we have heard it from previous Presidents. But now we hear it again. Imagine that. The solution to too much partisanship in Washington is to increase the power of the President.

Now imagine that! Among the "power grabs" the candidate advocates are biennial budgeting, a congressional budget resolution which would have to be signed by the President—get that—a version of the line-item veto—how preposterous—and a commission to recommend "pork-barrel projects for elimination." What a joke.

While I readily agree with candidate Bush that there is too much partisanship in Washington, and have said so repeatedly for years, the solutions candidate Bush proposes will do absolutely nothing to eliminate partisanship. In the highly unlikely event that any of these proposals will ever be enacted, their most likely impact would be to hand the next President a club with which to beat into submission members of Congress who might not be leaning the President's way on key issues of importance to him.

None of these reported Bush solutions to disharmony in Washington are new, nor are they "news." Every President in recent history has tried to

wrest more power from the people's duly elected representatives and transfer it to the executive branch. The net effect of all such transfers would be that unelected executive-branch bureaucrats, and, the President, who is not directly elected by the people either, would enjoy an increased advantage in forcing their agenda on this Nation.

Make no mistake about it. The carefully crafted constitutional checks and balances between the branches of Government can slowly be subverted over time by just such proposals as these, which candidate Bush has made. While I agree that the climate in Washington these days is less than inspiring, the cure must never be to advocate a weakening of the constitutional checks and balances under the false colors of constructive reform.

Take, for instance, Mr. Bush's proposal to have a commission recommend certain pork-barrel projects for elimination. This is an idea which, conceptually, goes straight at the heart of representative democracy and at its most important tool, the power of the purse. It is a proposal which exposes an absolute ignorance and disregard of the constitutional grant of spending power to the representatives—and I am one of them—of the 50 States. Moreover, when examined closely, the arrogance of such an approach is close to appalling.

To suggest that an appointed commission could somehow understand the needs of the 50 States in terms of public works better than the men and women who are sent here to represent those States, defies logic and denigrates the people's judgment in the choice of their own Members of Congress. Imagine a commission that would be set up to make judgments about appropriations concerning infrastructure, about bridges, roads, highways, canals, harbors, rivers in this country. That is why the people sent us here; that is our responsibility. No member of a commission can possibly understand the needs of the State I represent—I defy anyone to contend otherwise—and have been proud to represent for 54 years, better than I, and others in the West Virginia delegation. No commission can tell me or tell the people of West Virginia what they need by way of infrastructure, so-called "pork barrel" projects. The same can be said about the Members from other States. I defy anyone to claim that sort of wisdom to the satisfaction of myself or the citizens of my State. Such a claim would be sheer and utter nonsense!

I realize that the term "pork-barrel" has become symbolic in modern parlance of everything that is wrong with Government. But, in fact, one man's "pork-barrel" project is another man's essential road, another constituency's essential road or bridge or dam. What is totally forgotten is that many of

these so-called "pork barrel" projects are the sort of infrastructure improvements which, State by State, combine to help to make this country the economic power house that it has become. Now, Webster debated with Hayne in 1830. That has all been plowed over by Webster at that time.

It is easy to oppose infrastructure projects in another Member's state. I wouldn't do it unless there was outright fraud involved. It is easy to claim that if a project does not benefit me or my State, then it must be wasteful. Of course, when it comes down to it, they don't benefit me personally. They benefit the people I represent. But, the Members of Congress on both sides of the aisle generally grant each other the expertise to know what is essential for their own State's well-being. I believe that I would be a poor judge, indeed, of what is good for California or New Mexico or Arizona, and so I generally rely on the Members of those States when it comes to projects which they deem important.

I also assume that the elected representatives of those states have the wisdom and integrity not to advocate foolish or wasteful endeavors. Federal dollars are and have been scarce for years. Congressional spending is watched closely by representatives of the media and by the voters who send us here. What is not watched so closely by the media or the voters who send us here or the voters who indirectly send the topmost occupant of the White House to his position is executive branch spending. Although the voters may be only dimly aware of waste and duplication vigorously advocated and defended each year by the executive branch, I can assure everyone within the sound of my voice and everyone watching through the electronic eye that it exists in the executive branch.

Talk about pork barrel; take a look at the executive branch! A more useful commission might be one that is charged to look at executive branch excesses and report yearly to the Congress.

How about that? Let the candidates for the Presidency and Vice Presidency take that on. Let both candidates, Mr. Bush and Mr. GORE, take that on. Look at the executive branch, see what the excesses are there, weed out the pork barrel.

As for any attempt to negate the decisions of the people's duly elected representatives through any form of line-item veto process, I assure the new President—and I don't know who will be the new President just yet, but I can assure the new President, whether he be a Republican or a Democrat, whether he be Mr. Bush or Mr. GORE—it doesn't make any difference to me in this respect—whichever party he may represent, that that proposal concerning a line-item veto will encounter a solid stonewall from this Senate, as it has always encountered such a wall.

We slew that dragon once in the courts, didn't we? Yes, we slew that dragon in the courts. Thank God for the Supreme Court of the United States, certainly in that incidence. We slew that dragon once in the courts, and it will raise its ugly head again only with very great difficulty. Any proposal which seeks to bury a dagger in the heart of the most powerful check which the Constitution provides on an overreaching President will encounter serious opposition right here on this floor, and right here at this desk. Amen! May God continue to give me the voice with which to speak and the legs on which to stand to fight this dragon, wherever it may appear.

The power over the purse—a power derived through centuries of struggle and bloodshed—a power that protects the people of this Nation from the whims of a fool or knave in the White House—has been bequeathed to the people's branch in our national charter. It is not there through any accident. It is there through no luck of the draw. It is there because the framers understood the lessons of history and had the wisdom to know that a King or a President must be made controllable by the people in this most fundamental, this most basic way.

By its very nature, any proposal which hands to the President an easy means by which to threaten a Member with the cancellation or redirection of moneys for that Member's State, after those moneys have been appropriated in law by the Congress, gives the President undue and unwise leverage over Members of Congress in a way that completely alters the nature of the separation of powers.

Ask any Governor or former Governor who has had the tool of a line-item veto at his disposal what he found to be its principal value. You will probably get an answer that indicates that the major usefulness of the line-item veto is a means to bully certain uncooperative members of the State legislature. I urge candidate Bush and I urge candidate GORE and all of their advisers to read afresh article I of the U.S. Constitution. Read it again. Pay particular attention to it. The intent of the framers is crystal clear.

As for biennial budgeting, at the moment, I am not so sure about that. With respect to biennial appropriations, however, I am very sure. I would be very opposed to that. I fear that with biennial budgeting there may be some unintended consequences. With respect to biennial appropriations, I still fear that the consequences of such a change might ultimately mean massive supplemental appropriations bills to cover contingencies which no human mind can predict, such as earthquakes, floods, droughts, wars, or recessions.

While biennial appropriations are always touted for their supposed natural byproduct—more oversight—I believe

that, in the real world, the kind of massive supplemental appropriations bills which will likely occur as a result of any such biennial appropriations, if we ever reach that point, will receive very little in the way of thorough oversight.

In truth, most of our serious budget problems derive not from yearly appropriations, but from the ever-growing mandatory spending and entitlement programs. Dealing with politically difficult entitlement and mandatory spending reform demands the kind of study, analysis, consensus, leadership, and courage that no process tinkering can replace. One thing I have learned after 48 years in this town is that when hard decisions press down on politicians, process reform often becomes the solution of choice.

I also noted in the same Post article—and I must admit with some amusement—that while candidate Bush decries polling, he appears to have been paying at least some modicum of attention to the polls, else how would he know that “Americans look upon the spectacle in Washington and they do not like what they see”? I am quoting from the reported story. Perhaps he has found some direct way to channel the viewpoints of the people, but I rather think he has been doing a little poll watching of his own.

The trouble with election year poll watching is that it makes us politicians think we have to instantly respond, either to get a headline or get a vote. As one might expect, these quickie candidate responses are often neither very responsive nor very wise.

No, the climate in Washington today cannot be improved by any such commission, as has been recommended, or any budget process change, or any power grab by the executive branch. The problems here have to do in part with this being an election year and in part with more fundamental matters. If we in this body could just begin to do away with the simplicity of labeling each other as devils, and each other's proposals as ruinous to the Republic and, instead, worked to promote a freer, less rancorous exchange of debate and discussion on this floor, I believe that much of the pointless partisanship might begin to dissipate.

The partisanship we all complain about is born, at least partially, from the frustration of not being permitted to adequately and openly debate issues and ideas important to our constituencies and to the Nation.

I believe that once we begin to do what our people sent us here to do, which is grapple with the nation's challenges, exchange views, and learn and profit from those exchanges, we will see a return of most of the lost public confidence which may have been reflected in somebody's polls. Legislating in a Republic—and it is a republic, not a democracy. I want to say that again.

We pledge allegiance to the flag of the United States of America and to the Republic—not to the democracy.

Well, legislating in a republic can never be a totally neat, efficient, and tidy endeavor. In a nation as large and diverse as our own, which bears heavy responsibilities both domestically and internationally, the way to wisdom usually lies in the often tedious, rarely orderly, free flow of informed debate. Consensus is what we need to aim for, and consensus is best built by an airing of views. The Framers knew this and gave the Congress the power to legislate, tax and appropriate because of that fundamental understanding. But, absolutely basic to that kind of informed discussion and debate is respect among those of us charged with conducting it, for the motives, experience, expertise, and opinions of our colleagues on both sides of the aisle. Regrettably no shop-worn set of budget process changes can mandate that. And the American people should view with an especially jaundiced eye any finger wagging presidential candidate with an agenda all his own who wants to transfer power to himself in order to quiet congressional “discord.”

Mr. President, I ask unanimous consent to print the June 9, 2000 Washington Post article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 2000]

BUSH AIMS AT “DISCORD” IN CAPITAL

(By Dana Milbank)

KNOXVILLE, TN, JUNE 8.—Texas Gov. George W. Bush today offered a broad plan to take the partisan poison out of Washington—in large part by transferring power from Congress to the president.

The GOP presidential candidate pointed to the budget and confirmation battles of the last decade that have left scars on Republicans and Democrats and have turned off many Americans.

“If the discord in Washington never seems to end, it's because the budget process never seems to end,” Bush told about 600 people in brilliant sunshine outside the Knoxville Civic Auditorium. He decried an environment of “too much polling and not enough decisionmaking.”

“Americans look upon the spectacle of Washington and they do not like what they see,” Bush declared. “I agree with them. It's time for a change.”

Bush proposed revamping the federal budget process to shift budget-making from an annual to a biennial exercise and to require the president and Congress to agree on spending targets early in the process, to prevent government shutdowns.

Bush also said he would target wasteful spending by restoring a version of the line-item veto and installing a commission to recommend pork-barrel projects for elimination, a nod to one of the favored issues of his former rival Sen. John McCain (R-Ariz.). In addition, he proposed soothing partisan tensions by calling on Congress to approve the next president's executive and judicial nominations within 60 days.

Even on their day of bipartisanship, Bush and his supporters took a couple of partisan

shots. "All we have heard from my opponent are the familiar exaggerations and scare tactics," Bush told the crowd in Vice President Gore's home state. "Proposals he disapproves of are never just arguments; they're 'risky schemes.' This kind of unnecessary rhetoric is characteristic of the tone in Washington, D.C. It's the 'war room' mentality."

Gov. Don Sundquist (R) introduced Bush by saying of his proposals: "You're right on every one and Gore is wrong."

The likeliest opponents of Bush's proposals are members of Congress in both parties, particularly those in charge of spending legislation. Many of Bush's proposals—biennial budgeting, the line-item veto, the anti-pork commission and limiting the confirmation process—amount to a transfer of power from the legislative to the executive branch. When the House recently attempted to add a biennial budgeting proposal to a budget reform measure, 42 Republicans joined a large number of Democrats in killing it.

The Clinton administration has supported the line-item veto and biennial budgeting, and Gore advisers said most of the rest of Bush's proposals are unobjectionable. But Chris Lehane, Gore's spokesman, sought to undermine Bush's credibility as a reformer. He said that Bush promised to create an office overseeing the reform of Texas government but that, "to date, no such office has been put together."

This is the second time this spring Bush has focused a major speech on changing the tone of Washington. While some of the details in today's speech will resonate more with political insiders, the overall message, as with his earlier remarks at a GOP fundraiser in Washington, is aimed at a broader audience.

"I recognize it's a little dry, but it's a necessary reform," Bush told the crowd. "If anybody pays attention, people in Washington will pay attention." He added: "I don't see this resonating with intensity across America."

Bush said he got encouraging responses from McCain and Senate Budget Committee Chairman Pete V. Domenici (R-N.M.).

House and Senate members said Bush's ideas would get a respectful hearing on Capitol Hill, although proposals requiring Congress to relinquish power over the nation's purse strings likely would encounter resistance. As for Bush's call for cracking down on pork-barrel spending, Rep. David L. Hobson (R-Ohio), a senior member of the Appropriations Committee, said: "In the abstract it sounds good, but in the real world of government there's always going to be some of that."

Today's speech is part of a package of reform proposals. On Friday, Bush will speak about cutting the budget and making government services more efficient. Among other things, he will propose devoting the off-year in the biennial budget process to examining which government programs should be eliminated.

Biennial budgeting, used in about 20 states, including Texas and Virginia, would free lawmakers to devote more time to other duties. Bush also would write the budget in non-election years to reduce partisan tensions. He told reporters aboard his campaign plane that his proposals would "contribute to fiscal sanity." However, Bush advisers acknowledged, it would be easy for Congress to pass supplemental spending measures, even in non-budget years.

As part of Bush's budgeting proposal, he would require a joint budget resolution to be

signed by the president to provide a framework. If Congress and the president couldn't agree, they would use the president's budget or the previous year's, whichever were lower, to prevent a government shutdown. A similar process was used with continuing budget resolutions in the 1980s. The anti-shutdown provision is the one proposal that could draw serious objections from Gore. One Democrat argued that it would "put Congress on autopilot."

Bush's line-item veto provision seeks to avert the pitfalls that caused a similar measure passed by Congress to be struck down by the Supreme Court. Instead of giving the president the power to cancel spending outright, it would allow him not to release certain funds. This is similar to the "impoundment" power used by presidents until Watergate-era reforms took it away because of President Nixon's zealous use of it.

In his speech, Bush decried the "unreasonable delay and unrelenting investigation" in the approval of presidential nominations, an implicit rebuke of Senate Republicans. But he did not recommend that the Senate act on President Clinton's long-delayed appointments.

Bush said the 60-day provision should apply to whoever is the next president. But he seemed to have a pretty good idea of who that will be. "As president, I'm here in Knoxville, Tennessee," he said at one point during his speech.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is it the case we are in a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, let me have consent for as much time as I consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Mr. President, while we are waiting for the managers of the Defense authorization bill to continue—I understand they are trying to work out some arrangements on the bill itself—I wanted to make a couple of comments about an issue I intend to raise as an amendment on the Defense authorization bill. At the risk of being repetitious, which I think is probably advantageous in this Chamber, I want to speak again about the issue of using sanctions that are now being employed by the United States of America on the sale or shipment of food and medicine to other countries. Those sanctions are wrong. We ought not use sanctions on the shipment of food and medicine to

other countries. Yet we are, so far, unable to repeal sanctions on the shipment of food and medicine.

We almost got it repealed last year. Seventy Senators voted to repeal the use of sanctions by the United States on the shipment of food and medicine to other countries—70 Senators voted for that—but we went into a conference and we were hijacked, literally legislatively hijacked by the Members of the House. So we still have sanctions on the shipment of food and medicine to many parts of the world.

I also have included this year in the Agriculture appropriations bill, a repeal of the use of sanctions for food and medicine shipments. That appropriations bill will come to the floor of the Senate at some point. But I understand, procedurally, the legislative leaders can hijack it once again with a number of parliamentary approaches. I may very well be in a situation where I, Senator GORTON, who cosponsored the bill in the Appropriations Committee, Senator ASHCROFT, and others, would have a wide majority of Senators and Representatives who believe the sanctions that exist on the shipment of food and medicine to other countries in the world should be repealed. But despite the fact we perhaps have 60, 70, or 80 percent of the entire Congress who believe that, we have been unable to get it done. For that reason, I intend to offer it as an amendment on the Defense authorization bill.

Let me describe just a bit what this issue is. First of all, this is very unfair to America's family farmers. I represent a farm State. Our family farmers are told you should have the freedom to farm. That is the title of the farm bill we have—Freedom to Farm. That all sounds good except farmers don't have the freedom to sell. Our farmers raise grain and they can't sell it in Cuba, they by and large haven't been able to sell it in Iran, they can't sell it in Libya, Iraq, Sudan, North Korea—why? Because we believe these countries are operating outside the international norms. We don't like these countries. We don't like what Cuba does. We don't like the behavior of Libya or Iraq or North Korea. So we say we are going to have a set of sanctions to penalize these countries—economic sanctions. That is fine with me. I am all for creating economic sanctions to try to hurt Saddam Hussein.

But I would say this: Everybody in this Chamber knows when you take aim at a dictator by imposing sanctions on food and medicine, you aim at the dictator and you hurt hungry people; you aim at a dictator and you hurt sick people; you aim at a dictator and you hurt poor people. It is true in every one of these countries. Sanctions are fine, but we ought never include sanctions on the shipment of food and medicine.

This country needs to understand that and learn that. The legislation I

have introduced with my colleagues, Senator GORTON from the State of Washington, Senator ASHCROFT, Senator DODD, and others, is very simple. It says all current sanctions on the shipment of food and medicine shall be abolished within 180 days—gone. This country will not use food and medicine as a weapon.

Second, no President will be able to impose sanctions on the shipment of food and medicine unless he comes to the Congress and gets an affirmative vote by the Congress to do so. In other words, this ends the sanctions on the shipment of food and medicine.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. DORGAN. Of course, I am happy to yield.

Mr. WARNER. This is a subject in which I have been heavily involved, as have others. Senator DODD and I on repeated occasions have put legislation up, I presume comparable to what the Senator has in mind. I clearly associate myself with the Senate's goals.

As a matter of fact, on the authorization bill for the Department of Defense, there is a Warner-Dodd amendment which asks for the appointment of a commission, to be appointed by President Clinton, drawing on nominees from not only the President but the majority, the Democratic leader, and others in the Congress, to begin to focus on a broad range of policy considerations with regard to the relationship between the United States and Cuba. So I am highly supportive. I have listened to the Senator enumerate a few Senators, and with a lack of humility I ask my name be included among those who strongly support, as I have now for 2 years, with Senator DODD and others, the lifting of particulars. If we are to make any inroads on the Government in Cuba, it has to be done people to people. What better way than food and medicine because if there is anything that does not have the taint of politics, it should be food and medicine. So I commend my colleague.

Mr. DORGAN. The Senator from Virginia, of course, has been involved in this issue. I certainly agree the embargo has not worked. I mean, 40 years of embargo with respect to Cuba, speaking only now of Cuba, ought to tell us that when a policy doesn't work, you should change the policy—especially that portion of the policy that deals with food and medicine. It is immoral, in my judgment, for this country to use food as a weapon. It is not only unfair to our farmers—I have talked about that at some length—It is unfair to say to farmers we have the freedom to farm but not the freedom to sell. But it is immoral for this country to use food as a weapon. I want to change it.

The Senator from Virginia described the support for this. I don't know if he heard me say I intend to offer it as an

amendment on the Defense authorization bill. That will not be deemed a great pleasure by the Senator from Virginia, I am sure, but the only opportunity I have to get this done is to put it in legislation that is going to go to the President.

The legislative leaders have the opportunity in the appropriations process to strip this from the appropriations bill. They did it last year and they are going to do it this year. This year I am not going to sit back and say: That's fine; we do all this work and we get rid of the food and medicine sanctions in appropriations, only to have you hijack it in conference or with some parliamentary procedure, and at the end of the day this country still prevents the sale of food and medicine to the poor people in Cuba and Iraq and Libya. That is not something I am willing to accept. It is not going to happen anymore.

I mentioned previously I sat in a hospital in Havana, Cuba, last year when I visited Havana—sat in a hospital in an intensive care room and watched a 12-year-old boy in a coma. His mother, at a bedside vigil, was holding this boy's hand—and in an intensive care room—there was no beeping going on because there was no machinery or equipment there. This hospital had no equipment for a young boy in a coma in intensive care. The doctor at that hospital said, "We are out of 250 different kinds of medicine; we don't have it. We are just out of it."

And our country says we cannot move medicine to Cuba? We cannot sell medicine to Cuba? We can't sell food to Cuba? It doesn't make any sense to me.

I have been to many of the poor countries around the world. I do not want to be a part of a government that says we want to continue to use food as a weapon; we want to continue to use food and medicine as weapons. That is fundamentally wrong. It is a wrong-headed public policy.

Again, I say to the Senator from Virginia, I do not think he heard me. He has been a strong supporter of these issues. I have great respect for him. He will not be pleased that I intend to offer this as an amendment to the Defense authorization bill at some point. I feel I must do that because it is the only way we will get it done. The legislative leaders intend to strip this out of the appropriations process. The only opportunity for the Members of the House and Senate to express their will is to put this in a bill that is going to be signed by the President.

Do I understand the managers wish to do some business?

Mr. REID. If the Senator will be kind enough to withhold, without losing his right to the floor, we have a unanimous consent agreement we would like to have entered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. As in executive session, I ask unanimous consent the Senate, at 11 a.m., immediately proceed to consider the following nomination on Executive Calendar: The nomination of Gen. John Gordon to be Under Secretary for Nuclear Security, Department of Energy, with the time until 11:30 to be equally divided between myself and the ranking member.

I further ask unanimous consent that a vote occur at 11:30 this morning on confirmation of the nomination of General Gordon, the motion to reconsider be laid on the table, any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

I further ask unanimous consent that no later than July 12, 2000, the Senate proceed to executive session for the consideration of Calendar No. 473, the nomination of Madelyn Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. I further ask consent that there be 2 hours for debate, equally divided in the usual form. I finally ask consent that following the use or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, the President be notified of the Senate's action immediately following the vote, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection, Mr. President. We support this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, just further administrative observation by myself, I thank the distinguished colleagues on the other side for trying to work it out such that at some point this morning Senator LEVIN and I may move to consideration of 40 or more cleared amendments on the Defense authorization bill. I know every effort is being made to achieve that procedural opportunity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, that effort would be made, as I understand it, immediately following the vote on the confirmation of General Gordon. I am just wondering if that is accurate, so we can inform our colleagues who have an interest in this that the effort which the Senator from Virginia, the manager of the bill, has just described would occur immediately following the vote on the confirmation of General Gordon.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. President, I ask for the yeas and nays on the Gordon nomination at this point.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I apologize to my friend from North Dakota. I hope during the next hour and 15 minutes we can also make some progress toward getting rid of a number of the amendments, in addition to those cleared. I hope we can move in an orderly fashion to dispose of the Smith amendment, as amended. We can move forward and give Senator DODD an opportunity to move forward with what he desires to do.

In effect, I hope we can do more than just deal with cleared amendments. The arrangement between Senators LOTT and DASCHLE is that we would have the right on a subsequent piece of legislation to legislate. That is what we want to do. We have cooperated. We have moved expeditiously in getting rid of that very large Defense appropriations bill in a matter of a day and a half. I hope in the next hour and a half we are able to come up with a formula whereby we move to the legislative authorization bill and do some legislating.

Mr. WARNER. Mr. President, I will consult with my distinguished leader on that subject.

Mr. DORGAN. I wonder if the Senator from Virginia will yield for a question.

Mr. WARNER. Yes.

Mr. DORGAN. Mr. President, I agree with the comments that were made, and I know the desire is to move the Defense authorization bill forward with some dispatch. I indicated previously that I intend to offer an amendment dealing with sanctions on food and medicine. There are national security issues which have compelled us to impose sanctions, which include food and medicine, on countries.

We have debated this at great length. We had 70 votes for this policy last year in the Senate. Seventy percent of the Senate said they want to strip out food and medicine sanctions. We also have this in our appropriations bill, but I understand the legislative leadership is going to strip it out, and they have the capability from a parliamentary standpoint to do that.

The only option for those of us who want to get this policy done is to put it in a bill that is amendable, like this bill. It is my intention to offer an amendment. I will accept a short time limit when I do so. It is not my intention to hold things up. This has been debated at great length, and 70 percent of the Senators said we want to end sanctions on food and medicine with respect to sanctions that exist around the world.

Mr. WARNER. Mr. President, I advise my distinguished colleague of the fol-

lowing situation: One of the amendments pending at the desk is a Warner-Dodd amendment which establishes a Presidential commission to examine the overall policy between the United States and Cuba. It is my intention, if the parliamentary situation develops and I can do this, to ask that that amendment be withdrawn.

I do that with the greatest reluctance, but I have an obligation as manager of this very critical piece of legislation, the annual authorization for the Armed Forces of the United States, to compromise in my own objectives. One of them, of course, is to support the Senator's goals and to support the establishment of a commission. I have to do that because two colleagues, very respectfully, in a very friendly and forthright manner, told me that if the Warner-Dodd amendment remains on the authorization bill, we can anticipate—and I use the magic words—a prolonged debate on the Warner-Dodd amendment. That prolonged debate, I have to interpret, is a means by which to deprive the ability of the managers to move forward in an expeditious manner on the authorization bill.

In recognition of that, I have indicated to my two distinguished colleagues and good friends that I am going to withdraw my amendment, if I can, from a parliamentary standpoint. I can only anticipate those two Members, and indeed probably others, will indicate to the managers that should the distinguished colleague from North Dakota desire to offer that amendment, whether it is today or at some future time that will be available, we can anticipate prolonged debate on the armed services authorization bill. That is as much as I can say at this point in time.

Mr. DORGAN. Mr. President, I understand that. The two managers, Senator WARNER and Senator LEVIN, are doing a remarkable job of trying to move this legislation forward. It is not my intent to cause difficulties, but I do not want one or two Senators holding up the will of 70 percent of the Senate, saying this country ought not use food and medicine in sanctions anymore.

If I were assured by somebody that the efforts we have underway—Senator ASHCROFT, myself, Senator GORTON, Senator DODD, and others—to strike these sanctions of food and medicine in other pieces of legislation that are coming to the floor were somehow protected, that would be one thing. It is quite clear to me, and the leadership said to me publicly: We intend to dump them; it does not matter how many people support it, we intend to dump them, get rid of them.

The only opportunity I have is to force my way into this bill. If we have an up-or-down vote on this, 70 percent of the Senate and 70 percent of the House says this country will never use sanctions on the shipment of food and

medicine, which is wrong, and the only chance I have to do that is on a piece of legislation such as this.

As my colleague knows, we seldom have a piece of legislation on the floor that is open for amendment. This one is. I give the Senator my assurance that we do not need long debate on this at all. We can debate this in a very short order because we had extensive debate last year. Seventy Senators said let us not any longer use food and medicine on sanctions.

Mr. WARNER. The distinguished Senator knows the rules of the Senate, and further I sayeth not.

Mr. LEVIN. Mr. President, I wonder if my friend from North Dakota will yield.

First, I join Senator WARNER in thanking him for allowing, with such graciousness, as always, the interruption of his presentation.

Secondly, he has a very important amendment. It is an amendment on which this Senate has voted, and this vehicle is a perfectly legitimate vehicle for legislation. It is one of the few opportunities we have for legislation. It is because there are such few opportunities that it has attracted this many potential amendments. I do not think anyone needs to apologize for that.

Senator WARNER—the way he works so well—and I will attempt to work with him and attempt to accommodate Senators who wish to offer amendments to this legislation. They need no apologies. We will try to work through it.

I thank the Senator from North Dakota for not just intending to offer an important amendment again, but being willing to take a very short time agreement on it, which means we can move the bill along.

Mr. WARNER. Mr. President, my good friend from Michigan and I have a responsibility to get the bill passed. I have been discouraging, as best I can, colleagues from bringing to the floor amendments which are not clearly germane to the central purposes of the annual authorization bill.

I hope I am not interpreting his comments as inviting, in contrast to my discouraging, such amendments. It is going to take a joint effort.

I commend our distinguished colleague, Senator REID of Nevada. He has been most helpful, and Senator LOTT on my side has supported me in trying to get this bill moving. As a matter of fact, Senator LOTT has given us this time this morning. He has represented to me he will try henceforth to give us time in between appropriations bills, which understandably is the prime function of the Senate.

Please, let us not encourage matters by way of amendment which are not clearly germane to this bill.

Mr. LEVIN. If my good friend will yield for a comment on that, I happen to share with him the desirability of

moving this bill, but I also understand the need of colleagues to offer legislation in the Senate. That is why we are here.

The way I would accomplish the goal which the good Senator from Virginia has just laid out—a goal I share—would be to encourage colleagues who feel strongly about amendments, as the Senator from North Dakota does, and understandably so, to agree to short time agreements. The shorter the time agreement we can get on some of these amendments, particularly amendments which have been debated for a long time before, is a way in which we can expedite the passage of the bill, and that is the way in which I think effectively we can do that.

Mr. WARNER. We ought to conclude this saying no matter how laudatory it is to get short time agreements, practically speaking I can think of several amendments on our side which will not be given short time agreements on the other side and reciprocally is the situation. We ought to stick to the premise of bringing up those matters that are germane.

Mr. LEVIN. I can think of amendments on both sides that could require extensive debate, but there may be occasions where cloture is an appropriate way in this Senate. We have rules for that. With some of these amendments which have been waiting to be offered for so many months, I think the best way to do it is deal with them within the rules of the Senate. Happily, this is not one of those amendments. We should not in any way suggest the amendment of the Senator from North Dakota is involved in that particular issue. He is willing to take a short time agreement. I think we ought to put that in the bank, get this amendment up early, and dispose of it.

Mr. WARNER. Mr. President, given the shortness of the hour, we should yield the floor so our colleague can finish. Perhaps there are others who wish to speak, too.

SANCTIONS IN FOOD AND MEDICINE—Continued

Mr. DORGAN. Mr. President, if I might continue, let me again speak of my admiration for the two managers. This isn't a case, however, of being either encouraged nor discouraged with respect to amendments. It is about the rules of the Senate. And I know the rules. I have the right to offer the amendment, and I will do that, but I will do that with consideration to the two managers, understanding that they have a job to do to try to get this bill out. So I will do it in a manner that says, let's have a reasonable time agreement.

But this is about national security. The reason we have imposed sanctions on other countries is because we have national security interests about the

behavior of these countries. And if, in the interest of national security, we have said this country shall continue to impose sanctions on the shipments of food and medicine, then I say this country is wrong, and we must change the law.

We had been close to changing the law last year but failed, because there are only a few people—a handful of people; determined people—in the Congress who insist that they want to continue using food and medicine as a weapon.

The absurdity of it, of course, is that Saddam Hussein has never missed a meal. Does anybody think Saddam Hussein has ever missed breakfast because we are not able to send much food to Iraq? Does anybody think that Fidel Castro has missed dinner because we have imposed sanctions on the shipment of food to Cuba? If either of them take medication, do you think they miss their daily dose of medication because we have sanctions? Of course they have not missed either dinner or medication. Saddam Hussein and Fidel Castro do just fine, thank you.

It is hungry people, sick people, and poor people who live in their countries who are injured by this. It is not the best of America to say we want to include sanctions on the shipment of food and medicine to other parts of the world because we are concerned about the behavior of their leaders. That is not the best of what America has to offer.

There are a couple of reasons I have to describe this issue in such repetitive terms. One is, I represent a farm State. Our family farmers say all the time: You tell us to go operate in the open market, to produce our grain and then go sell it in the open market. We have these folks who created this farm program called Freedom to Farm, but some of them have forgotten there also ought to be a freedom to sell. What about the ability to sell that grain to these countries?

There are \$7.7 billion in agricultural sales—nearly 11 percent of all the wheat purchases in the world—by the countries with which we have sanctions. So we say to farmers: You have the freedom to farm, but you do not have the freedom to sell. You cannot move your wheat to Cuba. We will let Cuba buy its wheat from other countries—from Europe, from Canada, from Argentina. They all sell, but the United States will not.

Farmers have the legitimate right to ask the question: Why? Why would you do this to family farmers? Why would you penalize family farmers by making so much of the world's wheat market and so much of the world's grain market off limits to family farmers?

This chart shows a list of farm groups that support lifting the sanctions on food and medicine. It is a list that includes virtually all of them. I do

not know of any farm group that thinks this policy is smart, thoughtful, or reasonable. Every farm organization in the country representing family farmers believes we ought to discontinue using food as a weapon.

What about medicine? Dr. Patricia Dawson, a breast surgeon from Seattle, WA, Providence Hospital, says:

The embargo appears to have a disproportionate impact on women and children by limiting access to new medications and technology.

In every one of these countries with which we have sanctions, I bet you will find a disproportionate impact on women and children. If anyone has the time, go talk to Congressman TONY HALL who went to North Korea and came back and made the report about hunger and malnutrition in North Korea. See what is going on in that country. Then ask yourself: Does it make any sense at all for this country to withhold food shipments to North Korea, or anywhere for that matter? The answer is a resounding no, of course not.

As I indicated when I started, there are two reasons for me to believe so strongly about this. One, this country has developed a policy that is wrong at its core. It is wrong for America. It is wrong for our family farmers. It is morally wrong, in my judgment, for a country that is the breadbasket of the world and produces such a prodigious amount of food to be telling other countries that, by the way, we will use our food in a punitive way if you do not behave. Mr. or Mrs. Leader of Another Country, we will decide that food is off limits to those who want to purchase commodities for your country.

What on Earth could provoke a country such as ours to believe that is a smart, sensible, or reasonable policy? It is not reasonable. It is not moral.

From a more selfish standpoint, I would say it is not fair to our family farmers. This morning someplace in my home State of North Dakota there is a family farmer who is driving a load of grain to a country elevator someplace. When that farmer gets to the country elevator, that farmer is going to be told that the food he produced—starting in the spring, gassing up the tractor, plowing a straight furrow, planting some seeds, and hoping and praying that seed is going to grow; and when it grows, finally being able to come out with a combine and harvesting the crop, and putting it in the bin, and then putting it in the truck, and then the elevator—that farmer is going to be told at the elevator that the food he produced from the work he did has no value; that food is food that does not have much value for the world at all.

So the price is collapsed. And the farmer scratches his or her head and says: I don't understand that. We have more than half a billion people going to

bed with an ache in their belly because they didn't have enough to eat yesterday. Every single minute, up to eight children, die—every single minute—because of the winds of hunger around the world. Yet our farmers are told somehow their food does not have value, and those poor people who live in these countries—Cuba, Iran, Libya, North Korea, Sudan, and Iraq—are told American food, by the way, is off limits to you because we do not like the way your leaders behave.

So you poor folks in those unfortunate countries, you can't do much to kick Saddam Hussein out of Iraq, but we can prevent you from having access to American food. You can't even buy it.

That is just wrongheaded public policy. I intend to change it. As I indicated, Senator GORTON from Washington cosponsored the amendment I offered on the Agriculture appropriations bill. Senator ASHCROFT offered a nearly identical amendment on the floor of the Senate last year. The Senate will be dealing with this.

Finally, as I conclude, I say to those Senate leaders who believe they are going to be able to strip it out of the legislation this year, strip it out of the appropriations bill where I added it to the Agriculture appropriations bill, I am not going to let you do that. You might have the capability of stripping it out of that bill. I have the capability and the right on the floor of the Senate to add it to this bill.

Some say they don't want to do it because it does not pertain just to defense. It pertains to national security. I have a right under the rules to add it. I have to get a vote on it, but I have every right to offer it as an amendment. I intend to offer it. I will accept a short time agreement, but I intend that this Congress, with a wide majority of Senators and Representatives, will support this. I intend that this Congress will not be hijacked by a handful of legislative leaders who are trying to protect a dinosaur of a policy that represents the worst of America—the use of food and medicine as a weapon in economic sanctions.

So if we have not gotten a decade past that mentality then something is fundamentally wrong with this country. This country should stand up for its family farmers, first, to say that you have the freedom to sell; and, second, it ought to stand up as a world leader to say that we will not use food as a weapon. Poor people around the world, people who live in countries that need our food, have the right to buy it, have the right to expect it, and have the right to have access to it under a range of programs. This country should no longer penalize those poor people and those hungry people.

I came to the floor as I saw there was a morning business opportunity just to say to the two managers—I like them,

they are good friends; and they will grit their teeth and wring their hands and mop their brows—but I intend to offer this amendment. I have a right to do so.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GENERAL JOHN A. GORDON, U.S. AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Gen. John A. Gordon, which the clerk will report.

The legislative clerk read the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

If no one yields time, time will be charged equally to both sides.

The distinguished Senator from Virginia.

Mr. WARNER. I thank the Chair. Under that ruling, without objection on my part, time will be charged equally to both sides.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, momentarily, we will vote on the nomination of a very distinguished citizen of our country. I want to elaborate in these few minutes about his distinguished career.

We know he has been nominated to be the first Under Secretary for Nuclear Security, as well as the first administrator of the National Nuclear Security Administration at the Department of Energy. We are all familiar with General Gordon's record. He took on many challenging assignments over these years in the Department of Defense and currently is Deputy Director for the Central Intelligence Agency.

I would like to go back and give a brief history of the establishment of the National Nuclear Security Administration and the position for which General Gordon has been nominated.

The Administration was established by title 32 of the National Defense Au-

thorization Act for fiscal year 2000. That consolidated all of the national security functions of the Department of Energy under a single, semi-autonomous organizational unit. This reorganization represents the most significant reorganization of the Department of Energy in more than 20 years.

The Congress did not take this action lightly. We established this new entity in response to a multitude of reports and assessments which called for changes in the Department of Energy's "dysfunctional" organization structure. The reports include the 1997 "120-day study" issued by the Institute for Defense Analysis, the 1999 Chiles Commission report, and the 1999 Foster Panel report—just to mention a few. However, the most compelling report was issued by President Clinton's Foreign Intelligence Advisory Board in June 1999. That bipartisan report stated that:

... real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

The President's Foreign Intelligence Advisory Board went on to make the following recommendations to the President and Congress, (1) create a new semi-autonomous agency and (2) streamline the management of the DOE weapons labs management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries. The committee was very careful to fully implement the President's Foreign Intelligence Advisory Board's bipartisan recommendations, exactly as they were presented to President Clinton.

The overarching goal was to establish, for the first time in many years, a clear chain of command for the Department's national security programs. Some disagree with the final product, but I believe we accomplished that goal. It is now time for General Gordon to make this new entity work.

I have been trying for some weeks to get this nomination up. Just think: Last year, we passed structural reforms. It was signed into law by the President. And here we are almost a year later—just today—about to confirm the President's nominee to head this new entity.

We have vested a considerable amount of authority in the Administrator of the National Nuclear Security Administration; that is, General Gordon. We trust that he will use it in the best of U.S. national security.

I have come to know this fine man very well over the months that I have worked with him in connection with this nomination. I can tell the Senate without any equivocation that I do not

know of a more qualified person, a man whose background, whose achievements, whose every step in life better qualifies him, including a character I think that is beyond question, to take on this important responsibility.

With regard to some details about him, the general entered the Air Force through the Reserve Officer Training Corps Program in 1968.

His early assignments were in research and development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile—ICBM—and in developing and acquiring the Peacekeeper ICBM. He served with the U.S. Department of State in the politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He served in the National Security Council in the areas of defense and arms control, including oversight and completion of START II negotiations. The general then became senior member of the staff of the Secretary of Defense, and later the Director of Operations, Air Force Space Command, responsible for overseeing and developing policy and guidance for the command's operational missions.

Mr. President, I ask unanimous consent to have printed in the RECORD the biography of General Gordon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY—GENERAL JOHN A. GORDON

General John A. Gordon is deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

The general entered the Air Force through the Reserve Officer Training Corps program in 1968. His early assignments were in research, development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile (ICBM) and in developing and acquiring the Peacekeeper ICBM. He was a long-range planner at Strategic Air Command and served with the U.S. State Department in politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He has served with the National Security Council in the areas of defense and arms control, including the oversight and completion of the START II negotiations. The general then became a senior member of the secretary of defense's staff and later, the director of operations, Air Force Space Command, responsible for overseeing and developing policy and guidance for the command's operational missions. He also has served as special assistant to the Air Force chief of staff for long-range planning, where he was responsible for restarting and integrating a long-range planning process into the Air Force. Prior to assuming his current position, he was associate director of central intelligence for military support, Central Intelligence Agency.

EDUCATION

1968 Bachelor of science degree with honors in physics, University of Missouri, Columbia.

1970 Master of science degree, Naval Postgraduate School, Monterey, Calif.

1972 Master of arts degree in business administration, New Mexico Highlands University, Las Vegas.

1975 Squadron Officer School, by correspondence.

1978 Air Command and Staff College, by correspondence.

1986 Air War College, Maxwell Air Force Base, Ala.

ASSIGNMENTS

1. July 1968–June 1970, graduate student, Naval Postgraduate School, Monterey, Calif., and Wright-Patterson Air Force Base, Ohio.

2. June 1970–June 1974, physicist, Air Force Weapons Laboratory, Kirtland Air Force Base, N.M.

3. June 1974–April 1976, research associate at DOE, Sandia Laboratories, Albuquerque, N.M.

4. April 1976–February 1979, long-range planner, Headquarters Strategic Air Command, Offutt Air Force Base, Neb.

5. February 1979–August 1980, staff officer, research and development, Headquarters U.S. Air Force, Washington, D.C.

6. August 1980–May 1982, executive assistant to the undersecretary of the Air Force, Washington, D.C.

7. May 1982–January 1983, deputy director, Office of Policy Analysis, Department of State, Washington, D.C.

8. January 1983–July 1985, office director for strategic nuclear policy, and director for defense and arms control matters, Bureau of Politico-Military Affairs, Department of State, Washington, D.C.

9. July 1985–July 1986, student, Air War College, Maxwell Air Force Base, Ala.

10. July 1986–June 1987, assistant deputy commander for maintenance, 44th Strategic Missile Wing, Ellsworth Air Force Base, S.D.

11. June 1987–May 1989, vice commander, then commander, 90th Strategic Missile Wing, Francis E. Warren Air Force Base, Wyo.

12. May 1989–January 1993, special assistant to the president for national security affairs and senior director for defense policy and arms control, National Security Council, Washington, D.C.

13. January 1993–June 1994, deputy undersecretary of defense and chief of staff for policy, Department of Defense, Washington, D.C.

14. June 1994–September 1995, director of operations, Headquarters Air Force Space Command, Peterson Air Force Base, Colo.

15. September 1995–September 1996, special assistant to the chief of staff for long-range planning, Headquarters U.S. Air Force, Washington, D.C.

16. September 1996–October 1997, associate director of central intelligence for military support, Central Intelligence Agency, Washington, D.C.

17. October 1997–present, deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

MAJOR AWARDS AND DECORATIONS

Defense Distinguished Service Medal with oak leaf cluster.

Defense Superior Service Medal.

Legion of Merit.

Defense Meritorious Service Medal.

Meritorious Service Medal with oak leaf cluster.

Air Force Commendation Medal.

EFFECTIVE DATES OF PROMOTION

Second Lieutenant Jun 4, 1968.

First Lieutenant Dec 4, 1969.

Captain Jun 4, 1971.

Major Sep 1, 1979.

Lieutenant Colonel Nov 1, 1981.

Colonel Dec 1, 1985.

Brigadier General Jun 1, 1992.

Major General May 25, 1995.

Lieutenant General Sep 20, 1996.

General Oct 31, 1997.

(Current as of September 1998).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I join with Senator WARNER in supporting the President's nomination of Gen. John Gordon to be the Under Secretary for Nuclear Security in the Department of Energy, and the first administrator of the new National Nuclear Security Agency in the Department of Energy.

General Gordon is an excellent choice to fill this very demanding position. General Gordon has served his country for more than 30 years, most recently as the Deputy Director of the Central Intelligence Agency. He was recommended for this position by a panel of highly qualified experts headed by former Deputy Secretary of Energy Charles Curtis.

It is hard to imagine an individual with more experience than General Gordon with all aspects of the nuclear forces of the United States. During his long and distinguished career in the United States Air Force, General Gordon worked in the research and development of nuclear weapons programs as a physicist and technician; he is familiar with the operational requirements of our nuclear forces from his tours of duty with U.S. strategic missile forces, including service as vice commander and commander of a Strategic Missile Wing; and he worked at the highest policy levels of the Executive Branch during his four years on the National Security Council as special assistant to the President for national security affairs and senior director for defense policy and arms control.

Upon confirmation, General Gordon will take on one of the most challenging assignments in the federal government. The Administrator of the new National Nuclear Security Administration is responsible for maintaining the safety and reliability of our nation's nuclear warheads; for addressing security problems that continue to undermine public confidence in the Department of Energy; for managing the Department of Energy laboratories; and for cleaning up some of the worst environmental problems in the country.

Moreover, the Administrator will face these assignments as the head of an agency so plagued with "convoluted, confusing and contradictory" reporting channels that the President's Foreign Intelligence Advisory Board last year characterized the entire Department of Energy as a "dysfunctional" organization. Although I believe that some of the legislation Congress has passed and is currently considering will make General Gordon's job harder and not easier, I pledge to work with General Gordon, Secretary

Richardson and my colleagues in the Congress to do everything I can to give General Gordon the support he will need to be successful in this demanding job.

I think all of us appreciate General Gordon's willingness to serve his country on this continuing basis and to take on a very difficult assignment.

I yield the floor.

Mr. ALLARD. Mr. President, I rise today to show my support for General John Gordon to be the Director of the National Nuclear Security Administration or the NNSA. But before I do that, I need to mention a related item, the lack of security protections at the Los Alamos lab.

On Monday, June 12, the New York Times reported that computer hard drives containing valuable nuclear weapons data and other highly sensitive information were found missing from the Los Alamos National Laboratory on May 7th. These classified hard drives were stored in locked containers in a vault at the weapons X Division at the lab. The containers were found but the hard drives are gone. According to reports, the material missing is American nuclear weapons data that the Nuclear Emergency Search Team needs to disarm nuclear devices during emergencies. Also missing is the intelligence information on the Russian nuclear weapons program. To make matters worse, the Lab did not begin an intensive search until May 24. I realize that a fire was raging in the area and that people were focused on that, but to wait that long makes little sense. I understand that the law now requires that any such incident must be reported to the Department of Energy within 8 hours. Finally, DOE headquarters was informed of the missing data on June 1.

While it may seem premature to speculate foul play, I must say that neither DOE nor the Administration have a strong track record in the area of safeguards and security. Unfortunately, this is not the first incident of lax security during this Administration.

Here are just a few of the reported incidents.

March 1999—It was determined that the Chinese had penetrated Los Alamos Laboratory and stole our nuclear secrets.

Last December—A Russian diplomat is ordered to leave after a microphone transmitter is discovered on the 7th floor of the State Department, only a short walk from the office of Secretary Albright.

Then there is the case of the missing laptops at the State Department and the situation with the former CIA Director John Deutch, who since has lost all his clearances, of mishandling classified information.

While not all these cases are related to the newly created NNSA, they do

show that a new attitude and new ethic must be incorporated into this Administration. We have had too many problems at too many places.

That is why I am glad that General Gordon is finally being voted on by this Senate. I am sorry that this vote took so long to take place. This vote was objected to by some who wanted to get a better deal on a few items in the Defense authorization bill relating to the NNSA. It was my belief there would be obstacles in this job, but I never believed it would happen before he got to the NNSA. However, now that the objection to General Gordon's nomination has been lifted, we can finally move this nomination. Gen. Gordon's position is far too valuable to be made a political pawn and the latest incident at Los Alamos proves that.

Also, I let him know that I don't expect miracles, I just expect our national security be treated as such. No longer should science and personnel matters outrank security. We must change this culture and I believe that General Gordon is the right person for this job. I want to thank General Gordon for his dedication and commitment to his country and for serving in this new position.

Lastly, Mr. President, I look forward to the hearings on the latest incident at the lab. For too long I have heard this administration crowing that they are taking care of the security problems, but this latest incident shows that their actions don't match their words. While this administration crowed they attempted to undermine what Congress had done last year to strengthen security in the Department of Energy through amendments in the Strategic Subcommittee of the Armed Services Committee. As chairman of that committee I was appalled at the action of Democrat members of the committee as well in their attempts to stop the nomination of General Gordon. We must and will get to the bottom of our nation's security problems.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time having expired, the question is, Will the Senate advise and consent to the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr.

REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—97

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Edwards		

NOT VOTING—3

Moynihan Reed Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT. Mr. President, we are discussing an agreement as to how to proceed. We need to actually get it typed up where everybody can review it. I say to Senator DASCHLE, I will make some remarks commending the gentleman's movement to South Carolina. I thought he might want to join me in that. I will take some leader time to do that while we get the final look at the agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JIM TALBERT'S RETIREMENT FROM SENATE

Mr. LOTT. Mr. President, let me make a very important correction. The gentleman I am going to speak about briefly is going to be moving to South Dakota, not South Carolina. He obviously likes cooler weather and not hot weather. He deserves to be able to go

wherever he chooses after the great service he has provided to the Congress.

I want to take a moment to say goodbye on behalf of the Senate to a man we know quite well. I know Senator DASCHLE is going to join me in this and make some comments, either in a few minutes or later. I am talking about Jim Talbert, who is Superintendent of the Senate's Periodical Press Gallery and is retiring this week after 32 years of service.

Jim and I came to the House of Representatives in the same year, 1968. He was hired in the House Daily Press Gallery, and I was hired as an aide to then-Congressman Bill Colmer, chairman of the Rules Committee. Twenty-three years and five Speakers later, Jim crossed the DMZ in the Capitol to the Senate to be Superintendent of the Periodical Press Gallery.

Early on, Jim figured out what it took to get things done around here: know the rules. He knew them. That is why he became such a valuable resource. His expertise on congressional procedure is widely recognized and consulted by rookie reporters, veteran correspondents, and, yes, even by an occasional Senator or House Member who knows that he spent those many years in the House. His generosity in sharing his knowledge and time has brought him a great many friends on the second and third floors of this Capitol.

I have a letter from the Executive Committee of Correspondents that describes in the reporters' words all Jim has accomplished on their behalf in the Senate. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
SENATE PERIODICAL PRESS GALLERY,
Washington, DC, June 7, 2000.

JIM TALBERT,
Superintendent, Senate Periodical Press Gallery, U.S. Senate, Washington, DC.

DEAR JIM: The Executive Committee of Correspondents conveys its gratitude on behalf of the more than 250 publications and 1,700 reporters who benefited from your nine years as superintendent of the United States Senate Periodical Press Gallery.

The transformation you have made running the press gallery has been nothing short of historic. The gallery has never operated in a more professional manner. The gallery staff was never better educated about the legislative process nor more knowledgeable of what is happening at any given moment on the Senate floor. Reporters never had a better opportunity of snagging a seat and testimony at a crowded hearing. Functions such as accrediting reporters and publications never operated in a more even-handed, efficient manner.

During your tenure, there was never a doubt that a reporter calling the gallery to ask about pending legislation would get an immediate and informed answer.

You deserve credit for what you have accomplished. You also earn our praise for leaving in your wake a highly trained and

motivated staff. The personal zeal you displayed in understanding the often complicated legislative process was infectious and you were a good teacher.

While replacing Jim Talbert is out of the question, since you certainly are one of a kind, the mark you leave on the gallery will remain long after you enter your well-deserved retirement. The seeds you sowed will help reporters covering Congress for years to come.

We wish you and Judy a happy retirement to South Dakota filled with good health and mild winters.

Sincerely,

RICK MAZE,
Chairman.
CHERYL BOLEN,
Secretary-Treasurer.
RICHARD E. COHEN.
JAY CARNEY.
HEIDI GLENN.
AMY BORRUS.
TIM CURRAN.

Mr. LOTT. While Jim no longer will be toiling with us every day, he is keeping his favorite jobs: husband, father, and grandfather. I am a little envious, to tell the truth. He and his wife, Judy, whom he met while working in the Capitol, are moving to her native South Dakota.

It is typical of Jim that he didn't want a big bang, a big fuss over his departure. But we couldn't let him go without first wishing him well and saying, "Thanks, Jim. You have earned it."

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader in his commendation of an extraordinary part of this wonderful institution. Jim Talbert, as the majority leader has indicated, is retiring at the end of this week as the Superintendent of the Senate Periodical Press Gallery. He is one of hundreds of members of our Capitol family whom C-SPAN viewers never see but without whom this institution would simply not function. He has served Congress with distinction for 32 years.

Born on February 22, 1943, in Washington, D.C., he has resided here all of his life. He graduated from the University of Maryland with a degree in journalism in 1964 and began his career on Capitol Hill in 1966, covering politics for the Timmons News Service.

In 1968, he joined the House Daily Press Gallery where he worked for 23 years. Much to our good fortune, he came to the Senate in 1991 as the Superintendent of the Senate Periodical Press Gallery. The periodical gallery is one of three press galleries in the Senate. It is the nerve center for Capitol Hill reporters representing national and local magazines and newsletters. More than 1,700 journalists representing 250 different news organizations are credentialed to use the Periodical Press Gallery to file stories, stay in contact with home offices, and get information on Senate activities. As head of the periodical gallery, Jim approves credentials for reporters cov-

ering Capitol Hill. He acts as a liaison between the press and Senate staff and keeps up-to-the-minute information on what is happening on the Senate floor.

Reporters do not turn to Jim simply for information about where a press conference is being held or when a bill might be coming to the floor. They also depend on his vast knowledge of Senate history and legislative procedure to make sense of our sometimes confusing parliamentary rules. He is a professional, an efficient and fair-minded person in carrying out all of his duties. He is also generous and always has a humorous story to share.

While his departure will have reporters scrambling to find a good source on Senate procedure, he can leave knowing that the periodical gallery staff he has worked so hard to train is committed to maintaining his same high standards.

Besides his retirement, Jim will celebrate another happy milestone this year. In 1995, Jim was diagnosed with throat cancer. In his 5-year fight to beat cancer, he endured several rounds of radiation treatment and surgery and missed only 1 month of work. Recently, Jim was declared cancer free.

Finally, I always sensed that there was something unusually wise about Jim. That hunch was confirmed recently when I learned that he and his wife, Judy, will be moving to her hometown, Brookings, SD, home of South Dakota State University. I can't think of a better place to retire. I am glad to call them constituents and look forward to seeing them many times in my State and now their State.

I wish Jim and Judy well. Jim has served this Senate with dedication and distinction. I look forward to being able to serve with him, for a change, as his Senator. I wish him and Judy all of the best as they begin their new life in South Dakota.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senator from Virginia be recognized to offer a series of cleared amendments to the pending DOD authorization bill, and following the disposition of the 41-plus cleared amendments, the DOD authorization bill be laid aside and that the Senate then turn to the House Transportation appropriations bill and the Senate bill be immediately offered as an amendment in the nature of a substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I also had intended to ask consent that when the Senate resumes the DOD bill, the Smith amendment be laid aside and Senator DODD be recognized to offer his amendment regarding a Cuba commission. I am informed that Senator MCCAIN would object to that, but I assure Senator DASCHLE and Senator

DODD and Senator MACK and Senator LEVIN and Senator WARNER, everybody, we will keep working to see if we can get this done. I think that is what we should do.

We are going to go back to DOD authorization in the morning in some form. Everybody is wanting to get in line or get their position first, or they don't want us to allow that second-degree slot to be opened, I guess, to the Smith amendment. Others want it to be open. It is kind of complicated. A lot of Senators are invoking their rights. They have a right to do that.

I do plead with the Senate, Republicans and Democrats, to work with us to try to get our appropriations bills done. I am going to continue to try to keep my word. Senator DASCHLE is working with me, and Senators are co-operating on both sides to come back to make progress on the Department of Defense authorization bill.

We were prepared to go to the Murray amendment, which is germane to the Defense bill. It is a Defense amendment. But I believe Senator FEINGOLD or somebody objected to that. We will keep working here. I think we can work through this in a way that will allow us to come back to the Defense authorization bill and deal with Defense-related amendments, which is what I prefer. It is our national security we are talking about. But there are amendments that Senators on both sides of the aisle want to offer that are not germane. We will try to find an orderly way in which to do that.

At this point, I am advised that there will be objections on this side on one approach and on that side on another approach. Let's keep working to find a way to get this done.

Mr. DASCHLE. Mr. President, I just urge the cooperation of all Senators. The only way this dual track is going to work is if we can accommodate each other's needs. That is what generated our agreement to address both bills in this fashion. Senators on both sides want to be accommodated. They have amendments to offer. This allows for that process to continue—to allow amendments on Defense authorization in the morning up until early afternoon, and then to take up appropriations in the afternoon—so that we can work through the appropriations bills that we know we must get done.

We will be unable to go to appropriations bills in the future if we can't continue to accommodate each other's needs. I think this is working well. I hope we can continue to work well to work off the list of amendments. Senator REID does his magic with our list, and I know we have our colleagues on the other side who are attempting to do the same there. But we ought to have these votes and debates. I think it is good for the country and good for the institution to be able to have the opportunity to debate some of these

issues. That is what we are doing, and that is why you see the cooperation you have this week.

I yield the floor.

Mr. LOTT. Mr. President, one of the reasons Senator DASCHLE and I decided to try to proceed on this dual track, trying to work on the Defense authorization bill in the morning and appropriations bills in the afternoon—it was Senator DASCHLE's suggestion that we do that for the very purpose we are achieving here. It keeps people focused. Out of sight, out of mind. If we were not trying to come back to DOD authorization, everybody would go off to committee hearings and other work and would not focus on trying to get an orderly way to do it. So while it is not agreed to yet, it is exactly what we had in mind—to make everybody understand we are going to keep trying to do the Transportation appropriations bill, and we are going to focus on amendments and try to get order and process to go back to the Department of Defense authorization.

JOHN WARNER and Senator LEVIN, the two managers of this legislation, are trying very hard to find a way to work through this maze that they are faced with to get a Defense authorization bill for the national security of our country. Senator WARNER, working with others, has 41 amendments that we can clear. At that rate, in 2 or 3 days, maybe we can eliminate a couple hundred amendments. So we will keep trying to do that.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENTS NOS. 3382 THROUGH 3424, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the desk en bloc, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3382 through 3424, en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, that the motions to reconsider be laid upon the table and, finally, that any statements relating to any of these individual amendments be printed in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered. The amendments (Nos. 3382 through 3424), were agreed to en bloc as follows:

AMENDMENT NO. 3382

(Purpose: To clarify the duties of the Chief of Naval Research as the Navy's manager of research funds)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

“(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.”; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy's basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking “(a)(1)” and inserting “(a)”.

AMENDMENT NO. 3383

(Purpose: To provide, with an offset, \$5,000,000 for research, development, test, and evaluation Defense-wide for the Strategic Environmental Research and Development Program (PE603716D) for technologies for the detection and transport of pollutants resulting from live-fire activities)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by \$5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by \$5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

AMENDMENT NO. 3384

(Purpose: To increase by \$45,000,000 the amount authorized to be appropriated for environmental restoration of formerly used defense sites and reduce defense-wide operations and maintenance accounts by \$45,000,000 for mobility enhancements)

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, \$231,499,000.

On page 54, line 16, strike “\$11,973,569,000” and insert “\$11,928,569,000”.

AMENDMENT NO. 3385

(Purpose: To set aside for weatherproofing of facilities at Keesler Air Force Base, Mississippi, \$2,800,000 of the amount authorized to be appropriated for the Air Force for operation and maintenance)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), \$2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

AMENDMENT NO. 3386

(Purpose: To remove the inclusion of housing in the determining of income eligibility for WIC support for members of the Armed Forces overseas)

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: "In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B))."

Mr. HARKIN. Mr. President, I am offering a bipartisan amendment with my distinguished colleagues, Mr. LUGAR and Mr. LEAHY. This amendment would simply change the rules on eligibility of overseas troops for the supplemental nutrition program to be the same as the rules for troops in the United States. It corrects an inequity that would otherwise harm thousands of our troops overseas.

We have had much discussion of the disgrace that some of our men and women in uniform, who are risking their lives to serve our nation, have to rely on welfare to feed their families. Thousands of our troops are eligible for food stamps and WIC, the supplemental nutrition program. This is an outrage, and I will continue to work to increase the pay of our enlisted men and women, the real solution to this problem.

But it is even more outrageous that some of our troops who need this assistance cannot get it, just because of where they are stationed. WIC is administered by the States. Since our troops overseas are not in a State, in the past they have not received any support from WIC. When they are stationed here, they can get the food they need to feed their families; they get transferred overseas, and suddenly they are ineligible, and the assistance on which they have come to rely disappears. No wonder it's so hard to convince them to sign up for another tour.

Last year this body passed an amendment I proposed to end this unfairness by having the Defense Department provide WIC assistance to troops overseas. The amendment simply required the Defense Department to set up a WIC

program similar to those run by the states that would serve Department personnel who are overseas. The Department is proceeding to implement that program. In fact the Department is uniquely situated to efficiently run such a program because of the network of medical treatment facilities and commissaries that is already in place. But in conference a significant change was made to the provision. A sentence was added that requires the Department to include the value of on-base housing in calculating income to determine eligibility for the program. That one sentence knocked more than half of those who should be eligible from the program.

It also failed to correct the fundamental unfairness. The regulations governing WIC specifically prohibit states from counting in-kind housing and other in-kind assistance in applicants' income when determining eligibility. They bar states from doing what we required the Pentagon to do. That makes no sense. It means that people who were receiving food stamps in the U.S. still may be kicked out of the program when their period of eligibility is up, even though their income and expenses have not changed, just because they were transferred out of the country. And when my staff talked with the Defense Department officials who are setting up the program, they agreed that the rules should be changed so that eligibility overseas would match eligibility in the U.S.

So this amendment strikes the one sentence, leaving the overall principle that the Secretary of Defense should seek to apply the eligibility rules in the regulations governing state implementation of WIC.

Those regulations leave one ambiguity, however. I have talked about in-kind housing, that is housing on military bases. Troops who live off-base instead receive a basic housing allowance to help them pay for their own housing. As directed in the Child Nutrition Act of 1966, the rules on WIC state that states have the choice in determining income eligibility of whether to count the basic housing allowance received by military personnel living off the base. I understand that as of 1994, the last time states were surveyed, not one of the fifty states had chosen to include the housing in income. That only makes sense. It would be patently unfair to let troops living on-base receive support, but withhold it from troops living off-base whose real income is no higher. In fact the troops off-base usually have higher expenses because the housing allowance usually does not fully cover their housing expense.

So this amendment directs the Secretary of Defense to follow the current practice of the states in excluding the basic allowance for housing when determining income eligibility. Thus it would allow the Secretary to restore

full fairness by treating troops overseas the same as troops at home, and troops who live on-base the same as troops who live off-base. And most importantly it would allow thousands of troops to receive the food they need to keep their families healthy.

I thank my colleagues on both sides of the aisle for their favorable consideration and am glad that this correction has been accepted as a manager's amendment.

AMENDMENT NO. 3387

(Purpose: To improve access to health care under the TRICARE program by prohibiting a requirement for statements of non-availability or preauthorization for certain services under that program)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

AMENDMENT NO. 3388

(Purpose: To modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance)

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking "(1) at the end" and all that follows through the end and inserting "on the date the person is separated from the Selected Reserve."

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B)

by striking "shall be determined" and all that follows through the end and inserting "shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve."

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)";

(2) in paragraph (3), by striking "subsection (a)" and inserting "subsection (b)(1)"; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)"; and

(B) in subparagraph (B), by striking "clause (2) of such subsection" and inserting "subsection (a)".

AMENDMENT NO. 3389

(Purpose: To treat as veterans individuals who served in the Alaska Territorial Guard during World War II)

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary."

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

AMENDMENT NO. 3390

(Purpose: To extend to members of the National Guard and other reserve components not on active duty the entitlement to receive special duty assignment pay)

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after "is entitled to basic pay" in the first sentence the following: ", or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today I offer an amendment that will restore a measure of pay equity for our nation's Guardsmen and Reservists. I offered this same amendment last year to S. 4, the military pay increase bill, and it was adopted by voice vote.

I understand that this amendment is acceptable to the managers on both sides, and I thank the chairman and the ranking member of the Armed Services Committee for their continuing cooperation on this important issue.

Mr. President, the men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country.

The Guard and Reserve are integral parts of overseas missions, including recent and ongoing missions in places, including Iraq and the Balkans. According to statements by Department of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

Mr. President, my amendment would correct special duty assignment pay inequities between the Reserve components of our Armed Forces and their active duty counterparts. These inequities should be addressed to take into account the National Guard and Reserves' increased role in our national security, especially on the front lines.

My amendment allows a Guardsman or Reservist who is entitled to basic pay and is performing a special duty to be paid special duty assignment pay.

Right now, Guardsmen and Reservists are getting shortchanged despite the vital role they play in our national defense. The special duty assignment pay program ensures readiness by compensating specific soldiers who are assigned to duty positions that demand special training and extraordinary effort to maintain a level of satisfactory performance. The program, as it stands now, effectively reduces the ability of the National Guard and Reserve to retain highly dedicated and specialized soldiers.

The special duty assignments pay program provides an additional monthly financial incentive paid to enlisted soldiers and airmen who are required to perform extremely demanding duties that require an unusual degree of responsibility. These special duty assignments include certain command

sergeants major, guidance counselors, retention non-commissioned officers (NCO's), drill sergeants, and members of the Special Forces. These soldiers, however, do not receive special duty assignment pay while in on IDT status (drill weekends).

I am pleased that the underlying bill as reported by the Armed Services Committee contains a provision that increases the maximum rate for special duty assignment pay from \$275 per month to \$600 per month. This modest increase, coupled with my amendment, will help to ensure that our Guardsmen and Reservists are fairly compensated for their service.

This is especially important since National Guard and Reserve members give up their civilian salaries during the time they are called up for, or volunteer for, active duty.

Mr. President, as the U.S. military prepares to face the challenges of the next century and beyond, the National Guard and Reserves will be called more frequently to active duty for domestic support roles and various peacekeeping efforts abroad. They will also be vital players on special teams trained to deal with emerging threats, including the possibility of the deployment of weapons of mass destruction within our own borders. According to many military experts, this represents a more salient threat to the United States than the threat of a ballistic missile attack that many of our colleagues have spent so much time addressing.

Mr. President, I have had the opportunity to see some of these soldiers off as they embarked on these missions and have welcomed them home upon their return. I am struck by the courage and professionalism they displayed as they prepare to meet these varied assignments. In Wisconsin, the State Guard provides vital support during natural disasters and state emergencies, including floods, ice storms, and train derailments.

We have a duty to honor the service of our National Guardsmen and Reservists. One way to do that is to equitably compensate them for their service.

Again, I thank the managers of the bill for their courtesy and for their cooperation on this important amendment.

AMENDMENT NO. 3391

(Purpose: To authorize the expansion of service areas for transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system)

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by inserting “(1)” after “(e) SERVICE AREA.”; and

(2) by adding at the end the following:

“(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.

AMENDMENT NO. 3392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking “Office of Federal Procurement Policy” in the first sentence and inserting “Office of Management and Budget”.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Board shall consist of five members appointed as follows:

“(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

“(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

“(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

“(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

“(E) One member, appointed by the Chairman from among persons in industry.”.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking “, other than the Administrator for Federal Procurement Policy.”;

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking “individual who is appointed under paragraph (1)(A)” and inserting “officer or employee of the Federal Government who is appointed as a member under paragraph (2)”;

(2) by striking subparagraph (C).

(d) OTHER BOARD PERSONNEL.—(1) Subsection (b) of such section is amended to read as follows:

“(b) SENIOR STAFF.—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.”.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking “Administrator” and inserting “Chairman”.

(e) COST ACCOUNTING STANDARDS AUTHORITY.—(1) Paragraph (1) of subsection (f) of such section is amended by inserting “, subject to direction of the Director of the Office of Management and Budget,” after “exclusive authority”.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking “more than \$7,500,000” and inserting “\$7,500,000 or more”.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking “Administrator, after consultation with the Board” and inserting “Chairman, with the concurrence of a majority of the members of the Board”; and

(B) by inserting before the period at the end the following: “, including rules and procedures for the public conduct of meetings of the Board”.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

“(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below a level in the executive agency as follows:

“(i) The senior policymaking level, except as provided in clause (ii).

“(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.”.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: “in accordance with requirements prescribed by the Board”.

(f) REQUIREMENTS FOR STANDARDS.—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: “, together with a solicitation of comments on those issues”.

(g) INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.—Subsection (h)(4) of such section is amended by inserting “(a)(2)” after “6621” both places that it appears.

(h) REPEAL OF REQUIREMENT FOR ANNUAL REPORT.—Such section is further amended by striking subsection (i).

(i) EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking “promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)” and inserting “that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001”; and

(2) in paragraph (3), by striking “under the authority set forth in section 6 of this Act” and inserting “exercising the authority provided in section 6 of this Act in consultation with the Chairman”.

(j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chairman, Cost Accounting Standards Board.”.

(k) TRANSITION PROVISION FOR MEMBERS.—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subsection (d) and inserting the following:

“(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

“(1) not more than 10 projects, each of which has an estimated cost of at least \$25,000,000 and not more than \$100,000,000; and

“(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least \$1,000,000 and not more than \$5,000,000.”.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking “program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—” and inserting “program definition phase—”.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “performance-based contract” means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term “information technology” has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 2549. Our amendment includes language which would (1) express a government-wide preference for performance-based

service contracting; (2) move the Cost Accounting Standards (CAS) Board out of the Office of Federal Procurement Policy, making it a separate office within the Office of Management and Budget, and conform the delegation of authority levels relating to the CAS with those for the Truth in Negotiations Act; (3) extend the authority of certain pilot programs under the Clinger-Cohen Act of 1996; (4) prohibit the use of mandatory minimum educational and experience requirements on performance-based service contracts and certain other contracts; and (5) ensure that the implementing regulations of the Prompt Payment Act treat partial payments on contracts for services as periodic payments covered by the Act. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the RECORD immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SPONSORS REGARDING THE THOMPSON-LIEBERMAN-WARNER-LEVIN PROCUREMENT STREAMLINING AMENDMENT

1. Performance-based service contracting

The amendment would make government-wide a provision included in section 801 of the bill, which establishes a preference for performance-based service contracting. Successful performance of services contracts throughout government can be ensured by establishing clear goals which give vendors the flexibility to propose different approaches, while giving the government a firm basis for cost and quality comparison.

2. Organization of the Cost Accounting Standards Board

The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards Board (CAS Board), a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-price contracts to cost-type contracts.

Currently, the CAS Board is located in the Office of Federal Procurement Policy (OFPP) and chaired by the Administrator of OFPP. Concerns have been raised that OFPP's broader procurement policy mission has distracted past Administrators from the task of maintaining the CAS standards. In order to ensure that the CAS standards receive the focused attention of qualified accounting professionals, the amendment would remove the CAS Board from OFPP and make it an independent board within the Office of Management and Budget.

The amendment would retain the CAS Board's “exclusive authority” to make, promulgate, amend, and rescind cost accounting standards and interpretations thereof. Because of the need for consistent cost accounting standards for all government contracts, no other Federal agency is authorized to issue cost accounting standards or regula-

tions. However, the amendment would make the CAS Board's authority “subject to the direction of the Director of the Office of Management and Budget” in recognition of the existing relationship of the CAS Board with the Director of OMB and the requirement that federal rules and regulations be adopted by an officer with the authority to take such action.

Further, the amendment clarifies the level to which Federal agencies may delegate authority to waive the applicability of CAS standards in certain circumstances, to conform to waiver authority under the Truth in Negotiations Act and ensure that the same official may waive the requirements of both statutes in cases where it makes sense to do so.

3. Revision of authority for solutions-based contracting pilot program

The amendment would amend section 5312 of the Clinger-Cohen Act, the solutions-based contracting pilot program, to remove detailed statutory requirements concerning the development of a pilot plan, including the requirement to form a public-private working group. The elimination of this requirement is intended to avoid concerns raised regarding which private industry specialists would participate on working groups and the extent to which it would be appropriate for such participants to compete for later solutions-based contracts. The provision also would eliminate a requirement to fund the awardee's efforts during the program definition phase and instead leave this decision to the contracting officer's discretion on a case-by-case basis.

4. Appropriate use of personnel experience and educational requirements in the procurement of information technology services

Many in the information technology industry have argued that minimum education or experience requirements included in agency solicitations for information technology services are contributing to the serious worker shortage by requiring contractors to use more highly trained and educated workers to perform some services required by government contracts that could be done just as well by less educated or experienced workers. They argue that these mandatory minimum requirements are often included in information technology service contracts without regard to whether it is necessary to perform the work and that it drives up the cost of contracts.

The amendment would prohibit the use of minimum experience or educational requirements for contractor personnel in performance-based services contracts. Minimum experience requirements are inappropriate for such contracts, which are supposed to be awarded on the basis of measurable outcomes. The provision would also require the issuance of regulations on the appropriate use of minimum experience or educational requirements for other services contracts other than performance-based contracts.

It is the sponsors' view that this amendment will have no negative impact on Federal employees performing similar information technology work for the Federal government.

5. Treatment of partial payments under service contracts

When the Prompt Payment Act was amended in 1988, Congress recognized the failure of Federal agencies to implement the requirement in the Act to pay, during the contract period, for the periodic delivery of supplies or the periodic performance of services if permitted by the contract. As a result,

the Act was amended to require that periodic payments were covered by the Act's requirement that agencies pay interest on late payments.

The amendment would clarify that partial payments, other than progress payments, made under service contracts are periodic payments for purposes of the Prompt Payment Act and that interest must be paid on such partial payments which are not paid timely.

AMENDMENT NO. 3393

(Purpose: To increase by \$2,500,000 the amount provided for the Army for operation and maintenance for the ceremonial rifle program; and to offset that increase by reducing by \$2,500,000 the amount provided for operation and maintenance, Defense-wide, for spectrum database upgrades)

On page 54, line 11, strike "\$19,028,531,000" and insert "\$19,031,031,000".

On page 54, line 11, strike "\$11,973,569,000" and insert "\$11,971,069,000".

AMENDMENT NO. 3394

(Purpose: To set aside up to \$1,000,000 for the support of programs to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts)

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to \$1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

AMENDMENT NO. 3395

(Purpose: To amend title 10, United States Code, to authorize the United States Air Force Institute of Technology)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) AUTHORITY.—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

"CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

"Sec.

"9321. Establishment; purposes.

"9322. Sense of the Senate.

"SEC. 9321. ESTABLISHMENT; PURPOSES.

"(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.

"(b) PURPOSES.—The purposes of the Institute are as follows:

"(1) To perform research.

"(2) To provide advanced instruction and technical education for employees of the Department of the Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

"SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

"(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and

the Commander of the Air Force Materiel Command, review the following areas of organizational structure and operations at the Institute:

"(1) The grade of the Commandant

"(2) The chain of command of the Commandant of the Institute within the Air Force

"(3) The employment and compensation of civilian professors at the Institute

"(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates

"(5) Post graduation opportunities for graduates of the Institute

"(6) The policies and practices regarding the admission of

"(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

"(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

"(C) personnel of the armed forces of foreign countries;

"(D) enlisted members of the Armed Forces of the United States; and

"(E) others eligible for admission."

AIR FORCE INSTITUTE OF TECHNOLOGY

Mr. DEWINE. Mr. President, the amendment I have offered is designed to ensure the continued viability of and effectiveness in a vital Air Force asset—the Air Force Institute of Technology, known as AFIT. AFIT, located at Wright-Patterson Air Force Base in Dayton, Ohio, provides defense-focused graduate and continuing education, research, and consultation to the Air Force and the Department of Defense.

The U.S. Army established AFIT in 1919, as the Air School of Application. This school, located at historic McCook field in Dayton, Ohio, provided technical training to pilots. In 1926, the Army Air Corps relocated the engineering school to Wright Field. In 1947, when the Air Force became a separate service, the school assumed its current name. Under the guidance of Theodore Von Karman, AFIT developed a graduate education program to support the vision of a technologically superior Air Force.

Today, the AFIT Graduate School of Engineering and Management offers Masters of Science degrees in 20 areas of defense-focused specialization, and Doctors of Philosophy (PhD) in 13 of these areas. At any one time, AFIT has 400 full-time graduate students, including officers and civilians from the Air Force, sister services, and allied and foreign services. International students from more than 50 countries have participated since 1961, and 21 international students are currently enrolled. AFIT has awarded more than 13,000 Masters and 300 PhD degrees since it became accredited in 1954. Among AFIT's illustrious graduates are 11 current and former astronauts, including Steve Lindsay, the pilot of the shuttle mission of our former colleague, retired Senator John Glenn.

Mr. President, AFIT is critical to the Air Force's long-term ability to retain technological superiority. AFIT trains

the mid-career officers and civilians required to provide the expertise necessary to act as informed, technically astute buyers in our acquisition corps and skilled innovators in our laboratories. AFIT graduates eventually progress through their careers to become senior level leaders with the technical backgrounds needed to provide the vision for the Air Force to retain its ability to provide air superiority well into this century. I have long said that Wright-Patterson is the brain power behind our air power. AFIT is the source of a great deal of that air power.

Despite this past success, AFIT's future is uncertain. AFIT's Board of Visitors completed a troubling report on the long-term viability of the school. The report states that the Institute is "in passive, but inexorable shutdown mode" due to an attitude of "studied inaction by the Air Force at all levels." In response to this report, I joined with Senator VOINOVICH and Congressmen HOBSON and HALL in a letter to Air Force Secretary Peters, calling on the Air Force to respond to the Board of Visitors' disturbing findings. The amendment I have offered today is designed to reinforce the importance of AFIT by giving it a statutory designation in the U.S. Code. My amendment also contains a sense of the Senate that details the issues that need to be reviewed by the Air Force leadership if AFIT is to continue to be a significant contributor to our nation's aeronautical dominance.

Mr. President, I urge my colleagues to support this important amendment.

AMENDMENT NO. 3396 TO AMENDMENT NO. 3237

(Purpose: To make a technical correction)

On page 2, line 15, strike "\$1,500,000" and insert "\$1,500,000".

AMENDMENT NO. 3397

(Purpose: To increase the TRICARE maximum allowable charge for physicians in rural States, and to require a report on nonparticipation of physicians in TRICARE in rural States)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraphs (2) and (3)" in the first sentence and inserting "paragraphs (2), (3), and (4)";

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

"(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed

by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.”; and

(4) by adding at the end the following:

“(6) In this subsection the term ‘rural State’ means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

“(A) less than 76 residents per square mile; and

“(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.”.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term “rural State” has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

Mr. MURKOWSKI. Mr. President, I commend Chairman WARNER for the significant improvements he and his committee have proposed for the TRICARE system. However I am concerned that the current proposals do not address access problems in rural states, and I am offering this amendment to alleviate this problem.

Military healthcare is one of the most important quality of life issues for my constituents. I have heard countless times how civilian doctors are refusing to see TRICARE patients because of the extremely low rates at which they are reimbursed. Because an adequate civilian healthcare provider network is required to supplement the military healthcare system, especially in rural states, TRICARE is failing to provide the kind of healthcare our service members, retirees and their dependents deserve.

In rural states like my home state of Alaska, this is a huge problem. Medical costs are much higher than average, and there are fewer doctors. Having fewer doctors to compete with reduces physicians' incentive to accept the extremely low pay from TRICARE. In fact, in Alaska, doctors who see TRICARE patients are paid less than when they see Medicaid patients.

Frankly, I am very concerned that the government would consider those who serve in our armed forces as less

worthy of quality care than welfare recipients. When doctors refuse to see TRICARE beneficiaries and their dependents, they are forced to pay for their care themselves, or go without it all together. I have heard too often from Alaskans in the military who are frustrated that they cannot receive care because doctors cannot afford to see them. I would like to read the following letter from one of my constituents and ask unanimous consent that it be entered into the RECORD.

The Department of Defense has the authority to raise the rates they pay doctors if they decide that a region has access problems. In fact, they are in the process of doing this in parts of Alaska. However they have excluded Anchorage, the largest city in the state. This is where the largest portion of beneficiaries live, and where the largest access problem exists. It is clear to me that the Department of Defense is not properly assessing where access is a problem. Because of this, it is time for Congress to act.

My amendment will raise the rates the Department of Defense pays to civilian doctors who see TRICARE patients. It also calls on the Department of Defense to conduct a study assessing access problems in rural states, and present Congress ways to solve these problems.

When men and women in the armed services, retirees and their dependents are refused treatment by civilian doctors, it has a direct effect on morale. They begin to think twice when it comes time to reenlist or leave. I am sure they are not recommending service to the young people in their family and community. With our current recruitment and retention problems in the military, I think it is our responsibility in the Senate to give TRICARE beneficiaries the kind of high quality healthcare they have earned through their dedication to this nation.

I urge my colleagues to accept this important amendment.

AMENDMENT NO. 3398

(Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

At the appropriate place, insert the following:

SEC. .IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “July 31, 2000” and inserting “December 31, 2002”.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106-113 (113 Stat. 1501A-301) is repealed.

Mr. FEINGOLD. Mr. President, I thank the bill's managers, the Senior Senator from Virginia, Mr. WARNER, and the Senior Senator from Michigan, Mr. LEVIN, for assisting me with this amendment. I also deeply appreciate the efforts of the Senator from Tennessee, Mr. THOMPSON, who joins me as

a co-sponsor of this amendment, and of his staff who assisted my staff in developing an acceptable final version.

This amendment extends the authority of the General Services Administration to convey surplus property to local governments for law enforcement purposes for two years until the end of December 2002. This amendment will help a number of communities across the country seeking to use surplus property to protect their citizens and provide safe, secure facilities for their police departments. Without this amendment, the authority to convey surplus property for law enforcement purposes would expire at the end of July, 2000. Communities that want to use the GSA process, and have counted upon doing so, to negotiate the use of property for law enforcement purposes at a reduced cost would have been shut out in the matter of a few weeks.

In fact, Mr. President, I have just such a situation in my own home state. The City of Kewaunee, Wisconsin wants to acquire the city's Army Reserve Center, which is a former federal armory building. The City intends to use the property as a municipal building in which they would house their police force and other municipal offices.

Congress has specified a number of public purpose uses for which property can be transferred to local governments at a reduced cost. The Federal Property and Administrative Services Act allows property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for a number of purposes: public health or educational uses, public parks or recreational areas, historic monuments, homeless assistance, correctional institutions, port facilities, public airports, wildlife conservation, and self-help housing. This type of transfer is called a public interest conveyance.

I strongly believe that law enforcement is an important public purpose for which surplus property should be used. Moreover, in fairness to local communities with tight budgets, Congress needs to preserve this option for communities that are counting on being able to use this authority.

Again, I am delighted that the bill managers have decided to accept this amendment, and I hope that this provision will be retained in Conference.

AMENDMENT NO. 3399

(Purpose: To require a report on the status of domestic preparedness against the threat of biological terrorism)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) **REPORT ELEMENTS.**—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

AMENDMENT NO. 3400

(Purpose: To authorize a land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia)

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) **CONVEYANCE AUTHORIZED.**—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) **AUTHORITY TO CONVEY WITHOUT CONSIDERATION.**—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) **PURPOSE OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) **REVERSIONARY INTEREST.**—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.**—The conveyance au-

thorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) **LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.**—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3401

(Purpose: To authorize a land conveyance, Army Reserve Center, Winona, Minnesota)

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the “Foundation”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3402

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

AMENDMENT NO. 3403

(Purpose: To modify the basic allowance for housing)

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) **APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.**—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking “without dependents”.

(b) **ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.**—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

“(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member’s dependents reside—

“(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

“(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member’s dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member’s last duty station, whichever the Secretary concerned determines to be equitable; or

“(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member’s last duty station.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

AMENDMENT NO. 3404

(Purpose: To authorize the acceptance and use of gifts from the Air Force Museum Foundation for the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio)

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) **ACCEPTANCE AUTHORIZED.**—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building

is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) **DEPOSIT IN ESCROW ACCOUNT.**—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) **INVESTMENT.**—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) **UTILIZATION.**—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) **LIMITATION ON CONTRACTS.**—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) **LIQUIDATION OF ESCROW ACCOUNT.**—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

AMENDMENT NO. 3405

(Purpose: To require a GAO review of the AH-64 program of the Army)

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH-64 AIRCRAFT PROGRAM.

(a) **REQUIREMENT FOR REVIEW.**—The Comptroller General shall conduct a review of the Army's AH-64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) **REPORT.**—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

AMENDMENT NO. 3406

(Purpose: To make available, with an offset, an additional \$2,500,000 for research, development, test, and evaluation for the Army for Countermine Systems (PE602712A) for research in acoustic mine detection)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) **INCREASE IN AMOUNT.**—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by \$2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by \$2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

AMENDMENT NO. 3407

(Purpose: To permit the lease of the Naval Computer Telecommunications Center, Cutler, Maine, pending its conveyance)

On page 543, between lines 19 and 20, insert the following:

(e) **LEASE OF PROPERTY PENDING CONVEYANCE.**—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

AMENDMENT NO. 3408

(Purpose: To modify the authorized conveyee of certain land at Ellsworth Air Force Base, South Dakota)

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES

SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) **MODIFICATION OF CONVEYEE.**—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010) is amended by striking "Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation'))" and inserting "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation'))".

(b) **CONFORMING AMENDMENTS.**—That section is further amended by striking "Corporation" each place it appears in subsections (c) and (e) and inserting "Foundation".

PART IV—DEFENSE AGENCIES CONVEYANCES

AMENDMENT NO. 3409

(Purpose: To consent to the retransfer by the Government of Greece to USS LST Ship Memorial, Inc., of an alternative LST excess to the needs of the Government of Greece)

At the end of title XII, add the following:

SEC. ____ . AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after "HS Rodos (ex-USS BOWMAN COUNTY (LST 391))" the following: ", LST 325, or any other former United States LST that is excess to the needs of that government"; and

(2) in subsection (b)(1), by inserting "retransferred under subsection (a)" after "the vessel".

AMENDMENT NO. 3410

(Purpose: To require a report on the establishment of a global missile launch early warning center)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

AMENDMENT NO. 3411

(Purpose: To require a GAO review of the working-capital fund activities of the Department of Defense, including the use of carryover authority between fiscal years)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) **COMPTROLLER GENERAL REVIEW REQUIRED.**—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to

identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) **REVIEW TO INCLUDE CARRYOVER POLICY.**—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as “carryover”). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

AMENDMENT NO. 3412

(Purpose: To impose requirements for the implementation of the Navy-Marine Corps Intranet)

Beginning on page 295, after line 22, insert the following:

(e) **PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001.**—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) **IMPACT ON FEDERAL EMPLOYEES.**—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

AMENDMENT NO. 3413

(Purpose: To enhance authorities relating to education partnerships to encourage scientific study)

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) **ASSISTANCE IN SUPPORT OF PARTNERSHIPS.**—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “, and is encouraged to provide,” after “may provide”;

(2) in paragraph (1), by inserting before the semicolon the following: “for any purpose and duration in support of such agreement that the director considers appropriate”; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement.”

(b) **DEFENSE LABORATORY DEFINED.**—Subsection (e) of that section is amended to read as follows:

“(e) In this section:

“(1) The term ‘defense laboratory’ means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

“(2) The term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”

AMENDMENT NO. 3414

(Purpose: To make available, with an offset, an additional \$5,000,000 for research, development, test, and evaluation for the Army for Concepts Experimentation Program (PE605326A) for test and evaluation of future operational technologies for use by mounted maneuver forces)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) **INCREASE IN AMOUNT.**—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by \$5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by \$5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

AMENDMENT NO. 3415

(Purpose: To provide for the development of a Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) **AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.**—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) **AUTHORITY TO ACCEPT CERTAIN LAND.**—

(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)) or under any other provision of law.

(c) **DESIGN AND CONSTRUCTION.**—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) **ACCEPTANCE AUTHORITY.**—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) **LEASE OF FACILITY.**—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional

terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3416

(Purpose: To require the Army National Guard to carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABILITY OF ACCESS AND SERVICES.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by \$15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), \$15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

AMENDMENT NO. 3417

(Purpose: To authorize, with an offset, \$300,000 for research, development, test, and evaluation Defense-wide for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by

section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by \$300,000, with the amount of such increase available for air logistics technology.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$300,000.

AMENDMENT NO. 3418

(Purpose: To authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro))

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

(a) FINDINGS.—Congress makes the following findings:

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) DESIGN AND STRIKING.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals

for purposes of chapter 51 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized by this section.

(2) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under subsection (c) shall be deposited in the Numismatic Public Enterprise Fund.

AMENDMENT NO. 3419

(Purpose: To conform the requirement for verbatim records of the proceedings of special courts-martial to the increased punishment authority of special courts-martial)

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after "bad-conduct discharge" the following: ", confinement for more than six months, or forfeiture of pay for more than six months".

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

AMENDMENT NO. 3420

(Purpose: To require the Secretary of Defense to prescribe policies and procedures for Department of Defense decisionmaking on actions to be taken in cases of false claims submitted to the Department of Defense)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was

established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

AMENDMENT NO. 3421

(Purpose: Expressing the sense of the Senate that long-term economic development aid should be immediately provided to assist communities rebuilding from Hurricane Floyd)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including \$250,000,000 for Hurricane Georges in 1998, \$552,000,000 for Red River Valley Floods in North Dakota in 1997, \$25,000,000 for Hurricanes Fran and Hortense in 1996, and \$725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate \$250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including \$150,000,000 in community development block grant funding and \$50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applica-

tions and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

AMENDMENT NO. 3422

(Purpose: To amend S. 2549, to provide for the coverage and treatment of unutilized and underutilized plant-capacity costs of United States arsenals when making supplies and providing services for the United States Armed Forces)

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS.—For purposes of this section, the term "unutilized and underutilized plant-capacity cost" shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

Mr. FITZGERALD. Mr. President, this is an amendment that corrects a flaw in Department of Defense procurement rules that has increased military costs and had a severe impact on this nation's arsenals. Recently implemented rules requires U.S. arsenals to overstate their true cost of supplying

goods and services to the military. As a result, arsenals have been losing bids on contracts under competitive bidding procedures, even when use of an arsenal would lead to lower overall costs for the Department of Defense. This quirk in the rules has not only increased Department of Defense expenditures; it has also led to severe underutilization of the arsenals, threatening the viability of an invaluable national resource.

Under Defense Working Capital Fund procurement rules, which were implemented in 1996, government-owned military suppliers are required to charge the military the full cost of any good or service that they supply to the Armed Forces. The idea behind these rules was to discourage overconsumption of goods and services by the military, and to promote cost transparency—to make it clear to the government how much it was paying to have a good or service supplied by a government-owned facility. Individual military departments were encouraged to seek the lowest price available for goods and services—and to allow private companies to compete with government-owned facilities for military contracts.

Unfortunately, the DWCF rules also include a number of provisions that place domestic facilities at a substantial disadvantage to their private competitors. The domestic suppliers are required to include a number of items in their contract bids that are unrelated to their marginal cost of actually supplying a good or service to the military. For example, suppliers are now required to bill their net capital investment costs in a given year to all of their customers in that year—even if the equipment that was purchased has no relation to the customers' contracts. More severe for the arsenals is the DWCF rules' treatment of reserve capacity. All U.S. arsenals are required to maintain excess capacity, in order to be able to ramp up production immediately in the event of a war or military crisis. This unused plant capacity is something that no private business would maintain—a private business would simply sell off or lease out its unused assets. And the costs of maintaining this capacity are substantial. But DWCF rules, as they presently exist, require the arsenals to include reserve capacity costs in their bids when they compete with private companies for military contracts.

The results of this system have been predictable. Arsenals have repeatedly lost work to private companies, even when the true marginal cost of having the work performed by an arsenal is less than the price charged by a private contractor. Moreover, the United States government ends up paying for the arsenals' unused capacity anyway—either through higher costs on other arsenal contracts, or through accumulated operating deficits built up

by the arsenals. Though the individual military department saves money when its purchasing agents buy from a private contractor instead of an arsenal, when those purchasing decisions are driven by avoidance of reserve capacity costs, the military as a whole loses. The government pays for reserve capacity anyway, and the military pays more to have the work done by a private company than the true marginal cost of having it done by an arsenal.

These conclusions are confirmed by a 1999 Department of Defense report on the DWCF system. The Defense Working Capital Fund Task Force's Issue Paper emphasizes that under the current system, though immediate purchasers may pay a lower price, "the DoD will ultimately pay twice for maintaining both the essential organic capability as well as contracting out" for the good or service. The DWCF rules' overpricing of arsenal services not only "encourage[] behavior that is not optimal for the military as a whole," it also leads to an increasing disparity between military and private suppliers that "results in an increasing abandonment of DWCF services."

For these reasons, I introduce the present amendment. This amendment provides for direct funding of unused plant-capacity costs at United States arsenals. By removing these reserve-capacity costs from arsenal bid prices, the amendment would allow arsenals to compete on an equal footing with private companies. And by allowing arsenal prices to reflect true marginal costs, it would not only bring more business to the arsenals; it would save money for the government. No longer would military purchasers be discouraged from using an arsenal when its actual marginal costs—those that would be charged by a private business—are less than the prices charged by a private contractor. And finally, direct funding would promote the goal of cost transparency—the original goal of the DWCF system. Separately budgeting for reserve capacity—while also allowing arsenal prices to reflect the true costs of providing goods and services.

Finally, I wish to emphasize that allowing the arsenals to fall into disuse would be a grave loss for the United States military. In my home state of Illinois, the Rock Island Arsenal has long been an important military resource. It is a proven, cost-effective producer of high-quality military equipment. It has also served as a valuable supplier of last resort, providing mission-critical parts and services to the Department of Defense when private contractors have lacked capacity or breached their contracts. The arsenal has been called on to provide M16 gun bolts when a private contractor defaulted on a contract. It has also produced mission-critical shims and pins for the Apache helicopter when outside suppliers were unable to meet the Army's deadline.

The U.S. government acquired Rock Island, which lies in the Mississippi River between Illinois and Iowa, in 1804. The first U.S. military base on the island was Fort Armstrong, established in 1816. In 1862, Congress passed a law that established the Rock Island Arsenal. Construction of the first manufacturing buildings began in 1866 and finished with the last stone shop in 1893.

In the late 1980s, the Department of Defense invested \$222 million in Rock Island Arsenal's capabilities. The arsenal is now the Department of Defense's only general-purpose metal manufacturing facility, providing forging, sheet metal, and welding and heat treating operations that cover the entire range of technologically feasible processes. The Rock Island Arsenal also has a machine shop capable of specialized operations such as gear cutting, die sinking, and tool making; a paint shop certified to apply chemical agent resistant coatings to items as large as tanks; and a plating shop that can apply chrome, nickel, cadmium, and copper and can galvanize, parkerize, anodize, and apply oxide finishes.

Direct budgeting of unused plant capacity will allow arsenals' bids to reflect their true marginal costs of production and service, thereby increasing efficient use of the arsenals, reducing costs for the Department of Defense as a whole, and preserving an invaluable military resource.

AMENDMENT NO. 3423

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such

easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3424

(Purpose: To authorize, with an offset, \$1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming)

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by \$1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by \$1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), \$1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

Mr. WARNER. Mr. President, I understand under the unanimous consent request, the Senate is ready to turn to the consideration of the Transportation bill.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I inform the Senate that we are currently under a unanimous consent request whereby the authorization bill for Defense is laid aside and we are going to

the question of the Transportation appropriations.

Am I not correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The reason for the quorum call is to accommodate the chairman of the Subcommittee on Appropriations who will be here, as I understand it, momentarily.

Senator LEVIN and I have just had the opportunity to talk on the telephone with the Secretary of Energy. It had been our intention and the Committee on Armed Services is currently scheduled to have a hearing at 9:30 tomorrow morning on the problems associated with the missing disks at the Los Alamos Laboratories.

In view of the fact that at least one committee—the Energy Committee, and I think to some extent the Intelligence Committee—are conducting the hearing on this subject now, and basically the same witnesses would be involved, Senator LEVIN and I are of the opinion that time should be given for the Secretary of Energy and/or his staff to make certain assessments, and then we would proceed to address these issues in our committee.

I point out that our committee has explicit jurisdiction over these problems under the Standing Rules of the Senate. Nevertheless, other committees are looking at the situation. Secretary Richardson has agreed to appear as a witness before our committee, together with General Habinger, Ed Curran, and the Lab Director of Los Alamos. We will have that group of witnesses on Wednesday morning beginning at 9:30.

Senator LEVIN and I wish to notify Senators that we are rescheduling the hearing for tomorrow morning until 9:30 next Wednesday morning.

I ask Senator LEVIN if he wishes to add anything.

Mr. LEVIN. Mr. President, only that John Brown is the fourth witness who will be invited. He is the Director at the Los Alamos Lab.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent, notwithstanding the agreement in place, that there now be a period for morning business with the time between now and 2 p.m. equally divided between the two leaders, and that at 2 p.m. the Senate turn to the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DAY 2000

Mr. BYRD. Mr. President, today is the 223rd anniversary of the adoption, by the Continental Congress meeting in Philadelphia, of a resolution establishing a new symbol for the new nation that was then in its birth throes. The resolution, passed on June 14, 1777, was a model of simplicity, specifying only “that the flag be 13 stripes alternate red and white; that the union be 13 stars, white in a blue field, representing a new constellation.” Although the flag reputedly stitched by Betsy Ross arranged the stars in a full circle, other versions of this first flag placed the stars in a half circle or in rows, as the resolution did not state how the new constellation was to be configured.

This first flag, like the Constitution to follow it in 1787, was not entirely new, but rather predicated on flags that had come before it. An English flag, known as the Red Ensign, flew over the thirteen colonies from 1707 until the Revolution. The body of this flag was red, with a Union Jack design in the upper left corner composed of the combined red-on-white Cross of St. George, patron of England, and the white-on-blue diagonal cross of St. Andrew, patron of Scotland. The Red Ensign was the merchant flag of England, reinforcing for the colonists and their status as an unequal and lesser partner in their relationship with Mother England.

The Grand Union flag that first succeeded the Red Ensign was raised on January 1, 1776, approximately a year after the American Revolution had begun, over George Washington's headquarters in the outskirts of Boston. The Grand Union flag retained the Union Jack in the upper left corner, but the solid red body of the English trade flag was now broken by six white stripes. However, the stripes alone did not represent enough of a separation from England, and, a year later, the patron saints of England and Scotland were removed from the flag, to be replaced by the “new constellation,” more representative of the new nation which was then decisively vying for freedom.

In the ensuing years, stars and stripes were added to the flag, reflecting the growth of the young nation. The flag flying over Fort Mifflin during the naval bombardment of September 13 and 14, 1814, that inspired Francis Scott Key to compose the immortal words that became our national anthem, contained fifteen stars and fifteen stripes. By 1818, the number of stars had climbed to twenty, while the number of stripes had shrunk back to the more manageable thirteen. On April 4, 1818, Congress adopted another

resolution to specify that the number of stripes on the flag would forever remain at thirteen, representing the original thirteen colonies, while a star would be added to the flag for each new state to join the union.

Henry Ward Beecher once said:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets it forth.

Certainly, knowing the history and evolution of the American flag from the Red Ensign, through the Grand Union flag, to the Stars and Stripes, one can see clearly into the early history of our nation. The symbolism of the flag also echoes the principles of our government, with each state represented by its own star in the constellation, equal to all the other stars, and each one a vital part of the constellation as a whole.

I think that it is also reflective of our nation of free people that the idea for Flag Day arose, not from a Governmental decree, but from the people. The idea of an annual day to celebrate the Flag is believed to have originated in 1885, when B.J. Cigrand, a school teacher from Fredonia, WI, arranged for pupils of Fredonia's Public School District 6 to celebrate June 14 as “Flag Birthday.” Over the following years, Mr. Cigrand advocated the observance of June 14 as “Flag Birthday” or “Flag Day” in magazine and newspaper articles, as well as public addresses.

In 1889, George Balach, a kindergarten teacher in New York City, planned Flag Day ceremonies for the children in his school. His idea of observing Flag Day was subsequently adopted by the State Board of Education of New York. In 1891, the Betsy Ross House in Philadelphia held a Flag Day celebration, and in 1892, the New York Society of the Sons of the Revolution held similar festivities.

The Sons of the Revolution in Philadelphia, and the Pennsylvania Society of Colonial Dames of America, further encouraged the widespread adoption of Flag Day, and on June 14, 1893, in Independence Square in Philadelphia, Flag Day exercises were conducted for Philadelphia public school children. The following year, the Governor of New York directed that American flags be flown on all public buildings on June 14, while in Chicago, more than 300,000 children participated in that city's first Flag Day celebration.

On May 30, 1916, President Woodrow Wilson established by proclamation the first official Federal Flag Day on June 14. On August 3, 1949, President Harry S. Truman signed an Act of Congress designating June 14 of each year as National Flag Day.

So now, thanks to the inspiration of a pair of elementary school teachers

who had the vision to bring to life a vivid bit of history for their young students, we are reminded to look out our windows for a bright bit of cloth floating on the breeze, and to recall the struggle that created it, and the great country which it represents so ably and so proudly. There is just nothing like it, nothing like the Stars and Stripes. For in that couple of yards of fabric, we can see the origin of our Nation, its beginnings. We can see the bit of British history that we all share, whether or not any English blood actually flows in our veins. It is in the very shape of our flag, with its red field split by white stripes of separation, in the white stars on a blue field supplanting the British crosses. We can sense the oppression of that unequal partnership. We can feel the frustration of being a subject colony in those white stripes that separate and break up the red field of the British trade flag. And, we can sense the purpose and optimism of the new nation, so eloquently portrayed by the "new constellation" of white stars against a deep blue sky.

I am proud to follow in the footsteps of B.J. Cigrand and George Balach, and pay homage to this anniversary date. I hope that my colleagues and those who are listening and watching through those electronic eyes, might offer their own salutes to the flag today, and resolve to celebrate today or future Flag Days by unfurling their own flags and flying them proudly. In my own house, over in McLean, I fly the flag when I am there and can watch the flag and take it down if raindrops start to fall. I hope that more Americans, and more American children, might be inspired by the sight of that flag and might do likewise, and that they might learn the history of their flag, and learn to honor and cherish and respect it, on Flag Day and every day.

I close with the stirring words of Henry Holcomb Bennett, who wrote "The Flag Goes By:"

Hats off!
 Along the street there comes
 A blare of bugles, a ruffle of drums,
 A flash of color beneath the sky:
 Hats off!
 The flag is passing by!
 Blue and crimson and white it shines,
 Over the steel-tipped, ordered lines.
 Hats off!
 The colors before us fly;
 But more than the flag is passing by:
 Sea-fights and land-fights, grim and great,
 Fought to make and to save the State;
 Weary marches and sinking ships;
 Cheers of victory on dying lips:
 Days of plenty and years of peace;
 March of a strong land's swift increase;
 Equal justice, right and law,
 Stately honor and reverend awe;
 Sign of a nation great and strong
 To ward her people from foreign wrong:
 Pride and glory and honor, all
 Live in the colors to stand or fall.
 Hats off!
 Along the street there comes
 A blare of bugles, a ruffle of drums;

And loyal hearts are beating high:

Hats off!

The flag is passing by!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

INTERNATIONAL TRAFFICKING OF YOUNG GIRLS

Mr. BROWNBACK. Mr. President, while we are in this morning business period, I want to take a few minutes to advise the body about a bill that has cleared through the House and we have held two hearings on in the Foreign Relations Committee and one I hope we are going to be able to clear through here and pass into law during this session.

It is a bill dealing with one of the darker sides of the globalization of the world's economy that has occurred around us. Globalization of the world's economy has been, by and large, a very good thing, a positive thing for growth and opportunity, but it also has a seamier side to it. One of the seamier issues that is coming to light now is the international trafficking of primarily young girls in the sex trade, or as its known, international sex trafficking.

One is astounded by the level at which this is occurring today around the world. By our own Government's numbers, approximately 600,000 primarily young girls are trafficked from one country to the next for the business of prostitution.

There are about 50,000 girls who are, against their will, trafficked into the United States each year into this terrible sort of activity.

In January of this year, I was in Nepal and visited a home where girls who have returned from this terrible trafficking of human individuals live. What I saw there was a ghastly sight. There were young girls, 16, 17, 18 years of age, most of whom had been tricked out of their villages in Nepal and promised a job at a carpet factory or a job as a housekeeper in Katmandu—sometimes in Bombay, India these girls took the job offered, not having any other economic opportunities available to them. Once taking the job and moving out of their villages and away from their families they were forced into a brothel. They were locked in a room, beaten, starved, and submitted to the sex trade, at times being subjected to as many as 30 clients a night.

I saw them after they had escaped. Or in this case, there was a nongovern-

mental organization, private sector group that was actually organized to try to return the young girls to Nepal. Once they were freed and got back to Nepal, most of these girls returned only to die. Two-thirds of them come back with such things as AIDS or tuberculosis. They are coming back to die.

It is a disgusting, terrible thing that is taking place. We held two hearings in the Senate Foreign Relations Committee. We have had witnesses before the committee who had been forced into this trade, tricked into it, deceived into it, or thought they were going to do something else, and were ultimately trafficked into different places around the world.

Dr. Laura Lederer of Johns Hopkins University has spent several years tracking this flow. The committee heard from women from Eastern Europe and Europe who had been trafficked into Israel, people who had been trafficked throughout Asia and then into the United States from Mexico. Most of the trafficking into the United States occurs from Asia.

They described the conditions surrounding their being bought and sold. After they are forced into one brothel, if the brothel owner wants somebody else, they will sell this person to another brothel. They told us \$7,000, \$8,000 will exchange hands for the sale of human flesh from one place to another—all against this person's will. They hated the conditions that they were in, and yet they found themselves unable to escape.

This bill that I mention has passed the House of Representatives. It is a bipartisan bill that Congressmen CHRIS SMITH and SAM GEJDENSON have pushed to get passed through the House of Representatives.

Senator WELLSTONE and I have the Senate version of this bill. While ours is a different bill, there are a lot of similarities with the House bill—which is at the desk. We are seeking to get it passed, we hope by unanimous consent, by this body because the issue is so terrible, so disgusting, and awful. We need to put some focus on this and have some remedies to it.

Increasingly, you are seeing international organized crime groups getting involved in the trafficking of human flesh. Apparently, they believe this is a business they can be successful at, that unlike drugs, it does not involve as many criminal activities because much of this has not been criminalized. They are saying it is a situation where they can resell their "property." Unlike drugs they sell once, they can sell human flesh multiple times.

It is just a ghastly, terrible thing that is taking place. Organized crime is increasing its activity in this arena, trafficking. We need to step up and address it.

The bill we have put forward would allow the prosecution of people who traffic in human flesh and increase the criminal penalties for doing such. It would provide visas for people who are trafficked into this country, so they can stay and provide evidence, testifying against those who have trafficked them into this country.

This bill would provide some help to the countries they come from by providing educational assistance to work with those governments, to work with people that are in-country to work against this sort of activity, and to provide more information to people that sex trafficking is going on on an expanded, global scale. Nearly some 600,000 people a year are trafficked in human flesh. Much of this happens in the United States, 50,000 people are trafficked into the United States on an annual basis.

I will happily provide to any offices interested in this issue the hearing record Senator WELLSTONE and I have compiled on this bill, so Members can look into this issue. If they seek to make modifications to improve the bill, our office will be open to work with any office so we can reach unanimous consent on this important issue. It is something we need to and can address. The Administration wants this addressed as well and is working with us to make that happen. The focus on this issue is increasing. In fact, you may have seen one of the recent news reports about this hideous practice.

I am hopeful the time is coming where this body will address this, that it will not get held hostage to any other legislative matter that might be having problems. I am hopeful that we see this as clearly something we can address and that needs to be addressed. I will be bringing to the Senate individual stories of people who have been trafficked because they really tell the terrible plight.

One lady testified in our committee who was trafficked out of Mexico who thought she was going to get a job washing dishes at a restaurant in Florida. She agreed to having somebody take her across the border illegally. Once in the United States, she was their hostage, she was their slave, if we want to put it in those gross types of terms. They said: Instead of being a dishwasher, you will be a prostitute for us. We are going to move you around in trailers to use, and we will subject you to 30 clients a day and, after that is done, to the owners of this brothel as well.

This was the testimony of a witness who reported on activities occurring in this country within the past several years. It is occurring on a large scale. We need to address it; we need to deal with it.

GAMBLING ON INTERCOLLEGIATE ATHLETICS

Mr. BROWNBACK. Mr. President, another issue I am hopeful of getting in front of the Senate this year is a bill to ban gambling on intercollegiate athletics.

Yesterday the House held a hearing in the Commerce Committee and a markup on a bill to ban gambling on intercollegiate athletics in the United States. There is only one State in which that can occur today. It is in Nevada. There is clearly a problem we need to address. We have had more points shaving scandals in collegiate sports in the decade of the 1990s than all prior decades combined. There is about \$1 billion a year bet on our student athletes. It has been a big problem on our college campuses and is growing. We have one State where it is still legal. In all the rest of the States, this is illegal. In order to deal with the problem of collegiate gambling, we need to make the gambling on our kids illegal. Again, currently it is legal in only one State, and that is Nevada.

The NCAA is a strong supporter of banning gambling on college sports as are all the coaches. Yesterday, the House Judiciary Committee heard from Tubby Smith from the University of Kentucky and Lou Holtz, football coach. Both testified strongly in favor of this bill. They want to get this gambling influence contained at the collegiate level.

I am hopeful we will reach agreement to have a vote on this issue sometime before the legislative year expires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. The Senator is correct. The Senate is in morning business until 2 o'clock.

Mr. MURKOWSKI. I ask unanimous consent that I may speak 7 or 8 minutes at this time.

The PRESIDING OFFICER. Without objection, it so ordered.

LOS ALAMOS SECURITY

Mr. MURKOWSKI. Mr. President, a few days ago, June 12, we were advised of a security incident associated with our Los Alamos National Laboratory in New Mexico. The particular notification initially came out in a press release from Los Alamos, unlike a press release from the Department of Energy. It specifically stated that the Los Alamos National Laboratory announced a joint Department of Energy-Federal Bureau of Investigation inquiry underway into the missing classified information at the DOE Laboratory. The information was stored on two hard drives. It was an electronic transfer. These two hard drives were unaccounted for.

This is a serious matter, to say the least. The press release indicated that

at this point there is no evidence that suggests espionage involved in this incident.

Today we had an opportunity to hold a joint hearing between the Intelligence Committee, chaired by Senator SHELBY, and the Energy and Natural Resources Committee, which I chair. It was rather enlightening because the Secretary of Energy was not there, although he was invited. The significance of what we learned was that no one bears the ultimate responsibility. The Department of Energy suggests that they designated certain people to bear this responsibility. There was a process and procedure underway, but circumstances associated with the disastrous fire, the need for evacuation and other factors, all led to the missing documentation and the two hard drives.

I can generalize and suggest that, well, our national security to a degree went up in smoke at the time of the disastrous fires in New Mexico. You can lose your car keys, but you don't lose these hard drives.

What we are talking about is the very highest security interests of this Nation. Missing on the hard drives is the highly sensitive information that covers not only the Russian nuclear weapons programs but how we arm and disarm nuclear devices. Imagine what this would mean if it fell into the hands of terrorists. They could theoretically steal a nuclear device and either arm it or disarm it. That is the kind of information for which we cannot account.

Earlier today this body voted 97-0 to confirm the new czar, Gen. John Gordon, who has been waiting since May for confirmation. It had been held up by Members on the other side who had a hold on his nomination. The question of responsibility is a reasonable one. We had the assurance of the Secretary of Energy that he bore the responsibility for security in the laboratories after we had the Wen Ho Lee incident. That was widely publicized; it was widely debated. Not only that, at that time, Members will recall, there was a special commission set up. This commission came as a result of a report from the House. That report ultimately resulted in the appointment of a former respected Senator, Warren Rudman, who has since retired. The purpose of that report was to analyze the security at the laboratories at that particular time.

I will read a couple of inserts and findings from that report because I think they bear on the credibility of what we are hearing from the Department of Energy. One of the findings stated:

More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even the DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs.

Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

They haven't been corrected.

Further, the report again was the Rudman report. The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: Their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades.

That, again, is associated with the Wen Ho Lee security breach.

Finally, Senator Warren Rudman indicates:

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Well, we heard this morning that the Secretary is going to appoint—or has appointed—our respected colleague, Senator Howard Baker, and a very distinguished House Member, Lee Hamilton, to give a report on the findings as to the security adequacy at the labs. Well, I welcome this in one sense, and I reflect on it with some question in another, because clearly what Senator Rudman recommended in his report, "Science at its Best; Security at its Worst" was not followed by the Department of Energy.

The action taken by both the Senate and the House in the manner in which we proceeded with legislation to authorize an energy czar was objected to by the Secretary of Energy through the entire process, almost to the point of eluding congressional intent in the law, and the fact that others felt inclined to hold up his nomination until the vote today, 97-0. I think that reflects on the squeaky wheel theory. The wheel squeaks enough today, and we finally put our czar, Gen. John Gordon, in a responsible position.

But the barn door has been left open, and it is inconceivable to me that we have not had adequate explanations of how this could occur. You can go to the library and get a card, take out a book, and they know who took out the book. If you are overdue, you pay a penalty. But not in the Department of Energy secured area. They have their so-called nest people who have access to this. It is estimated that that number is 86 or so. They take this material in and out.

What happened is rather interesting on this particular day, according to the testimony we had. I will leave you with this concluding thought: On May 7, the fire was moving toward the laboratory. The obligation of this nest group is to ensure that if the laboratories were to fall victim to the fire so that no one could get in for a period of time, they would have these hard drives available if somewhere there were a nuclear device that was prepared to or exposed somewhere to go off, that this team

could take this technology on these two hard drives and go off and disarm them. They had that obligation. So they proceeded to go into the secured area and they asked permission and got permission from one of the deputies to enter. They went to remove the two hard drive disks, and they found that they were gone; they weren't there.

Now, what they did is rather interesting. They didn't notify their senior officials. They simply moved over to another shelf where a duplication of these hard drives was available and they took those. Then, after the fire, they went back and searched the place, could not find it, and finally they reported it, I think, on May 24. It was a timeframe from May 7, when the fire started, and on May 24 a team went back and searched again, and then at about the end of May, they called the DOE and in early June the story broke.

Those are the facts up until now. When you hear the explanations, you just shake your head and say, how could this happen? And then, of course, the questions we have are: Who might have this information? If they had it, what might they be able to do with it?

Some of these questions have to be responded to in a secure environment because of the national security interest. Some have said, well, the appropriators didn't give them enough money to ensure a foolproof system. They asked for \$35 million and I think they got \$7 million. It doesn't take \$7 million to put in a foolproof checkout system. They don't even have cameras in these secured areas. They don't know who is going in and out—other than they have to have a certain security clearance to go in. But there is no checkout system. It is unbelievable.

We need answers and we are going to pursue this matter. As a consequence of the situation to date, clearly, the DOE and the labs have not been under control. I hope now that we have cleared the nomination, with the vote of 97-0, of the National Nuclear Security Administrator, that process can get underway. But there are a lot of questions that remain. The two missing hard drives contain secrets about every nuclear weapon in the world—just not ours. We should pursue this matter because clearly the buck has to stop somewhere.

When Congressmen NORM DICKS and CHRISTOPHER COX in their report concluded that China had design information—the Wen Ho Lee case—that should have been enough. The report by Senator Warren Rudman should have been an alarm, and the action by the Senate and the House to establish the energy czar should have been enough. But it wasn't. Today, as I said, the squeaky wheel got some grease. We have Gen. John Gordon in the position, but we have a lot of questions unanswered and a lot of people who assured us that they bore the responsibility

that everything was under control. We found out today that it isn't.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE SITUATION AT LOS ALAMOS LABORATORIES

Mr. CRAIG. Mr. President, I, too, was attending the joint committee hearing this morning on the situation at the laboratories at Los Alamos that FRANK MURKOWSKI chaired, along with RICHARD SHELBY.

I must tell you that it was shocking and angering to watch an administration that recognized a problem and failed to do anything about it—or very little—and then to ignore a Congress that recognized the problem after extensive hearings and which passed legislation last year into law; and we have a Secretary of Energy who ignored it and openly denied that he would do it. And then for the Secretary not to show up this morning at a hearing—I am not sure how we respond to it.

But I will tell you how the American people ought to respond to it. They ought to say: Mr. Secretary, you have failed and you have failed us in the security of our country. We ask that we find someone better to serve in that capacity.

That is what the American people ought to be saying. And I hope they will.

THE RIGHT TO SELF-DEFENSE

Mr. CRAIG. Mr. President, I have come to the floor for the next few minutes to talk about something that is very important to our country. Last week, I rose in defense of the second amendment to our Constitution. Why? Because it is under relentless attack at this moment by our colleagues on the other side of the aisle. It is under relentless attack by the White House and has been now for nearly 8 solid years. They want to deny that there is a second amendment, or that there are legitimate rights under that amendment, and they simply want to control or shape what many Americans believe to be their constitutional right under the second amendment, and that is the right to own a firearm in this Nation.

The second amendment reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It is a simple amendment, but, oh, what a powerful force it brings; and, oh, what important emotions it engenders in our country.

The enemies of the right to keep and bear arms tell us that because the word "militia" is present, the second amendment only protects the right of the Government to keep and bear arms.

If anyone in this body is a student of American history and understands the

thinking of our Founding Fathers, they recognize their hostility toward a central government and their willingness to control a central government and give the citizens the greater expression of freedom but, most importantly, power over that central government.

Somehow, our colleague would like to ignore those thoughts and the mind set and the belief of the framers of our Constitution. But let me tell you that our framers knew what they were talking about. They said, "A well regulated Militia" means, in the words of George Mason, "the whole people"—"the whole people" was the regulation militia—"except a few public officers."

So never mind their restrictive reading of the Constitution. I think our scholars of history have widely recognized and rejected the idea that there is a narrow interpretation.

They tell us the second amendment only protects hunting and sport shooting. Read the Constitution. It is so very clear. It doesn't even mention the words "hunting and sport shooting." I don't believe the term "sport shooting" was something used in those days. Hunting certainly was perceived to be a right, and even a responsibility, and a necessary tool of many families to put food on the table.

They cite Supreme Court cases—such as *United States v. Miller*—that state the second amendment protects private ownership of military-style weapons; then they try to ban private ownership of military-style weapons. How can you use the argument to argue its purpose and then turn and try to do quite the opposite?

I will simply point out for a few brief moments this afternoon the real inconsistencies in the argument that is presented by my colleagues on the other side and the blatant ignoring of our Constitution by the White House. But then those of us who are observers of the White House are not terribly surprised by that.

Am I being harsh? I don't think so, Mr. President. I think I am being very clear in what I say.

Senate gun controllers have said they do not want to confiscate the guns of Americans. But then other leaders in other countries—including Great Britain, Nazi Germany, Cambodia, Australia, Cuba, and Soviet Georgia—have said the same, and they would only license and register, and not confiscate. And, of course, they did license, they did register, and then they confiscated.

With my time remaining, let me point to a few examples as to why our Government said there was a right and why our Founding Fathers said under our Constitution there is a right.

Every 13 seconds, the stories I am about to tell you are repeated across this Nation. Every 13 seconds in America, someone uses a gun—not to kill someone else, but to stop a crime, to protect their property, to protect their

life. Every 13 seconds across America, our citizens do what our Founding Fathers knew they must do as a free citizen; that is, protect themselves in the right of self-defense. That is so much what our second amendment is about.

Let me tell you about this lady, whom I show here on the chart, from Spring Hill, FL, May 24 of this year. It says: "A pistol-packing grandmother with a license to carry calmly approached a man with a knife who was scuffling with employees at a Wal-Mart and ordered him to drop" the knife. He dropped the knife. She held him at bay. They called the cops, and the cops arrested him.

Thank you, grandma, for being willing to defend your rights and the integrity of others.

Let me talk about someone who invaded the home of one of our citizens in Benton Harbor in Berrien County.

Prosecutor Jim Cherry announced Thursday he will not file homicide charges against a man who shot and killed Rodney Lee Moore last month at a Benton Harbor housing complex.

Why? Because this man was defending his life and defending the life of his family. He had been attacked. He had been injured. And yet, he struggled, he found his gun, and he protected his person by taking the intruder's life.

That is the right of a free citizen in a free society—to defend oneself and one's property.

One more example. I know there are other colleagues on the floor who wish to speak on other issues. But it is an important example.

It was the night of January 31 of this year in Apache Junction, AR, 25 miles from Phoenix. It began when a woman was getting into her SUV in a Wal-Mart parking lot in nearby Chandler. She was approached by a man riding a bicycle. He pulled out a gun, forced her into her SUV, and made her drive to an isolated area 15 miles away. He raped her. Then he abandoned her in the desert.

According to the Chandler Police Department sergeant, Ken Phillips, "He left her in a desert area and starts to drive away, but turns around, comes back, and he shoots her twice." The woman, suffering from bullet wounds in her face, her chest, and her arm, was miraculously able to walk a quarter of a mile for help.

This dangerous criminal then drove his victim's SUV to the home of his former boss, Jeff Tribble. In that home, Mr. Tribble, his 28-year-old wife Bricie, and their 9-year-old nephew resided. The criminal broke into their house. What happened? Sergeant Phillips said that this gentleman's wife, Mr. Tribble's wife, got her gun and shot the criminal twice—once in the face and once in the chest—and he dropped dead. Then she called 911 to report the shooting of an intruder who had just hours before raped and shot another person.

Those are the stories that are not being told to America today. And they happen every 13 seconds across our Nation. Two and one-half million Americans annually use the second amendment right to protect themselves, their property, their children, and their spouses. That is the right of a free citizen. That is why the second amendment is in the Constitution.

I do not in any way by these statements fail to recognize the tragedies that occur when a gun is misused in our society. It is misused much too often. But it is time we speak out.

I have said several times to those who may be listening or who might read my statement to call me or write me. Tell me about your story. Tell me about what happened in your community. Literally, citizens are now doing that. Tell me about the right of the free citizen to protect themselves and their property.

It is very simple. It is, LARRY CRAIG, U.S. Senator, Washington, DC, 20510.

I would like to hear from you. I think it is time America is heard, about how other Americans use their sacred right of the second amendment to protect themselves and their loved ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNITED STATES NONMILITARY ARSENALS

Mr. FITZGERALD. Mr. President, thank you very much.

I take this opportunity to thank my colleagues on the Armed Services Committee, Chairman WARNER, and also the ranking member, Senator LEVIN, for the amendment I offered, that they have accepted, I am told. My amendment addresses the situation with our Nation's military arsenals.

We have the Rock Island arsenal in Rock Island, IL. It lies on an island in the Mississippi River between the border of Illinois and Iowa. The Rock Island Arsenal dates back to just about the time of the Civil War. It has been producing outstanding equipment, with outstanding personnel, to our Nation's military for well over 100 years.

A few years ago, the military changed its procurement rules to require our Nation's arsenals, when they were bidding on a contract, to provide military hardware to our Army or Defense Department. It requires them to submit bids that not only include their marginal cost for producing the product but, in fact, requires them to add into their bid the entire overhead.

This new policy which the Defense Department established a few years ago has actually been harming taxpayers. Why, someone might ask, has that been harming taxpayers? What has been happening, as our Nation's arsenals—and there are three in this country; in addition to one in Illinois,

there is one in New York and also one in Arkansas—go to bid on projects to provide supplies to the military, and they have to not only state their cost of building those supplies, they also have to add in the cost of their overhead. That means in analyzing those bids, the military is always going to prefer the bid of the private contractor.

In fact, our arsenals have been losing business from the U.S. Government. This has been harming taxpayers. The reason it has been harming the taxpayers is because once we pay the private contractor to build the weapon or perform on the contract, we are still paying to keep the arsenals open. So the taxpayers wind up paying twice for the project.

For example, a few years ago the military requested a new Light Towed Howitzer. They wound up giving the bid to a British defense firm. The Rock Island Arsenal lost out on the bid. The Government paid the British defense firm to start on the contract, but meanwhile, the Government and the taxpayers are still paying to keep the arsenals open.

My amendment is designed to correct this flaw which is wasting taxpayers' money. From now on, under this amendment, when domestic organic arsenals in this country bid on a military project, they will be able to state their incremental cost for building the product, if it is a Howitzer or other weapon for the military. This way, it will be more fair to the arsenals. They will be able to bid their actual cost and the playing field won't be tilted in favor of the private contractors.

Actually, the Department of Defense convened a defense working capital fund task force a couple of years ago that noted that the taxpayers were being billed twice for these military contractors; that it didn't make any sense. In fact, that issue paper which came out on February 25, 1999, and was issued by the defense working capital fund task force, concluded that

[T]he Department of Defense will ultimately pay twice for maintaining the essential organic capabilities as well as contracting out for the goods or services.

It went on to say that these rules cause an artificial, a fictitious book-keeping entry that overprices the arsenal services and not only encourages behavior that is not optimal for the military as a whole, but also leads to an increasing disparity between military and private suppliers that "results in an increasing abandonment of arsenal services."

Mr. President, I compliment the members of the Armed Services Committee and Chairman WARNER and also the ranking member for accepting my amendment. We should be able to help our Nation's arsenals and particularly the Rock Island Arsenal in Rock Island, IL, as well as save the taxpayers of this Nation some of their hard-earned money.

The PRESIDING OFFICER. The Senator from Nebraska.

HAPPY BIRTHDAY, UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the United States Army happy birthday. It was 225 years ago today, in 1775, that the Continental Army of the United States was formed. That Continental Army of the United States has had a rich, important impact on our country.

Millions of men and women over the last 225 years have served in the senior branch of services of our military forces of the U.S. Army. The Army is interwoven into the culture of America. Those who have had the great privilege of serving in this country in the U.S. Army understand that. It may have been a little difficult during basic training for some, but as we progressed through basic training and became Army men and women, formed, shaped, and molded from raw recruiting into something that America could be proud of, and we could be proud of ourselves, that touch, that impact, that molding, that shape, has defined our country, has defined our culture, and has, in fact, defined the world. The U.S. Army has had an incredible effect on our country and the world for the better.

"Duty, honor, country" is the motto of the U.S. Army. It is America. It is who we are. Not one generation of Americans who have served in the U.S. Army have gone untouched by not only what America is about but what the Army is about. It is a shaping and molding that has touched lives in ways that are hard to explain, just as the Army has touched our national life and made the world more secure, more prosperous, and a better world for all mankind.

On this 225th birthday of the U.S. Army, as an old infantry-man who served in the U.S. Army, I say happy birthday to the veterans of this country. We recognize and acknowledge and pay tribute to those generations who have served before some of us had the opportunity to serve a newer Army.

It is the Army that has laid the foundation for our services today and for a stronger America. To that, we say, again, happy birthday and thank you, in the great rich tradition of the U.S. Army.

Mr. President, we say "hoo-ha."

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a few moments to commend the Senator from Nebraska for his remarks. I think he speaks for most of us, if not all of us. He speaks eloquently in congratulating the Army. That is something we shouldn't forget: The role of the Army, what the Army stands for, what the Army has done, often at a tremendous price, as we know. We shouldn't forget that.

I commend the Senator from Nebraska for his remarks.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the language of S. 2720 is before the Senate as amendment No. 3426.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the pending business before the Senate is the House bill, is that right, or the Senate bill?

The PRESIDING OFFICER. The House bill, with the Senate language as an amendment.

Mr. SHELBY. We have some procedural obstacles to clear, is my understanding here. In the meantime, what I will do is go ahead and make my opening statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, chairman STEVENS and the leader asked us to move quickly on this year's Transportation appropriations bill, and I'm happy to say that with the assistance of the senior Senator from New Jersey, we have reported a bill for the Senate's consideration. I am speaking of the Senate bill now. Considering that the Senate approved the Transportation appropriations bill in September last year, I suppose that presenting this bill during the second full week in June would qualify as moving more quickly this year.

I commend Senator STEVENS and Majority Leader LOTT for pushing this agenda.

Both Senator LAUTENBERG and I strongly support this package, though neither one of us agrees with every decision and funding level that is included in the bill and report. However, this bill contains the essential elements of a Transportation appropriations bill that meets the challenge of adequately funding the Transportation programs within the budget constraints that we have set for Federal spending in fiscal year 2001.

I will spend a few minutes on the bill funding summary.

The bill provides a total of \$54.7 billion, which is \$4.7 billion more than the fiscal year 2000 enacted level. Because

the firewalled highway and transit programs account for most of this growth—not to mention the increases in aviation capital investment anticipated in FAIR-21 that this body approved just a few months ago—we have been left with no choice but to constrain the growth in the FAA and Coast Guard operations accounts and Coast Guard capital account. Nevertheless, I am confident that, with responsible management, the funding levels for FAA operations and for the Coast Guard are adequate to meet the challenges of safely and effectively managing the nation's airways and the execution of the Coast Guard missions.

I note that the administration requested 15 percent growth in the Coast Guard operations account and 12 percent in the FAA operating expenses account. The bill before you today directly provides 9 percent growth in both those operating accounts with an additional 4 percent potential growth available to the FAA operations account if necessary to maintain aviation safety at the discretion of the Secretary of Transportation and the FAA Administrator.

That is a lot of money—and a great deal of growth under the budgetary constraints we are operating under. At the same time, the funding levels in our bill require the Secretary to balance the critical needs of both the Coast Guard and the FAA as he (or she) manages the Department. My concern is not that we haven't provided enough resources. My concern is that they won't be administered with an eye towards saving the taxpayers money or toward seeking efficiencies in program execution.

We have rejected the administration's proposal to divert highway funds in Revenue Aligned Budget Authority—or RABA—to other programs. This unrealistic proposal raised expectations, but is nothing more than a case of the administration wanting to say they support the highway firewalls while proposing to spend the money on nonhighway activities. You can't have it both ways.

We have also rejected the administration's proposal to levy new user fees. Three years ago during my first year as chairman of the Transportation subcommittee, we said no to the administration's new user-fee taxes, 2 years ago, we said no again to the new and improved user-fee taxes from the administration, and last year, we again said no thanks to the newly reconstituted user-fee tax proposal from the administration. Guess what? This is my fourth year as chair of the Transportation appropriation subcommittee, and the President's budget again includes \$1.3 billion in new user-fees taxes—I am starting to recognize a pattern. Is anyone in the administration listening to what Congress is saying about new user-fee taxes?

Along these lines, I would note that the shortfalls that the administration will complain about in the FAA operations account in this bill are far short of the user-fee proposals that they have proposed for the FAA, not to mention the Coast Guard. If the administration would refrain from submitting budgets with new user-fee taxes as a budget gimmick that they know will never be enacted to hide other non-transportation spending, it would make all our jobs a lot easier to meet realistic targets and expectations for these operations accounts.

The bill before you meets the TEA-21 firewall levels for highway and transit investment. In highways, the RABA funding has all been distributed to the states in accordance with each state's share of the program consistent with last year's Senate appropriations bill. In short, every state gets more highway funds through the approach taken in the bill before you. I urge every Senator to refer to the table I will insert in the RECORD to see the total highway funds that will be available for highway construction in his or her state through the approach we propose.

The transit new starts and bus projects are not earmarked, which is the way the Senate has handled these programs the last 2 years. This is an approach that has worked well for the Defense appropriations process with respect to the National Guard equipment account, and I believe that it is a good model for balancing congressional and administration priorities in the allocation of discretionary transit projects.

The bill provides \$4.4 billion for the activities of the U.S. Coast Guard, and, as I mentioned earlier, there is an 9 percent increase for the operating expenses of the Coast Guard. I think we can all agree that it is essential to provide the Coast Guard with the resources they need to continue their tradition of maritime search and rescues, protecting the environment and our coastlines, and enforcing our laws on the seas.

There are a few general provisions that I would draw to your attention. One requires the administration to submit with their budget request an accounting of what programs are to be cut if the Congress does not choose to enact the next complement of new user-fee tax-budget gimmicks.

Although there are other issues that will be discussed during consideration of this bill, I will note one now. That issue is the national “.08” blood alcohol content provision. Senator LAUTENBERG, who is managing his last Transportation appropriations bill this year, makes a compelling case for why the states should adopt “.08”. This language was included in the bill at his request and will vote to support its inclusion the bill the Senate passes. I urge you to look at it and consider it carefully.

The bill before the Senate sets the stage well for a conference with the House. The House 302b for Transportation appropriations has substantially more budget resources than the bill before us today. As a result, the House passed bill is higher in a number of accounts than the bill before the Senate today. Notably, the Coast Guard has \$150 million more in the Operating Expenses account, \$100 million more in the AC&I account—the Coast Guard's capital improvement account, and the FAA operations account is \$200 million higher than the Senate bill. We have included a number of flexibility provisions for the Secretary of Transportation and for the FAA administrator to soften the impact of those cuts from the President's budget request, but the fact remains that we are below the House appropriated levels in those accounts in particular. In addition, there are a number of specific projects or procurements that are included in the House bill that are not in ours, and a number of initiatives in our bill that are not in the House-passed bill. I believe that we can resolve all of these issues in conference to the satisfaction of both bodies and present a conference report that the President will sign.

We know of a few amendments to the bill and we would encourage those Members who have amendments to come to the floor to offer them or to see if they can be accepted. We want to work with Members where possible and will seek time agreements on amendments so we can move the bill.

Mr. President, I also would be remiss if I did not note my colleague, Senator LAUTENBERG, has joined us. He is the former chairman of this subcommittee and is now the ranking Democrat. I have enjoyed working with him on this subcommittee. This will be the last Transportation bill he will help manage. I can tell my colleagues that he has rendered a great service to his State and to the country. He has been a lot of help to me as I have worked through this process, the same road which he has been down many more times.

Before yielding the floor, I ask unanimous consent that a list of revenue aligned budget authority be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVENUE ALIGNED BUDGET AUTHORITY

(In thousands of dollars)

STATE	Admin. Distr.	TEA-21 Distr.	Full RABA committee rec- ommenda- tion
Alabama	41,620	56,296	60,784
Alaska	24,403	33,019	35,733
Arizona	33,982	45,989	49,705
Arkansas	27,252	36,857	39,629
California	192,556	260,472	281,963
Colorado	23,972	32,437	35,005
Connecticut	31,060	42,018	45,543
Delaware	9,079	12,289	13,269

REVENUE ALIGNED BUDGET AUTHORITY—Continued
(In thousands of dollars)

STATE	Admin. Distr.	TEA-21 Distr.	Full RABA committee rec- ommenda- tion
District of Columbia	8,094	10,950	11,865
Florida	98,866	133,774	144,775
Georgia	72,971	98,720	106,972
Hawaii	10,580	14,312	15,525
Idaho	15,797	21,359	23,146
Illinois	69,077	93,428	101,422
Indiana	48,609	65,756	71,291
Iowa	24,576	32,244	36,048
Kansas	23,951	32,399	35,139
Kentucky	36,905	49,925	54,114
Louisiana	32,778	44,332	48,127
Maine	10,896	14,739	15,782
Maryland	33,696	45,585	49,396
Massachusetts	38,389	51,919	55,894
Michigan	67,305	91,044	98,737
Minnesota	30,608	41,395	44,962
Mississippi	25,698	34,763	37,696
Missouri	50,947	68,911	74,579
Montana	20,374	27,577	29,776
Nebraska	15,929	21,557	23,296
Nevada	14,846	20,089	21,736
New Hampshire	10,601	14,335	15,483
New Jersey	55,014	74,409	80,765
New Mexico	20,219	27,353	29,641
New York	105,420	142,576	154,827
North Carolina	57,943	78,390	84,939
North Dakota	13,438	18,187	19,651
Ohio	71,674	96,952	105,159
Oklahoma	31,735	42,934	46,417
Oregon	25,248	34,140	36,537
Pennsylvania	102,976	139,222	149,607
Rhode Island	12,276	16,612	17,868
South Carolina	34,553	46,751	50,215
South Dakota	14,918	20,176	21,440
Tennessee	47,385	64,099	69,511
Texas	156,693	212,010	229,231
Utah	16,581	22,429	24,333
Vermont	9,372	12,682	13,715
Virginia	53,715	72,671	78,633
Washington	36,508	49,378	53,607
West Virginia	23,057	31,172	33,944
Wisconsin	40,737	55,111	59,726
Wyoming	14,316	19,373	20,846
Total	2,089,193	2,826,115	3,058,000

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)

States	Obligation limitation ¹	RABA	Total
Alabama	\$478,393,294	\$60,783,866	\$539,177,160
Alaska	273,338,905	35,732,730	309,071,635
Arizona	386,599,345	49,704,732	436,304,077
Arkansas	312,654,965	39,628,622	352,283,587
California	2,211,981,611	281,962,890	2,493,944,501
Colorado	275,490,135	35,004,926	310,495,061
Connecticut	353,217,355	45,542,794	398,760,149
Delaware	103,731,809	3,268,662	107,000,471
District of Columbia	93,741,325	11,865,040	105,606,365
Florida	1,121,666,241	144,774,894	1,266,441,135
Georgia	832,178,590	106,971,898	939,150,488
Hawaii	121,240,964	15,525,466	136,766,430
Idaho	181,168,531	23,146,002	204,314,533
Illinois	795,299,213	101,421,628	896,720,841
Indiana	555,444,640	71,291,154	626,735,794
Iowa	283,379,331	36,047,704	319,427,035
Kansas	276,678,619	35,139,478	311,818,097
Kentucky	423,684,551	54,114,368	477,798,919
Louisiana	376,584,623	48,126,804	424,711,427
Maine	124,948,152	15,782,338	140,730,490
Maryland	386,612,173	49,395,874	436,008,047
Massachusetts	440,827,553	55,894,124	496,721,677
Michigan	770,487,758	98,736,704	869,224,462
Minnesota	352,733,729	44,961,774	397,695,503
Mississippi	295,425,345	37,695,966	333,121,311
Missouri	585,613,867	74,578,504	660,192,371
Montana	230,749,423	29,775,746	260,525,169
Nebraska	183,090,968	23,295,844	206,386,812
Nevada	169,145,618	21,736,264	190,881,882
New Hampshire	121,821,196	15,482,654	137,303,850
New Jersey	632,567,758	80,764,838	713,332,596
New Mexico	231,198,136	29,641,194	260,839,330
New York	1,211,655,529	154,826,540	1,366,482,069
North Carolina	662,205,968	84,939,008	747,144,976
North Dakota	153,765,807	19,650,708	173,416,515
Ohio	823,947,807	105,158,504	929,106,311
Oklahoma	364,937,744	46,417,382	411,355,126
Oregon	291,813,790	36,536,984	328,350,774
Pennsylvania	1,190,371,427	149,606,534	1,339,977,961
Rhode Island	139,958,730	17,867,894	157,826,624
South Carolina	393,474,564	50,215,418	443,689,982
South Dakota	171,367,488	21,439,638	192,807,126
Tennessee	544,746,298	69,511,398	614,257,696
Texas	1,785,645,239	229,230,338	2,014,875,577
Utah	190,699,752	24,332,506	215,032,258
Vermont	107,423,888	13,715,130	121,139,018

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)—Continued

States	Obligation limitation ¹	RABA	Total
Virginia	615,042,972	78,633,412	693,676,384
Washington	421,802,708	53,606,740	475,409,448
West Virginia	267,976,665	33,943,800	301,920,465
Wisconsin	465,112,354	59,725,798	524,838,152
Wyoming	163,917,007	20,846,386	184,763,393
Subtotal	23,947,561,460	3,058,000,000	27,005,561,460
Allocation Program ²	2,656,244,540		2,656,244,540
Total	26,603,806,000	3,058,000,000	29,661,806,000

¹ Includes Special Limitation (Minimum Guarantee, Appalachian Development Highway, High Priority Projects).

² Includes Territorial High Priority Projects.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair. Mr. President, first, Senator SHELBY, with whom I have worked a number of years on more than one committee, has established a working relationship that, frankly, I treasure as one of the best I have had since I have been in the Senate. We rarely agree on policy differences, but one thing we do agree on is that we have respect for one another. We listen and try to resolve our differences.

As everyone knows, the way we finally resolve differences is the majority says this is what we are going to do, I concur, and we go ahead and do it.

It has been a pleasure working with Senator SHELBY and members of the subcommittee over these past few years. This is my last Transportation appropriations bill. I look forward to reaching agreement among our colleagues and sending the bill to the House, resolving whatever differences there might be, and the President signing it into law while there is still time before we have an omnibus appropriations bill before us.

This is a decent bill. It was reported out of the Appropriations Committee yesterday by a unanimous vote. I thank Senator SHELBY for his leadership and skill in maneuvering around the number of obstacles that invariably come up and still not have people angry or unwilling to discuss their issues.

During yesterday's markup, a number of amendments were adopted that I believe improve our initial subcommittee product. I, therefore, rise in strong support of the bill and encourage my colleagues to support it as well. Everybody is not going to get what they want in the bill. Senator SHELBY does not even though he is the chairman. I am the ranking member and I do not get what I want, for sure. I would have permitted Senator SHELBY to be even more generous than he has been. That is his choice. He treated me and the members of the committee fairly.

Over the last 14 years, I do not believe I have ever managed this bill without expressing the importance of balancing how we address the Nation's

transportation needs, and that is to look at all modes. We cannot be attentive to highways without being attentive to transit, by way of example. It is not enough to look out for the marine safety agenda and the Coast Guard; we also have to pay attention to the aviation safety needs of the FAA. We must recognize that while some States are wholly dependent on highways and rural aviation to meet their transportation needs, other States depend heavily on commuter rail and Amtrak to move their citizens. A balanced approach is what is needed, and I believe the bill before us embodies that balance.

This bill fully funds the growth in highway and transit funding we called for in TEA-21, the highway bill that was enacted a couple of years ago. The bill also fully funds the request for Amtrak's core capital grant. While the funding levels for certain accounts in the FAA and Coast Guard might appear to be austere, a more in-depth review of the bill before us and prior actions by the Senate sheds some further light on this situation.

Specifically, the bill before us would cut the Coast Guard by \$257 million. However, it is important to note that only a few weeks ago the Senate passed a supplemental appropriation of over \$800 million for the Coast Guard, and all of that supplemental funding will be available on a multiyear basis.

That is one of the anomalies: We give an agency such as the Coast Guard ever more responsibilities, whether it is just doing the navigation assists, the buoys, and the charts, or whether it is stopping illegal immigration, or whether it is pursuing drug transport by boat, or whether it is managing the licensing of vessels that ply our waters making sure they stay up to date and do not violate the standards that are required for ships entering our waters. They are now putting .50-caliber guns, and some larger, on helicopters in the Coast Guard to intercept or interrupt the drug flow that is devastating our country.

Whatever you need, the Coast Guard is always there. We are always squeezing and squeezing, but this year we have figured out a way to take care of it. There is no one who does not respect the Coast Guard for the job they do and looks to them when an emergency arises. Whether there is an oilspill or some other disaster that includes travel on the seas, the Coast Guard is there.

In the case of the FAA's operations account, it appears we reduced the administration's request by more than \$240 million. It is important to note that within the appropriations for the FAA's facilities and equipment account, the bill includes \$64 million for operating expenses. That shortage we talked about, again, was the operations account.

Moreover, as a result of an amendment I offered during the full committee markup, there is now an additional \$120 million available for operating expenses from the \$3.2 billion appropriations for airport grants.

I want to clarify what I am discussing. I am talking about putting in over \$3 billion in airport grants, airport improvements, be it terminals or access routes in and out. There are all kinds of things for which the airports can use these funds so they can handle the expanding need for passengers who want to take airplanes. I support it 100 percent. We cannot continue to expand a facility without having enough of a crew—I will use the term—to manage it. One would never dream of taking a ship that needs a 1,000-person crew and saying: OK, we are going to put in new electronics, but we are going to cut down on the size of the crew. We would never understand it nor agree to it.

The changes we have made enable this bill to provide a \$634 million, or 11-percent, increase for FAA operations. Nobody wants to be up in the sky with too few controllers guiding the traffic as they do.

I fly a lot in the second seat in airplanes. That is the way I prefer to travel. I know when the controllers are stressed or when the flight service stations are not giving the data needed or when it delays departures or takeoffs. We want to ensure safety, above all. When we put our families in an airplane, whether it is a flight from New York to Washington or whether it is a cross-country flight, we want to know they are traveling in as safe a condition as possible. Our aviation system is safe. I point that out.

But when it is not operating as it should, it comes out in delays. It is akin to borrowing to pay your bills. The longer it takes to get a flight started, the worse things become later on. We know that whether it is a flight from New York to Washington, to use that example, or if it is a flight from Denver to Los Angeles; what happens on that leg from New York to Washington affects what happens on the leg from Denver to L.A. That is the nature of the system. It is a huge system. It is all interconnected. We have to have enough people in the key spots to take care of things.

There are several other items of importance in this bill that I think bear mentioning at this time.

I thank my subcommittee chairman, Senator SHELBY, for including provisions in the bill to implement a national drunk driving standard of .08 blood alcohol content. This provision passed the Senate in 1998 by an overwhelming margin. However, the House never had an opportunity to vote on the measure.

The administration still strongly supports implementation of .08 as the national standard for blood alcohol

content. It has been said by several institutions that have studied this problem that by reducing the standard across the country from .10—that is parts per million of alcohol to blood—we could save 500 to 700 lives a year. It does not sound like much in the abstract—500 to 700 lives a year—but if it is a child in your household or a family member in your neighborhood or a friend, the effects are devastating.

I remember one time I had a discussion with the occupant of the Chair about a friend of his son's who was badly injured in an automobile accident. The pain that permeates a community is unmatched. Thank goodness we are focused on what happens with our children. Whenever we have a chance to do something to protect them, we do it—protecting any member of a family.

So when we ask now for .08 to be the standard, we are saying to 500 to 700 families, who will never know they have been protected from disaster, that it was because we demanded a better standard for automobile safety.

This provision works in the same way as the minimum drinking age law which I authored back in 1984, signed into law by President Reagan, and assisted by Secretary Elizabeth Dole at the time. To this point in time, it is estimated that the minimum drinking age law saves over 1,000 lives a year. Over 15,000 families have been spared mourning over the loss of a child because this applies almost exclusively to very young people.

The .08 provision holds the promise of saving the lines of an additional 500 persons every year. So I thank Senator SHELBY again for including this provision in the bill.

The Members should be aware there is a separate provision in this bill that prohibits the administration from implementing its newly proposed "hours of service" regulations pertaining to truck and bus drivers. Many interested groups have voiced strong opposition to the administration's proposed rule. I personally oppose certain aspects of it, as well. However, I have concerns with the remedy that is proposed in the bill.

The administration has already shown renewed willingness to reconsider aspects of this rule by extending the comment period on their proposal by 90 days. So it gives those who have views about what this bill should look like or the conditions it should carry an extra 90 days to present those views, and then perhaps we will take the subject up again. I note that this prohibition is not included on the House side, so it is something that may come up in the conference.

I hope that before we go to conference, all concerned Members can discuss this issue in the time that is available with Secretary Slater, to discuss this issue and advance the cause of safety on our highways.

Finally, I thank all the members of the Transportation Subcommittee for their friendship and assistance throughout the process. I am not talking exclusively about the Democrats. We worked with Republicans. Sometimes there are disagreements in policy that can't be bridged, but we talk about it, and we try to iron out the problems and see if we can accommodate, by consensus, the bill. We have again delivered a unanimously supported bill to the floor.

I especially thank Senator SHELBY again. His leadership of the subcommittee has been excellent. He has always kept me, the minority ranking member, informed of his plans for the subcommittee. He has been evenhanded in his approach to addressing Members' funding priorities. We have developed a good friendship throughout this process.

I want to say, while the chairman of the full Appropriations Committee is here, that I thank him, as well, for his willingness to listen. Too much listening often kills the time that a chairman can get his bill through, but Senator STEVENS held his patience, his temper, and he permitted us to air our views, and we got the bill done in very good form.

I also extend my thanks to Senator ROBERT C. BYRD, who is the ranking member on the Appropriations Committee. I have worked with him since my first day in the Senate. He is a brilliant, patient man and has been a leader for me, a mentor for me. Even with all this white hair, we still can have mentors and enjoy a relationship. We can still learn. I have found that out. My kids teach me that every day. But the relationship between Senator STEVENS and Senator BYRD is excellent, as we have always seen in this Appropriations Committee.

I also give a special thanks to my team, to Peter Rogoff, who so skillfully manages the staff on our side, Denise Matthews, Laurie Saroff, and Mitch Warren on the Democratic side. And to Wally Burnett; he always knows what side of the aisle he works for and makes sure he is diligent about it, but he makes certain that our messages get through and that they do have a hearing before the bill gets put to bed. I appreciate Wally's leadership, and Joyce Rose and Paul Doerrer, as well.

With that, if there are any amendments Members want to bring to the floor, they ought to do that. This bill was moved expeditiously, carefully through the process. It is here. So we can eliminate much of the griping and complaining about having bills linger on forever and winding up—in the final analysis, before the October 1 fiscal year starts, the new year—in an omnibus bill, where a bunch of things are crashed together, without having a good, comfortable feeling about what is in the bill: How does it affect my

State? How does it affect the country? If you get it the last minute, you do not have a chance to review those things.

Here we have a bill that has been carefully engineered and is ready to go. We would like to get it done. If I asked the chairman of the Appropriations Committee when he would like to get it done, he would say certainly this afternoon. But we will be taking amendments. That is the process. Hopefully, we can get it over to the conference committee and maybe have this bill signed into law by the time the next break comes at the end of June.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the pending bill is on Transportation appropriations. I wish to comment not only on the content of the bill but on the managers of the bill.

I am sorry they are not here, though I note the chairman of the full committee is.

I thank the chairman, Senator SHELBY of Alabama, for the courtesies and cordiality he extended to me as he worked on the physical infrastructure needs of Maryland. I am continually grateful for his cooperation.

I also want to say something about a very dear friend, and pay my respects to someone I have worked with up and down the Northeast corridor, on the highways and byways of Baltimore, of Maryland, and our country. That is, of course, the very distinguished Senator from New Jersey, Mr. LAUTENBERG.

When I came to the Senate in 1986 and was sworn in in 1987, I was the very first Democratic woman ever elected to the Senate in her own right. At the time of my arrival, there was only one other woman in the Senate, the very wonderful Senator from Kansas, Ms. Nancy Kassebaum.

When I gave speeches out in the community, they would say: Senator MIKULSKI, what is it like to be the only Democratic woman Senator? I would say that although I was all by myself, I was never alone because there were wonderful men in the Senate who helped me get started, who showed me how to be effective, and how to be a very good Senator. Of course, I had a great senior Senator, Mr. PAUL SARBANES. I had the help of the then-chairman of the full committee, Senator BOB BYRD, and others, such as Senator KENNEDY and Senator DODD.

But also right there in appropriations was someone who I counted on

and looked up to, and who was really a help, my very good friend, Senator LAUTENBERG. That is why I was never by myself because I could turn to Senator LAUTENBERG.

What a way he had on appropriations—bringing his businessman's savvy and yet his total compassion for people. He brought to the Appropriations Committee a need to see how we could be compassionate about people today and yet look at the long-range needs of our country.

That is what he brought to the Transportation Subcommittee.

While we were working on how to build America and its physical infrastructure, Senator LAUTENBERG looked beyond bricks and mortar. He was looking at people.

It was under his leadership that he brought to our attention the issue related to terrorism and how we could protect our people, whether it was on the high seas or at airports.

He was the one who talked about the impact of smoking and what it meant to both airline passengers as well as those who worked on the airlines.

Most recently, he has also talked about the issue of the impact of high blood alcohol levels on the whole issue of drunk driving.

Senator LAUTENBERG brought public health and a public safety agenda to the Transportation Subcommittee. It has served the Nation well because we not only built communities but we have been able to save lives because of what I call "the Lautenberg approach," which is putting people along with bricks and mortar. We are building communities and saving lives.

I hope long after the distinguished Senator no longer officially serves the people of New Jersey that "the Lautenberg approach" can be an approach that the Senate continues always thinking about people—putting people first, looking at every opportunity to enhance the public safety and the public health of the people of this country and the people who visit this country.

Again, although I was all by myself, I was never alone. The American people owe Senator LAUTENBERG a great debt of gratitude. People are alive because of him today. I owe him a debt that I can never repay, except to follow the Lautenberg method.

Senator LAUTENBERG will always be with me in every day as long as I continue to be a Senator and a public servant.

Mr. President, I thank the Senators for their kind attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my pal from Maryland. We have been good friends. Senator MIKULSKI said something that got my attention. She said she has looked up to me. We have differences in height in a lot of

places, but no one has ever looked down to Senator MIKULSKI. She is a giant. What a welcome addition she was when she first graced the Democratic Party with her presence, followed by nine others.

What a difference women have made in this body—not just cleaning up the language, which helped, but also in making sure that we understood there was a far different point of view on many issues. As Senator MIKULSKI so clearly said and has always said, she listened. We can steal a couple of things from commercials to say that when Senator BARBARA MIKULSKI speaks, people listen. The Members here listen.

We share a common background in many ways. We both have Polish roots. Second, we both have what I call an ordinary person's background; she in the bakery, and me in the newspaper store with our families trying to eke out a living each and every day.

One of the things that I thought we ought to do here, although probably would not get enough votes to carry, is every Senator ought to spend a week in poverty living with a family in either an urban or rural environment to kind of get a feeling for what it is to worry about putting food on the table, about putting decent clothing on a child's back, not stylish things but decent clothing, a roof over their heads, a grandparent or a parent aging and needing help. What a difference.

Senator MIKULSKI brought that background, as I hope I did to our function here. That is why we have a special kinship because we care about the people we serve.

One of the happiest moments I have had since I have been in the Senate was the other day. I went to visit a school for the blind in New Jersey, the only one that operates in New Jersey. It is run by the Sisters of Joseph of Peace. With help from colleagues on the Appropriations Committee and throughout the Senate, I was able to get some funding so they could build a relatively modest facility. They named a room after me in an "Independent Life Section" where they try to educate people on how to live by themselves, though visually impaired and sometimes in total blindness. How do you get by?

I came in and there was a little child. I have a weakness for little kids because my oldest grandchild is 6. I have seven, six following him, and No. 8 is going to be on the way before No. 1 turns 7. They are a beautiful litter of puppy dogs. They are so cute I can only smile when I think about them.

This little child was 7. She was smaller in stature because her mother was an alcoholic, and she has fetal alcohol syndrome, which reduces size, in effect, and physical and mental health. This child was as bright as any child I have ever met. I picked her up, she said: What's your name?

I said: Frank.

She said: OK, Frank.

She rubbed her hands through my hair. She said: It feels sticky. I said: Yes, I put stuff on my hair. She asked: What kind of stuff? I wasn't doing advertising so I didn't give her the name.

Her vision is impaired with similar to a mesh screen in front of her eyes. The only way she can focus her vision is turning her head. Her vision is like Swiss cheese; she had to constantly turn her head to catch the channel through which she could see.

She was so bright. We wound up with a picture of her and me in the paper, me laughing, with her hands running through my hair.

If there is ever a doubt about the work we do here, about what it is we debate so harshly at times, the things we legislate, the laws we write, about the ultimate test of whether or not we have done the right thing, how does it affect people? What is the impact on a family? What is the impact on a child? What is the impact of a loss due to a drunk driver in a family? What is the loss when a child 6 years old takes a gun and kills another 6-year-old? What is the impact? It is not only that family; it is the entire community, the entire school. What affect did Columbine have? Was it only the kids who were shot at, the kids who were pleading for help from the police? The kids who were running away in fear? No, it was the entire character of our country.

We have to think about those things and their impact. Are these a question of States rights, of rights other than the rights to bring up a child in safety? What is the most important right?

What was the Million Mom March about? The million moms marched because they were so hurt, so anguished that no one was listening sufficiently to say, OK, sensible gun control. We weren't taking away everybody's gun. If people want to hunt, they have a right to hunt. People need them for law enforcement jobs. Or if someone really thinks they need it for protection, let them get a license and be identified. A million moms were down here to say: Please help us.

That is the measure. That is what I have always found from Senator MIKULSKI, who manages this very important bill, VA-HUD, that takes care of veterans, housing, the National Science Foundation, and NASA. She does a remarkable job and we keep squeezing.

My relationship with Senator MIKULSKI, my relationship with other dear friends in the Senate is what I will miss terribly. This has been one great experience. My desk is a couple rows back. If only my father or my mother could have seen what happens when I open the top of my desk. It says: Harry Truman, Missouri. He sat where I sit now. My parents came here from Ellis Island with not a dime. They didn't un-

derstand the language. My parents were brought here as little kids. They wanted to be in America; they wanted to talk English; they wanted to be part of the society. And they worked at it.

We are in this illustrious place. As Senator BYRD will state, about 1,800 Members have served in the Senate since the founding of this country. And here we are, two good friends, sharing the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, each and every one of my colleagues has received a letter signed by this Senator and by Senators BRYAN and FEINSTEIN on the subject of CAFE standards—that is to say, the Corporate Average Fuel Economy standards—relating to gas mileage of automobiles.

In that Dear Colleague letter, we indicated there would be a sense-of-the-Senate resolution on that subject that would come before the Senate during the course of the debate on this Transportation appropriations bill. The reason we had adopted that course of action, identical to the course of action we took last year, is that the Senate bill itself has no reference, one way or another, to automobile and small truck fuel economy. The House bill, however—as it has for at least 10 consecutive years—prohibits the use of any funds appropriated in this bill for even the study of increasing the mandated fuel economy of automobiles and small trucks in the United States.

As a consequence, it seemed to us the only way we could get at this subject, and perhaps reverse that very head-in-the-sand policy that has plagued us for so long, was somehow or another to express the views of the Senate on the subject.

A year ago, 40 Senators voted with us, if my memory serves me correctly; 57 voted against us.

This year, however, the situation on appropriations bills has changed. It has changed effectively by the readoption of rule XVI and the extension of rule XVI, not only to substantive amendments but to sense-of-the-Senate amendments as well. As a consequence, we now need to notify our colleagues we will deal with this question in a different fashion.

The proponents of better fuel economy standards have not yet met formally to discuss our various alternatives, but in my view they are basically two in nature. Technically, what is before us at this point is the House bill, including the prohibition against spending any money on Corporate Av-

erage Fuel Economy standards, with an amendment that strikes everything after the enacting clause and substitutes the Senate-reported bill for the House bill.

So at this point, an amendment is in order to strike that funding prohibition in the House bill, which will give us a direct vote on the issue, though that House provision, together with every other House provision, will eventually be stricken in any event by the adoption of the Senate amendment.

Our other option is to wait until the end of the debate, wait until final passage of the Transportation appropriations bill, and make a motion to instruct the Senate conferees to uphold the Senate position, something the Senate conferees have notoriously failed to do during the course of the last decade.

I am inclined to favor that latter course of action, but the group has not yet made its decision. But we do wish all of our colleagues to know we are not going to be engaged in any procedural legerdemain by any stretch of the imagination. We will be debating this issue. We regard the issue as vitally important.

Perhaps most significantly, I should like to say the ground of the debate may be somewhat different from the debate a year ago, for several reasons—at least three in number. The first of those reasons is we were still living as a country in a fool's paradise a year ago, a fool's paradise of abnormally low retail prices for gasoline. During the course of the last 12 months, of course, we have been subjected to a huge runup in gasoline prices motivated almost entirely by the reanimation of OPEC and its throttling back on petroleum production among its various members.

This left us earlier this year with what I considered to be the humiliating spectacle of a Secretary of Energy traveling from one OPEC country to another, hat in hand, asking those OPEC countries: Please, please, please, resume higher production of your product and, thus, lower those product prices.

The point was that we had no bargaining ability as the United States of America whatsoever to accomplish that goal, and while there was a brief respite, though nothing like a return to the original status quo in gasoline prices, we now know they are, once again, very much on the rise: increases of 30 to 50 cents a gallon in many places in the Midwest that have special air pollution requirements, the highest prices reported yesterday in the Washington Post, perhaps forever.

We can look forward with apprehension but with a real expectation of regular gasoline prices hitting \$2 a gallon in the relatively near future. I cannot possibly emphasize enough the fact that this is a pricing structure that is simply beyond our control because we

have allowed ourselves to become so dependent on foreign oil. The largest single percentage of our trade deficit, which is itself alarmingly high, is due to the importation of foreign oil. We have three possible answers to that question: We must either increase domestic production, encourage to an even greater extent than we do the use of alternative fuels, or to use the fuels we have more efficiently and more effectively. The latter not only has a very positive impact on the cost of gasoline to every consumer in the United States but also will, in a very significant fashion, help clean up our air. We will bring this subject up once again.

Second is the proposition that last year we were told—I am not sure entirely accurately—the law under which fuel economy was mandated did not allow the Department of Transportation to consider the safety of vehicles that would be designed to meet these standards.

It is our explicit intention this year, whatever the validity of that argument, to allow the Department of Transportation, in fixing new corporate average fuel economy standards, to consider factors of safety. That was a major argument a quarter of a century ago against the original CAFE standards. We were told everyone would be driving a subcompact and death rates would go up markedly. We are not driving subcompacts. Our highways are far safer than they were 25 years ago, and will be, again, I am convinced, if we once again significantly increase our mandated fuel economy. In any event, we are explicitly allowing that consideration.

Third, whether one is on this side of the political aisle or the other side of the political aisle, it is obvious this process will not be completed during the course of this administration. It will be another administration, whether a Democratic or a Republican administration, that will make that final decision, and the final decision will, for all practical purposes, be subject to the same kind of prohibition that has prevented the study of corporate average fuel economy for the last two and a half decades.

This is a vitally important matter. I commend Chairman SHELBY and Chairman STEVENS, once again, for not including any such prohibition in the Senate bill. This time we want the prohibition stricken from the final package, as well as not being included in the Senate bill itself. It seems to me to be paradoxical and foolish that the United States of America should consistently say, in spite of our magnificent technologies, in spite of the huge advances in technologies in the last couple of decades, that this is a subject we will not even study. And that, in effect, is what the present law requires of us.

It makes Luddites of us. It says we are afraid of such a study. It is per-

fectly acceptable to increase our dependence on petroleum products each and every year; that in spite of the technology, we are going to be as ostriches with our heads in the sand and not go forward at all.

I believe that to be an indefensible position, but as I say, this is just simply both the invitation to join us in this cause and a statement that there will be a vote on this issue. Whether in the form of an amendment to the House bill or in the form of instructions to the conferees is not yet certain.

There will be plenty of additional time to debate this issue, and debate it we will and vote on it we will. I am confident of a greater number of votes this year, for the reasons I have already outlined, than was the case last year. I hope my colleagues will join me in saying the United States will, once again, lead not only in abstract technology but in applied technology, and begin at least not only to clean up our air but to reduce our dependence on foreign oil, and save money for our constituents every single day of their lives in which they drive automobiles and trucks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3427 TO AMENDMENT NO. 3426

(Purpose: To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself and Mr. ASHCROFT, proposes an amendment numbered 3427 to amendment No. 3426.

Mr. DORGAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) **SHORT TITLE.**—This section may be cited as the “Interstate Transportation of Dangerous Criminals Act of 1999” or “Jeanna’s Act”.

(b) **FINDINGS.**—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are

dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) **DEFINITIONS.**—In this section:

(1) **CRIME OF VIOLENCE.**—The term “crime of violence” has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) **DRUG TRAFFICKING CRIME.**—The term “drug trafficking crime” has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) **PRIVATE PRISONER TRANSPORT COMPANY.**—The term “private prisoner transport company” means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) **VIOLENT PRISONER.**—The term “violent prisoner” means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) **FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) **STANDARDS AND REQUIREMENTS.**—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner

transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) **FEDERAL STANDARDS.**—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) **ENFORCEMENT.**—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

Mr. DORGAN. Mr. President, it is my intention, just for purposes of understanding, to speak on this amendment for a few minutes. I understand that some will raise rule XVI on this issue. This is an important issue, and I want to have the opportunity, in this context, to discuss this legislation.

This amendment is in the form of a bill that I have introduced with my colleagues, Senators ASHCROFT, GRAMS, LEAHY, and others. A bipartisan group of Senators introduced a bill dealing with the interstate transportation of violent criminals around this country.

I want to describe why I think this is important. I have spoken about this on the floor several times in the past.

I show you a picture of a man named Kyle Bell. Kyle Bell is shown standing in this picture in shackles and handcuffs. He is a man who murdered an 11-year-old girl in Fargo, ND. But that was not all of his crime spree. He has committed other unspeakable acts, criminal acts. His criminal behavior culminated in the murder of a young girl named Jeanna North in Fargo, ND.

Kyle Bell was apprehended, sent to trial, and convicted of murder. When convicted of murder in the State of North Dakota, Kyle Bell was to go to the penitentiary to spend the rest of his life. But instead, Kyle Bell was put on a bus that was operated by a private company called TransCor. TransCor is a pretty good size company that hauls prisoners around America by contract. TransCor put Kyle Bell on a bus with about 12 other prisoners. He was being transported, under the Prisoner Exchange Program, to another prison in another State to be incarcerated.

They got to New Mexico. In fact, he was not going south, he was going straight west, over to the State of Oregon. But they got to New Mexico, and this Kyle Bell escaped.

The bus stopped for gas, apparently. One security guard from this private company was buying gas. Another two were asleep in the bus. And another was probably in buying a cheeseburger, as best we can tell. And so with both guards in the bus asleep—Kyle Bell apparently produced a key for his shackles and handcuffs, crawled out the roof of the bus, and while he was in civilian clothing being transferred in this bus, walked through the parking lot of a big shopping center, and they didn't see him again.

Kyle Bell, this child killer, was on the loose for several months. He has now been apprehended and he is back in prison. But I started evaluating what happened. It sounds as if the three stooges were given custody of a convicted child killer: two guards asleep, another guard buying a cheeseburger. What happened here? The more I look at it, the more I understand that there is something fundamentally wrong on our highways.

Do you know we have private companies taking possession of violent offenders, murderers, and others, to transport around the country, and there is not one regulation they must meet in order to hire themselves out as transport companies? You can be a retired county sheriff, and you and your brother-in-law and your wife can rent a minivan and say you are in business to haul prisoners, someone will turn a convicted murderer over to you, and away you go.

Interestingly enough, when they were transporting Kyle Bell, this child killer—he escaped in New Mexico—do you know how long it took them to understand he was gone, that he was not on the bus anymore? Nine hours later they finally counted their prisoners on the bus, to discover they had lost a child killer—9 hours later.

We have a circumstance in this country where when you pull up to the gas pumps next to a minivan or a small bus, you may not know it but you may be pulling up next to a minivan with four convicted murderers being transported by a retired police officer and his brother-in-law.

In fact, in Iowa, a man and his wife, hiring themselves out as a transport company, showed up at a prison to take possession of five convicted murderers and a convicted kidnapper. And the prison warden said: You've got to be kidding me. You and your wife have come to take possession of five convicted murderers and a convicted kidnapper? The Warden said: You've got to be kidding me. But the warden turned the prisoners over to this man and his wife. And, of course, they escaped. It is absurd for us to be turning violent

criminals over to private companies that do not have to meet any basic or reasonable standards.

As I indicated, Kyle Bell is now back in prison.

We do not know what he did when he was on the loose. He was on the loose for some long while. They apprehended him in Texas, as a matter of fact.

Then, just a couple of weeks ago, I read in the newspaper that the State of Nevada was going to send a convicted murderer to North Dakota under the Prisoner Exchange Program, a man named James Prestridge. So Nevada was going to send a murderer to North Dakota. James Prestridge, along with an armed robber, escaped in California while being transported. The two of them were gone. Once again, we had apparently a kind of three-stooges approach by the people who were supposed to have been guarding these violent criminals.

They found the armed robber who escaped with Mr. Prestridge just south of the Mexican border with a bullet through his head, dead. They apprehended James Prestridge recently. He is now back in prison.

Here is a man who is serving a life sentence without parole for first-degree murder, and he is turned over to a private company and that private company loses him. Extraditions International is the name of that company.

My proposition is this. When we in our criminal justice system convict violent criminals, convict people of murder, convict Kyle Bell of killing Jeanna North, I do not want those prisoners turned over to a private company that is going to put them in a minivan and transport them across the country with guards who are ill-prepared and ill-trained and follow no procedures. I do not want that to happen.

The private companies, if they are going to transport criminals across State lines in this country, ought to have to meet basic standards.

The amendment I have introduced—again, a bipartisan amendment—says the Department of Justice should establish regulations that must be met by private companies that are going to haul violent offenders. The standards should be no more than the standards that exist for law enforcement when they transport the same criminals.

I should mention, incidentally, the U.S. Marshals Service has a service, for a flat fee, of taking these child killers and violent offenders anywhere in the country. In fact, I don't believe State and local governments ought to contract with private companies to transport violent criminals, as they now do.

The legislation I propose would require that a private company that is preparing to do this must meet basic safety standards with respect to training and other kinds of security circumstances that would give the American people some comfort that they are

not in jeopardy by driving down the highway only to confront a minivan or a bus carrying 20 criminals coast to coast.

It might be useful to read into the RECORD other circumstances that persuade me there is something wrong in this area.

On January 22 of this year, three prisoners escaped while a van transporting them stopped at a minimart for a restroom break. While the two guards weren't looking, two inmates jumped into the front seat where the keys had been left in the ignition. How much judgment did that take? You are hauling criminals around the country. You stop at a gas station to go to the bathroom. You leave the keys in the vehicle. I am sorry; something is wrong. It is serious.

On July 24, last year, two men convicted of murder escaped from a van while being transported from Tennessee to Virginia. The two guards went into a fast food restaurant to get breakfast for the convicts. When they returned, they didn't notice the convicts had freed themselves from their leg irons, possibly with a smuggled key. While one guard went back into the restaurant, the other stood watch—there is some improvement; at least they are standing watch—but he forgot to lock the van door. The inmates kicked it open and fled.

On July 30, 1997, convicted rapist and kidnapper Dennis Glick escaped from a van while being transported from Salt Lake City to Pine Bluff, AR. While still in the van, Glick grabbed a gun from a guard who had fallen asleep, took seven prisoners, a guard, and a local rancher hostage and led 60 law enforcement officials on an all-night chase across Colorado. He was finally recaptured the next morning.

I won't read all of these, but there are plenty of them.

A husband-and-wife team of guards showed up at an Iowa State prison to transport six inmates, five of them convicted murderers, from Iowa to New Mexico. When the Iowa prison warden saw there were only two guards to transport six dangerous inmates, he reportedly responded: "You've got to be kidding me." Despite his concerns, the warden released the prisoners into the custody of the guards when told the transport company had a contract. Despite explicit instructions not to stop anywhere but the county jails or State prisons until they reached their destination, the guards decided to stop at a rest stop in Texas. Of course, the rest is predictable. The six inmates escaped, stole the van, led police on a high-speed chase, and so on.

My point is, I wasn't aware, and I will bet most Members of Congress are not aware, that State and local governments are routinely turning violent criminals over to the hands of private companies for transport across this

country. Yet there is no basic standard, no set of regulations to guarantee the safekeeping of those violent offenders. I believe there ought to be. Republicans and Democrats who have joined us on this amendment believe there ought to be. That is the purpose of the amendment.

I understand this will probably be subject to rule XVI. I also understand the chairman of the subcommittee, Senator SHELBY, is trying to get this subcommittee markup moving. I sympathize with that. Senator LAUTENBERG wants the same thing. They want to get this through. I fully understand that. I hope the authorizing committee, where we hope to have a hearing on this legislation, will allow us to get that hearing and to advance this matter in another way, if in fact it is subject to rule XVI.

It is my belief, and I think the belief of almost everyone, that something needs to be done in this area to set some commonsense rules. My first choice would be, if you have a violent offender, a criminal who has been judged violent by his or her behavior, they ought never leave the embrace of a law enforcement official. The address of someone convicted of murder ought to be their prison cell until the end of their term, with no time off for good behavior. Convict them and put them in prison.

Instead, what is happening is, too often they are being convicted and then under prisoner exchanges turned over to a private company for transport, only to discover that it is not very secure with respect to this transport: Guards who are ill prepared, vehicles that are not sufficient, procedures that are nonexistent.

Lest one doubt that, when Kyle Bell escaped in New Mexico, a child killer walked off the bus, a vicious child killer walked off the bus. The guards in that bus didn't count heads to find out that 1 of their inmates had escaped for 9 full hours. They didn't miss a child killer for 9 hours. Does anybody think this might be an area ripe for some thoughtful regulations and some thoughtful restraint? I think it is. That is why I offer the amendment.

I thank the Senator for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on behalf of the manager of the bill, I make the point of order that the amendment violates rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2729 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise to discuss a matter that will be before the body tomorrow. That is a motion to instruct conferees on an issue we have debated last year and in previous years dealing with corporate average fuel economy, CAFE. That is an acronym that many Americans are not familiar with, but it is something that can have a profound and important impact on their lives. Perhaps a little background will be instructive.

In the early 1970s, our economy was sent into a convulsion as a result of our dependence on imported oil, primarily from the Middle East. The OPEC oil embargo, followed by the fall of the Shah of Iran later in the decade, sent fuel prices skyrocketing, plummeted the economy into a situation known as "stagflation," and the effect was devastating.

Congress responded in 1974 with a piece of legislation designed to make the U.S. less dependent upon foreign oil and to provide for better fuel economy, thereby saving American consumers millions of dollars each year in fuel costs and improving the quality of the air and reducing our trade deficit.

In 1974, before these CAFE or fuel economies were established for the first time, the average fuel economy of all vehicles in America was 13.8 miles per gallon. As a result of those CAFE standards adopted in 1975, the current average is 28.1 miles per gallon. That is slightly more than twice the average economy in 1974. The effect of that has produced each and every day a savings of 3 million barrels of oil that would otherwise have been consumed.

That issue was not an easy issue for the Congress to deal with in 1974 because testimony before the congressional committees suggested if such standards were required, and they were set on an incremental basis to be expanded over the course of a decade, it was asserted that terrible things would happen in terms of consumer choice and size of the vehicle. In 1974, the Ford Motor Company testified this proposal for the fuel economy standards, which ultimately doubled fuel economy, would require a Ford product line consisting of either all sub-Pinto-sized vehicles—some may recall that was the smallest automobile that Ford made at the time—or some mix of vehicles ranging from a "sub-subcompact" to perhaps a Maverick. The clear thrust of the testimony is, if these fuel economy standards are imposed upon the industry, a full-sized four-door vehicle would be impossible to produce.

Let me skip for a moment to the present. Today, the largest automobile—I am not talking about a sport utility vehicle—that Ford makes has better fuel economy than the smallest produced in 1974. There is, indeed, a full range of vehicle choice available to American consumers.

Chrysler Motors also joined in with the Big Three and made this statement in 1974:

In effect, this bill would outlaw a number of engine lines and car models, including most full-sized sedans and station wagons. It would restrict the industry to producing subcompact-sized cars—or even smaller ones.

That was the testimony by Chrysler. General Motors went on to say:

This legislation would have the effect of placing restrictions on the availability of 5 and 6 passenger cars—regardless of consumer needs or intended use of vehicles.

Once this legislation was enacted, the automotive industry, with some of the best and brightest engineering minds anywhere in the world, went to work. Indeed, astonishing technological developments occurred and today Americans enjoy a full range of automobiles in terms of size and choice. We have been successful in saving 3 million barrels of oil each and every day, reducing to some extent our dependence on imported foreign fuel and alleviating, in part, the trade deficit.

Unfortunately, no new fuel requirements have been enacted since 1975. Once again, the auto industry is suggesting that if, indeed, new fuel economy standards are required, that customer choice, size of vehicle, and a whole host of safety concerns, will place the American public at risk.

I am not sure what it is. I happen to be an automobile buff. I am of the age that I can recall the excitement of the introduction each year of the new models, the changes and the configuration of lights, the chrome, the fins, all of the things that in my generation were pretty exciting stuff. And I love automobiles today.

So I come to the floor as a Member of this body not with any antipathy toward automobiles. I freely acknowledge both my dependence and my love of the American automobile. However, I must say there is something that must be part of a corporate culture in the auto industry which has resisted over the years virtually any significant technological improvement dealing with fuel efficiency, safety, or air pollution.

For decades, the automobile industry resisted the introduction of airbags. It took my colleagues, Senator GORTON and I, a decade ago to get that language changed. Today, Americans have a choice in their safety. Many lives have been saved as a result of that. But the auto industry strenuously resisted that effort.

Indeed, when catalytic converter technology came online, even though

the engineers acknowledged its significance, there was great resistance to requiring the introduction of catalytic converters. Our air is cleaner, our tailpipe emissions substantially less. Some of the major cities of America that still struggle with pollution now have perhaps twice as many vehicles on the road, but their air is cleaner than it would have been but for these technological advancements.

There must be something in the corporate culture of the automobile industry that resists this technology. These are remarkably able and talented engineers, the best and brightest. I wish they had more confidence in themselves.

We are placed in an anomalous situation wherein none of the technology that has been available for the past quarter of a century, 25 years, that might have enabled us to move forward and to improve fuel economy, to reduce our dependence on imported oil, has been used to help improve quality.

Since 1975, a rider has been added in the other body to this appropriations bill that prevents the Department of Transportation from even considering, even looking at any technological changes. In effect, it is a provision that requires us all to be deaf, dumb, and blind to any technology that has been developed in the last quarter century. I need not remind my colleagues and the American public that the last 25 years has been the most remarkable quarter of a century since human history was recorded in terms of technological advances; 25 years ago all but a handful of people would have been totally mystified if the term "Internet" was used. E-commerce was not a part of our conversation. Nobody discussed e-mail or m-commerce. Indeed, most Americans had never heard of cellular telephones. I just cite but two of the more obvious and more dramatic technological changes that have had a profound impact upon our economy.

Here are the facts that we confront today. Unfortunately, once again in America we are becoming increasingly dependent on foreign oil. Mr. President, 54 percent of the oil consumed in America is imported.

That leaves us vulnerable to the vicissitudes of foreign policy considerations, instabilities, and political crises in the other parts of the world. Our thirst for fuel continues. Now, even more timely, we are seeing the price of gasoline rise to record levels. Earlier in the year it achieved a high point, then dropped down, and now, with the onset of the heavy driving season in the summer, we are seeing those prices increase. So Americans are beginning to get hit in the pocketbook. About 40 percent of all the oil we consume in America is consumed by automobiles and light trucks or the sport utility vehicles.

So we have an opportunity to consider a number of public policy issues.

No. 1, is it possible to achieve improved fuel economy, still leaving us a range of choice in selection of our vehicles? Would anyone argue that would be a bad result if it could be achieved? Fuel costs are responsible for roughly a third of the enormous trade deficit we generate each year in this country, the one economic indicator—in a field which otherwise has nothing but bright horizons in front of us—that is troubling to us economically. We cannot long sustain those kinds of trade imbalances, not for an indefinite period of time.

So we have the opportunity, by a policy initiative, to perhaps reduce at least the one-third of that trade deficit that is attributed to the foreign oil we import each year. Would anyone argue it would be a bad policy for us to be less dependent and, therefore, to reduce our trade deficit to an extent by improving fuel economy? I think not.

I believe this past winter was the warmest on record in the Northeast. There is no question dramatic changes are occurring to our climate. Not everyone will agree those are attributable to global warming, but I think there is a growing consensus in the scientific sector that global warming is for real, that there is an impact that is occurring. One of the elements that contributes to that global warming is carbon dioxide emissions. With improved fuel economy, we reduce those emissions.

So there are three public policy initiatives that could all benefit if we could improve fuel economy. We would reduce the amount of fuel we consume in the automotive sector; we could reduce our trade imbalance; we could improve the quality of air; and as Americans are increasingly concerned about the price of filling up at the gas station, we could save Americans millions and millions of dollars each year.

Notwithstanding all those positive public policy potentials, we are left with a situation that the legislation before us will preclude the Department of Transportation from even looking at the possibility that an increase could occur. So the purpose of the motion to strike, which Senator GORTON and Senator FEINSTEIN and I and others will be offering tomorrow, is not to set a standard at a precise or numerical number—that was done in 1975—but simply permitting the Department of Transportation to examine the technology that has been developed in the last 25 years.

I believe it is almost impossible to argue that in a quarter of a century there is not new technology that could be applied to automobile efficiency that would not enable us to improve fuel economy. To resist that argument is akin to saying, as some did in the early part of the 19th century, we ought to lock up the U.S. Patent Office and close it down because everything

that can be invented has already been invented; there are no new inventions. That is utter folly. We know the technology of the last 25 years has been remarkable, extensive, and pervasive in its impact.

So our plea tomorrow as we go to the floor will be: Unmuzzle, unshackle, allow us to remove the blindfold and look at the technology in a way we can improve fuel economy, in a way that will produce real benefits for consumers, reducing the amount they have to pay, helping clean up the environment, reducing the trade deficit, and reducing our dependence on foreign oil.

These are public policy issues that we ought to be able to examine without the restrictive riders that have been added each year since 1995. I look forward, as part of a bipartisan effort, to continuing this discussion and argument tomorrow as we further process this legislation. My purpose today is simply to alert my colleagues that this debate will occur sometime tomorrow and ask them—indeed, plead with them—to simply allow us to look at the technology.

We are not mandating anything. We are not setting any standards. We are not making any policy judgments or pronouncements other than let's take a look at what the technology of the last quarter of a century might make possible and see if we cannot get better fuel economy, particularly on the sport utility vehicles and light trucks that today make up such a substantial part of the product mix that Americans are purchasing for their personal transportation.

I yield the floor.

I do not believe any of my colleagues seek recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending Transportation bill and subject to relevant second-degree amendments only.

They include:

Three amendments by Senator MCCAIN: One on Big Dig, one on airport revenue, and one relevant;

One amendment by Senator GORTON on CAFE;

One amendment by Senator ALLARD on debt repayment;

Two amendments by Senator COCHRAN: One technical amendment and one relevant;

One amendment by Senator COLLINS on SOS on high gas prices;

One relevant amendment by Senator WARNER;

One amendment by Senator VOINOVICH on passenger rail flexibility;

The managers' package by Senator SHELBY, and two relevant amendments;

One amendment by Senator NICKLES on BAC;

One relevant amendment by Senator GRAMM;

One amendment by Senator DOMENICI on rural air service;

One amendment by Senator BAUCUS on the Beartooth Highway;

Two relevant amendments by Senator BYRD;

One amendment by Senator BOXER on proposed rule on trucking;

One relevant amendment by Senator CONRAD;

Two relevant amendments by Senator DASCHLE;

One relevant amendment by Senator FEINGOLD;

One amendment by Senator FEINSTEIN on farm worker safety;

One sense-of-the-Senate amendment by Senator KOHL on Coast Guard funding;

Two relevant amendments by Senator LAUTENBERG;

Two amendments by Senator LEAHY: One on nonpublic personal disclosure, and one which is relevant;

Three relevant amendments by Senator LEVIN;

Two relevant amendments by Senator REED;

Two amendments by Senator ROBB: One on the Bristol Rail, and one on the Coal Fields Expressway;

Two relevant amendments by Senator TORRICELLI;

One relevant amendment by Senator WELLSTONE;

And, two relevant amendments by Senator WYDEN.

Mr. President, Senator DOMENICI wants to be added as one amendment to that list. It is described as rural air services.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I hope in the morning or early afternoon we can obtain consent on a time for these amendments to be filed so we can determine what we can work out, what we can accept, and what will have to be debated and voted on.

I also am anxious to deal with the problem of adoption of the basic bill that has come to the Senate from the Appropriations Committee. I would like to also have that resolved tomorrow early in the afternoon, if possible.

I am constrained to say as chairman of the committee that this year is passing very quickly. We are now well into June. We have to have all of these bills finished by July before we go to the recess and the conventions during the August recess.

I urge Members to help us define the amendments that they wish to offer

and enter into time agreements once we are certain they are going to offer them.

I thank the managers of the bill. I thank my friend, the chairman of the committee, and the ranking member for what they are doing. I am hopeful we can move this bill along. We have other bills that will be ready to go as soon as this one is finished.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I salute the fact that the appropriations chairman is anxious to get this finished. The subcommittee chairman and I are also anxious.

But the one thing that concerns me—and I am not going to object to the request that was made—is this: Normally, there is a time lapse for filing the report during which there is time to review the report. Suddenly, we are at a pell-mell pace. I want to get it finished.

I think it is fair to Senator SHELBY, myself, and the Appropriations Committee chairman to make sure this doesn't trample on anybody's rights so that Senators have the opportunity to review. We are picking up the pace considerably. Thus far, we have had three bills: MILCON, legislative, and Defense. So we are not in the back of the pack by a long shot.

This is a bill in which lots of people have an interest. I want to ensure that our people have a chance to look at the report which was filed today. It won't even be seen until tomorrow. We may have to stretch our tolerance level a little bit to give folks a chance. I don't want to drag my feet. Certainly, the Senator from Alabama knows that. I want to be cooperative, and I want people to respond.

It is always a frustrating experience when we bring a bill to the floor when time goes by and people who want to offer amendments don't bring them down.

I hope someday there will be reform—it won't be during my tenure—that says if you have amendments, you have to bring them up but that you have every right to examine the documents that relate to a bill before you are crowded out in a stampede. I offer that as a suggestion.

Mr. SHELBY. Mr. President, is the unanimous consent request made by Senator STEVENS, the chairman of the full Committee on Appropriations, before the Senate right now?

The PRESIDING OFFICER. That has already been agreed to.

Mr. SHELBY. What is the pending business at the moment?

The PRESIDING OFFICER. The substitute amendment is the pending business.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3428 TO AMENDMENT NO. 3426
(Purpose: To modify a highway project in the State of Iowa)

Mr. SHELBY. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. HARKIN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3428.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking "Extend NW 86th Street from NW 70th Street" and inserting "Construct a road from State Highway 141".

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent a vote occur in relation to the pending amendment at 5:40 p.m. and no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3428. The question is on agreeing to amendment No. 3428. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) and the Senator from West Virginia

(Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Domenici Moynihan Rockefeller

The amendment (No. 3428) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3426

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending amendment be agreed to, which is the committee substitute for the House bill, and the amendment be treated as original text for purposes of further amendment, and that no points of order be waived.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The amendment (No. 3426) was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate resumes the Transportation bill at 9:45 a.m. in the morning, Senator VOINOVICH be recognized to offer his amendment regarding passenger rail flexibility.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, in light of this agreement, on behalf of the leader, I announce that there will be no further rollcall votes tonight.

It is the hope of the managers—Senator LAUTENBERG and I—that this bill

will be passed by 1 p.m. on Thursday, tomorrow. All Members have a lot in this Transportation appropriations bill. I hope all Members who have amendments will come forward. A lot of Members are already coming. We are working them out. If we work together, I think we can work this out tomorrow.

Mr. STEVENS. Mr. President, I thought there was supposed to be a time agreement for a vote on the amendment of Senator VOINOVICH. Was that not in the agreement?

Mr. SHELBY. It is not.

Mr. STEVENS. I hope early in the morning we can get an agreement for a specific time so we can move this bill forward. The other body is working on the Health and Human Services bill. We have already reported that bill out of committee. We were able to take that bill up. We also have the foreign assistance bill that will be ready to be taken up on the floor as soon as the House passes it. I hope we will be able to finish this bill early tomorrow afternoon.

I thought we were going to get an agreement to vote on the Voinovich amendment early tomorrow morning. But I hope we will be able to meet early in the morning and get some timeframe on that amendment. I hope my friends on the other side will agree with that.

We are coming in at 9:45, and the Voinovich amendment will be the first amendment. But there is no time limit to vote on it.

We are hopeful we can finish this bill sometime early in the afternoon, at 1 o'clock or so, go back to the Defense bill, and be ready to take up another appropriations bill on Friday morning, the next day.

I hope the parties will consider doing what we did in the Defense bill and set a time limit for when these amendments that were listed in this agreement will be filed tomorrow so we can take a look at them and, hopefully, work many of them out without a vote.

Mr. REID. Mr. President, I say to the managers of the bill and to the chairman of the full committee that on our side, in regards to the Transportation appropriations bill, we believe we are in very good shape to move forward just as quickly as the other side. We had one amendment we were concerned about that would take a lot of time, but the Senator stated that it will not be offered.

We are at a point where we think, if the Voinovich amendment doesn't take very long, we can finish this fairly quickly.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND TAX INCENTIVE BILL

Mr. BURNS. Mr. President, I rise to today in support of a bill I introduced last week along with my friend Senator MOYNIHAN and 26 other members on both sides of the aisle. The bill, S. 2698, the Broadband Internet Access Act of 2000, crates tax incentives for the deployment of broadband (high-speed) Internet services to rural, low-income, and residential areas.

This bill will ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

The legislation provides graduated tax credits to companies that bring qualified telecommunication capabilities to targeted areas. It grants a 10-percent credit for expenditures on equipment that provide a bandwidth of 1.5 million bits per second (mbps) to subscribers in rural and low-income areas, and a 20-percent credit for delivery of 22 mbps to these customers and other residential subscribers.

This bill has been endorsed by a number of organizations, including Bell Atlantic, MCI/Worldcom, Corning Incorporated, the National Telephone Cooperative Association, the Association for Local Telecommunications Services, the United States Distance Learning Association, and the Imaging Science and Information Systems Center at Georgetown University Medical Center.

Mr. President, in a few short years, the Internet has grown exponentially to become a mass medium used daily by over 100 million people worldwide. The explosion of information technology has created opportunities undreamed of by previous generations. In my home state of Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

The pace of broadband deployment to rural America must be accelerated for electronic commerce to meet its full potential, however. Broadband access is an important to our small businesses in Montana as water is to agribusiness.

I am aware of all of the recent discussion regarding the "digital divide" and I am very concerned that the pace of broadband deployment is greater in urban than rural areas. However, there

is some positive and exciting news on this front as well. The reality on the ground shows that some of the "gloom and doom" scenarios are far from the case. By pooling their limited resources, Montana's independent and cooperative telephone companies are doing great things. I encourage my colleagues to support this bill.

AGRICULTURAL RISK PROTECTION ACT

Mr. GRASSLEY. Mr. President, recently Congress passed the Agricultural Risk Protection Act. This legislation provides reform for the Federal Crop Insurance Program, economic assistance to farmers, and the establishment of new, innovative programs to assist the agricultural community. One of the innovative programs established in the bill is what I have termed the Agriculture Marketing Equity Capital Fund.

The Agriculture Marketing Equity Capital Fund will assist independent grain and livestock producers nationwide develop new value-added agricultural opportunities. Independent producers will use these funds to develop business plans, feasibility studies, and business ventures with packers and processors.

While I was able to garner the support of many of the nation's largest commodity organizations, I met fierce opposition from the American Meat Institute's Washington lobbyists. My floor statement during the debate over the crop insurance conference report was highly critical of their efforts. It is not my intent to attack the individual members of AMI, but I believe it is important that they understand my position.

AMI's Washington lobbyists misrepresented the provision. A story written within "Inside AMI" recently explained:

Senator Chuck Grassley pushed conferees to provide for a \$35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund an NPPC proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility.

This a blatant misrepresentation of the facts. My provision never had anything to do with publicly financing the construction of a pork plant.

My staff did contact AMI's Washington lobbyists who explained the opposition was based on the possibility of government-funded competition and specifically that funds would be used to develop a plant. In good faith, my staff offered AMI's Washington lobbyists an opportunity to offer their input on the legislation.

I cannot guarantee that AMI's input would have been acceptable to me, but we will never know if a mutually bene-

ficial position could have been established because my office never received a response. I have been a friend of the agriculture community for a very long time. I am disappointed and dismayed by the way this was handled by AMI's Washington representatives.

As I promised in my crop insurance floor statement, I am today asking unanimous consent to place a list of AMI's member companies in the CONGRESSIONAL RECORD. Once again, I'm not saying that every processor or packer on this list knew what AMI's Washington lobbyists were doing, but I hope to inform every member what happened and why independent producers won't have the funds to reach out to processors in joint ventures and receive working capital to help everyone survive and thrive. I am also enclosing the text of a letter I recently sent to AMI's members.

It is my hope that members of AMI see the value of my efforts and work with me in the future to improve the plight of the independent producer. Providing stability to family farmers through joint ventures with AMI's membership would only serve to benefit both parties in the long-run.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 9, 2000.

DEAR AMI MEMBER: I am writing to express how disappointed I am with your Washington lobbyists and their efforts to misrepresent and thus undermine my attempts to help American farmers.

You may have read a recent "Inside AMI" story claiming that, "Senator Grassley pushed conferees to provide for a \$35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund a National Pork Producers Council proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility."

This claim is a blatant misrepresentation of the facts. The truth is that the provision your lobbyists were attacking had nothing to do with publicly financing the construction of a pork plant. These funds are intended to be used by independent grain and livestock producers to develop business plans, feasibility studies, and business ventures with packers and processors. While some may believe the truth is no longer relevant in Washington, D.C., that attitude will be given no quarter in dealings with me.

My staff reached out to your's to make certain they understood the error in their representations of my proposal, as well as to request alternative suggestions. No response ever came. Unfortunately, many of my colleagues were misled by your staff, and my proposal was gutted.

I wanted you to hear directly from me because I have had a long and positive working relationship with many AMI members over the years and I hope that this can be the case in the future. I believe, however, that it would be appropriate to investigate for yourself the concerns I have raised about your Washington representatives.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

P.S.: I have included a copy of my floor statement for your review.

AMERICAN MEAT INSTITUTE MEMBERS

Bar-S Foods Co.
 Birchwood Foods—Division of Kenosha Beef Int'l.
 Burke Corporation
 Coleman Natural Products, Inc.
 DeAns Pork Products
 Devault Foods
 Diamond Stainless
 Evans Food Products Company
 Fresh Mark, Inc.
 E.W. Knass & Sons, Inc.
 F. Wardynski & Sons, Inc.
 Farmlands Foods, Inc.
 Foodbrands America, Inc.
 Fred Usinger, Inc.
 Julian Freirich Company
 Greater Omaha Packing Co., Inc.
 Harrington's in Vermont, Inc.
 Hormel Foods Corporation
 Huiskens Meats
 Indiana Packers Corporation
 Jac Pac Foods Ltd.
 Johnsonville Foods
 Kowalski Sausage Company, Inc.
 Maverick Ranch Lite Beef, Inc.
 MPCA, Inc.
 Norbest, Inc.
 Omaha Steaks, Inc.
 Provimi Veal Corporation
 Stevison Ham Company
 Sun-Husker Foods, Inc.
 Taylor Packing
 Wegmans Food Markets, Inc.
 Wright Brand Foods, Inc.
 Certified Angus Beef Program
 Foodcomm International
 International Natural Sausage Casing Association
 KoSa
 Meat and Livestock Australia
 New Zealand Meat Producers Board
 Packaging Digest Magazine
 The Schroeder Group
 ABC Research Corporation
 A.C. Legg Inc.
 Advanced Instruments Inc.
 AEW Thurne, Inc. Ltd.
 Alfacel, Inc.
 ALKAR
 Amana Appliances
 American Engineering Corporation
 Aspen Systems
 Bell-Mark Inc.
 Bell Paper Box, Inc.
 Bettcher Industries, Inc.
 BioControl Systems, Inc.
 Blentech Corporation
 BOC Gases
 Bolton & Menk, Inc.
 Bridge Machine Co., Inc.
 Bunzl Distribution USA
 Carruthers Equipment Company
 Carter & Burgess, Inc.
 Cretel Food Equipment Inc.
 Custom Metalcraft, Inc.
 CVP Systems, Inc.
 DAPEC, Inc./NUMAFA USA
 Deltrak, Inc.
 Dewied International, Inc.
 The Dupps Company
 Equipment Exchange Company of America
 The Facility Group
 The Ferrite Company
 Flavex Protein Ingredients—Division of Arnhem, Inc.
 FoodUSA.Com
 Foss North America, Inc.
 FPEC CORP of Arkansas
 F.R. Drake
 G.B.C-111 International, LTD.

General Machinery Corporation
 GlobalFoodExchange.com
 Grain Processing Corporation
 Grote Company
 The HACCP Consulting Group, L.L.C.
 Handtmann, Inc.
 Hansen-Rice, Inc.
 Hantover, Inc.
 Harpak, Inc.
 The Haskell Co.
 HDR Engineering, Inc.
 Heat and Control, Inc.
 Henningsen Cold Storage Company
 Hollymatic Corporation
 Hutchison-Hayes Separators, Inc.
 Hyder North American, Inc.
 Hydrite Chemical Company
 IDEXX Laboratories, Inc.
 International Casings Group, Inc.
 J.M. Swank Company
 Jem Analytical Laboratory Services
 JetNet Corporation
 Jif-Pak Manufacturing, Inc.
 Koch Supplies Inc.
 Le Fiel Company
 Linker Machines
 Loma International, Inc.
 Mahaffy & Harder Engineering Company
 Maja Equipment
 Marlen Research Corporation
 Mepaco/Apache Stainless Equipment Corp.
 Mettler Toledo
 Mince Master
 Nalco Chemical Co.
 Neogen Corporation
 New Science Management
 Norwood Marking Systems, Inc.
 NSF International
 NuTEC Manufacturing, Inc.
 Planet Products Corporation
 Prime Prodata, Inc.
 Prime Label Consultants, Inc.
 Remco Products Corporation
 Ross Industries, Inc.
 Rudolph Industries
 Russell Harrington Cutlery Co.
 Karl Schnell, Inc.
 Sensitech, Inc.
 S.F.B. Plastics, Inc.
 Silliker Laboratories Group
 Speco, Inc.
 The Stellar Group
 Strahman Valves, Inc.
 Tipper Tie, Inc.
 Treif USA, Inc.
 Triton Commercial Systems
 Unitherm Food Systems
 Vande Berg Scales
 CV999 Packaging Systems
 Waterlink/Hycor
 Whizard Protective Wear Corporation
 York Saw & Knife
 Zer-O-Loc Insulated Panel & Door Systems

Juan Avina, 21, San Antonio, TX.
 Theodoro Espada, 33, Dallas, TX.
 Samuel Foster, 30, Chicago, IL.
 Jonathan Hayes, 28, New Orleans, LA.
 Johnny Jackson, 21, Detroit, MI.
 Jamie Jones, 21, Miami-Dade County, FL.
 Frank Ivery Odom, 23, Washington, DC.
 Antonio Rodriguez, 20, Kansas City, MO.
 Carlos Santiago, 23, Chicago, IL.
 Eric T. Smith, 24, Chicago, IL.
 Michael Theard, 35, New Orleans, LA.
 Lakecia Wesley, 20, Washington, DC.
 Unidentified male, 53, Charlotte, NC.
 Unidentified male, Newark, NJ.

S. RES. 319

Mr. ASHCROFT. Mr. President, I rise in support of S. Res. 319, which the Senate approved on Friday, during National Homeownership Week. I thank my colleagues for supporting this important resolution which affects the security and welfare of Missourians and all Americans. This resolution addresses the importance of placing quality housing within reach of a greater number of Americans as well as improving housing opportunities for Americans at all income levels. I, along with my colleagues, support the efforts of Habitat for Humanity and "The House the Senate Built" project.

As you know, the largest debt most families take on in their lifetimes is a home. Over 65 percent of Americans own a home, as do approximately 80 percent of Americans over the age of 50. This represents real progress. In 1940, fully 56 percent of Americans were renters. Clearly, America has come a long way. People buy homes for different reasons. A home can be a place of safety to raise a family, the potential of financial security, a sense of community. All around Missouri, and across this great nation, couples of all ages agree that buying a home is among the essential steps a family takes to ensure stability and prosperity in their lives.

While homes are a worthwhile investment, they also are expensive. Real estate experts recommend that families buy homes valued at over three times their annual income—a sum far greater than what families could pay back in a year, or two, or even five. So, most Americans take out a mortgage. Once this burden of debt is behind them, they are free to dream new dreams—pay for their children's or grandchildren's education, travel, or make other investments.

Homeownership is an important factor in promoting economic security and stability for American families. The level of homeownership among foreign-born naturalized citizens who have been in the United States for at least six years is the same as the level of homeownership of the Nation as a whole. When families such as these, who are new to our shores, prosper, we as a nation prosper.

This resolution expresses the Senate's concern for improving homeownership in America. The resolution

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today, on June 14, 1999:

commends the nonprofit housing organization, Habitat for Humanity, and supports their commitment to partner with the United States Senate to strengthen neighborhoods and communities by building simple and affordable homes with low-income buyers. I thank Senator BROWBACK for offering this resolution and endorse its passage.

ESTATE TAX RELIEF

Mrs. MURRAY. Mr. President, I rise today to express my support for S. 1128, the Estate Tax Elimination Act.

Mr. President, I came to understand the impact of the federal estate tax during my first campaign for election to the U.S. Senate. As I met with hundreds of small businessmen and women, timber lot owners, and farmers and ranchers, I consistently heard the federal estate tax was a major road-block to the long-term success of their family operations.

But when I came to the Senate in 1993, it appeared it would be a long time before Congress could take action on the estate tax, or any other tax issue for that matter. We faced deficits as far as the eye could see. We had to make hard choices about spending cuts and tax relief for the neediest families. I'm pleased that my colleagues and I on the Democratic side made those tough choices in 1993 and in subsequent years. Combined with a strong economy, those tough choices gave us the opportunity to be in the position we are in today.

The effort to roll back the federal estate tax, and provide relief for farms and small businesses, started slowly. In 1995, I joined those efforts by introducing S. 161, the American Family Business Preservation Act. Senator Bob Dole was the prime Republican cosponsor of this measure. With respect to the estate tax, the Murray-Dole bill would have reduced the maximum estate tax rate from 55 percent to 15 percent if the heirs continued to own and operate a business for ten years after the death of the primary owner. Given the limited resources we had, I believed this modest bill was a good step forward.

In 1997, Congress passed the Taxpayer Relief Act, a bipartisan effort to reduce taxes for working Americans. The bill provided for an increase in the estate tax exemption over ten years, and created an additional exemption for small business and farm assets. I supported this bipartisan initiative to provide estate tax relief to my constituents. As it is phased in, this law will help to ensure the very small percentage of estates subject to the estate tax bill grow even smaller.

But we should all recognize the environment has changed. As projected surpluses have grown, the debate about the estate tax has turned from increas-

ing the exemption to outright repeal. Estate tax opponents have made their case for elimination, and it's compelling. The question for me is no longer whether the estate tax will or should be repealed, but how and when it will be repealed. I believe one of the appropriate roles for Democrats in this debate—the same Democrats who helped balance the budget—is to ensure that we promote as progressive an end to the estate tax as possible.

At this moment in time, I believe S. 1128 is the most progressive estate tax repeal vehicle that is under consideration. Instead of taxing an estate when it is transferred to the next generation, it would require heirs to pay a capital gains tax on appreciated value when the asset is sold. This provides an effective mechanism for transferring farm and business assets, while still maintaining a reasonably progressive tax structure.

I understand there is some debate about whether S. 1128 or similar proposals will increase the tax code's complexity. Now that the House has overwhelmingly passed estate tax repeal, we have an ideal opportunity to engage in a serious, thoughtful debate about the current effects of the estate tax and the possible implications of various repeal proposals. I believe by the end of this year, Congress, the Administration, and the American public will have a better understanding of the complex choices we face.

I would like to make it clear that I do not believe estate tax repeal should be the only tax priority of this or future Congresses. There are many inequities, complexities, and inefficiencies in the tax code, many of which affect low- and middle-income working families who need tax relief the most.

In the spirit of helping those who need it the most, I have cosponsored legislation to address the alternative minimum tax and the marriage penalty. In addition, I have cosponsored tax legislation to expand health insurance, improve the infrastructure of our nation's public schools, encourage alternative energy sources, enhance the safety net for farmers and ranchers, and increase the availability of child care and long-term care. Last year, I sponsored tax legislation to protect forest and agricultural land, which passed the Senate in July.

Estate tax relief should certainly be an important component in any agenda to provide relief and economic opportunities to working families and family-owned businesses. Therefore, I support estate tax repeal in the context of a modest, targeted tax cut benefitting working families.

Before the end of the year, Congress and the Administration will likely reach agreement on a reconciliation package. Further reform—if not repeal—of the estate tax should be a part of that package. While repeal may not

be possible this year, I look forward to strongly supporting increased exemptions for small business and farm assets. At the very least, we should guarantee a brighter and less complicated future for those families that need estate tax reform the most.

I urge my colleagues to cosponsor S. 1128, and to work toward meaningful action on the estate tax issue before Congress adjourns this fall.

225TH ANNIVERSARY OF THE UNITED STATES ARMY

Mr. GRAMS. Mr. President, Valley Forge, Gettysburg, Normandy, Pusan, Panama, and Kuwait are well-known names in our nation's history. I proudly rise to honor an American institution that has proven its unparalleled greatness time and again in battles such as these. I ask my colleagues to join me in recognizing today as the 225th anniversary of the U.S. Army.

When the Second Continental Congress established the U.S. Army on June 14, 1775, it set forth an organization that has repeatedly faced adversity straight in the eye and never backed down. From fulfilling the promises of the Declaration of Independence to countering Saddam Hussein's aggression in Kuwait, the Army's dedication to our nation's bedrock values and its protection of our cherished freedoms has been exemplary. For more than two centuries, Army personnel have rallied to both defend our American shores and ensure the rights of citizens around the world.

The role of a soldier has changed drastically over the Army's rich, 225-year history. Technological and political changes have altered the battlefield landscape, but the core principles the Army consistently upholds have not changed. Those principles were captured by General Douglas MacArthur in his 1962 address at West Point:

Duty, honor, country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

While many of the Army's accomplishments have been in battle, others have come during pivotal moments of peace. Since its inception, the Army has been instrumental in humanitarian and disaster relief efforts that have helped countless citizens in their greatest time of need. By helping tornado victims throughout the American Midwest or assisting in the flood-ravaged areas of Mozambique, Army personnel serve honorably.

The Army has a long history of turning ordinary men and women into distinguished soldiers. Currently, there are about 480,000 soldiers on active

duty, comprising the premier fighting force in the world. Whether it is the most senior Army general or the soldier standing guard at the North Korean border, the quality of our soldiers is unsurpassed. It is consistently proven that the investment we make in our military personnel today reaps the leaders of tomorrow.

One of my highest priorities here in Congress is maintaining the strength of that important investment, because it is crucial to our future. At the very root of our national security is the well-being of our soldiers. This includes supplying the best technologically advanced equipment in the world and ensuring our Armed Forces are funded at levels that adequately compensate our dedicated servicemen and women.

The dedication and sacrifices demonstrated by millions of Army veterans must never be forgotten, nor should their needs be neglected; honoring the commitments this nation has made to its veterans is vital.

As we celebrate the Army's 225th anniversary today, I encourage all Americans to reflect on the blanket of freedoms we are blessed with, thanks to the sacrifices made by those who valiantly heed the call of duty by serving in the United States Army, both in war and peacetime. I am proud to join my colleagues in congratulating the Army on this impressive milestone.

REPEAL OF THE TELEPHONE EXCISE TAX

Mr. BURNS. Mr. President, I rise today to express my support for a bill which I have co-sponsored. The bill, S. 2330, will repeal federal excise taxes on telephone services.

This tax was first introduced as a temporary luxury tax in 1898 to fund the Spanish American War. However, over 100 years later this tax remain in effect. The definition of temporary should not span an entire century.

This tax is imposed on telephone and other services at a rate of 3 percent. Furthermore, these taxes are not applied to a specific purpose that enhances telephone service in our nation—rather these taxes are directed in the general revenue account. In other words, there is no reason we shouldn't repeal this tax. It means only one thing—Montanans end up paying one more tax to encourage government spending.

As I said a moment ago, this tax was enacted to fund the Spanish American War. Considering that war was ended a mere six months after it began, I feel its time to repeal this tax. Instead, Montana consumers continue to pay this tax on all their telephone services—local, long distance, and wireless.

It is time to eliminate this excise tax. At the time of enactment, this tax was considered a luxury tax on the few

who owned telephones in 1898—this tax has now become an unnecessary burden on virtually every American taxpayer. Repealing this excise tax on communications services will save consumers over \$5 billion annually.

Furthermore, this tax is regressive in nature. It disproportionately hurts the poor, particularly those households on either fixed or limited incomes. Even the U.S. Treasury Department has concluded in a 1987 study that the tax "causes economic distortions and inequities among households" and "there is no policy rationale for retaining the communications excise tax."

Rural customers in states like Montana are also disproportionately impacted. This tax is even more of a burden on rural customers due to the fact that they are forced to make more long distance calling comparative to urban customers.

This tax also impacts Internet service. The leading reason why households with incomes under \$25,000 do not have home Internet access is cost. If consumers are very price sensitive, the government should not create disincentives to accessing the Internet. Eliminating this burdensome tax can help to narrow the digital divide.

Mr. President, this is a tax on talking—a tax on communicating—a tax on our nation's economy—I encourage my colleagues to join me in support of this bill to repeal this unnecessary and burdensome general revenue tax.

SEQUENTIAL REFERRAL

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator LOTT dated May 8, 2000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 8, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 2507, the Intelligence Authorization Act for Fiscal Year 2001, which was reported out on May 4 by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days.

With kind regards, I am
Sincerely,

JOHN WARNER,
Chairman.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 13, 2000, the Federal debt stood at \$5,651,368,584,663.04 (Five trillion, six hundred fifty-one billion, three hundred sixty-eight million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents).

Five years ago, June 13, 1995, the Federal debt stood at \$4,903,284,000,000 (Four trillion, nine hundred three billion, two hundred eighty-four million).

Ten years ago, June 13, 1990, the Federal debt stood at \$3,120,867,000,000 (Three trillion, one hundred twenty billion, eight hundred sixty-seven million).

Fifteen years ago, June 13, 1985, the Federal debt stood at \$1,766,874,000,000 (One trillion, seven hundred sixty-six billion, eight hundred seventy-four million).

Twenty-five years ago, June 13, 1975, the Federal debt stood at \$528,036,000,000 (Five hundred twenty-eight billion, thirty-six million) which reflects a debt increase of more than \$5 trillion—\$5,123,332,584,663.04 (Five trillion, one hundred twenty-three billion, three hundred thirty-two million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO CAPTAIN VILHELM HANSEN (1917–2000)

• Mr. LIEBERMAN. Mr. President, I submit for the RECORD the following, written by Marshall H. Cohen, photo-journalist, and honorary life-member of the Association of Tall Ship, the *Danmark*, June, 2000.

Captain Vilhelm Hansen passed away at age 82 on May 3, 2000. Captain Hansen was master of the training ship the *Danmark* for twenty-two years from 1964 until his retirement in 1986. He was not only a legendary captain and educator, training thousands of Danish men and women for maritime careers, but also a familiar, and well-liked ambassador of good will to the United States with his ready wit, his unparalleled knowledge of seamanship, and his unbending strong character. Whenever the *Danmark* anchored in various East Coast ports, thousands of Americans, including members of the U.S. Congress, have been welcomed on board this beautiful full-rigged ship.

Captain Hansen received many honors and awards here in the United States. He has been presented with the keys to many U.S. cities, among them, Baltimore. He received the Danish-American Society's "Man of the Year" award in New York City in 1987, and this year (June 8, 2000) Captain Hansen posthumously received the National Maritime Historical Society Walter Cronkite Award for Excellence in Maritime Education in a ceremony in Miami, Florida.

The *Danmark* has played a significant role in the maritime history of the United States. In 1939, the *Danmark* was on a routine training mission to the United States when the Second World War began. The Captain at that time, Knud Hansen, was informed that Germany had invaded Denmark, and consequently, the *Danmark* remained in the United States for the duration of the war. The *Danmark* was based in New London, Connecticut, and served as a training ship for U.S. sailors.

The First Officer of the *Danmark* during the war was Knud Langevad, and he was in

charge of training more than 5,000 U.S. cadets. He also convinced U.S. authorities of the value of learning basic seamanship on a tall ship, and following the war the U.S. Coast Guard purchased its well-known tall ship the *U.S. Eagle*, to replace the *Danmark*.

Reflecting this special kinship between the two ships, the *Danmark* sails as the first foreign ship behind the *Eagle* in official Tall Ship Parades. It will be so honored again in June and July, 2000 during the millennium voyage of tall ships along the East Coast, from Miami to Boston.

On July 4, 1986 the *Danmark* was honored with the number two position sailing behind the *Eagle* during the Parade of Tall Ships celebrating the 100th birthday of the Statue of Liberty. It was Captain Hansen's final voyage as master of the *Danmark* prior to his retirement that year. Captain Vilhelm Hansen, in his white uniform and gold braided cap, steered his 253 foot ship into the South Street Seaport, New York City, for the last time. He barked his final commands to the officers, switched off the auxiliary engine, and ended his distinguished career during this memorable event in American history. ●

TRIBUTE TO LIEUTENANT GENERAL BLOUNT

● Mr. L. CHAFEE. Mr. President, I would like to take a moment to pay tribute to a Rhode Island hero.

Mr. President, Lieutenant General John Bruce Blount was just given an Honorary Doctorate Degree from his alma mater, the University of Rhode Island. A former star athlete, a decorated war hero of two wars, Korea and Vietnam, and a man who helped end the Army-McCarthy hearings of the 1950s, Rhode Islanders were happy to welcome him home.

The Providence Journal ran this article, "Hometown Hero Blount to be Honored at URI Graduation," about him.

Mr. President, I ask that the text of the article be inserted in the RECORD.

The article follows:

[From the Providence Journal]

HOMETOWN HERO BLOUNT TO BE HONORED AT URI GRADUATION

(By David Henley)

KINGSTON—A favorite son will be returning soon.

A decorated hero of two wars, a former star athlete who set the still-standing high school basketball record for points scored in a game over half a century ago and a man who helped end the Army-McCarthy hearings of the 1950s, Lt. Gen. John Bruce Blount will return to the University of Rhode Island in a few weeks to pick up his latest recognition. Blount will be one of four recipients of honorary doctorate degrees from his alma mater at the school's 114th commencement May 20.

"I'm 50 years away from Kingston, but this is a real thrill," Blount said Monday from his home in Columbia, S.C. "My whole family is coming in, from Carolina, Florida, Detroit. I've always maintained my connections back home, and I knew people were trying to do this, but I guess the planets were just in the right alignment."

Blount, known as Bruce, is something of a local legend, both at the university and at South Kingstown High school, where he was a student when he scored his record-setting

66 points. The team then played at the St. Francis Parish Hall on High Street; the games lasted only 32 minutes and there were no three-point shots then.

His military career has been written about many times. As the only URI alumnus to achieve the rank of three-star general, Blount's service in Korea and Vietnam earned him dozens of medals and decorations, including the Silver Star, the Bronze Star, the Korean Chung Mu Distinguished Service Medal and a Purple Heart when he was injured in combat on Korea's Old Baldy.

Blount became nationally famous when he stood his ground under questioning at the McCarthy hearings, earning praise even from Sen. Joseph McCarthy himself, and later produced photographic evidence discrediting the senator by proving he had doctored evidence.

But to many of his own generation, and to his elders, he is probably best remembered as just a kid with a basketball under one arm hitchhiking back and forth between Peace Dale and Kingston.

Blount's family first moved into South County during the Depression, according to his brother Frank, a retired schoolteacher living on Great Island. The boys' father, Joseph Blount, an insurance salesman from Illinois who had met his Rhode Island bride while both served in the Navy in World War I, came to the area looking for work, which he found in local restaurants. Eventually Joe Blount opened Joe's Diner in Peace Dale, where Patsy's Package Store is now, and a second restaurant next to the Wakefield Diner on Main Street. But Loretta Blount had bigger plans for her children.

"My mother knew she wanted her children to go to college, so she moved us out of Peace Dale and out to Kingston, just to be near the campus, when I was about 7," Bruce Blount said. "She financed the house by renting rooms out to college kids. When I finally started at the university myself, I was the only kid who actually was farther away from campus in my frat house than I was at home."

Joe Blount continued in the restaurant business, opening the original Ram's Den in the house next to the family home on Upper College Road.

"I can remember getting up with my dad at about 4 in the morning and going down and getting the fires going," the general said. "He'd get the baking started for the day. By the time I was 10 I was making the bacon and eggs, putting them up for people. Basically, I was a short-order cook."

By that time he also had become a favorite of the school's basketball team, and particularly of its coach, Frank Keaney, another local legend. In fact the whole family was more or less adopted by the university community, to hear the sons tell it. One day, Frank Blount remembers, Keaney came in to see Joe Blount with an idea. It seems he had a team that needed to work to eat, but needed flexibility for practice and games; Joe hired them all as waiters, cooks and dishwashers. When they were playing he tended not to have that much business anyway. Loretta opened a soda shop at Lippitt Hall and worked as a switchboard operator, the same job she had had in the Navy. She became friends with each of the university's presidents over the years, and for years it was a tradition for the president to stop the commencement march to walk over and shake hands with Loretta Blount.

"She loved that," Frank remembered.

"I started out as waterboy for the team, and later I was the mascot," Bruce Blount said. "I grew up knowing more older men,

and more athletes, than I knew of kids my own age. "Back then we didn't just walk around in sneakers, you had regular street shoes, and coach wouldn't let me on the floor with them on. So I would stand in the corners during practice, and when the ball came to me, instead of tossing them back in I would just put them up. I developed a really different sort of shooting style, but I could hit from almost anywhere."

Once he started high school, Blount found himself constantly traveling between gyms, from URI's Rodman Hall to St. Francis and the Old Fagan's Hall in Peace Dale, the South Kingstown team's alternate gym. With his gym bag over his shoulder and a basketball under his arm, Blount became a familiar sight on Kingstown Road.

"I could get around better than anybody without a car," he said.

That famous basketball career could have led Blount away from Kingston but didn't. Despite being recruited by schools like Brown and Harvard, Blount knew he wanted to attend URI, then called Rhode Island State.

"There was never any question," he said.

"I was absolutely enthralled with the idea of playing for Rhode Island, and Coach Keaney was an idol to me." On his way to collecting more than 1,000 points in his college career, Blount also acted as captain of both the basketball and baseball teams. But he also found time to begin what would be his ultimate career. As an ROTC cadet, Blount became cadet colonel in his senior year and was commissioned in the regular Army as a second lieutenant in the Infantry when he graduated in 1950.

Starting out as a training officer in the 4th Infantry Division and the 101st Airborne, he was made platoon commander in Korea the next year, then company executive officer, then company commander in the 45th Infantry. He was selected as aide-de-camp by Maj. Gen. C.E. Ryan, commander of the Korean Military Advisory Group, and returned to the states with Ryan after his injury.

Since then he has worked his way up the ranks, spending time as a staff officer at the Pentagon, in the Southern Command in the Canal Zone and as commander of the 1st Battalion, 12th Cavalry, 1st Air Cavalry in Vietnam. In 1969 he was made secretary of the U.S. Army Infantry School in Fort Benning, Ga., and in 1971 was assigned to the European Command, eventually serving as community commander of the American Military Community in Wurzburg, Germany.

Finally, in 1983, he was promoted to lieutenant general and made chief of staff of the NATO Allied Forces South Command, consisting of units from Greece, Turkey, Italy the United Kingdom and the United States.

"I always followed Bruce, did whatever he did, only not as well," said little brother Frank Friday. "When he was in the NATO command, I thought that was a big deal. But I had the most fun when he was on the general's staff at Dix when he was stationed there. Whenever my company needed anything, they would come to me and I would call up, say, the motor pool and tell them I needed a Jeep. They'd ask who I was and I would say, 'This is Lieutenant Blount' in my best command voice and get whatever it was I needed."

"Of course it only lasted about a month before everybody figured out there were two Lieutenant Blounts on base, but we would begin to laugh our heads off whenever I told him what I was doing."

"For the longest time in my life I was 'Bruce Blount's brother,'" he said. "And to this day I am very proud of that." ●

HONORING MS. MARY MORAN AND MS. VICTORIA METZ

• Mr. ROBB. Mr. President, I'm pleased to honor the service of Ms. Mary Moran and Ms. Victoria Metz, the outgoing Parent Teacher Association (PTA) co-presidents at the Arlington Traditional School, a public alternative elementary school in Arlington, Virginia.

For the past two years, both Mary Moran and Victoria Metz have dedicated themselves to educational achievement by assisting the students, parents, teachers and administration of Arlington Traditional School. They have appeared on numerous occasions before the Arlington County School Board to discuss educational issues and sustain support for the Arlington Traditional School. Ms. Moran and Ms. Metz have also frequently met with individual members of the School Board to answer questions and have reached out to other local PTA presidents.

During the tenure of Mary Moran and Victoria Metz as co-presidents, the Arlington Traditional School PTA has played an integral role in the following activities: Math Night, Science and Technology Night, the DARE Program for 5th Graders; Black History Month, Hispanic Heritage Month, Asian Pacific Heritage Month, Native American Month, the Fall Family Get-Together, Holiday Open House, Parent-Teacher Conference Luncheon and Dinner, Summer Reading Challenge, Back to School Night and Staff Appreciation Week. The PTA generously purchased computers for student use at the Arlington Traditional School.

Mary Moran and Victoria Metz were also responsible for the Arlington Traditional School PTA's outreach efforts into the community. The PTA made significant contributions to the Arlington Community Temporary Shelter, the Animal Welfare League of Arlington, UNICEF and the Red Cross's International Relief Fund.

Mary Moran and Victoria Metz have truly made a difference at the Arlington Traditional School. Their success illustrates that our public schools benefit and prosper when parents take active leadership roles in supporting education.●

A TRIBUTE TO THE BELLES OF INDIANA ON THEIR 45TH REUNION

• Mr. LUGAR. Mr. President, I rise before you today to recognize the Belles of Indiana who are celebrating their 45th Reunion this summer. The Belles of Indiana, a choral group comprised of Indiana University students, were the first singing group to perform overseas with the United Service Organizations (USO). The Belles entertained soldiers stationed in Japan and Korea, performing 75 shows in 77 days during the summer of 1955. Their voices and energy brought great joy to all those who heard them perform. These singers dis-

played strong patriotism for their country and acted as outstanding ambassadors from Indiana. I am pleased to submit their names for the CONGRESSIONAL RECORD because of their great contributions to our soldiers and country.

I would like to commend the following members on their participation: Doris Day Block, Robert Bluemle, Vera Scammon Broughton, Dennis Escol, Roberta Ratliff Graham, Sondra Gauthier Harroff, Sally Graham Johnson, Helen Rapp Neffkens, Sandra Pawol Overack, Carolyn Hill Pain, Joyce Harrod Sakakini, Nancy Speed Schultz, Sue Ann Steeves, Cynthia Findley Stewart, Annabelle Baldrige Menguy, Sharlie Shull Stuart, Linda Foncannon Tucker, Ellen Dallas Wiggins, Mary Musgrave Wirts, Joyce Lancaster Voit, and Barbara Lockard Zimmerman. I would also like to recognize those members of the Belles of Indiana who are no longer with us: Eugene and Keitha Bayless, (Choral Director and his wife), Mary Mauer, Irma Batley Corcoran, Mary Sinclair Baron, and Joan Drew Irwin.

I am pleased to pay tribute to these great Americans whose positive attitude and high energy boosted morale for our overseas troops. The history of America is replete with stories of its sons and daughters being summoned and responding to their nation's call to duty. It is a proud history of accomplishment, honor, and victory. The Belles of Indiana answered their nation's call to duty and diligently persevered to be emissaries for the families and friends of servicemen who were far away from home.

I extend my congratulations to the Belles of Indiana for being the first entertainment group to travel and perform with the United Service Organization. I ask my colleagues to join me today in honoring these courageous women and men for their valiant service to our country.●

IN HONOR OF JOSEPH A. MEZZO

• Mr. TORRICELLI. Mr. President, I rise today to recognize Mr. Joseph A. Mezzo of New Jersey and the 4th Regiment of the United States Marine Corps, whose gallant actions in 1937 prevented an already tumultuous conflict from destabilizing further. The 4th Marines were deployed near the Soochow Creek in China to diffuse tensions that emerged after Japanese forces penetrated Chinese boundaries. Further intensifying the situation, a Chinese officer killed two members of the Japanese military, creating a hostile climate that culminated in armed conflict. Amidst heavy gunfire from both Japanese and Chinese forces, Mr. Mezzo and the 4th Marine Regiment demonstrated tremendous fortitude and resolve as they assisted in the stabilizing of the Soochow Creek, halting

what could have been a major international battle.

After all other American forces returned home, the 4th Marines remained in the Soochow Creek, accepting an even greater challenge of returning a Chinese rice barge that had been captured by the Japanese to its rightful owner. Mr. Mezzo and his fellow Marines executed this risky maneuver, thereby diffusing a situation which could have added fuel to an already volatile situation. The 4th Marine Regiment courageously exhibited the Marine Corps standard of Semper Fidelis, which saving the lives of many people.

Although Mr. Mezzo and his comrades acted with bravery and selflessness, their efforts, and the efforts of many gallant veterans, have gone virtually unrewarded and unappreciated. While their exploits may not be found in history books, the services with which these veterans have provided our country are invaluable. I would like to recognize Mr. Mezzo, the 4th Marine Regiment, and all veterans who have risked their lives for the welfare of our country. Their willingness to accept these dangerous missions is a testament to their senses of duty, honor and patriotism. For this, I salute our veterans to whom we own a debt of gratitude and our ceaseless appreciation, for they exemplify what it means to be American.●

VIRGINIA TECH'S CLASS OF 2000

• Mr. WARNER. Mr. President, yesterday, I inserted into the CONGRESSIONAL RECORD the speeches of two graduates from Virginia Tech University who addressed their class during its commencement ceremonies last month. During the commencement ceremony, at which I had the privilege of also speaking with the Class of 2000, I listened to the eloquent and inspiring speeches of three Virginia Tech students, Class President Lauren Esleek, Graduate Student Representative Timothy Wayne Mays, and Class Treasurer Rush K. Middleton. Yesterday, I inserted Ms. Esleek's and Mr. Middleton's speeches into the CONGRESSIONAL RECORD. I have now obtained a copy of Mr. Mays' speech, and it is my pleasure to ask that a copy of his speech also be printed in the RECORD.

GRADUATION SPEECH BY TIMOTHY WAYNE MAYS

Good morning. I'd like to begin with a brief story that I recently read that illustrates the theme of my message today. A successful business executive and former University of Alabama football player was asked "what was the first thing coach Paul Bear Bryant said to you and the other scholarship athletes after arriving on campus." Surprisingly, at the first team meeting, Coach Bryant asked the group "Have you called your folks yet to thank them?" After hearing those words, the players looked confused—most had their mouths open. They

looked at one another with disbelief. Apparently, not one of them had anticipated this question. These freshman athletes had been on campus less than 24 hours, but they already had their first lesson in team productivity. No one in the room that day had acknowledged having called home with a word of thanks. What was the essence of the lesson? Coach Bryant followed up his initial question with a second statement. "No one ever got to this level without the help of others. Call your folks. Thank them." [from *The Millionaire Mind* (Stanley, 2000)]

When I was asked to speak at today's graduation ceremony, I kind of struggled with what I wanted to talk about, but preparing this speech gave me the opportunity to reflect on how I got to this point in my life. And the main thing that stood out to me was the significant influence that certain individuals have had on my life. In some way or another, these people gave me a chance or an opportunity that I would not have had otherwise. Now some of these people are, of course, my parents and other family members who have given me a chance by raising me in a safe, loving, and spiritual environment. In the most challenging times of my life, their prayers and support have helped me stand strong, or sometimes, just make it through.

In a different way, some of the people who have most significantly influenced my life are friends, teachers, and even just acquaintances that have taken an interest in me for some reason or another. They have given me the guidance and motivation that I need to succeed. As a recent example, when I came to Virginia Tech, I wasn't sure what type of structural engineering work I wanted to do after graduation. Over the last four years, Dr. Tom Murray, in the Civil Engineering department here at Virginia Tech, has helped me find the specific type of work that I will enjoy. I will surely remember his help in the years to come when I wake up every morning happy to go to work. Also, it was Dr. Ray Plaut who took a personal interest in me during my college visit and brought me here to Virginia Tech. Everything that I have accomplished here at Virginia Tech would have been impossible without his help and guidance over the last four years. The truth of the matter is this: Had some of these people not entered my life, I definitely would not be here speaking today.

As graduates of this great university, we really do have so much for which to be proud. However, I challenge each of you to take the time to reflect on the individuals who have helped you get to this place in your life, and to personally thank them for taking an interest in you.

At this chapter in our life comes to an end, a new chapter begins, and one of the most exciting things to think about is the new people we will meet and the impact they will have on our lives. More importantly though, I hope that we can be influential people in others' lives. By always recognizing the impact that other people have had on us, I believe that we can. Thank you very much and God bless.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON EXECUTIVE ORDER 12938—MESSAGE FROM THE PRESIDENT—PM114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON,
THE WHITE HOUSE, June 14, 2000.

REPORT RELATIVE TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON,
THE WHITE HOUSE, June 14, 2000.

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The message also announced that the House has agreed to the following con-

current resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated on June 14, 2000:

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated on June 14, 2000:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9212. A communication from the Deputy General Counsel, Office of SDB Certification and Eligibility, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "8(a) Business Development/Small Disadvantaged Business Status Determinations" (RIN 3245-AE46) received on June 5, 2000; to the Committee on Small Business.

EC-9213. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; to the Committee on Foreign Relations.

EC-9214. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of the resolution and order approving the fiscal year 2000 financial plan and budget; to the Committee on Governmental Affairs.

EC-9215. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Children Suffering from Spina Bifida Who Are Children of Vietnam Veterans" (RIN

2900-A-J25) received on June 1, 2000; to the Committee on Veterans' Affairs.

EC-9216. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems, Parts, Accessories and Associated Technical Data on the United States Munitions Lists" received on May 24, 2000; to the Committee on Foreign Relations.

EC-9217. A communication from the Attorney-Adviser, Bureau of Educational and Cultural Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Fees for Exchange Visitor Program Designation Services" (Public Notice 3284) received on June 5, 2000; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations:

Report to accompany S. 2720, An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-309).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 303: A resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-308).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nomi-

nees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 2728. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. DOMENICI, Mrs. BOXER, and Mr. BINGAMAN):

S. 2730. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUE):

S. Res. 323. A resolution to designate Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH):

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2000

Mr. HELMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Servicemembers' Protection Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court." The vote on adoption of the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of May 30, 2000, 96 countries had signed the Rome Statute and 10 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date that the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has continued to meet regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, definitions of Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty."

Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Any Americans prosecuted by the International Criminal Court will, under the Rome Statute, be denied many of the procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, including, among others, the right to trial by jury, the right not to be compelled to provide self-incriminating testimony, and the right to confront and cross-examine all witnesses for the prosecution.

(7) American servicemen and women deserve the full protection of the United States Constitution when they are deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect American servicemen and women, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(8) In addition to exposing American servicemen and women to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than American servicemen and women, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

SEC. 3. TERMINATION OF PROHIBITIONS OF THIS ACT.

The prohibitions and requirements of sections 4, 5, 6, and 7 shall cease to apply, and the authority of section 8 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 4. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section apply only to cooperation with the International Criminal Court and shall not be construed to apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or entity of the United States Government or of any State or local government, including

any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(c) PROHIBITION ON SPECIFIC FORMS OF COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may undertake any action described in the following articles of the Rome Statute with the purpose or intent of cooperating with, or otherwise providing support or assistance to, the International Criminal Court:

(1) Article 89 (relating to arrest, extradition, and transit of suspects).

(2) Article 92 (relating to provisional arrest of suspects).

(3) Article 93 (relating to seizure of property, asset forfeiture, execution of searches and seizures, service of warrants and other judicial process, taking of evidence, and similar matters).

(d) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 5. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date that the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing a peacekeeping operation pursuant to chapter VI or VII of the charter of the United Nations permanently exempts United States military personnel participating in such peacekeeping operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—United States military personnel may not participate in a peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such peacekeeping operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that United States military personnel are able to participate in a peacekeeping operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the peacekeeping operation, the United Nations Security Council permanently exempted United States military personnel participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) each country in which United States military personnel participating in the peacekeeping operation will be present is either not a party to the International Criminal Court or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in that country; or

(3) the President has taken other appropriate steps to guarantee that United States military personnel participating in the peacekeeping operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 6. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

SEC. 7. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b), (c), and (d), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) SPECIAL AUTHORITIES.—The prohibition of subsection (a) shall be subject to the special authorities of section 614 of the Foreign Assistance Act of 1961 and the applicable conditions and limitations under such section.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of any country that is—

(1) a NATO member country, or

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand).

SEC. 8. AUTHORITY TO FREE UNITED STATES MILITARY PERSONNEL AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) **AUTHORITY.**—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) **PERSONS AUTHORIZED TO BE FREED.**—The authority of subsection (a) shall extend to the following persons:

(1) United States military personnel, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government.

(2) Military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country or major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand) that is not a party to the International Criminal Court, upon the request of such government.

(3) Individuals detained or imprisoned for official actions taken while the individual was a person described in paragraph (1) or (2), and in the case of such individuals described in paragraph (2), upon the request of such government.

(c) **CONSTRUCTION.**—Subsection (a) shall not be construed to authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 9. STATUS OF FORCES AGREEMENTS.

(a) **REPORT ON STATUS OF FORCES AGREEMENTS.**—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report evaluating the degree to which each existing status of forces agreement with a foreign government, or other similar international agreement, protects United States military and other personnel from extradition to the International Criminal Court under Article 98 of the Rome Statute.

(b) **PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.**—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for amending existing status of forces agreements, or negotiating new international agreements, in order to achieve the maximum protection available under Article 98 of the Rome Statute for United States military and other personnel in those countries where maximum protection under Article 98 has not already been achieved.

(c) **SUBMISSION IN CLASSIFIED FORM.**—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 10. ALLIANCE COMMAND ARRANGEMENTS.

(a) **REPORT ON ALLIANCE COMMAND ARRANGEMENTS.**—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which United States military personnel may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of for-

ign military officers subject to the jurisdiction of the international criminal court because they are nationals of a party to the international criminal court, and

(2) evaluating the degree to which United States military personnel engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the international criminal court.

(b) **PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.**—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for modifying command and operational control arrangements within military alliances to which the United States is a party to reduce any risks to United States military personnel identified pursuant to subsection (a)(2).

(c) **SUBMISSION IN CLASSIFIED FORM.**—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 11. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 12. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the following terms have the following meanings:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **CLASSIFIED NATIONAL SECURITY INFORMATION.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor executive order.

(3) **EXTRADITION.**—The terms “extradition” and “extradite” include both “extradition” and “surrender” as those terms are defined in Article 102 of the Rome Statute.

(4) **INTERNATIONAL CRIMINAL COURT.**—The term “International Criminal Court” means the court established by the Rome Statute.

(5) **MAJOR NON-NATO ALLY.**—The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(6) **PARTY TO THE INTERNATIONAL CRIMINAL COURT.**—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(7) **PEACEKEEPING OPERATION AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL PURSUANT TO CHAPTER VI OF VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI of VII of the charter of the United Nations” means any military operation to

maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations, and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

(8) **ROME STATUTE.**—The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(9) **SUPPORT.**—The term “support” means assistance of any kind, including material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(10) **UNITED STATES MILITARY ASSISTANCE.**—The term “United States military assistance” means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

By Mr. KENNEDY (for himself,
Mr. BRYAN, Ms. MIKULSKI, and
Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000

Mr. KENNEDY. Mr. President, today we are introducing legislation to improve the health of Medicare beneficiaries and the health of the Medicare program itself. Under Medicare, the health and quality of life for millions of older adults and people with disabilities have significantly improved. The rate of chronic disability among adults over 65 continues to decline, but we can do better. A recent report by the World Health Organization showed that the U.S. falls behind 23 other nations in “healthy life expectancy.” On average, Americans can expect only 70 healthy years, compared to Japanese citizens who can anticipate 74½ years of life without disability. Chronic disability robs too many older Americans of active and productive years, and adds \$26 billion annually in health care costs as people over 65 lose their ability to live independently.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. Nearly one fifth of the population will be 65 and older by 2025, which means that a larger number of beneficiaries will be supported by a smaller number of workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an obvious

alternative that should be part of the debate is to reduce the demand for Medicare by improving the health of senior citizens. Unfortunately, Medicare today contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older adults and individuals with disabilities to improve their health. It will also educate health providers about the best practices for treatment of Medicare patients.

Older adults are generally health conscious and are interested in taking steps to maintain their health and independence. Poor lifestyle factors—which include lack of exercise, poor diet, at-risk behaviors, smoking, and alcohol abuse—account for 70% of the physical decline and disease that occur with aging. Experts agree that the potential for better health through health promotion and disease prevention is great. Too often, however, older Americans lack the accurate information that would help them take advantage of these opportunities. This bill will ensure that Medicare beneficiaries are better informed about the lifestyle changes they can make to improve their health, and the preventive health services they can use to prevent disease.

To encourage more beneficiaries to use the preventive services that Medicare currently offers, our legislation will eliminate cost-sharing for these services. Prevention saves lives and saves money. The incidence of cancer in adults over 65 is approximately eleven times higher than in persons under 65. Most cancers can be treated and many can be cured if detected early. But cancer screening tests are significantly underused by Medicare beneficiaries. Thirty-eight percent of women over 65 who have survived breast cancer (and remain at risk) do not receive an annual mammogram. Our bill will waive cost-sharing for mammography, screening pelvic exams, colorectal cancer screening, prostate cancer screening, bone mass measurement, hepatitis B vaccine and its administration, and diabetes self-management training.

Despite the great potential of preventive services to improve the quality of life for older Americans, few clinical guidelines focus on preventive care for this population. Our bill calls for a task force to conduct studies to determine which preventive services in primary care are most valuable to senior citizens. A separate demonstration project will determine effective means to reduce smoking by Medicare beneficiaries. Cessation of smoking can reduce the risk of lung cancer, heart disease, and stroke. In 1997, smoking-related expenditures were estimated to cost the Medicare program a total of \$20.5 billion.

There are substantial defects in the quality of care provided to Medicare

beneficiaries. Medical research has established that early use of a beta blocker after a heart attack reduces the risk of mortality and rehospitalization. Yet 51 percent of older adults fail to receive this treatment when it is indicated. In fact, patients at the highest risk of death in the hospital are least likely to receive a beta blocker.

Every senior citizen deserves quality health care. The gaps between the best medical practice and actual practice must be narrowed. Our bill asks the Department of Health and Human Services to determine which areas in the treatment of Medicare beneficiaries do not meet the highest professional standards, and to determine the best practices in those areas. Steps will then be taken to inform health care professionals about these standards for treatment.

The opportunities for better health care and budget savings are great, if care can be delivered to beneficiaries with high-cost chronic conditions in a more coordinated and effective way. Our legislation authorizes demonstration projects to develop innovative approaches to increase the quality of care and reduce costs for Medicare beneficiaries in skilled nursing facilities. Similar demonstration projects are authorized for beneficiaries with serious or chronic illness who do not reside in nursing facilities.

In ways like this, we do more—much more—to preserve and strengthen Medicare, and achieve substantial long-term savings as well. I look forward to working closely with my colleagues on both sides of the aisle to achieve this important goal. I ask unanimous consent that the bill, the bill summary, and the relevant fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare Health Improvement Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—HCFA MISSION STATEMENT

Sec. 101. Establishment of HCFA mission statement with regard to the medicare program.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

Sec. 201. Waiver of all preventive services cost sharing under the medicare program.

Sec. 202. Information campaign on preventive health care for older Americans and individuals with disabilities.

Sec. 203. Development of health status self-assessment tool for medicare beneficiaries.

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

Sec. 301. Information campaign for the best practices for the treatment of conditions of medicare beneficiaries.

Sec. 302. Program to promote the use of best practices for the treatment of conditions of medicare beneficiaries and to reduce hospital and physician visits that result from improper drug use.

Sec. 303. Studies on preventive interventions in primary care for older Americans.

Sec. 304. Smoking cessation demonstration project.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES

Sec. 401. Demonstration projects to provide effective care for skilled nursing facility residents.

Sec. 402. Demonstration projects to improve the care of persons with serious illnesses.

TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

Sec. 501. White House Conference on Improving the Health of Older Americans.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of Social Security.

(2) MEDICARE BENEFICIARIES.—The term “medicare beneficiaries” means individuals who are entitled to benefits under part A or enrolled under part B of the medicare program, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(3) MEDICARE PROGRAM.—The term “medicare program” means the health insurance program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

TITLE I—HCFA MISSION STATEMENT

SEC. 101. ESTABLISHMENT OF HCFA MISSION STATEMENT WITH REGARD TO THE MEDICARE PROGRAM.

Part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting before section 1801 the following:

“HCFA MISSION STATEMENT

“SEC. 1800. In administering the health insurance program established under this title, it is the mission of the Health Care Financing Administration to—

“(1) effectively and efficiently administer a program of health insurance coverage for individuals who are entitled to benefits under part A or enrolled under part B of this title, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of this title, in accordance with the requirements of this title;

“(2) assure that health care provided to such individuals is of the highest quality; and

“(3) carry out programs in cooperation with other Government agencies and the private sector to promote health, prevent disease, and assure the highest possible functional level for such individuals.”.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

SEC. 201. WAIVER OF ALL PREVENTIVE SERVICES COST SHARING UNDER THE MEDICARE PROGRAM.

(a) **WAIVER OF COINSURANCE AND DEDUCTIBLES.**—

(1) **IN GENERAL.**—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following:

“(m) **WAIVER OF COINSURANCE AND DEDUCTIBLE FOR PREVENTIVE SERVICES.**—

“(1) **COINSURANCE.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this part—

“(i) the Secretary shall waive any coinsurance applicable to services described in subparagraph (B); and

“(ii) with respect to payment for such services, any reference to a percent that is less than 100 percent shall be deemed to be a reference to 100 percent.

“(B) **SERVICES DESCRIBED.**—The services described in this subparagraph are the following services:

“(i) Screening mammography (as defined in section 1861(jj)).

“(ii) Screening pelvic exam (as defined in section 1861(nn)(2)).

“(iii) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

“(iv) Colorectal cancer screening test (as defined in section 1861(pp)).

“(v) Bone mass measurement (as defined in section 1861(rr)).

“(vi) Prostate cancer screening test (as defined in section 1861(oo)).

“(vii) Diabetes outpatient self-management training services (as defined in section 1861(qq)).

“(2) **DEDUCTIBLE.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this part, the deductible described in section 1833(b) shall not apply with respect to services described in subparagraph (B).

“(B) **SERVICES DESCRIBED.**—The services described in this subparagraph are the following services:

“(i) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

“(ii) Colorectal cancer screening test (as defined in section 1861(pp)).

“(iii) Bone mass measurement (as defined in section 1861(rr)).

“(iv) Prostate cancer screening test (as defined in section 1861(oo)).

“(v) Diabetes outpatient self-management training services (as defined in section 1861(qq)).”.

(2) **CONFORMING AMENDMENT.**—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended by striking “section 1876” and inserting “sections 1834 and 1876” in the matter preceding paragraph (1).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after December 31, 2001.

SEC. 202. INFORMATION CAMPAIGN ON PREVENTIVE HEALTH CARE FOR OLDER AMERICANS AND INDIVIDUALS WITH DISABILITIES.

(a) **IN GENERAL.**—The Secretary and the Commissioner shall jointly conduct an information campaign, in consultation with the heads of other Government agencies and States and the private sector, for individuals who have attained age 50 and individuals with disabilities to promote—

(1) the use of preventive health services among such individuals, including services that are available to medicare beneficiaries and are covered by the medicare program;

(2) the proper use of prescription and over-the-counter drugs in order to reduce the number of hospital stays and physician visits among such individuals that are a result of the improper use of such drugs; and

(3) the steps (including exercise, maintenance of a proper diet, and utilization of accident prevention techniques) that such individuals may take in order to promote and safeguard their health.

(b) **USE OF SERVICES.**—The information campaign described in subsection (a) shall stress the benefits of—

(1) using the services described in subsection (a)(1);

(2) following the proper directions for using prescription and over-the-counter drugs as described in subsection (a)(2); and

(3) utilizing the steps described in subsection (a)(3).

(c) **ELEMENTS OF CAMPAIGN.**—In conducting the information campaign described in subsection (a), the Secretary and the Commissioner (as applicable) shall—

(1) expand the section in the Medicare and You handbook on preventive benefits to include a more detailed description of the importance of using preventive health services and the benefits offered under the medicare program;

(2) instruct fiscal intermediaries and carriers under the medicare program to include preventive benefits messages on the Medicare Summary Notice statement and the Explanation of Medicare Benefits;

(3) regularly include preventive benefits messages on the medicare part B benefits statement;

(4) combine public service announcements and a print media campaign to raise awareness of the value of using preventive health services;

(5) distribute brochures and other information on health promotion and disease prevention activities through—

(A) State health insurance assistance programs;

(B) area agencies on aging;

(C) Social Security Administration field offices; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner; and

(6) include information on the importance of using preventive health services—

(A) on the cost of living adjustment (COLA) notice, which is sent to individuals who receive disability benefits under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq.; 1381 et seq.);

(B) on the social security account statements distributed pursuant to section 1143 of the Social Security Act (42 U.S.C. 1320b-13); and

(C) in brochures on retirement and survivors' benefits that are produced by the Commissioner.

(d) **TARGETED POPULATIONS.**—To the extent appropriate, aspects of the information campaign described in subsection (a) may be targeted to specific subpopulations of medicare beneficiaries.

(e) **GRANTS AND CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary and the Commissioner shall provide grants to, and enter into contracts with, eligible entities to assist with carrying out the purposes of this section.

(2) **ELIGIBLE ENTITY DEFINED.**—In this subsection, the term “eligible entity” means—

(A) any community organization working with medicare beneficiaries;

(B) any organization representing medicare beneficiaries;

(C) area agencies on aging; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner.

SEC. 203. DEVELOPMENT OF HEALTH STATUS SELF-ASSESSMENT TOOL FOR MEDICARE BENEFICIARIES.

(a) **DEVELOPMENT.**—The Secretary, in conjunction with the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention (CDC), the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Administrator of the Agency for Healthcare Research and Quality (AHRQ), shall develop a health status self-assessment tool that includes assessment of mental health status, alcohol use, and substance use, and assists medicare beneficiaries in identifying important health information, risk factors, or significant symptoms that should be acted upon or discussed with the beneficiary's health care provider.

(b) **DISTRIBUTION.**—The Secretary shall establish procedures for the distribution of the self-assessment form developed under subsection (a) and may contract with the eligible entities described in section 202(e)(2) to distribute and promote the use of such forms.

(c) **TRAINING.**—The Secretary shall establish a training program for the staff of State health insurance assistance programs that will enable such staff to assist medicare beneficiaries in completing the self-assessment form developed under subsection (a).

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

SEC. 301. INFORMATION CAMPAIGN FOR THE BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES.

(a) **STUDY.**—The Secretary, in consultation with the Administrator for Health Care Policy and Research, the Director of the National Institutes of Health, and such other professional societies and experts as the Secretary considers appropriate, shall—

(1) conduct a study to determine areas where treatment of medicare beneficiaries falls short of the highest professional standards; and

(2) determine the best practices in the areas described in paragraph (1).

(b) **INFORMATION CAMPAIGN.**—The Secretary shall provide for an information campaign to inform medicare beneficiaries about the results of the study conducted under subsection (a).

SEC. 302. PROGRAM TO PROMOTE THE USE OF BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES AND TO REDUCE HOSPITAL AND PHYSICIAN VISITS THAT RESULT FROM IMPROPER DRUG USE.

(a) **IN GENERAL.**—The Secretary, in conjunction with the Administrator of the Health Resources and Service Administration and such other agencies and professional societies as the Secretary deems appropriate, shall establish a program to—

(1) improve treatment of medicare beneficiaries based on the results of the study conducted under section 301(a) and other relevant information; and

(2) reduce the number of hospital stays and physician visits among medicare beneficiaries that are a result of the improper use of prescription and over-the-counter drugs.

(b) **ELEMENTS OF PROGRAM.**—The program described in subsection (a) shall include—

(1) an information campaign for health professionals;

(2) coordination of the part of the program established under subsection (a) that is designed to achieve the purpose described in paragraph (2) of that subsection with the information campaign conducted under section 202; and

(3) any other activity the Secretary considers appropriate to carry out the purposes described in subsection (a).

(c) **DEMONSTRATIONS AND GRANTS.**—In establishing the program under subsection (a), the Secretary may conduct demonstration projects and award grants to eligible entities (as defined in subsection (d)).

(d) **ELIGIBLE ENTITY DEFINED.**—In this section, the term “eligible entity” means an entity that is an academic health center, a professional medical society, or such other entity as the Secretary considers appropriate to carry out the purposes of this section.

(e) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall annually report to Congress on the program conducted under this section.

SEC. 303. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) **STUDIES.**—The Secretary, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting that are most valuable to older Americans.

(b) **MISSION STATEMENT.**—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 304. SMOKING CESSATION DEMONSTRATION PROJECT.

(a) **IN GENERAL.**—The Secretary, acting through the Administrator of the Health Care Financing Administration, shall conduct a demonstration project to—

(1) evaluate the most successful and cost-effective means of providing smoking cessation services to medicare beneficiaries; and

(2) test incentive systems for physicians, other health care professionals, and medicare beneficiaries to optimize rates of successful smoking cessation among medicare beneficiaries.

(b) **LATEST SCIENTIFIC EVIDENCE.**—The Secretary shall use the latest scientific evidence regarding smoking cessation strategies and guidelines in conducting the demonstration project under this section.

(c) **PAYMENT.**—Payment to an individual or an entity for a service provided under the demonstration project shall be equal to the lesser of—

(1) the actual charge for providing the service to a medicare beneficiary; or

(2) the amount determined by a fee schedule established by the Secretary for the purposes of this section for such service.

(d) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary may waive such requirements of the medicare program

as may be necessary for the purposes of carrying out the demonstration project conducted under this section.

(2) **NON-MEDICARE PROVIDERS.**—Individuals and entities that do not provide items and services under the medicare program shall be permitted to participate in the demonstration project conducted under this section.

(e) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration project conducted under this section.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES

SEC. 401. DEMONSTRATION PROJECTS TO PROVIDE EFFECTIVE CARE FOR SKILLED NURSING FACILITY RESIDENTS.

(a) **IN GENERAL.**—The Secretary shall conduct demonstration projects that are designed to provide medicare beneficiaries who are residents of skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a))) with higher quality and more cost-effective services in order to avoid unnecessary hospitalizations of such residents.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—The demonstration projects conducted under this section shall include the following:

(A) Programs of case management.

(B) Programs of disease management.

(C) Such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to such residents.

(2) **AUTHORIZED TECHNIQUES.**—The demonstration projects conducted under this section may utilize—

(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to residents of skilled nursing facilities;

(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

(C) provision of services not normally covered under the medicare program, if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under such program; or

(D) reduced cost-sharing requirements for medicare beneficiaries participating in such projects.

(c) **WAIVER AUTHORITY.**—The Secretary may waive such requirements of the medicare program as may be necessary for the purposes of carrying out the demonstration projects conducted under this section other than requirements relating to providing medicare beneficiaries with freedom of choice of provider under section 1802 of the Social Security Act (42 U.S.C. 1395a) or any other provision of law.

(d) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration projects conducted under this section.

SEC. 402. DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF PERSONS WITH SERIOUS ILLNESSES.

(a) **EXPANSION OF MEDICARE COORDINATED CARE DEMONSTRATION PROJECT.**—Section 4016 of the Balanced Budget Act (Public Law 105-33; 111 Stat. 343) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) **TARGET INDIVIDUAL DEFINED.**—In this section, the term “target individual” means an individual that is enrolled under the fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.; 1395j et seq.) and—

“(A) has a chronic illness, as defined and identified by the Secretary; or

“(B) has a serious illness, as so defined and identified.”;

(2) in subsection (b)(2), by striking “Not” and inserting “With respect to demonstration projects for items and services provided to target individuals described in subsection (a)(2)(A), not”; and

(3) by adding at the end the following:

“(f) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—The demonstration projects conducted under this section shall include—

“(A) programs of case management;

“(B) programs of disease management; and

“(C) such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to target individuals.

“(2) **AUTHORIZED TECHNIQUES.**—The demonstration projects conducted under this section may include—

“(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to target individuals;

“(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

“(C) provision of services not normally covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under that title; or

“(D) reduced cost-sharing requirements for target individuals participating in such projects.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

SEC. 501. WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS.

(a) **IN GENERAL.**—Not later than December 31, 2002, the President shall convene a White House Conference on Improving the Health of Older Americans.

(b) **GOAL OF CONFERENCE.**—The goal of the Conference shall be to—

(1) develop a consensus on a program to enable older Americans to protect and improve their own health;

(2) develop procedures to ensure that—

(A) older Americans are provided with the highest standard of health care available, with an emphasis on assuring that standard practice is also the best practice; and

(B) the needs of older Americans are more effectively met through the benefits provided under the medicare program; and

(3) outline a research and demonstration agenda to further the goals described in paragraphs (1) and (2).

(c) **CONFERENCE PARTICIPANTS.**—

(1) **PARTICIPANTS.**—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of older Americans and those who care for older Americans;

(B) researchers and research institutions with an expertise in issues related to older Americans;

(C) health professionals and members of professional societies with expertise in caring for older Americans; and

(D) other appropriate parties.

(2) **SELECTION OF DELEGATES.**—The participants shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the President's ability, be representative of the spectrum of thought in the field of geriatric health care.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—SUMMARY

The viability of Medicare is increasingly threatened as the nation's population ages and as large numbers of beneficiaries are supported by fewer workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an alternative that should be part of the debate is to improve the health of beneficiaries and reduce the demand for Medicare. Unfortunately, Medicare contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older Americans and individuals with disabilities to improve their health and will educate health care providers in the best practices to achieve these goals.

TITLE I: HCFA MISSION STATEMENT

The purpose of this title is to establish a mission statement for the Health Care Financing Administration, the agency in the Department of Health and Human Services that administers Medicare. The mission of HCFA would be to: (1) effectively and efficiently administer health insurance coverage; (2) assure that the health care provided to Medicare beneficiaries is of the highest quality; (3) carry out health promotion and disease prevention activities; (4) and assure the highest possible level of functioning for beneficiaries.

TITLE II: ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH

Cost-sharing is waived for the following preventive services currently covered by Medicare—screening mammography, screening pelvic exam, hepatitis B vaccine and its administration, colorectal cancer screening, bone mass measurement, prostate cancer screening, and diabetes outpatient self-management training services.

An information campaign for individuals over age 50 and individuals with disability will be conducted jointly by the Secretary of Health and Human Services and the Commissioner of Social Security to promote the use of preventive health services, including services not covered by Medicare. The campaign will also encourage the proper use of prescription and over-the-counter medications, and the use of measures such as exercise, proper diet, and accident prevention to safeguard health.

A health status self-assessment program will be developed to help Medicare beneficiaries identify health information, risk factors, and symptoms that they should act on or discuss with their health provider.

TITLE III: IMPROVING THE QUALITY OF CARE FOR OLDER AMERICANS AND PERSONS WITH DISABILITIES

HHS, in consultation with other agencies, will conduct a study to determine areas in the treatment of Medicare beneficiaries that do not meet the highest professional standards. The study will also determine the best

practices for treatment in these areas and inform Medicare beneficiaries about the study results.

A program will be established to inform health professionals of the best practices for treatment, and to reduce hospital stays and outpatient visits attributable to improper use of medications.

A task force will conduct studies to determine which preventive services in primary care are most valuable to older Americans.

A smoking cessation demonstration project will determine how to reduce smoking most effectively among Medicare beneficiaries.

TITLE IV: DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF SKILLED NURSING RESIDENTS AND PERSONS WITH SERIOUS ILLNESSES

HHS will conduct demonstration projects on case management and disease management to increase the quality and reduce the cost of care for Medicare beneficiaries in nursing facilities. The projects will encourage contracts with Centers of Excellence, and will be authorized to use innovative payment techniques, explore services not normally covered by Medicare, and experiment with reduced cost-sharing requirements for beneficiaries. Similar demonstration projects will be conducted to improve the care of beneficiaries with serious or chronic illness who are not in nursing facilities.

TITLE IV: WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

This title requests the President to convene a White House Conference on Improving the Health of Older Americans. The goals of the Conference will be to develop ways to enable older Americans to improve their health, and to develop procedures to ensure that they receive the highest quality of care, including the development of a research and demonstration agenda to advance these goals.

COST

The Congressional Budget Office estimates that the cost of this program will be \$1.6 billion over 5 years and \$5 billion over 10 years.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—FACT SHEET

The health and quality of life for millions of adults age 65 or older and people with disabilities have significantly improved under Medicare. From 1982 to 1994, chronic disability among Americans over 65 declined by 1.3% annually, and has continued to decline through 1999. Nevertheless, a recent report by the World Health Organization revealed that the U.S. lags behind Europe, Australia, Canada, Israel and Japan in "healthy life expectancy." Americans have a life expectancy of 76.7 years of which 70 will be without disability, in comparison to Japanese citizens who can anticipate 74.5 healthy years. Chronic disability robs older Americans of active and productive years. It adds \$26 billion annually in health care costs for those over 65 who lose their ability to live independently over the course of a year.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. The percentage of the population 65 and older is expected to increase from 13% to 19% in 2025, resulting in larger numbers of beneficiaries who will be supported by fewer workers. If the prevalence of chronic disability can be further reduced and healthy life expectancy increased, the aging population will enjoy a longer period of independence and general well-being while using fewer medical services.

Medicare was enacted in 1965 to ensure acute medical care for older adults and persons with disabilities. As the field of medicine and the demographics of the American population have changed, the purpose of Medicare has evolved to include health promotion and disease prevention activities.

Older Americans and persons with disabilities can contribute significantly to improving their health.

Medicare offers multiple preventive services, but current cost-sharing requirements often deter people from using these services. Additional measures such as exercise, proper diet, accident prevention and appropriate use of medications, can enable beneficiaries to prevent or delay the onset of disability. According to Healthy People 2010, "More than any other age group, older adults are seeking health information and are willing to make changes to maintain their health and independence." Medicare can do more to inform people about health promotion and disease prevention to help them improve their health.

Lifestyle problems account for approximately 70% of the physical decline and disease that occur with aging. The over-65 population is increasingly knowledgeable about medical issues and can be motivated to make behavioral changes to improve their health.

Deaths from heart disease and stroke rise significantly over age 65, accounting for more than 40% of all deaths among persons aged 65 to 74, and almost 60% of deaths in persons age 85 and older. Medication and dietary changes have been shown to reduce risk factors for heart disease and stroke, such as high blood pressure and high cholesterol. Other lifestyle changes—including increased physical activity, maintaining healthy weight and cessation of smoking—can also be effective.

Osteoporosis leads to 300,000 hip fractures each year and 50,000 deaths from complications. 50% of fracture victims lost their ability to walk independently. The direct and indirect costs of osteoporosis are estimated to be \$13.8 billion annually.

Only 13% of people ages 65 to 74 engage in vigorous physical activity that promotes cardiorespiratory fitness and prevents osteoporosis. Only 11% engage in strengthening exercises and only 22% engage in stretching exercises. For those ages 75 older, the rates are 6%, 8%, and 21% respectively. Yet these activities help older adults maintain their functional independence and quality of life.

The incidence of cancer in adults ages 65 and older is approximately 11 times higher than that for persons under 65. Most cancers can be treated and many can be cured if detected early, but cancer screening tests are underutilized by Medicare beneficiaries. In 1998, only 42.7% of older women obtained a Pap smear. One study showed that only 62% of breast cancer survivors over 65 and at risk for recurrence, obtained an annual mammogram.

Good health largely depends on taking responsibility for one's own health. Studies support a role for educational programs that provide relevant information and guidelines to enable medical consumers to determine when professional care is required.

Medicare beneficiaries are entitled to treatment that meets the highest professional standards.

Medicare effectively pays the bills for covered health services, but it is less successful in assuring that older adults and persons with disabilities actually receive the quality health care they need and deserve. Less than

optimal health care is extremely costly to Medicare.

Approximately 17,000 individuals aged 65 or older die of influenza or influenza-related pneumonia each year. But in 1997, only 63% of non-institutionalized older adults received the influenza vaccine, and only 43% received the pneumococcal vaccine. For every 10,000 persons over 65 who receive the pneumococcal vaccine, approximately \$1.4 million in health care costs are saved.

On average, older adults use 4.5 prescription medication at the same time and are at higher risk of misuse or drug-drug interactions. Hospitalization from drug reactions or interactions is six times higher for older adults than for the general population.

Aspirin is an effective therapy that can reduce the risk of death and disability from coronary artery disease, including heart attacks and strokes. Yet this inexpensive medication is inadequately used, especially in community settings. General practitioners (11%), family doctors (18%), and internists (20%) are less likely to recommend the use of aspirin than are cardiologists (37%). Aspirin is especially underused in patients over 80 years old, even though this population is likely to receive the greatest benefit.

Early use of a beta-blocker reduces the rates of mortality and rehospitalization after acute myocardial infarction. Yet 51% of older adults who are eligible for such therapy do not receive a beta blocker after a heart attack. In fact, patients at highest risk for death in the hospital were the least likely to receive beta blockers.

Mental illness is not a part of normal aging. Depression affects up to 20% of older adults in the community and up to 37% of older primary care patients, but often goes unrecognized and untreated. Both major and minor depression are associated with high use of health care services and poor quality of life. Untreated, depression can worsen symptoms of other illness, produce disability, and result in suicide. The incidence of suicide is highest in the elderly population. Up to 75% of older suicide victims are seen by their primary care provider in the month prior to suicide, but are not treated or referred for treatment of their depression.

Physicians diagnose only 30% of older adults who have an alcohol problem. The effects of alcohol can be greater in older patients, due to changes in body mass and metabolism. Drinking is linked with falls, motor vehicle accidents, and is often a factor in suicide and marital violence. Alcohol interacts with many medications and impairs judgment and cognition. The long-term abuse of alcohol increases the risk for high blood pressure, arrhythmias, cardiomyopathy and stroke, as well as certain cancers.

Smoking-related expenditures were 9.4% of Medicare expenditures in 1993 and were estimated to cost Medicare \$20.5 billion in 1997. Cessation of smoking slows the rate of decline of lung function, in addition to reducing the risk of heart disease and stroke.

Improving the health of older adults and persons with disabilities will also improve the health of Medicare.

Improving the health of older adults and persons with disabilities is essential for its own sake, and is also one of the most important ways to improve the health of Medicare, even as enrollment increases.

Chronically disabled adults over 65 have health costs that are seven times those of healthy individuals. Reduction in the rate of chronic disability could maintain the cur-

rent disabled retiree to worker ratio through 2030, despite a dramatic change in the overall retiree to worker ratio, with potentially immense savings to Medicare.

Savings achieved by improving the health of Medicare beneficiaries outweigh any costs associated with increased longevity.

SUMMARY

Establishes a mission statement for the Health Care Financing Administration, with new emphasis on health promotion and diseases prevention.

Waives cost-sharing for preventive services currently offered by Medicare, such as screening mammography, screening pelvic exam, colorectal screening, bone mass measurement and diabetes self-management training.

Provides an information campaign to promote the use of preventive health services.

Authorizes the development of a health self-assessment tool that includes assessment of mental health.

Promotes the use of best practices for treatment of Medicare beneficiaries.

Establishes a demonstration project for smoking cessation.

Provides demonstration projects to improve the care of residents in skilled nursing facilities and persons with serious illnesses who are not in nursing facilities.

Requests a White House conference on improving the health of older Americans.

The cost of these specific measures is estimated to be \$1.6 billion over 5 years and \$5 billion over 10 years, but these costs are likely to be offset by reductions in Medicare costs as the measures become effective in improving the health of senior citizens.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

COMBINED FUND STABILITY AND FAIRNESS ACT

Mr. CONRAD. Mr. President, I rise to introduce, along with my colleague, Senator GORDON SMITH of Oregon, legislation that we call the Combined Fund Stability and Fairness Act.

The Coal Act of 1992 represents an unbreakable commitment to retired miners, their spouses, and their dependents. But it is clear today that if we do not address the shortcomings of the 1992 Act, we will fall short of keeping that promise.

Simply put, the Combined Benefit Fund needs to be put on a firm financial footing so that the miners and their family members—who depend on the health benefits the Fund provides—can stop worrying about when their benefits might be cut.

The Coal Act of 1992 cast a wide net in identifying companies that would be obligated to pay into the fund. Not only were companies then in the coal mining business included, but the Act also brought in companies that were no

longer in the bituminous coal mining business as well as successor companies. Nearly eight years later, we know that Congress overreached.

Two years ago, the Supreme Court in *Eastern Enterprises versus Apfel*, held that the so-called “super reachback” companies should not have been included among Combined Benefit Fund contributors in the first place.

The logic of the Court’s decision in *Eastern* appears just as applicable to the reachback companies. They should not have been included either.

The bill the Senator from Oregon and I are introducing today is not a bailout for the reachback companies. In fact, the reachbacks will not receive one penny under this legislation. It provides relief to the reachbacks on a prospective basis only.

There are a limited number of companies that will receive payments under this bill. One group—what we refer to as the “final judgment” companies—are companies in the same situation as *Eastern Enterprises*. However, they had been unsuccessful in litigation decided before the *Eastern* decision, and were barred from recovery by the doctrine of *res judicata*. The other group—the “stranded interim” companies—are companies that were assessed following the enactment of the 1992 Act but were never assigned any beneficiaries.

The total of the refunds to be paid to these two groups of companies amounts to about \$28 million. That is the only money under this bill that would not go retired miners and their dependents.

I think this is a fundamental question of fairness and equity. Those companies ought to be treated the same way as those companies that were relieved of the obligation because of the *Eastern* decision. That is just basic fairness.

To help ensure the solvency of the Combined Benefit Fund into the future, the legislation would extend the Abandoned Mine Reclamation Fee program beyond its current expiration date of 2004 through 2010. The interest earned on the Abandoned Mine Lands Fund would be made available to the Combined Benefit Fund. This is similar to the approach Congress took with respect to the AML fund in the 1992 Act.

It is important to stress that the AML fees would be lowered substantially from current levels. The rate on surface-mined coal would drop from 35 cents per ton to 20 cents per ton; the rate on underground-mined coal would drop from 15 cents per ton to 5 cents per ton; and the rate on lignite coal would drop from 10 cents per ton to 5 cents per ton.

The legislation also authorizes the transfer of \$38 million in general fund revenues every year to cover any shortfall in the fund.

The combination of the AML Fund interest money, the premium adjustment mechanism, and the annual general fund transfers will ensure that all Combined Benefit Fund obligations will be fully met.

The fundamental purpose of the Combined Fund Stability and Fairness Act is to provide a secure, sound and fair financial foundation for the benefits miners have been promised. It is my hope that Congress will not delay in addressing this issue. Too many people are depending on us.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Combined Fund Stability and Fairness Act”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REACHBACK PROVISIONS

SEC. 101. REFORM OF REACHBACK PROVISIONS OF COAL INDUSTRY HEALTH BENEFIT SYSTEM.

(a) AGREEMENTS COVERED BY HEALTH BENEFIT SYSTEM.—

(1) IN GENERAL.—Section 9701(b)(1) (defining coal wage agreement) is amended to read as follows:

“(1) COAL AGREEMENTS.—

“(A) 1988 AGREEMENT.—The term ‘1988 agreement’ means the collective bargaining agreement between the settlers which became effective on February 1, 1988.

“(B) COAL WAGE AGREEMENT.—The term ‘coal wage agreement’ means the 1988 agreement and any predecessor to the 1988 agreement.”

(2) CONFORMING AMENDMENT.—Section 9701(b) (relating to agreements) is amended by striking paragraph (3).

(b) DEFINITIONS APPLICABLE TO OPERATORS.—

(1) SIGNATORY OPERATOR.—Section 9701(c)(1) (defining signatory operator) is amended to read as follows:

“(1) SIGNATORY OPERATOR.—The term ‘signatory operator’ means a 1988 agreement operator.”

(2) 1988 AGREEMENT OPERATOR.—Section 9701(c)(3) (defining 1988 agreement operator) is amended to read as follows:

“(3) 1988 AGREEMENT OPERATOR.—The term ‘1988 agreement operator’ means—

“(A) an operator which was a signatory to the 1988 agreement, or

“(B) a person in business which, during the term of the 1988 agreement, was a signatory to an agreement (other than the National Coal Mine Construction Agreement or the Coal Haulers’ Agreement) containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 agreement.

Such term shall not include any operator who was assessed, and paid the full amount of, contractual withdrawal liability to the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, or the Combined Fund.”

(3) CONFORMING AMENDMENTS.—

(A) Section 9711(a) is amended by striking “maintained pursuant to a 1978 or subsequent coal wage agreement”.

(B) Section 9711(b)(1) is amended by striking “pursuant to a 1978 or subsequent coal wage agreement”.

(c) MODIFICATIONS TO REFLECT REACHBACK REFORMS.—

(1) BOARD OF TRUSTEES OF COMBINED FUND.—

(A) IN GENERAL.—Section 9702(b)(1) is amended—

(i) by striking “one individual who represents” in subparagraph (A) and inserting “two individuals who represent”;

(ii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(iii) by striking “(A), (B), and (C)” in subparagraph (C) (as so redesignated) and inserting “(A) and (B)”.

(B) CONFORMING AMENDMENT.—Section 9702(b)(3) is amended to read as follows:

“(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.”

(C) TRANSITION RULE.—Any trustee serving on the date of the enactment of this Act who was appointed to serve under section 9702(b)(1)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this paragraph) shall continue to serve until a successor is appointed under section 9702(b)(1)(A) of such Code (as in effect after such amendments).

(2) ASSIGNMENT OF BENEFICIARIES.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

“(h) ASSIGNMENT AS OF OCTOBER 1, 2000.—

“(1) IN GENERAL.—Effective October 1, 2000, the Commissioner of Social Security shall—

“(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for periods after September 30, 2000,

“(B) make no further assignments to persons other than 1988 agreement operators, and

“(C) terminate all unpaid liabilities of persons other than 1988 agreement operators with respect to eligible beneficiaries whose assignment to such persons is pending on October 1, 2000.

“(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.”

(3) LIABILITY FOR 1992 PLAN.—

(A) IN GENERAL.—Section 9712(d) (relating to guarantee of benefits) is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(B) CONFORMING AMENDMENT.—Section 9712(d)(3) (as redesignated under subparagraph (A)) is amended by striking “or last signatory operator described in paragraph (3)”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums assessed for periods after September 30, 2000, except that a person other than a 1988 agreement operator shall not be liable

for any unpaid premium under section 9712(d) of the Internal Revenue Code of 1986 as of such date if liability for such premium had not been assessed or was being contested on such date.

TITLE II—FINANCING PROVISIONS

Subtitle A—Premiums

SEC. 201. REDUCTION IN ANNUAL PREMIUMS TO COAL MINERS COMBINED FUND IF SURPLUS EXISTS.

(a) IN GENERAL.—Part II of subchapter B of chapter 99 (relating to financing of Combined Benefit Fund) is amended by inserting after section 9704 the following new section:

“SEC. 9704A. REDUCTIONS IN HEALTH BENEFIT PREMIUM IF SURPLUS EXISTS.

“(a) GENERAL RULE.—If this section applies to any plan year, the per beneficiary premium used for purposes of computing the health benefit premium under section 9704(b) for the plan year shall be the reduced per beneficiary premium determined under subsection (c).

“(b) YEARS TO WHICH SECTION APPLIES.—

“(1) IN GENERAL.—This section applies to any plan year beginning after September 30, 2000, if the trustees determine that the Combined Fund has an excess reserve for the plan year.

“(2) EXCESS RESERVE.—For purposes of this section—

“(A) IN GENERAL.—The term ‘excess reserve’ means, with respect to any plan year, the excess (if any) of—

“(i) the projected net assets as of the close of the test period for the plan year, over

“(ii) the projected 3-month asset reserve as of such time.

“(B) PROJECTED NET ASSETS.—For purposes of subparagraph (A)(i), the projected net assets shall be the amount of the net assets which the trustees determine will be available at the end of the test period for projected fund benefits. Such determination shall be made in the same manner used by the Combined Fund to calculate net assets available for projected fund benefits in the Statement of Net Assets (Deficits) Available for Fund Benefits for purposes of the monthly financial statements of the Combined Fund for the plan year beginning October 1, 1999.

“(C) PROJECTED 3-MONTH ASSET RESERVE.—For purposes of subparagraph (A)(ii), the projected 3-month asset reserve is an amount equal to 25 percent of the projected expenses (including administrative expenses) from the health benefit premium account and unassigned beneficiaries premium account for the plan year immediately following the test period. The determination of such amount shall be based on the 10-year forecast of the projected net assets and cash balance of the Combined Fund prepared annually by an actuary retained by the Combined Fund.

“(D) TEST PERIOD.—For purposes of this section, the term ‘test period’ means, with respect to any plan year, the plan year and the following plan year.

“(c) REDUCED PER BENEFICIARY PREMIUM.—For purposes of this section, the reduced per beneficiary premium for any plan year to which this section applies is the per beneficiary premium determined under section 9704(b)(2) without regard to this section, reduced (but not below zero) by—

“(1) the excess reserve for the plan year, divided by

“(2) the total number of eligible beneficiaries which are assigned to assigned operators under section 9706 as of the close of the preceding plan year.

“(d) TERMINATION OF PREMIUM REDUCTION.—If, on any day during a plan year to

which this section applies, the Combined Fund has net assets available for projected fund benefits (determined in the same manner as projected net assets under subsection (b)(2)(B)) in an amount less than the projected 3-month asset reserve determined under subsection (b)(2)(C) for the plan year—

“(1) this section shall not apply to months in the plan year beginning after such day, and

“(2) the monthly installment under section 9704(g)(1) for such months shall be equal to the amount which would have been determined if the health benefits premium under section 9704(b) had not been reduced under this section for the plan year.”

(b) CONFORMING AMENDMENTS.—

(1) Section 9704(a) (relating to annual premiums) is amended by striking “Each” and inserting “Subject to section 9704A, each”.

(2) The table of sections for part II of subchapter B of chapter 99 is amended by inserting after the item relating to section 9704 the following new item:

“Sec. 9704A. Reductions in health benefit premium if surplus exists.”

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2000.

SEC. 202. ELECTION TO PREFUND REQUIRED CONTRIBUTIONS.

(a) COMBINED FUND.—Section 9704(g) (relating to payment of premiums) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

“(2) ELECTION TO PREFUND.—

“(A) IN GENERAL.—An assigned operator shall be entitled to prefund its obligations to the Combined Fund by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to the Combined Fund.

“(B) EFFECTS ON LIABILITY.—If an assigned operator prefunds its obligations under this paragraph—

“(i) the assigned operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

“(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.”

(b) 1992 FUND.—Section 9712(d) (relating to guarantee of benefits), as amended by section 101, is amended by adding at the end the following:

“(6) ELECTION TO PREFUND.—

“(A) IN GENERAL.—A 1988 last signatory operator shall be entitled to prefund its obligations to the 1992 UMW Benefit Plan by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to such plan.

“(B) EFFECTS ON LIABILITY.—If a 1988 last signatory operator prefunds its obligations under this paragraph—

“(i) the operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

“(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.”

SEC. 203. FIRST YEAR PAYMENTS OF 1988 OPERATORS.

So much of section 9704(i)(1)(D) as precedes clause (ii) is amended to read as follows:

“(D) PREMIUM REDUCTIONS AND REFUNDS.—

“(i) 1st YEAR PAYMENTS.—In the case of a 1988 agreement operator making payments under subparagraph (A)—

“(I) the premium of such operator under subsection (a) shall be reduced by the amount paid under subparagraph (A) by such operator for the plan year beginning February 1, 1993, or

“(II) if the amount so paid exceeds the operator's liability under subsection (a), the excess shall be refunded to the operator.”

Subtitle B—Transfers From Abandoned Mine Reclamation Fund

SEC. 211. TRANSFER OF INTEREST FROM ABANDONED MINE RECLAMATION FUND TO COMBINED FUND.

(a) IN GENERAL.—Section 402(h)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)) is amended to read as follows:

“(2)(A) Except as provided in subparagraph (B), the Secretary shall transfer from the fund to the United Mine Workers of America Combined Benefit Fund established under section 9702 of the Internal Revenue Code of 1986 for any fiscal year the amount of interest which the Secretary estimates will be earned and paid to the fund during the fiscal year.

“(B) The Secretary shall increase the amount transferred under subparagraph (A) for fiscal year 2001 by the excess of—

“(i) the total amount of interest earned and paid to the fund after September 30, 1992, and before October 1, 2000, over

“(ii) the total amount transferred to the Combined Fund under this subsection for fiscal years beginning before October 1, 2000.”

(b) CONFORMING AMENDMENTS.—Section 204(h) of such Act (30 U.S.C. 1232(h)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2000.

SEC. 212. MODIFICATIONS OF ABANDONED MINE RECLAMATION FEE PROGRAM.

(a) REDUCTIONS IN RECLAMATION FEES.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(1) by striking “35 cents” and inserting “20 cents”,

(2) by striking “15 cents” and inserting “5 cents”, and

(3) by striking “10 cents” and inserting “5 cents”.

(b) EXTENSION OF FEE PROGRAM.—Section 402(b) of such Act (30 U.S.C. 1232(b)) is amended by striking “2004” and inserting “2010”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after September 30, 2000.

SEC. 213. USE OF FUNDS TRANSFERRED FROM ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Section 9705(b)(2) of the Internal Revenue Code of 1986 (relating to use of funds) is amended to read as follows:

“(2) USE OF FUNDS.—The amount transferred under paragraph (1) for any fiscal year shall be used—

“(A) first, to refund to an assigned operator (and any related person to such operator) an amount equal to the sum of—

“(i) any amount paid by such operator or person to the Combined Fund (and not previously refunded) solely by reason of the op-

erator having been a signatory to a pre-1974 coal wage agreement, plus

“(ii) interest on the amount under clause (i) at the overpayment rate established under section 6621 for the period from the payment of such amount to the refund under this subparagraph,

“(B) second, to make any refund required under section 9704(i)(1)(D)(i)(II),

“(C) third, to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) of each assigned operator for the plan year in which transferred, and

“(D) last, to pay the amount of any other obligation occurring in the Combined Fund.”

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fiscal years beginning after September 30, 2000.

Subtitle C—Authorization

SEC. 221. AUTHORIZATION OF TRANSFER OF FUNDS TO COMBINED BENEFIT FUND.

Section 9705 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$38,000,000 for each fiscal year beginning after September 30, 2000.

“(2) USE OF FUNDS.—Any amounts transferred to the Combined Fund under paragraph (1) shall be available, without fiscal year limitation, to cover any shortfall in any premium account established under section 9704(e).

“(3) TRANSFERS.—

“(A) IN GENERAL.—The Secretary shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year.

“(B) EXCESS AMOUNTS.—If the Secretary, after examining the audit of the Combined Fund by the Comptroller General of the United States, determines that the amount transferred for any fiscal year exceeds the amount required to cover shortfalls for that year, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate and the authorization of appropriations for the first fiscal year after the determination shall be reduced by the amount of the excess.”

SEC. 222. ANNUAL AUDIT.

Section 9702 (relating to establishment of the Combined Fund) is amended by adding at the end the following:

“(d) ANNUAL AUDIT.—

“(1) AUDIT.—The Comptroller General of the United States shall conduct an annual audit of the Combined Fund. Such audit shall include—

“(A) a review of the progress the Combined Fund is making toward a managed care system as required under this subchapter, and

“(B) a review of the use of, and necessity for, amounts transferred to the Combined Fund under section 9705(c).

“(2) REPORT.—The Comptroller General shall report the results of any audit under paragraph (1) to the Secretary of the Treasury and to the appropriate committees of Congress, including its recommendations (if any) as to any administrative savings which may be achieved without reducing the effective level of benefits under section 9703.”

By Mr. FRIST for himself and Mr. KENNEDY:

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education and Pensions.

PUBLIC HEALTH THREATS AND EMERGENCIES
ACT OF 2000

Mr. FRIST. Mr. President. I am pleased today to introduce the "Public Health Threats and Emergencies Act of 2000" with my colleague, Senator, KENNEDY, to improve our public health infrastructure and to address the growing threats of antimicrobial resistance and bioterrorism.

Over the last two years, we have held three hearings and forums on these topics, and I also commissioned a GAO report on antimicrobial resistance. The outcome of all this research is clear; we need to improve our public health infrastructure to be able to respond in a timely and effective manner to these and other threats.

For too long, we have not provided adequate funding to maintain and improve the core capacities of our nation's public health infrastructure. As the GAO report found, many State and local public health agencies lack even the most basic equipment such as FAX machines or answering machines to assist their workload and improve communications.

We face a myriad of public health threats everyday, and besides improving our core public health capacity, this act aim addresses two problems in particular: antimicrobial resistance and bioterrorism.

Antimicrobial resistance is a pressing public health problem. As a heart and lung transplant surgeon, I know all too well that the most common cause of death after transplantation of a heart or lung is not rejection, but infection. One hundred percent of transplantation patients contract infections following surgery. Infection is the most common complication following surgery, the leading cause for rehospitalization, and the most expensive aspect of treatment post-transplantation. Antibiotics are a mainstay of treatment, yet we are increasingly seeing resistant bacteria which are not killed by most first-line antimicrobials.

In fact, the New England Journal of Medicine has reported that certain Staphylococci, which are a common cause of post-surgical and hospital acquired infections, are showing intermediate resistance to vancomycin, an antibiotic of the last resort. Just recently in mid-April, the FDA approved the first entirely new type antibiotic in 35 years.

How did we reach this point? For most of human history, infections were the scourge of man's existence causing debilitating disease and often death. Antibiotics, when initially discovered more than 50 years ago, were heralded as miracle drugs and quickly became our most lethal weapon in the crusade against disease-causing bacteria. Antibiotics were widely dispensed and, in the 1970's premature optimism lead us to declare the war on infections won.

Unfortunately, we discovered that bacteria are cagey, tenacious organisms that swiftly developed resistance to antibiotics and adapted to drug-rich environments. In addition, the art of medicine evolved, creating new opportunities for bacteria to cause infection from invasive procedures using catheters to organ transplant recipients who are treated with immunosuppressive agents to prevent rejection. As a result, we are both seeing more invasive, life-threatening infections that require concurrent treatment with several antibiotics to control and infections that were on the decline, such as Tuberculosis, re-emerging in an antimicrobial resistant form.

While infections have plagued man's existence for most of human history, throughout civilization, bioweapons have been strategically deployed during critical military battles. For example, in 1344, the Mongols hurled corpses infected with bubonic plague over the city walls of Caffa (now Feodosia, Ukraine). During World War I, the Germans hoped to gain an advantage by infecting their enemies horses and livestock with anthrax.

Bioterrorism is a significant threat to our country. As a nation we are presently more vulnerable to bioweapons than other more traditional means of warfare. Bioweapons pose considerable challenges that are different from those of standard terrorist devices, including chemical weapons.

The mere term "bioweapon" invokes visions of immense human pain and suffering and mass casualties. Pound for pound, ounce for ounce, bioagents represent one of the most lethal weapons of mass destruction known. Moreover, victims of a covert bioterrorist attack do not necessarily develop symptoms upon exposure to the bioagent. Development of symptoms may be delayed days long after the bioweapon is dispersed.

As a result, exposed individuals will most likely show up in emergency rooms, physician offices, or clinics, with nondescript symptoms or ones that mimic the common cold or flu. In all likelihood, physicians and other health care providers will not attribute these symptoms to a bioweapon. If the bioagent is communicable, such as small pox, many more people may be infected in the interim, including our health care workers. As Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County pointed out in our hearing on bioterrorism, "many localities are on their own for the first 24 to 48 hours after an attack before Federal assistance can arrive and be operational. This is the critical time for preventing mass casualties."

If experts are correct in their belief that a major bioterrorist attack is a virtual certainty, that it is no longer a question of "if" but rather "when." In

fact, my home town of Nashville last year joined an ever-increasing number of cities to receive and respond to a package that was suspected of containing anthrax. Thankfully, this was a hoax.

To address these concerns about our public health infrastructure and improve our preparedness for the threats of antimicrobial resistance and bioterrorism, I have joined with Senator KENNEDY to provide greater resources and coordination to address these issues.

The Public Health Threats and Emergencies Act, which we introduce today, will provide needed guidance, resources, and coordination to increase the core capacities of the nation's public health infrastructure. This Act will also improve the coordination and increase the resources available to address the threats of bioterrorism and antimicrobial resistance.

Strengthening capacities to ensure that the public health infrastructure is adequate to respond to carry out core functions and respond to emerging threats and emergencies, the Public Health Threats and Emergencies Act authorizes: the establishment of voluntary performance goals for public health systems; grants to public health agencies to conduct assessments and build core capacities to achieve these goals; and funding to rebuild and remodel the facilities of the Center for Disease Control and Prevention.

To strengthen public health capacities to combat antimicrobial resistance, the Act authorizes: a task force to coordinate Federal programs related to antimicrobial resistance and to improve public education on antimicrobial resistance; the National Institutes of Health (NIH) to support research into the development of new therapeutics against and improved diagnostics for resistant pathogens; and grants for activities to improve specific capacities to detect, monitor, and combat antimicrobial resistance.

To strengthen public health capacities to prevent and respond to bioterrorism, the Act authorizes: two interdepartmental task forces to address joint issues of research needs and the public health and medical consequences of bioterrorism; NIH and CDC research on the epidemiology of bioweapons and the development of new vaccines or therapeutics for bioweapons; and grants to public health agencies and hospitals and care facilities to detect, diagnose, and respond to bioterrorism.

Mr. President, this Act is necessary. We must take steps now to improve our basic capacities to address all public health threats, including antimicrobial resistance and bioterrorism. I am hopeful this legislation provides State and local public health agencies the resources to improve their abilities so that we better protect the health and well-being of our Nation's citizens.

I want to thank Senator KENNEDY for joining me in this effort and for the work of his staff. I would also like to thank Dr. Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County for her assistance and input on this important piece of legislation.

Mr. KENNEDY. Mr. President, several months ago, my distinguished colleague, Senator BILL FRIST, and I began to develop legislation needed to enhance the nation's protections against the triple threat to health posed by new and resurgent infectious diseases, by "superbugs" resistant to antibiotics, and by terrorist attacks with biological weapons. Today, Senator FRIST and I are introducing the Public Health Threats and Emergencies Act of 2000. I commend Senator FRIST for his leadership and commitment on this important legislation.

The bill that we are introducing today will provide the nation with additional weapons to win the battle against the deadly perils of infectious disease, antimicrobial resistance and bioterrorism. The Public Health Threats and Emergencies Act of 2000 will revitalize the nation's ability to monitor and fight outbreaks of infectious disease, control the spread of germs resistant to antibiotics, and protect the nation more effectively against bioterrorism.

Today we face a world where deadly contagious diseases that erupt in one part of the world can be transported across the globe with the speed of a jet aircraft. The recent outbreak of West Nile Fever in the New York area is an ominous warning of future dangers. Diseases such as cholera, typhoid and pneumonia that we have fought for generations still claim millions of lives across the world and will pose increasing dangers to this country in years to come. New plagues like Ebola virus, Lassa Fever and others now unknown to science may one day invade our shores.

Less exotic, but also deadly, are the simpler infections that for almost a century we have been able to treat with antibiotics, but that are now becoming resistant even to our most advanced medicines. Drugs that once had the power to cure dangerous infections are now often useless—because "superbugs" have now become resistant to all but the most powerful and expensive medications. Strains of tuberculosis that are resistant to antimicrobial drugs are prevalent around the world, and are a growing danger in our inner cities and among the homeless. If action is not urgently taken, we may soon return to the days when a simple case of food poisoning could prove deadly and a mere cut could become severely infected and cost a limb.

The growing financial burden of antimicrobial resistance on the health care system is staggering. Treating a pa-

tient with TB usually costs \$12,000. But when a patient has drug-resistant TB, that figure soars to \$180,000. The National Foundation for Infectious Diseases estimates that the total cost of antimicrobial resistance to the U.S. health care system is as high as \$4 billion every year—and this figure will only rise as resistant infections become more common.

But the most potentially deadly of these threats is bioterrorism. We are a nation at risk. Biological weapons are the massive new threats of the twenty-first century. The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the American population. Anthrax could kill 10 million. Other deadly pathogens known to have been developed in biological warfare labs around the world could kill millions.

Our proposal will strengthen the nation's public health agencies, which provide the first line of defense against bioterrorism and many other threats to the public health. Our legislation authorizes the Secretary of Health and Human Services to respond swiftly and effectively to a public health emergency, and provides the Secretary with needed resources to mount a strong defense against whatever danger imperils the nation's health.

The bill calls upon the Secretary of Health and Human Services to establish a national monitoring plan for dangerous infections resistant to antibiotics, and to work closely with state and local public health agencies to ensure that this peril is contained.

It is also essential to educate patients and medical providers in the appropriate use of antibiotics. Too often, patients demand antibiotics and doctors provide them for illnesses which do not require and do not respond to these drugs. Our legislation calls upon the federal government to lead a national campaign to educate patients and health providers in the appropriate use of antibiotics.

The threat of bioterrorism demands particular attention, because of its potential for massive death and destruction. Currently, dozens of federal agencies share responsibility for domestic preparedness against bioterrorist attacks. This bill will enhance the nation's preparedness by improving coordination among federal agencies responsible for all aspects of a bioterrorist attack. Better coordination will allow us to develop the public health countermeasures needed to defend against bioterrorism, such as stockpiles of essential supplies and effective disaster planning.

Since the infectious organisms likely to be used in a bioterrorist attack are rarely encountered in normal medical practice, many doctors or laboratory specialists are likely to be unable to diagnose persons with these diseases

rapidly and accurately. Recognizing a bioterrorist attack quickly is a major part of containing it. This bill will improve the preparedness of public health institutions, health providers, and emergency personnel to detect, diagnose, and respond to bioterrorist attacks through improved training and public education.

One of the highest duties of Congress is to protect the nation against all threats, foreign and domestic. Deadly infectious diseases, new "superbugs" resistant to antibiotics, and bioterrorism clearly menace the nation. We must resist these threats as vigorously as we would fight an invading army. The Frist-Kennedy bill is intended to provide the weapons we need to win this battle.

ADDITIONAL COSPONSORS

S. 663

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 901

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 901, a bill to provide disadvantaged children with access to dental services.

S. 1128

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1128, *supra*.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1522

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1522, a bill to amend the

Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2247

At the request of Mr. BYRD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2386

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2508

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 2588

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2588, a bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes.

S. 2630

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2630, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S.RES. 132

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. Res. 132, a resolution designating the week beginning January 21, 2001, as "Zinfandel Grape Appreciation Week."

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. INOUE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week".

S. RES. 277

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oklahoma (Mr. INHOFE), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 277, a resolution commemorating the 30th anniversary of the policy of Indian self-determination.

AMENDMENT NO. 3202

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. BYRD)

were added as cosponsors of amendment No. 3202 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3213

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of amendment No. 3213 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3267

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3267 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 122—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES NONRECOGNITION POLICY OF THE SOVIET TAKEOVER OF ESTONIA, LATVIA, AND LITHUANIA, AND CALLING FOR POSITIVE STEPS TO PROMOTE A PEACEFUL AND DEMOCRATIC FUTURE FOR THE BALTIC REGION

Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 122

Whereas in June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics;

Whereas throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and refused to recognize Soviet sovereignty over these lands;

Whereas on July 15, 1940, President Franklin D. Roosevelt issued Executive Order No. 8484, which froze Baltic assets in the United States to prevent them from falling into Soviet hands;

Whereas on July 23, 1940, Acting Secretary of State Sumner Welles issued the first public statement of United States policy of non-

recognition of the Soviet takeover of the Baltic countries, condemning that act in the strongest terms;

Whereas the United States took steps to allow the diplomatic representatives of Estonia, Latvia, and Lithuania in Washington to continue to represent their nations throughout the Soviet occupation;

Whereas Congress on a bipartisan basis strongly and consistently supported the policy of nonrecognition of the Soviet takeover of the Baltic countries during the 50 years of occupation;

Whereas in 1959, Congress designated the third week in July as "Captive Nations Week", and authorized the President to issue a proclamation declaring June 14 as "Baltic Freedom Day";

Whereas in December 1975, the House of Representatives and the Senate adopted resolutions declaring that the Final Act of the Commission for Security and Cooperation in Europe, which accepted the inviolability of borders in Europe, did not alter the United States nonrecognition policy;

Whereas during the struggle of the Baltic countries for the restoration of their independence in 1990 and 1991, Congress passed a number of resolutions that underscored its continued support for the nonrecognition policy and for Baltic self-determination;

Whereas since then the Baltic states have successfully built democracy, ensured the rule of law, developed free market economies, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization;

Whereas the Russian Federation has extended formal recognition to Estonia, Latvia, and Lithuania as independent and sovereign states; and

Whereas the United States, the European Union, and the countries of Northern Europe have supported regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of the Baltic states and the contribution that policy made in supporting the aspirations of the people of Estonia, Latvia, and Lithuania to reassert their freedom and independence;

(2) commends Estonia, Latvia, and Lithuania for the reestablishment of their independence and the role they played in the disintegration of the former Soviet Union in 1990 and 1991;

(3) commends Estonia, Latvia, and Lithuania for their success in implementing political and economic reforms, which may further speed the process of their entry into European and Western institutions; and

(4) supports regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation and calls for further cooperation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development, and similar efforts that promote a peaceful, democratic, prosperous, and secure future for Europe, Russia and the Nordic-Baltic region.

SENATE RESOLUTION 323—DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT-DINNER-WITH-YOUR-CHILDREN DAY

Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUE) submitted the following resolution; which was considered and agreed to:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

LOTT AMENDMENT NO. 3382

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

“(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.”; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy’s basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking “(a)(1)” and inserting “(a)”.

KENNEDY AMENDMENT NO. 3383

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by \$5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by \$5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

STEVENS (AND OTHERS) AMENDMENT NO. 3384

Mr. WARNER (for Mr. STEVENS (for himself, Mr. DEWINE, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, \$231,499,000.

On page 54, line 16, strike “\$11,973,569,000” and insert “\$11,928,569,000”.

LOTT AMENDMENT NO. 3385

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), \$2,800,000 is

available for the weather-proofing of facilities at Keesler Air Force Base, Mississippi.

HARKIN (AND OTHERS) AMENDMENT NO. 3386

Mr. LEVIN (for Mr. HARKIN (for himself, Mr. LUGAR, and Mr. LEAHY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: “In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).”.

HUTCHISON AMENDMENT NO. 3387

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3388

Mr. WARNER (for Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking “(1) at the end” and all that follows through the end and inserting “on the date the person is separated from the Selected Reserve.”.

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking “shall be determined” and all that follows through the end and inserting “shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.”.

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)(1)”;

(2) in paragraph (3), by striking “subsection (a)” and inserting “subsection (b)(1)”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “subsection (a)” and inserting “subsections (a) and (b)(1)”;

(B) in subparagraph (B), by striking “clause (2) of such subsection” and inserting “subsection (a)”.

STEVENS AMENDMENT NO. 3389

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.”.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

FEINGOLD AMENDMENT NO. 3390

Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) **AUTHORITY.**—Section 307(a) of title 37, United States Code, is amended by inserting after “is entitled to basic pay” in the first sentence the following: “, or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

HUTCHISON AMENDMENT NO. 3391

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by inserting “(1)” after “(e) SERVICE AREA.—”; and

(2) by adding at the end the following:

“(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.

**THOMPSON (AND OTHERS)
AMENDMENT NO. 3392**

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN)) proposed an amendment to the bill, S. 2549, *supra*; as follows:

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) **ESTABLISHMENT WITHIN OMB.**—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking “Office of Federal Procurement Policy” in the first sentence and inserting “Office of Management and Budget”.

(b) **COMPOSITION OF BOARD.**—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Board shall consist of five members appointed as follows:

“(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

“(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

“(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

“(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

“(E) One member, appointed by the Chairman from among persons in industry.”.

(c) **TERM OF OFFICE.**—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking “, other than the Administrator for Federal Procurement Policy,”;

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking “individual who is appointed under paragraph (1)(A)” and inserting “officer or employee of the Federal Government who is appointed as a member under paragraph (2)”;

and

(2) by striking subparagraph (C).

(d) **OTHER BOARD PERSONNEL.**—(1) Subsection (b) of such section is amended to read as follows:

“(b) **SENIOR STAFF.**—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.”.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking “Administrator” and inserting “Chairman”.

(e) **COST ACCOUNTING STANDARDS AUTHORITY.**—(1) Paragraph (1) of subsection (f) of such section is amended by inserting “, subject to direction of the Director of the Office of Management and Budget,” after “exclusive authority”.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking “more than \$7,500,000” and inserting “\$7,500,000 or more”.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking “Administrator, after consultation with the Board” and inserting “Chairman, with the concurrence of a majority of the members of the Board”; and

(B) by inserting before the period at the end the following: “, including rules and procedures for the public conduct of meetings of the Board”.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

“(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below a level in the executive agency as follows:

“(i) The senior policymaking level, except as provided in clause (ii).

“(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.”.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: “in accordance with requirements prescribed by the Board”.

(f) **REQUIREMENTS FOR STANDARDS.**—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: “, together with a solicitation of comments on those issues”.

(g) **INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.**—Subsection (h)(4) of such section is amended by inserting “(a)(2)” after “6621” both places that it appears.

(h) **REPEAL OF REQUIREMENT FOR ANNUAL REPORT.**—Such section is further amended by striking subsection (i).

(i) **EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.**—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking “promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)” and inserting “that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001”; and

(2) in paragraph (3), by striking “under the authority set forth in section 6 of this Act” and inserting “exercising the authority provided in section 6 of this Act in consultation with the Chairman”.

(j) **RATE OF PAY FOR CHAIRMAN.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chairman, Cost Accounting Standards Board.”.

(k) **TRANSITION PROVISION FOR MEMBERS.**—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) **PILOT PROJECTS UNDER THE PROGRAM.**—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subsection (d) and inserting the following:

“(d) **PILOT PROGRAM PROJECTS.**—The Administrator shall authorize to be carried out under the pilot program—

“(1) not more than 10 projects, each of which has an estimated cost of at least \$25,000,000 and not more than \$100,000,000; and

“(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least \$1,000,000 and not more than \$5,000,000.”.

(b) **ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.**—Subsection (c)(9)(B) of such section is amended by striking “program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—” and inserting “program definition phase—”.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) **AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) **CONTENT OF AMENDMENT.**—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) **CONSTRUCTION OF REGULATION.**—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) **GAO REPORT.**—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) **DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “performance-based contract” means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term “information technology” has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

WARNER AMENDMENT NO. 3393

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 54, line 11, strike “\$19,028,531,000” and insert “\$19,031,031,000”.

On page 54, line 11, strike “\$11,973,569,000” and insert “\$11,971,069,000”.

LIEBERMAN AMENDMENT NO. 3394

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to \$1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

DEWINE AMENDMENT NO. 3395

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

(a) **AUTHORITY.**—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

“CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

“Sec.

“9321. Establishment; purposes.

“9322. Sense of the Senate.

“SEC. 9321. ESTABLISHMENT; PURPOSES.

“(a) **ESTABLISHMENT.**—There is a United States Air Force Institute of Technology in the Department of the Air Force.

“(b) **PURPOSES.**—The purposes of the Institute are as follows:

“(1) To perform research.

“(2) To provide advanced instruction and technical education for employees of the Department of Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

“SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

“(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of organized structure and operations at the Institute:

“(1) The grade of the Commandant.

“(2) The chain of command of the Commandant of the Institute within the Air Force.

“(3) The employment and compensation of civilian professors at the Institute.

“(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates.

“(5) Post graduation opportunities for graduates of the Institute.

“(6) The policies and practices regarding the admission of—

“(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

“(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

“(C) personnel of the armed forces of foreign countries;

“(D) enlisted members of the Armed Forces of the United States; and

“(E) others eligible for admission.”

ROBERTS AMENDMENT NO. 3396

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to amendment No. 3237 proposed by Mr. WARNER (for Mr. ROBERTS) to the bill, S. 2549, supra; as follows:

On page 2, line 15, strike “\$1,500,000” and insert “\$1,500,000”.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3397

Mr. WARNER (for Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. BINGAMAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mr. STEVENS, Mr. CRAPO, Mr. HUTCHINSON, and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) **HIGHER MAXIMUM ALLOWABLE CHARGE.**—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “paragraphs (2) and (3)” in the first sentence and inserting “paragraphs (2), (3), and (4)”; and

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

“(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.”; and

(4) by adding at the end the following:

“(6) In this subsection the term ‘rural State’ means a State that has, on average, as

determined by the Bureau of the Census in the latest decennial census—

“(A) less than 76 residents per square mile; and

“(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.”.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term “rural State” has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

FEINGOLD (AND THOMPSON) AMENDMENT NO. 3398

Mr. LEVIN (for Mr. FEINGOLD (for himself and Mr. THOMPSON)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “July 31, 2000” and inserting “December 31, 2002”.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106-113 (113 Stat. 1501A-301) is repealed.

WARNER AMENDMENT NO. 3399

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

ROBB (AND WARNER) AMENDMENT NO. 3400

Mr. LEVIN (for Mr. ROBB (for himself and Mr. WARNER)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

GRAMS AMENDMENT NO. 3401

Mr. WARNER (for Mr. GRAMS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the “Foundation”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

EDWARDS AMENDMENT NO. 3402

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who received special

pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

**HUTCHINSON (AND CLELAND)
AMENDMENT NO. 3403**

Mr. WARNER (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) **APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.**—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking “without dependents”.

(b) **ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.**—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

“(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member's dependents reside—

“(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

“(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member's last duty station, whichever the Secretary concerned determines to be equitable; or

“(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member's last duty station.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

DEWINE AMENDMENT NO. 3404

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) **ACCEPTANCE AUTHORIZED.**—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) **DEPOSIT IN ESCROW ACCOUNT.**—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) **INVESTMENT.**—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) **UTILIZATION.**—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) **LIMITATION ON CONTRACTS.**—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) **LIQUIDATION OF ESCROW ACCOUNT.**—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

**INHOFE (AND ROBB) AMENDMENT
NO. 3405**

Mr. WARNER (for Mr. INHOFE (for himself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH-64 AIRCRAFT PROGRAM.

(a) **REQUIREMENT FOR REVIEW.**—The Comptroller General shall conduct a review of the Army's AH-64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) **REPORT.**—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

LOTT AMENDMENT NO. 3406

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) **INCREASE IN AMOUNT.**—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by \$2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by \$2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

SNOWE AMENDMENT NO. 3407

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, between lines 19 and 20, insert the following:

(e) **LEASE OF PROPERTY PENDING CONVEYANCE.**—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

DASCHLE AMENDMENT NO. 3408

Mr. LEVIN (for Mr. DASCHLE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES**SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.**

(a) **MODIFICATION OF CONVEYEE.**—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010) is amended by striking “Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the ‘Corporation’)” and inserting “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)”.

(b) **CONFORMING AMENDMENTS.**—That section is further amended by striking “Corporation” each place it appears in subsections (c) and (e) and inserting “Foundation”.

PART IV—DEFENSE AGENCIES CONVEYANCES**GRAMM AMENDMENT NO. 3409**

Mr. WARNER (for Mr. GRAMM) proposed an amendment to the bill, S. 2549, *supra*; as follows:

At the end of title XII, add the following:

SEC. ____ . AUTHORITY TO CONSENT TO RE-TRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after “HS Rodos (ex-USS BOWMAN COUNTY (LST 391))” the following: “, LST 325, or any other former United States LST that is excess to the needs of that government”; and

(2) in subsection (b)(1), by inserting “re-transferred under subsection (a)” after “the vessel”.

CONRAD AMENDMENT NO. 3410

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

WARNER AMENDMENT NO. 3411

Mr. WARNER proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) **COMPTROLLER GENERAL REVIEW REQUIRED.**—The Comptroller General shall conduct a review of the working-capital fund ac-

tivities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) **REVIEW TO INCLUDE CARRYOVER POLICY.**—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as “carryover”). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

SNOWE (AND ROBB) AMENDMENT NO. 3412

Mr. WARNER (for Ms. SNOWE (for herself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, *supra*; as follows:

Beginning on page 295, after line 22, insert the following:

(e) **PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001.**—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) **IMPACT ON FEDERAL EMPLOYEES.**—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for

hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

BINGAMAN AMENDMENT NO. 3413

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) **ASSISTANCE IN SUPPORT OF PARTNERSHIPS.**—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “, and is encouraged to provide,” after “may provide”; and

(2) in paragraph (1), by inserting before the semicolon the following: “for any purpose and duration in support of such agreement that the director considers appropriate”; and

(3) by striking paragraph (2) and inserting the following new paragraph (2): “(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement.”.

(b) **DEFENSE LABORATORY DEFINED.**—Subsection (e) of that section is amended to read as follows:

“(e) In this section:

“(1) The term ‘defense laboratory’ means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

“(2) The term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”.

WARNER AMENDMENT NO. 3414

Mr. WARNER proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) **INCREASE IN AMOUNT.**—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by \$5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by \$5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

WARNER (AND ROBB) AMENDMENT NO. 3415

Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) **AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.**—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) **AUTHORITY TO ACCEPT CERTAIN LAND.**—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)) or under any other provision of law.

(c) **DESIGN AND CONSTRUCTION.**—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) **ACCEPTANCE AUTHORITY.**—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) **LEASE OF FACILITY.**—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

MURRAY AMENDMENT NO. 3416

Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) **IN GENERAL.**—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) **PROJECT ELEMENTS.**—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) **AVAILABILITY OF ACCESS AND SERVICES.**—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) **REPORT.**—Not later than _____, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) **FUNDING.**—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by \$15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), \$15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

INHOFE AMENDMENT NO. 3417

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by

section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by \$300,000, with the amount of such increase available for air logistics technology.

(b) **OFFSET.**—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$300,000.

CLELAND AMENDMENT NO. 3418

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

(a) **FINDINGS.**—Congress makes the following findings:

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) **CONGRESSIONAL GOLD MEDAL.**—

(1) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) **DESIGN AND STRIKING.**—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) **DUPLICATE MEDALS.**—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) **NATIONAL MEDALS.**—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) **AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.**—

(1) AUTHORIZATION OF APPROPRIATIONS.—There authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized by this section.

(2) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under subsection (c) shall be deposited in the Numismatic Public Enterprise Fund.

WARNER AMENDMENT NO. 3419

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after “bad-conduct discharge” the following: “, confinement for more than six months, or forfeiture of pay for more than six months”.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

INHOFE AMENDMENT NO. 3420

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3421

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. TORRICELLI)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including \$250,000,000 for Hurricane Georges in 1998, \$552,000,000 for Red River Valley Floods in North Dakota in 1997, \$25,000,000 for Hurricanes Fran and Hortense in 1996, and \$725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate \$250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including \$150,000,000 in community development block grant funding and \$50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs ad-

ministered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

FITZGERALD (AND OTHERS) AMENDMENT NO. 3422

Mr. WARNER (for Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. HUTCHINSON, Mr. DURBIN, Mr. MOYNIHAN, and Mr. HARKIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

S. 2549 is amended by adding the following:

(c) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.—For purposes of this section, the term “unutilized and underutilized plant-capacity cost” shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

EDWARDS (AND HELMS) AMENDMENT NO. 3423

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) **CONDITION OF CONVEYANCE.**—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) **DESCRIPTION OF THE PROPERTY.**—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

ENZI AMENDMENT NO. 3424

Mr. WARNER (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) **INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.**—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by \$1,450,000.

(b) **OFFSET.**—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by \$1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) **AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.**—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), \$1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) **AUTHORITY TO MAKE CONTRIBUTION.**—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

**FITZGERALD (AND OTHERS)
AMENDMENT NO. 3425**

(Ordered to lie on the table.)

Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. DURBIN, Mr. HUTCHINSON, Mr. MOYNIHAN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2549, *supra*; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) **UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.**—

S. 2549 is amended by adding the following:

(b) **UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.**—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bids for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) **DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.**—

For purposes of this section, the term "unutilized and underutilized plant-capacity cost" shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

**SHELBY (AND LAUTENBERG)
AMENDMENT NO. 3426**

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

**DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, \$1,800,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, \$500,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$9,000,000.

**OFFICE OF THE ASSISTANT SECRETARY FOR
POLICY**

For necessary expenses of the Office of the Assistant Secretary for Policy, \$2,500,000.

**OFFICE OF THE ASSISTANT SECRETARY FOR
AVIATION AND INTERNATIONAL AFFAIRS**

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, \$7,000,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,250,000 in funds received in user fees.

**OFFICE OF THE ASSISTANT SECRETARY FOR
BUDGET AND PROGRAMS**

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$6,500,000, including not to exceed \$60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided*, That not more than \$15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

**OFFICE OF THE ASSISTANT SECRETARY FOR
GOVERNMENTAL AFFAIRS**

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,000,000.

**OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION**

For necessary expenses of the Office of the Assistant Secretary for Administration, \$17,800,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, \$1,500,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, \$1,181,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, \$496,000.

OFFICE OF SMALL AND DISADVANTAGED
BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$1,192,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$6,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND
DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$5,300,000, of which \$1,400,000 shall only be available for planning for the 2001 Special Winter Olympics; and \$2,000,000 shall only be available for the purpose of section 228 of Public Law 106-181.

TRANSPORTATION ADMINISTRATIVE SERVICE
CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$173,278,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER
PROGRAM

For the cost of direct loans, \$1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$13,775,000. In addition, for administrative expenses to carry out the direct loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, of which \$2,635,000 shall remain available until September 30, 2002: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD
OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$3,039,460,000, of which \$641,000,000 shall be available only for

defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to \$615,000 in user fees collected pursuant to section 1111 of Public Law 104-324 shall be credited to this appropriation as offsetting collections in fiscal year 2001: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed \$100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: *Provided further*, That the United States Coast Guard will reimburse the Department of Transportation Inspector General \$5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems.

ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$407,747,660, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$145,936,660 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; \$41,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; \$54,304,000 shall be available for other equipment, to remain available until September 30, 2003; \$68,406,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; \$55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and \$42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: *Provided*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation and remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further*, That none of the funds provided for the Integrated Deepwater Systems program shall be available for obligation until the submission of a comprehensive capital investment plan for the United States Coast Guard as required by Public Law 106-69: *Provided further*, That the Commandant shall transfer \$5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements: *Provided further*, That the City of Homer enters into an agreement with the

United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska: *Provided further*, That the Commandant is hereby granted the authority to enter into a contract for the Great Lakes Icebreaker (GLIB) Replacement which shall be funded on an incremental basis: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND
RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$16,700,000, to remain available until expended.

ALTERATION OF BRIDGES
(HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, \$15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$778,000,000.

RESERVE TRAINING
(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$80,371,000: *Provided*, That no more than \$22,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$21,320,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of

air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$6,350,250,000, of which \$4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which \$5,039,391,000 shall be available for air traffic services program activities; \$691,979,000 shall be available for aviation regulation and certification program activities; \$138,462,000 shall be available for civil aviation security program activities; \$182,401,000 shall be available for research and acquisition program activities; \$10,000,000 shall be available for commercial space transportation program activities; \$43,000,000 shall be available for Financial Services program activities; \$49,906,000 shall be available for Human Resources program activities; \$99,347,000 shall be available for Regional Coordination program activities; and \$95,764,000 shall be available for Staff Offices program activities: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be for the contract tower cost-sharing program and not less than \$55,300,000 shall be for the contract tower program within the air traffic services program activities: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than \$100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the

global positioning system (GPS) wide area augmentation system until the administrator of FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency: *Provided further*, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services: *Provided further*, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed \$100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: *Provided further*, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General \$19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,656,765,000, of which \$2,334,112,400 shall remain available until September 30, 2003, and of which \$322,652,600 shall remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental fa-

cilities and acquisition of necessary sites by lease or grant, \$183,343,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and air traffic services program activities; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than \$173,000,000 of funds limited under this heading shall be obligated for administration and air traffic services program activities if such funds are necessary to maintain aviation safety.

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)
Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, \$579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed \$386,657,840 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That \$10,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105-178, as amended, \$33,588,500 shall be available for the Indian Reservation Roads Program under section 204 of title 23, \$30,046,440 shall be available for the Public Lands Highway Program under section 204 of title 23, \$20,153,100 shall be available for the Park Roads and Parkways Program under

section 204 of title 23, and \$2,442,800 shall be available for the Refuge Roads program under section 204 of title 23: *Provided further*, That the Federal Highway Administration will reimburse the Department of Transportation Inspector General \$10,000,000 from funds available within this limitation for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: *Provided*, That within the \$29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178) for fiscal year 2000; not more than \$25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105-178) for fiscal year 2001, of which not to exceed \$1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than \$31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: *Provided further*, That within the \$218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Calhoun County, MI	\$500,000
Wayne County, MI	1,500,000
Southeast Michigan	1,000,000
Indiana Statewide (SAFE-T)	1,500,000
Salt Lake City (Olympic Games)	2,000,000
State of New Mexico	1,500,000
Santa Teresa, NM	1,000,000
State of Missouri (Rural) ..	1,000,000
Springfield-Branson, MO ...	1,500,000
Kansas City, MO	2,500,000
Inglewood, CA	1,200,000
Lewis & Clark trail, MT	1,250,000
State of Montana	1,500,000
Fort Collins, CO	2,000,000
Arapahoe County, CO	1,000,000
I-70 West project, CO	1,000,000
I-81 Safety Corridor, VA	1,000,000
Aquidneck Island, RI	750,000
Hattiesburg, MS	1,000,000
Jackson, MS	1,000,000
Fargo, ND	1,000,000
Moscow, ID	1,750,000
State of Ohio	2,500,000
State of Connecticut	3,000,000
Illinois Statewide	2,000,000
Charlotte, NC	1,250,000
Nashville, TN	1,000,000
State of Tennessee	2,600,000
Spokane, WA	1,000,000
Bellingham, WA	700,000
Puget Sound Regional Fare Coordination	2,000,000

Bay County, FL	1,000,000
Iowa statewide (traffic enforcement)	3,000,000
State of Nebraska	2,600,000
State of North Carolina	3,000,000
South Carolina statewide ..	2,000,000
San Antonio, TX	200,000
Beaumont, TX	300,000
Corpus Christi, TX (vehicle dispatching)	1,500,000
Williamson County/Round Rock, TX	500,000
Austin, TX	500,000
Texas Border Phase I Houston, TX	1,000,000
Oklahoma statewide	2,000,000
Vermont statewide	1,000,000
Vermont rural ITS	1,500,000
State of Wisconsin	3,600,000
Tucson, AZ	2,500,000
Cargo Mate, NJ	1,000,000
New Jersey regional integration/TRANSCOM	4,000,000
State of Kentucky	2,000,000
State of Maryland	4,000,000
Sacramento to Reno, I-80 corridor	200,000
Washoe County, NV	200,000
North Las Vegas, NV	1,800,000
Delaware statewide	1,000,000
North Central Pennsylvania	1,500,000
Delaware River Port Authority	3,500,000
Pennsylvania Turnpike Commission	3,000,000
Huntsville, AL	2,000,000
Tuscaloosa/Muscle Shoals Automated crash notification system, UAB	2,000,000
Oregon statewide	1,500,000
Alaska statewide	4,200,000
South Dakota commercial vehicle ITS	1,500,000

Provided further, That, notwithstanding Public Law 105-178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section.

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION
MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section

104(a) of title 23, United States Code, not to exceed \$92,194,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM
(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, \$177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$177,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

OPERATIONS AND RESEARCH
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$107,876,000 of which \$77,670,000 shall remain available until September 30, 2003: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to plan, finalize, or implement regulations that would add the static stability factor to the New Car Assessment Program until the National Academy of Sciences reports to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act that the static stability factor is a scientifically valid measurement and presents practical, useful information to the public; a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that induce rollover events; and the validity of the NHTSA proposed system for placing its rollover rating information on the web compared to making rollover information available at the point of sale.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001 are in

excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, \$2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, \$213,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of \$213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which \$155,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$13,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, \$36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, \$9,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$7,750,000 of the funds made available for section 402, not to exceed \$650,000 of the funds made available for section 405, not to exceed \$1,800,000 of the funds made available for section 410, and not to exceed \$450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$99,390,000, of which \$4,957,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further*, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General

\$1,500,000 for costs associated with audits and investigations of all rail-related issues and systems.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$24,725,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$24,900,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

WEST VIRGINIA RAIL DEVELOPMENT

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, \$15,000,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), \$521,000,000 to remain available until expended: *Provided*, That the Secretary shall not obligate more than \$208,400,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,800,000: *Provided*, That no more than \$64,000,000 of budget authority shall be available for these purposes: *Provided further*, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General \$3,000,000 for costs associated with audits and investigations of all transit-related issues and systems

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105-178, \$669,000,000, to remain available until expended: *Provided*, That no more than \$3,345,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available until expended: *Provided*, That no more than

\$6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$22,200,000, to remain available until expended: *Provided*, That no more than \$110,000,000 of budget authority shall be available for these purposes: *Provided further*, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), of which \$3,000,000 is available for transit-related research conducted by the Great Cities Universities research consortia; \$52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); \$10,886,400 is available for State planning (49 U.S.C. 5313(b)); and \$29,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Mid-America Regional Council coordinated transit planning, Kansas City metro area	\$750,000
Sacramento Area Council of Governments regional air quality planning and coordination study	250,000
Salt Lake Olympics Committee multimodal transportation planning	1,200,000
West Virginia University fuel cell technology institute propulsion and ITS testing	1,000,000
University of Rhode Island, Kingston traffic congestion study	150,000
Georgia Regional Transportation Authority regional transit study	350,000
Trans-lake Washington land use effectiveness and enhancement review	450,000
State of Vermont electric vehicle transit demonstration	500,000
Acadia Island, Maine explorer transit system experimental pilot program	150,000
Center for Composites Manufacturing	950,000
Southern Nevada air quality study	800,000
Southeastern Pennsylvania Transit Authority advanced propulsion control system	3,000,000
Fairbanks extreme temperature clean fuels research	800,000
National Transit Database	2,500,000
Safety and Security	6,100,000
National Rural Transit Assistance Program	750,000
Mississippi State University bus service expansion plan	100,000
Bus Rapid Transit administration, data collection and analysis	1,000,000
Project ACTION	3,000,000

TRUST FUND SHARE OF EXPENSES
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, \$5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That \$87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That \$51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That \$4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That \$80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That \$2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$529,200,000, to remain available until expended: *Provided*, That no more than \$2,646,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, \$1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$529,200,000; and there shall be available for new fixed guideway systems \$1,058,400,000: *Provided further*, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the bus and bus-related facilities projects listed in the accompanying Senate report: *Provided further*, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

2002 Winter Olympics spectator transportation systems and facilities;
Alaska or Hawaii ferry projects;
Atlanta-MARTA North Line extension completion;
Austin Capital Metro Light Rail;
Baltimore Central Light Rail double track-
ing;
Boston North-South Rail Link;
Boston-South Boston Piers Transitway;
Canton-Akron-Cleveland commuter rail
line;
Charlotte North-South Transitway project;

Chicago METRA commuter rail consoli-
dated request;

Chicago Transit Authority Ravenswood
Brown Line capacity expansion;
Chicago Transit Authority Douglas Blue
Line;

Clark County, Nevada RTC fixed guideway
project;

Cleveland Euclid Corridor improvement
project;

Dallas Area Rapid Transit North Central
light rail;

Denver Southeast corridor project;
Denver Southwest corridor project;

Fort Lauderdale Tri-County commuter rail
project;

Fort Worth Railtran corridor commuter
rail project;

Galveston Rail Trolley extension;
Girdwood to Wasilla, Alaska commuter
rail project;

Houston Metro Regional Bus Plan;
Kansas City Southtown corridor;

Little Rock, Arkansas River Rail project;
Long Island Rail Road East Side access
project;

Los Angeles Mid-city and Eastside cor-
ridors;

Los Angeles North Hollywood extension;
MARC expansion projects—Penn-Camden
lines connector and midway storage facility;

MARC-Brunswick line in West Virginia,
signal and crossover improvements;

Memphis Medical Center extension project;
Minneapolis-Twin Cities Transitways cor-
ridor projects;

Nashua, New Hampshire to Lowell, Massa-
chusetts commuter rail;

Nashville regional commuter rail;
New Jersey Hudson-Bergen Light Rail;

New Orleans Canal Street Streetcar cor-
ridor project;

New Orleans Desire Street corridor project;
Newark-Elizabeth rail link;

Oceanside-Escondido, California light rail;
Orange County, California transitway
project;

Philadelphia-Reading SEPTA Schuylkill
Valley metro project;

Phoenix metropolitan area transit project;
Pittsburgh North Shore-central business
district corridor project;

Pittsburgh Stage II Light Rail transit;
Portland Interstate MAX light rail transit;

Raleigh, Durham and Chapel Hill regional
rail service;

Rhode Island-Pawtucket and T.F. Green
commuter rail and maintenance facility;

Sacramento south corridor light rail ex-
tension;

Salt Lake City-University light rail line;
Salt Lake City North/South light rail
project;

Salt Lake-Ogden-Provo regional commuter
rail;

San Bernardino MetroLink;
San Diego Mission Valley East light rail;

San Francisco BART extension to the air-
port project;

San Jose Tasman West light rail project;
San Juan-Tren Urbano;

Seattle-Sound Transit Central Link light
rail project;

Seattle-Puget Sound RTA Sounder com-
muter rail project;

Spokane-South Valley Corridor light rail
project;

St. Louis Metrolink Cross County con-
nector;

St. Louis/St. Clair County Metrolink light
rail extension;

Stamford Urban Transitway, Connecticut;
Tampa Bay regional rail project;

Washington Metro Blue Line-Largo exten-
sion;

West Trenton, New Jersey rail project.

The following new fixed guideway systems
and extensions to existing systems are eligi-
ble to receive funding for alternatives anal-
ysis and preliminary engineering:

Albuquerque/Greater Albuquerque mass
transit project;

Atlanta-MARTA West Line extension
study;

Ballston, Virginia Metro access improve-
ments;

Baltimore regional rail transit system;
Birmingham, Alabama transit corridor;

Boston Urban Ring;
Burlington-Bennington, Vermont com-
muter rail project;

Calais, Maine Branch Line regional transit
program;

Colorado/Eagle Airport to Avon light rail
system;

Colorado/Roaring Fork Valley rail project;
Columbus-Central Ohio Transit Authority
north corridor;

Dallas Area Rapid Transit Southeast Cor-
ridor Light Rail;

Des Moines commuter rail;
Detroit Metropolitan Airport light rail
project;

Draper, West Jordan, West Valley City and
Sandy City, Utah light rail extensions;

Dulles Corridor, Virginia innovative inter-
modal system;

El Paso/Juarez People mover system;
Fort Worth trolley system;

Harrisburg-Lancaster capital area transit
corridor 1 regional light rail;

Hollister/Gilroy Branch Line extension;
Honolulu bus rapid transit;

Houston advanced transit program;
Indianapolis Northeast-Downtown corridor
project;

Johnson County, Kansas I-35 Commuter
Rail Project;

Kenosha-Racine-Milwaukee commuter rail
extension;

Los Angeles San Fernando Valley Corridor;
Los Angeles San Diego LOSSAN corridor
project;

Massachusetts North Shore Corridor
project;

Miami south busway extension;
New Orleans commuter rail from Airport
to downtown;

New York City 2nd Avenue Subway study;
Northern Indiana south shore commuter
rail;

Northwest New Jersey-Northeast Pennsyl-
vania passenger rail project;

Potomac Yards, Virginia transit study;
Philadelphia SEPTA Cross County Metro;

Portland, Maine marine highway program;
San Francisco BART to Livermore exten-
sion;

San Francisco MUNI 3rd Street light rail
extension;

Santa Fe-Eldorado rail link project;
Stockton, California Altamont commuter
rail project;

Vasona light rail corridor;
Virginia Railway Express commuter rail;

Whitehall ferry terminal project;
Wilmington, Delaware downtown transit
connector; and

Wilsonville to Beaverton commuter rail;

Provided further, That funds made available
under the heading "Capital Investment
Grants" in Division A, Section 101(g) of Pub-
lic Law 105–277 for the "Colorado-North
Front Range corridor feasibility study" are
to be made available for "Colorado-Eagle
Airport to Avon light rail system feasibility
study"; and that funds made available in
Public Law 106–69 under "Capital Investment
Grants" for buses and bus-related facilities

that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), \$350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$20,000,000, to remain available until expended: *Provided*, That no more than \$100,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY
DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE
(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$12,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$34,370,000, of which \$645,000 shall be derived from the Pipeline Safety Fund, and of which \$4,201,000 shall remain available until September 30, 2003: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY
(PIPELINE SAFETY FUND)
(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$43,144,000, of which \$8,750,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which \$31,894,000 shall be derived from the Pipeline Safety Fund, of which

\$24,432,000 shall remain available until September 30, 2003; and of which \$2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: *Provided*, That not more than \$13,227,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: *Provided further*, That the deadline for the submission of registration statements and the accompanying registration and processing fees for the July 1, 2000 to June 30, 2001 registration year described under sections 107.608, 107.612, and 107.616 of the Department of Transportation's final rule docket number RSPA-99-5137 is amended to not later than September 30.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$49,000,000 of which \$38,500,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration.

SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$954,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading.

TITLE II
RELATED AGENCIES
ARCHITECTURAL AND TRANSPORTATION
BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$4,795,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY
BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$59,000,000, of which not to exceed \$2,000 may be used for

official reception and representation expenses.

TITLE III
GENERAL PROVISIONS
(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined

in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): *Provided*, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative take-down authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding \$128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and

programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying

out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before

October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by \$53,430,000, which limits fiscal year 2001 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than \$119,848,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center. In addition to the funds limited in this Act, \$54,963,000 shall be available for section 1069(y) of Public Law 102-240.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation

or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 324. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Not to exceed \$1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: *Provided*, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 327. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 328. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, \$495,000, to remain available until September 30, 2002: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identifica-

tion of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 329. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 330. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2001.

SEC. 331. Section 3038(e) of Public Law 105–178 is amended by striking "50" and inserting "90".

SEC. 332. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the "fractional ownership" concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: *Provided*, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): *Provided further*, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twelve months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision and proposed statutory language to exempt the Department of Transportation from Office of Management and Budget guidelines regarding the use of aircraft.

SEC. 333. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than

the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by adding at the end the following:

“(72) Wilmington Downtown transit corridor.

“(73) Honolulu Bus Rapid Transit project.”.

SEC. 335. None of the funds appropriated or made available by this Act or any other Act or hereafter shall be used (1) to consider or adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA-97-2350-953), (2) to consider or adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this Section, to enforce such rule or amendment to a rule.

SEC. 336. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) in the subsection heading, by inserting “OVER-THE-ROAD BUSES AND” before “PUBLIC”;

(2) in paragraph (1), by striking “to any vehicle which” and inserting the following: “to—

“(A) any over-the-road bus; or

“(B) any vehicle that”;

(3) by striking paragraphs (2) and (3) and inserting the following:

“(2) STUDY AND REPORT CONCERNING APPLICABILITY OF MAXIMUM AXLE WEIGHT LIMITATIONS TO OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

“(A) STUDY AND REPORT.—Not later than July 31, 2002, the Secretary shall conduct a study of, and submit to Congress a report on, the maximum axle weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

“(B) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

“(i) IN GENERAL.—The report shall include—

“(I) a determination concerning how the requirements of section 127 of that title should be applied to over-the-road buses and public transit vehicles; and

“(II) short-term and long-term recommendations concerning the applicability of those requirements.

“(ii) CONSIDERATIONS.—In making the determination described in clause (i)(I), the Secretary shall consider—

“(I) vehicle design standards;

“(II) statutory and regulatory requirements, including—

“(aa) the Clean Air Act (42 U.S.C. 7401 et seq.);

“(bb) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

“(cc) motor vehicle safety standards prescribed under chapter 301 of title 49, United States Code; and

“(III)(aa) the availability of lightweight materials suitable for use in the manufacture of over-the-road buses;

“(bb) the cost of those lightweight materials relative to the cost of heavier materials in use as of the date of the determination; and

“(cc) any safety or design considerations relating to the use of those materials.

“(C) ANALYSIS OF MEANS OF ENCOURAGING DEVELOPMENT AND MANUFACTURE OF LIGHTWEIGHT BUSES.—The report shall include an analysis of, and recommendations concerning, means to be considered to encourage the development and manufacture of lightweight buses, including an analysis of—

“(i) potential procurement incentives for public transit authorities to encourage the purchase of lightweight public transit vehicles using grants from the Federal Transit Administration; and

“(ii) potential tax incentives for manufacturers and private operators to encourage the purchase of lightweight over-the-road buses.

“(D) ANALYSIS OF CONSIDERATION IN RULEMAKINGS OF ADDITIONAL VEHICLE WEIGHT.—The report shall include an analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the Federal Government that affects the design or manufacture of motor vehicles consider—

“(i) the weight that would be added to the vehicle by implementation of the proposed rule;

“(ii) the effect that the added weight would have on pavement wear; and

“(iii) the resulting cost to the Federal Government and State and local governments.

“(E) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the axle weight of over-the-road buses that compares—

“(i) the costs of the pavement wear caused by over-the-road buses; with

“(ii) the benefits of the over-the-road bus industry to the environment, the economy, and the transportation system of the United States.

“(3) DEFINITIONS.—In this subsection:

“(A) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

“(B) PUBLIC TRANSIT VEHICLE.—The term ‘public transit vehicle’ means a vehicle described in paragraph (1)(B).”.

SEC. 337. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 338. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies

which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 339. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104-208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 340. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for ATC facilities.

SEC. 341. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1999, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 342. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 5 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, and beginning in fiscal year 2005, and in each fiscal year thereafter, the Secretary shall withhold 10 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and

(4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of title 23, United States Code. If within three years from the date that the apportionment for any State is reduced in accordance with this subsection the Secretary determines that such State is eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such three-year period, any State remains ineligible for assistance under section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA. (a) **IN GENERAL.**—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) **DEED OF CONVEYANCE.**—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) **USE OF LANDS SUBJECT TO WAIVER.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) **USE OF REVENUES.**—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) **CONDITION.**—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) **GRANTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) **ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.**—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph

from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 344. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended by striking paragraph (38) and replacing it with the following—

“(38) The Ports-to-Plains Corridor from Laredo, Texas to Denver, Colorado as follows:

“(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

“(i) I-35 from Laredo to United States Route 83 at Exit 18;

“(ii) United States Route 83 from Exit 18 to Carrizo Springs;

“(iii) United States Route 277 from Carrizo Springs to San Angelo;

“(iv) United States Route 87 from San Angelo to Sterling City;

“(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I-20, then via I-20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

“(vi) United States Route 87 from Lamesa to Lubbock;

“(vii) I-27 from Lubbock to Amarillo; and

“(viii) United States Route 287 from Amarillo to the Oklahoma border.

“(B) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the Texas border to the Colorado border. The Corridor shall then proceed into Colorado.”

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 2001”.

DORGAN (AND ASHCROFT) AMENDMENT NO. 3427

Mr. DORGAN proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. . . INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) **SHORT TITLE.**—This section may be cited as the “Interstate Transportation of Dangerous Criminals Act of 1999” or “Jeanna’s Act”.

(b) **FINDINGS.**—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) **DEFINITIONS.**—In this section:

(1) **CRIME OF VIOLENCE.**—The term “crime of violence” has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) **DRUG TRAFFICKING CRIME.**—The term “drug trafficking crime” has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) **PRIVATE PRISONER TRANSPORT COMPANY.**—The term “private prisoner transport

company” means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) **VIOLENT PRISONER.**—The term “violent prisoner” means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) **FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) **STANDARDS AND REQUIREMENTS.**—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) **FEDERAL STANDARDS.**—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect

to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) **ENFORCEMENT.**—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

HARKIN (AND GRASSLEY) AMENDMENT NO. 3428

Mr. SHELBY (for Mr. HARKIN (for himself and Mr. GRASSLEY)) proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, *supra*; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking "Extend NW 86th Street from NW 70th Street" and inserting "Construct a road from State Highway 141".

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENT NO. 3429

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, *supra*; as follows:

On page 25, between lines 13 and 14, insert the following:

SEC. 113. NATIONAL HOMELAND SECURITY TECHNOLOGY AND TRAINING CENTER.

(a) **ESTABLISHMENT.**—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall establish a center to be known as the "National Homeland Security Technology and Training Center" (in this section referred to as the "Center"). The Center shall have the functions set forth in subsection (d).

(b) **LOCATION.**—The Center shall be located at Kirtland Air Force Base, New Mexico.

(c) **ADMINISTRATION.**—(1) The Center shall be administered by Sandia National Laboratories, New Mexico.

(2) In administering the Center, Sandia National Laboratories may utilize the capabilities, expertise, and other resources of other appropriate entities in the State of New Mexico, including Los Alamos National Laboratory, the University of New Mexico School of Medicine, and the Lovelace Respiratory Research Center.

(3) In planning activities for the Center, Sandia National Laboratories shall consult with the Federal Bureau of Investigation, the Federal Emergency Management Agency, and other Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(d) **FUNCTIONS.**—The functions of the Center shall be as follows:

(1) To provide technology and training support to Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) and to Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(2) To provide such other support for such teams and agencies as the Secretary considers appropriate.

(e) **COMMENCEMENT OF OPERATIONS.**—The Center shall commence the provision of training support for Weapons of Mass Destruction Civil Support Teams not later than October 1, 2001.

(f) **FUNDING.**—Of the amounts authorized to be appropriated by section 101(5), \$3,500,000 shall be available for the establishment and activities of the Center, including activities relating to the establishment of detailed plans for future activities of the Center.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Allard (and Others) Amendment No. 3430

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, *supra*; as follows:

On page _____, after line _____, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

BOND AMENDMENT NO. 3431

Mr. ALLARD (for Mr. BOND) proposed an amendment to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) **AUTOMATIC APPROVAL OF PENDING APPLICATIONS.**—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) **DEFINITIONS.**—In this section—

(1) the term "Administration" means the headquarters of the Small Business Administration; and

(2) the term "development company" has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) **TRANSFER OF FUNDS.**—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) **SOURCES.**—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) redesignated areas."; and

(2) in paragraph (4), by adding at the end the following:

"(C) **REDESIGNATED AREA.**—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DOMENICI AMENDMENT NO. 3432

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by them to the bill, H.R. 4475, *supra*; as follows:

Page 16, under the heading "FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)" after "under this head;" add "and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.;"

Page 16, after the last proviso under the heading "FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)" and before the heading "RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)" add

"Provided further, That notwithstanding any other provision of law, not more than

\$20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C."

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

The hearing will take place on Thursday, June 22, 2000 at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

The hearing will take place on Thursday, June 29, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, to conduct a roundtable discussion on "Accounting for Goodwill."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATIONAL RESOURCES AND THE SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 14 at 10:15 a.m. to conduct a joint oversight hearing. The Committees will receive testimony on the Loss of National Security Information at the Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, for an Open Executive Session to mark up H.R. 3916 (Repeal of the Federal Communications Excise Tax); S. 662, the Breast and Cervical Cancer Treatment Act; and, S. Res. , expressing the sense of the Senate that the President should initiate negotiations with the members of the European Union to resolve the current dispute regarding the foreign sales corporation provisions of the Internal Revenue Code and to modify World Trade Organization rules governing the border adjustability of taxes to ensure that such rules do not place United States exporters at a competitive disadvantage.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 10 a.m. and 3:30 p.m. to hold two hearings (agenda attached).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 14, 2000 at 10 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 14, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up the following: S. 1586, Indian Land Consolidation Act Amendments; S. 2351, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; S. Res. 277, Commemorating the 30th Anniversary of the Policy of Indian Self-Determination; S. 2508, the Colorado Ute Indian Water Settlement Act Amendments of 2000; and H.R. 3051, Jicarilla Water Feasibility Study, to be followed by a hearing, on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the Department of Agriculture.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 10:15 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, June 14, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, June 14,

at 9:30 a.m., to conduct a hearing to receive testimony on the environmental benefits and impacts of ethanol under the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Communications be authorized to meet on Wednesday, June 14, 2000, at 9:30 a.m. on wireless high speed Internet access for rural areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Mandy Sams of Senator Hutchinson's staff be granted floor privileges for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Denise Matthews, a fellow on the staff of the Appropriations Committee, be granted the privilege of the floor during debate on the Fiscal Year 2001 Transportation Appropriations bill and the conference report thereon.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

On June 13, the Senate amended and passed H.R. 4576, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4576) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$22,173,929,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the

Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,877,215,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$6,831,373,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$18,110,764,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,458,961,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,539,490,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders

class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$446,586,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$963,752,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,781,236,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,634,181,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$19,049,881,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be

made on his certificate of necessity for confidential military purposes, \$23,398,254,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,729,758,000.

OPERATION AND MAINTENANCE, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$22,268,977,000 and, in addition, \$50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$11,991,688,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$30,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,529,418,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$968,946,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$141,159,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,893,859,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including

medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,330,535,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,481,775,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$4,100,577,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title, the Defense Health Program appropriation, and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$8,574,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$389,932,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appro-

priations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$294,038,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$376,300,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$21,412,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$231,499,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the

Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$55,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, \$458,400,000, to remain available until September 30, 2003: Provided, That of the amounts provided under this heading, \$25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,532,862,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,329,781,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized

equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,166,574,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,212,149,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,060,728,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,426,499,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and ma-

chine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,571,650,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$471,749,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$4,053,653,000;
Carrier Replacement Program (AP), \$21,869,000;
NSSN, \$1,203,012,000;
NSSM (AP), \$508,222,000;
CVN Refuelings, \$703,441,000;
CVN Refuelings (AP), \$25,000,000;
Submarine Refuelings, \$210,414,000;
Submarine Refuelings (AP), \$72,277,000;
DDG-51 destroyer program, \$2,713,559,000;
DDG-51 destroyer program (AP), \$500,000,000;
LPD-17 Program Cost Growth, \$285,000,000;
LPD-17 (AP), \$200,000,000;
LHD-8 (AP), \$460,000,000;
ADC(X), \$338,951,000;
LCAC landing craft air cushion program, \$15,615,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, \$301,077,000;

In all: \$11,612,090,000, to remain available for obligation until September 30, 2005: Provided, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: Provided further, That the Secretary of the Navy is hereby granted the authority to enter into contracts for an LHD-1 Amphibious Assault Ship and two LPD-17 Class Ships which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not

otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,400,180,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,196,368,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$7,289,934,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,920,815,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and inter-

ests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$654,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173, passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$7,605,027,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,294,908,000, to remain available for obligation until September 30, 2003.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$150,000,000, to remain available for obligation until September 30, 2003: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$5,683,675,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and eval-

uation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$8,812,070,000, to remain available for obligation until September 30, 2002: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$13,931,145,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,952,039,000, to remain available for obligation until September 30, 2002.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$218,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; \$916,276,000: Provided, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), \$388,158,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

NATIONAL DEFENSE AIRLIFT FUND

For National Defense Airlift Fund programs, projects, and activities, \$2,890,923,000, to remain available until expended: Provided, That these funds shall only be available for transfer to the appropriate C-17 program P-1 line items of Titles III of this Act for the purposes specified in this section: Provided further, That the funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$12,130,179,000, of which \$11,437,293,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which \$290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which \$402,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation; and of which \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$979,400,000, of which \$600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, \$105,000,000 shall be for Procurement to remain available until September 30, 2003, and \$274,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: Provided, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program: Provided further, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1-98-L-0001 to the Umatilla Indian Tribe, the current lessee.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$933,700,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the

same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$147,545,000, of which \$144,245,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$177,331,000, of which \$22,557,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, \$27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2002, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHOLAWE

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$60,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the ap-

propriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG-51 destroyer; C-17; and UH-60/CH-60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an

Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in

NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That contractors participating in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than \$21,417,000 shall be available for the Civil Air Patrol Corporation, of which \$19,417,000 shall be available for Civil Air Patrol

Corporation operation and maintenance to support readiness activities which includes \$2,000,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the

Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: Provided, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2000 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for

the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate,

determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act, or made available by the transfer of funds in this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Acts, the following funds are hereby rescinded as of the date of the enactment of this Act or October 1, 2000, whichever is later, from the following accounts and programs in the specified amounts:

"Weapons and Tracked Combat Vehicles, 2000/2002", \$59,000,000;

"Aircraft Procurement, Air Force, 2000/2002", \$24,000,000;

"Other Procurement, Army, 2000/2002", \$29,300,000;

"Missile Procurement, Air Force, 2000/2002", \$30,000,000; and

"Research, Development, Test and Evaluation, Army, 2000/2001", \$27,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command

and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified and Specified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

SEC. 8060. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8061. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8062. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8063. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8064. None of the funds in this Act may be used to purchase any supercomputer which is

not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8065. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8066. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8067. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8068. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8069. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the

United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540(c)(4) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8070. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8071. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8072. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with Increase Use/Reserve support to the Operational Commander-in-Chiefs and with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8074. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8075. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a

negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8076. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

SSN-21 attack submarine program, \$74,000,000;

To:

Under the heading, "Research, Development, Test and Evaluation, Navy, 2001/2002":

For SSN-21 development, \$74,000,000.

SEC. 8077. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard

Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

(RESCISSIONS)

SEC. 8083. Of the funds provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$319,688,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Aircraft Procurement, Army", \$7,000,000;
 "Missile Procurement, Army", \$6,000,000;
 "Procurement of Weapons and Tracked Combat Vehicles, Army", \$7,000,000;
 "Procurement of Ammunition, Army", \$5,000,000;
 "Other Procurement, Army", \$16,000,000;
 "Aircraft Procurement, Navy", \$24,125,000;
 "Weapons Procurement, Navy", \$3,853,000;
 "Procurement of Ammunition, Navy and Marine Corps", \$1,463,000;
 "Shipbuilding and Conversion, Navy", \$19,644,000;
 "Other Procurement, Navy", \$12,032,000;
 "Procurement, Marine Corps", \$3,623,000;
 "Aircraft Procurement, Air Force", \$32,743,000;
 "Missile Procurement, Air Force", \$5,500,000;
 "Procurement of Ammunition, Air Force", \$1,232,000;
 "Other Procurement, Air Force", \$19,902,000;
 "Procurement, Defense-Wide", \$6,683,000;
 "Chemical Agents and Munitions Destruction, Army", \$1,103,000;
 "Defense Health Program", \$808,000;
 "Research, Development, Test and Evaluation, Army", \$20,592,000;
 "Research, Development, Test and Evaluation, Navy", \$35,621,000;
 "Research, Development, Test and Evaluation, Air Force", \$53,467,000; and
 "Research, Development, Test and Evaluation, Defense-Wide", \$36,297,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8084. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as "subactivities") in all appropriations accounts provided in this Act, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2002, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

SEC. 8085. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—
(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8086. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8087. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: Provided, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: Provided further, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: Provided further, That notwithstanding any other provision of law, all future TRICARE managed care support

contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8088. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8089. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8090. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$56,200,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

"Operation and Maintenance, Army", \$4,600,000;
"Operation and Maintenance, Navy", \$49,600,000; and
"Operation and Maintenance, Defense-Wide", \$2,000,000.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$789,700,000 to reflect savings from favorable foreign currency fluctuations, and stabilization of the balance available within the "Foreign Currency Fluctuation, Defense", account.

SEC. 8092. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8093. Of the funds made available in this Act, not less than \$65,200,000 shall be available to maintain an attrition reserve force of 18 B-52

aircraft, of which \$3,200,000 shall be available from "Military Personnel, Air Force", \$36,900,000 shall be available from "Operation and Maintenance, Air Force", and \$25,100,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2001: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8094. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency.

SEC. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8096. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: Provided, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: Provided further, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8097. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel

and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8098. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8099. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8100. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8101. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8102. Of the funds made available under the heading "Operation and Maintenance, Air Force", \$10,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located:

Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: Provided, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: Provided further, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8105. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8106. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide", up to \$5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: Provided, That in

selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8109. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among request of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8110. Of the amounts appropriated in the Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$85,849,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8111. The Secretary of Defense shall fully identify and determine the validity of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: Provided, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: Provided further, That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract claims, and on the action taken to implement the provisions of this section: Provided further, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8112. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

SEC. 8113. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide," \$115,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8114. OPERATIONAL SUPPORT AIRCRAFT LEASING AUTHORITY. (a) The Secretary of the Army and the Secretary of the Navy may establish a multi-year pilot program for leasing aircraft for utility and operational support airlift purposes on such terms and conditions as the respective Secretaries may deem appropriate, consistent with this section.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease program authorized by this section:

(1) The Secretary of the Army and the Secretary of the Navy may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee.

(2) The term of any individual lease agreement into which a service Secretary enters under this section shall not exceed 10 years.

(3) The Secretary of the Army and the Secretary of the Navy may provide for special payments to a lessor if either the respective Secretary terminates or cancels the lease prior to the expiration of its term or aircraft are damaged or destroyed prior to the expiration of the term of the lease. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease. The amount of special payments shall be subject to negotiation between the Army or Navy and lessors.

(4) Notwithstanding any other provision of law, any payments required under a lease under this section, and any payments made pursuant to subsection (3) above may be made from:

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(5) The Secretary of the Army and the Secretary of the Navy may lease aircraft, on such terms and conditions as they may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

(6) The Secretary of the Army and the Secretary of the Navy may exchange or sell existing aircraft and apply the exchange allowance or sale proceeds in whole or in part toward the cost of leasing replacement aircraft under this section.

(7) No lease of operational support aircraft may be entered into under this section after September 30, 2004.

(d) The authority granted to the Secretary of the Army and the Secretary of the Navy by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the respective Secretaries to procure transportation or enter into leases under a provision of law other than this section.

(e) The authority provided under this section may be used to lease not more than a total of three (3) Army aircraft, three (3) Navy aircraft, and three (3) Marine Corps aircraft for the purposes of providing operational support.

SEC. 8115. Notwithstanding any other provision in this Act, the total amount appropriated in this Act under Title IV for the Ballistic Missile Defense Organization (BMDO) is hereby reduced by \$26,154,000 to reflect a reduction in system engineering, program management, and other support costs.

SEC. 8116. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 30 days prior to issuing any type of information or proposal solicitation under the NMD program.

SEC. 8117. Up to \$3,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8118. In addition to amounts appropriated elsewhere in the Act, \$20,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$20,000,000 to the National Center for the Preservation of Democracy.

SEC. 8119. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than \$7,000,000 shall be made available by grant or otherwise, to the North Slope Borough, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8120. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than thirty days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8121. In addition to amounts made available elsewhere in this Act, \$1,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

SEC. 8122. The Secretary of the Navy may transfer from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary ship cost changes for previous ship construction programs appropriated in law: Provided, That the Secretary may transfer no more than \$300,000,000 under the authority provided within this section: Provided further, That the funding transferred shall be available for the same time period as the appropriation from which transferred: Provided further, That the Secretary may not transfer any funding until 30 days after the proposed transfer has been reported to the House and Senate Committees on Appropriations: Provided further, That the transfer authority provided within this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8123. In addition to amounts appropriated elsewhere in the Act, \$2,100,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of \$2,100,000 to the National D-Day Museum.

SEC. 8124. In addition to amounts appropriated elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of the Army shall make available a grant of \$5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8125. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: Provided, That the Secretary of the Navy and the Secretary of Transportation shall develop criteria for selecting ships for scrapping or disposal based on their potential for causing pollution, creating an environmental hazard and cost of storage: Provided further, That the Secretary of the Navy and the Secretary of Transportation shall report

to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

SEC. 8126. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

SEC. 8127. SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA. (a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further displacement of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected Government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and

so-called "filtration camps", or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the Government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the Government of Chechnya.

SEC. 8128. In addition to funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", \$20,000,000 is hereby appropriated for Information Technology Center.

SEC. 8129. PRIVACY OF INDIVIDUAL MEDICAL RECORDS. None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual's medical records without the consent of the individual.

SEC. 8130. Of the total amount appropriated by this Act for the Air Force for research, development, test and evaluation, up to \$43,000,000 may be made available for the extended range conventional air-launched cruise missile program of the Air Force.

SEC. 8131. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$2,000,000 may be made available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

SEC. 8132. Of the funds made available in title III of this Act under the heading "MISSILE PROCUREMENT, AIR FORCE", up to \$5,000,000 may be made available for the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the AGM-65H and AGM-65K configurations.

SEC. 8133. Of the funds available under the heading "WEAPONS AND TRACKED COMBAT VEHICLES, ARMY" in title III of this Act, up to \$10,000,000 may be made available for Carrier Modifications.

SEC. 8134. Of the funds available under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" in title IV of this Act, under "End Item Industrial Preparedness" up to \$5,000,000 may be made available for the Printed Wiring Board Manufacturing Technology Center.

SEC. 8135. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$3,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SEC. 8136. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$4,500,000 may be made available for the Innovative Stand-Off Door Breaching Munition.

SEC. 8137. Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$3,000,000 may be available for high-performance, non-toxic, intumescent fire protective coatings aboard Navy vessels. The coating shall meet the specifications for Type II fire protectives as stated in Mil-Spec DoD-C-24596.

SEC. 8138. Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to \$2,000,000

may be available for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PPFS).

SEC. 8139. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$15,000,000 may be made available to continue research and development on Silicon carbide research (PE 63005A).

SEC. 8140. Of the amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY", \$5,000,000 shall be available for the development of the Abrams Full-Crew Interactive Skills Trainer.

SEC. 8141. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the Environmental Security Technical Certification Program (PE 603851D) to develop and test technologies to detect unexploded ordnance at sites where the detection and possible remediation of unexploded ordnance from live-fire activities is underway.

SEC. 8142. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the Strategic Environmental Research and Development Program (PE 6034716D) for the development and test of technologies to detect, analyze, and map the presence of, and to transport, pollutants and contaminants at sites undergoing the detection and possible remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

SEC. 8143. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$5,000,000 may be available for Surface Ship & Submarine HM&E Advanced Technology (PE 603508N) for continuing development by the Navy of the AC synchronous high-temperature superconductor electric motor.

SEC. 8144. Of the funds provided in title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$1,000,000 may be available to continue the Public Service Initiative.

SEC. 8145. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$3,500,000 may be made available for Chem-Bio Advanced Materials Research.

SEC. 8146. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$3,000,000 may be available only for a Navy benefits center.

SEC. 8147. Of the funds available in title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$8,000,000 may be made available for the Navy Information Technology Center.

SEC. 8148. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$7,000,000 may be made available for the Solid State Dye Laser project.

SEC. 8149. Of the amount available under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$1,000,000 shall be available for Middle East Regional Security Issues.

SEC. 8150. Of the amount available under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$5,000,000 may be available for the continuation of the Compatible Processor Upgrade Program (CPUP).

SEC. 8151. (a) ADDITIONAL FUNDS FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by \$3,700,000,

with the amount of the increase available for the activities of five additional Weapons of Mass Destruction Civil Support Teams (WMD-CST).

(b) ADDITIONAL FUNDS FOR EQUIPMENT FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM PROGRAM.—(1) The amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by \$11,300,000, with the amount of the increase available for Special Purpose Vehicles.

(2) The amount appropriated under title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by \$1,800,000, with the amount of the increase available for the Chemical Biological Defense Program, for Contamination Avoidance.

(3) Amounts made available by reason of paragraphs (1) and (2) shall be available for the procurement of additional equipment for the Weapons of Mass Destruction Civil Support Team (WMD-CST) program.

(c) OFFSET.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Defense Finance and Accounting Service is hereby reduced by \$16,800,000, with the amount of the reduction applied to the Defense Joint Accounting System (DJAS) for fielding and operations.

SEC. 8152. Of the funds available in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$30,000,000 may be available for information security initiatives: Provided, That, of such amount, \$10,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and \$20,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

SEC. 8153. Of the funds provided in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$12,000,000 may be made available to commence a live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH64D Longbow helicopter, as previously specified in section 8138 of Public Law 106-79.

SEC. 8154. Of the funds appropriated in the Act under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$5,000,000 may be made available to the American Red Cross for Armed Forces Emergency Services.

SEC. 8155. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to \$12,000,000 is available for the XSS-10 micro-missile technology program.

SEC. 8156. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$3,000,000 may be made available for the development of a chemical agent warning network to benefit the chemical incident response force of the Marine Corps.

SEC. 8157. Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", \$2,000,000 may be made available for the Bosque Redondo Memorial as authorized under the provisions of the bill S. 964 of the 106th Congress, as adopted by the Senate.

SEC. 8158. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", \$300,000 shall be available for Generic Logistics Research and Development Technology Demonstrations (PE 603712S) for air logistics technology.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by \$300,000.

SEC. 8159. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, \$5,000,000 shall be available for Explosives Demilitarization Technology (PE 603104D) for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by \$5,000,000.

SEC. 8160. Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, \$92,530,000 may be available for C-5 aircraft modernization, including for the C-5 Reliability Enhancement and Reengining Program.

SEC. 8161. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$4,000,000 may be made available for Military Personnel Research.

SEC. 8162. Of the amounts appropriated under title II under the heading “OPERATION AND MAINTENANCE, NAVY”, up to \$7,000,000 may be available for the Information Technology Center.

SEC. 8163. Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$6,000,000 may be made available for the Ballistic Missile Defense Organization International Cooperative Programs for the Arrow Missile Defense System in order to enhance the interoperability of the system between the United States and Israel.

SEC. 8164. PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN. (a) DEFINITION OF PESTICIDE.—In this section, the term “pesticide” has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

SEC. 8165. Of the funds appropriated in title III under the heading “PROCUREMENT, DEFENSE-WIDE”, up to \$7,000,000 may be made available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

SEC. 8166. Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up to \$5,000,000 may be made available under Advanced Technology for the LaserSpark countermeasures program.

SEC. 8167. Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” for Logistics Research and Development Technology Demonstration, up to \$2,000,000 may be made available for a Silicon-Based Nanostructures Program.

SEC. 8168. (a) Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) Of the funds appropriated in title VI under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE”, up to \$23,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

SEC. 8169. Of the funds appropriated in title VI under the heading “COUNTER-DRUG ACTIVITIES, DEFENSE”, up to \$5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8170. Of the funds provided within title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

SEC. 8171. Of the amounts appropriated in title III under the heading “OTHER PROCUREMENT, AIR FORCE”, \$3,000,000 shall be made available for an analysis of the costs associated with and the activities necessary in order to reestablish the production line for the U-2 aircraft, at the rate of two aircraft per year, as quickly as is feasible.

SEC. 8172. (a) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should, using funds specified in subsection (b), pay the New Jersey Forest Fire Service the sum of \$92,974.86 to reimburse the New Jersey Forest Fire Service for costs incurred in containing and extinguishing a fire in the Bass River State Forest and Wharton State Forest, New Jersey, in May 1999, which fire was caused by an errant bomb from an Air National Guard unit during a training exercise at Warren Grove Testing Range, New Jersey.

(b) SOURCE OF FUNDS.—Funds for the payment referred to in subsection (a) should be derived from amounts appropriated by title II of this Act under the heading “OPERATION AND MAINTENANCE, AIR NATIONAL GUARD”.

SEC. 8173. Of the funds appropriated in title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$6,000,000 may be made available to support spatio-temporal database research, visualization and user interaction testing, enhanced image processing, automated feature extraction research, and development of field-sensing devices, all of which are critical technology issues for smart maps and other intelligent spatial technologies.

SEC. 8174. (a) PROHIBITION.—No funds made available under this Act may be used to transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term “entity controlled by a foreign government” has the meaning given that

term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term “veterans memorial object” means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

SEC. 8175. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY” for the Navy technical information presentation system, \$5,200,000 may be available for the digitization of FA-18 aircraft technical manuals.

SEC. 8176. Of the amount appropriated under title II under the heading “OPERATION AND MAINTENANCE, ARMY” for Industrial Mobilization Capacity, \$56,500,000 plus in addition \$11,500,000 may be made available to address unutilized plant capacity in order to offset the effects of low utilization of plant capacity on overhead charges at the Arsenal.

SEC. 8177. Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, ARMY”, up to \$3,800,000 may be available for defraying the costs of maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

SEC. 8178. Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 8179. Of the funds appropriated in title III under the heading “PROCUREMENT, DEFENSE-WIDE”, up to \$18,900,000 may be made available for MH-60 aircraft for the United States Special Operations Command as follows: up to \$12,900,000 for the procurement of probes for aerial refueling of 22 MH-60L aircraft, and up to \$6,000,000 for the procurement and integration of internal auxiliary fuel tanks for 50 MH-60 aircraft.

SEC. 8180. Of the amount appropriated under title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$50,000,000 may be made available for High Energy Laser research, development, test and evaluation (PE 0602605F, PE 0603605F, PE 0601108D, PE 0602890D, and PE 0603921D). Release of funds is contingent on site selection for the Joint Technology Office referenced in the Defense Department's High Energy Laser Master Plan.

SEC. 8181. Of the funds available in title II under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$2,000,000 may be made available to the Special Reconnaissance Capabilities (SRC) Program for the Virtual Worlds Initiative in PE 0304210BB.

SEC. 8182. Of the funds available in title III under the heading “PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS”, up to \$5,000,000 may be made available for ROCKETS, ALL TYPE, 83mm HEDP.

SEC. 8183. Of the amounts appropriated in title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to \$6,000,000 may be made available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF
THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

This Act may be cited as the "Department of Defense Appropriations Act, 2001".

UNANIMOUS-CONSENT
AGREEMENT—H.R. 4475

Mr. ALLARD. Mr. President, I ask unanimous consent that all first-degree amendments contained on the list submitted earlier must be filed at the desk by 11:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY
POSTPONED—S. 2593

Mr. ALLARD. Mr. President, I ask unanimous consent that Calendar No. 563, S. 2593, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTIFIED DEVELOPMENT COM-
PANY PROGRAM IMPROVEMENTS
ACT OF 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 531, H.R. 2614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2614) to amend the small business investment act to make improvements to the Certified Development Company Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been considered from the Committee on Small Business, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) **LOAN LIMITS.**—Loans made by the Administration under this section shall be limited to \$1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to \$1,300,000 for each such identifiable small business concern."

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) **EFFECTIVE DATE.**—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003."

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) **SALE OF CERTAIN DEFAULTED LOANS.**—

"(1) **NOTICE.**—

"(A) **IN GENERAL.**—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

"(B) **TIMING.**—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) **LIMITATIONS.**—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

"(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

"(B) provides the notice required by paragraph (1)."

SEC. 7. LOAN LIQUIDATION.

(a) **LIQUIDATION AND FORECLOSURE.**—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) **DELEGATION OF AUTHORITY.**—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) **ELIGIBILITY FOR DELEGATION.**—

"(1) **REQUIREMENTS.**—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has 1 or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) **CONFIRMATION.**—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) **SCOPE OF DELEGATED AUTHORITY.**—

"(1) **IN GENERAL.**—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) **ADMINISTRATION APPROVAL.**—

"(A) **LIQUIDATION PLAN.**—

"(i) **IN GENERAL.**—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) **ADMINISTRATION ACTION ON PLAN.**—

"(I) **TIMING.**—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) **NOTICE OF NO DECISION.**—With respect to any liquidation plan that cannot be approved or

denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

“(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

“(B) PURCHASE OF INDEBTEDNESS.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

“(ii) ADMINISTRATION ACTION ON REQUEST.—

“(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

“(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

“(C) WORKOUT PLAN.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

“(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

“(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

“(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

“(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

“(i) shall be in writing;

“(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

“(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

“(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

“(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

“(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

“(1) does not meet the requirements of subsection (b)(1);

“(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

“(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

“(e) REPORT.—

“(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

“(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

“(i) the total cost of the project financed with the loan;

“(ii) the total original dollar amount guaranteed by the Administration;

“(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

“(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

“(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

“(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

“(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

“(D) a comparison between—

“(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

“(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

“(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) is repealed.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

“(1) \$4,000,000,000 for fiscal year 2001.

“(2) \$5,000,000,000 for fiscal year 2002.

“(3) \$6,000,000,000 for fiscal year 2003.”.

AMENDMENT NO. 3431

(Purpose: To make an amendment with respect to timely Administration action on geographic expansion applications, use of unobligated funds, and the HUBZone program, and for other purposes)

Mr. ALLARD. Mr. President, Senator BOND has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for Mr. BOND, proposes an amendment numbered 3431.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) AUTOMATIC APPROVAL OF PENDING APPLICATIONS.—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) DEFINITIONS.—In this section—

(1) the term “Administration” means the headquarters of the Small Business Administration; and

(2) the term “development company” has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) SOURCES.—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—
(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) redesignated areas.”; and

(2) in paragraph (4), by adding at the end the following:

“(C) REDESIGNATED AREA.—The term ‘redesignated area’ means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a ‘redesignated area’ only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.”.

Mr. ALLARD. Mr. President, I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3431) was agreed to.

Mr. BOND. Mr. President, I rise today to speak in support of H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This important legislation was recently considered by the Committee on Small Business and approved by an 18-0 vote. I am also offering a “Managers’ Amendment,” which has been approved on both sides of the aisle.

The purpose of H.R. 2614 is to make the 504 Certified Development Company program a more effective and more efficient program. The 504 Program is a key credit program run by the Small Business Administration to provide access to capital to small business owners. It was enacted to leverage private sector resources to fund larger projects for small businesses to acquire, construct or expand their facilities. Specifically, it was designed to create job opportunities and improve the economic health of both rural and inner city communities.

Unlike most government-guaranteed loan programs, the 504 loan is subordinate to a loan made by a private lender. SBA guarantees 10- or 20-year debentures issued by Certified Development Companies (CDC), and the proceeds from the sales of these debentures to investors are used to fund the 504 loans. Usually, the conventional loan will finance 50 percent of the project’s cost, and the SBA-guaranteed 504 loan cannot exceed 40 percent of the project cost. In the event of a default of the 504 small business borrower, the bank’s loan is senior to the SBA-guaranteed 504 loan.

504 LOAN DEFAULTS AND RECOVERIES

Over the past 5 years, the Committee on Small Business has devoted considerable attention to the 504 program. The committee has been particularly concerned about reports and testimony from the SBA and the Office of Management and Budget (OMB) about loan recoveries following a default by a borrower on a loan made under the pro-

gram. Historically, in nearly all cases when a 504 program borrower defaults, it is the SBA, not the CDC, that take the required liquidation and foreclosure actions. The failure of the SBA to take aggressive actions to recover the value of collateral held following a default significantly increases the costs to borrowers to obtain a loan under the 504 program.

In response to the continuing problem of low recoveries under the 504 program, the committee, in 1996, approved legislation establishing a pilot program that allowed approximately 20 CDCs to liquidate loan that they originate. Results from the pilot have been encouraging, and the committee concluded that it is in the best interest of the 504 program to allow additional CDC’s to conduct their own liquidation and foreclosure activities. Section 7 of H.R. 2614, as reported by the Committee on Small Business, makes the pilot liquidation program permanent and requires SBA to permit certain CDC’s to foreclose and liquidate defaulted loans that they have originated under the 504 loan program.

PREMIER CERTIFIED LENDERS PROGRAM

In October 1994, the Congress first enacted the Premier Certified Lenders Program (PCLP) on a pilot basis. The program was expanded by Congress in 1997, and the limitation on the number CDC’s that could participate in the program was removed. The Committee has noted the success of the PCLP and has agreed with the House of Representatives to make it a permanent part of the 504 program. In doing so, the committee expects the SBA to continue its efforts to work with the CDC’s to take advantage of the strengths of the most successful and well-run CDC’s.

504 PROGRAM COSTS

In 1995, the SBA and the National Association of Development Companies (NADCO) strongly urged the Congress to adopt legislation mandating that the 504 program be supported entirely by fees paid by the private sector. Since the new fees took effect at the beginning of 1996, the fees increased from 0.125 percent to 0.875 percent in FY 1997. The fees rise or fall based primarily on two key factors: the rate of defaults and the recovery rates. Since FY 1997, the committee is pleased to note that estimates for defaults and recoveries has improved dramatically, and the borrower fee for FY 2001 will be 0.472 percent, a significant drop in four years from its peak in FY 1997. H.R. 2614 authorizes SBA to collect these fees to offset the credit subsidy rate through FY 2003.

The bill adds 504 loans to women-owned small businesses to the current list of public policy goals specified under the Small Business Investment Act of 1958. Currently, loans for public policy goals can be guaranteed up to \$1,000,000. Other 504 loans can be guar-

anteed up to \$750,000. As approved by the committee, H.R. 2614 will increase the guarantee ceiling for regular 504 loans to \$1,000,000, and the ceiling for public policy loans will become \$1,300,000.

During the committee’s consideration of H.R. 2614, the committee members voted unanimously to establish the authorization levels for the 504 program. The levels approved are \$4 billion in FY 2001, \$5 billion in FY 2002, and \$6 billion in FY 2003. These are the same levels that the committee also approved in the Small Business Reauthorization Act of 2000.

ASSET SALES

During the past four years, the committee has urged SBA to undertake the sale of assets held by the Agency; however, the committee does not believe this step forward should necessarily harm its lending partners, such as the CDC’s. SBA has announced it will undertake two sales during calendar year 2000; consequently, the committee approved a provision that requires the SBA to notify CDC’s prior to including a 504 loan in an asset sale. The committee adopted this section in order to insure there is an open dialogue and full cooperation between the SBA and the relevant CDC’s.

AMENDMENTS

Mr. President, the Manager’s Amendment includes three provisions. The first provision, which has the strong support of the majority leader, Senator LOTT, and Senator COCHRAN, is designed to expedite SBA consideration of several applications for multi-state operating authority for CDC’s that have been pending at the 504 program office at the SBA headquarters for at least one year.

The second provision addresses the pending shortfall in the 7(a) guaranteed business loan program. SBA is now projecting that the 7(a) program will run out of money on or about September 1, 2000. In order to ensure that sufficient funds are available to fund this important small business credit program until September 30, 2000, when FY 2000 concludes, the Amendment authorizes SBA to reprogram funds appropriated but not spent in prior years for the DELTA loan program and the Microloan guarantee loan program. The total amount that SBA would need to reprogram would not exceed \$6.5 million.

The third provision addresses an unforeseen event under the HUBZone program, which was authorized by Congress in 1997. The HUBZone program provides a valuable Federal contracting incentive for small businesses that are located in economically distressed inner cities and poor rural counties and that employ residents from these distressed areas. It is my understanding that new unemployment data will be released soon by the Bureau of Labor Statistics, which could

result in the sudden disqualification on many recently certified HUBZone small businesses. The amendment will ensure that HUBZone areas remain qualified for a fixed period of at least 3 years by giving them a 3-year period to wrap up their HUBZone activities once an area has ceased to qualify on the basis of income or unemployment data. This change in the law will counter an unintended consequence and bring some needed stability to program.

Mr. President, the Certified Development Company Program Improvements Act of 2000 is an important credit program providing small businesses with credit opportunities that would not otherwise be available. I urge my colleagues to support that bill and the manager's amendment.

Mr. LEVIN. Mr. President, I am pleased the Senate will shortly pass H.R. 2614, the Certified Development Company Program Improvements Act of 1999. This bill was passed by the House on August 2, 1999.

The Small Business Administration's 504 loan program provides 20- and 10-year fixed-rate loans to small businesses through Certified Development Companies to be used for the acquisition or renovation of plant and equipment. SBA's 504 program loans are funded through the sale of pooled debentures on the bond market which gives small businesses access to interest rates that are close to those offered to large corporations.

SBA's 504 loan program is a net plus to our economy because it requires that small businesses receiving loans must create jobs or retain jobs that otherwise would be lost and/or meet certain national public policy goals. The 504 loan program's job creation track record has been excellent, with at least 3 jobs being created for every \$35,000 in 504 lending provided.

This legislation is most urgently needed because the 504 program needs to be reauthorized. Even though the program costs the Government nothing and no appropriations are made to fund it because the program pays for itself through fees collected from borrowers, it cannot continue to operate without an authorization. We cannot allow this to happen. The 504 loan program is too important to small businesses who wish to expand because it provides affordable financing for growth with low down payments which is often difficult or impossible for small businesses to obtain from traditional lenders.

This bill improves on the 504 loan program and increases the maximum amount of a regular SBA guaranteed debenture, long term bond, from \$750,000 to \$1 million. The maximum amount for loans with specific public policy purposes, low-income, rural and minority-owned businesses, is increased to \$1,300,000. There has not been an adjustment to the maximum loan level in 10 years and this change

allows the program to keep up with inflation that has occurred over that time period. It also adds women-owned businesses to the category of public policy goals that the program aims to achieve, making women-owned businesses eligible for the higher levels of financing. This is an important addition due to the significant role women-owned businesses play in contributing to job growth in our economy. The bill also reauthorizes the program for 3 more years and makes two pilot programs permanent.

The State of Michigan has many active CDCs which keep in close touch with my office to report on their activities and the small businesses they have helped. On their behalf and on behalf of all the small businesses assisted by the 504 loan program and those that will be assisted in the future, I commend my colleagues for passing this legislation which improves on an already outstanding program.

Mr. KERRY. Mr. President, the availability of capital and credit still remains one of the most significant impediments to small business creation and growth, and it is the Small Business Administration (SBA) that continues to effectively serve as the principal "gap" lender to our nation's 24 million small businesses.

SBA's loan and investment programs are a bargain. For very little, taxpayers leverage their money to fuel the economy and help thousands of small businesses every year. In the 7(a) program, taxpayers spend \$1.24 for every \$100 loaned to small business owners. Well-known successes like Winnebago and Ben & Jerry's are examples of the program's effectiveness. In the 504 program, taxpayers don't spend a penny to lend or leverage investments because they are self-funded.

Today we will vote on H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This bill makes changes to the 504 Certified Development Company (CDC or 504 program) loan program that will greatly increase the opportunity for small businesses to build a facility, buy more equipment, or acquire a new building. These loans create a ripple effect that enables small business owners to expand their companies, hire more workers and ultimately improve the local economy.

This bill also includes a manager's amendment with three provisions. One, it addresses prompt approval of applications from certified development companies (CDCs) to operate in multiple states. Two, it restores much of the shortfall in 7(a) funding for FY2000 by giving SBA the authority to reprogram unused funds. Three, it maintains continuity in the HUBZone program by grandfathering in existing HUBZone companies as zones are redefined when the Bureau of Labor Statistics releases its new data.

Before I get into the details of this bill, I would like to spend a minute describing the 504 Certified Development Company (CDC) loan program. This program is mission-driven, designed to provide capital to growing small businesses and create jobs. The professionals who work at CDCs do much more than make loans—they better communities. They usually have a mixture of expertise, part economic development specialist and part lender. They know their communities, and they know how to package loans and help prospective borrowers get financing. In fact, if you were to talk to them, you would learn that many are former lenders from commercial banks who wanted to get out from behind a desk and get involved in their communities. Instead of turning away meritorious projects because they didn't fit the profile of a traditional borrower, using the 504 program they could put together a loan that spreads the risk among commercial lenders, CDCs, the state or local governments, and the small business owners. These loans jumpstart or complement the economic development in CDCs' communities.

Specifically, the 504 program provides businesses with long-term, fixed-rate financing for major fixed assets, such as buildings and equipment. CDCs work with the SBA and private-sector lenders to provide financing to small businesses and ultimately contribute to the economic development of their communities or the regions they serve. There are about 290 CDCs nationwide, and each CDC covers a specific area. Each CDC's portfolio must create or retain one job for every \$35,000 provided by the SBA.

As I mentioned earlier, but will expand on here, proceeds from 504 loans must be used for fixed-asset projects. Projects range from land purchases and improvements—including existing buildings, grading, street improvements, utilities, parking lots and landscaping—to the construction of new facilities, or modernization, renovation or conversion of existing facilities, to the purchase of long-term machinery and equipment. The 504 Program cannot be used for working capital or inventory, consolidating or repaying debt, or refinancing.

I strongly support SBA's 504 loan program. Since 1980, more than 25,000 businesses have received more than \$20 billion in fixed-asset financing through the 504 program. In Massachusetts, over the last decade, small businesses got \$318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. In Fall River, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of

another expansion that will add as many as 25 new jobs. In Danvers, there's the car dealership that used a 504 loan to grow a company over 15 years from 25 to 395 employees. In Berkshire County, the 504 program has helped support the growth of the plastics mold and tool industry. One good example of success in this area is the development of Starbase Technologies in Pittsfield which now employs 65 people.

H.R. 2614 would build on that success by implementing the following. First, it will increase the maximum debenture size for Section 504 loans from \$750,000 to \$1 million, and the size of debentures for loans that meet special public policy goals from \$1 million to \$1,300,000. It has been 10 years since the Committee acted to increase the maximum guarantee amount in the 504 program. To keep pace with inflation, the maximum guarantee amount should be increased to approximately \$1.25 million. However, consistent with my colleagues on the House Small Business Committee, I believe that a simple increase to \$1 million is probably sufficient.

H.R. 2614 also adds women-owned businesses to the current list of businesses eligible for the larger public policy loans with guarantees of up to \$1.3 million. Currently, the higher guaranty is available for business district revitalization; expansion of exports; expansion of minority business development; rural development; enhanced economic competition; and, added just last year, veteran-owned businesses, with an emphasis on service-disabled veterans.

This small legislative change was significant and long overdue. Throughout America's history, countless men and women have served our country and fought for its ideals as members of our armed services. However, when they return to civilian life, veterans have often encountered barriers to starting or expanding a business. Although there are a number of programs at the SBA to provide assistance, many of these are not specifically targeted at veterans. Making them eligible for the higher debenture should help to remedy some of the inequalities that our service men and women face upon their return to civilian life and provide greater opportunity for the 5.5 million businesses owned or operated by veterans. That change also should help the 104,000 service-disabled veterans within the business community.

I originally introduced the provision to add women-owned businesses to the list of public policy goals in the 105th Congress as part of S. 2448, the Small Business Loan Enhancement Act. Though it eventually was included in and passed by the Senate as part of H.R. 3412, a comprehensive small business bill, it was never enacted. Unfortunately, the House received the bill

too late to act before the 105th Congress adjourned. I am very pleased that the Committee continues to recognize the important role women-owned businesses play in the economy and is making this change to facilitate the expansion of this sector of our economy.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute one-third of the 24 million small businesses in the United States, generate \$3.6 trillion annually in revenues to the economy and range in industry from advertising agencies to manufacturing. Addressing the special needs of women-owned businesses serves not only these entrepreneurs, but also the economic strength of this nation as a whole. Since 1992, SBA has managed to increase access to capital for women and has worked in earnest to move women entrepreneurs away from expensive credit card financing to more affordable loans for financing their business ventures. While the percentage of 504 loans to women-owned businesses has increased nationwide from 4.2 percent in 1987 to 13 percent in 1999, and I applaud that, we need to increase lending opportunities to better reflect that 38 percent of all businesses are owned by women.

By expanding the public policy goals of the 504 loan program to include women-owned businesses, we are ensuring that loans to eligible women business owners aren't capped at \$1 million but are now available for as much as \$1.3 million. According to Certified Development Company professionals, loan underwriters are conservative when it comes to approving loans for more than \$750,000 and this directive would undoubtedly help eligible women business owners get the financing they need to expand their facilities and buy equipment as their businesses grow.

H.R. 2614 also reauthorizes the fees currently levied on the borrower, the Certified Development Company, and the participating bank. The fees in the 504 program cover all its costs, resulting in a program that operates at no cost to the taxpayer. Without this legislation, the fees sunset on October 1, 2000. H.R. 2614 will continue them through October 1, 2003.

Additionally, H.R. 2614 will grant permanent status to the Preferred Certified Lender Program before it sunsets at the end of fiscal year 2000. This program enables experienced CDCs to use streamlined procedures for loan making and liquidation, resulting in improved service to the small business borrower and reduced losses and liquidation costs.

H.R. 2614 also makes the Loan Liquidation Pilot Program a permanent program. This gives qualified and experienced CDCs the ability to handle the liquidation of loans with only minimal involvement of the SBA. It is the goal of this liquidation program to increase

the recovery rates of the 504 loan program, and to bring about a corresponding reduction in the fees charged to the borrowers and the lenders.

Importantly, this bill includes Senator WELLSTONE's provision to authorize the program for three more years, making it a complete package. I believe it is better to act now on a bill that already has the House's blessing than to wait for the comprehensive reauthorization bill, H.R. 3843, to make its way to the President's desk. Taking this action now will enable the CDCs to plan for the year ahead, because they know that the program levels for fiscal years 2001 through 2003 are \$4 billion, \$5 billion and \$6 billion.

In addition to these changes, and as I mentioned earlier, this bill includes a manager's amendment. The first provision deals with long-pending applications from CDCs that are seeking to expand into multiple states. To address the problem, this provision establishes a one-time automatic approval of applications for multi-state operation that have been pending at SBA headquarters for 12 months or more. Unless SBA acts to approve or disapprove the applications, automatic approval would go into effect 21 days after the bill is signed by the President.

While I urge the SBA to process applications in a timely manner, and while I understand the frustration of the applicants who have been waiting, I believe, in general, that it is in the best interest of the taxpayers for applicants and their proposals to be thoroughly screened, rather than blindly approved. This program, above all else, was designed to help small businesses, and I believe we should carefully review policy changes that are intended to expand a CDC's territory to make sure that the real goal—increasing access to the program for small businesses—is achieved.

The second provision gives the SBA the authority to reprogram unused funds to make up for the significant shortfall of appropriations for the 7(a) loan program. In its budget request for FY 2000, and again recently, the SBA estimated that the demand in this popular lending program would grow to a program level of \$10.5 billion. Unfortunately, it was only appropriated enough to support a level of close to \$9.8 billion. The Administration's estimate has proven to be more accurate than Congress anticipated, and the SBA needs additional funds to keep the program running throughout this fiscal year. This bill restores \$500 million of the \$700 million shortfall. I strongly support this provision and worked with Senator BOND to draft this legislation. I appreciate his cooperation and respectfully urge the appropriators in both the Senate and House to work with us.

Lastly, Mr. President, this bill also includes a technical change to the Historically Underutilized Business Zone small business contracting program (HUBZone program) administered by the SBA. The HUBZone program is designed to provide contracting opportunities in economically distressed areas of this country. One of the criteria for this program is that a small business must be located in a qualified census tract or nonmetropolitan county based on unemployment statistics from the Department of Labor and the Department of the Census.

As new data becomes available, there is a possibility that HUBZone firms would lose their eligibility, because the data could reflect that the census tract the firm is located in is technically no longer considered an economically depressed area. As ranking member of the Committee on Small Business and as a cosponsor of the original HUBZone law passed in 1997, I am concerned that when a particular area is no longer deemed HUBZone-eligible, small business owners in that area will lose the ability to bid on contracting opportunities under the program with little or no warning. This will be disruptive to the program and could discourage participation by qualified small businesses.

Because it is better policy to provide both small firms and the SBA with some sort of warning before a firm is deemed ineligible, this amendment is intended to allow a HUBZone firm located in an economically depressed area that has been redesignated by either Bureau of Labor Statistics (BLS) or Census data, to remain eligible under the program for three additional years. Thus the firm is put on notice that contracting opportunities under the program may not be available in the future, and the business is given time to plan for this change.

While I understand only a handful of firms were affected by a change in designated areas when new BLS data was released last year, I support the chairman's effort to ensure that no firm is taken by surprise this year. I am pleased that Senator BOND and his staff worked together with my staff to come up with appropriate language for this amendment.

In closing, I want to thank my colleagues for supporting this bill. If, as expected, it is enacted, they will have improved the business climate and taken a few more steps to ensure that small businesses have access to capital and expanded procurement opportunities.

Mr. ALLARD. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (H.R. 2614), as amended, was read the third time and passed.

SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF 2000

Mr. ALLARD. Mr. President I ask unanimous consent the Senate now proceed to the consideration of H.R. 4387, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4387) to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4387) was read the third time and passed.

THE SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY ON MAUNA KEA AT HILO, HAWAII

Mr. ALLARD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2498, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2498) to authorize the Smithsonian Institutions to plan, design, construct and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2498) was read the third time and passed, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administra-

tive, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, \$2,000,000 for fiscal year 2001, and \$2,500,000 for fiscal year 2002, which shall remain available until expended.

MAKING TECHNICAL CORRECTIONS TO THE STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 595, S. 1967.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1967) to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1967) was read the third time and passed, as follows:

S. 1967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATUS OF CERTAIN INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) all land taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation;

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the report entitled "Report of Fee Lands owned by the Mississippi Band of Choctaw Indians", dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(3) land made part of the Mississippi Choctaw Indian Reservation after December 23, 1944, shall not be considered to be part of the "initial reservation" of the tribe for the purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the application or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) with respect to any lands held by or for the benefit of the Mississippi Band of Choctaw Indians regardless of when such lands were acquired.

DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT DINNER WITH YOUR CHILDREN DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 323, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) designating Monday, June 19, 2000, as "National Eat Dinner with Your Children Day."

There being no objection, the Senate proceeded to consider the Senate resolution.

Mr. BIDEN. Mr. President, I rise today in support of this resolution to designate Monday, June 19, 2000 as "National Eat Dinner with Your Children Day," cosponsored by Senators GRASSLEY, LEVIN, JEFFORDS, BRYAN, KENNEDY, MURRAY, MOYNIHAN, SESSIONS, DEWINE, HELMS, THURMOND, SCHUMER and INOUE. A similar resolution has been introduced in the House of Representatives by Representatives RANGEL and MCCOLLUM.

In addition to designating June 19—the day after Father's Day—as National Eat Dinner with Your Children Day, the resolution also recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children and it encourages families to eat together as often as possible.

The idea for this resolution grew out of research by The National Center on Addiction and Substance Abuse at Columbia University, CASA, on teen attitudes about drug use. For four years running, the CASA teen survey has highlighted the power that parents have over their children's decisions regarding drug use, showing that children and teens who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes or alcohol.

Teens who rarely eat dinner with their parents are 72 percent more likely than the average teen to use drugs, cigarettes and alcohol.

Teens that almost always eat with their families are 31 percent less likely to smoke, drink or do drugs than the average teen.

Of course, having dinner as a family is a proxy for spending time with kids. It is not the meat, potatoes and vegetables that alter a child's likelihood to use drugs, it is the everyday time spent with mom and dad—the two most important role models in most kids lives.

I do not believe that this resolution will be the silver bullet to solving this nation's drug problem. But I do feel these statistics are telling. CASA President Joe Califano talks about "Parent Power." It is important that parents know the power they have over their children's decisions and the power that they have to deter kids from drinking, smoking or using drugs.

For example, nearly half of teens who have never used marijuana say that it was lessons learned from their parents that helped them to say no.

Unfortunately, many parents are pessimistic about their ability to keep their kids drug-free; 45 percent say that they believe their child will use an illegal drug in the future.

This pessimism is often reinforced by news reports that indicate that while most parents say that they have talked to their kids about the dangers of drugs, only a minority of teens say that they have learned a lot from their family about the dangers of drugs. Rather than be discouraged by this apparent disconnect, I think it should teach us an important lesson: that talking to kids about drugs ought not just be a one-time conversation. It should be an ongoing discussion that includes asking children where they are going, who they are going out with, whether there will be adult supervision, etc. These lessons can also grow out of spending time with a child, helping that child to learn how to work through problems or rise above peer pressure, and parents setting a good example for kids.

Keeping up on children's lives—including knowing who their friends are and what they are doing after school—is critical. The experts tell us that some of the tell-tale signs that a child is drinking or using illicit drugs are behavior changes, change in social circle, lack of interest in hobbies and isolation from family. These changes can be subtle; picking up on them can require a watchful eye.

Eating dinner as a family will not guarantee that a child will remain drug-free. But family dinners are an important way for parents to instill their values in their children as well as remain connected with the challenges that children face and help them learn how to cope with problems without resorting to smoking, drinking or using drugs.

I sincerely hope that each one of my colleagues join me to support this resolution to send a message to parents that they can play a powerful role in shaping the decisions their kids make regarding drinking, smoking and drug use.

Mr. GRASSLEY. Mr. President, I am submitting, along with Senators BIDEN, THURMOND, BRYAN, JEFFORDS, MOYNIHAN, HELMS, LEVIN, DEWINE, KENNEDY, SESSIONS, MURRAY, SCHUMER, and INOUE, a bi-partisan resolution designating Monday, June 19, 2000 as "Eat Dinner with your Children Day." We also join with our House colleagues Congressmen RANGEL and MCCOLLUM as they take the lead on this bipartisan issue in the House of Representatives. This resolution recognizes the benefits of eating dinner as a family, especially as a way to keep children from using illegal drugs, tobacco, and alcohol.

Last October I came to the floor seeking to increase awareness of the important roles parents play in their children's lives. A recent study by the National Center on Addiction and Substance Abuse, or CASA reinforced our understanding of the importance of this role. CASA is a national resource that monitors and reports on drug abuse trends, risks, and solutions affecting all Americans. Last September they released their annual back to school survey on the attitudes of teens and parents regarding substance abuse. The survey stressed how essential it is for parents to get involved in their children's lives. The survey indicates that kids actually do listen to their parents. In fact, 42 percent of the teenagers who have never used marijuana credit their parents with the decision. Unfortunately, too many parents—45 percent—believe their teenagers' use of drugs is inevitable. In addition, 25 percent of the parents said they have little influence over their teen's substance abuse.

But the kids have got it right. Parents are critical. So are families. That is why the sponsors of this bill are happy to work with Joe Califano, the head of CASA, to help remind all of us of this simple fact.

The family unit is the backbone of this country. Solutions to our drug problems involve all of us working together. Parents and communities must be engaged and I am committed to help making that happen. Parents need to provide a strong moral context to help our young people know how to make the right choices. They need to know how to say "no," that saying no is okay, that saying no to drugs is the right thing to do—not just the safe or healthier thing, but the right thing. I urge our colleagues to join us.

Mr. ALLARD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more

likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

ORDERS FOR THURSDAY, JUNE 15, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Thursday, June 15. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4475, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 9:45 a.m. tomorrow and will resume debate of the Transportation appropriations legislation. Under the order, Senator VOINOVICH will be recognized immediately to offer his amendment regarding passenger rail flexibility. A vote on the amendment is expected to occur tomorrow morning at a time to be determined. Further amendments will be offered and voted on during tomorrow morning's session with the hope of final passage early in the day. As usual, Senators will be notified as votes are scheduled.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Thursday, June 15, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT H. FOGLESONG, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

RONALD A. GREGORY, 0000
PATRICK L. NICHOLSON, 0000

To be major

MELODY A. WARREN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD A. GAYDO, 0000
JAMES E. HOLLOWAY, 0000
JOHN E. ZYDRON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

THOMAS A. KOLDITZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

KAREN A. DIXON, 0000
FORREST POULSON, 0000
JESSE J. ROSE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. DUNN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY M. ARMSTRONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY J. PRICE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AURORA S. ABALOS, 0000
LEONARD M. ABBATIello, 0000
FREDERICK J. ADAMS III, 0000
ROBERT J. AGRICOLA, 0000
JOHN W. V. AILES, 0000
JAMES A. ALEXANDER, 0000
RAYMOND M. ALFARO, 0000
EDGAR M. ALHAMBRA, 0000
MARK J. ALLBRITTON, 0000
JAMES H. ALLEN, 0000
JOYCE A. ALLENKENDRICK, 0000
ERIK M. ANDERSON, 0000
IAN C. ANDERSON, 0000
JOSEPH I. ANTHONY, 0000
CAROLYN L. APPLGATE, 0000
FRANK A. ARATA, 0000
RUSSEL J. ARIZA, 0000
JOSEPH E. ARLETH, 0000
ALLAN J. ASSEL, JR., 0000
PURVIS ATKINSON, JR., 0000
JEFFREY C. BABOS, 0000
JON L. BACA, 0000
LEON R. BACON, 0000
RHETTA R. BAILEY, 0000
CHARLES E. BAKER, JR., 0000
MATTHEW E. BAKER, 0000
JOHN D. BAMONTE, 0000
JAMES N. BARATTA, 0000
LISA C. BARFIELD, 0000
CARL A. BARKSDALE, 0000
JAMES F. BARNES, 0000
ROBYN D. BARNES, 0000
SCOTT L. BARNES, 0000

JON T. BARNHILL, 0000
EDWARD J. BARON II, 0000
DARRYL L. BARRICKMAN, 0000
ROBERT C. BARWIS, 0000
VIRGINIA C. BAYER, 0000
JOSEPH W. BEADLES, 0000
JAMES R. BEAMISH, JR., 0000
MICHAEL E. BELCHER, 0000
STEVEN M. BENNER, 0000
JAMES BERDEGUEZ, 0000
DON E. BERRY, JR., 0000
KEVIN A. BIANCHI, 0000
ARTHUR B.J. BILLINGSLEY, 0000
ERICA T. BIRON, 0000
STEVEN B. BISHOP, 0000
EUGENE B. BLACK III, 0000
JAMES T. BLACK, 0000
MARK E. BLACK, 0000
CHERYL D. BLAKE, 0000
GARY M.B. BOARDMAN, 0000
JEFFREY M. BOCCICCHIO, 0000
RICHARD P. BODZIAK, 0000
LAURA A. BOEHM, 0000
PATRICK J. BOHAN, 0000
JEFFREY A. BOHLER, 0000
CRAIG R. BOMBEN, 0000
LOUIS M. BORNO III, 0000
MICHAEL A. BORROSH, 0000
BRIAN E. BOWDEN, 0000
STEPHEN G. BOWEN, 0000
ELLIS W. BOWLER, 0000
PATRICK J. BOWMAN, 0000
ALAN D. BOYD, 0000
MARK D. BRACCO, 0000
PAUL J. BRADFIELD, 0000
BRUNHILDE K. BRADLEY, 0000
WENDY R. BRANSOM, 0000
DONALD H.B. BRASWELL, 0000
LAURELL A. BRAULT, 0000
JOHN J. BRAUNSCHWEIG, 0000
GERALD H. BRIGGS, JR., 0000
STEVEN G. BRISTOW, 0000
DAVID L. BRODEUR, 0000
JAMES E. BROKAW, 0000
JEFFREY F. BROWN, 0000
RICHARD A. BROWN, 0000
JAMES F. BUCKLEY II, 0000
JAMES F. BUCKLEY, 0000
ROGER BUDD III, 0000
THOMAS W. BURKE, 0000
BABETTE B. BUSH, 0000
ANDREW A. BUTTERFIELD, 0000
JULIUS H. BYRD, JR., 0000
PATRICK G. BYRNE, 0000
ROBERT M. BYRON, 0000
STEVEN C. CADE, 0000
EUGENIA L. CAIRNSMCFEETERS, 0000
SHAWN M. CALLAHAN, 0000
EDUARDO P. CALLAO, 0000
TAMMY P. CAMPBELL, 0000
SEAN C. CANNON, 0000
SCOTT M. CARLSON, 0000
REGGIE P. CARPENTER, 0000
STEVEN R. CARROLL, 0000
DOUGLAS D. CARSTEN, 0000
MATTHEW J. CARTER, 0000
JAMES R. CASTLETON, 0000
FRANK CATTANI, 0000
DARYL L. CAUDLE, 0000
PAUL R. CAVANAUGH, 0000
RONALD E. CENTER, 0000
KATRINA O. CHANCELLOR, 0000
JOSEPH R. CHIARAVALLOTTI, 0000
JOHN L. CHOYCE, 0000
CONRAD C. CHUN, 0000
JOHN E. CLARK, 0000
BRENT R. CLARKE, 0000
JAMES P. CLAUGHERTY, 0000
ROBERT V. COATS, 0000
JAMES COBELL III, 0000
TIMOTHY J. COCHRAN, 0000
MICHAEL K. COCKEY, 0000
WILLIAM F. COLEMAN, 0000
JAY W. COLUCCI, 0000
ROSEMARIE J. CONN, 0000
SCOTT D. CONN, 0000
JEFFREY W. CONNOR, 0000
ROBERT E. CONWAY, 0000
JAMES M. COONEY, 0000
ANTHONY COOPER, 0000
GRANT A. COOPER IV, 0000
JEFFREY S. CORAN, 0000
DANIEL P. CORBIN, 0000
BRIAN K. COREY, 0000
RICHARD A. CORRELL, 0000
KEVIN J. COUCH, 0000
ELLEN COYNE, 0000
RAY A. CROSS, 0000
CRAIG A. CROWE, 0000
DONALD R. CUDDINGTON, JR., 0000
DANIEL J. CUFF, 0000
SCOTT D. CULL, 0000
ANDREW F. CULLY, 0000
JAMES J. CUNHA, 0000
DANIEL J. CUNNINGHAM II, 0000
GREGORY P. CURTH, 0000
STEFANI G. CUTHBERT, 0000
ANGELA W. CYRUS, 0000
LOUIS H. DAMPIER, 0000
SANDRA L. DAVIDSON, 0000
CATHERINE A. DAVIS, 0000
DAVID E. DAVIS, 0000

JEFFREY A. DAVIS, 0000
 MARK E. DAVIS, 0000
 MARK J. DAVIS, 0000
 MAXIE Y. DAVIS, 0000
 JOHN S. DAY, 0000
 MARK J. DECLUE, 0000
 JOHN D. DEEHR, 0000
 CARL J. DENI, 0000
 CHARLES C. DENMANII, 0000
 MARTIN W. DEPPE, 0000
 ROBERT M. DEPRIZIO, 0000
 CARL W. DEPUTY, 0000
 ANTHONY R. DEROSSETT, 0000
 DOMINIC DESCISCIOLO, 0000
 THOMAS G. DESROSIER, 0000
 DAVID J. DESTITTO, 0000
 MICHAEL E. DEVINE, 0000
 GREGORY F. DEVOGEL, 0000
 VITOR J. S. DIAS, 0000
 STANTON W. DIETRICH, 0000
 DONNA E. DISMUKES, 0000
 JOHN R. DIXON, 0000
 WILLIAM R. DOAN II, 0000
 JON A. DOLLAN, 0000
 EDWARD M. DONOHOE, 0000
 DANIEL M. DONOVAN, 0000
 WILLIAM H. DONVAN, JR., 0000
 FRANCIS W. DORIS, 0000
 MARK T. DOUGLASS, 0000
 DOUGLAS D. DRAKE, 0000
 DANIEL M. DRISCOLL, 0000
 HAROLD S. DUNBRACK, 0000
 MICHELE A. DUNCAN, 0000
 DELORES A. DUNCANWHITE, 0000
 GARY H. DUNLAP, 0000
 PATRICK DUNN, 0000
 ERNEST L. DUPLESSIS, 0000
 MARK W. EAKES, 0000
 CRAIG L. EATON, 0000
 EDWIN J. EBINGER, 0000
 DEBORA EDGINGTON, 0000
 KAREN J. EDWARDS, 0000
 LARRY M. EGBERT, 0000
 PHILLIP C. EHR, 0000
 DWAYNE L. ELDRIDGE, 0000
 LESLIE R. ELKIN, 0000
 STEWART G. ELLIOTT, 0000
 RAYMOND H. EMMERSON, JR., 0000
 PHILIP B. ENKEMA, JR., 0000
 WILLIAM K. ERHARDT, 0000
 DANIEL C. ESPINOSA, 0000
 PAUL T. ESSIG, JR., 0000
 TRACY A. ETHERIDGEBROWN, 0000
 MOSES D. EVERETT, JR., 0000
 JON R. FAHS, JR., 0000
 PHILLIP H. FARNUM, 0000
 NANCY D. FECHTIG, 0000
 GREGORY J. FENTON, 0000
 JOHN R. FIELDER III, 0000
 JOHN M. FIGUERRES, 0000
 ROBERT K. FINDLEY, 0000
 HAROLD T. FINK, 0000
 SUSAN D. FINK, 0000
 ROBERT S. FINLEY, 0000
 JOSEPH T. FINNEGAN, JR., 0000
 TIMOTHY A. FISHER, 0000
 RICHARD T. FITE, 0000
 THOMAS J. FITZGERALD IV, 0000
 AARON C. FLANNERY, 0000
 LARRY N. FLINT, 0000
 PAUL E. FLOOD, 0000
 THOMAS V. FONTANA, 0000
 DANIEL J. FORD, 0000
 GARY H. FOSTER, 0000
 DAVID M. FOX, 0000
 RICHARD N. FOX, 0000
 LISA M. FRANCHETTI, 0000
 RODERICK J. FRASER, JR., 0000
 JEFFERY A. FREEMAN, 0000
 RONNIE L. FRETWELL, 0000
 STEPHEN N. FRICK, 0000
 FRANKLIN P. FRIES, 0000
 CONNIE L. FRIZZELL, 0000
 DALE G. FULLER, 0000
 LUTHER B. FULLER III, 0000
 WAYNE A. FULLER, 0000
 SHANE G. GAHAGAN, 0000
 AMOS M. GALLAGHER, 0000
 AASGEIR GANGSAAS, 0000
 DENNIS M. GANNON, 0000
 PAUL A. GARDNER, 0000
 RUSSELL J. GATES, 0000
 SEAN P. GEANEY, 0000
 RONALD M. GERO, JR., 0000
 MICHAEL A. GIARDINO, 0000
 LAURIE J. GIBB, 0000
 RODERICK J. GIBBONS, 0000
 CHARLES M. GIBSON III, 0000
 DAVID E. GILBERT, 0000
 MICHAEL E. GILMORE, 0000
 KERRY GILPIN, 0000
 DANIEL E. GLYNN, 0000
 PHILIP A. GONDA, 0000
 BAXTER A. GOODLY, 0000
 MICHAEL R. GRAHAM, 0000
 ROY D. GRAVES, 0000
 JOHN W. GRAY, 0000
 KEVIN F. GREENE, 0000
 MICHAEL D. GREENWOOD, 0000
 SUSAN N. GREER, 0000
 BRENT J. GRIFFIN, 0000
 JEFFREY T. GRIFFIN, 0000

JOHN P. GRIFFIN, 0000
 TIMOTHY C. GROELINGER, 0000
 DIANE K. GRONEWOLD, 0000
 STEVEN M. GUILIANI, 0000
 FRANK L. GUNSALLUS III, 0000
 WILLIAM S. GURECK, 0000
 JOSE A. GUTIERREZ, 0000
 ANDREW GUYAN, JR., 0000
 ADAM J. GUZIEWICZ, 0000
 HERBERT M. HADLEY, 0000
 SANDRA K. HAIDVOGEL, 0000
 JEFFREY A. HAILEY, 0000
 JAMES M. HALE, 0000
 MICHAEL A. HALL, 0000
 PETER HALL, 0000
 THOMAS V. HALLEY, JR., 0000
 JEROME J. HAMILL, 0000
 CHARLES H. HAMILTON II, 0000
 CATHERINE T. HANFT, 0000
 KEVIN L. HANNES, 0000
 GARY R. HANSEN, 0000
 WILLIAM K. HARRIS, 0000
 WAYNE J. HARRISON, 0000
 JAMES B. HART, 0000
 JOSEPH M. HART III, 0000
 ANDREW G. HARTIGAN, 0000
 RICHARD M. HARTMAN, 0000
 JAMES D. HAUGEN, 0000
 GREGORY J. HAWS, 0000
 WARDEN G. HEFT, 0000
 JOHN A. HEFTI, 0000
 MARK B. HEGARTY, 0000
 MICHAEL A. HEGARTY, 0000
 JUDIE A. HEINEMAN, 0000
 KATHRYN M.K. HELMS, 0000
 KIP L. HENDERSON, 0000
 WILLIAM K. HENDERSON, 0000
 MARK A. HENNING, 0000
 PHILIP M. HENRY, 0000
 GRETCHEN S. HERBERT, 0000
 DAVID J. HERMAN, 0000
 SELENA A. HERNANDEZHAINES, 0000
 DANIEL S. HIATT, 0000
 GREGORY S. HIGGINS, 0000
 JAMES H. HINELINE III, 0000
 LORENZO S. HIPONIA, 0000
 EDWARD T. HOBBS, 0000
 DONALD D. HODGE, 0000
 CRAIG M. HOEFER, 0000
 ROSS D. HOLCOMB, 0000
 CHARLES T. HOLLINGSWORTH, 0000
 JOHN F. HOLMES, 0000
 STEVEN W. HOLMES, 0000
 CLOYES R. HOOVER, JR., 0000
 MICHAEL J. HORSEFIELD, 0000
 ALFRED L. HORTON, 0000
 MARGARET M. HOSKINS, 0000
 MICHAEL J. HOTCHKISS, 0000
 TRACY L. HOWARD, 0000
 BRIAN T. HOWES, 0000
 TIMOTHY M. HOWLIN, 0000
 ERNEST E. HUGH, 0000
 RONALD W. HUGHES, 0000
 JAMES C. HUMMEL, 0000
 WILLIAM T. HUTTO, 0000
 DAVID A. HUTTON, 0000
 JOSEPH M. IACOVETTA, 0000
 KRISTIN C. IQUINTO, 0000
 KIM D. INGRAM, 0000
 ERIC S. IRWIN, 0000
 JEFFREY S. JACKSON, 0000
 AARON C. JACOBS, 0000
 JERRY L. JACOBSON, 0000
 STEVEN M. JAEGER, 0000
 ROBERT V. JAMES III, 0000
 WANDA S. JANUS, 0000
 SUZANNE K. JAROSZ, 0000
 PETER H. JEFFERSON, 0000
 JOHN C. JENISTA, 0000
 NEIL P. JENNINGS, 0000
 WILLIAM J. JENSEN, 0000
 GEORGE W. JOHNSON, 0000
 GREGORY L. JOHNSON, 0000
 KEVIN R. JOHNSON, 0000
 SHARON E. JOHNSON, 0000
 STEPHEN E. JOHNSON, 0000
 TERRY W. JOHNSON, 0000
 GREGORY J. JOHNSTON, 0000
 CHRISTOPHER P. JONES, 0000
 DEAN S. JONES, 0000
 MORGAN B. JONES, 0000
 THOMAS L. JONES, 0000
 VORESA E. JONES, 0000
 DAVID E. JOSHUA, 0000
 BERNARD W. KASUPSKI, 0000
 WEYMAN E. KEMP, JR., 0000
 JON T. KENNEDY, 0000
 STEVEN L. KENNEDY, 0000
 THOMAS A. KENNEDY, 0000
 ROBERT P. KENNETT, 0000
 KENT W. KETTELL, 0000
 MARTIN P. KEUTEL, 0000
 WILLIAM C. KIESTLER, 0000
 HONG C. KIM, 0000
 JOSEPH J. KINDER, 0000
 JESSE B. KINGG, 0000
 MICHAEL S. KINSEY, 0000
 JEFFREY L. KIRBY, 0000
 JOHN F. KIRBY, 0000
 DAVID W. KIRK, 0000
 JON M. KLING, 0000
 TODD P. KLIPP, 0000

KENNETH C. KLOTHE, 0000
 JAMES R. KNAPP, 0000
 MICHAEL T. KNAPP, 0000
 PAUL A. KOCH, 0000
 BRIAN M. KOCHER, 0000
 MARK T. KOHLHEIM, 0000
 WILLIAM E. KORDYAK, 0000
 WILLIAM C. KOTHEIMER, JR., 0000
 STEPHEN J. KOZLOSKI, 0000
 THOMAS D. KRAEMER, 0000
 ANTON J. KRAFT, 0000
 JAMES K. KRESGE, 0000
 DEAN M. KRESTOS, 0000
 ERIC V. KRISTIN, 0000
 KENNETH A. KROGMAN, 0000
 JOHN G. KUSTERS, JR., 0000
 TODD A. LAESSIG, 0000
 THOMAS J. LAFFERTY, 0000
 MICHAEL R. LAJEUNESSE, 0000
 ALAN D. LAMBERT, 0000
 EDWARD D. LANGFORD, 0000
 CHRIS F. LAPACIK, 0000
 PHILIP G. LAQUINTA, 0000
 MARK D. LARABEE, 0000
 CHARLES S. LASOTA, 0000
 GUIDO J. LASTRA, 0000
 JOHN T. LAUER III, 0000
 TODD W. LEAVITT, 0000
 PHILLIP J. LEBAS, 0000
 JEFFREY D. LEE, 0000
 MELVIN E. LEE, 0000
 MICHAEL S. LEE, 0000
 THOMAS M. LEECH, JR., 0000
 MICHAEL F. LEENEY, 0000
 GERALD R. LEFLER, 0000
 DAVID A. LESKO, 0000
 STEPHANIE S. K. LEUNG, 0000
 RAYMOND J. LEWIS, 0000
 ROBERT G. LINEBERRY, JR., 0000
 JEFFREY P. LINK, 0000
 GLEN M. LITTLE, JR., 0000
 RICHARD W. LOAN, 0000
 RENA M. LOESCH, 0000
 DEBORAH A. LOFTUS, 0000
 ROBERT E. LOKEN, 0000
 JOHN P. LOONEY, 0000
 KELLY R. LOONEY, 0000
 LEONARD R. LOUGHRAN, 0000
 WILLIE LOVELACE, JR., 0000
 WARREN P. LUNDBLAD, 0000
 MARK C. LYSAGHT, 0000
 JEFFREY D. MACLAY, 0000
 DONALD P. MACNEIL, 0000
 DOUGLASL MADDOX, 0000
 GUY MAIDEN, 0000
 DAVID R. MAIER, 0000
 VICTOR S. MALONE, 0000
 JAMES MARION, 0000
 ROBERT L. MARLETT, 0000
 ROBERT W. MARSHALL, 0000
 RICHARD R. MARTEL, 0000
 ANTHONY E. MARTIN, 0000
 CYNTHIA A. MARTIN, 0000
 DELANO P. MARTINS II, 0000
 DAWN M. MASKELL, 0000
 ROBERT L. MASON, 0000
 MARY P. MATTINGLY, 0000
 GARY L. MAY, 0000
 RICK A. MAY, 0000
 DAVID A. MAYO, 0000
 MICHAEL T. MCALPIN, 0000
 AARON M. MCATEE, 0000
 GARY F. MCCLELLAND, 0000
 JACQUELINE R. D. MCCCLUSKY, 0000
 THOMAS R. MCCOOK, 0000
 DAVID M. MCDUFFIE, 0000
 BRYANGERARD MCGRATH, 0000
 MICHAEL R. MCGUIRE, 0000
 TREVOR A. MCINTYRE, 0000
 BRADLEY R. MCKINNEY, 0000
 GREGORY D. MCLAUGHLIN, 0000
 PHILIP G. MCLAUGHLIN, 0000
 TIMOTHY R. MCMAHON, 0000
 JOSEPH F. MCNAMARA, 0000
 JEFFREY S. MCPHERSON, 0000
 PETER E. MCVETY, 0000
 THERESA O. MELCHER, 0000
 ERIC G. MERRILL, 0000
 GRETCHEN O. MERRYMAN, 0000
 WILLIAM R. MERZ, 0000
 WILLIE L. METTS, 0000
 ALAN J. MICKLEWRIGHT, 0000
 DOUGLAS W. MIKATARIAN, 0000
 PETER W. MILLER, 0000
 EDWARD E. MILLS, 0000
 DERRICK A. MITCHELL, 0000
 MARQUITA A. MITCHELL, 0000
 MARK E. MLIKAN, 0000
 PATRICK A. MOLENDA, 0000
 THOMAS A. MONROE, 0000
 KEVIN G. MOONEY, 0000
 PATRICK H. MOONEY, 0000
 PATRICIA B. MOORE, 0000
 WILL M. MOORE, JR., 0000
 JOHN R. MOORMAN, 0000
 DAVID A. MORRIS, 0000
 WILLIAM S. MOYER, 0000
 PATRICIA MUNOZ, 0000
 THOMAS G. MUNSON, 0000
 CARL S. MURPHY, 0000
 ROBERT A. MURPHY, 0000
 WILLIAM C. MURPHY, 0000

NANCY A. MURRAY, 0000
 ROBERT A. MUXLOW, 0000
 ANDREA G. NASHOLD, 0000
 JEANNE M. NAZIMEK, 0000
 KERRIN S. NEACE, 0000
 GREGORY M. NEAL, 0000
 THOMAS M. NEGUS, 0000
 ROBERT T. NELSON, 0000
 DONALD E. NEUBERT, JR., 0000
 ERIC J. NEWHOUSE, 0000
 HARRY S. NEWTON, 0000
 BRIAN D. NICHOLSON, 0000
 BRIAN C. NICKERSON, 0000
 ROBERT L. NIELSEN, 0000
 JACK S. NOEL II, 0000
 LISA M. NOWAK, 0000
 PAUL L. NYERGES, 0000
 JAMES R. OAKES, 0000
 STEPHEN OBLACK, 0000
 THOMAS J. ODAY, 0000
 GLENN J. OLARTE, 0000
 BRENT D. OLDLAND, 0000
 CAROLINE M. OLINGER, 0000
 MARK C. OLIPHANT, 0000
 FRANK J. OLMO, 0000
 JACK R. OROURKE, 0000
 BRIAN A. OSBORN, 0000
 PATRICK J. OSHEA, 0000
 GREGORY M. OTT, 0000
 MICHAEL A. OVERSON, 0000
 PAUL J. OVERSTREET, 0000
 PETER PAGANO, 0000
 JOHN L. PAGONA, JR., 0000
 WILLIAM T. PALLAN, 0000
 STEPHEN L. PANICO, 0000
 LOUIS M. PAPET, JR., 0000
 ROBERT E. PARKER, JR., 0000
 STEVEN L. PARODE, 0000
 MARK S. PATRICK, 0000
 ERIC A. PATTEN, 0000
 THOMAS M. PATTULLO, 0000
 ANDREW T. PAUL, 0000
 BARBARA N. PAUL, 0000
 WILLIAM R. PAULETTE, 0000
 DAVID A. PAULK, 0000
 BRIAN D. PEARSON, 0000
 FRANK W. PEARSON, 0000
 TIMOTHY C. PEDERSEN, 0000
 RICHARD P. PERRI, 0000
 GORDON D. PETERS, 0000
 BRIAN D. PETERSEN, 0000
 EMIL T. PETRUNCIO, 0000
 JAMES C. PETTIGREW, 0000
 STEVEN L. PETTIT, 0000
 ROY S. PETTY, 0000
 GERALD K. PFEIFER, 0000
 CURTIS G. PHILLIPS, 0000
 MICHAEL D. PHILLIPS, 0000
 RANDOLPH F. PIERSON, 0000
 EVAN B. PIRITZ, 0000
 MATTHEW J. PITTNER, 0000
 JAMES E. PITTS, 0000
 CHRISTOPHER W. PLUMMER, 0000
 ALAN G. POINDEXTER, 0000
 EUGENE P. POTENTE, 0000
 RICHARD A. POWERS, 0000
 CLARK T. PRICE, JR., 0000
 PATRICK D. PRICE, 0000
 LESLEY S. PRIEST, 0000
 ROBERT J. PROANO, 0000
 LARRY A. PUGH, 0000
 HUMBERTO L. QUINTANILLA, 0000
 PAUL A. RANDALL, 0000
 ROBERT D. RANDALL, JR., 0000
 DAVID J. RANDLE, 0000
 MICHAEL C. RANDOLPH, 0000
 DANIEL F. REDMOND, 0000
 BUDDY V.W. REED, 0000
 JOANNE REESE, 0000
 DANIEL C. REILLY, 0000
 MICHAEL S. REILLY, 0000
 STEPHEN P. REIMERS, 0000
 SCOTT L. RETTIE, 0000
 MICHAEL L. REYNOLDS, 0000
 CRAIG A. RICHEY, 0000
 DANIEL G. RIECK, 0000
 STEPHEN R. RIORDAN, 0000
 GEORGE J. RISSKY, 0000
 FRANK L. ROBERTO, JR., 0000
 JOHN R. RODRIGUEZ, 0000
 RICHARD A. ROGERS, 0000
 ROBERT S. ROOF, 0000
 ROBERT E. ROSE, 0000
 S.R. ROTH, 0000
 DANIEL R. ROZELLE, 0000
 EDWIN J. RUFF, JR., 0000

JOHN K. RUSS, 0000
 NOEL R. RUSSNOGLE, 0000
 DAVID M. RUST, 0000
 JEFFREY S. RUTH, 0000
 STEVEN J. RUTHERFORD, 0000
 CLARK D. SANDERS, 0000
 JOSE F. SANTANA, 0000
 LANCE S. SAPERA, 0000
 MICHAEL R. SAUNDERS, 0000
 SAMUEL D. SCHICK, 0000
 ROBERT A. SCHLEGEL, 0000
 JAMES E. SCHMIDT, 0000
 MARK R. SCHMITT, 0000
 JOHN J. SCHNEIDER, 0000
 GARY R. SCHRAM, 0000
 CHARLES J. SCHUG, 0000
 WILLIAM J. SCHULZ, JR., 0000
 PETER E. SCHUPP, 0000
 THOMAS F. SCHWARZ, 0000
 DAVID D. SCHWEIZER, 0000
 EVA L. SCOTFIELD, 0000
 MARK H. SCOVILL, 0000
 VICKY D. SEALEY, 0000
 GREGG S. SEARS, 0000
 DANIEL M. SEIGENTHALER, 0000
 MICHAEL W. SELBY, 0000
 ALAN B. SHAFFER, 0000
 JAY D. SHAFFER, 0000
 DAN F. SHANOWER, 0000
 JOHN C. SHAUB, 0000
 CHRISTOPHER L. SHAY, 0000
 JAMES A. SHEA, 0000
 DAVID J. SHERIDAN, 0000
 MARTIN R. SHERMAN, 0000
 GEORGE J. SHERWOOD, 0000
 JAMES J. SHIRLEY, 0000
 CAROL E. SHIVERS, 0000
 JAMES R. SHOAF, 0000
 ANDREW E. SHUMA III, 0000
 WILLIAM R. SILKMAN, JR., 0000
 HENRY R. SILVA, 0000
 MARK S. SIMPSON, 0000
 PAUL A. SKARPNES, 0000
 ISAAC N. SKELTON, 0000
 BRADLEY D. SKINNER, 0000
 PAUL E. SKOGERBOE, 0000
 GERARD A. SLEVIN, 0000
 ERIC S. SLEZAK, 0000
 MICHAEL J. SLOTSKY, 0000
 SONYA R. SMITH, 0000
 TEDDIANN S. SMITH, 0000
 MICHAEL D. SNODERLY, 0000
 PAUL A. SOHL, 0000
 ONA C. SOLBERG, 0000
 BRIAN A. SOLO, 0000
 TIMOTHY J. SORBER, 0000
 MARY K. SPER, 0000
 THOMAS R. SPIERTO, 0000
 TIMOTHY B. SPRATTO, 0000
 CORY A. SPRINGER, 0000
 MARK T. STANKO, 0000
 THOMAS P. STANLEY, 0000
 ROBERT S. STEADLEY, 0000
 HEIDEMARI STEFANYSHYNPIPER, 0000
 FREDRIC C. STEIN, 0000
 JOHN P. STEINER, 0000
 ARTHUR M. STERRETT, JR., 0000
 JEFFREY W. STETTTLER, 0000
 ROBERT M. STEWART, 0000
 TERRY K. STEWART, 0000
 WILLIAM B. STEWART, 0000
 SUSAN L. STILL, 0000
 REBECCA E. STONE, 0000
 TROY A. STONER, 0000
 MICHAEL T. STOREY, 0000
 ROBERT A. STOUFER, 0000
 JON E. STRAUSBAUGH, 0000
 SCOTT T. STROBLE, 0000
 JOHN B. STUBBS, 0000
 MILTON O. STUBBS, 0000
 CHARLES L. STUPPARD, 0000
 KEVIN J. STUDEBECK, 0000
 JAMES A. SULLIVAN, 0000
 JOSEPH K. SULLIVAN, 0000
 TOMMY L. SUMMERS, 0000
 TINA V.H. SWALLOW, 0000
 DAVID L. SWEDENSKY, 0000
 KEVIN G. SWITICK, 0000
 STEVEN A. SWITTEL, 0000
 RONDA J. SYRING, 0000
 JAMES M. SYVERTSEN, 0000
 KENNETH J. SZCZUBLEWSKI, 0000
 KENNETH A. SZMED, JR., 0000
 RICHARD M. TATE, 0000
 MICHAEL P. TAYLOR, 0000
 TIMOTHY J. TAYLOR, 0000

KEVIN B. TERRY, 0000
 DEBORAH O. TESKE, 0000
 RICHARD J. TESTYON, 0000
 KARL O. THOMAS, 0000
 THOMAS J. THOMPSON, 0000
 CARL T. TISKA, 0000
 ROBERT B. TOBIN, 0000
 JOHN P. TODD, JR., 0000
 PETER A. TOMCZAK, 0000
 WILLIAM M. TOOKER, 0000
 NORBERT W. TORNES, JR., 0000
 KEVIN A. TORSIELLO, 0000
 ROBERT T. TRAFTON, JR., 0000
 EARL K. TRAXLER, 0000
 JEFFREY L. TRENT, 0000
 PAUL J. TREUTEL, 0000
 JEFFREY E. TRUSSLER, 0000
 REX F. TULLOS, 0000
 ALBERT L. TULLUS, 0000
 JOHN M. UHL, 0000
 VALERIE A. ULATOWSKI, 0000
 RODNEY M. URBANO, 0000
 JOHN D. VANBRABANT, 0000
 PHILIP W. VANCE, 0000
 DENNIS J. VANDENBERG, 0000
 MARTHA M. VANDERKAMP, 0000
 GUY E. VANMETER, 0000
 JONATHAN E. VANSOY, 0000
 ACE E. VANWAGONER, 0000
 TODD G. VEAZIE, 0000
 RICHARD E. VERBEKE, 0000
 TIMOTHY L. VESCHIO, 0000
 CHARLES W. VICTORY, 0000
 KAREN J. VIGNERON, 0000
 JAMES P. VITHA, 0000
 BRADLEY D. VOIGT, 0000
 WILLIAM T. WAGNER, 0000
 BILLIE S. WALDEN, 0000
 CLEON A. WALDEN, JR., 0000
 JOHN A. WALKER III, 0000
 ALAN R. WALL, 0000
 WILLIAM R. WARREN, 0000
 JASON WASHBAUGH, 0000
 BRUCE E. WATKINS, 0000
 OAKLEY K. WATKINS III, 0000
 RICHARD W. WEATHERS, 0000
 JEFFREY M. WEAVER, 0000
 JAMES D. WEBB, 0000
 MARK E. WEBER, 0000
 ERIN K. WEGZNEK, 0000
 SCOTT A. WEIDIE, 0000
 DAVID E. WELLS, 0000
 ERIC L. WESTREICH, 0000
 WILLIAM WHEATLEY, 0000
 MICHAEL B. WHETSTONE, 0000
 GORDON O. WHITE, 0000
 MICHAEL L. WHITE, 0000
 MICHAEL J. WIEGAND, 0000
 MARK A. WILCOX, 0000
 RINEHART M. WILKE IV, 0000
 KENNETH L. WILLIAMS, 0000
 RICKY L. WILLIAMSON, 0000
 THOMAS J. WILLIAMSON, 0000
 ALVIN C. WILSON III, 0000
 GARY M. WILSON, 0000
 ROBERT C. WILSON, 0000
 WILLIAM W. WILSON, 0000
 KRIS WINTER, 0000
 BRETT W. WISEMAN, 0000
 CHARLES T. WOLF, 0000
 JAMES C. WONG, 0000
 MARTHA A. WOOLSON, 0000
 WILLIAM T. WORTH, 0000
 LEWIN C. WRIGHT, 0000
 CHARLES W. WYDLER, 0000
 VANESSA WYNDHAM, 0000
 JOSEPH YUSICIAN, 0000
 ALAN N. ZELIFF, 0000
 RYAN K. ZINKE, 0000
 JERRY L. ZUMBRO, 0000

CONFIRMATION

Executive nomination confirmed by
 the Senate June 14, 2000:

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR
 FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECUR-
 ITY, DEPARTMENT OF ENERGY.

HOUSE OF REPRESENTATIVES—Wednesday, June 14, 2000

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GIBBONS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 2000.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Father Christian R. Oravec, President, St. Francis College, Loretto, Pennsylvania, offered the following prayer:

Lord, bless the Members of this House, chosen representatives of our Nation. Give them the wisdom and understanding, courage and patience needed for true leadership. Bless all our citizens today in celebrating Flag Day. May our flag, which adorns this Chamber and waves throughout our country and the world, serve as a constant reminder of Your gifts of life and freedom, justice and peace.

May this symbol of glory, old and still to come, fill us with pride in our achievements and humble compassion for those who suffer in any way. When we see it standing as silent sentinel over the graves of our servicemen and women, here and abroad, help us also to value the price of honor and self-sacrifice.

Lord, thank You for all your gifts, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered “present” 1, not voting 22, as follows:

[Roll No. 270]
YEAS—352

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox

Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)

Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslie
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)

Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Capuano
Chenoweth-Hage
Clay
Condit
Costello
Crane
DeFazio
Dickey
English
Evans
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley

Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood

NAYS—59

Hilliard
Hinchey
Hooley
Hulshof
Jones (OH)
Kucinich
LoBiondo
McDermott
McNulty
Miller, George
Moore
Oberstar
Olver
Peterson (MN)
Pickett
Ramstad
Riley
Rogan
Sabo
Schaffer

Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Wilson
Wise
Wolf
Woolsey
Wynn

ANSWERED “PRESENT”—1

Tancredo

NOT VOTING—22

Barton
Burton
Coburn
Cook
Cummings
Danner
Delahunt
DeLay
Hill (MT)
Hunter
Hutchinson
Jefferson
Kasich
McIntosh
Owens
Pomeroy

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sensenbrenner
Souder

Tierney
Vento

Wexler
Young (AK)

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. GIBBONS). Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

S.J. Res. 46. Joint resolution recognizing the 225th birthday of the United States Army.

The message also announced that pursuant to Public Law 106-181, the Chair, on behalf of the Democratic Leader, appoints Ted R. Lawson of West Virginia to serve as a member of the National Commission to Ensure Consumer Information and Choice in the Airline Industry.

WELCOMING FATHER CHRISTIAN R. ORAVEC

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), in welcoming Father Christian Oravec. Father Christian is the President of St. Francis College, one of the oldest Catholic colleges in America, which sits atop the Allegheny Mountains in Central Pennsylvania. He is the longest serving president of that college in its history, since 1977.

In addition to doing a superb job in serving our region of the country, Father Christian is a leader in the community. Indeed, he is deeply involved in 16 different civic organizations. Beyond that, he is a beloved parish priest. It is my great pleasure to help welcome him here today.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, let me add my welcome to Father Christian. My colleague and I share Father Christian. He is right on the border at one of the finest schools in Pennsylvania, and it is just marvelous to have him here.

His prayer was so good. He said the only problem is that they limited him to 125 words, and he can not say much in 125 words.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute requests on each side.

CALLING ATTENTION TO SERIOUS- NESS OF MISSING NUCLEAR SE- CRETS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I call my colleagues' attention to an editorial in The Washington Post entitled Nuclear Nightmare: "Guarding the nation's nuclear secrets is about the most basic duty of an administration. The danger of nuclear proliferation is so serious that the United States bombs Iraq, sanctions India and Pakistan and kowtows to North Korea, all in an attempt to prevent weapons of mass destruction from falling into the wrong hands."

□ 1030

That unidentified hands could have quietly removed, at Los Alamos, two computer drives with information on dismantling nuclear bombs is shocking. That it should happen so soon after the investigation of other security labs makes it even more credible.

That is from the Washington Post.

Now, today we are witnessing the other side of the aisle having everybody sign up because they are worried about political attack ads. Is anybody demanding the information on potential nuclear attacks?

Now, over the last couple months, the Vice President has condemned everything our nominee has said as reckless and risky. Where is his voice on this particular issue affecting America's safety and security?

Yes, I agree we have to reform politics. Yes, I agree a Buddhist temple is not the right place to have a fund-raiser. But let us look at our nuclear secrets and find out and demand answers from Secretary Richardson, President Clinton, and the Vice President of the United States.

TACTICS OF KGB ARE UNACCEPTABLE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the KGB is back. Yesterday, the head of Russia's only free media was arrested; and as we meet here this morning, he is still in prison.

President Putin of Russia is in Madrid claiming not to know anything about this. He is either a puppet or he is a perpetrator.

I call on the Russian Government to release, without any further delay, the head of the only free media network in Russia. This is the network which reported accurately on the war in Chechnya. This is the network that can provide us with the hope of building a democratic society in Russia.

The tactics of the KGB are unacceptable in the 21st century.

HUMAN RIGHTS SITUATION IN RUSSIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I also rise out of concern for the human rights situation in Russia.

Yesterday, the Government of Russia took a giant step backwards in human rights as Vladimir Goussinsky, the CEO of Media Most, was arrested, imprisoned and is at present being interrogated.

So much for freedom of speech and freedom of the press in Russia.

Mr. Goussinsky has been the most pro-Western and independent of Russia's media entrepreneurs and has rallied strong support for democratic reforms in Russia.

This arrest comes on the heels of the raid of Media Most offices several weeks ago and demonstrates how human rights, particularly freedom of the press, is deteriorated under the administration of President Putin.

The Putin administration has taken extreme measures to control information. Government officials report about the "problem" of the media giving airtime and print space to views of "terrorists."

Mr. Speaker, expressing political and religious views, even if it is in opposition to the government, is not terrorism. It is freedom.

I urge the Russian people to speak out against the latest abuse of freedom by the Putin administration and call on President Clinton to pressure the administration to release Mr. Goussinsky.

FACES OF GUN VIOLENCE VIGIL

(Mrs. McCARTHY of New York asked and was given permission to address

the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, tonight at 6 o'clock we will be seeing the faces of gun violence. We are going to have a vigil. I invite all the Members here to take part in that.

Six and a half years ago, James Gorycki and his wife, Joyce, who were friends of mine, and my husband, Dennis, were killed.

Joyce has one daughter. I have one son. Today happens to be my son's birthday, and I am very happy that he is still with me.

It has been one year since we debated on closing the gun show loophole, and we have done nothing about it. I am hoping that still before this session ends that we will meet and try to reduce gun violence in this country.

It has been one month since we have had the Million Mom March, where moms and dads and families across this Nation came and said to Congress, let us do something about gun violence.

We live in the United States of America. We can do a better job on reducing gun violence. And tonight, unfortunately, we will see the faces of so many men, women, and children that have died.

I hope that my colleagues will join us.

SCHOOL BREAKFAST AND LUNCH PROGRAMS

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, part of providing our children with quality education is making sure they are healthy and well fed. School breakfast and lunch programs which provide free or discounted meals to low-income children are an integral part of a child's school day.

The program relies on families to truthfully reveal their incomes when applying for subsidized meals and schools and administrators to implement the programs honestly and efficiently. And when parents or schools fail to do this, it is the children who suffer.

Take the case of the Commonwealth of Puerto Rico, which overcharged the Federal Government an estimated \$23 million for its school lunch program. The Commonwealth failed to pay \$11.5 million of its share of program expenses, which were instead billed to Washington. It also served free meals to all of the schoolchildren, including those from upper and middle class and wealthy families.

Now, that \$23 million could have fed thousands of indigent schoolchildren. What a senseless waste, Mr. Speaker.

NATION THAT DOES NOT HONOR FLAG DOES NOT HONOR FREEDOM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in America it is illegal to burn trash. It is a \$10,000 fine to damage a mailbox. But even though it is Flag Day in America, we can burn the flag today, we can trash the flag, we can even urinate on the flag.

Think about it. Is it any wonder that Americans are losing respect for our Government?

Soldiers literally died carrying our flag into battle, and Congress protects mailboxes.

Beam me up, Mr. Speaker.

A Nation that does not respect nor honor their flag is a Nation that does not respect their people nor honor their freedom.

I yield back the pledge of allegiance to our flag and to the Republic for which our flag stands.

PRESCRIPTION DRUG COVERAGE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, no senior citizen or disabled American should be forced to choose between buying food and paying for the prescription drugs they need. It is that simple. Yet, for thousands of seniors, this is a choice they have to make.

The average Medicare recipient uses 18 and a half prescriptions a year. Some conditions are treated very successfully with medication, but it frequently comes at a high price.

For example, stroke patients take clot-busting jobs that can cost upward of \$1,700 a year. For seniors on a fixed income, this is a staggering sum.

The Republican plan helps seniors facing this choice. It offers affordable options that allow Medicare recipients to choose a plan best fitting their unique medical needs.

By providing prescription drug coverage for everyone, Republicans want to make sure that no senior citizen or disabled American falls through the cracks.

SECTION 527 GROUPS POSE THREAT TO DEMOCRATIC PROCESS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I am deeply disappointed that the House leadership has continued to delay debate on real campaign finance reform.

According to a Washington Post editorial, they claim to be seeking only to

strengthen reform. In fact, their goal is to kill it. It turns out they do not like disclosure, they like the dark.

527 groups are tax-exempt, political organizations which try to influence elections. They raise and spend millions of dollars to influence our Federal campaigns, with no disclosure whatsoever.

These groups pose a grave threat to our democratic process. The American public is demanding action now.

The gentleman from Texas (Mr. DOGGETT) and the gentleman from Kansas (Mr. MOORE) have good bills that deal with a real issue at hand, plugging the loophole in the Tax Code that allows undisclosed funding and unlimited spending.

This discharge petition is about bringing these bills to the floor for a vote. We need to bring a little sunshine into this system. Let us pass a meaning disclosure bill.

PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1968, the average senior citizen spent just \$64 a year on prescription drugs. Thirty years later, the average senior spends about \$848 a year on prescription drugs.

In 1968, seniors spent about 2.4 percent of their annual income on prescription drugs. And in 1998, seniors spent a little over 4 percent. That is almost double in just 30 years.

Some seniors even have to choose between food and filling their prescriptions. This inevitably leads to higher costs for Medicare. And more importantly, some of these seniors suffer despite the fact that their illness is treatable.

We can work together for a responsible and effective plan to provide prescription drug coverage for all, and it is coverage that will be affordable and available for all seniors.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to talk about another of the 10,000 American children who have been abducted to foreign countries.

Miranda Budiman was abducted from Georgia by her father, Mr. Clements Iwan Budiman, on Halloween of 1998 when she was 4 years.

Mr. Budiman and his wife, Tara, were separated prior to the abduction and Ms. Budiman had primary custody of Miranda.

On October 29, 1998, Mr. Budiman had taken \$10,000 cash advance from his

credit card and bought two airplane tickets on Japanese Airlines. Mr. Budiman and Miranda left on a jet to Tokyo on November 2, 1999.

There is currently a felony kidnapping out for Mr. Budiman. He was born in Indonesia and has family in Jakarta. But the whereabouts of he and Miranda remain unknown. Miranda's mother has not had any contact with her since the abduction.

Mr. Speaker, we need to do everything possible to reunite parents and children like Miranda and Tara Budiman. We must continue to focus on this issue of abducted United States citizens and bring our children home.

GREENHOUSE EFFECT IS GLOBAL CHALLENGE

(Mr. GILCHREST asked and was given permission to address the House for 1 minute.)

Mr. GILCHREST. Mr. Speaker, I would like to share with the House some interesting observations from a recent book that I just read called "Laboratory Earth" by Dr. Schneider from Stanford University.

Our atmosphere has a very tiny trace amount of carbon dioxide, which is natural for the atmosphere, but that tiny trace amount has a substantial effect on the atmospheric heat balance of our planet, which we call the "greenhouse effect."

In the last 100 or so years, we have increased because of our energy needs the amount of that trace gas in the atmosphere by about 30 percent, which is fairly extraordinary when we think that minute amount that causes a balance of heat on the planet.

Think about this observation, and I think it is interesting: When we burn a lump of coal today, we are recovering the carbon dioxide and solar heat of dinosaur times in fossil organic matter. While it took millions of years to make a coal deposit, we are releasing that same amount of carbon dioxide and other embedded elements in tens of years.

The speed of this human accelerated process creates one of the biggest global challenges that face us today. An interesting observation.

PASSING OF EARL SHINHOSTER

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, our Nation has lost one of its bravest warriors. Mr. Earl Shinhoster was one of Georgia's finest, one of America's finest.

This brave warrior fought for over 30 years with the NAACP to make America a better place for all of us. He worked tirelessly to empower the powerless and to give hope to the hopeless. He labored thanklessly to make a dif-

ference. He certainly made a difference in my life. I knew him to be a loving husband, an understanding father, and a great friend to all of us.

Earl Shinhoster has now received his very last battle scar, but his memory will never fade. His mantle may not have been filled with trophies. His battles were not put to song. No chest of shiny medals. But true warriors do not wear medals. They wear scars.

Earl Shinhoster was a warrior in the truest sense of the word, and he will surely be missed by us all.

MIAMI RIVER CLEANUP

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in continuing support of securing Federal funds to dredge the Miami River located in my congressional district.

The 5½ mile River runs through the heart of Miami and is in desperate need of cleaning. Dredging of the River is necessary because sediment buildup in the River has impaired the \$5 billion cargo trade of the shipping industry. Many ships cannot load to capacity and are restricted to sailing only at high tide. The dredging is a key element of the River's revitalization.

□ 1045

The project has the support of our local business and environmental communities. And we have a funding partnership with the State of Florida, Miami-Dade County as well as the city of Miami.

Mr. Speaker, I urge a full cleanup of the Miami River, as it will result in economic improvements to the private riverside development by stimulating the shipping industry and providing much needed inner-city jobs. Federal funding for this project would also restore the environmental quality of the river and improve the quality of life for local residents and neighborhoods.

We have the U.S. Army Corps of Engineers and all of our local partners ready to do the work. Let us get going.

COMMEMORATING FLAG DAY

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, on this date, in 1777, 223 years ago, the Continental Congress approved the first flag of our Nation. June 14 is now known as Flag Day. It also represents today the 21st anniversary of the annual national pause for the pledge of allegiance that will take place this evening 7 p.m. at Fort McHenry in Baltimore, Maryland. I think my colleagues are aware of the importance of Fort McHenry in our na-

tional history and the importance of our flag, particularly as an inspiration to Francis Scott Key and writing our national anthem.

Mr. Speaker, I urge all Americans to join those that will be gathered at Fort McHenry this evening at 7 p.m. to pause for one moment and pledge allegiance to our flag.

WAKE UP, WHITE HOUSE, AMERICANS ARE BEING GOUGED AT THE GAS PUMPS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I realize that Secretary Richardson has his hands full trying to find our nuclear secrets from Los Alamos that were apparently lost when they were moved to protect them from the out-of-control fire that was actually started by our own government.

Nevertheless, the Secretary and other high-ranking administration officials need to acknowledge and respond to what has become a critical problem throughout the country. Working families in Cincinnati, my district and elsewhere, are facing skyrocketing prices at the gas pump, and they need relief now.

Earlier this year, Secretary Richardson responded to rising gasoline prices by saying, we were caught napping. We got complacent. Earlier this week, White House Press Secretary Joe Lockhart said, but we are in the busy season where prices generally go up a bit. Well, they are closing in on \$2 a gallon in Cincinnati. That is not a bit; that is a lot.

President Clinton has substantial executive powers that can be used to send a strong message to the price-fixing OPEC cartel. He has chosen not to use them. It is time we got serious about this and let us do something about the gas prices in this country.

CAMPAIGN FINANCE REFORM LEGISLATION

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, our effort to mandate full disclosure from clandestine political organizations began with a bipartisan appeal. Unfortunately, it has gone largely unanswered. Unlike the Senate, where an idea that began here in the House, was approved last week as the McCain-Feingold-Lieberman amendment, the House Republican leadership has steadfastly opposed reform.

Finally, last week, they promised a vote on this vital reform issue during this month. This morning we have a way to assure that promise is fulfilled through the signing of this discharge petition. I call on my colleagues, both

Democratic and Republican, to join with us on the petition to guarantee that we get at least a little campaign finance reform in time for this year's election.

The developments since last week have not been all that promising. One Republican says their bill may exempt this year's election. Another says that TOM DELAY, who has been so involved in promoting these organizations is a principal advisor in drafting the reforms. Let us clean up this mess now. It can be done. It must be done. We can yet achieve a bipartisan victory on campaign finance reform, just as the Senate has done, by signing this discharge petition and having a full debate concerning reform this very month.

DISCHARGING ALL OF OUR MILITARY SECRETS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, let me assure this House and the American people that there will be full disclosure, and it will not be limited to 527 organizations. No, we will turn to those on a bipartisan basis, I might add, who willfully reach into the pockets and paychecks of union members, and we will make sure that real reform takes place.

Mr. Speaker, for purposes of full disclosure, we should point out another discharge petition, not on the floor of this House as apparently been put in motion, the effort by the Clinton-Gore administration to discharge all of our military secrets to foreign powers, the latest revelation, our most sensitive nuclear secrets of Los Alamos. By the way, they were swiped 4 days before the fire, Mr. Speaker, and of course, Bernard Schwartz, the largest contributor to the Democrat National Committee and his firm, Loral Aerospace, giving nuclear technology to the Communist Chinese. Oh, yes, my colleagues, the discharge has started, the discharge of our military secrets.

CAMPAIGN FINANCE REFORM LEGISLATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute.)

Ms. WOOLSEY. Our constituents have every right to know exactly who is financing political campaign. That is why we must pass campaign finance reform. We must do it now, and this reform must require that all contributors and expenditures, including nonprofits, are disclosed.

Currently, many expenditures are protected from disclosure under section 527 of the Tax Code. We hear from the Republicans that they favor reforming

the Tax Code. Well, I suggest a perfect place to start is with 527 disclosure. With that start, we will restore faith in government. We will give our children a system that they will want to participate in. The American people want campaign finance reform.

I urge my colleagues to sign the 527 discharge petition today. Our children are counting on us.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, in this Chamber we will soon be discussing the very important issue of prescription drug coverage for America's senior citizens. I am pleased that the House leadership has developed a bipartisan plan that will provide American seniors with comprehensive prescription drug coverage.

No senior should have to choose between food for their table or their prescription drugs. As a physician, myself, I know the importance of these drugs to the health of our seniors. Many of these drugs cost a lot of money. It takes years to develop them, sometimes even decades; and then after they are approved by the FDA, it can take months to promote them amongst physicians for their proper use.

Unfortunately, today while many excellent prescription drugs for arthritis, stroke prevention and high blood pressure are critical to the health of seniors, many of them cannot afford them. Our bipartisan plan will ensure that voluntary, affordable and comprehensive prescription drug coverage is available to all seniors. I encourage all of my colleagues to support this legislation.

REJECT REPUBLICAN EDUCATION COSTS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this House to reject the Republican leadership's bill to cut education to pay for a massive tax cut. This Congress must invest in our schools so that students get individual attention, discipline and quality instruction so they can learn the skills that they need to succeed in the new economy.

But the Republican bill would cut \$2.9 billion from next year's education budget. It does not provide one plug nickel to repair crumbling schools or to build new schools to get our children out of trailers.

No school can provide adequate education if children are subject to substandard facilities.

Mr. Speaker, budget choices are about values. Do we not value investment in our Nation's future by providing our children unless we give them the best education they can have in this world? Or do we take this opportunity to fritter away the future by acting like drunk sailors with the Republicans' massive irresponsible tax scheme?

I support responsible tax relief for middle-class families, but we must not raid the Treasury and jeopardize our ability to make investments in our children and in our future.

SUPPORT THE BIPARTISAN PRESCRIPTION DRUG BENEFIT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, no American should be forced to choose between the food they need to live and the medicine they need to stay healthy. Yet that is the choice many of our senior citizens face each day.

Republicans are doing something about this. Working with our Democrat friends, we are proposing a bipartisan prescription drug plan that offers seniors the coverage they need.

Our bipartisan plan strengthens Medicare and provides prescription drug coverage for all seniors and disabled Americans, including those in rural areas like Pauls Valley, Altus, Walters, Waurika and Purcell, Oklahoma.

Our plan is voluntary. It is also affordable and available to all, no matter where you live, no matter what your income.

I urge my colleagues to work with us to make this prescription drug plan a reality so our seniors never again have to choose between buying food and buying medicine.

CHALLENGE TO SECRETARY SHALALA

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Mr. Speaker, I rise today to respectfully challenge Secretary Donna Shalala.

Madam Secretary, there is something sad out there that I would like you to see. At the National Nutrition Summit, you said: "Except for a few isolated pockets, we have succeeded at ending hunger in America." That is not true.

According to dozens of American organizations, fighting on poverty's front lines, according to respected international organizations, like the WHO and UNICEF, according to what I have seen too many times, and I am shocked that a cabinet secretary would be so clearly out of touch with reality.

Secretary Shalala, I challenge you to meet me in any American community

at any time for a look at the food banks and soup kitchens filled with senior citizens, children, American veterans, and working families.

Hunger is a fact. It is the underbelly of our booming economy. You can choose not to look at it; but it is real, and it is ugly. It plagues 26 million of our fellow Americans each year. Please come take a look.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Members should direct their remarks in debate to the Chair and not to others in the second person.

CELEBRATING FLAG DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, ladies and gentlemen, today is Flag Day, of course, and a day to honor the symbol of our Nation, a symbol of our independence and a symbol of American ideals.

Historically, the idea of celebrating an annual holiday honoring the United States flag and the anniversary of the official adoption of "The Stars and Stripes" is believed to have first originated in 1885 by a school teacher in Wisconsin.

In the years following, the tradition grew; and in 1916, President Woodrow Wilson established Flag Day by a proclamation.

Over 3 decades later, President Truman would sign an Act of Congress officially designating June 14 of each year as National Flag Day.

I, like many Americans, look at our flag and see our history, our triumphs; and most importantly, I see our future.

Today is a day to unite to pay tribute to the symbol which has grown with our country and represented our Nation's ideas since it first flew as "The Stars and Stripes" in 1777.

On this day, I am proud to honor our flag and all that it represents.

PAYING TRIBUTE TO THE PEOPLE OF TROY

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, on this Flag Day 2000, I rise to salute and pay tribute to the people of Troy and surrounding areas for the wonderful display of patriotism which I witnessed over this past weekend. On Sunday, tens of thousands of people from Troy and surrounding areas came together to celebrate the fact that we live in the freest and most open democracy on the face of the Earth.

They actually recognized the fact that freedom is not free, and that we paid a tremendous price for it. And so today, I remember with gratitude all of those who, like my brother, Bill, made the supreme sacrifice, all of those who in the past wore the uniform of the United States military, like some of the people I am looking at in this very Chamber.

Also, I thank all of those who currently are in active service in our military protecting our interests here at home and around the globe.

□ 1100

CHRISTIAN MEN'S FREEDOM FORUM 2000

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, on July 4, 2000, I will join the gentleman from Maryland (Mr. CUMMINGS), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from Florida (Ms. BROWN) and the gentleman from Mississippi (Mr. THOMPSON) at the Firststar Center in Cincinnati, Ohio. As members of the Congressional Black Caucus, we join in support of the goals and objectives of the Christian Men's Freedom Forum 2000, which will convene on the eve of the African Methodist Episcopal Church's Quadrennial.

We will interact with men and women from across the United States who appreciate and recognize the positive effect an open and honest exchange of ideas can bring to the body politic in this great Nation. It is the goal of the Christian Men's Freedom Forum's National Chair, Bishop Vincent R. Anderson, whose keen vision set in motion this extraordinary challenge to acknowledge our ideological differences while embracing our core common ideals. As we prepare to celebrate Independence Day, all Americans should seek to embrace and replicate this initiative.

Bishop Anderson is to be congratulated for this tremendous undertaking. This nonpartisan, nondenominational forum is the kind of collective effort that has, in the past, and could today, help to close the gap between those who have strong voices and those who feel they have no voices at all.

Mr. Speaker, let me close with the hope that on Independence Day we will find it within ourselves to not only commemorate our Nation's founding, but also to celebrate such constructive undertakings.

WORLD AWAITING RESULTS OF IRANIAN TRIAL OF JEWISH HOSTAGES

(Mr. WEINER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, today the world awaits the result of the show trial of 13 Jewish hostages in Iran. They have been held for over a year simply because they are Jewish. Without evidence, without a chance to confront their accusers, without lawyers of their own choosing, these 13 hostages have been subjected to a kangaroo court.

But Iran's new so-called moderate government is also on trial here. If Iran does not free these hostages, and soon, it should be a clear sign that that country has not changed its stripes.

Our response? Well, we should offer no more favorable trade agreements, such as the ones we did for rugs and pistachios recently. We should offer no more IMF or World Bank loans.

The fate of these 13 Iranian Jewish hostages should be our litmus test of Iran's new-found moderation. The world, Mr. Speaker, is watching.

MOURNING CHILD VICTIMS OF GUN VIOLENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today is Flag Day, and I rise to salute the flag, for the flag symbolizes freedom. But it should also symbolize safety.

This evening I will mourn the thousands upon thousands of children who die every day at the hand of gun violence. It is time that we recognize as Americans that we can pass real gun safety legislation in this House and in the Senate, if it would adhere to the values of this Nation.

How tragic it is in my own community, Sunday, June 11, that a 14-year-old girl shot and killed a 16-year-old boy; to find out that a 3-year-old accidentally shot himself in the foot with his father's gun, found in a linen closet; that on June 8, a 12-year-old middle school student in Chesapeake, Virginia, was charged after he brought a gun to school; that a 13-year-old shot a teacher; that a 6-year-old shot another 6-year-old; and that the overall rate of firearm deaths for children younger than 15 years of age is 12 times greater than the other 25 industrialized nations.

How much longer will we mourn? It is time now to stand up for our children and pass real gun safety legislation.

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 523 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us today on this beautiful Flag Day provides for the consideration of S. 761, the Electronic Signatures in Global and National Commerce Act. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, today the House takes a step forward towards promoting the new economy and facilitating the growth of electronic commerce. Important legislation to update the laws that govern how business is transacted will be considered by Congress with the passage of this law. Furthermore, the underlying legislation will allow all Americans to benefit from the efficiencies resulting from advances in technology.

Under current law, contracts and agreements among businesses and individuals are considered binding when the second party indicates agreement to terms with that signature. This system has worked fine for many years. However, the widespread use of computers and electronic means of communication have made this system antiquated and inefficient. The Electronic Signatures in Global and National Commerce Act will ensure that the United States will remain the leader in the 21st Century marketplace by giving legal and uniform status to electronic signatures. Electronic signatures would become binding, just like a handwritten signature.

Under the legislation, Americans would still be covered by the existing consumer protection laws should they choose to use this type of signature. Additionally, the legislation requires consent of the consumer to use electronic signature. No consumer would be forced into using electronic signa-

ture if they would feel more comfortable using a handwritten or normal signature.

Electronic signatures will change the way businesses interact with other businesses, how business works with their customers, and even how government serves its citizenry. Electronic signatures will make it easier for people to pay their bills, apply for a loan, trade securities, purchase goods, and contract services. Electronic signatures will also give greater protections to consumers through advanced encryption technologies. Not only is it far more difficult to fraudulently use an electronic signature than traditional signature, but electronic signatures leave a trail that would lead to the door of those who seek to defraud us.

Much has been done by this Congress to encourage the development of so-called new economy industries. Last summer, this Congress passed legislation that helped all but eliminate the computer glitch known as the Y2K bug. A few months later, the Republican majority brought legislation to the House floor to protect patents for Americans inventors and innovators. Recently, the House passed a moratorium on taxation of the Internet.

The legislation we are considering today is yet another effort by the Republican-led Congress to ensure that our Nation remains at the forefront of the emerging electronic global marketplace.

I would urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, as my colleague from Texas has explained, this rule waives all points of order against the conference report.

Electronic commerce is growing at an explosive rate. In a recent survey of top business executives, it indicates that in the next 2 years, many companies expect a seven-fold increase in their Internet sales. By the year 2002, on-line sales could make up 25 percent of total sales. That is a revolution in the way Americans do business.

However, our laws are still written for the pen and paper days. We must adopt our legal system to keep pace with the digital age.

The measure before us would give legal validity to electronic signatures on business transactions, and this will help e-commerce by providing a uniform standard among the states. I am pleased that this conference agreement includes protections aimed at reducing consumer fraud.

This conference agreement represents a bipartisan consensus with

broad support among high-tech companies, State Attorneys General and consumer groups. My understanding is that the President will sign it. It looks like a good bill and a good rule. I support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a lot of the work that has been done on this, not only the bill but also the conference report, is directly as a result of those Members who serve on the Committee on Commerce. Today I am pleased to be with the gentleman from Louisiana (Mr. TAUZIN), who is a part of not only this negotiation, but also the ongoing effort to make this bill and further bills that may be in our future better for consumers of America.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I rise in support of this rule and encourage Members not only to support the rule, but to adopt this conference report. This is the culmination of several attempts in this Congress and other Congresses to find a compromise with the other body and with Members of this body that would properly and legally make valid signatures of Americans, and, in fact, signatures of citizens of the world, in the electronic commerce age, and also to make the records, electronic records behind the documents and agreements we reach electronically, legally binding records upon the parties who sign those agreements and enter into those contracts in the electronic age.

Americans tell us that privacy and security are the two biggest concerns as we enter this new e-commerce age, making sure in effect that as we enter this age, that citizens who take advantage of electronic commerce, both to sell their products and services, or to purchase them, will have the knowledge that, number one, they are dealing in a secure system, so this bill is written in a way that is technologically neutral and calls upon the genius and creativity of this amazing new marketplace to develop the highly encrypted products that are going to make commerce in the electronic age even more secure than commerce in the paper age.

Secondly, I want to commend this House and this Congress for the activities we have already undertaken to protect privacy in the key areas that are most of concern to Americans, the areas of medical information privacy, the area of children's information privacy, and, most recently, in the financial services bill, in protecting people's privacy as they deal with their financial records, with mortgages and bank accounts and security transactions in the Internet age.

I also want to point out that there are some people that are afraid of this age. I suppose every time there were major changes in the way Americans did business, in the way we interacted with one another, there was fear.

When the telegraph first came upon the scene, I can assure you there were the similar fears that the telegraph was somehow going to create a world that people would live in fear of. In fact, there is a wonderful book called "The Victorian Internet" which traces the history of the telegraph and speaks of the same concerns that people in the world had about the telegraph that we hear about the Internet today.

But what was true with the telegraph is also true with the Internet and electronic commerce: It is upon us, it is an age which is arriving rapidly, and more and more Americans are finding that they can have more efficient businesses and more efficient transactions when they in fact become conversant with the Internet and conversant with the possibilities of the Internet in learning and trading and in long distance medicine, in amazing new opportunities it will make for the people of the world.

This bill is a major step forward in making sure that that world is secure; that there are legally binding, responsible actions taken as a result of interacting on the Internet; that when I sell my products to you and you sign up, it is as valid a deal as if you came to my store and purchased my products.

□ 1115

I can count on them to honestly keep their contract, and they can honestly count on me to live up to my agreement to sell them those products and services according to the terms of our agreement.

Like many bills, this is a compromise. This bill contains in my opinion a little overreach. It contains a little too much bureaucracy, a little too much in the way in which we insist that people consent first to join this Internet world. It may need some work in the future for us to improve it.

I am the first to tell Members it is not perfect in that regard. It literally goes overboard to make sure that when people consent to be part of the electronic age, that they really consent. It even has language in it that says that we have to prove that we are capable of receiving all the documents and notices and information that we are consenting to be part of in the electronic age; not just giving our e-mail address as we would give our phone number and address in the paper age, but actually proving that our computer is capable of handling all the information that is going to be faxed or e-mailed to us as part of the electronic transaction.

Let me also say that nothing in this bill requires one to be part of this electronic commerce age if they do not want to be, no more than one is re-

quired to own a credit card if they do not want to. My father, whom I lost 9 years ago and miss dearly, and will this summer when we always celebrate his birthday, I do not think he ever owned a credit card. He never made a credit purchase. I have made up for it, believe me. I use a lot of credit.

But the bottom line is that nothing requires an American to use the services of the Internet or to use this bill to sign electronically for purchases and sales. This is purely voluntary. It is an opt-in system. We have to consent to it. We have to know what we are consenting to. We have to prove we are capable of literally giving the consent, prove we have the equipment and means by which to engage in electronic business in this new age. It is a pretty extensive consent agreement provision.

It also contains language making sure that the consumer protection laws of every State are incorporated, that they are maintained. Nothing takes away from the protections that consumers now enjoy from those who would like to defraud us.

The beautiful thing about this new age is that electronic signatures can be more precise, much more precisely identified, than the signature we write on a paper that can be copied by some people. Electronic signatures with heavy encryption can be much more secure than the world of paper we now live in.

Secondly, it can be much more efficient. I want to invite all Americans to think of this. When we used to have a business in the old brick and mortar age before the Internet that depended upon citizens being able to come into the store, get to the store in a car, by bike, by foot, we had a limited marketplace.

Today with the Internet the marketplace is global. Today, with a little store in Chuck Bay, Louisiana, selling tobacso or other great seasonings, we can enjoy now a worldwide market on the Internet and sell to a whole community of people that is global.

Making that system work efficiently and creating legally binding agreements in that system is what this bill is all about, literally to facilitate global commerce. The bill contains features that insist that our government negotiate with other countries, to insist that they have similar legally binding provisions in their laws so when our citizens interact and sell products to their citizens or vice versa, when we buy products from them, we both have legally binding agreements, just as much as we do here in the good old U.S.A. on this great Flag Day.

This is again not a perfect bill, it may need refinements in the future. I think it is a little too bureaucratic than I would like, but it is a great step forward. I endorse it fully. This rule ought to be adopted. We need to pass this bill.

Mr. Speaker, I would urge my colleagues not only to pay this bill some attention, but also to do what they can to inform the citizens on their own websites about this new capability that Congress is enacting today to further advance the security of transaction in the e-commerce age and to further advance the ability of Americans to be part of this incredible new opportunity age that the Internet and e-commerce is going to make for all of our citizens.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who has been an active participant in ensuring that not only e-commerce but the financial services of this country are not only market-based and leading edge, but also consumer-friendly.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time to me. I congratulate him on the fine work that he has done on this extremely important issue.

Mr. Speaker, I rise in strong support of this rule because it provides for the consideration of a conference report that is critically important to businesses and consumers in the 21st century information economy.

Senate Bill 761 will empower consumers of financial products and other goods and services, and establish the framework for competition in the emerging electronic marketplace. For this, I want to applaud the gentleman from Virginia (Chairman BLILEY) for his strong efforts and the great work he has done in moving this legislation forward.

I know I saw my friend, the gentleman from Louisiana (Mr. TAUZIN) someplace. There he is, and I want to congratulate him, too, for all the effort he has put into this.

Enactment of this e-sign conference report will transform the way we work, the way we are educated, the way we contract for goods and services, and the way we are governed. The next great transition in the 21st century economy is likely to result in many large corporations moving the bulk of their inventory, production, and supply operations to an online environment.

Establishment of a clear, uniform national framework governing both digital signatures and records will allow American businesses to become significantly more efficient and productive through business-to-business use of the Internet.

Mr. Speaker, as important as this measure is to our high-tech economy, it is not just about the way business will do business. Our actions today will impact people. We all know how the quality of life of so many hard-working American families is tied directly to the amount of quality time away from the work and chores of daily life.

This landmark legislation will make it easier for people using just a computer and a modem to pay their bills,

apply for mortgages, trade securities, and purchase goods and services wherever and whenever they choose. That will be a win-win clearly for millions of American working families.

As important as this bill is to today's global electronic marketplace, we need to be prepared to deal with the reality that the pace of innovation and change in the new Internet economy has a direct impact on the pace of legislative innovation required here in the Congress.

It is not a criticism of this very strong legislation to recognize that when the U.S. computer industry operates with a 3-month innovation cycle, the new economy may render some of its provisions obsolete unless we move quickly on follow-up legislation.

There is a need, for example, to clarify the legality and reliability of electronic authentication applications. There is also concern that S. 761 will impose unnecessary burdens on businesses and consumers, and the ambiguities in the conference report may actually create new avenues for class action litigation.

For example, under the conference report, consumers who initially consent in paper and ink to receive electronic records will need to either re-consent or reconfirm or confirm their consent by electronic means. Then each time there are changes in any of the hardware or software requirements for accessing a record that consumers have consented to receive electronically, the provider must obtain new consents from all of the affected consumers.

In addition, it must be possible to "reasonably demonstrate" that a consumer will be able to access the various forms of electronic records that the consumer has consented to receive. This is a requirement that has no parallel in the paper world. To ensure that consumers can get the full benefits of these electronic records provisions, consumers should only need to consent once either on paper or electronically, with the ability to withdraw their consent if changes create a problem for them.

There is concern that S. 761 may actually create a new basis for denying legal effect to electronic records if they are not in a form that could be retained and accurately reproduced for later reference by any parties who are entitled to retain them. It is my hope, Mr. Speaker, that Congress will be able to respond effectively to these and other challenges that would be brought on by the rapidly changing nature of the Internet economy.

In the meantime, as I have said, this is a bill that deserves overwhelmingly strong bipartisan support. I join again in congratulating my colleagues, who have worked long and hard on this. I am proud to have been a strong supporter of this effort for the past several

years, and I urge adoption of the rule and the conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, I rise to support the conference report on the e-sign bill. I want to congratulate the gentleman from Virginia (Chairman BLILEY) for his excellent leadership on this bill, along with the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY). This is an historic day on the floor of the House.

The legislation will create a legal framework for electronic commerce in the new economy, but the new economy must have old values. That is the formula that we are constructing here on the floor today. It will grow, electronic commerce, as an increasingly important part of our economy, and increasingly it will be important for us to be able to authenticate and to validate electronic transaction.

This is important for both ends of the transaction. For both the buyer and the seller there has to be a way in which there is authentication. There has to be a way in which there is validation.

As we come here today, we begin the new era of a digital John Hancock which can ensure that an electronic signature is valid and that records are established that guarantee that both ends of the transaction are in fact valid.

Today many secure electronic technologies such as cryptographic digital signatures allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive electronic growth.

Think of this: In 1999, there was \$3.4 trillion worth of electronic commerce in the United States, \$3.4 trillion. How much of that was online? Pick a number in your own minds of the \$3.4 trillion; \$20 billion, that is all, about 7/10ths of 1 percent. As each year goes by there is going to be a dramatic increase.

In order to make people feel comfortable to move their transactions from the real world to the virtual world, we must give them the same kinds of guarantees. This legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated, and must remain accessible for later reference, transmission, and printing.

So Mr. Speaker, this is a great day. I think a new era is dawning. I want to congratulate the gentleman from Virginia (Mr. BLILEY) once again for his great leadership, and the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Ohio (Mr. OXLEY).

Mr. Speaker, I rise to support the conference report on the E-SIGN bill and I want to congratulate Chairman BLILEY for his fine work in the conference and commend Mr. DINGELL, Mr. TAUZIN, and Mr. OXLEY for their excellent work as well.

We return to the House today with a conference report that advances the needs of the Digital Age without compromising fundamental consumer protections.

This legislation provides a legal framework for electronic commerce in the new economy. It's clear that as electronic commerce grows it will become increasingly important to authenticate and validate electronic transactions. This is important for both ends of any transaction, for both the buyer and the seller. Effective authentication of electronic signatures will help to reduce fraud and financial losses.

Technology exists today that permits an electronic signature—a 'digital John Hancock'—to be affixed to computer files in a manner that is difficult to reproduce. Today, many secure electronic technologies such as cryptographic digital signatures, allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort that people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive economic growth.

Many current laws, however, do not legally recognize the validity of electronic signatures, contracts, or records. Many laws, regulations and procedures require "written," real world signatures on documents, or the provision of "paper" records, both for commercial transactions.

Without question many existing requirements for written records are antiquated whose provision or availability in an electronic version of the same information can suffice to meet any legal requirements or policy goals.

However, there are many other existing requirements for written records which are not antiquated and whose provision or availability in written form serves clear consumer protection goals. As we progress into the digital future, this conference report is careful not to jettison prematurely many important consumer protection provisions simply to demonstrate our enthusiasm for all things digital.

The legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated and must remain accessible for later reference, transmission, and printing. The conference report also preserves a consumers right to receive records in writing. If a consumer wants a record that is required to be in writing to be provided in writing, a consumer

still has that right while allowing other consumers, who may prefer to receive records in electronic form, to elect to do so.

This conference report also fixes and vastly improves the process by which consumers may "opt-in" to receiving electronic records. A consumer wishing to receive specific records in electronic form must separately and affirmatively consent to the provision of such records in electronic form in order for a vendor to provide electronic records.

In addition this legislation also safeguards the consumer protection policies that have historically served to adequately inform consumers of potentially life-changing events or safety issues. The conference report wisely requires written notices for any notice dealing with court orders and official court documents—including legal briefs and court pleadings, any notice concerning the cancellation of utility services such as water, heat or power service, for foreclosure or eviction notices. It also would require the continuation of written notices for the cancellation or termination of health insurance or benefits or life insurance benefits.

We are still a long way from the day when computers will be as ubiquitous as the telephone, but this conference report helps set the legal framework for that day. The "ESIGN" bill takes that important step into the Digital Age.

I again, want to commend Chairman BLILEY on this landmark bill and commend Mr. DINGELL, Chairman TAUZIN, and Mr. OXLEY for their fine bipartisan work.

Mr. Speaker, I also want to mention of few items related to the financial implications of the conference report. As many members may recall, H.R. 1714, the House version of the Conference Report, initially contained a separate securities law title. Although the Conference Report does not include separate securities title, it contains language intended to resolve satisfactorily the various issues that were addressed by the House securities title and which were the subject of SEC Chairman Levitt's April 21, 2000 letter to the conferees.

For example, Section 104(a) of the Conference Report protects standards and formats developed by the SEC for electronic filing systems such as EDGAR and the IARD, as well as for systems are developed by securities industry self-regulatory organization filing systems such as the CRD, which the NASD and the states use for registering securities firms and their personnel.

Section 101(d) recognizes the importance of accuracy and accessibility in electronic records, which is of utmost importance for investor protection and prevention of fraud. Section 104(b)(3) recognizes the need for agencies, such as the SEC, to provide performance standards relating to accuracy, document integrity, and accessibility in their electronic recordkeeping and retention rules. This is intended to preserve requirements such as the SEC's existing electronic recordkeeping rule, Rule 17a-4(f), which specifies that electronic recordkeeping systems must preserve records in a non-rewriteable and non-erasable manner. The Conferees also expect the SEC to work with the securities SROs to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104 of the Conference Report specifically permits federal regulatory agencies, such as the SEC, to interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such requirement, and if, imposing such requirement is essential to attaining such interest. For example, we specifically expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rules.

Finally, the Conference Report's consent provisions similar to much of the SEC's guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting consent provisions anticipated by the Conference Report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same website as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a website as they are today under SEC guidance for electronic delivery.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time, although I really do not have much to add. The rule and resolution looks in very good shape. Many of us really support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would be wonderful if we all agreed on all points of legislation like we are agreeing today on this conference report. What we have heard today described is an agreement that we have made between the parties, the Democrats and the Republicans, about a new way of doing business.

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In fact, the agreement that we believe that this conference report represents is not exactly leading edge but it is a beginning. It is a start of an opportunity for consumers, for retailers, for people who are engaged in financial transaction and financial services to encourage a new world that is there.

We have heard the gentleman from Louisiana (Mr. TAUZIN) describe his view and vision, along with the chairman of the Committee on Rules, that they felt like that there were too many roadblocks that are put in the way of consumers and too many things that were required, answers back and forth and limitations being placed upon consumers.

This is a good start and it does not take a complete agreement to have a deal. What we have today is a deal. What we have today is a rule that has been agreed to, where both sides have come to the table, have openly agreed; and so we are going to support this conference report.

I would submit an article of some writing that has been in the paper today about how we are going to have to continue in our endeavor to make sure that in the future that we come back and readdress this issue so that consumers and people engaged in financial services have fewer roadblocks in order to get their job done. I support this rule.

[From the Financial Times, June 12, 2000]
CAVEAT SURFER SHOULD BE THE E-COMMERCE
MOTTO

(By Amity Shlaes)

Perhaps the most exciting thing about the new internet world is that it undermines the assumptions of the old one. In the internet world, we get along without many things we were long assured had to be: centralized authority, standardised addresses and so on. Technologies that would have been dismissed as chaotic a few years ago turn out to function very well without extra regulation, thank you.

The new world has already found its own muse—the writer Virginia Postrel. She calls for the combating of what she dubs an ideology of stasis—"the notion that the good society is one of stability, predictability and control, and government's responsibility is to curb, direct or end unpredictable market evolution".

But chaos, even functioning chaos, is not to everyone's liking. Governments these days are desperate to claim the new e-territory, even to dominate it. On the level of instinct, this strikes most people as laughable. Nothing, not even fund-raising controversy, has subjected Al Gore to more ridicule than his statement that he fathered the internet.

This naturally does not stop governments from trying. Fear is their main weapon. Without new protections, they suggest, the internet will give rise to Hollywood-type nightmares—abuses of consumers, online pervers who prey on eight-year-olds, global financial crashes and so on. Some concerns are legitimate—the most serious being Napster—style raids on intellectual property. But governments also raise these issues as a political device.

In this context, the humdrum push-and-pull about bits of technology legislation making their way through the various Western legislatures takes on new meaning. Consider a skirmish in Washington this week about legislation on internet contracts. Like a new British law, it would allow firms and customers to conclude paper-free transactions. The fact that Congress has made the digital signatures bill the centrepiece of new internet legislation should come as good news to freedom-loving types. For contract law is by its nature private: contracts require only two parties, and diminish, even obviate, the need for nosy government.

But the e-signature bill also caught the interest of the centralisers. Lawmakers led by Tom Bliley, a Republican Congressman from Virginia, insisted that the old culture of contracts cannot protect consumers from the fresh dangers of the internet. So they inserted requirements so onerous as to deter online consumers, not a crowd noted for its patience in the first place.

Under the bill as it stood late last week, internet users would have been required to send any number of repeated e-mails reconfirming their consent to the contract at every stage of a transaction, as well as demonstrating that they had absorbed every bit of legal boilerplate. Predictably, this provoked the concern of the Charles Schwabs,

Dreyfuses and banks of this world. The financial community has the most to lose if the new law deters customers.

But the extra consumer measures also gave pause to Phil Gramm, chairman of the Senate banking committee. Mr. Gramm is less worried by brokerages than by principle—the principle that the online frontier not be colonised by the old regulatory culture. He points out that the new bill goes beyond anything that already applies in contract law.

“What happened to ‘Let the buyer beware?’” he asks. “Common law and a thousand years of paper contracts established duties and responsibilities for people participating in commerce. You don’t want to change that relationship so that e-commerce undermines contracts and commerce.” On Friday, enough of the obstacles were stripped out to win Mr. Gramm’s grudging support, but others remained.

“We have gone from having two different versions of a bill that would have been an A or an A minus, to a low B at best,” says James Lucier of Prudential Securities. Henry Judy, a lawyer with the Washington office of Kirkpatrick & Lockhart, has compared US and UK legislation. He says the latter “is broader, but some of the precise consumer issues dealt with by the US legislation are left in the UK bill to later administrative decisions”. The British e-consumer is not safe from government fiat—as another bill allowing e-mail surveillance shows.

Nor are e-signatures the only area where the control question is a matter of legislative controversy. During the spring the US media have made internet privacy for shoppers a huge issue. The finance editor of Consumer Reports has demanded that websites create “in your face” privacy warnings. The Federal Trade Commission is now pushing Congress to regulate websites.

On the tax front, the freedom types have been victorious—but only for now. Lawmakers led by Congressman Chris Cox of California recently succeeded in extending a moratorium on new taxes on the internet. But this expires in five years and many states are lobbying hard for a nationally coordinated sales tax regime.

Across the Atlantic, the European Commission has been lobbying so strongly for new taxing authority that it has stirred the ire of the US Treasury. Of course, it is easier to bash someone else’s tax arrangements than to stand firm on taxes at home. Globally, the tax issue remains in play; the internet may end up bringing more taxation, rather than less.

Particularly troubling here is the assumption that the internet is inherently more treacherous than the telegraph, the telephone or any other new medium that went before. That is questionable. A few years into the internet era, we have yet to see the electronic world wreak huge damage. Five months and a few days later, concerns about the Year 2000 bug already seem an irrelevance.

Why not proceed with optimism? After all, we were wise enough to let the internet happen. Now the challenge is to be wise enough to let it grow.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The Resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 523, I call up the

conference report on the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 8, 2000, at page H4115).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the conference report on S. 761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for thousands of years dating back to the ancient Egyptians, pen and paper has been the medium by which so much of everyday life has been conducted. Paper has been the lifeblood of commerce for centuries, but that is changing. Now with the Internet age upon us, paper does not have the hold that it once had on so many of us. More and more Americans are getting their news from the Internet rather than a newspaper. E-mail is replacing handwritten letters. Consumers are using e-tickets instead of paper airline tickets. In less than 6 years, the Internet has revolutionized the way people communicate and conduct business.

Every day, the line between what has to be done in paper and what can be done electronically is being moved. The Internet is stretching the creativity and ingenuity of some of the brightest people in our society today. It is altering the practices and lives of all of our Nation’s citizens, and much more is to come. It is appropriate that in the first year of the new millennium, Congress is ready to give final approval to the legislation before us today that will further move us from the paper age to the digital age.

I think we are all in agreement that Congress should not do anything that would stifle the growth of the Internet and electronic commerce. That is why 2 years ago the Committee on Commerce began an intensive initiative to better understand the issues surrounding the Internet and electronic

commerce. As a result of those hearings, we saw the need to provide legal vitality to electronic documents and electronically signed contracts and agreements if electronic commerce was to grow and flourish. Rather than seeking to regulate, the committee chose to remove those legal roadblocks to unfettered growth of electronic commerce. It has been my mantra that when approaching electronic commerce issues, Congress’ first obligation is to do no harm.

Last November, the House overwhelmingly passed H. 1714, the Electronic Signatures in Global and National Commerce Act, better known as E-Sign. The House-passed bill was a very good foundation to get us to this end product.

Working with our colleagues in the other body, we were able to craft a bipartisan consensus conference report that will stand the test of time.

Mr. Speaker, this conference report is founded on a simple premise. Any requirement in law that a contract be signed or that a document be in writing can be met by an electronically signed contract or an electronic document. We are simply giving the electronic medium the same legal effect and enforceability as the medium of paper.

This conference report will allow consumers to engage in a whole host of activities on the Internet that today are not possible. For example, today a consumer can apply for a mortgage or get a quote on a life insurance policy; but when it comes time to close the deal, a consumer must physically sign the contract.

E-Sign will allow the entire transaction to be done electronically, and the transaction will have the same legal effect and enforceability as a paper contract.

Equally important, the conference report extends the same principle to electronic records.

Mr. Speaker, I do want to take a moment to discuss the important consumer provisions in this bill which were the subject of much discussion throughout the negotiating process. First, under E-Sign, engaging in electronic transactions is purely voluntary.

No one will be forced into using or accepting an electronic signature or record. Consumers that do not want to participate in electronic commerce will not be forced or duped into doing so.

Second, all existing Federal and State consumer protection laws remain in place.

Third, we have included a strong consumer consent provision whereby consumers are provided clear disclosure of terms before they consent to any agreement. We also have included an important provision to ensure that consumers will be able to access any electronic record that is sent to them.

Mr. Speaker, E-Sign is about the future. It is about laying the legal foundation of electronic commerce for many years to come. It is about promoting the development of new technologies that will enable consumers and businesses to have a greater certainty and security in their transactions. It is also about developing new products and new services that few of us can even imagine today. E-Sign is the most important high technology vote that this Congress will undertake. If one supports the U.S. high-tech industry, they will vote yes on this bill, which has unanimous support among the high-tech community. A vote in support of S. 761 is a vote in support of providing consumers with great confidence and certainty in on-line transactions. It is a vote in support of allowing businesses to provide new and innovative services on-line.

I urge my colleagues to support the conference report on E-Sign.

Before I conclude, I would like to extend my appreciation to all of the members of the conference committee for their work and thoughtfulness. I extend my thanks to my friend, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for his assistance. In addition, I thank the fine help of the other House conferees, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), and the gentleman from Massachusetts (Mr. MARKEY). Each has made a valuable addition to the process.

Further, I want to thank the members of the other body for their contributions. Republican and Democrat Senators from the commerce, banking and judiciary committees were critical to reaching final support for the conference report. This is truly a remarkable day, and I thank the participants for helping to bring this overwhelming victory to the American people.

The following statement is intended to serve as a guide to the provisions of the conference report accompanying S. 761, the Electronic Signatures in Global and National Commerce Act. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the managers, and minor drafting and clerical changes.

SHORT TITLE

Senate bill

Section 1 establishes the short title of the bill as the "Millennium Digital Commerce Act."

House amendment

Section 1 establishes the short title of the bill as the "Electronic Signature in Global and National Commerce Act".

Conference substitute

The conference report adopts the House provision.

ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE

GENERAL RULE OF VALIDITY

Senate bill

Section 5(a) of the Senate bill sets forth the general rules that apply to electronic commercial transactions affecting interstate commerce. This section provides that in any commercial transaction affecting interstate commerce a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

Section 5(b) authorizes parties to a contract to adopt or otherwise agree on the terms and conditions on which they will use and accept electronic signatures and electronic records in commercial transactions affecting interstate commerce.

House amendment

Section 101(a) of the House amendment establishes a general rule that, with respect to any contract or agreement affecting interstate commerce, notwithstanding any statute, regulation or other rule of law, the legal effect, validity, and enforceability of such contract or agreement shall not be denied on the ground that: (1) the contract or agreement is not in writing if the contract or agreement is an electronic record; and (2) the contract or agreement is not signed or affirmed by written signature if the contract or agreement is signed or affirmed by an electronic signature.

Section 101(b) provides that with respect to contracts or agreements affecting interstate commerce, the parties to such contracts or agreements may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties. Further, the legal effect, validity, or enforceability for such contracts or agreements shall not be denied because of the type or method of electronic record or electronic signature selected by the parties.

Nothing in section 101(b) requires a party to enter into any contract or agreement utilizing electronic signatures or electronic records. Rather, it gives the parties the option to enter freely into online contracts and agreements.

Conference Substitute

The conference report adopts a substitute provision that follows the House amendment.

The general rule provides that notwithstanding any statute, regulation, or other rule of law (other than titles one and two) with respect to any transaction in or affecting interstate or foreign commerce: (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

The conference report makes clear that title I of the conference substitute does not (1) limit, alter, or otherwise affect any requirements imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than requirements that contracts or other records be written, signed, or in non-electronic form; or (2) require any person, with respect to a record other than a contract, to agree to use or accept electronic records or electronic signatures.

The conference report includes an opt-in provision allowing consumers to consent to receive electronic records as described below. If a statute, regulation, or other rule of law requires that a record relating to a transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, an electronic record may be substituted if (1) the consumer affirmatively consents to receive an electronic record and has not withdrawn such consent, (2) the consumer, prior to consenting, is provided with a clear and conspicuous statement informing the consumer of rights or options to have the record provided or made available on paper, and the right of the consumer to withdraw the consent to electronic records and of any conditions, consequences (which may include termination of the parties' relationships), or fees in the event of withdrawal of consent. Further, the consumer is informed of whether the consent applies only to the initial transaction or to identified categories of records that follow the initial transaction. Disclosure must also be made describing the procedures the consumer must use to withdraw consent and to update information needed to contact the consumer electronically. The consumer must also be informed of how after the consent, the consumer may, upon request, obtain a paper copy of electronic records, and whether any fee will be charged for such copy.

Pursuant to subsection (c)(1)(C)(i), the consumer must be provided, prior to consenting, with a clear and conspicuous statement describing the hardware and software requirements to access and retain electronic records.

Subsection (c)(1)(C)(ii) requires that the consumer's consent be electronic or that it be confirmed electronically, in a manner that reasonably demonstrates that the consumer will be able to access the various forms of electronic records to which the consent applies. The requirement of a reasonable demonstration is not intended to be burdensome on consumers or the person providing the electronic record, and could be accomplished in many ways. For example, the "reasonable demonstration" requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mailed response to the provider of the electronic records that he or she can access information in the attachments. Similarly, the "reasonable demonstration" requirement is satisfied if it is shown that in response to such an e-mail the consumer actually accesses records in the relevant electronic format. The purpose of the reasonable demonstration provision is to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Subsection (c)(1)(D) requires that after the consent of a consumer if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record must provide the consumer with a statement of the revised hardware and software requirements for access to and retention of the electronic records, and the right to withdraw consent without the imposition

of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed. Further, the provider must, pursuant to subparagraph (C)(ii) perform the consumer access test again.

Subsection (c)(2) includes a savings clause making clear that nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law. Further, subsection (c)(2) provides that if a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

Section 101(c)(3) makes clear that an electronic contract or electronic signature cannot be deemed ineffective, invalid, or unenforceable merely because the party contracting with a consumer failed to meet the requirements of the consent to electronic records provision. Compliance with the consent provisions of section 101(c) is intended to address the effectiveness of the provision of information in electronic form, not the validity or enforceability of the underlying contractual relationship or agreement between the parties. In other words, a technical violation of the consent provisions cannot in and of itself invalidate an electronic contract or prevent it from being legally enforced. Rather, the validity and enforceability of the electronic contract is evaluated under existing substantive contract law, that is, by determining whether the violation of the consent provisions resulted in a consumer failing to receive information necessary to the enforcement of the contract or some provision thereof. For example, if it turns out that the manner in which a consumer consented did not "reasonably demonstrate" that she could access the electronic form of the information at a later date, but at the time of executing the contract she was able to view its terms and conditions before signing, the contract could still be valid and enforceable despite the technical violation of the electronic consent provision.

Subsection (c)(4) provides that withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

Subsection (c)(5) makes clear that this subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

Subsection (c)(6) provides an oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

Section 101(d) addresses statutory and regulatory record retention requirements. It states that when a statute, regulation, or

other rule of law requires that a record, including a contract, be retained that requirement is satisfied by the retention of an electronic record, if two criteria are met. First, the electronic record must accurately reflect the information set forth in the contract or record required to be retained. Second, that electronic record must remain accessible to all parties who by law are entitled to access the record for the period set out in that law. Moreover, the electronic record must be in a form capable of accurate reproduction for later reference. The reproduction may be by way of transmission, printing or any other method of reproducing records.

Section 101(e) addresses statutory and regulatory requirements that certain records, including contracts, be in writing. The statute of frauds writing requirement exemplifies one such legal requirement. The section states that an electronic record or contract may be denied legal effect and enforceability under section 101(a) of this Act, if such an electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties entitled to retain that contract or record. This provision is intended to reach two qualities of "a writing" in the non-electronic world. The first such quality of "a writing" is that it can be retained, e.g., a contract can be filed. The second such quality of "a writing" is that it can be reproduced, e.g., a contract can be copied.

Subsection (f) clarifies that nothing in title I affects the proximity requirement of any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

Subsection (g) provides that if a statute, regulation, or other rule of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record. This subsection permits notaries public and other authorized officers to perform their functions electronically, provided that all other requirements of applicable law are satisfied. This subsection removes any requirement of a stamp, seal, or similar embossing device as it may apply to the performance of these functions by electronic means.

Subsection (h) provides legal effect, validity and enforceability to contracts and record relating to a transaction in or affecting interstate or foreign commerce that were formed, created or delivered by one or more electronic agents.

Subsection (i) makes clear that the provisions of title I and II cover the business of insurance.

Subsection (j) provides protection from liability for an insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature if: (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures.

AUTHORITY TO ALTER OR SUPERSEDE GENERAL
RULE

Senate bill

Section 5(g) of the Senate bill provides that section 5 does not apply to any State in

which the Uniform Electronic Transaction Act is in effect.

House amendment

Section 102(a) of the House amendment provides that a State statute, regulation or other rule of law enacted or adopted after the date of enactment of H.R. 1714 may modify, limit, or supersede the provisions of section 101 (except as provided in section 102(b)) if that State action: (1) is an adoption or enactment of the UETA as reported by the NCCUSL or specifies alternative procedures or requirements recognizing the legal effect, validity and enforceability of electronic signatures; and (2) for statutes enacted or adopted after the date of enactment of this Act, makes specific reference to the provisions of section 101.

Section 102(b) provides that no State statute, regulation, or rule of law (including those pertaining to insurance), regardless of date of enactment, that modifies, limits, or supersedes section 101 shall be effective to the extent that such statute, regulation, or rule of law: (1) discriminates in favor of or against a specific technology, method, or technique; (2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic signatures and electronic records; (3) is based on procedures or requirements that are not specific and that are not publicly available; and (4) is otherwise inconsistent with the provisions of section 101.

Section 103(c) provides that a State may, by statute, regulation or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2) consent to the provision or availability of such notice solely as an electronic record.

Conference substitute

The conference report adopts a substitute provision. Section 102 of the conference report provides a conditioned process for States to enact their own statutes, regulations or other rules of law dealing with the use and acceptance of electronic signatures and records and thus opt-out of the federal regime. The preemptive effects of this Act apply to both existing and future statutes, regulations, or other rules of law enacted or adopted by a State. Thus, a State could not argue that section 101 does not preempt its statutes, regulations, or other rules of law because they were enacted or adopted prior to the enactment of this Act.

Section 102(a) provides that a State statute, regulation or other rule of law may modify, limit, or supersede the provisions of section 101 only if that State action: (1) constitutes an adoption or enactment of the Uniform Electronic Transactions Act (UETA) as reported and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1999; or (2) specifies alternative procedures or requirements (or both) for the use or acceptance of electronic signatures or electronic records for establishing the legal effect, validity and enforceability of contracts or records.

It is intended that any State that enacts or adopts UETA in its State to remove itself from Federal preemption pursuant to subsection (a)(1) shall be required to enact or adopt UETA without amendment. Any variation or derivation from the exact UETA document reported and recommended for enactment by NCCUSL shall not qualify under

subsection (a)(1). Instead, such efforts and any other effort may or may not be eligible under subsection (a)(2). Thus, a State that enacted a modified version of UETA would not be preempted to the extent that the enactment or adoption by a State met the conditions imposed in subsection (a)(2).

Subsection (a)(1) places a significant limitation on a State that attempts to avoid Federal preemption by enacting or adopting a clean UETA. Section 3(b)(4) of UETA, as reported and recommended for enactment by NCCUSL, allows a State to exclude the application of that State's enactment or adoption of UETA for any "other laws, if any, identified by State." This provision provides a potential enormous loophole for a State to prevent the use or acceptance of electronic signatures or electronic records in that State. To remedy this, subsection (a)(1) requires that any exception utilized by a State under section 3(b)(4) of UETA shall be preempted if it is inconsistent with title I or II, or would not be preempted under subsection (a)(2)(ii) (technology neutrality).

As stated above, subsection (a)(2) is designed to cover any attempt except a strict enactment or adoption of UETA (which would be covered by subsection (a)(1)), by a State to escape Federal preemption by enacting or adopting specific alternative procedures or requirements for the use or acceptance of electronic signatures or records. This includes any regulations or State action taken to implement a clean enactment or adoption of UETA. Thus, a regulation or other rule of law issued to implement a State's enactment or adoption of a clean UETA would fall under and be tested against the standards contained in subsection (a)(2) if it strays in any manner from the strict, specific text of UETA, as reported and recommended for enactment by NCCUSL.

Further, some States are enacting or adopting a strict, unamended version of UETA as well as enacting or adopting a companion or separate law that contains further provisions relating to the use or acceptance of electronic signatures or electronic records. Under this Act, such action by the State would prompt both subsection (a)(1) (for the strict enactment or adoption of UETA) and subsection (a)(2) (for the other companion or separate legislation). Subsection (a)(2) would also apply for any amendments made by a state in the future to their statutes, regulations or rules of law pertaining to the original enactment or adoption of UETA that qualified under subsection (a)(1).

Subsection (a)(2) contains two important conditions that limit the extent to which a state could utilize it to opt-out of the federal regime. Specifically, such alternative procedures or requirements: (1) must be consistent with this title and title II; and (2) do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic signatures or records. It is not intended that the singular use of technology or technological specification in subsection (a)(2)(A)(ii) allows a State to set more than one technologies at the expense of other technologies in order to meet this standard. Instead, this limitation is intended to prevent States from setting any specific technology or technological specification, unless otherwise specifically permitted. Further, inclusion of the "or accord greater legal status or effect to" is intended to prevent a

state from giving a leg-up or impose an additional burden on one technology or technical specification that is not applicable to all others.

In addition, subsection (a)(2)(B) requires that a State that utilizes subsection (a)(2) to escape federal preemption must make a specific reference to this Act in any statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act. This provision is intended, in part, to make it easier to track action by the various States under this subsection for purposes of research.

Section 102(b) provides a specific exclusion to the technology neutrality provisions contained in subsection (a)(2)(A)(ii) for procurement by a state, or any agency or instrumentality thereof.

Section 102(c) makes clear that subsection (a) cannot be used by a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of UETA. Any attempt by a State to use 8(b)(2) to violate the spirit of this Act should be treated as effort to circumvent and thus be void.

SPECIFIC EXCLUSIONS

Senate bill

Section 5(d) of the Senate bill excludes from the application of this section any statute, regulation or other rule of law governing: (1) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A; (2) premarital agreements, marriage, adoption, divorce, or other matters of family law; (3) documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically; (4) residential landlord-tenant relationships; and (5) the Uniform Health-Care Decisions Act as in effect in a State.

House amendment

Section 103(a) of the House amendment excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and -206 and Articles 2 and 2A; (4) any requirement by a Federal regulatory agency or self-regulatory agency that records be filed or maintained in a specified standard or standards (except that nothing relieves any Federal regulatory agency of its obligation under the Government Paperwork Elimination Act, title XVII of Public Law 105-277); (5) the Uniform Anatomical Gift Act; or (6) the Uniform Health-Care Decisions Act.

Section 103(b) excludes from the application of section 101: (1) any contract, agreement or record between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce; (2) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (3) any notice concerning: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 103(a) excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A.

Section 103(b) excludes from the application of section 101: (1) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (2) any notice of: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

The exclusion pertaining to utility services applies to essential consumer services including water, heat and power. This provision does not apply to notices for other broadly used important consumer services, such as telephone, cable television, and Internet access services, etc. Electronic cancellation or termination notices may be used in association with those other services, assuming all of the other elements of Section 101 are met.

Section 103(c)(1) directs the Secretary of Commerce, acting through the Assistant Secretary for Communication and Information, to review the operation of the exclusions in subsections (a) and (b) over a period of three years to determine if such exclusions are necessary for the protection of consumers. The Assistant Secretary shall submit the findings of this review to Congress within three years of the date of enactment of this Act.

Section 103(c)(2) provides that a Federal regulatory agency, with respect to matter within its jurisdiction, may extend, after proper notice and comment and publishing a finding that one or more of exceptions in subsections (a) or (b) are not longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, the application of section 101 to such exceptions.

APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS

Senate bill

The Senate bill contained no provision affecting the authority of Federal regulatory agencies.

House amendment

The House amendment provided in Section 103 that the authority of Federal regulatory agencies would be preserved over records filed or maintained in a specific standard or standards.

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 104(a) provides that subject to section 104(a)(2), a Federal regulatory agency, a self-regulatory organization, or State regulatory agency may specify standards or formats for the filing of records with that agency or organization, including requiring paper

filings or records. While the conference report preserves such authority to such agencies or organizations, it is intended that use of such authority is rarely exercised. Section 104(b)(1) provides that subject to section 104(b)(2) and section 104(c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through (1) the issuance of regulations pursuant to a statute; or (2) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency). However, this does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize issuance of orders or guidance.

Section 104(b)(2) provides for limitations on the interpretational authority of agencies. Specifically, a Federal regulatory agency shall not adopt any regulation, order, or guidance described in section 104(b)(1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described above unless: (1)—(A) such regulation, order, or guidance is consistent with section 101; (B) such regulation, order, or guidance does not add to the requirements of such section; and (C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—(i) there is a substantial justification for the regulation, order, or guidance; (ii) the methods selected to carry out that purpose—(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and (II) will not impose unreasonable costs on the acceptance and use of electronic records; and (iii) the methods selected to carry out that purpose do not require the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

The conference report provides for more limited Federal and State interpretative authority over other functions related to records. This Act grants no additional or new rulemaking authority to any Federal or State agency. The conference report provides that if Federal or State regulators possessed specific rulemaking authority under their organic statutes, they could use that rulemaking authority to interpret section 101 subject to strict conditions. Those conditions include determinations that such regulation, order or guidance: (1) is consistent with section 101; and (2) does not add to the requirements of the section. Additionally, the conference report requires that any Federal agency show conclusively that: (a) there is a substantial justification for the regulation and the regulation is necessary to protect an important public interest; (b) the methods used to carry out that purpose are the least restrictive alternative consistent with that purpose; (c) the methods are substantially equivalent to the requirements imposed on records that are not electronic records; and (d) such methods will not impose new costs on the acceptance and use of electronic records. The conference report requires strict technological neutrality of any Federal or State regulation, order or guidance. Absent such technological neutrality, any such regulation, order or guidance is void.

The conference report is designed to prevent Federal and State Regulators from undermining the broad purpose of this Act, to facilitate electronic commerce and electronic record keeping. To ensure that the purposes of this Act are upheld, Federal and State regulatory authority is strictly circumscribed. It is expected that Courts reviewing administrative actions will be rigorous in seeing that the purpose of this Act, to ensure the widest use and dissemination of electronic commerce and records are not undermined.

Subsection (b)(3)(A) provides authority to a Federal or State regulatory agency to interpret section 101(d) in a manner to specify specific performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Subsection (b)(3) extends this authority to override the technology neutrality provision contained in subsection (b)(2)(C)(iii) but only if doing so (1) serves an important governmental objective; and (2) is substantially related to the achievement of that objective. Further, subsection (b)(3)(A) does not allow a Federal or State regulatory agency to require the use of a particular type of software or hardware in order to comply with 101(d).

Subsection (b)(3)(B) provides authority to a Federal or State regulatory agency to interpret section 101(d) to require retention of paper records but only if (1) there is a compelling government interest relating to law enforcement or national security for imposing such requirement, and (2) imposing such requirement is essential to attaining such interest. It is important to note that the test in subsection (b)(3)(B) is higher and more stringent than in subsection (b)(3)(A). This is intentional as it is an effort to impose an extremely high barrier before a Federal or State regulatory agency will revert back to requiring paper records. However, this does not diminish the test contained subsection (b)(3)(A). It, too, is intended to be an extremely high barrier for a Federal or State regulatory agency to meet before the technology neutrality provision is violated. It is intended that use of either of these tests will be necessary in only a very, very few instances. It is expected that Federal and State agencies take all action and exhaust all other avenues before exercising authority granted in paragraph (3).

Subsection (b)(4) exempts procurement by a Federal or State government, or any agency or instrumentality thereof from the technology neutral requirements of subsection (b)(2)(C)(iii).

Subsection (c)(1) makes clear that nothing in subsection (b), except subsection (b)(3)(B), allows a Federal or State regulatory agency to impose or reimpose any requirement that a record be in paper form.

Subsection (c)(2) makes clear that nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act.

Subsection (d)(1) provides authority to a Federal or State regulatory agency to exempt without condition a specified category or type of record from the consent provisions in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers. It is intended that the test under subsection (d)(1) not be read too limiting. There are vast numbers of instances when section 101(c) may not be appropriate or necessary and should be exempted by the appropriate regulator.

Subsection (d)(2) requires the Securities and Exchange Commission, within 30 days

after date of enactment, to issue a regulation or order pursuant to subsection (d)(1) exempting from the consent provision any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Section 104(e) provides that the Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid or unenforceable solely because an electronic records or electronic signature was used in its formation or authorization.

The Federal Communications Commission (FCC) has been very slow, even reticent, to clearly authorize the use of an Internet letter of agency for a consumer to conduct a preferred carrier change. As a result of the Commission's repeated failure to act on this matter, the conference report provides specific direction to the Commission to recognize Internet letters of agency for a preferred carrier change.

STUDIES

Senate bill

Section 7 of the Senate bill directs the Department of Commerce and Office of Management and Budget (OMB) to report to Congress within 18 months on Federal laws and regulations that might pose barriers to electronic commerce, including suggestions for reform.

House amendment

Section 104 of the House amendment directs the Secretary of Commerce (the Secretary), acting through the Assistant Secretary for Communications and Information, to conduct an inquiry regarding any State statute, regulation, or rule of law enacted or adopted after enactment on the extent to which such statute, regulation, or rule of law complies with section 102(b). Section 104(b) requires the Secretary to submit the report described in paragraph (a) at the conclusion of the five year period.

Section 104(c) requires the Secretary, within eighteen months after the date of enactment, to conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with the delivery of written records by the United States Postal Service and private express mail services. The Secretary shall submit a report to Congress regarding the results of such inquiry at the conclusion of the eighteen month period.

Conference substitute

The Senate recedes to the House with an amendment. Specifically, the conference report retains subsection 104(c) of the House amendment and redesignates it as section 104(a) of the conference report. Further, the conference report includes a new subsection (b) that requires the Secretary of Commerce and the Federal Trade Commission, within one year after date of enactment, to submit a report to the Congress analyzing: (1) the benefits provided to consumers by the consumer access test of the consent provision (section 101(c)(1)(C)(ii)); (2) any burdens imposed on electronic commerce by the provision, whether the benefits outweigh the burdens; (3) whether the absence of such procedure would increase consumer fraud; and (4) any suggestions for revising the provision. In

conducting the evaluation, the Secretary of Commerce and FTC shall solicit the comments of the public, consumer representatives, and electronic commerce businesses.

DEFINITIONS

Senate bill

Section 4 sets forth the definitions of terms used in the bill: "electronic;" "electronic agent;" "electronic record;" "electronic signature;" "governmental agency;" "record;" "transaction;" and "Uniform Electronic Transaction Act."

House amendment

Section 104 of the House amendment defines the following terms: "electronic record;" "electronic signature;" "electronic;" "electronic agent;" "record;" "Federal regulatory agency;" and "self-regulatory agency."

Conference substitute

The conference report adopts a substitute provision adopting definitions for the following terms: "consumer;" "electronic;" "electronic agent;" "electronic record;" "electronic signature;" "Federal regulatory agency;" "information;" "person;" "record;" and "transaction."

EFFECTIVE DATES

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report creates a general delayed effective date for the bill, and creates specific delayed effective dates for certain provisions of the bill. Subsection (a) establishes that, except as provided in subsections (b), the provisions of the bill are effective October 1, 2000. Subsection (b) delays the effective date of the records retention provision until March 1, 2001 unless an agency has initiated, announced, proposed but not completed an action under subsection 104(b)(3), in which case it would be extended until June 1, 2001. Subsection (b)(2) delays the effective date of this Act by one year with regards to any transaction involving a loan guarantee or loan guarantee commitment made by the United States Government. The one year delay was granted to permit the federal government time to institute safeguards necessary to protect taxpayers from risk of default on loans guaranteed by the federal government.

Subsection (d) delays the effective date of section 101(c) for any records provided or made available to a consumer pursuant to title IV of the High Education Act of 1965 until the Secretary of Education publishes revised promissory notes under section 432(m) of such Act or one year after the date of enactment, whichever is earlier.

TRANSFERABLE RECORDS

TRANSFERABLE RECORDS

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report adopts a new provision in recognition of the need to establish a uniform national standard for the creation, recognition, and enforcement of electronic negotiable instruments. The development of a fully-electronic system of negotiable instruments such as promissory notes is one

that will produce significant reductions in transaction costs. This provision, which is based in part on Section 16 of the Uniform Electronic Transactions Act, sets forth a criteria-based approach to the recognition of electronic negotiable instruments, referred to as "transferable records" in this section and in UETA. It is intended that this approach create a legal framework within which companies can develop new technologies that fulfill all of the essential requirements of negotiability in an electronic environment, and in a manner that protects the interests of consumers.

The conference report notes that the official Comments to section 16 of UETA, as adopted by the National Conference of Commissioners on Uniform State Laws, provide a valuable explanation of the origins and purposes of this section, as well as the meaning of particular provisions.

The conference report notes that, pursuant to sections 3(c) and 7(d) of the UETA, an electronic signature satisfies any signature requirement under Section 16 of the UETA. It is intended that an electronic signature shall satisfy any signature requirement under this provision, as well. The conference report further notes that the reference in section 201(a)(1)(C) to loans "secured by real property" includes all forms of real property, including single-family and multi-family housing.

Development and Adoption of Electronic Signature Products

TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE

Senate bill

Section 6 of the Senate bill sets out the principles that the United States Government should follow, to the extent practicable, in its international negotiations on electronic commerce as a means to facilitate cross-border electronic transactions.

Paragraph (1) advocates the removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996. Paragraph (2) permits that parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Paragraph (3) permits parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Paragraph (4) adopts a nondiscriminatory approach to electronic signatures.

House amendment

Section 201(a) of the House amendment directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to conduct an annual inquiry identifying: (1) any domestic or foreign impediments to commerce in electronic signature products and services and the manner and extent to which such impediments inhibit the development of interstate and foreign commerce; (2) constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products and services; and (3) the degree to which other nations and international organizations are complying with the principles in section 201(b)(2).

Under subsection (a)(2), the Secretary is required to report to Congress the findings of each inquiry 90 days after completion of such inquiry.

Section 201(b) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with designated principles. In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures, including those resulting from the inquiries required pursuant to subsection (a).

The designated principles are as follows: free-markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic signatures and electronic records; neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures; parties to a transaction should be allowed to establish requirements regarding the use of electronic records and electronic signatures acceptable to the parties; parties to a transaction should be permitted to determine the appropriate authentication technologies and implementation for their transactions with the assurance that the technology and implementation will be recognized and enforced; the parties should have the opportunity to prove in court that their authentication approaches and transactions are valid; electronic records and signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability because they are not in writing; *de jure* or *de facto* imposition of electronic signature and electronic record standards on the private sector through foreign adoption of regulations or policies should be avoided; paper-based obstacles to electronic transactions should be removed.

Section 201(c) requires the Secretary of Commerce to consult with users and providers of electronic signatures and products and other interested parties in carrying out actions under this section.

Section 201(d) clarifies that nothing requires the Secretary or Assistant Secretary to take any action that would adversely affect the privacy of consumers.

Section 201(e) provides that the definitions in section 104 apply to this title.

Conference Substitute

The conference report adopts a substitute provision. Section 301(a)(1) directs the Secretary of Commerce to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with the set principles listed in subsection (a)(2). In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures.

Section 301(a)(2) lists the principles as follows: (1) Removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996; (2) Parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Parties to a commercial transaction should be able to choose the appropriate authentication technologies and implementation models for their transactions. Unnecessary regulation of commercial transactions distorts the development and efficient operation of markets, including electronic markets. Moreover, the rapid development of the electronic marketplace is resulting in new business

models and technological innovations. This is an evolving process. Therefore, government attempts to regulate may impede the development of newer alternative technologies; (3) Parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Parties should have the opportunity to prove in court that the authentication methods that they select are valid and reliable; and (4) Adoption of a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

Section 301(c) directs the Secretary to consult with users and providers of electronic signature products and services and other interested parties. Section 301(d) applies the definitions of "electronic signature" and "electronic record" in section 107 to this title.

Increasingly, online transactions are not just interstate but international in nature and this creates a clear need for international recognition of electronic signatures and records that will not create barriers to international trade. Title III directs the Secretary of Commerce to take an active role in bilateral and multilateral talks to promote the use and acceptance of electronic signatures and electronic records worldwide. It is intended that the Secretary promote the principles contained in this Act internationally. However, it is possible that some foreign nations may choose to adopt their own approach to the use and acceptance of electronic signatures and electronic records. In such cases, the Secretary should encourage those nations to provide legal recognition to contracts and transactions that may fall outside of the scope of the national law and encourage those nations to recognize the rights of parties to establish their own terms and conditions for the use and acceptance of electronic signatures and electronic records.

There is particular concern about international developments that seek to favor specific technologies of processes for generating electronic signatures and electronic records. Failure to recognize multiple technologies may create potential barriers to trade and stunt the development of new and innovative technologies.

Unfortunately, international developments on recognizing electronic signatures are troubling. The German Digital Signature Law of July 1997 runs counter to many of the widely accepted principles of electronic signature law in the United States. For example, the German law provides legal recognition only to signatures generated using digital signature technology, establishes licensing for certificate authorities, and sets a substantial role for the government in establishing technical standards. Further, a position paper on international recognition of electronic signatures released by the German government (International Legal Recognition of Digital Signatures, August 28, 1998) seeks to apply these principles internationally. This policy statement reemphasizes the principle that uniform security standards are necessary for all uses of digital signatures regardless of their use, supports mutual recognition of digital signatures only to those nations which have a similar regulatory structure for certification authority, and fails to provide legal effect to electronic signatures generated by other technologies.

The European Community is considering a framework for the use and acceptance of electronic signatures for its member countries. "Directive 1999/93/EC of the European Parliament and of the Council of 13 Decem-

ber 1999 on a Community Framework for electronic signatures" lays out the European Community's approach to electronic signature legislation. Of particular interest is Article 7, International Aspects, which recognizes the legal validity of digital certificates issued in a non-European Community country. While international recognition of electronic signatures is important, there is concern that this approach will not recognize non-certificate based electronic signatures, such as those based on biometric technologies. The conference report notes that negotiations with the European Union on electronic signatures is a top priority.

COMMISSION ON CHILD ONLINE PROTECTION AUTHORITY TO ACCEPT GIFTS

Senate bill

The Senate bill contains no similar provision.

House amendment

The House amendment contains no similar provision.

Conference substitute

The conference report adopts a provision to amend section 1405 of the Child Online Protection Act by adding a new subsection (h), which allows the Commission on Online Child Protection to accept, use and dispose of gifts, bequests or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this conference report and urge its adoption by the House.

I want to begin by paying tribute to my good friend, the chairman of the committee, the gentleman from Virginia (Mr. BLILEY), for his leadership in this matter.

Pieces of legislation which would not have met the test of the public interest have been reformed in the conference, and his leadership has played a significant part in those events, for which I salute him and thank him.

The conference report confers legal validity on electronic signatures and contracts involving transactions in interstate commerce and allows required consumer disclosures and other records to be transmitted and retained by businesses electronically rather than on paper.

This is the most far-reaching e-commerce legislation to be considered by this Congress. No one could be more pleased nor indeed more surprised than I am at the successful outcome of this conference.

As I mentioned, we started with a version that was anti-consumer and opposed by the Democratic conferees, by the administration, by all the States and by consumer groups. The Department of Justice and the State attorneys general submitted letters to the conference committee, pointing out how the draft would have undermined the government's ability to enforce civil and criminal laws against waste, fraud and abuse and would have destroyed many popular laws protecting consumers.

What then happened? Under the leadership of our friend and colleague, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce and the chairman of the conference, and Senator JOHN MCCAIN, chairman of the Committee on Commerce in the other body, a majority of the Republican conferees agreed to address these concerns. They recognized that this legislation must have adequate consumer protections or consumers would never have the necessary confidence to make e-commerce work.

I also want to commend Senators HOLLINGS, SARBANES, WYDEN, and LEAHY for their outstanding work on these issues. Without their assistance, certainly this matter would have been concluded differently and probably unsuccessfully.

These joint efforts led to the adoption of strong consumer consent provisions. These provisions require that consumers affirmatively consent to receive information in electronic form. Furthermore, these provisions require that the consumer actually demonstrate its ability to be open and to gain access to the information in the format that it will be transmitted. Other consumer protections contained in the conference report include requirements relating to integrity of records and security to guard against tampering. Federal regulatory agencies may grant exemptions from the consent requirements under certain limited circumstances. Businesses may be required to maintain paper copies of contracts or records, if there is a compelling law enforcement or national security interest.

Moreover, many critical documents continue to be provided and retained on papers, such as wills, adoption, divorce matters, court orders, utility termination notices, foreclosure and eviction notices, insurance cancellation, product recalls, and warnings required to accompany transportation of hazardous materials.

I am happy to report that all Democratic conferees and a majority of our Republican conferees have agreed to the conference report which we are considering today.

The conference report is also supported by the administration, the States, and consumer groups.

This bipartisan conference agreement is balanced, and it is fair to businesses, fair to consumers. It should become law.

Let me discuss a few of the details of the agreement.

I want to draw my colleagues attention to some important provisions to which the Conferees agreed during the conference.

Scope of Requirement.—Section 101(a). In recommending that the House vote to pass this conference report, I would like to clarify for members the kind of transactions that are covered by the bill. You will note that the definition of "transaction" includes business, commercial, or consumer affairs. The Conferees

specifically rejected including “governmental” transactions. Members should understand that this bill will not in any way affect most governmental transactions, such as law enforcement actions, court actions, issuance of Government grants, applications for or disbursement of Government benefits, or other activities that the Government conducts that private actors would not conduct. Even though some aspects of such governmental transactions (for example, the Government’s issuance of a check reflecting a Government benefit) are commercial in nature, they are not covered by this bill because they are part of a uniquely governmental operation. Likewise, activities conducted by private parties principally for governmental purposes are not covered by this bill. Thus, for example, the act of collecting signatures to place a nomination on a ballot would not be covered, even though it might have some nexus with commerce (such as the signature collectors’ contract of employment).

General Rule of Validity.—Section 101(a)(1) and (2). The Conferees added the word “solely” in both sections 101(a)(1) and (2) to ensure that electronic contracts and signatures are not inadvertently immunized by this Act from challenge on grounds other than the absence of a physical writing or signature.

Preservation of Rights and Obligations.—Section 101(b)(1). The Conferees added a new Section 101(b)(1) which provides that this Title I does not “limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form.” This savings clause makes clear that existing legal requirements that do not involve the writing, signature, or paper form of a contract or other record are not affected by Title I. Thus, for example, a transaction into which a consumer enters electronically is still subject to scrutiny under applicable State and Federal laws that prohibit unfair and deceptive acts and practices. So, if a consumer were deceived or unfairly convinced in some way to enter into the electronic transaction, State and Federal unfair and deceptive practices laws might still apply even though the consumer was properly notified of their rights under Section 101(c) and consent to the electronic notices and contracts was properly obtained. In other words, compliance with the Act’s consumer consent requirements does not make it unnecessary for the transaction and parties to the transaction to comply with other applicable statutes, regulations or rules of law.

Preservation of Rights and Obligations.—Section 101(b)(2). The Act specifically avoids forcing any contracting party—whether the Government or a private party—to use or accept electronic records and electronic signatures in their contracts. Thus, for example, where the Government makes a direct loan, the bill would not require the use or acceptance of electronic records or signatures in the loan transaction, because the Government would be a party to the loan contract. The Conferees recognized that, in some instances, parties to a contract might have valid reasons for choosing not to use electronic signatures and records, and it is best to allow contracting

parties the freedom to make that decision for themselves.

Protections Against Waste, Fraud and Abuse.—Sections 101(b)(2), 102(b) and 104(b)(4). Members should note that several provisions of the conference report are designed to address concern about protecting taxpayers from waste, fraud and abuse in connection with government contracting or other instances in which the Government is a market participant. For example, Sections 101(b)(2) 102(b) and 104(b)(4) and others give agencies significant latitude to accept, reject, or place conditions on the use of electronic signatures and records when the Government is acting like a market participant.

Consent to Electronic Record.—Section 101(c)(1). The House bill included an amendment that required that consumers affirmatively consent before they can receive records (including required notices and disclosures and statements) electronically that are legally required to be provided or made available in writing. Among other changes to this section made in conference, the Conferees added an important new element: Section 101(c)(1)(C) of the conference report requires that the consumer “consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent.” The purpose of this provision is to ensure that, when consumers agree to receive notices electronically, they are able to make an informed decision and that they can actually open, read, and retain the records that they will be sent electronically.

Today, many different technologies can be used to deliver information—each with its own hardware and software requirements. An individual may not know whether the hardware and software on his or her computer will allow a particular technology to operate. (All of us have had the experience of being unable to open an e-mail attachment.) Most individuals lack the technological sophistication to know the exact technical specifications of their computer equipment and software, especially if they are not at home when consent is sought. For these reasons, it is appropriate to require companies to establish an “electronic connection” with their customers in order to provide assurance that the consumer will be able to access the information in the electronic form in which it will be sent. This one-time “electronic check” can be as simple as an e-mail to the customer asking the customer to confirm that he was able to open the attachment (if the company plans to send notices to the customer via e-mail attachments) and a reply from the customer confirming that he or she was able to open the attachment. This responsibility is not unduly burdensome to e-commerce. As a matter of good customer relations, any legitimate company would want to confirm that it has a working communications link with its customers.

Preservation of Consumer Protections.—Section 101(c)(2)(A). The Conferees preserved an important provision from the House bill which provides that: “nothing in this title affects the content or timing of any disclosure or other record required to be provided or made

available to any consumer under any statute, regulation, or other rule of law.” So, for example, if a statute requires that a disclosure be provided within 24 hours of a certain event and that the disclosure include specific language set forth clearly and conspicuously, that requirement could be met by an electronic disclosure provided within 24 hours of that event, which disclosure included the specific language, set forth clearly and conspicuously. However, simply providing a notice electronically does not obviate the need to satisfy the underlying statute’s requirements for timing and content.

Retention of Contracts and Records.—Section 101(d)(1) and Section 104(b)(3). The Conferees added provisions that state: “if a statute, regulation, and other rule requires that a contract or other record relating to a transaction . . . be retained,” the requirement is met by retaining an electronic record of the information that “accurately reflects the information” and “remains accessible” to all who are entitled to it “in a form that is capable of being accurately reproduced for later reference. . . .” Moreover, Federal or State regulatory agencies may interpret this requirement to specify performance standards to “assure accuracy, record integrity, and accessibility of records that are required to be retained.” Moreover, these performance standards can be specified in a manner that does not conform to the technology neutrality provisions, provided that the requirement serves, and is substantially related to the achievement of, an important governmental objective. These record retention provisions are essential to the capacity of federal and State regulatory and law enforcement agencies to ensure compliance with laws. For example, the only way in which a Government agency can determine if participants in large Government programs are complying with financial and other requirements of those programs may be to require that records be retained in a form that can be readily accessible to government auditors. Similarly, agencies must be able to require that companies implement anti-tampering protections to ensure that electronic records cannot be altered easily by money launderers or embezzlers or others seeking to hide their illegal activity. Without the ability of these agencies to ascertain program compliance through electronic record retention, taxpayers could be exposed to far greater risk of fraud and abuse. Similarly, bank and other financial regulators need to require that records be retained in order that their examiners can insure the safety and soundness of the institutions and their compliance with all relevant regulatory requirements. The standards set forth in the SEC’s existing electronic recordkeeping rule, Rule 17a-4(f), such as the requirement that an electronic recordkeeping system preserve records in a non-rewritable and non-erasable manner, are essential to the SEC’s investor protection mission and are consistent with the provisions of the conference report. The Conferees also expect the SEC to work with the securities self-regulatory organizations (SROs) to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104(b)(3)(B) of the conference report permits Federal regulatory agencies to interpret the law to require retention of written records in paper form, if there is a compelling governmental interest in law enforcement for imposing such requirement, and if imposing such requirement is essential to attaining such interest. The Conferees expect the SEC would be able to use this provision to require brokers to keep written records of agreements required to be obtained by the SEC's penny stock rules.

Exemptions to Preemption.—Section 102(a). This subsection expressly gives the States the authority to modify, limit or supersede provisions of Section 101 in certain ways if the State enacts the provisions of the Uniform Electronic Transactions Act as approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999 (UETA).

Prevention of Circumvention.—Section 102(c). Under Section 102(a), States may supersede this Act if they adopt UETA, subject to certain limitations section forth in Section 102(a). Section 8(b)(2) of UETA allows States to impose delivery requirements. Section 102(c) makes clear that States retain the authority provided under Section 8(b)(2), provided that the State does not circumvent Titles I or II of this Act by imposing nonelectronic delivery methods. Thus, provided that the delivery methods required are electronic and do not require that notices and records be delivered in paper form, States retain their authority under Section 8(b)(2) of UETA to establish delivery requirements.

Filing and Access Requirements.—Section 104(a) of the conference report protects standards and formats developed by a Federal regulatory agency, self-regulatory organization, or State regulatory agency for records required to be filed with it. Thus standards and formats developed by the SEC for electronic filings for systems such as EDGAR and IARD, and similarly, the CRD system, a joint federal-state system for registering securities firms and their personnel, all would be covered by Section 104(a). The standards and formats for EDGAR, the IARD, and the CRD have been developed over many years, and both the SEC and securities industry have expended significant resources to make these complex systems work for regulators and investors alike. The importance of this provision has been intensified by the very real threat of security breaches by computer hackers.

Preservation of Existing Rulemaking Authority.—Section 104(b). This Act will affect requirements that are imposed by Federal and state statutes, regulations, and rules of law. No one agency is charged with interpreting its provisions; instead, under Section 104(b), regulatory agencies that have authority to interpret other statutes may interpret Section 101 with respect to those statutes to the extent of their existing interpretative authority. This provision provides important protection to both affected industry and consumers. It is impossible to envision all of the ways in which this Act will affect existing statutory requirements. This interpretative authority will allow regulatory agencies to provide legal certainty about interpretations to affected parties. Moreover, this authority will allow regulatory agencies to

take steps to address abusive electronic practices that might arise that are inconsistent with the goals of their underlying statutes. For example, if a broker were to deceive a person into pledging equity in their home for a loan based on false representations about the loan's terms and conditions, the broker's action could be challenged under any applicable statute that prohibited such deception and false representations, even if the consumer executed the loan documents electronically and consented to the use of the electronic contract and records in compliance with the terms of this Act. Without this authority, predators might argue that this Act somehow immunizes the abusive practice, notwithstanding the underlying statutory requirement, and consumers and competitors would have to wait for resolution of the issue through litigation.

I would also like to clarify the nature of the responsibility of Government agencies in interpreting this bill. As the bill makes clear, each agency will be proceeding under its preexisting rulemaking authority, so that regulations or guidance interpreting section 101 will be entitled to the same deference that the agency's interpretations would usually receive. This is underlined by the bill's requirements that regulations be consistent with section 101, and not add to the requirements of that section, which restate the usual Chevron test that applies to and limits an agency's interpretation of a law it administers. Giving each agency authority to apply section 101 to the laws it administers will ensure that this bill will be read flexibly, in accordance with the needs of each separate statute to which it applies.

Any reading under which courts would apply an unusual test in reviewing an agency's regulations would generate a great deal of litigation, creating instability and needlessly burdening the courts with technical determinations. Likewise, because these regulations will be issued under preexisting legal authority, any challenges to those regulations will proceed through the methods prescribed under that preexisting authority, whether pursuant to the Administrative Procedure Act or some other statute. Again, this will ensure that any challenges to such regulations are resolved promptly and minimize any resulting instability and burden. Of course, such regulations must satisfy the requirements of the Act.

Authority To Exempt From Consent Provision.—Section 104(d)(1) and (2). It is my understanding that the conference report's consent provisions are similar to much of the SEC's guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting the consent provisions anticipated by the conference report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same Web site as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a Web site as they are today under SEC guidance for electronic delivery.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to express my strong support for S. 761, the Electronic Signatures in Global and National Commerce Act. This legislation marks a critical positive step towards promoting the growth and development of electronic commerce which has emerged as the driving force in our Nation's economy.

Today there are approximately 17 million households on-line and that number is expected to almost triple by 2004. Revenue generated from the Internet increased by 62 percent and totaled \$524 billion in 1999. That figure is likely to reach \$850 billion by the end of 2000 and a staggering \$1.6 trillion by 2003.

Now what these figures demonstrate is the seemingly boundless potential that electronic commerce has to offer our economy in terms of both economic prosperity and ease of communication. Our computers are windows to a diverse and limitless electronic venue that mimics the traditional free market but which is still developing in terms of the parameters under which consumers and businesses interact with each other.

The E-Sign bill adopts one of the most critical components of any successful market economy to the digital environment: The existence of the rule of law and the enforcement of written agreements and transactions that follow predetermined rules of notice, disclosure rights and obligations. All other things being equal, when parties know that the signatures guarantee accountability, that they gain benefits, and at the same time undertake certain obligations in return, their behavior is necessarily shaped by the certainty which results when parties are contractually bound. Of course, this paradigm which has been rooted in common law for centuries and dominates contracts course work during the first year of law school, is the essence of paper-based contracts and transactions.

Now, as we enter the digital age and the dynamic electronic marketplace expands, the absence of a uniform legal mechanism for digital signatures and records threatens to restrain the booming commerce that is taking place over the Internet.

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With the Internet as the marketplace of the 21st century, increasing its use depends on developing and retaining consumer and business confidence in the legal enforcement of digital signatures.

S. 761 creates this necessary legal certainty. By allowing American businesses and individuals the ability to engage in commerce, knowing that their transactions are full and legal and valid, I believe we will see enormous savings to business, greater efficiency in the market, and faster paperless transactions that will translate into lower costs for consumers.

Another important objective in passing this legislation is the assurance that American principles on the use and acceptance of electronic signatures and records will be emulated overseas, ensuring that American businesses will not be put at a competitive disadvantage by restrictive foreign laws.

Let me finish by thanking the gentleman from Virginia (Mr. BLILEY), who has worked very hard to bring this well thought-out and critical measure to the floor today. S. 761 is an important step in reconciling our legal system with modern-day technology. It is essential to fostering the continued growth of electronic commerce that is propelling America's economic prosperity in the Information Age. I urge all my colleagues to vote in favor of this conference report.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from Michigan (Mr. DINGELL), our senior Democrat in the Congress, for yielding me this time and for his strong support of this conference report.

Mr. Speaker, the Internet has become an integral part of our daily lives at work and at home. Because of the Internet, the American people have access to services and information that were unheard of 5 or 10 years ago. Approval of this conference report is a step towards ensuring that American businesses and consumers are able to take the fullest advantage of the digital revolution by being able to contract as well as to communicate over the Internet.

This legislation promotes the use of electronic signatures by providing a consistent and predictable national framework of rules governing the use of electronic signatures. It will provide consumers and companies doing business on the Internet legal certainty over electronic signatures until all 50 States pass their own legislation on the legality of electronic transactions under the Uniform Electronic Transaction Act.

It is not an attempt to regulate electronic commerce. It merely declares the validity of electronically created contracts and records. But it retains individual choice and personal security. As the supportive statements of the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking Democrat, have underscored, this is balanced, bipartisan legislation that will allow the American people to utilize the Internet to its fullest potential. So I urge a unanimous vote on this conference report.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee.

Mr. TAUZIN. Mr. Speaker, let me first thank the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce and the leader of our conference with the Senate, for the production of this incredibly, I think, historic act today. Let me also thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY), who joined the gentleman from Ohio (Mr. OXLEY) and I as the five Members of the conference committee who duked it out with 17 Senators on the conference committee in order to produce this, I think, very good result, and, as I said, which we endorse today, albeit the fact that we believe at some point we are going to have to come back and make some repairs in it in order to make sure this does not become a haven for civil class-action lawsuits.

Having said that, let me also use this moment to pay special homage and thanks to the gentleman from Richmond, Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, who is today adding another star on the chest of this warrior for telecommunications reform.

The gentleman from Virginia (Mr. BLILEY), as my colleagues know, was our chairman when he produced the historic 1996 Telecommunications Act that rewrote the 1930s laws on telecommunications, something we have been trying to do for a decade, and accomplished under his chairmanship.

The gentleman from Virginia (Mr. BLILEY) recently produced for us the conference report and the final action on the bill to deregulate satellites in this country and around the world, and that was an amazing and important accomplishment of his tenure.

I mentioned earlier the on-line privacy acts that are going to provide Americans with much more security and privacy as they enter this new world of electronic commerce. Much of it is the work of the gentleman from Virginia (Chairman BLILEY).

The national 911 bill that will provide a national number for people to call in terms of emergencies on the Nation's highways is a product of his tenure as chairmanship; now this historic digital signature act of the year 2000.

But the gentleman from Virginia (Mr. BLILEY) is not through. This afternoon, we take up anti-spam legislation to protect Americans on the Internet from the avalanche of damaging and very disruptive spam operations that hurt electronic commerce and damage our capacity to use the Internet efficiently to communicate with one another.

He is a cosponsor with me of the Truth in Billing Act to do something about making sure the telephone company bills we get clearly disclose what all those charges are about so Americans understand what is on that massive and complicated telephone bill.

The gentleman from Virginia (Mr. BLILEY) has been truly a warrior of the telecommunications reform.

Today, we not only celebrate a historic, I think, beginning of making sure that electronic commerce is secure and legal and binding into the future, but I also see the gentlewoman from California (Ms. ESHOO), who I want to commend for her early work on this issue for many years. But today we not only celebrate the passage of this act, we celebrate, as the gentleman from Virginia (Mr. BLILEY) is nearing his retirement, an incredible series of accomplishments on behalf of the chairman of our Committee on Commerce.

Mr. Speaker, today I rise in support of the Conference Report to accompany S. 761, the "Electronic Signatures in Global and National Commerce Act." This historic legislation, I believe, will promote the growth of electronic commerce and the Internet economy.

For the first time in our nation's history, this legislation mandates that electronic signatures and records may take the place of handwritten signatures and hard, or paper, documents. And for the first time in our history, electronic signatures and records will have full legal validity.

This bill, once enacted into law, will bring enormous savings to business through greater efficiency, faster transactions, and reduced paperwork. Moreover, consumers will save from lower transactions costs.

S. 761, I must also mention, provides for extensive consumer protection. Not only are existing state and federal consumer protection laws unaffected, but the provisions regarding consent afford consumers with the greatest possible safeguards against fraud imaginable. Consumers must opt-in to electronic transactions, receive full disclosure of terms and conditions, and ultimately prove that they can electronically access and retain the information that is the subject of the consent. I submit that in all my time in Congress, I have never seen a more involved statutory framework for purposes of manifesting consent.

In addition, S. 761 does not ignore international developments. It directs the Secretary of Commerce to examine foreign laws that may be an impediment to the use and acceptance of electronic signatures and records. The Secretary must also promote e-signatures overseas and work to remove the foreign barriers and impediments to commerce in electronic signatures and records.

Finally, this legislation before us technology neutral. Mr. Speaker, in developing this legislation, the Conference Committee recognizes that certain technologies are more secure than others. The Committee also recognizes that consumers and businesses must as well be free to select the technology that is most appropriate for their particular needs, taking into account the importance of a transaction, the special nature of a transaction, and the corresponding need for assurances. To this extent, S. 761 is consistent with the "Government Paperwork Elimination Act" that we passed last Congress.

Mr. DINGELL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I would like to engage in a colloquy, if I may, with the gentleman from Virginia (Mr. BLILEY) on the consumer consent provision in the conference report on electronic signatures.

Is it the understanding of the gentleman from Virginia, Mr. Speaker, that pursuant to subsection 101(c)(1)(C)(ii) of the conference report, a consumer's affirmative consent to the receipt of electronics records needs to "reasonably demonstrate" that the consumer will be able to access the various forms of electronic records to which the consent applies?

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from Virginia.

Mr. BLILEY. Yes, Mr. Speaker. The conference report requires a "reasonable demonstration" that the consumer will be able to access the electronic records to which the consent applies. By means of this provision, the conferees sought to provide businesses and consumers with a simple and efficient mechanism to substantiate consumers' ability to access the electronic information that will be provided to them.

Mr. MARKEY. Mr. Speaker, I agree. The conferees did not intend that the "reasonable demonstration" requirement would substantially burden either consumers or the person providing the electronic record. In fact, the conferees expect that a "reasonable demonstration" could be satisfied in many ways.

Does the gentleman from Virginia agree with me that conferees intend that the reasonable demonstration requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mail response to the provider of the electronic records that he or she can access information in the attachments?

Mr. BLILEY. Mr. Speaker, will the gentleman further yield?

Mr. MARKEY. I yield to the gentleman from Virginia.

Mr. BLILEY. Yes, Mr. Speaker. An e-mail response from a consumer that confirmed that the consumer can access the electronic records in the formats provided to the consumer as e-mail attachments would satisfy the reasonable demonstration requirement.

Mr. MARKEY. Mr. Speaker, does the gentleman from Virginia also agree

with me that the reasonable demonstration requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses records in the relevant electronic format?

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Yes, Mr. Speaker. The requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses the information contained in electronic records in the relevant format.

Mr. MARKEY. Mr. Speaker, on another matter, with respect to penny stocks, would the gentleman from Virginia agree that conference reports preserve the ability of the SEC to require written customer statements with respect to a purchase of penny stocks, as was required in the House-passed version of this bill?

Mr. BLILEY. Mr. Speaker, if the gentleman will yield, the gentleman from Massachusetts is correct. Following enactment of the Penny Stock Reform Act of 1990, the SEC has developed a cold call rule that requires brokers to obtain a signed customer statement regarding any penny stock to be purchased before any transaction takes place.

In addition, customers are provided with important written disclosures involving risks of investing in penny stocks. Section 104 of the conference report specifically permits Federal regulatory agencies, such as the SEC, to interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such a requirement and if imposing such a requirement is essential to attaining such interest. The conferees expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rule.

Mr. MARKEY. Mr. Speaker, without question, penny stocks are a very special category of extremely dangerous investments that I think will require that the SEC needs to be able to ensure additional disclosure and agreements to continue to be done in writing to help protect consumers against fraud and facilitate the SEC securities law enforcement mission. I thank the gentleman from Virginia (Mr. BLILEY) very much for his assistance.

The SPEAKER pro tempore (Mr. GIBBONS). The Chair advises the Members that the gentleman from Virginia (Mr. BLILEY) has 18 minutes remaining, and the gentleman from Michigan (Mr. DINGELL) has 22 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the E-Sign conference report. This legislation is deceptively simple. It provides that anywhere in law a written signature or paper record is required, that requirement can be satisfied by an electronic signature or electronic record. Other than repealing some of our law school educations, this legislation provides a real future for electronic commerce.

Its application is clearly sweeping. It will promote legal certainty in all on-line transactions. In so doing, it will accelerate the growth of electronic commerce. E-Sign is a rare example of legislation in which Congress is being proactive rather than reactive.

Because the access to financial information has improved dramatically, the Internet provides significant opportunities for more Americans to become directly involved in the capital markets.

Be it trading stocks on-line, assembling a retirement portfolio or getting a mortgage on-line, E-Sign will allow consumers to do it faster, cheaper, and better.

Today, millions of Americans trade securities and manage their investments on-line. The cost savings to investors are enormous. Full-service brokerage can cost as much as \$400 per trade. On-line brokerage costs less than \$10 per trade at some firms.

One goal of E-Sign is to allow consumers to open accounts on-line without mandating a physical signature or a brokerage agreement and mailing it back to the broker. E-Sign will lower transaction costs to firms and improve the audit trail for customers.

E-Sign will also facilitate an increase of the provision of insurance products on-line and provide for on-line mortgages. It has been estimated that consumer savings will amount to \$5 billion in mortgages alone.

I want to highlight two other provisions to which I contributed. The first is the amendment that I sponsored to allow letters of agency, or LOAs, to be submitted over the Internet for the purpose of changing telecommunications carriers.

The second provision of which I took special interest is intended to limit the liability exposure of insurance agents so they are not liable for deficiencies in electronic procedures.

I want to take this opportunity to commend the gentleman from Virginia (CHAIRMAN BLILEY) for his leadership once again on this important legislation. It is a fitting legacy to his chairmanship, along with Gramm-Leach-Bliley, Litigation Reform, and the Telecommunications Act, among many others. Under the gentleman's leadership, the Committee on Commerce has become the e-commerce committee.

I also want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Louisiana (Mr. TAUZIN) for their work on the conference.

E-Sign is not just a bill that will benefit companies that develop new technology. It will also help American businesses, large and small, use technology to develop their businesses and provide new and innovative services to consumers.

This is a proud day for the Congress, a proud day for the Committee on Commerce.

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Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and also the gentleman from Virginia (Mr. BLILEY), the chairman of the committee, for their yeomen's efforts on this bill.

Our signature is our word. It binds all agreements. The signatures of our forefathers freed our country. Today, in many respects, we are going to free the American consumer. The legislation before us today will allow an electronic signature to replace a written signature for many business transactions.

The electronic signature, in many instances, will speed transactions between consumers and businesses across States and across nations. Not having to sign and mail important documents does come, however, at a price. As a member of the Committee on Commerce and the Subcommittee on Telecommunications, Trade, and Consumer Protection, I supported ensuring that consumers are protected from the fraudulent use of their name. To this end, a balanced disclosure policy that allows consumers the choice of receiving important documents either on paper or electronically has been incorporated in this legislation.

While there are a great many people in this country that are computer literate, there are those that are more comfortable in signing their names to paper. This bill accommodates those people. I also want to point out that not all documents are eligible for the electronic signature. Wills, court orders, foreclosures, termination of health benefits are just examples of the documents that must be delivered and signed directly by the consumer.

This legislation will continue our progress into the new digital millennium, and I am pleased the conference committee produced this solid bipartisan legislation that helps and protects the American consumers.

Mr. Speaker, this is a good piece of legislation, and again I thank the chairman of the committee and also our ranking member for their efforts on this.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and let me thank the Committee on Commerce for another very, very good piece of legislative work. Not only was it an outstanding job in committee, preparing this bill for the floor, but even in the sometimes more rigorous business of working with the other body in conference committee we find the dedication of the committee to be excellent, and we have before us an excellent product.

Mr. Speaker, we live in a world of innovation and invention that boggles the mind. Each day we use dozens of new technologies that we would not even have imagined a few short years ago. Today, we are removing government obstacles that prevent consumers and businesses from making the most of these wonders of technology. We are checking off a major item in our e-contract with high-tech America.

Most of us see the advantages of technology in our daily lives as consumers, but there is a larger, invisible benefit: Increasing productivity in every business in America. Our modern economy makes it possible for a business to go on-line and order supplies quickly and accurately. It is simple and it is paperless, with one little hitch: Today, no sale is a legal contract without a piece of paper on file somewhere. The materials are ordered, the products are custom made, the special delivery instructions are carried out, all with just a few strokes of the keyboard. But for legal backup that paper must always be stored in a file cabinet somewhere.

This bill changes all that. Now, an electronic document will be considered a contract for legal purposes. A simple change with a dramatic impact. Just think of all those file cabinets full of purchase orders and invoices that will be no longer needed.

Consumers will see the benefits in their lives, too. Today, they can go on-line to buy a car, do all the research, figure out what they want to buy and find the exact car they want among all the dealerships nationwide. But when they go to finally settle on the deal, today, they have got to commit pen to paper and wait on regular mail.

A consumer can go on-line to research and find a mortgage but, again, that last step must be on paper and delivered by snail mail. We can get a world of information on mutual funds by searching on-line; but, again, that last step has to be on paper, delivered by the post office.

This bill changes all that. It eliminates the paper, the delay, the inconvenience by letting the consumer open that account on-line, confident that the transaction has the same standing

in law as if they had signed a contract on paper at a bank or investment company. More importantly, we consumers can choose to have information about our accounts sent to us electronically rather than on paper. Instead of storing shoe boxes full of monthly statements, we can receive statements by e-mail and save them on our computers.

With this bill, Mr. Speaker, each of us will have increased confidence that an on-line transaction has the same legal standing as if we had traveled down to the bank, stood in line for an hour, and signed a bunch of papers. What we get from this bill, Mr. Speaker, is paperless transactions. What we receive is electronic records. With this bill, we save our time, we save frustration, and we save trees.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the ranking member, who is also the dean of our caucus, for his leadership on this issue and so many others and, of course, the gentleman from Virginia (Mr. BLILEY).

We are at the beginning of a new century which is more information, more wired, and technology driven. Our evermore global new economy is changing the way Americans work and communicate with each other. This conference committee report is part of that change, and I fully endorse it.

This legislation knocks down another barrier to a fully incorporated digital information-based economy. The bill requires that e-signatures be treated legally, the same as written ones, for commercial contracts, agreements and records. For consumers, this bill means less paperwork, major time savings and reduced costs. This will greatly increase the attractiveness and efficiency of on-line commerce.

An important privacy protection will require consumers to opt in to receive records electronically. This strikes an important balance, ensuring that consumers' interests are adequately protected as transactions are increasingly completed in digital form.

While the information economy is changing the way people live around the world, it is having an even more profound impact on the congressional district in New York City, which I represent, particularly the silicon alley area. The technology industry is responsible for 100,000 new jobs in New York City alone in the 1990s. These are highly desirable, professional jobs that are an important addition to our city. This bill is an important step in keeping this progress moving forward.

I thank the conferees for their important work on this bipartisan issue, and I urge its passage.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), a member of the committee and chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this conference report. I would like to thank the chairman of the full committee for his leadership of our House effort in the House-Senate conference. It is a very, very important step for this Congress that we are completing action on this legislation.

The growing use of the Internet, of course, gave rise to the need for this legislation. It created questions about whether or not a piece of paper, pen and ink, would be necessary in order to make a contract that otherwise was negotiated and agreed to on-line.

We have just started a new millennium. In the last millennium, several centuries ago, there were similar questions about whether one could form a contract in some way other than with a stamp and hot wax, and I am happy to say that with such high-tech inventions as the ballpoint pen at hand, legislatures all over the world recognized the efficiency of permitting people to make agreements that were legally binding without a stamp and hot wax. Now, in the 21st century, we are asking ourselves again whether the latest technology will be sufficient to form an agreement. We have agreed that the answer must be yes.

No longer will there be inconsistency among the 50 States over the question of whether a contract is a contract just because it was made over the Internet. Now, an electronic signature, that is an individual's agreement given on-line, will be just as legally valid as the handwritten signature. And this is a good thing, because they are not just mere substitutes for one another.

In fact, an electronic signature is more secure. Present-day technology permits us to ascertain more accurately whether or not the individual is actually the person making the agreement or whether the person at the other side of the contract is the contracting party much more so than signatures, which can more easily be forged. Digital signatures also permit us to ascertain whether or not the contract itself is the very contract that we thought we were signing or whether it has been altered in some way. These are real benefits over paper and ink.

There is one other thing about this conference report that is worth mentioning, and that is that it permits the parties themselves to agree on the specific technologies that they find satisfactory in coming to a meeting of the minds. When we pass legislation that is going to be valid not just for a month or for a year; but for the indefinite future, it is vitally important we permit technology to advance, that we not impede it with our legislative enactments. And this flexibility, my colleagues, I think, is a very important aspect of this legislation.

Finally, I am pleased that this legislation directs the Commerce Depart-

ment, the executive branch of our government to work with foreign governments to make sure that this rule, which will now apply in the 50 States, also applies worldwide.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of this very important conference report that is before us today. As so many of my colleagues have mentioned, we have moved into a new era, from pen and quill, from wax, from all kinds of imprints that would conclude a contractual agreement between parties.

Back in 1996, I believe I was the first to establish a virtual district office, where constituents could go on-line to fill out the government forms. But I very quickly realized that they could not sign off on these forms. So it was in that Congress that I brought to my colleagues the whole issue of digital signatures.

The government now, because of the legislation that I had introduced in the last Congress, and it became law, now allows for digital signatures. But today, this legislation, very importantly, recognizes that electronic commerce is here, here to stay, and that we, too, have to extend across the States to businesses and to individuals the allowance of what we now call a digital signature.

I am very proud of the work that we did that is reflected in the legislation that I introduced, and building on it, of course, what our chairman and so many others have done. Two very important aspects of this legislation are that the financial services community is included in this and, very importantly, that there are consumer protections. Our chairman accepted the work that some of us did. There was a very important amendment that the gentleman from Washington (Mr. INSLEE), the gentleman from Virginia (Mr. MORAN), myself, and others introduced. That strengthened the backbone of this bill. It has made it better for the consumer. It has made it better for our Nation. I salute him for his leadership.

Mr. Speaker, I thank those that have worked as conferees and have held onto this. And I think that as we embark upon this Internet revolution, this new economy, that there are more challenges upon us. And I think the first, and one of the major steps, is being taken today. So I urge my colleagues to accept this conference report. It is a very important one.

I look to the future of building on the issues of privacy, of cyber security, of intellectual property, of copyright and also of financial reporting standards. Please vote for this. This is a step that matches the new century, and I salute our chairman for his leadership on it.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New

York (Mr. FOSSELLA), a member of the committee.

□ 1215

Mr. FOSSELLA. Mr. Speaker, I thank the chairman of the committee for yielding me the time and to add to those who have said prior how this will add, I think, to a wonderful legacy that the gentleman from Virginia (Chairman BLILEY) has earned as chairman of the Committee on Commerce and the ranking member and others who participated.

Mr. Speaker, I rise today in support of the conference report to S. 761, the Electronic Signatures in Global and National Commerce Act.

The most recent Commerce Department report on the digital economy released last week was aptly titled Digital Economy 2000. Interestingly, this is a change from the two previous reports, which were entitled The Emerging Digital Economy.

The Commerce Department's reasoning for the title change was simple: the digital economy is no longer emerging but, rather, it has already arrived.

The Electronic Signatures in Global and National Commerce Act, better known as E-SIGN, is the most important step that Congress has taken to date ensuring that not only the benefits of the digital economy are sustained but, more importantly, that those benefits are grown and enhanced substantially.

By according electronic records and signatures the same legal effect and enforceability as those enjoyed by non-electronic records and signatures, E-SIGN enables more complex transactions to take place among a wider range of economic participants.

For example, the American consumer no longer will be limited to purchases of books or CDs on-line. Rather, with the enactment of E-SIGN, the American consumer can participate in complex on-line transaction, such as the purchase of a home, a life insurance policy, or the establishment of an IRA, to name but a few.

Moreover, E-SIGN will empower small businesses to more effectively compete with large corporations. Those businesses will be empowered to engage in on-line transactions which are more complex in nature and greater in value.

Both the American consumer and the small businessman can more fully harness the efficiencies and the value of the digital economy with E-SIGN.

America's larger economies will also benefit from the added legal certainty brought to the digital marketplace with E-SIGN.

With that, and for all those reasons mentioned above, Mr. Speaker, I urge strong support of this legislation.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am very pleased to rise in support of passage of the conference report.

When the bill first came before the House, I had some very serious concerns that it might undermine the many consumer laws that we have fought hard to develop, the laws that are the very basis of relationships of trust between consumers and merchants.

At that time, many of us warned that a bill unfriendly to consumers would not be good for the very industries that wanted it, those moving into the new world of electronic commerce.

Validating electronic signatures and contracts is essential for the continued growth and security of e-commerce. But this important goal is expanded by some with the aim of eliminating virtually all paper requirements; and that expansion, to my way of thinking, was excessive.

For instance, H.R. 1714 as originally passed allowed regulated industries to eliminate paper records but did not require businesses to maintain their records in a form that could be accessed by government regulators.

Our efforts to oppose the worst of this legislation have led to a very good result. The conference has reshaped the bill to protect consumers from fraud and to provide assurances that consumers will know their legal rights before they opt-in in receiving electronic records, understand what records will be affected, and to be able to get the records in paper should they need to.

Further, the report preserves State and Federal unfair deceptive practices laws.

The conference report establishes a principle that the Internet must be a safe place for consumers. I credit my Democratic colleagues, the gentleman from Michigan (Mr. DINGELL) and his other colleagues on the conference committee, for defending the need to preserve consumer protections and the excellent leadership of the gentleman from Virginia (Chairman BLILEY) in achieving an appropriate balance in an excellent piece of legislation.

I am confident that, in passing this report, we will be passing a bill that will enable electronic conference to go ahead without undermining consumer protections or the Government's ability to fulfill its role in industry oversight. A very good job has been done by the conference committee.

I urge the passage of the bill.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman from Virginia (Chairman BLILEY) for the leadership he has shown in bringing

this bill to the floor and all the other achievements in this Congress and previous Congresses. We are going to miss him. And again, I appreciate seeing him in this real successful effort.

The gentleman from Michigan (Mr. DINGELL), the ranking member, has been great. A lot of people have worked on this conference report. I and the American public appreciate that very much.

I certainly am in strong support of the bipartisan conference report on the Electronic Signatures in Global and National Commerce Act. I am delighted to see such a comprehensive agreement has been reached.

The fast growth of electronic commerce that has fueled the economic boom in recent years needs to be fostered, and this bill does that.

By validating electronic contracts, placing them with an equal legal standing as paper contracts, while assuring essential consumer protections, this conference report will further ensure that the scope of private enterprise on the Internet remains limited only by imagination. All of these elements have been considered.

As the States continue to set up their own regulations, Federal guidelines need to be in place which establish a framework for handling electronic signatures. I am encouraged that such a mechanism has been constructed that does not impede on the State's role of protecting consumers and the solvency of our Nation's financial institutions.

This legislation in many ways is a recognition of a new era of human history. For thousands of years, paper has been the foundation of commerce. All contracts and official records needed to be physically kept. They had to make their mark in ink.

But every day more shopping, lending, and a myriad of other business transactions are conducted over the Internet. The concept is simple, but it signifies a major change. The pen is replaced by the keyboard. The paper is replaced by disk drives. The result is the promotion of e-commerce and the high-tech explosion that has so drastically altered today's society.

This conference report, however, does not take this step lightly. There is an understanding of the newness of the medium. And to balance the concerns of cautious consumers, the legislation includes provisions meant to protect their interests.

For instance, businesses must receive the consumer's consent before they conduct their dealings electronically. Also, very sensitive information still must be transmitted physically. Cancellation or termination of health insurance cannot be done via e-mail.

As is often the case, society acts and Congress follows. By enacting this legislation today, we begin to remove some barriers to the electronic revolution to clear the Internet open for business.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise with a note of personal satisfaction that the House has been able to succeed in fashioning a true bipartisan bill. I think that is largely due to the efforts of the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from Virginia (Chairman BLILEY). Their years in service and experience have really paid off here in leading this House to be able to find this consensus.

Sometimes new Members, like myself, need to recognize the ability for experience to pay off here; and that has happened in this case.

Mr. Speaker, this is a great bill because, simply, it will allow business to move at the speed of light rather than the speed of paper. I think in the halls of Congress we have got to recognize that there is incredible genius out there every minute of every hour creating new products, new consumer benefits. And we in the House have to make sure that we help them do that; we remove barriers that are standing in their way.

I represent an extremely high-tech district, Redmond, Washington, north of Seattle, where every day there are geniuses coming up with new technologies. And this is really a single statement, I think, that the House is going to move ahead and recognize a new fact. And that new fact is this: there are no just high-tech issues anymore. Everything is high tech. This is a statement that the House understands that.

Secondly, Mr. Speaker, I want to say that we have achieved a market success in making sure that consumer rights are protected when this new technology is used.

Several of us had an amendment when the bill was in the House that made sure that all consumer protections in the country, all the substantive notices and consumer protections, in fact those protections of consumers will remain in under this new law.

In addition, it will make sure that only when consumers want to use electronic measures will they be used. So it is a great day.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I think the gentleman is raising an issue which is important. I would like to observe that the House and, I think, the people of the country owe the gentleman from Washington (Mr. INSLEE) a substantial vote of thanks for his leadership on this matter.

He offered the amendment which very significantly improved the legislation by affording very significant protections to consumers and to the public

who would use this legislation. That amendment remains in the legislation, and it is going to be very helpful.

I hope the gentleman is proud of what he has done, because the country owes him a debt for his significant accomplishment in this matter.

Mr. INSLEE. Mr. Speaker, I thank the gentleman for his comments. I will always yield to anyone who has comments of that nature. I thank the gentleman so much. That is high praise from the source.

Mr. Speaker, it is a good day for the House.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we approach the end of this process on this historic piece of legislation, I do want to take a moment to recognize the hard work of our respective staffs who were instrumental in getting us here today.

First let me thank my staff: Paul Scolese; Ramsen Betfarhard; David Cavicce; Linda Bloss-Baum, by the way who just gave birth to a new baby girl named Alexandra; and Mike O'Rielly. These guys did an outstanding job on this bill, and they know more about the substance of this bill than anyone.

I also want to thank Consuela Washington and Bruce Gwinn on the staff of the gentleman from Michigan (Mr. DINGELL) and Colin Crowell and Jeff Duncan from the staff of the gentleman from Massachusetts (Mr. MARKEY).

Further, let me thank the diligent staff from the other body, especially Maureen McLaughlin from the Senate Commerce Committee. Maureen was an outstanding asset to the conference committee.

I must also express deep thanks to Andy Pincus of the Department of Commerce. His willingness to work on this issue in a constructive manner is one of the reasons we are here today.

All of these people have made this successful day possible, and I extend my heartfelt gratitude. I thank them for their tireless work and dedication.

I would also take a moment to read through a sampling of the groups that support this legislation:

Business Software Alliance, Microsoft, America Online, Information Technology Association of America, American Express Company, DLJDirect, American Bankers Association, Citigroup, Information Technology Industry Council, American Electronics Association, Fannie Mae, Freddie Mac, National Association of Realtors, Oracle, Cable & Wireless, Sallie Mae, U.S. Chamber of Commerce, Real Estate Roundtable, Consumer Mortgage Coalition, Mortgage Bankers Association, Electronic Financial Services Council, Intuit, Federal Express, National Association of Manufacturers, Coalition of Electronic Authentication, America's Community Bankers, and Investment Company Institute.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for his cooperation and particularly the hard work of his staff, as I said before. This is a good bill.

I would just like to say in closing a word about process. We have said about as much as needs to be said about this bill. But I would like to say to all of my colleagues that I find that, if we sit down at the table with our colleagues on the other side of the aisle and we respect their positions, their opinions, they will respect ours; and if we are sincere about reaching an agreement, we usually can do so.

It is better to do that than to stand on opposite sides of a room and throw rhetorical grenades at each other. We do too much of that.

The American people sent us up here to do a job. We are doing that in the finest tradition with this bill.

Mr. CROWLEY. Mr. Speaker, I would like to express my strong support for the electronic signatures legislation.

As legislators, it is part of our job to help ensure a sound economy. Supporting the growing high-tech industry helps us accomplish this important part of our job.

That is why I am proud to support the Electronic Signatures in Global and National Commerce Act and the Conference Report. This much needed legislation will provide legal certainty and a national standard for business-to-business contracts and some consumer contracts that were agreed to on-line, as well as ensure important consumer protections.

As anyone who has taken out a mortgage knows, courier and other fees can be a substantial cost to consumers. By allowing for on-line transactions, we can help bring down the costs associated with contracts for anything we can purchase on-line.

Mr. Speaker, back in the 80's, pundits were predicting the paperless office. Well, it's the year 2000 and we're still not there. Part of the problem is our antiquated system of rules and differing state laws, which although important, can serve as a hindrance to interstate commerce over the Internet.

With this legislation, we will be effectively removing one of the greatest roadblocks to Internet services. I was proud to cast my vote in support of this legislation in November, and I am proud to cast my vote in support of the conference report today.

I would like to commend the conferees for agreeing to this balanced report and for all of their hard work. This is an important and complicated piece of legislation and I believe they deserve a great deal of credit for preparing this package.

I urge all of my colleagues to support this important legislation.

Mr. SANDLIN. Mr. Speaker, today I voice my support for the conference report on S. 761, Electronic Signatures in Global and National Commerce Act. Now, more than ever, business is conducted through the Internet and the need for a federal standard on electronic contracts, agreements and records is critical to the integrity of many of these transactions.

This historic piece of legislation will essentially give the electronic signature the same legal effect as a written signature. Although 40 states already have enacted laws to provide for the use of electronic signatures, these laws vary greatly. The new federal law, as proposed in this conference agreement, would allow states to modify the law, provided that the modifications are consistent with the federal standard and technology neutral.

Not only does the proposed national standard give states flexibility with regards to its implementation, but it also protects the consumer. Under this agreement, a business must present the consumer with a statement informing them of their right to have notices and records provided electronically or in writing. Consumer protections are further ensured by allowing the consumer to withdraw the original consent agreement and requiring the business to provide the alternative source of transmission.

Mr. Speaker, I look forward to the new freedom that this conference report will provide in interstate and foreign commerce. Consumers will now have complete confidence that their electronic contracts, agreement and records carry the full weight of law. The E-signature conference report is a landmark in that it aligns federal law with the latest technology without being partial to the technology industry itself. I commend my colleagues for all of the hard work they have done on this historic piece of legislation to ensure its swift passage into law.

Mr. LAFALCE. Mr. Speaker, I rise today in strong support of the conference report. The Congress today takes an important step in recognizing the importance to our economy of electronic commerce. In so doing, Congress also ensures that millions of Americans can begin to enjoy the benefits of a safe, reliable, and consumer-friendly electronic marketplace. As President Clinton has indicated, the bipartisan agreement we are adopting today is responsible and balanced, and includes protections to provide consumers with the confidence that is essential to conduct on-line transactions in a safe, reliable, and trustworthy manner. As a result, this legislation comes to the House floor with strong bipartisan and Administration support. President Clinton, in fact, has urged the Congress to send the legislation to his desk for his immediate signature. I am therefore proud to support this bipartisan agreement.

The legislation achieves the important objective of facilitating the use of electronic records and signatures in interstate and foreign commerce. The bill also provides that

agreements, records, or contracts entered into have the same legal effect and recognition as paper transactions. Both of these objectives are complemented with provisions to ensure that consumers receive the same level of legal protection regardless of whether they conduct their transactions on paper or on line. For example, consumers must affirmatively consent electronically to receiving electronic records in a manner that reasonably demonstrates that they can access the information provided. In addition, the legislation provides that certain notices must be provided in paper, such as notices critical for the protection of consumers and public health and safety, notices of cancellation of all forms of insurance and insurance benefits, notices of default or actions to collect debts, and others.

When this legislation was initially debated on the House floor last year, I expressed concerns about its impact on existing consumer and fair lending laws and regulations. My concern centered on the potential for consumers to receive one level of protection for in-person, paper transactions, and another for on-line transactions. I was also concerned about the potential for unscrupulous and predatory practices. As a result, Banking Committee Chairman Leach and I, at my behest, wrote to the Federal Reserve to elicit their views on the legislation. The Federal Reserve, which administers consumer financial services and fair lending laws, shared my concerns and agreed that preserving its regulatory authority was essential to protecting consumers under existing consumer laws. I am happy to note that the conference report preserves this important regulatory authority, which has the dual benefit of protecting consumers from predatory practices, and providing the legal clarity that spares businesses from unnecessary litigation.

Mr. Speaker, as electronic commerce continues its rapid expansion, I fully support an approach that facilitates this growth while also protecting the rights of consumers. This conference report accomplishes both of these important goals. As our economy moves into the Electronic Age, this legislation will provide American consumers with the basic protections that they have come to know and expect from their financial service providers and from commerce in general.

Mr. WELLER. Mr. Speaker, thank you for this opportunity to support S. 761, the Conference Report on the Electronic Signatures in Global and National Commerce Act. This effort is groundbreaking, as this conference report is largest and most significant legislation on electronic commerce to date.

This bill ensures that electronic signatures and electronic records transferred via the Internet will have the same legal effect, validity or enforceability as contracts and other records signed by hand on paper. The scope of this legislation is broad and will protect interstate commerce. I am certain that the result of this important legislation will be greater confidence and security in conducting business and transactions over the Internet.

In the recent months, we have come far in our efforts to promote and encourage the growth of Internet use and e-commerce. A few weeks ago, the House voted to extend the existing moratorium on Internet taxation for an additional 5 years. I believe that this important

step will give the new e-economy the time it needs to grow and flourish at a time when the number of new websites and Internet users is doubling every 100 days!

Additionally, the House passed legislation recently to eliminate the outdated 3 percent excise tax on telephone use. This tax was originally collected to help pay the Spanish-American War, a war that ended more than 100 years ago! Today, more than 90% of Internet users access the Web over telephone lines. I believe it is time to repeal this outdated tax and make the information highway just that—a freeway not a tollway.

Mr. Speaker, I am proud to support the Conference Report on S. 761. I encourage my colleagues to do the same.

Mr. CONYERS. Mr. Speaker, the Internet has the potential to be the most pro-consumer development in recent history. It can empower consumers to obtain more useful information about products—such as price comparisons, safety information, and features—and to help consumers make more educated purchases.

But the Internet will never reach its full potential if consumers do not feel secure in the electronic marketplace. If we allow the Internet to become a lawless “Wild Wild West” and a safe-haven for fraudulent businesses, people will simply refuse to engage in on-line commerce. Ultimately, this is a bad result both for the Internet and for consumers.

The electronic signature legislation that the House passed last fall was deeply flawed. It set up a false choice between consumer protection and electronic commerce. In fact, the two can—and should—go hand in hand.

While I supported legislation that validated electronic signatures and contracts, I opposed H.R. 1714 because it left consumers vulnerable to fraud, and it undermined numerous federal and state consumer protection laws.

H.R. 1714 also weakened the ability of federal and state regulators to enforce important safety regulations and monitor industries such as the financial services industry, and the insurance industry.

As a result of the hard work of House and Senate Democrats and the Administration, the Conference Report that is before us today is a great improvement over the House-passed bill.

The Conference Report contains several new provisions to protect consumers. Unlike the House bill, the Conference Report requires that consumers receive a notice of their rights before they consent to receive documents electronically. Now, there will truly be “informed consent” by the consumer.

Equally important, under the Conference Report, the consumer's consent must be in the electronic form that will be used to provide the information. This is a vast improvement over the original bill because it ensures that a consumer can actually receive and open the electronic notices that are provided to him or her.

The Conference Report also creates a framework so that federal regulatory agencies can use their rulemaking authority to create guidelines for how to properly deliver and manage electronic records. This way, the government has the flexibility and authority to prevent abuses and fraud.

Some Senate Republicans oppose this Conference Report. They say it gives consumers

too many rights and does not do enough to grease the wheels for the financial services industry. I could not disagree more.

The Conference Report demonstrates that Congress can facilitate electronic commerce at the same time that we protect consumers. I am confident that this is what is best for the Internet in the long run.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1230

RECESS

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 o'clock and 31 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the Senate bill, S. 761, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 426, nays 4, not voting 4, as follows:

[Roll No. 271]
YEAS—426

Abercrombie	DeLauro	Istook
Ackerman	DeLay	Jackson (IL)
Aderholt	DeMint	Jackson-Lee
Allen	Deutsch	(TX)
Andrews	Diaz-Balart	Jefferson
Archer	Dickey	Jenkins
Armey	Dicks	John
Baca	Dingell	Johnson (CT)
Bachus	Dixon	Johnson, E. B.
Baird	Doggett	Johnson, Sam
Baker	Dooley	Jones (NC)
Baldacci	Doolittle	Jones (OH)
Baldwin	Doyle	Kanjorski
Ballenger	Dreier	Kaptur
Barcia	Duncan	Kasich
Barr	Dunn	Kelly
Barrett (NE)	Edwards	Kennedy
Barrett (WI)	Ehlers	Kildee
Bartlett	Ehrlich	Kilpatrick
Barton	Emerson	Kind (WI)
Bass	Engel	King (NY)
Bateman	English	Kingston
Becerra	Eshoo	Klecza
Bentsen	Etheridge	Klink
Bereuter	Evans	Knollenberg
Berkley	Everett	Kolbe
Berman	Ewing	Kucinich
Berry	Farr	Kuykendall
Biggert	Fattah	LaFalce
Bilbray	Filner	LaHood
Bilirakis	Fletcher	Lampson
Bishop	Foley	Lantos
Blagojevich	Forbes	Largent
Bliley	Ford	Larson
Blumenauer	Fossella	Latham
Blunt	Fowler	LaTourette
Boehlert	Frank (MA)	Lazio
Boehner	Franks (NJ)	Leach
Bonilla	Frelinghuysen	Lee
Bonior	Frost	Levin
Bono	Gallegly	Lewis (CA)
Borski	Ganske	Lewis (GA)
Boswell	Gejdenson	Lewis (KY)
Boucher	Gekas	Linder
Boyd	Gephardt	Lipinski
Brady (PA)	Gibbons	LoBiondo
Brady (TX)	Gilchrest	Lofgren
Brown (FL)	Gillmor	Lowey
Brown (OH)	Gilman	Lucas (KY)
Bryant	Gonzalez	Lucas (OK)
Burr	Goode	Luther
Burton	Goodlatte	Maloney (CT)
Buyer	Goodling	Maloney (NY)
Callahan	Gordon	Manzullo
Calvert	Goss	Markey
Camp	Graham	Martinez
Campbell	Granger	Mascara
Canady	Green (TX)	Matsui
Cannon	Green (WI)	McCarthy (MO)
Capps	Greenwood	McCarthy (NY)
Capuano	Gutierrez	McCollum
Cardin	Gutknecht	McCrery
Carson	Hall (OH)	McDermott
Castle	Hall (TX)	McGovern
Chabot	Hansen	McHugh
Chambliss	Hastings (FL)	McInnis
Clay	Hastings (WA)	McIntosh
Clayton	Hayes	McIntyre
Clement	Hayworth	McKeon
Clyburn	Hefley	McKinney
Coble	Herger	McNulty
Coburn	Hill (IN)	Meehan
Collins	Hill (MT)	Meek (FL)
Combest	Hilleary	Meeks (NY)
Condit	Hilliard	Menendez
Conyers	Hinchey	Metcalfe
Cooksey	Hinojosa	Mica
Costello	Hobson	Millender-
Cox	Hoefel	McDonald
Coyne	Hoekstra	Miller (FL)
Cramer	Holden	Miller, Gary
Crane	Holt	Miller, George
Crowley	Hooley	Minge
Cubin	Horn	Mink
Cummings	Hostettler	Moakley
Cunningham	Houghton	Mollohan
Davis (FL)	Hoyer	Moore
Davis (IL)	Hulshof	Moran (KS)
Davis (VA)	Hunter	Moran (VA)
Deal	Hutchinson	Morella
DeFazio	Hyde	Murtha
DeGette	Inslee	Myrick
Delahunt	Isakson	Nadler

Napolitano	Rothman	Talent
Neal	Roukema	Tancredio
Nethercatt	Roybal-Allard	Tanner
Ney	Royce	Tauscher
Northup	Rush	Tauzin
Norwood	Ryan (WI)	Taylor (NC)
Nussle	Ryun (KS)	Terry
Oberstar	Sabo	Thomas
Obey	Salmon	Thompson (CA)
Oliver	Sanchez	Thompson (MS)
Ortiz	Sanders	Thornberry
Ose	Sandlin	Thune
Owens	Sanford	Thurman
Oxley	Sawyer	Tiahrt
Packard	Saxton	Tierney
Pallone	Scarborough	Toomey
Pascarella	Schaffer	Towns
Pastor	Schakowsky	Trafigant
Payne	Scott	Turner
Pease	Serrano	Udall (CO)
Pelosi	Sessions	Udall (NM)
Peterson (MN)	Shadegg	Upton
Peterson (PA)	Shaw	Velazquez
Petri	Shays	Visclosky
Phelps	Sherman	Vitter
Pickering	Sherwood	Walden
Pickett	Shimkus	Walsh
Pitts	Shows	Wamp
Pombo	Shuster	Waters
Pomeroy	Simpson	Watkins
Porter	Sisisky	Watt (NC)
Portman	Skeen	Watts (OK)
Price (NC)	Skelton	Waxman
Price (OH)	Slaughter	Weiner
Quinn	Smith (MI)	Weldon (FL)
Radanovich	Smith (NJ)	Weldon (PA)
Rahall	Smith (TX)	Weller
Ramstad	Smith (WA)	Wexler
Rangel	Snyder	Weygand
Regula	Souder	Whitfield
Reyes	Spence	Wicker
Reynolds	Spratt	Wilson
Riley	Stabenow	Wise
Rivers	Stark	Wolf
Rodriguez	Stearns	Woolsey
Roemer	Stenholm	Wu
Rogan	Strickland	Wynn
Rogers	Stupak	Young (AK)
Rohrabacher	Sununu	Young (FL)
Ros-Lehtinen	Sweeney	

NAYS—4

Chenoweth-Hage	Stump
Paul	Taylor (MS)

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1553

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING PLANS TO ATTEND "TO KILL A MOCKINGBIRD" AT KENNEDY CENTER

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute.)

Mr. CALLAHAN. Mr. Speaker, many of my colleagues are interested tonight in attending the performance of "To Kill a Mocking Bird" at the Kennedy Center, and we are trying desperately to work out arrangements with the leadership to roll the votes. If votes are rolled, there will be three buses waiting at the foot of the Capitol steps between 6:30 p.m. and 7:00 p.m. to take my colleagues to the Kennedy Center and then bring them back after the performance.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

□ 1556

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 13, 2000, the bill had been read through page 84, line 21.

Mr. PORTER. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from New York (Mr. QUINN).

Mr. Chairman, I yield to the gentleman from New York (Mr. QUINN) for an explanation of his concerns.

Mr. QUINN. Mr. Chairman, I want to begin by thanking the gentleman from Illinois (Mr. PORTER) for the fine job and the hard work he has done, not only for the job he has done this year in a very difficult year, but over the years for our Labor-HHS bill.

□ 1600

Mr. Chairman, as a former teacher, funding for elementary and secondary education programs is a top priority for me as well as many other Members here in the House. I have several concerns regarding education funding levels in this bill. I am particularly concerned that the title I education programs have been level funded at fiscal year 2000 levels. These title I programs are vital for school districts like the Buffalo area and many more. Title I educational assistance programs target low-income and disadvantaged areas providing accelerated instruction, smaller classes, extra time to learn after school and during the summer, and computer-based instruction. Buffalo receives approximately \$23 million a year in title I funding alone.

As my colleague can see, this is critical for many districts. I have been working closely with our colleague, the gentleman from New York (Mr. MCHUGH), to ensure full funding for this program.

Secondly, Mr. Chairman, I also want to talk with the gentleman for a moment about other programs we have

discussed. It has been argued that a nearly \$200 million cut in the dislocated workers assistance program, run by the Department of Labor, can be justified by our Nation's strong economy. While that may be true in some parts of the country, unfortunately, in my district, in our area of the State and many other Rust Belt communities throughout the country, workers who are permanently separated from their jobs depend on this program to return to productive unsubsidized employment.

Lastly, the one-stop career centers were not funded in the bill this year. The elimination of these one-stop career centers would threaten the division of Veterans Employment and

Training Services efforts toward establishing licensing and certification of military skills for the civilian economy. This would affect the licensing and certification language in the new Montgomery GI Bill legislation, which was passed in the House in May. It would also have a negative effect on Veterans Employment and Training legislation which the subcommittee will introduce later this summer. Everyone has worked extremely hard to ensure these programs exist for our Veterans.

These three concerns, Mr. Chairman, lead me to look forward to working closely with the gentleman from Illinois in the weeks to come so that these programs receive adequate funding in

the final version of the legislation, and I appreciate the opportunity for this discussion.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing this to my attention. Because of budget restraints, we were not able to provide an increase in these programs in the House bill.

However, I understand the gentleman's concerns and will assure him that I will do my best to work with my colleagues in conference to ensure that these programs receive adequate funding.

Mr. Chairman, I include the following material for the RECORD.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	

TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult Training, current year.....	238,000	238,000	145,000	-93,000	-93,000	D FF
Advance from prior year.....	---	(712,000)	(712,000)	(+712,000)	---	NA
FY02.....	712,000	712,000	712,000	---	---	D

Adult Training, program level.....	950,000	950,000	857,000	-93,000	-93,000	
Youth Training.....	1,000,965	1,022,465	1,000,965	---	-21,500	D FF
Dislocated Worker Assistance, current year.....	529,025	710,510	322,025	-207,000	-388,485	D FF
Advance from prior year.....	---	(1,060,000)	(1,060,000)	(+1,060,000)	---	NA
FY02.....	1,060,000	1,060,000	1,060,000	---	---	D

Dislocated Worker Assistance, program level.	1,589,025	1,770,510	1,382,025	-207,000	-388,485	
Federally administered programs:						
Native Americans.....	58,436	55,000	55,000	-3,436	---	D FF
Migrant and Seasonal Farmworkers.....	74,195	74,445	78,000	+3,805	+3,555	D FF
Job Corps:						
Operations.....	633,140	681,669	688,625	+55,485	+6,956	D FF
Advance from prior year.....	---	(591,000)	(591,000)	(+591,000)	---	NA
FY02.....	591,000	591,000	591,000	---	---	D
Construction and Renovation (1).....	33,636	20,375	20,375	-13,261	---	D FF
Advance from prior year.....	---	(100,000)	(100,000)	(+100,000)	---	NA
FY02.....	100,000	100,000	100,000	---	---	D

Subtotal, Job Corps, program level.....	1,357,776	1,393,044	1,400,000	+42,224	+6,956	

(1) Three year forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request	
National activities:							
Pilots, Demonstrations and Research.....	65,095	35,000	35,000	-30,095	---	D	FF
Responsible Reintegration of Youthful Off.....	13,907	75,000	13,907	---	-61,093	D	FF
Evaluation.....	9,098	12,098	9,098	---	-3,000	D	FF
Fathers Work/Families Win.....	---	255,000	---	---	-255,000	D	
Incumbent Workers.....	---	30,000	---	---	-30,000	D	
Safe Schools/Healthy Students.....	---	40,000	---	---	-40,000	D	
Youth Opportunity Grants.....	250,000	375,000	175,000	-75,000	-200,000	D	FF
Other.....	5,000	15,000	5,000	---	-10,000	D	FF
Subtotal, National activities.....	343,100	837,098	238,005	-105,095	-599,093		
Subtotal, Federal activities.....	1,833,507	2,359,587	1,771,005	-62,502	-588,582		
Total, Workforce Investment Act.....	5,373,497	6,102,562	5,010,991	-362,502	-1,091,567		
Women in Apprenticeship.....	927	---	1,000	+73	+1,000	D	
Skills Standards.....	7,000	3,500	3,500	-3,500	---	D	FF
Subtotal, National activities, TES.....	351,027	840,598	242,505	-108,522	-598,093		
School-to-Work (1).....	55,000	---	---	-55,000	---	D	FF
Total, Training and Employment Services.....	5,436,424	6,106,062	5,015,495	-420,929	-1,090,567		
Current Year.....	(2,973,424)	(3,643,062)	(2,552,495)	(-420,929)	(-1,090,567)		
Advance year.....	(2,463,000)	(2,463,000)	(2,463,000)	---	---		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.....	440,200	440,200	440,200	---	---	D	FF

(1) 15 month forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment.....	349,000	342,400	342,400	-6,600	---	M
NAFTA Activities.....	66,150	64,150	64,150	-2,000	---	M
Total.....	415,150	406,550	406,550	-8,600	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation:						
State Operations.....	2,256,375	2,349,283	2,256,375	---	-92,908	TF
National Activities.....	10,000	10,000	10,000	---	---	TF
Subtotal, Unemployment Comp (trust funds).....	2,266,375	2,359,283	2,266,375	---	-92,908	
Employment Service:						
Allotments to States:						
Federal Funds.....	23,452	23,452	23,452	---	---	D FF
Trust Funds.....	738,283	788,283	738,283	---	-50,000	TF
Subtotal.....	761,735	811,735	761,735	---	-50,000	
National Activities:						
Trust Funds.....	55,670	44,180	49,680	-5,990	+5,500	TF
=====						
Subtotal, Employment Service.....	817,405	855,915	811,415	-5,990	-44,500	
Federal funds.....	23,452	23,452	23,452	---	---	
Trust funds.....	793,953	832,463	787,963	-5,990	-44,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
One stop Career/Labor Market Information:						
Federal Funds.....	110,000	154,000	---	-110,000	-154,000	D
Work Incentives Grants.....	20,000	20,000	20,000	---	---	D FF
	=====	=====	=====	=====	=====	
Total, State Unemployment.....	3,213,780	3,389,198	3,097,790	-115,990	-291,408	
Federal Funds.....	153,452	197,452	43,452	-110,000	-154,000	
Trust Funds.....	3,060,328	3,191,746	3,054,338	-5,990	-137,408	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1).....	356,000	435,000	435,000	+79,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in Bill	Bill compared with FY 2000 Comparable		FY 2001 Request
PROGRAM ADMINISTRATION						
Adult Employment and Training.....	29,986	33,113	29,986	---	-3,127	D
Trust Funds.....	2,420	2,797	2,420	---	-377	TF
Youth Employment and Training.....	34,086	37,660	34,086	---	-3,574	D
Employment Security.....	4,952	5,119	4,952	---	-167	D
Trust Funds.....	41,302	43,855	41,302	---	-2,553	TF
Apprenticeship Services.....	19,141	22,069	19,141	---	-2,928	D
Executive Direction.....	6,348	6,660	6,348	---	-312	D
Trust Funds.....	1,334	1,383	1,334	---	-49	TF
Welfare to Work.....	6,431	6,655	6,431	---	-224	D
<hr/>						
Total, Program Administration.....	146,000	159,311	146,000	---	-13,311	
Federal funds.....	100,944	111,276	100,944	---	-10,332	
Trust funds.....	45,056	48,035	45,056	---	-2,979	
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Total, Employment & Training Administration....	10,007,554	10,936,321	9,541,035	-466,519	-1,395,286	
Federal funds.....	6,902,170	7,696,540	6,441,641	-460,529	-1,254,899	
Current Year.....	(4,439,170)	(5,233,540)	(3,978,641)	(-460,529)	(-1,254,899)	
Advance Year, FY02.....	(2,463,000)	(2,463,000)	(2,463,000)	---	---	
Trust funds.....	3,105,384	3,239,781	3,099,394	-5,990	-140,387	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
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PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance.....	78,283	83,652	78,283	---	-5,369	D
Policy, Regulation and Public Service.....	16,803	20,205	16,803	---	-3,402	D
Program Oversight.....	3,848	3,975	3,848	---	-127	D
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
Total, PWBA.....	98,934	107,832	98,934	---	-8,898	
 PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF)....	11,148	11,871	11,148	---	-723	TF
Termination services not subject to limitation (NA)...	(153,599)	(164,834)	(153,599)	---	(-11,235)	NA
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
Total, PBGC (Program level).....	(164,747)	(176,705)	(164,747)	---	(-11,958)	
 EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards.....	141,893	152,688	141,893	---	-10,795	D
Office of Labor-Management Standards.....	29,308	30,556	29,308	---	-1,248	D
Federal Contractor EEO Standards Enforcement.....	73,250	76,308	73,250	---	-3,058	D
Federal Programs for Workers' Compensation.....	79,968	88,873	79,968	---	-8,905	D
Trust Funds.....	1,740	1,985	1,740	---	-245	TF
Program Direction and Support.....	12,611	13,066	12,611	---	-455	D
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
Total, ESA salaries and expenses.....	338,770	363,476	338,770	---	-24,706	
Federal funds.....	337,030	361,491	337,030	---	-24,461	
Trust funds.....	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

SPECIAL BENEFITS						
Federal employees compensation benefits.....	75,000	53,000	53,000	-22,000	---	M
Longshore and harbor workers' benefits.....	4,000	3,000	3,000	-1,000	---	M

Total, Special Benefits.....	79,000	56,000	56,000	-23,000	---	
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances.....	963,506	975,343	975,343	+11,837	---	M
Employment Standards Adm. S&E.....	28,676	30,393	30,393	+1,717	---	M
Departmental Management S&E.....	20,783	21,590	21,590	+807	---	M
Departmental Management, Inspector General.....	312	318	318	+6	---	M

Subtotal, Black Lung Disability.....	1,013,277	1,027,644	1,027,644	+14,367	---	
Treasury Administrative Costs.....	356	356	356	---	---	M

Total, Black Lung Disability Trust Fund.....	1,013,633	1,028,000	1,028,000	+14,367	---	
=====						
Total, Employment Standards Administration.....	1,431,403	1,447,476	1,422,770	-8,633	-24,706	
Federal funds.....	1,429,663	1,445,491	1,421,030	-8,633	-24,461	
Trust funds.....	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and Health Standards.....	12,700	15,093	12,700	---	-2,393 D
Federal Enforcement.....	141,000	153,073	139,229	-1,771	-13,844 D
State Programs.....	82,000	88,493	83,771	+1,771	-4,722 D
Technical Support.....	17,959	20,149	17,959	---	-2,190 D
Compliance Assistance:					
Federal Assistance.....	54,154	67,073	54,154	---	-12,919 D
State Consultation Grants.....	42,854	47,903	42,854	---	-5,049 D
Subtotal.....	97,008	114,976	97,008	---	-17,968
Safety and Health Statistics.....	22,753	25,637	22,753	---	-2,884 D
Executive Direction and Administration.....	8,200	8,562	8,200	---	-362 D
	=====	=====	=====	=====	=====
Total, OSHA.....	381,620	425,983	381,620	---	-44,363
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Coal Enforcement.....	110,570	114,774	111,070	+500	-3,704 D
Metal/Non-Metal Enforcement.....	49,693	55,240	51,818	+2,125	-3,422 D
Standards Development.....	1,509	1,762	1,545	+36	-217 D
Assessments.....	3,896	4,267	3,983	+87	-284 D
Educational Policy and Development.....	26,855	26,977	28,437	+1,582	+1,460 D
Technical Support.....	25,312	27,069	25,828	+516	-1,241 D
Program Administration.....	10,222	12,158	10,319	+97	-1,839 D
Total, Mine Safety and Health Administration....	228,057	242,247	233,000	+4,943	-9,247

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
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BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics.....	125,329	137,317	130,322	+4,993	-6,995	D
Labor Market Information (Trust Funds).....	66,363	67,257	67,257	+894	---	TF
Prices and Cost of Living.....	128,753	135,408	132,707	+3,954	-2,701	D
Compensation and Working Conditions.....	68,921	71,186	71,037	+2,116	-149	D
Productivity and Technology.....	7,785	9,262	8,024	+239	-1,238	D
Economic Growth and Employment Projections.....	5,047	6,721	5,202	+155	-1,519	D
Executive Direction and Staff Services.....	24,693	26,481	25,451	+758	-1,030	D
Consumer Price Index Revision (1).....	6,986	---	---	-6,986	---	D
<hr/>						
Total, Bureau of Labor Statistics.....	433,877	453,632	440,000	+6,123	-13,632	
<hr/>						
Federal Funds.....	367,514	386,375	372,743	+5,229	-13,632	
<hr/>						
Trust Funds.....	66,363	67,257	67,257	+894	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	

DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive Direction.....	26,436	46,491	26,436	---	-20,055 D
Departmental IT Crosscut.....	---	54,444	---	---	-54,444 D
Legal Services.....	68,928	74,502	68,928	---	-5,574 D
Trust Funds.....	310	319	310	---	-9 TF
International Labor Affairs.....	70,000	167,006	70,000	---	-97,006 D
Administration and Management.....	26,609	24,768	26,609	---	+1,841 D
Adjudication.....	23,664	25,070	23,664	---	-1,406 D
Women's Bureau.....	8,824	9,596	8,824	---	-772 D
Civil Rights Activities.....	5,684	6,384	5,684	---	-700 D
Chief Financial Officer.....	5,793	5,972	5,793	---	-179 D
Disability Policy.....	8,641	23,002	8,641	---	-14,361 D

Total, Salaries and expenses.....	244,889	437,554	244,889	---	-192,665
Federal funds.....	244,579	437,235	244,579	---	-192,656
Trust funds.....	310	319	310	---	-9

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program.....	80,215	81,615	80,215	---	-1,400	TF
Local Veterans Employment Program.....	77,253	77,253	77,253	---	---	TF
Subtotal, State Administration.....	157,468	158,868	157,468	---	-1,400	
Federal Administration.....	26,873	29,045	26,873	---	-2,172	TF
Homeless Veterans Program.....	9,636	15,000	9,636	---	-5,364	D
Veterans Workforce Investment Programs.....	7,300	7,300	7,300	---	---	D
Total, Veterans Employment and Training.....	201,277	210,213	201,277	---	-8,936	
Federal Funds.....	16,936	22,300	16,936	---	-5,364	
Trust Funds.....	184,341	187,913	184,341	---	-3,572	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities.....	42,346	44,563	42,346	---	-2,217	D
Trust Funds.....	3,830	4,770	3,830	---	-940	TF
Executive Direction and Management.....	5,749	6,814	5,749	---	-1,065	D
Total, Office of the Inspector General.....	51,925	56,147	51,925	---	-4,222	
Federal funds.....	48,095	51,377	48,095	---	-3,282	
Trust funds.....	3,830	4,770	3,830	---	-940	
Total, Departmental Management.....	498,091	703,914	498,091	---	-205,823	
Federal funds.....	309,610	510,912	309,610	---	-201,302	
Trust funds.....	188,481	193,002	188,481	---	-4,521	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request
Total, Labor Department.....	13,090,684	14,329,276	12,626,598	-464,086	-1,702,678
Federal funds.....	9,717,568	10,815,380	9,258,578	-458,990	-1,556,802
Current Year.....	(7,254,568)	(8,352,380)	(6,795,578)	(-458,990)	(-1,556,802)
Advance Year, FY02.....	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust funds.....	3,373,116	3,513,896	3,368,020	-5,096	-145,876

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Community health centers.....	1,018,700	1,068,700	1,100,000	+81,300	+31,300	D
National Health Service Corps:						
Field placements.....	38,182	38,116	39,823	+1,641	+1,707	D
Recruitment.....	78,625	78,625	81,524	+2,899	+2,899	D
	-----	-----	-----	-----	-----	
Subtotal.....	116,807	116,741	121,347	+4,540	+4,606	
Health Professions						
Training for Diversity:						
Centers of excellence.....	25,641	30,641	28,197	+2,556	-2,444	D
Health careers opportunity program.....	27,799	32,799	30,570	+2,771	-2,229	D
Faculty loan repayment.....	1,100	1,100	1,210	+110	+110	D
Scholarships for disadvantaged students.....	38,099	38,099	41,896	+3,797	+3,797	D
	-----	-----	-----	-----	-----	
Subtotal.....	92,639	102,639	101,873	+9,234	-766	
Training in Primary Care Medicine and Dentistry.....	78,267	---	86,068	+7,801	+86,068	D
Interdisciplinary Community-Based Linkages:						
Area health education centers.....	28,587	28,587	31,436	+2,849	+2,849	D
Health education and training centers.....	3,765	3,765	4,140	+375	+375	D
Allied health and other disciplines.....	7,355	3,838	7,076	-279	+3,238	D
Geriatric programs.....	10,640	---	11,701	+1,061	+11,701	D
Quentin N. Burdick pgm for rural training.....	5,132	4,720	5,644	+512	+924	D
	-----	-----	-----	-----	-----	
Subtotal.....	55,479	40,910	59,997	+4,518	+19,087	
Health Professions Workforce Info & Analysis.....	714	714	785	+71	+71	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
Public Health Workforce Development:						
Public health, preventive med. & dental pgms.....	8,121	8,121	8,930	+809	+809	D
Health administration programs.....	1,112	---	1,223	+111	+1,223	D
Subtotal.....	9,233	8,121	10,153	+920	+2,032	
Children's Hospitals Graduate Medical Educ.....	40,000	80,000	80,000	+40,000	---	D
Advanced Education Nursing.....	50,597	50,597	55,640	+5,043	+5,043	D
Basic nurse education and practice.....	10,968	10,968	12,061	+1,093	+1,093	D
Nursing workforce diversity.....	4,010	4,010	4,410	+400	+400	D
Consolidated Health Professions.....	---	---	---	---	---	D
Subtotal, Health professions.....	341,907	297,959	410,987	+69,080	+113,028	
Other HRSA Programs:						
Hansen's Disease Services.....	20,042	17,016	17,016	-3,026	---	D
Maternal & Child Health Block Grant.....	709,130	709,130	709,130	---	---	D
Abstinence Education						
Advance from prior year.....	---	(20,000)	(20,000)	(+20,000)	---	NA
Pres. Proposed Rescission.....	---	(-20,000)	---	---	(+20,000)	NA
FY02.....	20,000	---	30,000	+10,000	+30,000	D
Healthy Start.....	90,000	90,000	90,000	---	---	D
Universal Newborn Hearing.....	3,375	3,375	8,000	+4,625	+4,625	D
Organ Transplantation.....	10,000	15,000	10,000	---	-5,000	D
Health Teaching Facilities Interest Subsidies.....	150	---	---	-150	---	D
Bone Marrow Program.....	18,000	17,959	22,000	+4,000	+4,041	D
Rural outreach grants.....	35,880	38,892	30,867	-5,013	-8,025	D
Rural Health Research.....	33,201	11,713	11,713	-21,488	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
Critical care programs:						
Emergency medical services for children.....	17,000	15,000	19,000	+2,000	+4,000	D
Poison control.....	3,000	1,500	6,600	+3,600	+5,100	D
Subtotal, Critical care programs.....	20,000	16,500	25,600	+5,600	+9,100	
Black lung clinics.....	5,943	5,943	5,943	---	---	D
Nursing loan repayment for shortage area service..	2,279	2,279	2,279	---	---	D
Payment to Hawaii, treatment of Hansen's.....	2,045	2,045	2,045	---	---	D
Subtotal, Other HRSA programs, FY01.....	950,045	929,852	934,593	-15,452	+4,741	
FY 02.....	20,000	---	30,000	+10,000	+30,000	
Ryan White AIDS Programs:						
Emergency Assistance.....	546,500	586,500	586,500	+40,000	---	D
Comprehensive Care Programs.....	824,000	864,000	864,000	+40,000	---	D
AIDS Drug Assistance Program (ADAP) (NA).....	(528,000)	(554,000)	(554,000)	(+26,000)	---	NA
Early Intervention Program.....	138,400	171,400	173,900	+35,500	+2,500	D
Pediatric HIV/AIDS.....	51,000	60,000	60,000	+9,000	---	D
AIDS Dental Services.....	8,000	8,500	9,000	+1,000	+500	D
Education and Training Centers.....	26,650	29,150	31,600	+4,950	+2,450	D
Subtotal, Ryan White AIDS programs.....	1,594,550	1,719,550	1,725,000	+130,450	+5,450	
Family Planning.....	238,932	273,932	238,932	---	-35,000	D
Health Care and Other Facilities.....	112,408	---	---	-112,408	---	D
Buildings and Facilities.....	250	250	250	---	---	D
Rural Hospital Flexibility Grants.....	25,000	25,000	25,000	---	---	D
National Practitioner Data Bank.....	16,000	17,200	17,200	+1,200	---	D
User Fees.....	-16,000	-17,200	-17,200	-1,200	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
Health Care Integrity and Protection Data Bank.....	3,238	4,317	4,317	+1,079	---	D
User Fees.....	-3,238	-4,317	-4,317	-1,079	---	D
Health Care Access for the Uninsured.....	40,000	125,000	---	-40,000	-125,000	D
Program Management.....	123,864	124,353	128,123	+4,259	+3,770	D
	=====	=====	=====	=====	=====	
Total, Health resources and services.....	4,582,463	4,681,337	4,714,232	+131,769	+32,895	
Current year.....	(4,562,463)	(4,681,337)	(4,684,232)	(+121,769)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program.....	1,000	---	---	-1,000	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
Liquidating account.....	(15,000)	(10,000)	(10,000)	(-5,000)	---	NA
Program management.....	3,687	3,679	3,679	-8	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims.....	62,301	114,355	114,355	+52,054	---	M
HRSA administration.....	2,999	2,992	2,992	-7	---	D
	-----	-----	-----	-----	-----	
Total, Vaccine inquiry.....	65,300	117,347	117,347	+52,047	---	
	=====	=====	=====	=====	=====	
Total, Health Resources & Services Admin.....	4,652,450	4,802,363	4,835,258	+182,808	+32,895	
Current year.....	(4,632,450)	(4,802,363)	(4,805,258)	(+172,808)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with	
				FY 2000 Comparable	FY 2001 Request
CENTERS FOR DISEASE CONTROL AND PREVENTION					
DISEASE CONTROL, RESEARCH AND TRAINING					
Preventive Health Services Block Grant Program.....	176,043	175,004	175,964	-79	+960 D
Salaries and Expenses.....	3,286	4,246	3,286	---	-960 D
Subtotal, Preventive Health Services Block Grant	179,329	179,250	179,250	-79	---
Prevention Centers Program.....	17,119	14,080	23,000	+5,881	+8,920 D
Salaries and Expenses.....	633	665	2,000	+1,367	+1,335 D
Subtotal, Prevention Centers.....	17,752	14,745	25,000	+7,248	+10,255
CDC/HCFA vaccine program					
Childhood immunization Program (1).....	432,966	442,505	447,966	+15,000	+5,461 D
Salaries and Expenses.....	56,909	62,138	56,909	---	-5,229 D
Subtotal, Childhood immunization.....	489,875	504,643	504,875	+15,000	+232
HCFA vaccine purchase (NA).....	(545,043)	(469,054)	(469,054)	(-75,989)	---
Subtotal, CDC/HCFA vaccine program level.....	1,034,918	973,697	973,929	-60,989	+232
Communicable Diseases					
AIDS Program (2).....	572,715	608,791	612,367	+39,652	+3,576 D
Salaries and Expenses.....	122,036	125,612	122,036	---	-3,576 D
Subtotal, HIV/AIDS.....	694,751	734,403	734,403	+39,652	---

(1) \$25 million of the President's request has been moved to PHSSEF for comparison purposes for global polio.

(2) \$61 million of the President's request has been moved to PHSSEF for comparison purposes for global HIV/AIDS.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
Tuberculosis Program.....	120,420	113,413	120,364	-56	+6,951	D
Salaries and Expenses.....	7,308	14,259	7,308	---	-6,951	D
Subtotal, Tuberculosis.....	127,728	127,672	127,672	-56	---	
Sexually Transmitted Diseases Program.....	121,809	131,978	136,743	+14,934	+4,765	D
Salaries and Expenses.....	13,925	18,690	13,925	---	-4,765	D
Subtotal, Sexually Transmitted Diseases.....	135,734	150,668	150,668	+14,934	---	
Chronic Diseases Chronic and Environmental Disease Prevention Program.....	286,545	293,114	317,374	+30,829	+24,260	D
Salaries and Expenses.....	78,180	91,440	78,180	---	-13,260	D
From PHSSEF.....	10,000	---	---	-10,000	---	D
Subtotal, Chronic & Environmental.....	374,725	384,554	395,554	+20,829	+11,000	
Breast and Cervical Cancer Screening Program.....	156,016	160,235	160,941	+4,925	+706	D
Salaries and Expenses.....	10,479	11,185	10,479	---	-706	D
Subtotal, Breast & Cervical Cancer Screening	166,495	171,420	171,420	+4,925	---	
Infectious Diseases Program (1).....	86,610	92,168	101,622	+15,012	+9,454	D
Salaries and Expenses.....	80,000	89,454	80,000	---	-9,454	D
From PHSSEF.....	9,000	---	---	-9,000	---	D
Subtotal, Infectious diseases.....	175,610	181,622	181,622	+6,012	---	

(1) \$19.9 million of the President's request has been moved to PHSSEF for comparison purposes for NEDSS/EID.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request
Lead Poisoning Prevention Program.....	31,036	30,978	31,019	-17	+41 D
Salaries and Expenses.....	7,207	7,248	7,207	---	-41 D
Subtotal, Lead Poisoning Prevention.....	38,243	38,226	38,226	-17	---
Injury Control Program.....	66,298	71,060	66,298	---	-4,762 D
Salaries and Expenses.....	23,840	24,035	23,840	---	-195 D
Subtotal, Injury Control.....	90,138	95,095	90,138	---	-4,957
Occupational Safety and Health (NIOSH) (1) Program.....	86,819	91,534	86,346	-473	-5,188 D
Salaries and Expenses.....	127,833	128,022	127,833	---	-189 D
Subtotal, Occupational Safety and Health.....	214,652	219,556	214,179	-473	-5,377
Epidemic Services Program.....	30,374	30,254	155,338	+124,964	+125,084 D
Salaries and Expenses.....	55,484	55,568	55,484	---	-84 D
Subtotal, Epidemic Services.....	85,858	85,822	210,822	+124,964	+125,000
Office of the Director Budget Authority.....	39,920	35,564	37,245	-2,675	+1,681 D
Office of the Director.....	39,920	35,564	37,245	-2,675	+1,681

(1) Includes Mine Safety and Health.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
National Center for Health Statistics					
Program Operations					
Budget Authority.....	15,069	13,981	15,069	---	+1,088 D
Salaries and expenses					
Budget Authority.....	18,241	19,314	18,241	---	-1,073 D
1% evaluation funds (NA).....	(71,690)	(76,690)	(71,690)	---	(-5,000) NA
Subtotal, Health Statistics program level.	(105,000)	(109,985)	(105,000)	---	(-4,985)
Buildings and Facilities.....	57,131	127,074	145,000	+87,869	+17,926 D
Prevention research					
Program.....	13,000	13,386	14,000	+1,000	+614 D
Salaries and Expenses.....	2,000	1,607	2,000	---	+393 D
Subtotal, Prevention research.....	15,000	14,993	16,000	+1,000	+1,007
Health disparities demonstration					
Program.....	27,199	31,468	32,184	+4,985	+716 D
Salaries and Expenses.....	2,801	3,517	2,801	---	-716 D
Subtotal, Health disparities demonstration.....	30,000	34,985	34,985	+4,985	---
=====	=====	=====	=====	=====	=====
Total, Disease Control.....	2,966,251	3,133,587	3,290,369	+324,118	+156,782

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute.....	3,310,992	3,505,072	3,793,587	+482,595	+288,515	D
AIDS (NA).....	---	(255,342)	---	---	(-255,342)	NA
Subtotal, NCI.....	(3,310,992)	(3,505,072)	(3,793,587)	(+482,595)	(+288,515)	
National Heart, Lung, and Blood Institute.....	2,026,006	2,136,757	2,321,320	+295,314	+184,563	D
AIDS (NA).....	---	(67,175)	---	---	(-67,175)	NA
Subtotal, NHLBI.....	(2,026,006)	(2,136,757)	(2,321,320)	(+295,314)	(+184,563)	
National Institute of Dental & Craniofacial Research..	269,129	284,175	309,007	+39,878	+24,832	D
AIDS (NA).....	---	(21,100)	---	---	(-21,100)	NA
Subtotal, NIDR.....	(269,129)	(284,175)	(309,007)	(+39,878)	(+24,832)	
National Institute of Diabetes and Digestive and Kidney Diseases.....	1,141,176	1,209,173	1,315,530	+174,354	+106,357	D
AIDS (NA).....	---	(22,907)	---	---	(-22,907)	NA
Subtotal, NIDDK.....	(1,141,176)	(1,209,173)	(1,315,530)	(+174,354)	(+106,357)	
National Institute of Neurological Disorders & Stroke.	1,029,528	1,084,828	1,185,767	+156,239	+100,939	D
AIDS (NA).....	---	(34,416)	---	---	(-34,416)	NA
Subtotal, NINDS.....	(1,029,528)	(1,084,828)	(1,185,767)	(+156,239)	(+100,939)	
National Institute of Allergy and Infectious Diseases.	1,776,571	1,906,213	2,062,126	+285,555	+155,913	D
AIDS (NA).....	---	(971,047)	---	---	(-971,047)	NA
Subtotal, NIAID.....	(1,776,571)	(1,906,213)	(2,062,126)	(+285,555)	(+155,913)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	with FY 2001 Request	
National Institute of General Medical Sciences.....	1,353,660	1,428,188	1,548,313	+194,653	+120,125	D
AIDS (NA).....	---	(38,696)	---	---	(-38,696)	NA
Subtotal, NIGMS.....	(1,353,660)	(1,428,188)	(1,548,313)	(+194,653)	(+120,125)	
National Institute of Child Health & Human Development	859,079	904,705	984,300	+125,221	+79,595	D
AIDS (NA).....	---	(94,204)	---	---	(-94,204)	NA
Subtotal, NICHD.....	(859,079)	(904,705)	(984,300)	(+125,221)	(+79,595)	
National Eye Institute.....	450,007	473,952	514,673	+64,666	+40,721	D
AIDS (NA).....	---	(11,176)	---	---	(-11,176)	NA
Subtotal, NEI.....	(450,007)	(473,952)	(514,673)	(+64,666)	(+40,721)	
National Institute of Environmental Health Sciences...	442,596	468,649	506,730	+64,134	+38,081	D
AIDS (NA).....	---	(7,678)	---	---	(-7,678)	NA
Subtotal, NIEHS.....	(442,596)	(468,649)	(506,730)	(+64,134)	(+38,081)	
National Institute on Aging.....	687,717	725,949	790,299	+102,582	+64,350	D
AIDS (NA).....	---	(4,298)	---	---	(-4,298)	NA
Subtotal, NIA.....	(687,717)	(725,949)	(790,299)	(+102,582)	(+64,350)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	349,407	368,712	400,025	+50,618	+31,313	D
AIDS (NA).....	---	(5,233)	---	---	(-5,233)	NA
Subtotal, NIAMS.....	(349,407)	(368,712)	(400,025)	(+50,618)	(+31,313)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
National Institute on Deafness and Other Communication Disorders.....	263,606	278,009	301,787	+38,181	+23,778	D
AIDS (NA).....	---	(1,591)	---	---	(-1,591)	NA
Subtotal, NIDCD.....	(263,606)	(278,009)	(301,787)	(+38,181)	(+23,778)	
National Institute of Nursing Research.....	89,521	92,524	102,312	+12,791	+9,788	D
AIDS (NA).....	---	(7,810)	---	---	(-7,810)	NA
Subtotal, NINR.....	(89,521)	(92,524)	(102,312)	(+12,791)	(+9,788)	
National Institute on Alcohol Abuse and Alcoholism....	293,173	308,661	349,216	+56,043	+40,555	D
AIDS (NA).....	---	(20,083)	---	---	(-20,083)	NA
Subtotal, NIAAA.....	(293,173)	(308,661)	(349,216)	(+56,043)	(+40,555)	
National Institute on Drug Abuse.....	687,232	725,467	788,201	+100,969	+62,734	D
AIDS (NA).....	---	(229,173)	---	---	(-229,173)	NA
Subtotal, NIDA.....	(687,232)	(725,467)	(788,201)	(+100,969)	(+62,734)	
National Institute of Mental Health.....	974,470	1,031,353	1,114,638	+140,168	+83,285	D
AIDS (NA).....	---	(135,294)	---	---	(-135,294)	NA
Subtotal, NIMH.....	(974,470)	(1,031,353)	(1,114,638)	(+140,168)	(+83,285)	
National Human Genome Research Institute.....	335,792	357,740	386,410	+50,618	+28,670	D
AIDS (NA).....	---	(4,313)	---	---	(-4,313)	NA
Subtotal, NHGRI.....	(335,792)	(357,740)	(386,410)	(+50,618)	(+28,670)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	with FY 2001 Request	
National Center for Research Resources.....	674,913	714,192	832,027	+157,114	+117,835	D
AIDS (NA).....	---	(111,464)	---	---	(-111,464)	NA
Subtotal, NCRR.....	(674,913)	(714,192)	(832,027)	(+157,114)	(+117,835)	
National Center for Complementary and Alternative Medicine.....	68,997	72,392	78,880	+9,883	+6,488	D
AIDS (NA).....	---	(1,030)	---	---	(-1,030)	NA
Subtotal, NCCAM.....	(68,997)	(72,392)	(78,880)	(+9,883)	(+6,488)	
John E. Fogarty International Center.....	43,319	48,011	50,299	+6,980	+2,288	D
AIDS (NA).....	---	(15,479)	---	---	(-15,479)	NA
Subtotal, FIC.....	(43,319)	(48,011)	(50,299)	(+6,980)	(+2,288)	
National Library of Medicine.....	215,154	230,135	256,281	+41,127	+26,146	D
AIDS (NA).....	---	(5,193)	---	---	(-5,193)	NA
Subtotal, NLM.....	(215,154)	(230,135)	(256,281)	(+41,127)	(+26,146)	
Office of the Director.....	281,941	308,978	342,307	+60,366	+33,329	D
AIDS (NA).....	---	(46,522)	---	---	(-46,522)	NA
Subtotal, OD.....	(281,941)	(308,978)	(342,307)	(+60,366)	(+33,329)	
Buildings and facilities:						
Current year.....	125,350	148,900	178,700	+53,350	+29,800	D
Advance from prior year.....	(40,000)	---	---	(-40,000)	---	NA
Office of AIDS Research.....	---	(2,111,224)	---	---	(-2,111,224)	NA
=====						
Total, National Institutes of Health:						
Current Year, FY01.....	17,749,336	18,812,735	20,512,735	+2,763,399	+1,700,000	
Advance from prior year.....	40,000	---	---	-40,000	---	
Total N.I.H. program level.....	17,789,336	18,812,735	20,512,735	+2,723,399	+1,700,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION					
Mental Health:					
Knowledge development and application.....	136,875	166,875	132,749	-4,126	-34,126 D
Mental Health Performance Partnership.....	356,000	416,000	416,000	+60,000	--- D
Children's Mental Health.....	82,763	86,763	86,763	+4,000	--- D
Grants to States for the Homeless (PATH).....	30,883	35,883	30,883	---	-5,000 D
Protection and Advocacy.....	24,903	25,903	24,903	---	-1,000 D
	-----	-----	-----	-----	-----
Subtotal, mental health.....	631,424	731,424	691,298	+59,874	-40,126
Substance Abuse Treatment:					
Knowledge Development and Application.....	214,566	258,420	213,716	-850	-44,704 D
Substance Abuse Performance Partnership.....	1,600,000	1,631,000	1,631,000	+31,000	--- D
	-----	-----	-----	-----	-----
Subtotal, Substance Abuse Treatment.....	1,814,566	1,889,420	1,844,716	+30,150	-44,704
Substance Abuse Prevention:					
Knowledge Development and Application.....	139,824	135,229	132,742	-7,082	-2,487 D
High Risk Youth Grants.....	7,000	7,000	---	-7,000	-7,000 D
	-----	-----	-----	-----	-----
Subtotal, Substance abuse prevention.....	146,824	142,229	132,742	-14,082	-9,487
Program Management and Buildings and Facilities.....	58,528	59,943	58,870	+342	-1,073 D
	=====	=====	=====	=====	=====
Total, Substance Abuse and Mental Health.....	2,651,342	2,823,016	2,727,626	+76,284	-95,390

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY					
Research on Health Costs, Quality, and Outcomes:					
Federal Funds.....	107,718	---	121,169	+13,451	+121,169 D
1% evaluation funding (NA).....	(52,576)	(206,593)	(59,130)	(+6,554)	(-147,463) NA
Subtotal.....	(160,294)	(206,593)	(180,299)	(+20,005)	(-26,294)
Health insurance and expenditure surveys					
1% evaluation funding (NA).....	(36,000)	(40,850)	(40,850)	(+4,850)	--- NA
Program Support.....	2,484	---	2,500	+16	+2,500 D
1% evaluation funding (NA).....	---	(2,500)	---	---	(-2,500) NA
	=====	=====	=====	=====	=====
Total, AHRQ.....	(198,778)	(249,943)	(223,649)	(+24,871)	(-26,294)
Federal Funds.....	110,202	---	123,669	+13,467	+123,669
1% evaluation funding (non-add).....	(88,576)	(249,943)	(99,980)	(+11,404)	(-149,963)
	=====	=====	=====	=====	=====
Total, Public Health Service.....	28,129,581	29,571,701	31,489,657	+3,360,076	+1,917,956

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits.....	109,321,600	116,507,700	116,507,700	+7,186,100	---	M
State and local administration.....	6,379,800	7,258,500	7,258,500	+878,700	---	M
Vaccines for Children.....	465,383	469,054	469,054	+3,671	---	M
Subtotal, Medicaid program level, current year..	116,166,783	124,235,254	124,235,254	+8,068,471	---	
Less Medicare Transfer (P.L. 105-33).....	-50,000	-60,000	-60,000	-10,000	---	M
Less funds advanced in prior year.....	-28,733,605	-30,589,003	-30,589,003	-1,855,398	---	M
Total, request, current year.....	87,383,178	93,586,251	93,586,251	+6,203,073	---	
New advance 1st quarter, FY02.....	30,589,003	36,207,551	36,207,551	+5,618,548	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance.....	68,690,000	69,777,000	69,777,000	+1,087,000	---	M
Hospital insurance for the uninsured.....	349,000	321,000	321,000	-28,000	---	M
Federal uninsured payment.....	121,000	132,000	132,000	+11,000	---	M
Program management.....	129,100	151,600	151,600	+22,500	---	M
Total, Payments to Trust Funds, current law.....	69,289,100	70,381,600	70,381,600	+1,092,500	---	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation:						
Regular Program.....	64,892	55,000	55,000	-9,892	---	TF
Medicare Contractors.....	1,244,000	1,301,287	1,165,287	-78,713	-136,000	TF
User fee legislative proposal.....	---	---	(-136,000)	(-136,000)	(-136,000)	NA
H.R. 3103 funding (NA).....	(630,000)	(680,000)	(630,000)	---	(-50,000)	NA
Subtotal, Contractors program level.....	(1,874,000)	(1,981,287)	(1,795,287)	(-78,713)	(-186,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
State Survey and Certification.....	204,674	234,147	171,147	-33,527	-63,000	TF
User fee legislative proposal.....	---	---	(-63,000)	(-63,000)	(-63,000)	NA
Federal Administration						
Federal Administration.....	484,900	497,942	476,942	-7,958	-21,000	TF
User Fees.....	-2,026	-2,074	-2,074	-48	---	TF
User fee legislative proposal.....	---	---	(-21,000)	(-21,000)	(-21,000)	NA
Subtotal, Federal Administration.....	482,874	495,868	474,868	-8,006	-21,000	
Total, Program management.....	1,996,440	2,086,302	1,866,302	-130,138	-220,000	
Total, Program management, program level.....	(2,626,440)	(2,766,302)	(2,496,302)	(-130,138)	(-270,000)	
Medicare Trust Fund Activity:						
Hospital Insurance TF (1).....	(6,800,000)	(8,300,000)	(8,300,000)	(+1,500,000)	---	NA
Supplemental Medical Ins. TF (2).....	(300,000)	(-2,800,000)	(2,800,000)	(+2,500,000)	(+5,600,000)	NA
Total, Health Care Financing Administration....	189,257,721	202,261,704	202,041,704	+12,783,983	-220,000	
Federal funds.....	187,261,281	200,175,402	200,175,402	+12,914,121	---	
Current year.....	(156,672,278)	(163,967,851)	(163,967,851)	(+7,295,573)	---	
New advance, 1st quarter, FY02.....	(30,589,003)	(36,207,551)	(36,207,551)	(+5,618,548)	---	
Trust funds.....	1,996,440	2,086,302	1,866,302	-130,138	-220,000	

(1) Intermediate estimates: Page 37 of the 1999 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 32 of the 1999 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in Bill	Bill compared with FY 2000 Comparable		FY 2001 Request

ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Payments to territories.....	23,000	23,000	23,000	---	---	M
Emergency assistance.....	98,000	---	---	-98,000	---	M
State & Local Administrative Training.....	2,000	---	---	-2,000	---	M
Repatriation.....	1,000	1,000	1,000	---	---	M
Subtotal, Welfare payments.....	124,000	24,000	24,000	-100,000	---	
Child Support Enforcement:						
State and local administration.....	2,818,800	3,089,800	3,089,800	+271,000	---	M
Federal incentive payments.....	371,000	404,000	404,000	+33,000	---	M
Hold Harmless payments.....	11,000	11,000	11,000	---	---	M
Access and visitation.....	---	10,000	10,000	+10,000	---	M
Subtotal, Child Support Enforcement.....	3,200,800	3,514,800	3,514,800	+314,000	---	
	=====	=====	=====	=====	=====	
Total, Payments, current year program level.....	3,324,800	3,538,800	3,538,800	+214,000	---	
Less funds advanced in previous years.....	-750,000	-650,000	-650,000	+100,000	---	M
Total, payments, current request.....	2,574,800	2,888,800	2,888,800	+314,000	---	
New advance, 1st quarter, FY02.....	650,000	1,000,000	1,000,000	+350,000	---	M
	=====	=====	=====	=====	=====	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM						
Advance from prior year (NA).....	(1,100,000)	(1,100,000)	(1,100,000)	---	---	NA EMG
Emergency Allocation.....	300,000	300,000	300,000	---	---	D EMG
Advance funding FY02.....	1,100,000	1,100,000	1,100,000	---	---	D
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services.....	220,620	225,176	225,176	+4,556	---	D
Social Services.....	143,621	143,316	143,621	---	+305	D
Preventive Health.....	4,835	4,835	4,835	---	---	D
Targeted Assistance.....	49,477	49,477	49,477	---	---	D
Victims of Torture.....	7,265	9,765	10,000	+2,735	+235	D
Total, Refugee and entrant assistance.....	425,818	432,569	433,109	+7,291	+540	
CHILD CARE AND DEVELOPMENT GRANT						
Advance funding from prior year (NA).....	(1,182,672)	(1,182,672)	(1,182,672)	---	---	NA
Current year additional request.....	---	817,328	400,000	+400,000	-417,328	D
Advance funding FY02.....	1,182,672	2,000,000	2,000,000	+817,328	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	1,775,000	1,700,000	1,700,000	-75,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start, current funded.....	3,867,000	4,867,000	4,267,000	+400,000	-600,000	D
Advance from prior year.....	---	(1,400,000)	(1,400,000)	(+1,400,000)	---	NA
FY02.....	1,400,000	1,400,000	1,400,000	---	---	D
Subtotal, Head Start program level.....	5,267,000	6,267,000	5,667,000	+400,000	-600,000	
Consolidated Runaway, Homeless Youth Programs.....	---	---	64,155	+64,155	+64,155	D
Runaway and Homeless Youth.....	43,652	43,652	---	-43,652	-43,652	D
Runaway Youth Transitional Living.....	20,503	20,503	---	-20,503	-20,503	D
Strengthening Parent/Child Relationships.....	---	10,000	---	---	-10,000	D
Subtotal, runaway.....	64,155	74,155	64,155	---	-10,000	
Child Abuse State Grants.....	21,026	21,026	21,026	---	---	D
Child Abuse Discretionary Activities.....	18,028	18,028	18,028	---	---	D
Abandoned Infants Assistance.....	12,207	12,207	12,207	---	---	D
Child Welfare Services.....	291,986	291,986	291,986	---	---	D
Child Welfare Training.....	7,000	7,000	7,000	---	---	D
Adoption Opportunities.....	27,419	27,419	27,419	---	---	D
Adoption Incentive.....	20,000	20,000	20,000	---	---	D
Adoption Incentive (no cap adjustment).....	21,791	21,791	23,000	+1,209	+1,209	D
Social Services and Income Maintenance Research.....	27,491	6,500	27,491	---	+20,991	D
Community Based Resource Centers.....	32,835	32,835	32,835	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request
Developmental disabilities program:					
State Councils.....	65,750	65,803	65,803	+53	---
Protection and Advocacy.....	28,110	28,110	28,110	---	---
Developmental Disabilities Special Projects.....	10,244	10,244	10,244	---	---
Developmental Disabilities University Affiliated..	18,171	18,171	18,171	---	---
Subtotal, Developmental disabilities.....	122,275	122,328	122,328	+53	---
Native American Programs.....	35,420	44,420	35,420	---	-9,000
Community services:					
Grants to States for Community Services.....	527,700	510,000	527,700	---	+17,700
Community initiative program:					
Economic Development.....	30,040	5,500	30,040	---	+24,540
Individual Development Account Initiative.....	10,000	25,000	10,000	---	-15,000
Rural Community facilities.....	5,321	---	5,321	---	+5,321
Subtotal, discretionary funds.....	45,361	30,500	45,361	---	+14,861
National Youth Sports.....	15,000	---	16,000	+1,000	+16,000
Community Food and Nutrition.....	6,315	---	6,315	---	+6,315
Subtotal, Community services.....	594,376	540,500	595,376	+1,000	+54,876
Runaway Youth Prevention.....	14,999	14,999	14,999	---	---
Domestic Violence Hotline.....	1,957	2,157	1,957	---	-200
Battered Women's Shelters.....	101,118	116,918	101,118	---	-15,800
Program Direction.....	146,820	164,448	147,908	+1,088	-16,540
Total, Children and Families Services Programs..	6,827,903	7,805,717	7,231,253	+403,350	-574,464
Current Year.....	(5,427,903)	(6,405,717)	(5,831,253)	(+403,350)	(-574,464)
Advance Year, FY02.....	(1,400,000)	(1,400,000)	(1,400,000)	---	---

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
Rescission of permanent appropriations.....	-21,000	---	-21,000	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES.....	295,000	305,000	305,000	+10,000	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						
Foster Care.....	4,537,200	5,063,500	5,063,500	+526,300	---	M
Adoption Assistance.....	1,020,100	1,197,600	1,197,600	+177,500	---	M
Independent living.....	140,000	140,000	140,000	---	---	M
Child Welfare Tribal Initiative (1).....	---	5,000	---	---	-5,000	M
Total, Payments, current year program level.....	5,697,300	6,406,100	6,401,100	+703,800	-5,000	
Less Advances from Prior Year.....	-1,355,000	-1,538,000	-1,538,000	-183,000	---	M
Total, payments, current request.....	4,342,300	4,868,100	4,863,100	+520,800	-5,000	
New Advance, 1st quarter, FY02.....	1,538,000	1,735,900	1,735,900	+197,900	---	M
Total, Administration for Children & Families.	20,990,493	24,953,414	23,936,162	+2,945,669	-1,017,252	
Current year.....	(15,119,821)	(17,717,514)	(16,700,262)	(+1,580,441)	(-1,017,252)	
Advance Year, FY02.....	(5,870,672)	(7,235,900)	(7,235,900)	(+1,365,228)	---	

(1) Unauthorized.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers.....	310,082	450,082	325,082	+15,000	-125,000	D
Preventive Health.....	16,123	16,123	16,123	---	---	D
Title VII.....	13,181	13,181	13,181	---	---	D
Nutrition:						
Congregate Meals.....	374,412	374,412	374,412	---	---	D
Home Delivered Meals.....	147,000	147,000	147,000	---	---	D
Grants to Indians.....	18,457	23,457	18,457	---	-5,000	D
Aging Research, Training and Special Projects.....	31,162	36,162	9,119	-22,043	-27,043	D
Alzheimer's Initiative.....	5,970	5,970	5,970	---	---	D
Program Administration.....	16,277	17,232	16,461	+184	-771	D
	-----	-----	-----	-----	-----	
Total, Administration on Aging.....	932,664	1,083,619	925,805	-6,859	-157,814	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in Bill	Bill compared with FY 2000 Comparable		FY 2001 Request

OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds.....	122,861	127,685	116,561	-6,300	-11,124	D
NAS study.....	414	---	---	-414	---	D
Trust Funds.....	5,851	5,851	5,851	---	---	TF
1% Evaluation funds (ASPE) (NA).....	(20,552)	(20,552)	(20,552)	---	---	NA
Subtotal.....	(149,678)	(154,088)	(142,964)	(-6,714)	(-11,124)	
Adolescent Family Life (Title XX).....	19,327	7,627	24,327	+5,000	+16,700	D
Physical Fitness and Sports.....	1,091	1,152	1,091	---	-61	D
Minority health.....	37,638	38,638	38,638	+1,000	---	D
Office of women's health.....	15,495	16,495	16,495	+1,000	---	D
U.S. Surgeon General violence initiative.....	457	476	---	-457	-476	D
Office of Emergency Preparedness.....	9,668	11,668	9,668	---	-2,000	D
Other Health Activities (1).....	4,922	---	---	-4,922	---	D
Total, General Departmental Management.....	217,724	209,592	212,631	-5,093	+3,039	
Federal funds.....	211,873	203,741	206,780	-5,093	+3,039	
Trust funds.....	5,851	5,851	5,851	---	---	

(1) \$20 million of the President's request has been moved to PHSSSEF for comparison purposes.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds.....	31,388	33,849	31,394	+6	-2,455	D
HIPAA funding (NA).....	(120,000)	(130,000)	(120,000)	---	(-10,000)	NA
Total, Inspector General program level.....	(151,388)	(163,849)	(151,394)	(+6)	(-12,455)	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds.....	19,219	20,742	18,774	-445	-1,968	D
Trust Funds.....	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights.....	22,533	24,056	22,088	-445	-1,968	
POLICY RESEARCH.....	16,735	16,738	16,738	+3	---	D
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:						
Retirement payments.....	172,045	175,405	175,405	+3,360	---	M
Survivors benefits.....	11,906	12,204	12,204	+298	---	M
Dependents' medical care.....	29,626	30,811	30,811	+1,185	---	M
Military services credits.....	1,328	1,352	1,352	+24	---	M
Total, Retirement pay and medical benefits.....	214,905	219,772	219,772	+4,867	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND (1)...	576,371	---	---	-576,371	---	D EMG
Public Health/Social Service Fund.....	---	490,500	500,640	+500,640	+10,140	D
	=====	=====	=====	=====	=====	
Total, Office of the Secretary.....	1,079,656	994,507	1,003,263	-76,393	+8,756	
Federal funds.....	1,070,491	985,342	994,098	-76,393	+8,756	
Trust funds.....	9,165	9,165	9,165	---	---	
	=====	=====	=====	=====	=====	
Total, Department of Health and Human Services..	240,390,115	258,864,945	259,396,591	+19,006,476	+531,646	
Federal Funds.....	238,384,510	256,769,478	257,521,124	+19,136,614	+751,646	
Current year.....	(201,904,835)	(213,326,027)	(214,047,673)	(+12,142,838)	(+721,646)	
Advance Year, FY02.....	(36,479,675)	(43,443,451)	(43,473,451)	(+6,993,776)	(+30,000)	
Trust funds.....	2,005,605	2,095,467	1,875,467	-130,138	-220,000	

(1) For FY 2000 Comparable purposes, \$10 million is shown in CDC for Chronic Diseases and \$9 million for Infectious Diseases.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable			FY 2001 Request

TITLE III - DEPARTMENT OF EDUCATION							
EDUCATION REFORM							
Goals 2000: Educate America Act:							
State Grants forward funded.....	456,500	---	---	-456,500	---	D	FF
State Grants current funded.....	1,500	---	---	-1,500	---	D	
Parental Assistance.....	33,000	33,000	---	-33,000	-33,000	D	
Recognition and Reward.....	---	50,000	---	---	-50,000	D	
	-----	-----	-----	-----	-----		
Subtotal, Goals 2000.....	491,000	83,000	---	-491,000	-83,000		
School-to-Work Opportunities.....	55,000	---	---	-55,000	---	D	FF
Educational Technology:							
Technology Literacy Challenge Fund.....	425,000	450,000	517,000	+92,000	+67,000	D	
Technology Innovation Challenge Fund.....	146,255	---	197,500	+51,245	+197,500	D	
Regional Technology in Education Consortia.....	10,000	10,000	10,000	---	---	D	
Next Generation Technology Innovation.....	---	170,000	---	---	-170,000	D	
	-----	-----	-----	-----	-----		
Subtotal.....	581,255	630,000	724,500	+143,245	+94,500		
National Activities							
Technology Leadership Activities.....	2,000	2,000	2,000	---	---	D	
Teacher Training in Technology.....	75,000	150,000	85,000	+10,000	-65,000	D	
Community-Based Technology Centers.....	32,500	100,000	32,500	---	-67,500	D	
	-----	-----	-----	-----	-----		
Subtotal.....	109,500	252,000	119,500	+10,000	-132,500		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request
Star Schools.....	50,550	---	45,000	-5,550	+45,000 D
Ready to Learn Television.....	16,000	16,000	16,000	---	---
Telcom Demo Project for Mathematics.....	8,500	---	---	-8,500	---
Telcom Program for Professional Develop.....	---	5,000	---	---	-5,000 D
Subtotal, Educational technology.....	765,805	903,000	905,000	+139,195	+2,000
21st Century Community Learning Centers.....	453,377	1,000,000	600,000	+146,623	-400,000 D
Small, Safe, and Successful High Schools.....	---	120,000	---	---	-120,000 D
Total, Education Reform.....	1,765,182	2,106,000	1,505,000	-260,182	-601,000
Subtotal, Forward funded.....	(511,500)	---	---	(-511,500)	---

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with		
	FY 2000 Comparable	FY 2001 Request		FY 2000 Comparable	FY 2001 Request	

EDUCATION FOR THE DISADVANTAGED						
Grants to Local Education Agencies (LEAs):						
Basic Grants						
Advance from prior year.....	(5,046,366)	(5,046,366)	(5,046,366)	---	---	NA
Forward funded.....	1,733,134	481,237	1,733,134	---	+1,251,897	D FF
Current funded.....	3,500	---	3,500	---	+3,500	D
	-----	-----	-----	-----	-----	
Subtotal, Basic grants current year funding.	1,736,634	481,237	1,736,634	---	+1,255,397	
Basic Grants FY02 Advance.....	5,046,366	5,201,863	5,046,366	---	-155,497	D
	-----	-----	-----	-----	-----	
Subtotal, Basic grants, program level.....	6,783,000	5,683,100	6,783,000	---	+1,099,900	
Concentration Grants - Advance from prior year....	(1,158,397)	(1,158,397)	(1,158,397)	---	---	NA
Concentration Grants FY02 Advance.....	1,158,397	1,002,900	1,158,397	---	+155,497	D
Targeted Grants	---	1,671,500	---	---	-1,671,500	D FF
	-----	-----	-----	-----	-----	
Subtotal, Grants to LEAs.....	7,941,397	8,357,500	7,941,397	---	-416,103	
Capital Expenses for Private School Children.....	12,000	---	---	-12,000	---	D FF
Even Start.....	150,000	150,000	250,000	+100,000	+100,000	D FF
State agency programs:						
Migrant.....	354,689	380,000	354,689	---	-25,311	D FF
Neglected and Delinquent/High Risk Youth.....	42,000	42,000	42,000	---	---	D FF
Evaluation.....	8,900	---	8,900	---	+8,900	D
Comprehensive School Reform Demonstration.....	170,000	190,000	190,000	+20,000	---	D FF
	=====	=====	=====	=====	=====	
Total, ESEA.....	8,678,986	9,119,500	8,786,986	+108,000	-332,514	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
Migrant education:					
High School Equivalency Program.....	15,000	20,000	20,000	+5,000	--- D
College Assistance Migrant Program.....	7,000	10,000	10,000	+3,000	--- D
Subtotal, migrant education.....	22,000	30,000	30,000	+8,000	---
Total, Education for the disadvantaged.....	8,700,986	9,149,500	8,816,986	+116,000	-332,514
Current Year.....	(2,496,223)	(2,944,737)	(2,612,223)	(+116,000)	(-332,514)
Advance Year, FY02.....	(6,204,763)	(6,204,763)	(6,204,763)	---	---
Subtotal, forward funded.....	(2,461,823)	(2,914,737)	(2,569,823)	(+108,000)	(-344,914)
IMPACT AID					
Basic Support Payments.....	737,200	720,000	780,000	+42,800	+60,000 D
Payments for Children with Disabilities.....	50,000	40,000	50,000	---	+10,000 D
Payments for Heavily Impacted Districts (Sec. f).....	72,200	---	82,000	+9,800	+82,000 D
Subtotal.....	859,400	760,000	912,000	+52,600	+152,000
Facilities Maintenance (Sec. 8008).....	5,000	5,000	8,000	+3,000	+3,000 D
Construction (Sec. 8007).....	10,052	5,000	25,000	+14,948	+20,000 D
Payments for Federal Property (Sec. 8002).....	32,000	---	40,000	+8,000	+40,000 D
Total, Impact aid.....	906,452	770,000	985,000	+78,548	+215,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

SCHOOL IMPROVEMENT PROGRAMS						
Teaching to High Standards, current.....	---	405,000	---	---	-405,000	D
FY02.....	---	285,000	---	---	-285,000	D
Eisenhower Professional Development.....	335,000	---	---	-335,000	---	D FF
National Programs:						
School Leadership Initiative.....	---	40,000	---	---	-40,000	D
Improvement of Teaching and School Leadership.....	---	25,000	---	---	-25,000	D
Hometown Teachers.....	---	75,000	---	---	-75,000	D
Higher Standards/Higher Pay.....	---	50,000	---	---	-50,000	D
Teacher Quality Incentives.....	---	50,000	---	---	-50,000	D
Troops to Teachers.....	---	25,000	---	---	-25,000	D
Early Childhood Educator Professional Develop.....	---	30,000	---	---	-30,000	D FF
Innovative Education (Education Block Grant).....	80,750	---	80,750	---	+80,750	D FF
Advance from prior year.....	---	(285,000)	(285,000)	(+285,000)	---	NA
FY02.....	285,000	---	285,000	---	+285,000	D
Education Block Grant, program level.....	365,750	---	365,750	---	+365,750	
Class Size Reduction, current.....	400,000	850,000	---	-400,000	-850,000	D FF
Advance from prior year (1).....	---	(900,000)	(900,000)	(+900,000)	---	NA
FY02.....	900,000	900,000	---	-900,000	-900,000	D
Class Size Reduction, program level.....	1,300,000	1,750,000	---	-1,300,000	-1,750,000	

(1) Funds made available in FY 2000 appropriation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request	
Teacher Empowerment Act (1).....	---	---	850,000	+850,000	+850,000		D FF
FY02.....	---	---	900,000	+900,000	+900,000		D
Teacher Empowerment Act, program level.....	---	---	1,750,000	+1,750,000	+1,750,000		
Safe and Drug Free Schools:							
State Grants, current funded.....	109,250	109,250	109,250	---	---		D FF
Advance from prior year.....	---	(330,000)	(330,000)	(+330,000)	---		NA
FY02.....	330,000	330,000	330,000	---	---		D
State Grants, program level.....	439,250	439,250	439,250	---	---		
National Programs.....	110,750	150,750	110,000	-750	-40,750		D
Coordinator Initiative.....	50,000	50,000	50,000	---	---		D
Project SERV.....	---	10,000	---	---	-10,000		D
Subtotal, Safe and drug free schools.....	600,000	650,000	599,250	-750	-50,750		
Inexpensive Book Distribution (RIF).....	20,000	20,000	21,000	+1,000	+1,000		D
Arts in Education.....	11,500	23,000	16,500	+5,000	-6,500		D

(1) Teacher Empowerment Act subject to authorization.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
Other school improvement programs:					
Magnet Schools Assistance.....	110,000	110,000	110,000	---	--- D
Education for Homeless Children & Youth.....	28,800	31,700	32,000	+3,200	+300 D FF
Women's Educational Equity.....	3,000	3,000	3,000	---	--- D
Training and Advisory Services (Civil Rights).....	7,334	7,334	7,334	---	--- D
Ellender Fellowships/Close Up.....	1,500	---	1,500	---	+1,500 D FF
Education for Native Hawaiians.....	23,000	23,000	23,000	---	--- D
Alaska Native Education Equity.....	13,000	13,000	13,000	---	--- D
Charter Schools.....	145,000	175,000	175,000	+30,000	--- D
Subtotal, other school improvement programs.....	331,634	363,034	364,834	+33,200	+1,800
Opportunities to Improve our Nation's Schools(OPTIONS)	---	20,000	---	---	-20,000 D
Strengthening Technical assistance Capacity Grants....	---	38,000	---	---	-38,000 D
Comprehensive Regional Assistance Centers.....	28,000	---	28,000	---	+28,000 D
Advanced Placement Fees.....	15,000	20,000	20,000	+5,000	--- D
	=====	=====	=====	=====	=====
Total, School improvement programs.....	3,006,884	3,869,034	3,165,334	+158,450	-703,700
Current Year.....	(1,491,884)	(2,354,034)	(1,650,334)	(+158,450)	(-703,700)
Advance Year, FY02.....	(1,515,000)	(1,515,000)	(1,515,000)	---	---
Subtotal, forward funded.....	(955,300)	(1,020,950)	(1,073,500)	(+118,200)	(+52,550)

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
READING EXCELLENCE						
Reading Excellence Act.....	65,000	91,000	65,000	---	-26,000	D FF
Advance from prior year.....	---	(195,000)	(195,000)	(+195,000)	---	NA
FY02.....	195,000	195,000	195,000	---	---	D
Reading Excellence, program level.....	260,000	286,000	260,000	---	-26,000	
INDIAN EDUCATION						
Grants to Local Educational Agencies.....	62,000	92,765	92,765	+30,765	---	D
Federal Programs						
Special Programs for Indian Children.....	13,265	20,000	13,265	---	-6,735	D
National Activities.....	1,735	2,735	1,735	---	-1,000	D
Subtotal.....	15,000	22,735	15,000	---	-7,735	
Total, Indian Education.....	77,000	115,500	107,765	+30,765	-7,735	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request
SCHOOL RENOVATION					
Grants to Indian LEAs.....	---	50,000	---	---	-50,000 D
Grants to Other High-Need LEAs.....	---	125,000	---	---	-125,000 D
School Renovation Loan Subsidies.....	---	1,125,000	---	---	-1,125,000 D
Total, School Renovation.....	---	1,300,000	---	---	-1,300,000
BILINGUAL AND IMMIGRANT EDUCATION					
Bilingual education:					
Instructional Services.....	162,500	180,000	162,500	---	-17,500 D
Support Services.....	14,000	16,000	14,000	---	-2,000 D
Professional Development.....	71,500	100,000	71,500	---	-28,500 D
Immigrant Education.....	150,000	150,000	150,000	---	---
Foreign Language Assistance.....	8,000	14,000	8,000	---	-6,000 D
Total, Bilingual and Immigrant Education.....	406,000	460,000	406,000	---	-54,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

SPECIAL EDUCATION						
State grants:						
Grants to States Part B advance funded.....	3,742,000	3,742,000	3,742,000	---	---	D
Part B advance from prior year.....	---	(3,742,000)	(3,742,000)	(+3,742,000)	---	NA
Grants to States Part B current year.....	1,247,685	1,537,685	1,747,685	+500,000	+210,000	D FF
Grants to States program level.....	4,989,685	5,279,685	5,489,685	+500,000	+210,000	
Preschool Grants.....	390,000	390,000	390,000	---	---	D FF
Grants for Infants and Families.....	375,000	383,567	375,000	---	-8,567	D FF
Subtotal, State grants program level.....	5,754,685	6,053,252	6,254,685	+500,000	+201,433	
IDEA National Activities (current funded):						
State Program Improvement Grants.....	35,200	45,200	45,200	+10,000	---	D FF
Research and Innovation.....	64,433	74,433	64,433	---	-10,000	D
Technical Assistance and Dissemination.....	45,481	53,481	45,481	---	-8,000	D
Personnel Preparation.....	81,952	81,952	81,952	---	---	D
Parent Information Centers.....	18,535	26,000	22,000	+3,465	-4,000	D
Technology and Media Services.....	34,410	34,523	36,410	+2,000	+1,887	D
Public Telecom Info/Training Dissemination....	1,500	---	---	-1,500	---	D
Subtotal, IDEA special programs.....	281,511	315,589	295,476	+13,965	-20,113	
=====						
Total, Special education.....	6,036,196	6,368,841	6,550,161	+513,965	+181,320	
Current Year.....	(2,294,196)	(2,626,841)	(2,808,161)	(+513,965)	(+181,320)	
Advance Year, FY02.....	(3,742,000)	(3,742,000)	(3,742,000)	---	---	
Subtotal, Forward funded.....	(2,047,885)	(2,356,452)	(2,557,885)	(+510,000)	(+201,433)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH					
Vocational Rehabilitation State Grants.....	2,338,977	2,399,790	2,399,790	+60,813	--- M
Client Assistance State grants.....	10,928	11,147	10,928	---	-219 D
Training.....	39,629	39,629	39,629	---	---
Demonstration and training programs.....	21,672	21,672	16,492	-5,180	-5,180 D
Migrant and seasonal farmworkers.....	2,350	2,850	2,350	---	-500 D
Recreational programs.....	3,521	2,596	2,596	-925	---
Protection and advocacy of individual rights (PAIR)...	11,894	12,132	14,000	+2,106	+1,868 D
Projects with industry.....	22,071	22,071	22,071	---	---
Supported employment State grants.....	38,152	38,152	38,152	---	---
Independent living:					
State grants.....	22,296	22,296	22,296	---	---
Centers.....	48,000	58,000	58,000	+10,000	---
Services for older blind individuals.....	15,000	15,000	18,000	+3,000	+3,000 D
Subtotal, Independent living.....	85,296	95,296	98,296	+13,000	+3,000
Program Improvement.....	1,900	1,900	1,900	---	---
Evaluation.....	1,587	1,587	1,587	---	---
Helen Keller National Center for Deaf-Blind Youths & Adults.....	8,550	8,717	8,550	---	-167 D
National Institute for Disability and Rehabilitation Research (NIDRR).....	86,462	100,000	86,462	---	-13,538 D
Assistive Technology.....	34,000	41,112	34,000	---	-7,112 D
Subtotal, discretionary programs.....	368,012	398,861	377,013	+9,001	-21,848
Total, Rehabilitation services.....	2,706,989	2,798,651	2,776,803	+69,814	-21,848

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
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SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND.....	10,100	10,265	11,000	+900	+735	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF						
Operations.....	45,500	46,410	48,000	+2,500	+1,590	D
Construction.....	2,651	5,376	6,000	+3,349	+624	D
Total.....	48,151	51,786	54,000	+5,849	+2,214	
GALLAUDET UNIVERSITY						
Operations.....	83,480	87,650	89,400	+5,920	+1,750	D
Construction.....	2,500	---	---	-2,500	---	D
Total.....	85,980	87,650	89,400	+3,420	+1,750	
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Total, Special institutions.....	144,231	149,701	154,400	+10,169	+4,699	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with			
				FY 2000 Comparable	FY 2001 Request		

VOCATIONAL AND ADULT EDUCATION							
Vocational education:							
Basic State Grants, current funded.....	264,650	264,650	309,000	+44,350	+44,350	D	FF
Advance from prior year.....	---	(791,000)	(791,000)	(+791,000)	---	NA	
FY02.....	791,000	591,000	791,000	---	+200,000	D	
	-----	-----	-----	-----	-----		
Basic State Grants, program level.....	1,055,650	855,650	1,100,000	+44,350	+244,350		
Tech-Prep Education.....	106,000	106,000	106,000	---	---	D	FF
FY02.....	---	200,000	---	---	-200,000	D	
Tribally Controlled Postsecondary Vocational Institutions.....	4,600	4,600	4,600	---	---	D	
National Programs.....	17,500	17,500	17,500	---	---	D	FF
NOICC.....	9,000	---	---	-9,000	---	D	
	-----	-----	-----	-----	-----		
Subtotal, Vocational education.....	1,192,750	1,183,750	1,228,100	+35,350	+44,350		
Adult education:							
State Grants, current funded.....	450,000	460,000	470,000	+20,000	+10,000	D	FF
National programs:							
National Leadership Activities.....	14,000	89,000	14,000	---	-75,000	D	FF
National Institute for Literacy.....	6,000	6,500	6,500	+500	---	D	FF
	-----	-----	-----	-----	-----		
Subtotal, National programs.....	20,000	95,500	20,500	+500	-75,000		
	=====	=====	=====	=====	=====		
Subtotal, adult education.....	470,000	555,500	490,500	+20,500	-65,000		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request
State Grants for Incarcerated Youth Offenders.....	19,000	12,000	---	-19,000	-12,000 D
	=====	=====	=====	=====	=====
Total, Vocational and adult education.....	1,681,750	1,751,250	1,718,600	+36,850	-32,650
Current Year.....	(890,750)	(960,250)	(927,600)	(+36,850)	(-32,650)
Advance Year, FY02.....	(791,000)	(791,000)	(791,000)	---	---
Subtotal, forward funded.....	(858,150)	(943,650)	(923,000)	(+64,850)	(-20,650)

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable			FY 2001 Request

STUDENT FINANCIAL ASSISTANCE							
Pell Grants -- maximum grant (NA).....	(3,300)	(3,500)	(3,500)	(+200)	---	NA	
Pell Grants -- Regular Program.....	7,639,717	8,356,000	8,308,000	+668,283	-48,000	D	
Federal Supplemental Educational Opportunity Grants...	621,000	691,000	691,000	+70,000	---	D	
Emergency SEOG--Hurricane Floyd.....	10,000	---	---	-10,000	---	D EMG	
Federal Work Study.....	934,000	1,011,000	1,011,000	+77,000	---	D	
Federal Perkins loans:							
Capital Contributions.....	100,000	100,000	100,000	---	---	D	
Loan Cancellations.....	30,000	60,000	40,000	+10,000	-20,000	D	
Subtotal, Federal Perkins loans.....	130,000	160,000	140,000	+10,000	-20,000		
LEAP program.....	40,000	40,000	---	-40,000	-40,000	D	
	=====	=====	=====	=====	=====		
Total, Student financial assistance.....	9,374,717	10,258,000	10,150,000	+775,283	-108,000		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request
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FEDERAL FAMILY EDUCATION LOAN PROGRAM						
Federal Administration.....	48,000	48,000	48,000	---	---	D
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions.....	60,250	63,000	73,000	+12,750	+10,000	D
Hispanic Serving Institutions.....	42,250	62,500	68,500	+26,250	+6,000	D
Dual-Degree Programs for Minority Institutions....	---	40,000	---	---	-40,000	D
Strengthening Historically Black Colleges (HBCUs).	148,750	169,000	185,000	+36,250	+16,000	D
Strengthening historically black graduate insts...	31,000	40,000	45,000	+14,000	+5,000	D
Strengthening Alaska / Native Hawaiian Instit.....	5,000	5,000	5,000	---	---	D
Strengthening Tribal Colleges.....	6,000	9,000	12,000	+6,000	+3,000	D
Subtotal, Institutional development.....	293,250	388,500	388,500	+95,250	---	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)..	74,249	31,200	31,200	-43,049	---	D
Minority Science and Engineering Improvement.....	7,500	8,500	8,500	+1,000	---	D
International education and foreign language:						
Domestic Programs.....	62,000	62,000	67,000	+5,000	+5,000	D
Overseas Programs.....	6,680	10,000	10,000	+3,320	---	D
Institute for International Public Policy.....	1,022	1,022	1,022	---	---	D
Subtotal, International education.....	69,702	73,022	78,022	+8,320	+5,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		
				FY 2000 Comparable	FY 2001 Request	
Interest Subsidy Grants.....	12,000	10,000	10,000	-2,000	---	D
Federal TRIO Programs.....	645,000	725,000	760,000	+115,000	+35,000	D
GEAR UP.....	200,000	325,000	200,000	---	-125,000	D
Byrd Honors Scholarships.....	39,859	41,001	39,859	---	-1,142	D
Javits Fellowships.....	20,000	10,000	10,000	-10,000	---	D
Graduate Assistance in Areas of National Need.....	31,000	31,000	31,000	---	---	D
Learning Anytime Anywhere Partnerships.....	23,269	30,000	10,000	-13,269	-20,000	D
Teacher Quality Enhancement Grants.....	98,000	98,000	98,000	---	---	D
Child Care Access Means Parents in School.....	5,000	15,000	15,000	+10,000	---	D
Demonstration in Disabilities / Higher Education.....	5,000	5,000	5,000	---	---	D
Underground Railroad Program.....	1,750	1,750	---	-1,750	-1,750	D
Community Scholarship Mobilization.....	1,000	---	---	-1,000	---	D
GPRA data/HEA program evaluation.....	3,000	3,000	3,000	---	---	D
	=====	=====	=====	=====	=====	
Total, Higher education.....	1,529,579	1,795,973	1,688,081	+158,502	-107,892	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	
				FY 2000 Comparable	FY 2001 Request

HOWARD UNIVERSITY					
Academic Program.....	185,540	190,096	192,500	+6,960	+2,404 D
Endowment Program.....	3,530	3,530	3,600	+70	+70 D
Howard University Hospital.....	30,374	30,374	30,374	---	--- D
	-----	-----	-----	-----	-----
Total, Howard University.....	219,444	224,000	226,474	+7,030	+2,474
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:					
Federal Administration.....	737	737	737	---	--- D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY					
CAPITAL FINANCING, PROGRAM ACCOUNT					
HBCU Capital Financing Program -- Federal Adm.....	207	208	207	---	-1 D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT					
Research and statistics:					
Research, Development, and Dissemination.....	---	198,567	---	---	-198,567 D
Research.....	103,567	---	103,567	---	+103,567 D
Regional Educational Laboratories.....	65,000	---	65,000	---	+65,000 D
Statistics.....	68,000	84,000	68,000	---	-16,000 D
Assessment:					
National Assessment.....	36,000	38,000	36,000	---	-2,000 D
National Assessment Governing Board.....	4,000	4,500	4,000	---	-500 D
Subtotal, Assessment.....	40,000	42,500	40,000	---	-2,500
	=====	=====	=====	=====	=====
Subtotal, Research and statistics.....	276,567	325,067	276,567	---	-48,500
Fund for the Improvement of Education.....	243,864	137,150	145,000	-98,864	+7,850 D
International Education Exchange.....	7,000	8,000	7,000	---	-1,000 D
Civic Education.....	9,850	9,850	10,000	+150	+150 D
Eisenhower Professional Dvp. Federal Activities.....	23,300	---	23,300	---	+23,300 D
Eisenhower Regional Math & Science Ed. Consortia.....	15,000	15,000	15,000	---	---
Javits Gifted and Talented Education.....	6,500	7,500	7,500	+1,000	---
America's Tests.....	---	5,000	---	---	-5,000 D
National Writing Project.....	9,000	10,000	10,000	+1,000	---
	=====	=====	=====	=====	=====
Total, ERSI.....	591,081	517,567	494,367	-96,714	-23,200

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable		FY 2001 Request

DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION.....	382,934	413,184	382,934	---	-30,250	D
OFFICE FOR CIVIL RIGHTS.....	71,200	76,000	71,200	---	-4,800	D
OFFICE OF THE INSPECTOR GENERAL.....	34,000	36,500	34,000	---	-2,500	D
	-----	-----	-----	-----	-----	
Total, Departmental management.....	488,134	525,684	488,134	---	-37,550	
STUDENT LOANS						
New Annual Loan Volume (including consolidation):						
Federal Family Education Loans (FFEL).....	(25,540,000)	(26,902,000)	(26,902,000)	(+1,362,000)	---	NA
Federal Direct Student Loans (FDSL).....	(14,855,000)	(15,613,000)	(15,613,000)	(+758,000)	---	NA
Total Outstanding Loan Volume:						
Federal Family Education Loans (FFEL).....	(281,700,000)	(303,900,000)	(303,900,000)	(+22,200,000)	---	NA
Federal Direct Student Loans (FDSL).....	(54,200,000)	(65,400,000)	(65,400,000)	(+11,200,000)	---	NA
	=====	=====	=====	=====	=====	
Total, Department of Education.....	37,943,569	42,494,646	39,542,049	+1,598,480	-2,952,597	
Current year.....	(25,495,806)	(30,046,883)	(27,094,286)	(+1,598,480)	(-2,952,597)	
Advance Year, FY02.....	(12,447,763)	(12,447,763)	(12,447,763)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	

TITLE IV - RELATED AGENCIES					
ARMED FORCES RETIREMENT HOME					
Operations and Maintenance.....	55,599	60,000	60,000	+4,401	--- D
Capital Program.....	12,696	9,832	9,832	-2,864	--- D
	-----	-----	-----	-----	-----
Total, AFRH.....	68,295	69,832	69,832	+1,537	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)					
Domestic Volunteer Service Programs:					
Volunteers in Service to America (VISTA).....	80,574	86,000	80,574	---	-5,426 D
National Senior Volunteer Corps:					
Foster Grandparents Program.....	95,988	97,782	95,988	---	-1,794 D
Senior Companion Program.....	39,219	41,669	39,219	---	-2,450 D
Retired Senior Volunteer Program.....	46,117	50,565	46,117	---	-4,448 D
Senior Demonstration Program.....	1,494	2,500	400	-1,094	-2,100 D
	-----	-----	-----	-----	-----
Subtotal, Senior Volunteers.....	182,818	192,516	181,724	-1,094	-10,792
Program Administration.....	31,129	34,100	32,229	+1,100	-1,871 D
	=====	=====	=====	=====	=====
Total; Domestic Volunteer Service Programs.....	294,521	312,616	294,527	+6	-18,089

(1) Appropriations for Americorps are provided
in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
CORPORATION FOR PUBLIC BROADCASTING:					
FY03 (current request) with FY02 comparable.....	350,000	365,000	365,000	+15,000	---
Digitalization program (1).....	---	30,000	---	---	-30,000
FY02 advance with FY01 comparable (NA).....	(340,000)	(350,000)	(350,000)	(+10,000)	---
Digitalization program (1).....	---	35,000	---	---	-35,000
FY01 advance with FY00 comparable (NA).....	(300,000)	(340,000)	(340,000)	(+40,000)	---
FY00 reduction.....	-1,243	---	---	+1,243	---
Digitalization program (1).....	10,000	20,000	---	-10,000	-20,000
Satellite replacement supplemental--FY00.....	(17,300)	---	---	(-17,300)	---
Subtotal, FY00/01 appropriation.....	(326,057)	(360,000)	(340,000)	(+13,943)	(-20,000)
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	36,693	39,001	37,500	+807	-1,501
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	6,136	6,320	6,200	+64	-120
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	166,251	173,000	170,000	+3,749	-3,000
MEDICARE PAYMENT ADVISORY COMMISSION (TF).....	7,015	8,000	8,000	+985	---
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,295	1,495	1,400	+105	-95
NATIONAL COUNCIL ON DISABILITY.....	2,391	2,615	2,450	+59	-165
NATIONAL EDUCATION GOALS PANEL.....	2,241	2,350	---	-2,241	-2,350
NATIONAL LABOR RELATIONS BOARD.....	205,717	216,438	205,717	---	-10,721

(1) Unauthorized. Funding is subject to enactment of authorization by September 30, 2000.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
NATIONAL MEDIATION BOARD.....	9,562	10,400	9,800	+238	-600 D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	8,470	8,720	8,600	+130	-120 D
RAILROAD RETIREMENT BOARD					
Dual Benefits Payments Account.....	173,339	160,000	160,000	-13,339	--- D
Less Income Tax Receipts on Dual Benefits.....	-10,000	-10,000	-10,000	---	--- D
Subtotal, Dual Benefits.....	163,339	150,000	150,000	-13,339	---
Federal Payment to the RR Retirement Account.....	150	150	150	---	--- M
Limitation on administration: Consolidated Account.....	90,655	92,500	95,000	+4,345	+2,500 TF
Inspector General.....	5,380	5,700	5,380	---	-320 TF
SOCIAL SECURITY ADMINISTRATION					
Payments to Social Security Trust Funds.....	20,764	20,400	20,400	-364	--- M
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments.....	520,000	484,078	484,078	-35,922	--- M
Administration.....	4,638	5,670	5,670	+1,032	--- M
Subtotal, Black Lung, current year program level	524,638	489,748	489,748	-34,890	---
Less funds advanced in prior year.....	-141,000	-124,000	-124,000	+17,000	--- M
Total, Black Lung, current request.....	383,638	365,748	365,748	-17,890	---
New advances, 1st quarter FY02.....	124,000	114,000	114,000	-10,000	--- M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
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SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments.....	29,189,000	30,483,000	30,483,000	+1,294,000	---	M
Beneficiary services.....	64,000	71,000	71,000	+7,000	---	M
Research and demonstration.....	25,085	30,000	30,000	+4,915	---	M
Administration.....	2,142,000	2,359,000	2,132,000	-10,000	-227,000	D
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Subtotal, SSI current year program level.....	31,420,085	32,943,000	32,716,000	+1,295,915	-227,000	
Less funds advanced in prior year.....	-9,550,000	-9,890,000	-9,890,000	-340,000	---	M
<hr/>						
Subtotal, regular SSI current year (2000/2001).	21,870,085	23,053,000	22,826,000	+955,915	-227,000	
Additional CDR funding (1).....	200,000	210,000	210,000	+10,000	---	D
User Fee Activities.....	80,000	91,000	91,000	+11,000	---	D
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Total, SSI, current request.....	22,150,085	23,354,000	23,127,000	+976,915	-227,000	
New advance, 1st quarter, FY02.....	9,890,000	10,470,000	10,470,000	+580,000	---	M
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(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI Trust Funds.....	2,925,236	3,138,200	3,265,236	+340,000	+127,036	TF
HI/SMI Trust Funds.....	1,038,000	1,094,000	1,038,000	---	-56,000	TF
Social Security Advisory Board.....	1,800	1,800	1,800	---	---	TF
SSI.....	2,142,000	2,359,000	2,132,000	-10,000	-227,000	TF
Subtotal, regular LAE.....	6,107,036	6,593,000	6,437,036	+330,000	-155,964	
User Fee Activities (SSI).....	80,000	91,000	91,000	+11,000	---	TF
	=====	=====	=====	=====	=====	
TOTAL, REGULAR LAE.....	6,187,036	6,684,000	6,528,036	+341,000	-155,964	
Additional CDR funding (1)						
OASDI.....	185,000	240,000	240,000	+55,000	---	TF
SSI.....	200,000	210,000	210,000	+10,000	---	TF
Subtotal, CDR funding.....	385,000	450,000	450,000	+65,000	---	
	=====	=====	=====	=====	=====	
TOTAL, LAE.....	6,572,036	7,134,000	6,978,036	+406,000	-155,964	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	

OFFICE OF INSPECTOR GENERAL					
Federal Funds.....	14,944	17,000	14,944	---	-2,056 D
Trust Funds.....	50,808	56,000	50,808	---	-5,192 TF

Total, Office of the Inspector General.....	65,752	73,000	65,752	---	-7,248

Adjustment: Trust fund transfers from general revenues	-2,422,000	-2,660,000	-2,433,000	-11,000	+227,000 TF
=====					
Total, Social Security Administration.....	36,784,275	38,871,148	38,707,936	+1,923,661	-163,212
Federal funds.....	32,583,431	34,341,148	34,112,092	+1,528,661	-229,056
Current year.....	(22,569,431)	(23,757,148)	(23,528,092)	(+958,661)	(-229,056)
New advances, 1st quarter FY01.....	(10,014,000)	(10,584,000)	(10,584,000)	(+570,000)	---
Trust funds.....	4,200,844	4,530,000	4,595,844	+395,000	+65,844
=====					
UNITED STATES INSTITUTE OF PEACE.....	12,951	14,450	15,000	+2,049	+550 D
=====					
Total, Title IV, Related Agencies.....	38,224,094	40,434,735	40,152,492	+1,928,398	-282,243
Federal funds.....	33,920,200	35,798,535	35,448,268	+1,528,068	-350,267
Current year.....	(23,556,200)	(24,784,535)	(24,499,268)	(+943,068)	(-285,267)
Advance Year, FY02.....	(10,014,000)	(10,619,000)	(10,584,000)	(+570,000)	(-35,000)
Advance Year, FY03.....	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)
Trust funds.....	4,303,894	4,636,200	4,704,224	+400,330	+68,024
=====					

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	FY 2001 Request

SUMMARY					
Grand bill total.....	329,648,462	356,123,602	351,717,730	+22,069,268	-4,405,872
Federal Funds	319,965,847	345,878,039	341,770,019	+21,804,172	-4,108,020
Current year.....	(258,211,409)	(276,509,825)	(272,436,805)	(+14,225,396)	(-4,073,020)
Advance Year, FY02.....	(61,404,438)	(68,973,214)	(68,968,214)	(+7,563,776)	(-5,000)
Advance Year, FY03.....	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)
Trust Funds.....	9,682,615	10,245,563	9,947,711	+265,096	-297,852
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill.....	233,063,984	248,996,967	248,991,967	+15,927,983	-5,000
Less advances for subsequent years.....	-42,791,003	-49,527,451	-49,527,451	-6,736,448	---
Plus advances provided in prior years.....	40,529,605	42,791,003	42,791,003	+2,261,398	---
Subtotal, mandatory.....	230,802,586	242,260,519	242,255,519	+11,452,933	-5,000
	=====	=====	=====	=====	=====

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (\$000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable FY 2001 Request	
Discretionary, total in bill.....	96,584,478	107,126,635	102,725,763	+6,141,285	-4,400,872
Less advances for subsequent years.....	-18,963,435	-19,840,763	-19,805,763	-842,328	+35,000
Plus advances provided in prior years.....	8,844,735	18,933,435	18,953,435	+10,108,700	+20,000
Scorekeeping adjustments:					
Adjustment to balance with 2000 bill.....	-12,801	---	---	+12,801	---
Adjustment for leg cap on Title XX SSBs.....	-605,000	---	---	+605,000	---
SSA User Fee Collection.....	-80,000	-91,000	-91,000	-11,000	---
HEAF Recapture.....	-26,000	---	---	+26,000	---
Refugee and entrant assistance reappropriation	12,000	---	---	-12,000	---
Medicaid Title XX offset.....	1,000	---	---	-1,000	---
Directory of New Hires.....	-878,000	---	---	+878,000	---
FUBA.....	40,000	---	---	-40,000	---
SSI Benefits Date Shift.....	---	---	-2,410,000	-2,410,000	-2,410,000
TANF Savings.....	---	---	-240,000	-240,000	-240,000
Effects of 2000 Supplemental.....	---	---	21,000	+21,000	+21,000
NIH General Provision.....	---	---	-1,700,000	-1,700,000	-1,700,000
SSA State Reimbursement.....	---	---	-295,000	-295,000	-295,000
Across the board OMB\CBO adjustment.....	-890	---	---	+890	---
Welfare to work and child support.....	-50,000	---	---	+50,000	---
Total, discretionary, current year.....	84,866,087	106,128,307	97,158,435	+12,292,348	-8,969,872
	=====	=====	=====	=====	=====
Grand total, current year.....	315,668,673	348,388,826	339,413,954	+23,745,281	-8,974,872

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman if it is the intention of the majority to now proceed to a final vote on this bill.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Yes, it is.

Mr. OBEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, and all I would say with respect to the previous colloquy is that the only assurance that any individual Member can provide that there will be more funding for a program that he is interested in is to vote for a bill which contains it. When we vote for a bill that does not contain it, what we do is give leverage to the very people who are trying to hold down funding for that bill.

I think before Members vote they should understand one thing about this bill. All of yesterday we tried to offer amendments to restore funds for education, for health care, for job training, for various other items that were knocked out of the President's budget request and we were denied the opportunity to offer those amendments, in large part because we were told they exceeded the allowable budget ceiling for this bill. And yet this bill now, as it stands here, with the failure of the Young amendment, is \$500 million in budget authority above the allowable amount and it is \$217 million above the allowable budget ceiling for outlays; that despite the fact that it is still \$3 billion short of the President's budget for education, \$1.7 billion below for worker protection and training, and \$1.2 billion below the President's budget for health.

I find it interesting that one standard is applied to amendments that this side sought to offer and another standard to the majority side when it wants to pass a bill. This bill, as it stands, is not in compliance with the budget resolution, and yesterday the majority time and time and time again chastised us for offering amendments that were not in compliance with the budget resolution. So much for consistency. But I guess it is the best that we can expect.

Lastly, I want to announce to the House, Mr. Chairman, that there will be a motion to recommit.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Though I did this at the beginning, Mr. Chairman, I want to take just a minute to thank the Members of the subcommittee and the staff.

Members of the House should realize that the hearings on this bill take longer perhaps than most other appropriation bills, running months, running into hundreds of public witnesses, and hearing from literally 100 Members of Congress. The Members that serve on it serve a very long and hard year in bringing this bill to the floor.

I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Texas (Mr. BONILLA), the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Florida (Mr. MILLER), the gentleman from Arkansas (Mr. DICKEY), the gentleman from Mississippi (Mr. WICKER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentleman from California (Mr. CUNNINGHAM) on our side; and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Maryland (Mr. HOYER), the gentlewoman from California (Ms. PELOSI), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from Connecticut (Ms. DELAURO), and the gentleman from Illinois (Mr. JACKSON) on the minority side.

It has been a great source of pleasure for me to work with such fine people and to be able to, in the end, despite all the rhetoric, find the common ground to fund these very, very important programs that exist in the bill.

Let me also thank the professional staff, and they are true professionals, who work even harder than we do. Tony McCann, the clerk of my subcommittee and chief of staff; Carol Murphy, Susan Firth, Geoff Kenyon, Francine Salvador, and Tom Kelly; and on the minority side Mark Mioduski and Cheryl Smith.

Let me also thank my personal staff, my administrative assistant, Katharine Fisher, and Spencer Perlman, who also put in long, long hours in producing this bill.

Finally, let me thank the associate staff. Obviously, they work hard as well. Brent Jaquet, Angela Godby, Bill Duncan, Paul Pisano, Kristen Bannerman, Jim Perry, Kristy Craig, and Frank Purcell. All of them work very hard in very tough circumstances to make this bill come to the floor and, I hope, get passed.

Finally, let me say that it has been, for me, for all the years that I have served on the Committee on Appropriations a real pleasure to work with the gentleman from Florida (Mr. YOUNG), our chairman. If anyone wanted to see a strong, effective, hard-working leader, who is universally respected and loved by Members on both sides of the aisle, they would want to see the gentleman from Florida (Mr. YOUNG). I do not know when he or the gentleman from Wisconsin (Mr. OBEY) ever get a chance to get any sleep during appropriation season.

And during all of this, I would add, that the gentleman from Florida is the best husband and father, and puts his family ahead of everything else. How he finds the time to do it all is beyond me. But we all love him and respect him greatly.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding to me, Mr. Chairman.

I will not repeat everything I said about the gentleman from Illinois yesterday, in the interest of brevity, but I do simply want to say that on this side of the aisle we regret very much the fact that the gentleman is retiring. We regret very much he will not be with us next year.

As I said yesterday, the gentleman has been a superb public servant. He has done honor to his district, to his State, to his party, to his Nation, to this institution, and each and every one of us who have served with him, and we wish him Godspeed.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001".

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 4577, the fiscal year 2001 Labor-Health and Human Services-Appropriations bill. I believe strongly this legislation shortchanges America's families by inadequately funding critical federal education and health programs.

First, I would like to express concerns with the legislation's funding levels for federal education programs. At a time when we should be increasing funding for our schools to reduce class size and to enhance teacher training, this bill would cut \$3.5 billion from the Administration's education budget. H.R. 4577 would repeal last year's bipartisan plan to hire 100,000 additional teachers for smaller classes. In North Dakota alone, this initiative has helped to hire 145 teachers and reduce class size for children like my daughter Kathryn.

Mr. Chairman, H.R. 4577 would also provide no funding for school modernization, meaning that hundreds of schools in North Dakota will have to forgo repair and modernization projects. In addition, at a time when we are facing a teacher shortage, this bill eliminates \$1 billion in crucial funding for teacher recruitment and training. By enacting these cuts and failing to provide funding for crucial education programs, this legislation will shortchange our students and endanger America's future economic prosperity.

In the area of health programs, I have serious concerns regarding the funding levels approved by the House Appropriations Committee for Medicare contractors. In the Administration's fiscal year 2001 budget request, the President requested \$1.30 billion to support Medicare claims processing contractors, supported in part by Medicare user fees. While I do not support implementation of Medicare user fees, I am concerned that the committee approved only \$1.17 billion for Medicare contractors. This amount is not only \$136 million less than the President's request, but also \$79 million less than the fiscal year 2000 allocation.

As the committee notes in its report, "Medicare contractors are responsible for paying Medicare providers promptly and accurately." I am concerned that this funding reduction contradicts the committee's intent; it is likely to slow down claims processing activities and the ability of contractors to provide services to

both beneficiaries and providers. We have all heard our constituents' concerns about the Medicare claim process—claims that are accidentally denied, slow payments, reaching voice mail more often than human beings. We should not exacerbate these concerns by reducing funding levels for Medicare contractors.

Mr. Chairman, I impress upon my colleagues the need to adequately fund the Medicare contractor program. I am not asking for Congress to approve Medicare user fees. In the future, however, when the House and Senate conference on this appropriations bill, I urge my colleagues to revisit this issue.

Mr. VENTO. Mr. Chairman, as we consider the Department of Labor, Health and Human Services and Education Appropriations Bill for Fiscal Year 2001, a simple question comes to mind. Do we, or do we not care about the needs of hard working American families? By looking at this proposal it seems to me that the answer is a resounding "no." The appropriations legislation put before us short-changes nearly every vulnerable group—children, dislocated and injured workers, and the elderly, to highlight just a few.

The American public time and again has rated education as a top priority—above tax cuts, above foreign affairs, above Pentagon spending, even above gun control and protecting social security. While I am not discrediting the need for Congress to address all of those issues, it is important that we listen to what constituents are saying. It seems ridiculous that at a time when our economy is booming, we still have schools that are under funded and under staffed, mainly due to the slight of hand indifferent policy path of the Republican leadership. How can the United States possibly expect to remain competitive in a global marketplace if we are unwilling to make the investment to ensure that our students are receiving the best education possible? As examples, H.R. 4577 short-changes students who need the most support, by inadequately funding Head Start, Title I, after school care, teacher quality and class size reduction initiatives. Additionally, this proposal supports block granting for several programs, a method of funding which dilutes the effectiveness of federal dollars in our classrooms.

This appropriations bill is a disaster when it comes to taking care of on the job workers safety and health. The rider blocking the implementation of an ergonomics standard is particularly offensive, an unnecessary delay tactic which could ultimately result in thousands more workers being needlessly injured on the job. Additionally, this legislation cuts dislocated worker programs—a slap in the face following the recent vote of PNTR for China—and cuts funding of summer jobs for at-risk youth, retreating from the modest temporary programs that ease the plight of working families.

Congress must do more and increase funding for important human needs and health programs. Instead, funding is reduced for Social Service Block Grants (SSBG), one of the primary sources of social service funding for states to provide vital services for children, youth, seniors, families, and persons with disabilities. Also, public health priorities such as Child Care Development Block Grants (CCDBG) and mental health services have not

been satisfactorily funded. Now, in a productive economic time, Congress should not exacerbate social-economic disparities, but rather maintain commitments to guarantee all Americans an opportunity to contribute to and share in America's prosperity.

This bill is emblematic of how budget distortions and faulty priorities often have grave consequences for some of our most vulnerable citizens. I encourage my colleagues to oppose this legislation, which ignores the needs and priorities of American families.

Mr. HILLEARY. Mr. Chairman, tonight, I come to the floor in opposition to the implementation of a uniform medical identifier and support of the Paul amendment, which would eliminate its implementation.

I, along with Representative PAUL, led a bipartisan group of members urging the inclusion of this amendment. We had less than 24 hours and limited resources at our disposal to gather support, yet within half a day we had 33 members by our side.

These members all shared the same fear. That fear was that unless Congress intervenes at this moment and stops the creation of a national database containing the medical history of every American, government and HMO bureaucrats across the country will be able to pry into the personal information of every American.

However, it is not just privacy that is at stake here. We also threaten to undermine the entire health care system. The confidentiality associated with doctor-patient relationship will be irreparably harmed. Embarrassing or emotional problems may never be shared. As a result, the treating physician will be unable to deliver the best treatment.

What we ask for today is nothing novel or extreme. For two straight years we have included similar language in the Labor-HHS appropriations bill. I am confident that this House will stand in favor of this provision.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 518, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I think that is safe to say, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 4577 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 84, strike section 518 (as added by the amendment printed in part A of the report of the Committee on Rules to accompany H. Res. 518).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, this motion is very simple. It deletes a provision in the bill that was added by the rule through a self-executing amendment that has the effect of cutting the fiscal 2000 appropriation in this bill for Child Care and Development Block Grant by \$506 million.

□ 1615

The motion to recommit simply strikes that provision, thereby adding \$506 million back for child care, which is the same level that was requested by the President and which was the level included in this bill as reported out of committee.

This motion would provide child care for an additional 100,000 children. The provision in the bill which my motion strikes says that if the Fiscal 2002 advance appropriation across all appropriation bills exceeds \$23.5 billion, then the child care program is singled out for rescissions that bring the total back down to \$23 billion.

Since the Labor HHS bill and VA bill already exceed that total by \$506 million, that means \$506 million will automatically be lopped off the \$2 billion provided in this bill for child care.

I am sure my friend, the gentleman from Illinois (Mr. PORTER), will say this is next year's funding, and so you do not have to worry about it. My response is this bill is either real or it is not. It is either a let-us-pretend bill. If it is not a let-us-pretend bill, then it cuts child care by \$506 million.

I would hope that we would be voting for real bills, and I would hope that we would not be slashing programs like this.

I would point out that only one out of every 10 children who are eligible for child care under Federal standards today are actually getting it because of a shortage of that service. If Members are comfortable with that situation, then they should vote against my motion. If they are not, then I would urge that they vote for it.

If this motion passes, the committee will simply have to bring back a new bill immediately without this mis-guided provision.

Mr. Speaker, I include the following for the RECORD:

SEC. 518. If the total level of discretionary advance appropriations for fiscal year 2002 and subsequent fiscal years provided in general appropriation Acts for fiscal year 2001 exceeds \$23,500,000,000, there shall be rescinded from the amount made available in this Act for fiscal year 2002 under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES—PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT" an amount sufficient to reduce the total level of such discretionary advance appropriations to \$23,500,000,000: *Provided*, That the rescission shall not exceed an amount that would cause the amount provided under such heading to be less than the amount provided for fiscal year 2001 in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113).

FY 2002 ADVANCES APPROPRIATIONS CONTAINED IN FY 2001 APPROPRIATIONS BILLS

(Dollars in millions; Labor HHS Education, HR 4577)

Labor:	
Adult Training	\$712
Dislocated Workers	1,060
Job Corps	691
Subtotal	2,463
HHS:	
Child Care Block Grant	2,000
Low Income Energy Assistance	1,100
Head Start	1,400
Abstinence Education	30
Subtotal	4,530
Education:	
Title I	6,205
Title VI Block Grant	285
Teacher Assistance	900
Safe and Drug Free School	330
Reading Excellence Act	195
Special Education State Grants	3,742
Vocational Education State Grants	791
Subtotal	12,448
Related Agencies: CPB	365
Subtotal, Labor HHS Education Bill	19,806
VA HUD H.R. 4635, Section 8 housing assistance	4,200
Total advances	24,006
Budget Resolution limitation	23,500
Rescission of Child Care Block Grant	-506

Mr. Speaker, in the interest of time, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. PORTER) opposed to the motion?

Mr. PORTER. I am, Mr. Speaker, yes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I am surprised that the minority would offer this particular motion to recommit.

When the House reported the bill, it exceeded the \$23.5 billion cap in advanced appropriations, which is what the gentleman from Wisconsin (Mr. OBEY) was referring to.

We funded the Child Care Block Grant at \$2 billion in fiscal year 2002; that is an advance appropriation,

which is roughly \$800 million over the enacted FY 2001 amount.

In the rule, a provision was added to the bill that assures that we will not exceed the overall budget cap of \$23.5 billion set forth in the budget resolution. This is the provision that the motion to recommit of the gentleman would strike.

If we adopt the motion of the gentleman and remove the sequester provision, it will simply mean that we will have to make it up somewhere else in the other bill. These bills will have to be cut, in order to stay within the budget resolution; we will have to make up the \$800 million.

So where will we make it up? We may have to cut section 8 housing money in VA-HUD. We may have to cut law enforcement money in Commerce-Justice-State. We may have to cut other money in other bills.

So while this may seem like a very appealing provision, there has to be a way under the budget resolution to pay for it. Every one of the amendments of the gentleman during the debate on this bill have ignored the budget resolution. We cannot do so. We have to live under it. We have to live within the allocations made. And if we squeeze the balloon at one point, it comes out in another.

I urge Members to vote no. I urge Members to support the bill.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 15-minute vote on passage.

The vote was taken by electronic device, and there were—ayes 212, noes 219, not voting 4, as follows:

[Roll No. 272]

AYES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior

Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne

Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klecicka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski

Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes

Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skeltton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins

Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrist
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham

Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach

Lewis (CA)	Porter	Smith (TX)
Lewis (KY)	Portman	Souder
Linder	Pryce (OH)	Spence
LoBiondo	Quinn	Stearns
Lucas (OK)	Radanovich	Stump
Manzullo	Ramstad	Sununu
Martinez	Regula	Sweeney
McCollum	Reynolds	Talent
McCrery	Riley	Tancred
McHugh	Rogan	Tauzin
McInnis	Rogers	Taylor (NC)
McKeon	Rohrabacher	Terry
Metcalf	Ros-Lehtinen	Thomas
Mica	Roukema	Thornberry
Miller (FL)	Royce	Thune
Miller, Gary	Ryan (WI)	Tiahrt
Moran (KS)	Ryun (KS)	Toomey
Myrick	Salmon	Upton
Nethercutt	Sanford	Vitter
Ney	Saxton	Walden
Northup	Scarborough	Walsh
Norwood	Schaffer	Wamp
Nussle	Sessions	Watkins
Ose	Shadegg	Watts (OK)
Oxley	Shaw	Weldon (FL)
Packard	Shays	Weldon (PA)
Paul	Sherwood	Weller
Pease	Shimkus	Whitfield
Peterson (PA)	Shuster	Wicker
Petri	Simpson	Wilson
Pickering	Skeen	Wolf
Pitts	Smith (MI)	Young (AK)
Pombo	Smith (NJ)	Young (FL)

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1638

Messrs. OSE, MANZULLO, PORTMAN and MCCRERY changed their vote from “aye” to “no.”

Messrs. GEORGE MILLER of California, MARKEY and MEEKS of New York changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 214, not voting 4, as follows:

[Roll No. 273]

YEAS—217

Aderholt	Camp	Ehrlich
Archer	Campbell	Emerson
Armey	Canady	English
Bachus	Cannon	Everett
Baker	Castle	Ewing
Ballenger	Chabot	Fletcher
Barrett (NE)	Chambliss	Foley
Bartlett	Chenoweth-Hage	Fossella
Barton	Coble	Fowler
Bass	Coburn	Franks (NJ)
Bateman	Collins	Frelinghuysen
Bereuter	Combest	Galleghy
Biggert	Cooksey	Ganske
Bilbray	Cox	Gekas
Bilirakis	Crane	Gibbons
Bliley	Cubin	Gilchrest
Blunt	Cunningham	Gillmor
Boehlert	Davis (VA)	Gilman
Boehner	Deal	Goode
Bonilla	DeLay	Goodlatte
Bono	DeMint	Goodling
Brady (TX)	Diaz-Balart	Goss
Bryant	Dickey	Graham
Burr	Doolittle	Granger
Burton	Dreier	Green (WI)
Buyer	Duncan	Greenwood
Callahan	Dunn	Gutknecht
Calvert	Ehlers	Hansen

Hastert	McIntosh	Shaw
Hastings (WA)	McKeon	Shays
Hayes	Metcalf	Sherwood
Hayworth	Mica	Shimkus
Hefley	Miller (FL)	Shuster
Herger	Miller, Gary	Simpson
Hill (MT)	Moran (KS)	Skeen
Hilleary	Myrick	Smith (MI)
Hobson	Nethercutt	Smith (NJ)
Hoekstra	Ney	Smith (TX)
Horn	Northup	Souder
Houghton	Norwood	Spence
Hulshof	Nussle	Stearns
Hunter	Ose	Stump
Hutchinson	Oxley	Sununu
Hyde	Packard	Sweeney
Isakson	Pease	Talent
Istook	Peterson (PA)	Tancred
Jenkins	Petri	Tauzin
Johnson (CT)	Pickering	Taylor (NC)
Johnson, Sam	Pickett	Terry
Jones (NC)	Pitts	Thomas
Kasich	Pombo	Thornberry
Kelly	Porter	Thune
King (NY)	Portman	Tiahrt
Kingston	Pryce (OH)	Toomey
Knollenberg	Quinn	Trafigant
Kolbe	Radanovich	Upton
Kuykendall	Ramstad	Vitter
LaHood	Regula	Walden
Largent	Reynolds	Walsh
Latham	Riley	Wamp
LaTourette	Rogan	Watkins
Leach	Rogers	Watts (OK)
Lewis (CA)	Rohrabacher	Weldon (FL)
Lewis (KY)	Ros-Lehtinen	Weldon (PA)
Linder	Roukema	Weller
LoBiondo	Royce	Whitfield
Lucas (OK)	Ryan (WI)	Wicker
Manzullo	Ryun (KS)	Wilson
Martinez	Salmon	Wolf
McCollum	Saxton	Young (AK)
McCrery	Scarborough	Young (FL)
McHugh	Sessions	
McInnis	Shadegg	

NAYS—214

Abercrombie	Deutsch	Kennedy
Ackerman	Dicks	Kildee
Allen	Dingell	Kilpatrick
Andrews	Dixon	Kind (WI)
Baca	Doggett	Klecza
Baird	Dooley	Klink
Baldacci	Doyle	Kucinich
Baldwin	Edwards	LaFalce
Barcia	Engel	LaFolce
Barr	Eshoo	Lampson
Barrett (WI)	Etheridge	Lantos
Becerra	Evans	Larson
Bentsen	Farr	Lazio
Berkley	Fattah	Lee
Berman	Filner	Levin
Berry	Forbes	Lewis (GA)
Bishop	Ford	Lipinski
Blagojevich	Frank (MA)	Lofgren
Blumenauer	Frost	Lowey
Bonior	Gejdenson	Lucas (KY)
Borski	Gephardt	Luther
Boswell	Gonzalez	Maloney (CT)
Boucher	Gordon	Maloney (NY)
Boyd	Green (TX)	Markey
Brady (PA)	Gutierrez	Mascara
Brown (FL)	Hall (OH)	Matsui
Brown (OH)	Hall (TX)	McCarthy (MO)
Capps	Hastings (FL)	McCarthy (NY)
Capuano	Hill (IN)	McDermott
Cardin	Hilliard	McGovern
Carson	Hinche	McIntyre
Clay	Hinojosa	McKinney
Clayton	Hoefel	McNulty
Clement	Holt	Meehan
Clyburn	Hooley	Meek (FL)
Condit	Hostettler	Meeks (NY)
Conyers	Hoyer	Menendez
Costello	Inslie	Millender
Coyne	Jackson (IL)	McDonald
Cramer	Jackson-Lee	Miller, George
Crowley	(TX)	Minge
Cummings	Jefferson	Mink
Davis (FL)	John	Moakley
Davis (IL)	Johnson, E. B.	Mollohan
DeFazio	Jones (OH)	Moore
DeGette	Kanjorski	Moran (VA)
Delahunt	Kaptur	Morella
DeLauro		Murtha
		Nadler

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1703

Mr. MCINNIS changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4577, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-255)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON,
THE WHITE HOUSE, June 14, 2000.

REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-256)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, June 14, 2000.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4578, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4578.

□ 1707

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 13, 2000, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5 minute rule. During consideration of

the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read. The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, providing that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to advise Members about the schedule, at least as we best know it for the time being. We are planning to go forward on the amendments and possibly have some votes prior to 6:30, if we can get some of these out of the way; and then it is my understanding that we will roll votes until about 9:30 because of the Members that are going to the Kennedy Center for an event.

I would hope we can keep going and then finish tonight, because I know if we can get finished with this bill, we will do a great deal to expedite the time of getting out of here tomorrow. I know many Members would like to get on their way at a decent time tomorrow night. So if everybody will help and cooperate, I think we can get this bill finished tonight.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

H.R. 4578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$674,571,000, to remain available until expended, of which \$2,198,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$2,500,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to

such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$33,366,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$674,571,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, \$292,197,000, to remain available until expended, of which not to exceed \$9,300,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$5,300,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), \$134,385,000, of which not to exceed \$400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

Mr. SUNUNU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SUNUNU: Page 5, line 17, after the first dollar amount insert the following: "(increased by \$10,000,000)".

Page 15, line 15, after the first dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 7, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 9, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 13, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 54, line 25, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 67, line 16, after the dollar amount insert the following: "(reduced by \$126,500,000)".

Mr. SUNUNU. Mr. Chairman, I am proud to rise in support of this amendment which I have cosponsored with my colleague the gentleman from New Jersey (Mr. ANDREWS). This amendment strikes \$126 million from the Partnership for the Next Generation Vehicle and takes the funds and uses it I think in a much more fiscally responsible way.

We put \$86.5 million into debt repayment; and then we take \$40 million, \$10 million to the Forest Service operation and maintenance accounts, \$10 million to the Park Service maintenance account, \$10 million into land and water conservation, and \$10 million into the payment in lieu of tax program. Anyone that has public lands in their district knows how important these programs are. They really make a difference to communities; they really make a difference in preserving public lands throughout the country.

Why are we striking \$126 million from the Partnership for the Next Generation Vehicle? There are a number of important reasons.

First of all, that program provides subsidies, research and development subsidies to profitable firms. I think if you go to any community at the local level in this country and you look at the stress and the burden on the property tax base of that city and town that might be caused by public lands, they would think it is wrong to be subsidizing corporations that are profitable. In this case the automotive manufacturers, the Big Three, they are suc-

cessful companies. They are great companies. But, let us face it, their profits last year were over \$20 billion in the aggregate, and these are not the kinds of firms that need Federal subsidies from hard-working taxpayers.

Second, a program like this tries to pick winners and losers within an industry. It invests in solar cells, but perhaps at the expense of investments in fuel cell technology, or reinvests in battery technology or in diesel combustion or internal combustion engine technology. But who is the Federal Government to say which one of these technologies really deserves a Federal subsidy? And even within these subcategories, batteries, do we invest in lithium batteries, do we invest in nicad batteries, do we invest in photovoltaics?

It is wrong for the Federal Government to try to pick winners and losers in these industries. It is bad policy from a technology perspective, and it is fiscally irresponsible as well.

Third, this kind of a corporate welfare subsidy picks winners and losers among different companies. Who qualifies? If the Federal Government is going to subsidize diesel combustion engine research, which of the dozens of companies, firms large and small that might be involved in this kind of technology, is going to get the Federal handout?

□ 1715

The Federal government actually has to choose. There are going to be winners and losers. Who is to say which company really has the technological capability to finance a breakthrough? No Federal bureaucrat knows. We should not be second-guessing the markets. We should not be manipulating and distorting markets for technology. We should not be playing one company off against another.

Moreover, this program has failed to produce. I have a GAO study here from March of this year. It states clearly that it is unlikely that the technology focused upon in this program is ever likely to come to market.

Supporters will say, well, this program has created some jobs. If I spent \$1 billion over 7 years, as this program has, I would certainly hope we might have a few jobs to show for it. But even if this program created a thousand new jobs, and I doubt that, that would come at a public cost, a taxpayer cost, of over \$1 million per job. It just is not worth the subsidy.

Supporters might also argue that this has resulted in incremental technological improvements. Again, I might agree to that. But if we are spending \$1 billion in our State or district back home over a 7- or 8-year period, giving that money to the brightest minds in our districts, I would hope they would have some kind of incremental innovation to show for it. But

it is not going to bring a breakthrough to the marketplace.

We are distorting the marketplace of ideas. We are subsidizing one company at the expense of another. The taxpayers should not stand for it.

Mr. Chairman, this amendment is supported by a wide range of groups, and my cosponsor, the gentleman from New Jersey (Mr. ANDREWS) will speak to that, such as the Sierra Club, Friends of the Earth; but fiscally responsible groups as well: Citizens Against Government Waste, the National Taxpayers Union. They recognize that it is simply a poor use of taxpayer funds.

Supporters of the program I recognize will say it is well-intended, it has fair-minded objectives. I do not deny that. There are a lot of well-intended programs at the Federal level, but it is just not the appropriate use of taxpayer money to distort markets, to subsidize corporate profits.

This is a responsible amendment that sets aside \$85 million for debt reduction, that gives back to the Park Service and the Forest Service that is so important in maintaining our public lands, and it sets the right course for our technology policy, as well.

Fundamental research through the National Science Foundation, through the National Institutes of Health, are critical to the underlying scientific foundation of this country, but we should not be going into product development areas where the markets are mature and where the capital markets know what a good deal is and what a good deal is not. We are distorting those capital markets as well as the technological markets.

Let us do the right thing for the taxpayers and the Partnership for the Next Generation Vehicle: Pay down some debt and invest in our public lands.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the objective of the PNGV program is to produce ultimately an 80-mile-per-gallon five-passenger automobile by the year 2004. This is not something on which the Federal Government is carrying the burden alone. For every dollar we put in, the auto industry is investing, about \$2 of private funding.

Particularly at this point in time we recognize how vitally important it is to improve mileage on our motor vehicles. The American people love their cars. We are not going to get people out of their cars. In fact, I think there will be even more and more automobiles, and it is quite evident that the highway departments recognize this. In Ohio, many two-lane highways are being made three-lane highways. Outer belt-ways are adding to it.

I am just simply saying, there are going to be more automobiles. The only way we can address the fuel consumption issue, recognizing we are now

dependent on importation of fuel beyond 50 percent in terms of petroleum, is to lower that profile and to reduce our dependency. Because of the foreign policy and the defense implications, I think it is important that we continue the research to develop these fuel efficient vehicles.

Of course, the reason that we are involved with Federal money is because it is a national policy issue that transcends the question of the private owner of the automobile. It goes to our national security as an essential part of prospective energy policy, and recognizing the fact that we need to decrease the use of petroleum.

The spike that we have experienced in prices lately illustrates how much our pricing is dependent on those who make these decisions, i.e., OPEC, that is totally beyond our control.

We have invested quite a lot of money already, something like 600 million Federal dollars, and probably double that amount of private dollars. I think to stop at this point and not finish this research would be a mistake in terms of the utilization of our research.

For these reasons, I oppose the amendment that has been offered by the gentleman from New Hampshire.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment my friend, the gentleman from New Hampshire (Mr. SUNUNU) and I have offered.

Some of my dearest friends for whom I have the greatest respect are on the other side of me on this issue. I would just say that governing is about choosing. On this issue, I respectfully believe that we have made the right choice, and those who oppose this made the wrong choice.

This is about how we should spend \$126.5 million of the taxpayers' money. We say, those of us who support this amendment, that the right priority for that money is to put \$86.5 of it toward reducing our national debt; to put \$10 million of it toward property tax relief in communities that have federally-owned lands in the Payment in Lieu of Taxes program; to put \$10 million into the State Land and Water Conservation Fund, to help States in their effort to preserve green space and promote clean water; to put \$10 million into forest maintenance programs that help us protect the integrity of our Federal forest lands; and finally, \$10 million into the maintenance of our national parks, the disrepair of which, despite the very excellent efforts of the chairman of this committee and the ranking member, has become a major problem, despite their very diligent and excellent efforts.

The opposition would tell us that this money would be better invested in a partnership with corporate America to develop cars that would get 80 miles

to a gallon. I fervently hope and believe that we will one day have cars that can get 80 miles to a gallon. We could use them right now, given the spiralling price of gasoline.

But I would argue that the spiralling price of gasoline is precisely the reason why we do not need 126.5 million taxpayer dollars to do this. Someone is going to make an awful lot of money developing and selling automobiles to the American public that can get 80 miles to a gallon. God bless them. I have great faith that they will. But I think the \$1.25 billion that we have already invested between fiscal 1995 and 1999 in this project is really quite enough.

We hear that we would not get these cars without this public investment. My research shows that in fiscal 1999, the industry spent \$21.5 billion of its own money on research and development. I commend the industry for that, but I do not think they need our help to do that.

Then we hear that the money does not really go to the big auto makers, it goes to those who are subcontractors in universities and pass-throughs. With all due respect, that is pass-through money and services that are being performed for the auto makers. That is like saying, if you paid someone to mow my lawn, that I did not benefit from that. I did not pay them to mow my lawn, but I am the one who got my grass cut. It is the auto makers who are benefiting from that.

That is why our amendment is supported by the Sierra Club, because we should not be subsidizing vehicles that would add to our pollution problem. It is supported by U.S. PIRG; by Friends of the Earth. It is supported by the National Association of Counties because of the property tax relief that it provides, and it is supported strongly by the Taxpayers for Common Sense and Citizens Against Government Waste.

Governing is about choosing. The right choice for this \$125.5 million is debt reduction, property tax relief, environmental protection, and not subsidies of the mightiest and most profitable, powerful corporations in this country.

I urge support of the amendment.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are few people in this House that I have as much respect for as I do for the gentleman from Ohio (Mr. REGULA), one of the truly great Americans here. But I have to support the amendment of the gentleman from New Hampshire (Mr. SUNUNU) on this amendment.

If I may say so, Mr. Chairman, when I look at my friends from New York, they are .04 owned by the Federal government. We almost have to get to the West to see those that are really owned by the Feds. In my State, it is 73 per-

cent. Nevada is about 90 percent. We have authorized \$250 million to be called Payment in Lieu of Taxes.

Let me just mention a little county called Garfield. Garfield County is owned 93 percent by the Federal government. Folks in the East love to come out to Garfield County because it has all kinds of monuments and beautiful things in it. They come out there and play on that area, and sometimes start fires and sometimes put debris and trash all over the place, and sometimes break a leg.

Every time those things happen, Garfield County, that is 7 percent owned by private, is asked to take care of them. They pick them up, haul them in, take care of that kind of thing. Where do these poor little county commissioners get their money? They put every dime in Payment in Lieu of Taxes, but they do not get it all. They get a very small percent, so they are actually losing money.

What the gentleman's amendment does is it tries to bring this up to what was authorized. It will not even come close, but it helps a little bit.

As chairman of the Subcommittee on National Parks and Public Lands, I would like to have some of the Members look at the backlog we have in infrastructure of our parks. We are talking about restrooms, these basic things; we are talking roads, parking places.

Talk to the American public and ask, what do you like in America? What is the best thing the American government does? They will come right back and say, the national parks. Ask them what is the worst thing, and they will say the IRS. But anyway, they love the national parks. This is putting a few more dollars in national parks.

How about our forests? People come from all over to go into the national forests. That is one of the great vacations in America. This will help a little bit toward that.

I agree with the gentleman, talking about better mileage on automobiles. Of course that is important. But I think it is very, very important that we help out these three entities. I would urge support of the gentleman's amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose this amendment. I rise today in opposition to the Sununu-Andrews amendment to eliminate funding for Partnership for a New Generation of Vehicles, PNGV. While I understand that some of the money would go to the States' Land and Water Conservation Fund, as well as funding for PILT, this plan simply does rob Peter to pay Paul, taking money from one important environmental program to give to another.

Furthermore, Mr. Chairman, it appears that the real intention of the

amendment is the elimination of funding for basic research for vastly improved fuel efficiency. We should find other ways to fund these other programs.

PNGV is a public-private partnership to develop a family sedan that is affordable and can achieve 80 miles per gallon. This 10-year program recently reached its 6-year goal to release a concept vehicle that can achieve utility and fuel efficiency as desired. The next phase of the program is an effort to make these cars affordable.

To suggest that new progress has not been made is not accurate. We are simply in the middle phase of the partnership. I strongly support this program because it works to achieve an important goal: fuel efficiency and environmental protection without losing utility, safety, or affordability. In other words, we can achieve the results we want and give consumers the vehicles they want.

Some will say this is corporate welfare. However, there is a broad consensus that the Federal government should encourage basic research. PNGV was not created as a new program, it was actually created by channelling existing funding. The result is more focused research and significant advances in vehicle technology. We cannot complain about fuel economy and then offer no resources to develop new science.

This option works toward our goal without artificially manipulating the supply of vehicles on the road. With gas prices of \$2 per gallon and higher in the Midwest and other parts of the country, it seems unwise to eliminate a program designed to reduce our need for fuel.

I support immediate responses to our current fuel crisis, such as releasing the Strategic Petroleum Reserve. But I also support a long-term strategy for our energy program, to decrease our dependence on foreign oil. This program achieves those results. I strongly urge a no vote.

Mrs. BIGGERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Sununu-Andrews amendment to eliminate the Partnership for a New Generation Vehicle, or PNGV program. This is a shortsighted cut when residents in my State of Illinois are paying the highest gas prices in the continental U.S.

□ 1730

The PNGV program is one of the true success stories of the Department of Energy. It has been reviewed annually by the independent National Research Council and each year it has received high marks for addressing the important national goals of improving vehicle efficiency and reducing emissions. Without this program, how do we

achieve these goals? Do we abandon the successful public/private partnership and return to a costly regulatory regime? I do not think so.

I believe Congress should send the right message to agencies that have performed as intended. At the same time, we should signal to industry that the government is a reliable partner in research that has national benefits.

Cleaner, more efficient transportation, is the goal of the PNGV program. It is not a subsidy for the Big Three auto makers. It is an investment in American jobs, our transportation system, our environment and our national security. Let us not jeopardize our program by eliminating the PNGV program. I urge my colleagues to oppose the Sununu-Andrews amendment.

Mr. SUNUNU. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, the gentlewoman raises a couple of important points, and I just want to respond briefly. First, the concern of the gentlewoman about gas prices. I think everyone shares that concern. We have had a debate here on the floor about gas prices and what might be done about the situation, but I want to reaffirm that nothing in this program will directly affect the price of gasoline.

The second point the gentlewoman makes is one about fuel efficiency, and there to be sure that was the stated objective of the program, but the GAO, in its March report, has said that at this point it does not appear likely that such a car will be manufactured and sold to consumers.

Even if we can agree that this is a lofty and well-founded goal, it simply looks at this point that the \$1.25 billion that is put into the program has missed the mark.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the gentleman from New Hampshire (Mr. SUNUNU) wants to aid some valuable programs, programs I hope will indeed gain additional funding as the appropriations process moves forward, but he wants to fund them by totally eliminating another valuable program, the Partnership for a New Generation of Vehicles, and therefore I must oppose the amendment.

Opponents of the partnership attack the program as corporate welfare, but that betrays a fundamental misunderstanding of the Federal Research Enterprise and its history. The Federal Government funds a wide variety of research at universities, at Federal labs, and sometimes even in corporate labs, that will help American industry over the long term but that market forces would prevent the private sector from investing adequately in the short term.

To take one prominent example, the Federal Government spends billions of dollars on research through the National Institutes of Health, research that helps hugely wealthy, multinational pharmaceutical companies develop new methods and products, but few attack this as corporate welfare. Indeed during yesterday's appropriation debate, Members were tripping over each other trying to claim to be the most ardent supporter of NIH funding and with good reason.

Well, the research being funded through PNGV on cleaner more efficient yet affordable transportation will also have a major impact on our Nation's health, and on our national security and is even less likely to be fully funded by the private sector than drug research is, and yet this program is under attack.

Maybe that is because this is technology and engineering research rather than something that seems more like pure science, but funding such research is nothing new. Back in the 19th century, the Federal Government offered money to promote the development of the railroads and at the beginning of the 20th century the Federal Government set up programs to help develop civilian aviation. The government continues to pump money into aviation research and into space technology, which can be used by the private sector.

In short, the kind of government involvement in technology represented by the PNGV is nothing new and it has always been a good idea. Given the impact of the transportation sector on our economy, on our energy use and on our environment, PNGV is a particularly wise investment.

I hope my colleagues will look past the simplistic slogan of corporate welfare and will instead consider the government's historic and necessary role in filling the gaps in R&D left by market failure. PNGV is a well-run program that deserves continued support. I urge opposition to the Sununu amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by expressing great affection and respect to the authors of this amendment. They are fine Members of this body. They are good friends of mine. They deserve respect. But in this instance, my two good friends who offer this amendment are entirely in error. First of all, this is not a program that was sought by the auto industry. Second of all, it is not a program which benefits the auto industry directly. This benefits all Americans.

Now, I applaud the fact that somebody should want to put more money into programs which would pay the kind of benefits that this amendment would pay in rural areas, but this is

not a place where that money should be sought. Let me point out some facts that are important.

First of all, this proposal was not sought by the auto industry. This is a proposal which was put together by this administration. It was supported, believe it or not, in this Congress enthusiastically. It was also supported by the organizations outside that were just cited as now being opposed to the expenditure of this money, because they recognized that this program, which has been in place now for about 10 years, was going to make a Federal contribution to more fuel-efficient, safer, better and more desirable automobiles for the American public, which would clean the environment, which would reduce the wastage of fuel and gasoline, and which would produce safer and better vehicles for the American people.

Now, the comment has been made how this is benefiting the auto industry. The auto industry does its own research on automobiles and products that are going to be sold to the American people in the immediate future. That is not done under this legislation. In point of fact, let me read some facts that I think need to be known about what this legislation is doing. First of all, over 99 percent, in fact 99.8 percent, of Federal PNGV funds went to the national labs and to the universities; over 1,200 projects at over 600 sites, including 21 Federal labs.

So everyone has a Federal lab or university in their district. This is a piece of legislation which probably benefits my colleagues, their people, their universities and their Federal labs in their districts. Some 51 universities in 47 States have participated in this program and are deriving significant benefits to themselves and contributing significant benefits in terms of the research which they are doing.

It should be noted in 1999, the most recent year, less than .2 percent, that is .002, of Federal funds actually went to the manufacturers. Does that say who is getting the benefits out of this program? The answer is, the colleges, universities, the Federal research institutions are getting the money, but the ultimate benefit is derived by the American public, which is going to drive safer, better, more fuel-efficient vehicles, and vehicles that produce less pollution.

This is a program that works. It was sought by this administration. It has been supported by this Congress time after time as conferring a significant benefit on the country, upon the environment, and upon the American people. I see no reason why this should change at this particular time or any information that would indicate that this program is less in the national interest. PNGV has helped to align the research direction of the national labs and has contributed to keeping them

open, and as the industry moves towards high opportunities to stretch research goals for the benefit of everybody, including people not in the areas where automobiles are produced. The \$980 million which has been spent by the industry is indicative to its commitment towards the goals that are set out in this program, and that money is spent in addition to and to match Federal industry cooperative research programs to better this country, to better the environment, and to save fuel and energy for this.

It is indeed something which moves towards long-range research which goes far beyond that which would normally be committed by American industry in this ordinary course of events. This is research which moves far into the future and which significantly benefits everyone and does not confer a significant benefit on the auto industry.

I would remind my colleagues, the industry did not seek this. It was sought by the administration. It is money which benefits the private research sector, the universities and the research institutions, but it also benefits the Federal lab. I urge my colleagues to reject the amendment. It is well intentioned, but it is mischievous and poorly thought out.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Michigan (Mr. DINGELL) for clearing up some of the myths about this program. This is one of the better programs, I believe, the Department of Energy has. It is a program where we are working on these advanced technologies and anyone can participate. So I think it is a tremendous effort.

Just this year, the year 2000, marks a major milestone in the PNGV program, the unveiling of the proof of concept vehicles that demonstrate up to 80 miles per gallon fuel economy. Earlier this year, the three auto makers presented their PNGV vehicles at several events, including the Northern American International Auto Show in Detroit and the PNGV 2000 Concept Roll-Out on March 30 in Washington, D.C. All three vehicles, the Ford Prodigy, the General Motors Precept, the DaimlerChrysler ESX-3, feature advanced hybrid propulsion systems, high efficiency diesel engines, and extensive use of lightweight materials. Each vehicle is a significant technological achievement and the auto makers each credited the government contribution to that achievement. It is estimated that industry has spent, on its own, a billion dollars of its own money on these concepts which would not have been invested in the absence of the PNGV program.

So I think this program is working. And at a time when energy prices are on the minds of the American people,

where in the midwest gas prices are at \$2.50, finally doing something with innovative technology to bring on these more efficient cars seems exactly the right thing for the Federal Government to be doing in a partnership with the private sector.

I commend this administration for what it has done. And I also want to reiterate, of the \$128 million appropriated by the Department's PNGV efforts in fiscal year 1999, less than 3 percent, \$3 million was sent to General Motors, Ford, and DaimlerChrysler. Most of the funds were passed through to subcontractors. The majority of the appropriation, as mentioned by the gentleman from Michigan (Mr. DINGELL), approximately 63 percent was distributed to the Department of Energy national labs and only a small portion passed through the laboratories to other businesses. About 30 percent of the appropriations supported large automotive suppliers and approximately 7 percent supported small businesses and universities.

By technologies, fuel cells rank first with \$33 million, or 26 percent of the total. Lightweight materials accounted for \$19 million. In comparison, the research efforts aimed solely at compression ignition diesel cycle totalled \$6 million. In fiscal year 2004, General Motors and DaimlerChrysler receive less than 1 percent of the appropriation.

So this is hardly corporate welfare. What this is is a very smart program between the Department of Energy and the auto makers of this country to try and come forward with advanced technologies with these advanced engines, with the hybrid vehicles, with lighter materials which are crucial to this effort. So I think we should keep this program. I think we should reject the amendment and move on.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment. I have a high regard for the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from New Jersey (Mr. ANDREWS), and the others that I have seen or heard that mentioned something about this issue.

□ 1745

Mr. Chairman, I rise in opposition because, frankly, as much as it is, it is very difficult to take away from one area and give to another, and that is what they are doing here; but they are actually striking a program that does work, as has been pointed out by a number of people.

This amendment would eliminate the funding to continue the partnership, a public-private sector program or plan that has worked. This is a program that has delivered proven technological results. It engages both the auto industry and the Government to develop the

vehicles for the future, vehicles which are less polluting. I would remind everyone that, in the last 25 years, the emissions have been reduced substantially and the economy has more than increased by 100 percent. That is on automobiles. On trucks, it is over 60 percent.

So I think what we should look at is what is happening within the industry and why it is so important right now that we look at delivering that performance and the comfort that the American consumer desires but in a vehicle that is more economical.

Via the PNGV program, there have been great strides that have been reached on the development of these hybrid vehicles, vehicles by the way that combine so-called hybrid vehicles, the internal combustion with the battery concept. That is new stuff. It is beginning to work well. So I would just say the timing, I think, is out of touch with the current events.

We have heard from individuals who talked about the price of gasoline. I do not have to point this out again. It has already been mentioned about the costs have skyrocketed in the Midwest, in particular, well above \$2 a gallon.

We as a country, as has been pointed out, are overly reliant on foreign petroleum supplies. So it is imperative that Congress do something to help the persons most affected by these price increases, and that is the American worker. The PNGV program is exactly one such program that will develop the technology that will stop our reliance on foreign oil and will improve the environment in the process.

So with the funds appropriated in this bill, we can continue the vitally important research and development associated with this program.

I reiterate my strong opposition for the amendment but support for retaining that funding in the bill. I ask my colleagues to defeat this amendment.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I want to underscore what the gentleman indicated that is in my district now in the last 2 weeks, we have seen gasoline go over \$2 a gallon. I would think that now, more than ever before, that we need the research that this provision provides which would allow the PNGV, in essence, to support the technology that will, indeed, improve fuel efficiency.

I commend the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on the Interior, for recognizing this important benefit for PNGV.

I urge my colleagues to defeat the Sununu amendment which would strike the important funding for it in the bill. If not now, when? This is the time that we ought to do it. Our constituents are screaming about the high cost of gasoline.

We need to help the universities and other researchers provide the adequate funding so we have more fuel efficient automobiles. That is what this provision does. Obviously, an amendment to strike it would take away that ability for all consumers across the country. I urge defeat of this amendment.

Mr. Chairman, I rise in strong opposition to the Sununu amendment.

Unfortunately, this amendment shortsightedly overlooks the enormous benefits our wise investment in the Partnership for a New Generation of Vehicles—PNGV—makes to improve technologies to increase fuel economy and improve emissions without sacrificing affordability, utility, safety and comfort in today's family cars.

Investment in PNGV for agency programs most directly relevant to its technical objectives amount to about \$130 million annually—99% of which goes directly to supplier companies, national labs, and universities who engage in research and development in areas including: advanced batteries for electric vehicles, hybrid electric vehicles, lightweight materials, vehicle recycling, fuel economy and further reductions of emissions. Federal partners involved in this research include the Departments of Commerce, Energy, Transportation and Defense, along with the EPA, the National Science Foundation, NASA, and 21 federal labs.

Make no mistake, the benefits which our wise investment in PNGV are enormous. This effort is advancing America's technology base, improving national competitiveness and the productivity of America's factories, preserving U.S. jobs, keeping the U.S. economy growing, minimizing transportation's impact on the global environment and achieving sustainable development by fostering environmentally friendly transportation solutions, and reducing reliance on foreign oil.

Speaking of foreign oil, many of our congressional districts around the nation are experiencing drastic increases in gas prices at the pump. In my district alone, prices are near the \$2 per gallon mark for regular unleaded at the self-service pump, and my constituents are demanding relief. So now, more than ever, we need the research which PNGV supports for technologies which can improve fuel efficiency.

I applaud my colleagues on the Interior Appropriations Subcommittee for recognizing the important benefits of PNGV, and I urge my colleagues to defeat the Sununu amendment, which would strike the important funding for it in the bill.

Mr. HOFFEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sununu-Andrews amendment and compliment those gentlemen for offering it. Mr. Chairman, this really is nothing but an unnecessary subsidy of three large and successful auto companies.

I am glad these companies are successful. They are doing well in our free market economy creating a lot of jobs, doing a lot of good things. The numbers certainly show that: the profits of

Ford in 1999, over \$7 billion; General Motors, \$6 billion; Chrysler, almost \$6 billion. They put almost that much money back into research, and I am delighted that the marketplace allows them to do that. Their success in the marketplace allows them to do that.

The amount of money that this program, the Partnership for a New Generation of Vehicles, is providing is a small fraction of what the private sector in these auto companies is already devoting to research for these kinds of vehicles.

The fact of the matter is this is a classic example of corporate welfare. We are subsidizing something that the private sector is already doing. We are subsidizing something with taxpayers' dollars that the private sector wants to do, is doing, has the resources to do, and has the incentive to do. There is no reason in the world for us to be putting \$126 million into a program that is getting billions of dollars of private sector investment directed to it.

Several people have referred to the GAO report that says it is unlikely that such a car will be manufactured and sold to consumers. I do not know whether that is really all that important here today. I hope that this kind of a car is developed. But it is going to be developed whether the Federal Government puts tax dollars into it or not. That is why this is corporate welfare. We are supporting something that the private marketplace is doing on its own. We should let the market decide.

These three big companies are trying to develop hybrid engines that combine gasoline or diesel motors with electric parts. Honda and Toyota are doing the same. We should let the market decide.

The Congressional Budget Office has said, if Honda and Toyota do succeed in the U.S. market, our auto makers will have every incentive in the world to try to meet that competition and continue this research and development. If these Japanese hybrid cars do not succeed in our marketplace, our additional dollars are unlikely to change or revoke that judgment of the market.

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. HOFFEL. I am happy to yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, I think that is a very prescient point, because we can look back in time from three particular areas where we either as a Nation did try to second guess the markets or we nearly tried to second guess the markets and look at what the historical results were.

First case in point, synthetic fuels. We put billions of dollars into trying to develop oil from coal in the synthetic fuels program, trying to second guess the technology that is out there in the energy marketplace; and that money was essentially wasted because the technological feasibility of success in that area was so limited.

A second example, back in the 1980s, the silicon industry, the chip industry was crying for subsidies for static memory. We need Federal subsidies to maintain our static memory markets. It was a question of competitiveness. We heard it from all corners of the country. Today, the static memory business is a terrible business to be in. The margins are razor thin. We put about \$400 million into subsidy for that industry. But in retrospect, it would have been a terrible industry to subsidize.

A third example, high definition television. Thank goodness we did not put tens of billions of dollars into subsidizing that technology as some of our European and Asian counterparts did, because, by allowing markets to determine where the technology went, the American companies have the winning standard. So we have to be careful about distorting these technical markets.

Mr. HOFFEL. Mr. Chairman, reclaiming my time, I thank the gentleman from New Hampshire for offering this amendment. We do not need to subsidize something that the marketplace is already doing. I urge strong support for the Sununu-Andrews amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SUNUNU. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, for the purpose of offering my amendment No. 37, I ask unanimous consent to return to page 2, line 13. I was in the Chamber at the time we were on that item. I was on my feet, but I was not recognized. The gentleman from New Hampshire (Mr. SUNUNU) was recognized.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. HEFLEY: Page 2, line 13, insert after the dollar amount the following: "(reduced by \$4,000,000)".

Page 54, line 4, insert after the dollar amount the following: "(increased by \$4,000,000)".

Mr. HEFLEY. Mr. Chairman, the amendment before us moves \$4 million from the wild horse and burro management line item of the Bureau of Land Management budget to the wildland fire management line item of the U.S. Forest Service.

In recent weeks, we have seen just how serious a problem fire is in the Rocky Mountain West. The recent fires in New Mexico resulted in the destruction of 400 residences, damaged two Indian pueblos and the Los Alamos National Laboratory, and loss is estimated in the hundreds of millions of dollars.

The problem is not confined in New Mexico. This week, two wildfires are burning houses and forced hundreds from their homes southwest of Denver and west of Loveland.

I have headlines here from the papers just this week out there: "Two fires destroy homes, force residents to flee. Hundreds flee Larimer County fire. Front Range fires rage," the headlines read.

Three years ago, Dr. Thomas Veblen, a forest historian at the University of Colorado, stated that Rocky Mountain forests were due for a catastrophic fire event 3 years after the onset of a wet season. He was not talking about the kind of fires we see every year. He was talking about wildfires stretching the length of the Rockies from Wyoming to Colorado to New Mexico.

At that time, some of us estimated that these catastrophic fires could occur within 3 to 5 years, and we would have what they call a "millennial fire." Now we may be 1 or 2 years away. As we have seen in this week's newspapers, we might be seeing the start of it.

At risk this time are the towns like Evergreen, Manitou Springs, Woodland Park, Estes Park, and Boulder. These are not isolated hamlets but thriving communities, some located inside of cities like Denver and Colorado Springs.

The Buffalo Creek fire, which struck the Pike-San Isabel National Forest 4 years ago, was one ridge and one rainstorm from hitting the Denver suburbs. The forest fire service map of the Front Range shows a solid block of red from Boulder to Pueblo.

So as we have seen, this is not just a Colorado problem. The New Mexico fire speaks for itself.

Three years ago, the gentleman from California (Mr. ROGAN) introduced legislation to treat the northern forest of that State. At that time, the Forest Service stated that forest treatment and prescribed burns would be needed in the foreseeable future to clear up the build-up on the forest floor.

For the past 2 years, the gentleman from Idaho (Mrs. CHENOWETH-HAGE) has held hearings on the forest health problem. Frankly, until the New Mexico fires, the response from the

Forest Service headquarters has been silence.

Mr. Speaker, I do not think we can wait any longer. According to its own report, the appropriation bill is approximately \$5 million under what is needed for a Forest Service to run an optimum wildland fire management program.

I do not think we can stint on this. I would add, I think, the report of March 2001 deadline for a Forest Service plan to deal with this is too far out. We should direct them to implement the plans they have now according to their internal priority lists.

The amendment before us offers a choice of priorities. We could argue about the merits or demerits of the wild horse program, but this does not do away with that program at all. There is still half of that money for that program there, \$4 million, that can continue that program. But even with a budget increase, the burro and horse program is going to be a problem with us for a long time to come. The fire situation is something we can and must start dealing with right now.

With that, I urge support of this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word and rise in support of the Hefley-Udall amendment.

Mr. Chairman, as the gentleman from Colorado (Mr. HEFLEY), the dean of our delegation, has explained, the amendment would shift \$4 million into the Forest Service's wildland fire management account.

The purpose of the amendment is to increase the funding for the preparedness and fire operations line items. Those line items pay for a number of important activities aimed at the protection of life, property, and natural resources. The preparedness account is used to enable the Forest Service and cooperating agencies to prevent, detect, and respond to fires on National Forest lands.

The fire operations account pays for actually fighting forest fires; but even more importantly, it pays for work to prevent them in the first place by controlled burning and other steps to reduce the amount of hazardous fuels.

□ 1800

Quite rightly, the Forest Service gives top priority to so-called "urban interface" areas where forest lands adjoin developed areas. As my colleague, the gentleman from Colorado (Mr. HEFLEY), has explained, in Colorado that means particularly the front range area, where the Great Plains meet the Rocky Mountains.

The Front Range is the edge of our State's most populated areas. And the danger of fire is real. In fact, in the last couple of days, fires in Jefferson, Park, and Larimer Counties have burned more than 40 houses and caused

hundreds of Coloradans to be evacuated from their homes.

As we know, this year's fire season has just begun. This morning's Colorado newspapers are reporting that yesterday the "Hi Meadow" fire near the town of Bailey has gotten much worse and forced people to evacuate from Buffalo Creek. As all Coloradans know, Buffalo Creek was the scene of another devastating fire just a few years ago.

Our governor has declared a state of emergency in affected areas, and this morning FEMA told me they are responding to our State's request for aid. It is too late to prevent these fires. Now they must be fought. But it is still true the best time to fight a fire is before it starts, and that is the purpose of the Hefley-Udall amendment.

This is important for all Coloradans. It is especially important for Boulder, which I represent, and the other communities along the Front Range that are at risk for wildland fires. The additional funding provided by the amendment will help make sure the Forest Service will continue to cooperate with its Colorado partners to reduce the risk.

Already those partners are hard at work in places like Winiger Ridge near Boulder, the Upper South Platte watershed, and the Seven-Mile area near Red Feather Lakes. Our amendment would help make sure those efforts can continue.

Mr. Chairman, as a new member of the Committee on Resources, I followed with great interest some of the debates about the health of our forests. I suspect some may want to link this amendment to those debates. But I want to make clear this is not a forest health amendment, it is not an amendment about timber sales. This amendment is about fighting fires and fire prevention. And while prevention often requires reduction of the volume of hazardous fuels, it does not require removal of old growth timber or clearing of large areas.

This is also not a big-spending amendment. All it would do is bring the wildland fire management account back near the level of the current fiscal year. The desirability of this amendment was actually spelled out in the report of the Committee on Appropriations. Speaking of the very fire prevention measures affected by this amendment, the committee report says, "Additional funding in this activity, were it available, would provide much more than a dollar-for-dollar savings in subsequent wildlife and wildfire suppression operations and loss of valuable resources."

I agree with my colleague that this is a high priority matter, and I urge the adoption of our amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Though I am sympathetic to this amendment, I rise in opposition. I be-

lieve that we have tried to address the overall problem of fire by adding \$350 million in emergency wildland fire funds. That was a last-minute addition to the bill. And we also have \$907 million in nonemergency wildland fire funds for these agencies.

I would say to both the gentlemen from Colorado that if the circumstances are exacerbated between now and conference, we would make every effort to provide some additional funding there, because I know that this is a serious problem both in Colorado and in New Mexico.

By the same token, I am reluctant to see \$4 million taken out of the Wild Horse and Burro program, because we are on the threshold of implementing the research program that has been developed by the University of Arizona for reducing herd size on the public lands and this would go a long way, if the research that has been developed is implemented, in reducing the impact on the health of the land in Colorado and all these western States that have a problem with the wild horses and burros.

So I would like to keep that \$4 million in there because this money basically will implement what we now know by way of science as a way to address this, but I will give the gentlemen from Colorado the assurance that if the situation becomes more critical as we get to conference, that we will look with favor on adding some additional money.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to point out to all of our colleagues, and the chairman worked with us on doing this, that we were very concerned that because we have not passed the supplemental appropriations bill through both bodies down to the President that there was not enough money in these accounts for wildland fire management. So we put in for the Department of Interior, Bureau of Land Management, \$200 million to remain available until expended for emergency rehabilitation and wildfire suppression activities.

The other amendment we had in our bill, and this is on page 109, is \$150 million for wildland fire management for the Forest Service. So there is a total in this bill of \$350 million for what I think the gentlemen from Colorado rightfully want.

I will say here today that if there is additional money needed, as the chairman has just said, in the conference we will put additional money in. I am sure the administration will request it.

There is also \$907 million in the regular bill, in the 01 bill, for this account, and then this \$350 million is for emergency money. So if we add it all up there is \$1.2 billion in total.

So I want to help, but I do not think we should beat up on the other program. And just to give a little information, BLM is required by statute to manage the wild horse and burro populations in a manner that protects herds at appropriate levels. Cumulative appropriate management levels total about 27,000 animals in the entire western United States. Today, the number of wild horses and burros stands at more than 50,000 animals or roughly double the carrying capacity of our rangelands.

What I worry about is if we take money away from this program, that they are going to do terrible damage to the watersheds all over the West. And it is estimated that at current funding levels and adoption demand, populations will increase to 126,000 animals by 2010, or more than four times the land's carrying capacity. And according to the BLM, a reduction of \$4 million here will do serious damage to their program.

So I stand committed to helping the Colorado Members and the New Mexico Members, and whoever else is affected, and I am out from the West myself and realize the terrible conditions that are out there, but I would like to see us, if we could do it, without taking it out of the money for the wild burro program.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I agree with what the gentleman has said.

But I want to give assurance again to the Colorado Members that we are very sensitive to the problem. As has been pointed out, the wild burro program is on the threshold of a breakthrough that we desperately need.

I commend the gentlemen from Colorado for bringing this to our attention. As the ranking member indicated, and as I have, we will be committed to addressing the problem in conference if the conditions continue to warrant that.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. TANCREDO. Mr. Chairman, I rise in support of the bipartisan amendment, and I commend my colleague, the gentleman from Colorado Springs, Colorado (Mr. HEFLEY), for his work on the amendment, as his district is presently experiencing the most serious forest fire in the country.

I understand that the Hi Meadow fire is now less than two miles south of my congressional district. It has destroyed over 6,600 acres, and our thoughts and prayers go to the families of Pine, Colorado and the surrounding area, as well as the families displaced by the fire to the north of my district in the Roosevelt National Forest.

This year is already one of the worst fire years on record and we are not even halfway through the summer. I saw a statistic the other day saying that there have already been in the

United States over 44,000 fires, burning well over 1.5 million acres of land so far this year.

Now, why are we facing a growing problem like this with these forest fires, that are sure to incinerate some of the most beautiful land in the United States? I have heard a few explanations in the media over the past few weeks, but I believe that the forest fires are caused for a simple reason. Wood is flammable, and in Colorado we have more wood in our mountains than ever before in history. These forests are not healthy. They are overgrown, after years of fire suppression. They are not safe at this of year. Our forests are tinderboxes. They are no longer in their natural state.

I urge my colleagues to acknowledge this fact because it is an extremely important one to remember as we consider the appropriations we provide to the forest managers. Fire prevention efforts, which this amendment would help fund, are a cost-saving strategy. I am told that if it were not for a prescribed burn that occurred last summer along the Buffalo Creek watershed by Jefferson County Open Space, the fire in Hi Meadow would have moved quickly south. If not for that prescribed burn, the fire may have jeopardized the supply of water that is used by thousands of Denver residents.

However, the biggest complaint I have heard this week was from the BLM and Forest Service that they do not have enough resources to combat the fire. Yesterday, the firefighters temporarily ran out of fire-retardant. They need equipment and they need funding for preventive measures. Fire prevention programs can save millions in damages to homes and buildings and water treatment.

Mr. Chairman, I wanted to thank my colleagues, especially my colleague from Colorado Springs, for bringing this amendment to our attention.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. TANCRED. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to say that we do recognize that both the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), are not unsympathetic about this. They have worked in their bill to try to provide a great deal of assistance in this area, and we appreciate that and understand that. And we understand if the problem intensifies that they will be there to be helpful to us.

The Forest Service tells us that they are \$5 million short of being able to do the kind of program that is needed to meet the need. This would put \$4 million of that \$5 million in it. At the same time, it would not in any way destroy the horse and burro program be-

cause that is something too that we need to solve. We have too many horses and burros on the range.

I would advise the gentleman from Ohio that I raise horses. I am sympathetic with the horse problem. I live in the West. I saw My Friend Flicka and Thunderhead. I understand about wild horses and the affection we have in America for wild horses. But we have too many on the range, and we do need to solve it. I would not in any way want to take away all the money from that. That is why half the money is still there.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. TANCRED. I yield to the gentleman from Ohio.

Mr. REGULA. Once again, Mr. Chairman, the ranking member and I have discussed this issue. We are going to take care of whatever has to be done out there, but we are reluctant to see the money come out of the Wild Horse and Burro Program because they are ready to move on that. We have been told by BLM that they need this money. To implement the recommendations of the University of Arizona study, that needs to stay there.

So, again, I can only reiterate the fact that we are going to be very sympathetic in conference as the needs emerge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$19,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 6, line 1, after "\$19,000,000" insert "(decreased by \$3,000,000 and increased by \$3,000,000)".

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. My colleagues, this amendment eliminates \$3 million in land acquisition funds in BLM for the Upper Missouri National Wild and Scenic River in Montana. I offer the amendment because there is local opposition.

We try to be very sensitive on these acquisition proposals to what the local people want, so we are proposing to take the \$3 million, and put \$2 million for the Lower Snake/South Fork Snake River, in Idaho, which they would like to have, and \$1 million for the West Eugene Wetlands Project in Oregon.

Both projects are high priority acquisitions, and both projects that we propose to fund involve willing sellers. They are also included in the President's budget. We were not able to do them before tonight because of fiscal limitations, but in view of the fact that we would prefer not to spend the \$3 million in the Upper Missouri, we propose to make that move. I would urge the Members to support this.

□ 1815

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would tell the chairman that we concur with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 30 by the gentleman from New Hampshire (Mr. SUNUNU), and amendment No. 37 by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DICKS. Mr. Chairman, was there enough people standing for a recorded vote?

The CHAIRMAN. The Chair counted for a recorded vote; and, a sufficient number having risen, a recorded vote was ordered.

Mr. DICKS. Mr. Chairman, did the Chair count?

The CHAIRMAN. The Chair's count is not subject to question.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 9, as follows:

[Roll No. 274]

AYES—214

Abercrombie	Goode	Pelosi
Aderholt	Goodlatte	Peterson (MN)
Andrews	Gooding	Peterson (PA)
Archer	Graham	Petri
Armey	Green (WI)	Phelps
Baldwin	Gutknecht	Pickering
Ballenger	Hall (TX)	Pitts
Barr	Hansen	Pombo
Barrett (WI)	Hastings (WA)	Price (NC)
Bartlett	Hayes	Radanovich
Bass	Hayworth	Rahall
Becerra	Hefley	Ramstad
Bereuter	Herger	Riley
Berkley	Hill (MT)	Rogan
Bilbray	Hilleary	Rohrabacher
Blagojevich	Hilliard	Rothman
Blumenauer	Hoeffel	Roukema
Bono	Holt	Royce
Boyd	Horn	Ryan (WI)
Brown (OH)	Hostettler	Ryun (KS)
Bryant	Hulshof	Salmon
Burr	Hunter	Sanders
Burton	Hutchinson	Sanford
Calvert	Istook	Saxton
Canady	Jenkins	Scarborough
Cannon	Johnson (CT)	Schaffer
Capps	Johnson, Sam	Sensenbrenner
Chabot	Jones (NC)	Serrano
Chenoweth-Hage	Kasich	Sessions
Clayton	Kind (WI)	Shadegg
Clyburn	Kingston	Shaw
Coble	Kolbe	Shays
Coburn	Largent	Shimkus
Collins	Larson	Shows
Combest	Latham	Slaughter
Condit	Leach	Smith (NJ)
Costello	Lee	Smith (TX)
Cox	Lewis (GA)	Souder
Crane	Lewis (KY)	Spence
Cubin	Linder	Stearns
Cummings	LoBiondo	Stenholm
Cunningham	Lucas (OK)	Luther
Davis (VA)	Maloney (CT)	Strickland
Deal	McCollum	Stump
DeLauro	McCrery	Sununu
DeLay	McGovern	Talent
DeMint	McInnis	Tancredo
Deutsch	McIntosh	Tanner
Dickey	McKinney	Tauzin
Doggett	Meehan	Taylor (MS)
Doolittle	Menendez	Terry
Duncan	Metcalf	Thompson (CA)
Dunn	Mica	Thornberry
Ehrlich	Miller (FL)	Thune
Emerson	Miller, Gary	Tiahrt
English	Miller, George	Tierney
Eshoo	Minge	Toomey
Evans	Moakley	Udall (NM)
Everett	Moore	Vitter
Farr	Moran (KS)	Walden
Filner	Myrick	Walsh
Fletcher	Neal	Waters
Foley	Nethercutt	Watkins
Forbes	Norwood	Watt (NC)
Fossella	Nussle	Watts (OK)
Fowler	Oliver	Weldon (FL)
Frelinghuysen	Pallone	Weldon (PA)
Gallegly	Pascarell	Wexler
Ganske	Paul	Whitfield
Gekas	Payne	Wicker
Gibbons	Pease	Woolsey
Gillmor		

NOES—211

Allen	Granger	Ney
Baca	Green (TX)	Northup
Bachus	Gutierrez	Oberstar
Baird	Hall (OH)	Obey
Baker	Hastings (FL)	Ortiz
Baldacci	Hill (IN)	Ose
Barcia	Hinchey	Owens
Barrett (NE)	Hinojosa	Oxley
Barton	Hobson	Packard
Bateman	Hoekstra	Pastor
Bentsen	Holden	Pickett
Berman	Hooley	Pomeroy
Berry	Houghton	Porter
Biggert	Hoyer	Portman
Bilirakis	Hyde	Pryce (OH)
Bishop	Inslee	Quinn
Bliley	Isakson	Rangel
Blunt	Jackson (IL)	Regula
Boehlert	Jackson-Lee	Reyes
Boehner	(TX)	Reynolds
Bonilla	Jefferson	Rivers
Bonior	John	Rodriguez
Borski	Johnson, E. B.	Roemer
Boswell	Jones (OH)	Rogers
Boucher	Kanjorski	Ros-Lehtinen
Brady (PA)	Kaptur	Roybal-Allard
Brady (TX)	Kelly	Rush
Brown (FL)	Kennedy	Sabo
Buyer	Kildee	Sanchez
Camp	Kilpatrick	Sandlin
Capuano	King (NY)	Sawyer
Cardin	Klecza	Schakowsky
Carson	Klink	Scott
Castle	Knollenberg	Sherman
Chambliss	Kucinich	Sherwood
Clay	Kuykendall	Simpson
Clement	LaFalce	Sisisky
Conyers	LaHood	Skeen
Cooksey	Lampson	Skelton
Coyne	Lantos	Smith (MI)
Cramer	LaTourette	Smith (WA)
Crowley	Lazio	Snyder
Davis (FL)	Levin	Spratt
Davis (IL)	Lewis (CA)	Stabenow
DeFazio	Lipinski	Stark
DeGette	Lowe	Stupak
Delahunt	Lucas (KY)	Sweeney
Diaz-Balart	Maloney (NY)	Tauscher
Dicks	Manzullo	Taylor (NC)
Dingell	Markley	Thomas
Dixon	Martinez	Thompson (MS)
Dooley	Mascara	Thurman
Doyle	Matsui	Towns
Dreier	McCarthy (MO)	Trafficant
Edwards	McCarthy (NY)	Turner
Ehlers	McDermott	Udall (CO)
Engel	McHugh	Upton
Etheridge	McIntyre	Velazquez
Ewing	McKeon	Visclosky
Fattah	McNulty	Wamp
Ford	Meek (FL)	Waxman
Frank (MA)	Meeks (NY)	Weiner
Franks (NJ)	Millender-	Weller
Frost	McDonald	Weygand
Gejdenson	Mink	Wilson
Gephardt	Mollohan	Wise
Gilchrist	Moran (VA)	Wolf
Gilman	Morella	Wu
Gonzalez	Murtha	Wynn
Gordon	Nadler	Young (AK)
Goss	Napolitano	Young (FL)

NOT VOTING—9

Ackerman
Callahan
Campbell

□ 1842

Messrs. PACKARD, McDERMOTT, BERRY, DAVIS of Illinois, Ms. BROWN of Florida, Messrs. NADLER, KENNEDY of Rhode Island, WAXMAN, Ms. CARSON, Messrs. BERMAN, WEYGAND, GUTIERREZ, SHERMAN, JEFFERSON, DEFAZIO, COOKSEY, MANZULLO, EWING, and Mrs. TAUSCHER changed their vote from “aye” to “no.”

Mr. SERRANO, Mr. DICKEY, Mrs. CUBIN, Messrs. MOAKLEY, NEAL of Massachusetts, FARR of California,

STUMP, HILLIARD, CLYBURN, HORN, CALVERT, STRICKLAND, DOGGETT, MOORE, ABERCROMBIE, and GARY MILLER of California changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1845

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 37 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 55, not voting 15, as follows:

[Roll No. 275]

AYES—364

Abercrombie	Bryant	Deutsch
Aderholt	Burr	Diaz-Balart
Allen	Burton	Dickey
Andrews	Buyer	Dingell
Archer	Calvert	Dixon
Baca	Camp	Doggett
Bachus	Capps	Dooley
Baird	Capuano	Doolittle
Baker	Cardin	Doyle
Baldacci	Carson	Dreier
Baldwin	Chabot	Duncan
Ballenger	Chambliss	Dunn
Barcia	Chenoweth-Hage	Edwards
Barr	Clay	Ehlers
Barrett (WI)	Clayton	Ehrlich
Bartlett	Clyburn	Emerson
Barton	Coble	Engel
Bass	Coburn	English
Becerra	Collins	Eshoo
Bentsen	Condit	Etheridge
Bereuter	Conyers	Evans
Berman	Costello	Ewing
Bilbray	Cox	Fattah
Bilirakis	Coyne	Filner
Bishop	Cramer	Fletcher
Blagojevich	Crane	Foley
Bliley	Crowley	Forbes
Blumenauer	Cubin	Ford
Boehlert	Cummings	Fossella
Boehner	Cunningham	Fowler
Bonior	Davis (FL)	Frank (MA)
Bono	Davis (IL)	Franks (NJ)
Borski	Deal	Frelinghuysen
Boswell	DeFazio	Frost
Boucher	DeGette	Gallegly
Brady (PA)	Delahunt	Ganske
Brady (TX)	DeLauro	Gejdenson
Brown (FL)	DeLay	Gekas
Brown (OH)	DeMint	Gephardt

Gilchrest	Maloney (NY)	Sanders
Gilman	Manzullo	Sandlin
Goode	Markey	Sanford
Goodlatte	Martinez	Sawyer
Gordon	Mascara	Saxton
Graham	Matsui	Scarborough
Granger	McCarthy (MO)	Schaffer
Green (TX)	McCarthy (NY)	Scott
Green (WI)	McCollum	Sensenbrenner
Gutierrez	McCrery	Serrano
Gutknecht	McDermott	Sessions
Hall (OH)	McGovern	Shadegg
Hall (TX)	McHugh	Shaw
Hansen	McInnis	Shays
Hastings (FL)	McIntosh	Sherman
Hastings (WA)	McIntyre	Sherwood
Hayes	McKeon	Shimkus
Hayworth	McKinney	Shows
Hefley	McNulty	Sisisky
Herger	Meehan	Skeen
Hill (IN)	Meeks (NY)	Skelton
Hill (MT)	Menendez	Slaughter
Hilleary	Metcalfe	Smith (MI)
Hinchee	Mica	Smith (NJ)
Hinojosa	Millender-	Smith (TX)
Hoeffel	McDonald	Smith (WA)
Holden	Miller, George	Snyder
Holt	Minge	Souder
Hoolley	Mink	Spence
Horn	Moakley	Spratt
Hostettler	Moore	Stabenow
Houghton	Moran (KS)	Stark
Hulshof	Morella	Stearns
Hunter	Murtha	Stenholm
Hyde	Myrick	Strickland
Inlee	Napolitano	Stump
Isakson	Neal	Stupak
Istook	Nethercutt	Sununu
Jackson (IL)	Ney	Sweeney
Jackson-Lee	Northup	Talent
(TX)	Norwood	Tancred
Jefferson	Oberstar	Tanner
Jenkins	Obey	Tauscher
John	Oliver	Tauzin
Johnson (CT)	Ortiz	Taylor (MS)
Johnson, E. B.	Owens	Terry
Johnson, Sam	Oxley	Thomas
Jones (NC)	Pallone	Thompson (CA)
Jones (OH)	Pascarella	Thompson (MS)
Kanjorski	Paul	Thornberry
Kaptur	Payne	Thune
Kasich	Pease	Thurman
Kennedy	Pelosi	Tiahrt
Kildee	Peterson (MN)	Tierney
Kilpatrick	Peterson (PA)	Toomey
Kind (WI)	Petri	Towns
King (NY)	Phelps	Trafficant
Kingston	Pickering	Turner
Kleczka	Pickett	Udall (CO)
Klink	Pitts	Udall (NM)
Kucinich	Pombo	Upton
Kuykendall	Pomeroy	Velazquez
LaFalce	Portman	Vitter
Lampson	Price (NC)	Walsh
Lantos	Radanovich	Wamp
Largent	Rahall	Waters
Larson	Ramstad	Watkins
Latham	Reyes	Watt (NC)
Lazio	Riley	Watts (OK)
Leach	Rodriguez	Waxman
Lee	Roemer	Weiner
Levin	Rogan	Weldon (FL)
Lewis (CA)	Rogers	Weldon (PA)
Lewis (GA)	Rohrabacher	Weller
Lewis (KY)	Ros-Lehtinen	Wexler
Linder	Rothman	Weygand
Lipinski	Roukema	Whitfield
LoBiondo	Roybal-Allard	Wicker
Lowe	Royce	Wilson
Lucas (KY)	Rush	Wise
Lucas (OK)	Ryun (KS)	Woolsey
Luther	Salmon	Wu
Maloney (CT)	Sanchez	Wynn

NOES—55

Armey	Castle	Gonzalez
Barrett (NE)	Clement	Goodling
Bateman	Combest	Goss
Berkley	Cooksey	Hobson
Berry	Davis (VA)	Hoekstra
Biggert	Dicks	Hutchinson
Blunt	Everett	Kelly
Bonilla	Farr	Knollenberg
Canady	Gibbons	Kolbe
Cannon	Gillmor	LaHood

LaTourette	Packard	Simpson
Meek (FL)	Pastor	Taylor (NC)
Miller (FL)	Porter	Visclosky
Miller, Gary	Pryce (OH)	Walden
Mollohan	Quinn	Wolf
Moran (VA)	Regula	Young (AK)
Nadler	Reynolds	Young (FL)
Nussle	Rivers	
Ose	Sabo	

NOT VOTING—15

Ackerman	Danner	Rangel
Boyd	Greenwood	Ryan (WI)
Callahan	Hilliard	Schakowsky
Campbell	Hoyer	Shuster
Cook	Lofgren	Vento

□ 1852

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. RYAN of Wisconsin. Mr. Chairman, on rollcall No. 275 I was inadvertently detained. Had I been present, I would have voted "no."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$100,467,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181-1 et seq., and Public Law 103-66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I assure Members that I will return that. I just wanted to make a statement. We have another appropriations bill on the floor, and I want to compliment the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS). There are no games played in this bill. The American public is going to be able to see exactly what is in there.

There is no sneaking in of advanced funding. There is no sneaking of emer-

gency funding that comes right out of Medicare. This committee should be recognized for setting the example of what the agreement was when we finished the budget in this year. And I wanted to tell Members how much I appreciated it, and I know that there are several other Members in the House that appreciate it. And we would like to see more of it.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express my appreciation to the committee for its attention to Florida in this bill, and, more particularly, the Florida manatee. There are many here who probably have never seen a Florida manatee. Come to Florida and see one. It is an extraordinary thing, and there are not many left. Despite being listed as endangered for almost 3 decades, the protection and recovery of the manatee population continues to be a matter of some concern.

I was pleased to see that the Interior bill contains an earmark of a million dollars for manatee protection, doubling the amendment provided last year. I want to thank the gentleman from Ohio (Chairman REGULA), and Members of the Interior subcommittee have always been attentive to the needs and concerns of Florida, which is a vast and wonderful place.

This is always a tough bill, given the many worthy programs competing for a small amount of money. However, I do want to take this opportunity to discuss issues related to manatee protection.

In January of this year, 18 environmental organizations filed suit against the Fish and Wildlife Service, Department of Interior, as well as the Army Corps of Engineers and the State of Florida alleging they were not enforcing their own rules designed to help save the manatee. Specifically, the groups asked for a moratorium on permitting until a plan is in place to prevent increased boat traffic and development from harming manatees.

Although the Federal agencies involved deny it, since the lawsuit was filed, all permitting has ground to a halt. As a result, many landowners are caught in limbo, unable to complete construction projects and facing significant financial losses as a result.

Of serious concern is that these landowners find themselves being referred from one government agency to another, the quintessential government shuffle, catch-22.

These folks deserve an answer; the Government cannot continue to shuffle them back and forth. I have heard some express the concern that the Clinton administration is dragging its feet intentionally on this issue because it does not want to upset a particular constituency in an election year.

I surely hope that is not the case. The Florida manatee deserves better

and so do the American people and so do the boat owners and users in Florida.

In the end, the question is how do we protect the manatee? A fair question. Some seem to see boats as the enemy. By banning boats or limiting boat traffic, the thinking goes, we can save the manatee. This is not a practical solution. About one-third of manatee deaths are attributable to boats. Clearly, there is more at play than just that.

On the boating question, it seems to me the solution is very simple, responsible use. I know that is a heretical thought for some, but responsible use should go with boat use. This will likely require more money for enforcement and a crackdown on those who behave irresponsibly, as it should.

I believe we must ask quickly to devise a protection policy for the manatee. It is incumbent on the Fish and Wildlife Service to work with other agencies in the State of Florida to fashion a science-based consensus policy that protects the manatee in a reasonable manner. We are all for that.

The urgency of this situation became clear a few weeks ago with a report from the Florida Fish and Wildlife Conservation Commission indicating that 100 manatees died in the first 3 months of this year, up substantially from the 80 deaths in the first 3 months of 1999. Too many manatees dying for an endangered species.

Clearly, the approach of the Fish and Wildlife Service has shortchanged all parties to this debate. There have been no additional steps taken to protect the manatee, and landowners have been lost in this moratorium.

Solving this problem requires real leadership on the part of Fish and Wildlife Service. I hope they will begin to see the urgency of this situation and move quickly, and that is the reason I have made this statement.

Once again, I want to commend the committee for its attention to the manatee issue, and I want to express my thanks and gratitude for the committee's efforts for the State of Florida.

□ 1900

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, gen-

eral administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$731,400,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than \$2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed \$6,395,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to \$400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

Mr. REGULA. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations on the Wu amendment that will be offered during the consideration of this bill.

The purpose of the Wu amendment, according to its supporters, would be to provide more funding for important wildlife programs by cutting funding for the Federal timber sale program.

The gentleman from Ohio (Chairman REGULA) will recall that last year the gentleman from Oregon (Mr. WU) offered a similar, if not identical amendment, to the one he will offer this year. The gentleman will recall that at that time we extended our hands to those who were inclined to support the Wu amendment, offering to work together as an alternative to the political and counterproductive approach of offering a controversial floor amendment. At that time our offer was taken in good faith and with good results.

Last year, at the end of the day, wildlife programs received increased funding and the Federal timber sale

program maintained adequate funding. That was a win-win result. This year, I proposed that we offer the same hand as an alternative to this controversial amendment. I am confident that, working together, we can achieve the same kind of balance this year that we achieved last year.

We do not need to reduce funding for the timber sale program and thereby reduce our fire risk prevention capabilities in order to fund wildlife programs. As we proceed through the appropriations process, we can, if we work cooperatively together, find a way to adequately fund both.

I ask the gentleman from Ohio (Chairman REGULA), would he be willing to work this year with me as the chairman of the Subcommittee on Agriculture with jurisdiction over forestry and the supporters of the Wu amendment to adequately fund important wildlife programs, just as we did last year?

Mr. REGULA. Mr. Chairman, reclaiming my time, yes, last year I made the commitment to work with Members to adequately fund wildlife programs. I am certainly willing to make that same commitment today.

I agree that working together to meet common objectives is a much better approach than having counterproductive floor fights over controversial amendments.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, I thank the chairman. I would say to my colleagues, the gentleman from Ohio (Mr. REGULA) and I are extending our hands again, just like we did last year. We do not need the Wu amendment to help provide more funding for important wildlife programs. I urge Members to put the politics of this debate aside and choose instead to work together to meet our common objectives. That is a far better approach.

I urge Members to accept this offer in good faith. Vote no on the Wu amendment, and work with the gentleman from Ohio (Chairman REGULA) and me to meet our common objectives to deal with wildlife programs, like we did last year, in a collegial and reasonable way.

AMENDMENT NO. 41 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KUCINICH: Page 11, line 21, after the period add the following: "Of the amounts made available under this heading, \$500,000 shall be for preparing a report to the Congress on the scientific impacts of genetically engineered fish, including their impact on wild fish populations. In preparing the report the Secretary shall review all available data regarding such impacts and shall conduct additional research to collect any information that is not available and is necessary to assess the potential impacts. The Secretary

shall include in the report a review of regulatory and other mechanisms that the United States Fish and Wildlife Service might use to prevent any problems caused by transgenic fish."

Mr. KUCINICH. Mr. Chairman, I am offering this amendment to ensure that the Fish and Wildlife Service pays close attention to the ecological impacts from genetically engineered fish. This amendment asks the Fish and Wildlife Service to conduct a study that would examine the ecological effects of genetically engineered fish and anticipate regulatory actions. Although such fish are not on the market yet, the Food and Drug Administration is currently evaluating a genetically engineered salmon.

There is a scientific explanation that I would like to go over here, starting with chart 1. Genetically engineered fish are engineered to grow faster and bigger. Scientists from the University of Minnesota and Purdue University foresee harmful ecological impacts.

On chart 2, scientists have determined that a larger fish has an advantage in mating. This handsomely big GE fish is more successful than the lonely natural fish, and scientists have also determined that these GE fish may survive for only a limited number of generations in the wild.

Now, in chart 3, mutant fish are created as GE fish escape into the wild and mate with natural fish. The mutant fish's larger size gives an advantage in mating, forcing new genetic traits to be spread into the wild. But these mutant fish may survive only for a limited number of generations in the wild, because when genetic engineering is performed, the opportunity to disturb or disrupt other genetic traits is possible, including disturbing the trait of longevity. The implications are serious.

Chart 4 speaks of the Trojan Gene Effect. These are serious implications, because many fish populations are under consideration for genetic engineering. After several generations, natural fish may go extinct because larger genetically engineered fish are much more successful than natural fish in mating. Such mutant fish may also go extinct because their mutant genes can decrease the survivability of the species. This is what is called the Trojan Gene Effect.

The end result is the loss of genetic diversity, disruption of ecological systems, possible extinction of important commercial fish species, and, of course, effect on the food supply.

I am certainly expecting to withdraw this amendment, hoping that the chairman and the ranking member will work with me by advocating report language for a study to examine the ecological impacts of genetically engineered fish and anticipate regulatory actions that might be necessary.

I would let the gentleman from Ohio (Mr. REGULA) know that I would appreci-

ate any consideration in conference for any report language.

Mr. REGULA. Mr. Chairman will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we share the gentleman's concern. I think what I would like to do is discuss this with the Biological Research Division of the USGS, and perhaps they could do a study or take a look at it to see how this impacts on the fish population and work with Fish and Wildlife to address these concerns.

If the gentleman would withdraw the amendment, certainly we will work with the gentleman in trying to get Fish and Wildlife and the USGS that has the science responsibility, perhaps we can meet with them and discuss ways in which they can address your concerns.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. DICKS. Mr. Chairman will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his obvious work here and this presentation that he has made. I want to tell the gentleman that we have the same problem out in the Pacific Northwest with a variety of salmon species, not that we have genetically engineered, but we have hatchery fish that compete with our wild salmon that reproduce naturally in the wild, and these crowding-out effects, a lot of the same issues that the gentleman is raising here.

The importance of preserving the gene pool of these species is critical. There is a lot of good work that is being done by the Fish and Wildlife Service across the country under the Endangered Species Act, but I think this is very important. I look forward to working with the gentleman on this issue and with the Fish and Wildlife Service to see if we cannot collaborate on this.

Mr. KUCINICH. Mr. Chairman, I include the following articles for the RECORD.

BIOSAFETY ASSESSMENT OF AQUATIC GMOS:
THE CASE OF TRANSGENIC FISH
(By Anne R. Kapuscinski)

A growing number of groups around the world are pursuing research and development of transgenic fish, shellfish, and algae. Transgenic Atlantic salmon are poised to be one of the first transgenic animals farmed for human consumption. Ecological risk assessments of transgenic aquatic organisms have been comparatively underfunded and understudied. Comparisons of the few risk assessment studies on transgenic fish confirm the need to conduct case-by-case risk assessment of each line of transgenic organism. Risk assessment should focus on tests for intended and unintended changes in six components of fitness. These include viability, fecundity, fertility, longevity, mating success, and developmental time. Muir and

Howard have shown the critical importance of testing for the joint effects of changes in these fitness components because disadvantages in one fitness trait can be offset by advantages in another fitness trait. For instance, the reduced viability of growth-enhanced transgenic fish could be offset by increased mating advantage of larger transgenic adults, possibly driving a wild population towards extinction (the Trojan gene effect). Risk assessments need to actively search for this and other biologically feasible off-setting mechanisms. The state-of-the-art way to do this, called the Net Fitness Approach, is to: (1) Test GMOs for altered fitness components in confined experiment; (2) quantify the net fitness of the GMOs and mathematically predict effects of escapees on wild fish; and, wherever feasible, (3) test mathematical predictions on multiple generations of GMOs and non-GMOs interacting in simplified, confined ecosystems.

Muir's lab recently produced two lines of transgenic medaka bearing a sockeye salmon growth hormone construct (sGH) that promotes dramatically faster growth rates and earlier sexual maturity, as previously shown in coho salmon and tilapia. Both this construct and another salmon GH construct that is in the transgenic Atlantic salmon being reviewed by the FDA yield dramatic increases in growth rates, earlier smoltification (ability to survive in seawater), and growth promotion that overrides the natural environmental cue to slow growth in colder (winter) water temperatures. In one sGH medaka line, the transgenic fish are larger at sexual maturity and have a viability disadvantage (Muir et al., unpublished data). This is precisely the combination of traits predicted to trigger the Trojan gene effect! Empirical experiments are underway to test for this.

In summary, the publicly available data on transgenic fish confirm the need to test for ecological risks of each line of GMOs on a case-by-case basis and in a manner that integrates data on all modified traits, not just the target trait. These same scientific principles were used by the Interdisciplinary Scientists' Working Group on Biosafety (1998) in designing the Manual for Assessing Ecological and Human Health Effects of Genetically Engineered Organisms (available at www.edmonds-institute.org). The Manual applies to small- and large-scale uses of any genetically engineered organism, including fish and other aquatic organisms. Users generate a specific trail of questions and responses that makes the scientific claim of risk or safety. The Manual follows the precautionary approach and encourages users to avoid type II statistical errors (i.e., concluding no adverse effect when the effect indeed occurs). Under the current state of inadequate information on fitness components of transgenic fish, application of the Manual leads the user to the conclusion that there is insufficient information to answer a key question and to the recommendation to apply several confinement measures (sterilization, mechanical barriers, physical barriers) to prevent ecological harm.

The take home messages for existing and future proposals to commercialize transgenic fish are: (1) The scientific data indicate that some lines of transgenic fish will pose a real ecological risk; (2) application of the Net Fitness Approach should be a minimum requirement for testing the ecological risk of all transgenic fish intended for aquaculture (or other uses that could affect the environment); (3) any transgenic fish approved for

aquaculture (or other uses that could affect the environment) should be made sterile and individually screened to confirm sterility; (4) DNA markers distinguishing each line of transgenic fish should be registered in a publicly accessible central clearinghouse to allow tracing of escapees; and (5) regulatory agencies need to establish the information base and institutional mechanisms required to monitor for and quickly respond to surprising outcomes of transgenic fish escaping into the wild.

POSSIBLE ECOLOGICAL RISKS OF TRANSGENIC ORGANISM RELEASE WHEN TRANSGENES AFFECT MATING SUCCESS: SEXUAL SELECTION AND THE TROJAN GENE HYPOTHESIS

(By William M. Muir and Richard D. Howard)

Widespread interests in producing transgenic organisms is balanced by concern over ecological hazards, such as species extinction if such organisms were to be released into nature. An ecological risk associated with the introduction of a transgenic organism is that the transgene, though rare, can spread in a natural population. An increase in transgene frequency is often assumed to be unlikely because transgenic organisms typically have some viability disadvantage. Reduced viability is assumed to be common because transgenic individuals are best viewed as macromutants that lack any history of selection that could reduce negative fitness effects. However, these arguments ignore the potential advantageous effects of transgenes on some aspect of fitness such as mating success. Here, we examine the risk to a natural population after release of a few transgenic individuals when the transgene trait simultaneously increases transgenic male mating success and lowers the viability of transgenic offspring. We obtained relevant life history data by using the small cyprinodont fish, Japanese medaka (*Oryzias latipes*) as a model. Our deterministic equations predict that a transgene introduced into a natural population by a small number of transgenic fish will spread as a result of enhanced mating advantage, but the reduced viability of offspring will cause eventual local extinction of both populations. Such risks should be evaluated with each new transgenic animal before release.

Although production of transgenic organisms offers great agricultural potential, introduction of genetically modified organisms into natural populations could result in ecological hazards, such as species extinction (1-3). Such risk has been suggested to pose little environmental threat because transgenic organisms are evolutionary novelties that would have reduced viability (4, 5). However, transgenic organisms may also possess an advantage in some aspect of reproduction that may increase their success in nature. Although a variety of transgene traits have been incorporated into various species (6, 7), a commonly desired characteristic in transgenic fish species (important in aquaculture and sport fishing) is accelerated growth rate and larger adult body size (8). DNA sequences for growth hormone (GH) genes and cDNAs have been well characterized in fish, and transgenic fish of several species have now been produced (9, 10). Growth enhancements of up to several times that of wild type have been obtained, with growth advantages persisting throughout adulthood in some fish species (8, 11). In many animal species, including fish, body size is an important determinant of differential mating success (sexual selection) through advantages in competing for mates against members of the same sex (mate com-

petition) and/or being preferred as a mate by the opposite sex (mate choice) (12). A recent review found that large body size conferred mating advantages in 40% of the 186 animal taxa surveyed (12). The potential for sexual selection to produce a rapid evolution of sexual traits has long been appreciated (12); here we consider its potential to increase transgene frequency and to eliminate populations, specifically when a sexual trait is affected by transgenes.

MATERIALS AND METHODS

Study Organism. As a model organism, we studied Japanese medaka (*Oryzias latipes*) (13) to explore the ecological consequences of transgene release into natural populations. Medaka were convenient study organisms for obtaining data on fitness components. Individuals were readily bred in the lab, were easily cultured, and attained sexual maturity in about two months. We produced a stock of transgenic medaka by inserting the human growth hormone gene (hGH), with a salmon promoter, sGH (14). We then conducted several experiments to document survival and reproductive differences between transgenic and wild-type medaka (15). We categorized these differences into four fitness components; (i) viability (offspring survival to sexual maturity), (ii) developmental (age at sexual maturation), (iii) fecundity (clutch size), and (iv) sexual selection (mating advantages). We modeled the introduction of a small number of transgenic individuals into a large wild-type population using recurrence equations (described below) to predict the consequences of the model, i.e., of increased male mating success but reduced offspring viability. Elsewhere, we examined the results of model predictions in which GH transgenes influenced developmental and fecundity fitness components as well as offspring viability (unpublished data). Different transgene lines are likely to vary in fitness even when the same transgene construct is used, because of differences in copy number and sites of transgene insertion. To take such variation into account as well as to make our model generally applicable to other organisms and transgene constructs, we used a range of parameter values for male mating success and offspring viability in our models. The range of values also encompassed the particular fitness component estimates that we obtained.

We conducted a 2 x 2 factorial experiment to assess the early viability of offspring produced from crosses involving transgenic and wild-type medaka parents (15). Each pairing combination consisted of 10 males and 10 females; eggs were obtained from each pair for a period of 10 days, producing a total of 1,910 fertile eggs. Viability was estimated as the percentage of 3-day-old fry that emerged. Results shows that early survival of transgenic young was 70% of that of the wild type (15).

Mating experiments using wild-type medaka were performed to measure the mating advantage that large males obtained over small males (16). We found that, regardless of protocol, large males obtained a 4-fold mating advantage (16). Such size-related mating advantages have been demonstrated in a variety of fish species; they can result from mate competition or mate choice or both (12). We do not expect transgenic male medaka to have a mating advantage over wild-type males, because the hGH transgene we inserted increased only juvenile growth rate, not final adult body size (14); that is, the size difference between transgenic and wild-type males disappeared by sexual maturity. Nonetheless, we modeled the possible

effect of transgene release into wild-type populations when transgenes accelerate growth throughout adulthood, thus increasing transgenic male mating success, because these effects could occur with other transgene constructs in other fish species. For example, continued growth enhancements from GH genes occurs in adult salmonids (8), and the mating advantages of large males has been reported in several salmonid species (17–19).

We used a range of mating and viability fitness parameters, including the values we obtained in experiments with a recurrence model that predicts changes in gene frequencies and population sizes when transgenic individuals invade a wild-type population (15).

RESULTS AND DISCUSSION

In the model, the initial population was structured with a stable age distribution giving a constant size (60,000), composed of wild-type fish with an equal sex ratio in each class. Based on experimental data (15), and adjusted by trial and error to achieve a stable age distribution, juvenile and adult mortality rates were set to 9.8% and 0.765% per day, respectively, for both genotypes, which resulted in an expected maximum life span of 150 days. Sixty homozygous transgenic fish of equal sex ratio were then introduced at sexual maturity. We assumed that transgenic and wild-type individuals were similar in age (at sexual maturity), fecundity, fertility, susceptibility to predation, and longevity; the only differential effects caused by the GH transgene were male mating success and offspring viability. We also assumed that the probability of mating was not frequency-dependent. For this model, population size was always assumed to be less than the carrying capacity; i.e., no density-dependent effects occurred. This assumption is known to be incorrect for some species. But for species that are declining in number because of heavy fishing pressure or other sources of mortality, the assumption is likely to be true. The above parameters were specified in the model, and genotype frequency, gene frequency, and population size were assessed each day. We expressed time to extinction in terms of the generation interval, the average age when all offspring were produced, which, in our laboratory experiments on medaka, equaled 96.9 days.

Predictions of the model were straightforward when transgenes affected only one fitness component. If transgenes reduced only juvenile survival, transgenic individuals would be quickly eliminated from any wild-type population. Our model predicted that if transgenic medaka suffered a 30% reduction in viability relative to the wild type, the transgene would be eliminated after about 10 generations (15). In contrast, if the GH transgene increased only the mating success of transgenic males relative to wild-type males, the gene would spread quickly. If adult transgenic males were 24% larger than adult wild-type males and thereby achieved the 4-fold mating advantage that we had observed in our mating experiments (16), the frequency of the transgene would exceed 50% in about five generations, and become fixed in the population in about 20 generations. In both of these situations, population size would remain essentially unchanged across generations, and the transgene would either be eliminated or go to fixation.

In contrast, combining the effects of the transgene on mating success and offspring viability is predicted to result in the local extinction of any wild-type population invaded by transgenic organisms. The male

mating advantage would act to increase the frequency of the transgene in the population; however, the viability disadvantage suffered by all offspring carrying the transgene would reduce the population size by 50% in less than six generations and completely eliminate the population in about 40 generations. These population projections result because the males that produce the least fit offspring obtain a disproportionate share of the matings. We refer to this type of extinction as the "Trojan gene effect," because the mating advantage provides a mechanism for the transgene to enter and spread in a population, and the viability reduction eventually results in population extinction. Such a conflict between offspring viability and male mating advantage based on large body size has been theorized to be one of the processes that can cause species extinction (20, 21).

Both the advantageous and disadvantageous effects of such sexual traits are usually considered to be sex-limited; however, the transgene we considered has a sex-limited advantage (male mating success), but no sex limitation on viability reduction. As a result, population extinction should occur even more rapidly. In theory, counterselection against the transgene and thereby rescuing a population from extinction is possible. Such counterselection could take two forms. Modifying genes might be selected that mitigate the degree of viability reduction of the transgene. Alternatively, if the transgenic male mating advantage results mostly from female preference for large males, females with alternative mating preferences could be favored by selection, halting or reversing the spread of the transgene. If the mating advantage of transgenic males resulted mostly from success in mate competition, we would expect no such selection against the transgene. Our prediction of population extinction must, however, be interpreted cautiously. A critical assumption of our deterministic model is that the viability reduction of transgenic organisms remains constant, even with a lowering of population density.

The predicted time course for extinction of a wild-type population after the release of transgenic individuals varies as a function of the rate of transgene spread, which is influenced by the relative mating advantage of transgenic males and by the severity of viability reduction in transgenic young (Fig. 1). For example, our model predicted that if the viability of transgenic young were 70% of that of wild-type young, as was the case with the hGH-sGH transgenic medaka we produced, population extinction would result only when transgenic males obtained a 2-fold or greater mating advantage over wild-type males.

Increasing the viability of transgenic offspring in the simulations produced a counter-intuitive results, however. If the viability of transgenic young was increased to 85% of that of wild-type offspring, population extinction was predicted to occur over a wider range of male mating advantages, even though the time to extinction was greater. Thus, as the viability of transgenic offspring approaches that of wild type, risk of extinction may actually increase. Two situations resulted in the highest risk; a huge mating advantage and a moderate viability reduction (Fig. 1). A mating advantage of at least 4-fold produced a risk over a range of viabilities from about 0.45 to 0.9; a viability reduction in the range of 0.7 to 0.9 resulted in the risk of extinction over the widest range of mating advantages. These trends were predicted because, at one extreme, a transgene

that greatly reduced offspring viability would be quickly eliminated unless it were counterbalanced by a very high male mating advantage. At the other extreme, in the case of a transgene that produced high viability of transgenic young, a lower male mating advantage could drive the gene to high frequency in the population, resulting in a lower genetic load and requiring more generations for population extinction.

Local extinction of a wild-type population from a release of transgenic individuals could also have cascading negative effects on the community. In contrast, if transgenic males were created intentionally to drive to extinction a wild-type population of, for example, a species of pests, it could serve as a mechanism for biological control.

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Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from Ohio (Chairman REGULA).

Mr. Chairman, I know that the gentleman from Ohio (Mr. Regula) shares my interest in ensuring that the Kyoto Protocol is not implemented without ratification and that unauthorized activities to implement the protocol are not funded. Likewise, I know that the gentleman shares my interest in developing fuel cells for building applications and specifically in proton membrane exchange technology for supplying residential electric power and hot water.

I am asking that the gentleman work with me to address appropriately the first issue in conference and to identify any additional funding there might be for the fuel cell program in the event that additional funds are made available in conference.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would commend the gentleman. I think that there has been a lot of progress on fuel cell development. We know it is something that offers a lot of promise.

The gentleman is correct, I share his concerns on both issues, and I look forward to working with the gentleman as the bill moves forward in conference on trying to support fuel cell research.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I thank the chairman.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Ohio (Chairman REGULA) to engage in a brief colloquy with me.

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) knows, there is language in the committee's report on this bill dealing with what is described as BLM wilderness reinventory activities. I just have some questions about the meaning and effect of that part of the report.

To begin with, the report says that BLM has completed all of its wilderness reinventory activities begun in prior years, but I understand that part of the language is inaccurate because

there is an ongoing process in Colorado that has not yet ended.

I would respectfully ask the chairman, am I right in understanding that there is no intention to interfere with the ongoing reinventory process in Colorado?

Mr. REGULA. Mr. Chairman will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, yes, the gentleman is correct. We do not intend to interfere with that ongoing process in Colorado.

Mr. HINCHEY. Mr. Chairman, I thank the chairman.

Am I also right in understanding that nothing in the committee report is intended to interfere with BLM's normal process in revising its management plans or keeping its resource inventory current?

Mr. REGULA. If the gentleman will continue to yield, he is correct. We are not intending to interfere with or change that process of revising management plans or keeping the resource inventory current.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those answers.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$48,395,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, \$23,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$10,439,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$15,499,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, \$797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), \$2,391,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105-277, and hereafter in annual appropriations acts for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,425,617,000, of which \$8,727,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100-203.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. REGULA:

On page 15, line 15 after the first dollar amount insert “(increased by \$66,500,000)”.

Mr. REGULA. Mr. Chairman, my amendment adds \$66.5 million to address critical operational backlog needs in the National Parks.

Mr. Chairman, backlog maintenance is a critical problem in our National Parks, and, as we all recognize from testimony by the Director of the National Parks, this is something where we should, wherever possible, provide funding to overcome the serious deficit that exists.

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What this amendment does is add \$66,500,000 to, in a continuing way, address the critical problem of backlogged maintenance.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment and urge that it be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$49,956,000, of which \$2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$41,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which \$7,177,000 pursuant to section 507 of Public Law 104-333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$150,004,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND (RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$65,000,000, to be derived from the Land and

Water Conservation Fund, to remain available until expended, of which \$21,000,000 is for the State assistance program including \$1,000,000 to administer the program, and of which \$10,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That the \$20,000,000 provided for grants in the State assistance program shall be used solely to acquire land for State and local parks for the benefit of outdoor recreation: *Provided further*, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, and excluding the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That notwithstanding any other provision of law, hereafter, the Secretary of the Interior must concur in developing, implementing, and revising regulations to allocate water made available from Central and Southern Florida Project features: *Provided further*, That the Secretary's concurrence will address the temporal and spatial needs of the natural system as defined in terms of quality, quantity, timing, and distribution of water, and ensuring the restoration, preservation and protection of the South Florida ecosystem, including, but not limited to, the remaining natural system areas of the Everglades, Everglades National Park, Biscayne and Florida Bays, and the Florida Keys.

POINT OF ORDER

Mr. HANSEN. I raise a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) is recognized.

Mr. HANSEN. Mr. Chairman, I make a point of order against the language found on page 18, beginning on line 6 and continuing on line 19, which begins “Provided further, that notwithstanding any other law.”

The language clearly imposes a new duty on the Secretary of the Interior in concurring in these actions regarding water allocations in Florida.

Currently, the Army Corps of Engineers oversees water development projects in and near the Everglades area, and there is no requirement that these projects need concurrence by the Secretary of the Interior.

In addition, the language modifies or affects the application of many existing laws, such as the Endangered Species Act, the National Park Service Organic Act, the Miccosukee Reserved Area Act, the Act of May 30, 1934, relating to the Everglades National Park, and the National Marine Sanctuaries Act.

It also appears to require the Secretary to apply Bureau of Reclamation statutes affecting water projects to a

non-Bureau of Reclamation State, Florida, in violation of Chapter 1093, 32 Stat. 388, section 1, Bureau of Reclamation Act of 1902.

Finally, the language federalizes water allocation issues which are a matter now determined under Florida's State law.

This language clearly constitutes legislation on an appropriation bill, in violation of clause 2(b) of rule XXI of the rules of the House of Representatives, and the Governor of Florida supports this.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Chairman, we understand the problem here, and recognize that what the gentleman from Utah is raising as a point of order is correct. I would like to just discuss the implications of this situation, because I think it is important for our colleagues to understand what is happening.

The Everglades restoration is a major project. It is probably going to involve an expenditure of \$10 to \$15 billion in the years ahead. I think it is vitally important that the United States government, through the Department of the Interior, have a voice in this project.

I regret that our attempt to provide assurances for a vital, high-quality water supply to the natural areas of the Everglades, including Everglades National Park, several national wildlife refuges, and Florida Bay have been dropped.

Restoration of the Everglades began 7 years ago as a true partnership among various interests. These interests, Federal, State, and local governments, Indian tribes, agricultural, urban, and environmental organizations, and the public at large, came together as the South Florida Ecosystem Task Force.

This entity meets to set priorities and make collaborative decisions on this massive restoration effort. Since the restoration effort began, the Interior Appropriations Subcommittee has provided nearly \$1 billion in Federal funding with the understanding that critical scientific research, land acquisition, and water planning funding to achieve environmental restoration would be one of the end results of the enormous sums the American taxpayers are being called upon to commit.

The committee has provided this funding during a time of declining budgets and at the expense of numerous meritorious projects—projects that our Members here would like to have. Because we were committed to spending what has already been a total of over \$700 million to this program, we

were not able to do some of the others that we should have done.

Mr. Chairman, the language being stripped from this bill ensured that the natural areas would receive equal treatment with other interests as important decisions about water flow and quantity are made.

Let us be honest. Without assurances that the Secretary of the Interior, together with the Chief of the Army Corps of Engineers and the South Florida Water Management District, has a voice in water decisions, we can no longer call this project environmental restoration. The Federal part of the money in this bill is the environmental restoration of the Everglades. Now, with the result of this point of order, we will not have that voice of the Federal government.

Mr. Chairman, I want to be clear, I bear no ill will toward the other goals of this effort: continued sugar and agricultural production, adequate potable water availability for the people of Florida, and sustainable growth for the region.

However, with the balanced, fair language now being stripped from this bill, the effort is no longer an environmental restoration project. It is no longer a partnership. The project is solely a water development project between the Army Corps of Engineers and the local water management district in "Anywhere U.S.A.", and should receive no further funding through the bill of the Subcommittee on the Interior of the Committee on Appropriations.

I want to point out something else. We will hear that this water is owned by the State of Florida, but in 1970, under the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments, the following language was incorporated in that bill and is now the law of the United States:

That as soon as practicable, and in any event upon completion of the work specified in the preceding provision, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre feet annually.

In other words, the water belongs to the Everglades as part of the 1970 law. Our concern is that unless there is some way in which the Federal government has a voice in the distribution of the water that is going to be gained by all of the activities that have been funded from the money we have spent thus far, the possibility of the Everglades not receiving adequate water supply is very real.

I hope we can work out some language, in view of the fact that this is being stripped by the point of order, that will continue to ensure the protection of the United States' investment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HINCHEY. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HINCHEY. Mr. Chairman, I think it is important for us to recognize what is happening here and to gauge the implications of it, to understand them and all of their ramifications, because they are broad and deep.

First of all, by striking this language, \$9 million, which is appropriated in this bill to the Department of the Interior, will now be spent by the Army Corps of Engineers. The Department of the Interior will simply be a pass-through. The Department of the Interior will have no say whatsoever in how that money is spent. It will be spent only by the Army Corps of Engineers for their purposes.

Mr. Chairman, that is contrary to everything that this Congress has done up to this point with regard to this project. Our chairman has just outlined very carefully and accurately some of the profound difficulties that will ensue as a result of the striking of this language.

We have here a national resource. The Everglades are half owned by the United States government for all the people of the country. They are—that half of the Everglades is administered by the Department of the Interior. By striking this language, the Department of the Interior will have no say whatsoever in how this \$9 million appropriated in this bill is to be spent.

The foundation which has been laid very, very carefully over a long period of time, and which has involved the appropriation and expenditure of several billion dollars so far, is undermined by the striking of this language.

What we have had up to now is a cooperative working relationship between the State of Florida, the South Florida Water Management District, the Army Corps of Engineers, and the United States Department of the Interior. The United States Department of the Interior is involved here because of the fact that we have a number of ecosystems in those Everglades which are administered by the Department of the Interior, and appropriately so.

Striking this language is going to do extreme damage to the foundation that has been laid, the confidence that has been had by these relating agencies in working together. That confidence will no longer exist. The people around the country who have watched this enterprise go forward, and they, too, have watched it with confidence because of the cooperation that has been had between the various agencies, many people around the country are going to now withdraw that confidence. They are going to be very skeptical about what is going to happen with regard to the Everglades.

All of the environmental protection that is important in the Everglades restoration is now placed in jeopardy. The 68 threatened and endangered spe-

cies that are in the Everglades now will be increasingly endangered because their manager, their overseer, the Department of the Interior, will no longer be active.

I think it is important, Mr. Chairman, finally, that the Members here understand what is being done. This is technically accurate but it is wholly mischievous. It is going to result in substantial damage. We will have to immediately find ways to correct the damage which has been done by the striking of this language.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) makes a point of order that the provision beginning with "Provided further" on page 18, line 6, through line 19 proposes to change existing law in violation of clause 2(b) of rule XXI.

The provision directly waives any other provision of law and assigns new duties to the Secretary of the Interior with respect to water allocation in Florida. As stated on page 799 of the House Rules and Manual, a proposition to establish an affirmative duty on an executive officer is legislation. By establishing new duties on the Secretary of the Interior, the provision constitutes legislation on an appropriation bill in violation of clause 2(b) of rule XXI.

Accordingly, the point of order is sustained and the provision is stricken.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 21, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill from page 18, line 20, through page 21, line 13, is as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities

taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$816,676,000, of which \$60,553,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$32,763,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which \$140,416,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; reimbursement to the United States Fish and Wildlife Service (FWS) for Refuge Revenue Sharing payments made by FWS to local entities for the FWS real property transferred to the Geological Survey; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to rep-

resent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$127,200,000, of which \$84,362,000, shall be available for royalty management activities; and an amount not to exceed \$107,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$107,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$107,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2002: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

AMENDMENT NO. 44 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mrs. MALONEY of New York:

Page 24, beginning line 6, strike "transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers" and insert "transportation to wholesale market centers and processing of royalty production taken in kind".

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer this amendment, which will enable the Minerals Management Services to operate the royalty-in-kind pilot program more efficiently.

I first want to thank both the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their efforts to resolve this issue in a positive way. This amendment will strike language that would have given the royalties-in-kind program the ability to finance the gathering and marketing of oil and natural gas products.

It will continue to allow the Department of the Interior to finance the cost of transportation and processing of oil and natural gas.

Currently the Minerals Management Service is conducting three royalty-in-kind pilot programs located in Wyoming, Texas, and the Gulf of Mexico. We have worked in a bipartisan manner closely with the Department of the Interior to develop language that achieves their goals without affecting broader oil valuation policy or costing additional funds.

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My amendment will accomplish this purpose. So, again, I would like to thank the chairman and ranking member for their support, and I would urge all of my colleagues to support this common sense amendment.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am the chairman of the authorizing subcommittee with jurisdiction over the Minerals Management Service. MMS is the agency charged with collecting royalties from mineral lessees of the federal government. Usually, the producer pays one-eighth of the value of the oil and natural gas from the wells on the lease to MMS to satisfy their royalty obligation, but the Secretary of the Interior is able to take royalty production in kind rather than in value, if he so chooses.

MMS has been conducting "R-I-K pilot programs" over the last several years, first for oil from leases in Wyoming and later for natural gas off the coast of Texas. Indeed, Mr. Chairman, the MMS has reported to me that royalty natural gas taken in-kind from the Gulf of Mexico has been sold to the General Services Administration for heating federal buildings, including this very Capitol building last winter.

MMS is seeking to expand the scope of its natural gas R-I-K program to learn how best to add value for the taxpayer by aggregating significant volumes of gas from many leases throughout the Gulf and marketing those volumes to the highest bidders. This is known as

"market uplift" and it is a source of added value for the government. Why? Because when lessees pay their royalty in value it is based upon the wellhead value of the oil or gas, not the greater value one can receive from transporting product and aggressively marketing one's crude oil or natural gas downstream of the lease. Just two months ago a federal court ruled that there is no duty for oil and gas lessees to market their production without cost to the government. To my knowledge the federal government has not appealed this summary judgment.

Mr. Chairman, this simply means the producer of oil and gas owes royalty on the value of production at the lease. If the oil or gas is first sold downstream of the lease, then transportation, processing (if necessary) and marketing costs are deducted from the proceeds when calculating the royalty owed. Likewise, if and when the MMS takes its royalty in kind at a point downstream of the lease, a similar deduction is owed the producer. This bill, as reported by the Committee on Appropriations, recognized this requirement, as does Mrs. MALONEY' amendment. Thus, I shall not object to the gentlelady's amendment even though it will hinder the MMS in its efforts to explore adding value for the taxpayer. This is because the Maloney amendment strikes language allowing the MMS to contract with outside marketers who are skilled in aggregating volumes of natural gas and finding the best price for it. Yes, MMS will be able to do this work "in house" with its own personnel, but MMS itself recognizes that its employees lack the trading skills learned in the competitive marketplace. We cannot expect them to match the "uplift" private marketers would bring to the government's natural gas supply.

Mr. Chairman, the provision which follows the Maloney amendment in the text of this bill insures the taxpayers will not lose money in the conduct of the R-I-K pilots, but the shame here is that the opportunity to add further value for the taxpayer is unduly constrained by this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are prepared to accept the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment, and I ask unanimous consent to return to page 17, line 7, and that this amendment be made in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 17, line 7 after the dollar amount insert "(increased by \$20,000,000)".

Mr. REGULA. Mr. Chairman, what this amendment does is increases the

Park Service's land acquisition by \$20 million, and the funding is directed to the high priority inholdings. I think it is very important, as they acquire land, that wherever possible we should purchase inholdings and thereby complete the parks. This funding, of course, is for purchases from willing sellers.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

Mr. STUPAK. Mr. Chairman, I move to strike the last word and enter into a colloquy with the gentleman from Washington (Mr. DICKS).

Mr. Chairman, I was going to offer an amendment today on snowmobile use in certain national parks. Mr. Chairman, the national parks has more than 375 units. These units run from the historic homes here in Washington, D.C., the beauty of the Great Lakes, all the way up to Alaska. For all these units, their popularity is directly related to their access to the parks. As one generation immerses itself in the beauty and history of our national parks, so will the next.

This appreciation is often heightened by providing year-round access to parks. In some units, snowmobiles are necessary for traversing the isolated park lands of our northern States. In other units, like the Pictured Rocks in my district, snowmobiles are used for recreational purposes on restricted routes.

Unfortunately, on April 27, 2000, Interior Department Assistant Secretary Don Barry issued an announcement that many regarded as a ban of snowmobile use in the national park. The announcement said that the National Park Service must enforce existing regulations regarding snowmobile use. While I understand the need to balance the preservation of our park units with the public's desire for recreation, this issue is about much more. Foremost, the issues of public input must be addressed.

Most of these parks have general management plans that permit snowmobiling in designated areas. These plans, promulgated in law as special regulations, were agreed to by the local park officials and neighboring communities. How then can park officials in Washington, D.C. chastise local communities for not enforcing a snowmobile ban? In many cases, the local communities wanted snowmobile use, not restricted use. Snowmobilers wanted controlled and sensible use. That is why the designated snowmobile routes were promulgated as special regulations in Pictured Rocks National Park and other parks. Snowmobilers want to be held to a high standard.

To overturn these regulations, the National Park Service will require a new regulation or rule under the Administrative Procedures Act. The National Park Service cannot simply make an announcement and expect it to carry the weight of law. There is a process to be followed here. The process includes publishing a proposed rule or regulation in the Federal Register, taking comments from the public and issuing a final rule.

The method used by the Park Service announcement, however, attempts to circumvent the Administrative Procedures Act.

Mr. Chairman, I implore the National Park Service, before it proposes such a rule, to go to my community and determine if snowmobiles are damaging the park; ask local residents if they want to continue with some controls on snowmobile use; but please do not make a national announcement that undermines local involvement, ignores local concerns and bans snowmobile use when such an announcement is not enforceable and does not carry the weight of law.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman is correct that a new regulation must be promulgated by the Park Service before a ban on snowmobile use can be enforced at Pictured Rocks. If the Park Service proposes such a regulation, the constituents of the gentleman from Michigan (Mr. STUPAK) will be provided with ample opportunity to express their concern and interest.

I agree with the gentlemen that before proposing such a regulation that the Park Service should solicit the input of the park superintendent and the local community and follow the Administrative Procedures Act.

Mr. STUPAK. Mr. Chairman, reclaiming my time, I thank the gentleman from Washington (Mr. DICKS) for his support and for his understanding of what we are trying to do. I would also like to thank the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I will not offer my amendment. It will not be offered at this time or later tonight. I would withdraw that proposed amendment.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and

Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$97,478,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$197,873,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2000: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That from the funds provided herein, in addition to the amount granted to the Commonwealth of Pennsylvania under Sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, an additional \$2,000,000 shall be made available to the Commonwealth of Pennsylvania to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices: *Provided further*, That the additional funds are to be used to address such problems in the anthracite region of Pennsylvania.

BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, in-

cluding the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,657,446,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed \$93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$125,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$406,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed \$39,722,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$184,404,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under

Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$34,026,000, to remain available until expended; of which \$25,149,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618, and 102-575, and for implementation of other enacted water rights settlements; of which \$8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106-163; and of which \$877,000 shall be available pursuant to Public Laws 99-264 and 100-580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$59,682,000. In addition, for administrative expenses to carry out the guaranteed loan programs, \$485,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions

of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$69,471,000, of which: (1) \$65,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by

law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, not to exceed \$300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That of the amounts provided for technical assistance, the amount of \$700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: *Provided further*, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$20,745,000, to remain available until ex-

pendent, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$62,406,000, of which not to exceed \$8,500 may be for official reception and representation expenses and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$82,428,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian Lands and expenses associated with redetermining and redistributing escalated interests in allotted lands by direct expenditure or cooperative agreement, \$5,000,000 to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed \$500,000 shall be available for administrative expenses: *Provided*, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public law 93-638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe:

Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further*, That acquisitions shall be limited to one or more reservations as determined by the Secretary: *Provided further*, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: *Provided further*, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further*, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$5,374,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appro-

priation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs, hereafter may

be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, hereafter the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, sections 306 and 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 5, line 12, to offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 5, line 12 after the dollar amount insert "(decreased by \$1,000,000 and increased by \$1,000,000)".

Mr. REGULA. Mr. Chairman, this amendment decreases construction funding for the Escalante Science Center by \$1 million. It is not quite ready to go forward. It increases funding for the National Trail Center in Casper, Wyoming, which we had an oversight on and had previously committed to do.

The Members involved in this switch are both in agreement with it, and I urge the adoption of the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE: Page 49, beginning at line 23, strike section 116.

Mr. INSLEE. Mr. Chairman, this amendment will strike section 116, which has a considerable anti-environmental impact both because of the way it was drawn and because of existing law, because basically the existing section of the bill, if allowed to stand, would essentially lock in the livestock levels and practices, on various areas that are leased, for grazing after the permit expires, after the lease has expired and after BLM and other agencies have made good faith attempts to improve the environmental activities in the grazing.

For instance, when a lease expires now, our Federal Government is charged with the responsibility of making sure that before there is a renewal that there is not overgrazing that occurs in the land or there is not erosion that occurs on the land.

Under existing law and for the last probably 100 years, they had the right to do that, not subject to the unilateral decision-making by the permittee.

Unfortunately, the way this language is drafted in the existing proposed bill, it would allow the permittee to unilaterally, in a sense, insist on the continuation of the number of animals on the unit, of the uses and the practices on the unit, even to the extent one can have environmental damage. The way that that is drafted, it essentially would turn the lease on its head, because for decades in this country, when the permit expired, the permit expired. Essentially, in a Supreme Court decision that took place very recently, just in May of this year, called Public Lands Council versus Babbitt, the Supreme Court reaffirmed the proposition again that permittees do not have a right title in interest of land that is constitutionally protected after the expiration of the lease or permit.

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Unfortunately, the way that this action is drafted, it would allow, and I want to repeat that not all folks who are grazing are bad stewards in the land. Many of them are doing a tremendous job as stewards of the land. But there are some that, frankly, have loads of grazing that are causing damage to the land in the environmental aspect that we want to protect. It would allow those permittees to essentially unilaterally tell the BLM or the Forest Service that, No, no, I do not agree. Your process is not completed. I

do not believe your process was adequate; therefore, I am going to appeal your process to another level or to a Federal court or to the Court of Appeals or to the Supreme Court.

While that was going on, Uncle Sam and the taxpayers would be required to be submitted to whatever the permittee had going on in the land in the first 10 years of the lease. I think that really is not consistent with our idea that, when the permit expires, Uncle Sam ought to have the ability to negotiate in good faith with the permittee about what provisions occur.

Now, I am not alone in being concerned about the environmental aspects of this. Our amendment is supported by the League of Conservation Voters and Trout Unlimited, U.S. PIRG, the National Wildlife Federation, the Sierra Club, and the Wilderness Society. The reason, Mr. Chairman, that those groups are concerned about this is that they believe it could be a fairly significant opening up and restriction of our agency's ability to fulfill their environmental mandate.

I also wanted to point out, and I presume the drafters of the language had some concern, that there would be some wholesale refusal or failure to simply reprocess these permits. But I have done some looking into it; and I found that, under existing loads, the agency ought to be able to handle these permits.

In the next year, about 1,600 permits will expire. They will have to do about 170 for previous years for under 2,000 permits. Last year, the agencies processed 3,847 permits.

So basically the agencies are capable of doing this. Our concern is that if we pass this language the way it was written, it will allow some permittees, some, not all, but some to essentially prevent BLM from enforcing environmental laws by essentially saying, even though my permit is expired, I am going to force Uncle Sam to except however many animals I have had, and that we are going to keep those animals on even if my permit is expired as long as I keep this tied up in the courts.

I believe that is inconsistent with long-term practices and environmental law.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Washington for yielding to me.

Mr. Chairman, I rise in support of his amendment because I think the language of the bill raises serious questions and goes beyond what is needed. I am told, as is the gentleman from Washington, by the BLM that they do not need this provision and that they are capable of processing all of the grazing permits that will expire in the next fiscal year.

So I think for that simple reason alone, we ought to adopt this amendment and not get in the way of the

work that the BLM is doing on its own at this point.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, does the gentleman from Washington (Mr. INSLEE) understand that the decision rests with BLM? This is permissive authority for them to deal with the problem in the event, for lack of resources, both monetary and manpower that they would not be able to address all of the permits that have an environmental consideration. We are simply giving them some latitude to make the decision, but they do not have to do this.

I do not think it gives the permittees any standing because they have to negotiate with BLM. This is language similar to what we had negotiated with the President last year and just simply recognizing that the task was so huge they may not be able to effectively renegotiate all of these permits within the time allocated.

The CHAIRMAN. The time of the gentleman from Washington (Mr. INSLEE) has expired.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think we have a significant drafting issue that I very much would encourage the Chair to look at because I have looked at it very carefully. There is quite a number of folks that have looked at it.

I am very clear that the way the language is drafted at this time, it would allow the permittee to insist in the continuation of the lease for as long as this process in appeal period is involved. If that was the intention of the gentleman from Ohio (Chairman REGULA) to make this permissive or discretionary with the Bureau rather than mandatory to the permittee, I really believe we need some changes in the drafting. If that is the intention, I would perhaps encourage us to defer this for a few minutes so we could have that discussion. I really believe we need some drafting changes here.

Mr. REGULA. Mr. Chairman, it is our understanding, and this was negotiated with the President and the BLM last year. We put the identical language in this year. We do not think it would be appropriate next year because it is our hope that the BLM will have the resources to process the expiring grazing permits in conformance with the court's decision. Perhaps rather than remove it, we could change a word or two to give the gentleman from Washington (Mr. INSLEE) some comfort to at least accomplish what we think is being the effect of the language.

Mr. INSLEE. Mr. Chairman, with the Chair's permission, if we can find a parliamentary way to do this, table this

for at least a few minutes while we have discussions in that regard, if the Chair would allow in that regard.

Mr. REGULA. Mr. Chairman, with the consent of the parties here, if we could defer this amendment, I would ask unanimous consent to return to this section at some later point, and allow some time to see if we can reach a meeting of the minds on the language that accomplishes the objectives of all the parties.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn without prejudice and may be returned to at a later time in the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the "Joseph V. Gartlan, Jr. Great Marsh Trail".

SEC. 121. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 122. None of the funds in this Act may be expended by the United States Fish and Wildlife Service to establish a National Wildlife Refuge in the Yolo Bypass of California.

AMENDMENT OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OSE:

On page 52, strike lines 12 through 15.

Mr. OSE. Mr. Chairman, I want to preface my remarks this evening by expressing my appreciation to the gentleman from Ohio (Mr. REGULA). In particular, over the last 6 months as he has worked with me to try and address an issue of significant concern to my district.

I will tell my colleagues, coming to Congress recently with the expectation that it was a place of contentiousness and divisiveness, I will tell my colleagues that, having worked with the gentleman from Ohio (Chairman REGULA), he has affirmed my faith in our legislative body. He is a bulwark against inappropriate action and has taught this freshman so much for which I am appreciative.

To the gentleman from Washington (Mr. DICKS), the ranking member, who has taken the time to pull me aside sometimes with resistance from myself, I want to extend my compliments. I know the gentleman has been here far longer than I have.

I will tell my colleagues, working with the gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA) is an eye opener. It is truly something that I wish our citizens could see firsthand for themselves. It is far different than perhaps the worst of our examples. It is, in fact, exactly the way that the system works. I want to, in particular, also recognize their assistance in this manner and express my appreciation for it.

Mr. DICKS. Mr. Chairman, will the gentleman yield just for a brief comment?

Mr. OSE. Certainly, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman from California (Mr. OSE) that he has been a gentleman to work with and very persistent, but that is a good trait where I come from. We just appreciate his attitude and his approach to this problem.

Mr. OSE. I thank the gentleman from Washington (Mr. DICKS) for those remarks.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OSE. Certainly, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this is a good example of our working together in a bipartisan way to meet a problem that affects the people that the gentleman from California represents. He is doing an effective job on behalf of his constituents, and that is what this House is all about.

Mr. OSE. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS), the ranking member, for their comments.

Mr. Chairman, I want to briefly highlight the problem that these two distinguished gentlemen have helped me solve. This is a map of northern California. I represent basically the center portion of this. Geographically, this area is roughly two-thirds the size of the State of Washington. It is larger than, say, four or five States one may wish to select in New England. It is the size of two-thirds the State of New York. The State of Ohio could potentially fit right here.

The purpose of this map is to highlight how this entire area, rather than draining to the Pacific Ocean, the water that falls within this area works its way south down the Sacramento River and its tributaries for which one can see the vast expansion and number past a particular point opposite downtown Sacramento.

The main channel of the Sacramento River can hold around 150,000 cubic feet a second. The difficulty we have from this region is that, by virtue of the large geographic expansion, the rainfall in this region can generate up to 650,000 cubic feet a second of water flowing past downtown Sacramento.

The area that is the subject of our concern tonight is the Yolo Bypass. The Yolo Bypass, as many of my colleagues may realize, is the relief valve that protects the Sacramento area from an inordinate amount of water being forced down the main channel. The bypass contains up to 500,000 cubic feet a second. That is the subject of our discussion tonight.

At the suggestion of the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS), I have taken the opportunity to visit with the director of the Fish and Wildlife Service, Ms. Clark. We have, contrary to where we were headed earlier today, we have come to an agreement that allows us to work together to solve the competing needs between flood protection in one instance and the creation of an adequate amount of habitat in our State in another. I look forward to that.

I do want to, if I may, enter into a colloquy at this point with the gentleman from Washington (Mr. DICKS) to establish understanding of how we are going to proceed from here as it relates to this issue.

If I could, I would like to share with the gentleman from Washington my understanding of my discussion with Ms. Clark and have him affirm it, if he will.

When I spoke with Ms. Clark, what we agreed to do as it relates to the Yolo Bypass and any proposed refuge is to complete the existing environmental work that has been under way

for quite some time. Ms. Clark has agreed that she will withhold any designation of a refuge in this area until such time as we can resolve any identified outstanding issues to our satisfaction and that I would withdraw my language from the bill as I have in the body of this amendment.

Mr. Chairman, I ask the gentleman from Washington (Mr. DICKS), the ranking member, if that is his understanding.

Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, yes, I had an opportunity to talk to Jamie Clark, our distinguished director of the Fish and Wildlife Service. She certainly indicated to me a willingness to work with the gentleman from California (Mr. OSE) and the other officials from that area.

The CHAIRMAN. The time of the gentleman from California (Mr. OSE) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. OSE was allowed to proceed for 2 additional minutes.)

Mr. OSE. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I promise the gentleman from California, one, that we will work to make sure that all commitments are kept by the administration, and, number two, that I am very interested in this, and I want to work with the gentleman and the other Members in that area in resolving this issue to the gentleman's satisfaction.

The most important point here is that the Fish and Wildlife Service understands the crucial importance of having adequate flood control and reliable flood control even in the context of this new wildlife refuge once it is created. So I think this is a good outcome. And I appreciate the gentleman's interest and will work with him to resolve this problem in a proper way.

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Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend the gentleman from Washington (Mr. DICKS) and also Mrs. Clark, Director of the Fish and Wildlife Service, for working with the gentleman in a very bipartisan fashion to solve a problem that affects the people in the gentleman's district.

I think it is a great example of how government officials, executive and legislative, can work together to do something that is beneficial to the people. We hear so much about the lack of bipartisanship, but this is a great example that it does work.

Mr. OSE. Reclaiming my time, Mr. Chairman, I thank the gentleman from Ohio, the chairman of the sub-

committee, and I thank the ranking member, the gentleman from Washington, and I look forward to resolving this appropriately.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 52, after line 15, add the following new section:

SEC. _____. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "NATIONAL PARK SERVICE—CONSTRUCTION" by \$9,000,000 and by increasing the amount made available under the heading "NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE" for acquisition of lands or waters, or interests therein, by \$9,000,000.

Mr. HINCHEY. Mr. Chairman, the purpose of this amendment really is very simple. It is designed to ensure that this \$9 million, which is appropriated in the interior appropriation bill, goes to the State of Florida, as it was intended by the chairman and the members of the committee; and that that \$9 million would be used for land acquisition in a way that would enhance and protect the Everglades in the State of Florida.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

We are in agreement with this amendment. I think it reaches the intent of what we are trying to do in the committee, and that is to provide funding to match what the State of Florida is doing in land acquisition. This does not remove it, but rather ensures that the money that we have appropriated from all the taxpayers in the United States will be used to benefit a resource that is very valuable to the people of this Nation, namely: the Everglades National Park.

This goes to make sure that the money we appropriate goes to the kind of purpose that the constituents, the people of this Nation, would find very desirable. I commend the gentleman for the language, and I am willing to accept the amendment.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, the chairman of the Subcommittee on Interior of the Committee on Appropriations, and I very much appreciate, as always, having the opportunity to work with him in a constructive way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment, a consolidated amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKS:

On page 52, after line 15, add the following new section:

SEC. _____. Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate and votes on the gentleman's amendment and all amendments thereto be temporarily put aside, without prejudice, and that it be the first order of new business after 9:30 this evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be withdrawn and be permitted to be reoffered later during the bill?

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$224,966,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$197,337,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds appropriated or otherwise made available by this Act or otherwise available to the Secretary shall be used to carry out any activity related to the urban resources partnership or similar or successor programs.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,207,545,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification.

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. DEFAZIO: Page 53, line 14, insert after the dollar amount the following: "(increased by \$26,000,000)".

Page 67, line 16, insert after the dollar amount the following: "(reduced by \$53,000,000)".

Mr. DEFAZIO. Mr. Chairman, this is an important amendment.

As the esteemed chair of the subcommittee refers to the Forest Service as the working man's country club, it is an everyday recreation area for tens of millions of Americans across the western United States.

I think everyone in this body would agree, certainly including the members of this subcommittee, that our recreation needs on the Forest Service lands are not being met. There is an extraordinary backlog in trails and facilities maintenance. There is virtually no construction of new trails, with the exception of volunteer activities. Recreation is up phenomenally, and the Forest Service has no capability of dealing with it.

This amendment would take money from the petroleum and natural gas industries, the Department of Energy budget. I believe that those industries are quite capable on their own, particularly given the huge run-up we have seen recently in oil prices, in conducting their own exploration, for instance. I do not think that the Federal Government needs to be providing incentives for exploration and in production for the oil industry.

Reservoir life extension and management? Certainly the industry, with these extraordinarily high oil prices and gas prices, has its own incentive plus huge tax breaks to invest in that area. Likewise, for exploration and production of natural gas.

I just met with my natural gas folks from the Northwest, and they said things are going swimmingly. They are drilling all sorts of new wells up in Canada and in parts of the United States and they did not give me any inkling they felt they needed a taxpayer subsidy to undertake very profitable exploration activities.

But we do know that we do not have enough money to fund everyday recreation needs of tens of millions of Americans in the western United States on Forest Service lands. So I think this would be a really great trade-off. Let us give average Americans a break, a break they are not getting from the oil and gas companies today when they go to the pump. It is costing them a heck of a lot more to get to the forests because of the gas prices that they are being charged.

And when they get to the forests they find the facilities are overcrowded, outmoded, inadequate. They find their trails are blocked by downed trees. They find that the same areas they have been going to for 30 years are no longer maintained by the Forest Service. Sometimes the roads are gated because the Forest Service cannot afford to maintain them and do the work.

This is an amendment for average Americans. Let us give them a break today. Let us take their tax dollars and

spend them on something they want, need and enjoy, and not give it as a subsidy to the petroleum and the gas industry.

I would urge Members to support my amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with the gentleman that we need and can always use more money in the Forest Service recreation program. However, I do not want to do that at the expense of developing oil and gas technology.

We already know that the price of gasoline has soared to over \$2 a gallon in some parts of the country; that we import more than 50 percent of our oil and it is estimated that this will rise to 64 percent by 2020. The only answer that we have is to improve the technology for producing oil in this country.

It is pretty well accepted in the industry that now we only get about 30 percent of the oil that is in the reservoir with today's technology. If we could double the amount of oil that is produced in a well, it does not take a lot of mathematics to figure out what it could do for the shortages that we are experiencing.

I think it is vitally important that we continue developing better technologies not only to increase production but also to reduce production costs. The more we produce onshore, the less we are subject to OPEC pricing. There is no question that the spike that we have seen on oil prices today results in part by the fact that OPEC can more or less determine what the price per barrel should be simply because we are so dependent on the oil that they produce.

Now, it is not that we have ignored recreation in the bill. I agree with the gentleman. Recreation is extremely important, and we have recognized that by putting a \$25 million increase in funding for the Forest Service recreation program. It is a fast-growing program. It is something that our citizens enjoy. It serves us well. It is quite evident when we look at the numbers that of all the Federal land agencies, the Forest Service has substantially the far greater number of visitors, and we want to continue supporting the recreation program.

This is very much a part of the service that the forests provide to our people, but I just do not want to do it at the expense of risking higher and higher oil prices, gasoline prices, and becoming more and more dependent on other countries to supply our petroleum. And one of the most important ways we can avoid that, the higher prices, avoid that dependency, is to continue to do research on oil and gas technology.

If we have more funding available down the road, I would like to increase the amount we commit to recreation

and all of our land programs because that is a very important asset to the people of this Nation. We have increased it by \$25 million. Perhaps conditions will be such that we can do even more. But let us not do it at the expense, as this amendment would propose, of crippling our oil and gas technology research.

For these reasons, Mr. Chairman, I oppose this amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

I join to oppose the DeFazio amendment for the following reasons: How dependent do we have to get on unstable parts of the world before it concerns us? In my view, there is no issue facing America more important than energy self-sufficiency.

Just a year and a half ago we had \$10 oil, and we had it for quite a while. We became drunk on cheap oil in this country. We had no energy policy, we had no incentives for production in this country, and our dependency continues to grow.

In a few short months, unstable parts of the world that we cannot trust suddenly engineered price increases that tripled the price of oil will per barrel. There is nothing to prevent them from doubling it again. What would happen to the American economy if oil became \$60 a barrel? It could devastate the economy of this country.

I am not opposed to where the gentleman is putting the money. I am very pro recreation. But I cannot support taking the money away from energy self-sufficiency when we have allowed ourselves to become dependent on parts of the world that we cannot trust, that are unstable, and who care nothing about our future. I believe it is very poor public policy to take money out of energy self-sufficiency, to take money out of improving our own ability to produce oil.

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We are looking at sonification, where we would double and triple the amount of money that we would get out of existing old oil wells without drilling new ones. We are looking at sonification programs that have a lot of promise by using soundwaves down the well hole where we would drastically increase the amount of oil we got out of those wells, reviving many old wells in this country.

Now, it needs a little more work. It needs a little more research. Those are the kind of projects we need to be dealing with. Those are the kind of incentives. There has been no incentives in this country.

\$10 oil destroyed this country's oil business. We do not have rigs in this country to drill. We have a fraction of the rigs to drill wells that we used to.

We are on a course and the DeFazio amendment will push us down that

road to where we will be dependent on Iraq and Iran and countries like that for our economic future, and it is ludicrous.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. PETERSON) has expired.

(On request of Mr. DEFAZIO and by unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, does the gentleman from Pennsylvania (Mr. PETERSON) really believe it is necessary for the taxpayers of the United States to socialize and/or subsidize our oil industry, which is immensely profitable, is price gouging, involved in supporting OPEC in their price fixing, that we need to give them taxpayer dollars to increase their production to go back to old reservoirs and get more production?

Does the gentleman really believe that? I mean, does he really believe that they do not have an incentive from the marketplace to go and do this, we have to give them a taxpayer subsidy?

This is taxpayer dollars. We are underfunding recreation which millions of Americans enjoy.

Yes, we need to become energy independent. This is not about energy independence. It is about subsidizing a vastly profitable industry.

How much is \$50 million? Is it 1 minute or 2 minutes' profit for that industry?

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, the gentleman absolutely misses the point.

With \$60 oil, people are not going to be able to afford to go on vacation, people will not get out to have recreation, people will not be running motorboats, people will not be having vehicles out there driving.

I want to tell my colleagues, if it does not scare them when oil can go from \$10 a barrel to \$32 a barrel in a few short months because foreign countries like Iran and Iraq can manipulate this country, if that does not scare my colleagues in the future, I do not know what does.

We have the ability in this country in environmental and sound ways to produce a lot more of our oil. If we produce 60 percent of our oil instead of 48 percent of oil, we would be less dependent on these unstable parts of the world.

I think that is a greater threat to our economic future and the defense of this country than any other foreign power. I think the energy crisis that is looming out there and our vulnerability to it, and there is no reason that we can-

not have \$40 oil in a month. We can have \$50 oil in 2 months. All they have to do is slow down what they are going to sell us, and we are vulnerable; and there is nothing we can do about it. And until we become more self-sufficient and get people we can purchase oil from that are our friends that we can trust, we better be investing in our own security and our ability to produce energy.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I say to the gentleman from Pennsylvania (Mr. PETERSON), if I might, he is, of course, a Republican; and I would imagine that he is familiar with the 1997 Republican budget resolution which touched on this issue. So let me quote it for him. This is from the Republican budget resolution of 1997:

"The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development, which industry has ample incentive to undertake."

I think that is the point that the gentleman from Oregon (Mr. DEFAZIO) is trying to make.

Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.

That is not me. That is the Republican budget resolution of 1997 regarding the Fossil Fuel Energy Research and Development Program.

I do not often agree with the Republican budgeteers, but I think on this one they are right.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think it is an indictment of the Clinton-Gore administration with a complete lack of energy policy and an inappropriate management of research dollars. Yes, I think it is an indictment of the last 5 years previous to that of this administration, who had had no energy policy and helped us become dependent on foreign countries.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I really was not trying to be partisan. My colleague can attack Clinton and so forth.

The only point that I was making, and I did not mean to be partisan, I only meant to record for the RECORD what the Republicans in 1997 said. And I think what they said was appropriate.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, just recently this body voted on a bill called

CARA, which would spend almost \$4 billion annually on a lot of worthy causes. That money is to be generated from royalties on oil wells on Federal property.

What we are saying here, in part, is that it is incumbent on the Federal Government to support some research to make these wells even more productive to get more of the resource, which will support the CARA bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, there is no argument with the gentleman from Pennsylvania (Mr. PETERSON) in the sense that we all want to be energy independent and that we want lower prices. No one is arguing about that.

I think the question is that we have an oil industry which some believe is already rigging the game and artificially raising prices; we have an oil industry today that makes billions and billions of dollars in profits. And some of us would ask, why are they not investing heavily into making more oil efficiently.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the gentleman previously spoke a lot about energy independence. I support energy independence with alternative energy, energy conservation, and a whole host of other things.

I did vote against the amendment to strike money from real investigation and real research earlier in energy efficiency on an amendment previously. But this is giving more money to the oil industry which is engaged with its OPEC partners in price fixing.

I wonder if the gentleman is a cosponsor of my legislation to require the President, the Metcalf legislation, of which I am a cosponsor, to require the President to file a WTO complaint against their WTO illegal price-fixing activities.

They are proud of it. The president of Venezuela says, hey, we are restraining production, we are fixing prices, and we are sticking it to the Americans. And our President and this Congress is silent on the issue.

Giving \$53 million to a multihundred-billion-dollar industry, which is price fixing with overseas partners, is not good. Do my colleagues think they are not happy with the high price of oil? Do my colleagues think that this money is being spent to bring down the price of oil, \$53 million would bring down the price of oil?

Mr. SANDERS. Mr. Chairman, reclaiming my time, I would simply say that, while we all want energy efficiency, providing corporate welfare to some of the largest and most profitable corporations in this country is not the way to go.

In a few moments, perhaps, I will be introducing legislation which increases

funds for weatherization. Making homes of low-income and working people's homes more energy efficient is a lot better way.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would agree with the two gentlemen on this side. In California, when we asked why in San Diego the prices were so high of gas, the oil industry said, because the market will bear it.

I think the oil companies are ripping us off. It would surprise the gentleman that some of us do believe that when we look at gas prices and what they are across this country.

We had a staged event out here with the truck drivers in this country. They are all going to go bankrupt. They cannot afford the gas prices to haul the products around this country.

So I do not disagree with the gentleman on that. I think we ought to have an investigation through the President on why these oil prices are fixed and are costing us so much.

I would object and I will not support the amendment of the gentleman, however. I will tell my colleagues why.

I also agree with the gentleman that there is a backlog in maintenance and everything else. My whole family used to go to Yosemite in California and the Redwoods. There are gated areas where we cannot get into the roads in San Diego for recreation areas, whether it is even horseback riding; they will not let us into those roads now.

But I would ask of the chairman of the committee, first of all, if there is this big backlog, I understand the President under the Antiquities Act put aside millions of acres in Utah; and our concern, and I see the gentleman from California (Mr. GEORGE MILLER), we had one of the most lengthy debates on this floor on the California desert plan. We lost that issue. The gentleman prevailed. But one of our concerns is, if we put all of these acres into national monuments, into wilderness, where are we going to get the additional funds, especially since we are in backlog?

Now, we asked Secretary Babbitt what areas are they, at least, looking at under the Antiquities Act to nationalize all these millions of acres, most of them in the West, where more than 50 percent of the land is already owned by the Government? Do my colleagues know what the answer was when we asked him would he share where they are, at least, looking? The answer was, no.

So I would ask my colleagues that will support this presidential plan, up to 25 of these, where we are going to get the additional revenue, when we are already short, to nationalize all of these areas. I think it would be a mistake.

The area in Utah that the President nationalized into a park, if we take a

look, it was one of the cleanest coal areas in the whole world. Well, the President nationalized that. The next week he gave \$50 million to China to crack coal. Guess who now has the monopoly on clean coal? Mr. James Riady. And guess where he cracks his coal? In China.

So we have a question, first of all, of where we want to take and do a backlog; but, on the other hand, they want to nationalize all these different areas.

I think we do need more money for our forests and our parks and our recreations. I think some of that may be through a study to find out why these oil companies are gouging the American public. I think it is scandalous what they are doing.

Mr. HILL of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against this particular amendment. I think it is important for us to understand a little bit about the technology that arises from the research that the gentleman is seeking to take the funding from.

The technology that we are talking about is technology that the purpose of which is to make our oil fields more productive. As oil fields age, the production drops in these oil fields; and, of course, the royalties that accrue to governments drop along with it.

Also, what often happens then is that the ownership of these oil fields migrates from the large companies to small producers. The technologies that are developed as a consequence of this research are really intended to help the small producers as opposed to the large oil companies and to keep these small producers going.

What ends up happening usually is it extends the life of these oil fields. The consequence of that is that it often sustains the economy of those local areas. It protects the environment because instead of developing new oil reserves, they can utilize the oil reserves that are there. It increases the revenues that go to local governments and to State governments and even the revenues that come to the U.S. Treasury. They are the principal beneficiaries.

I happen to have a university in my district that has done some of the research, biofilm research, associated with this technology. The consequence of the research that was done originally to try to get a better understanding of what caused oil fields to sour is a whole new area of biofilm that has had incredible benefits in the area of medicine, benefits in the areas of the environment, and is creating whole new industries and whole new jobs all as a consequence of this kind of research.

And so, I think it is important for us to understand that what we are talking about, what this gentleman is trying to take the dollars away from are not the big oil companies. They do not need

this research. It is the small producers. It is the universities that are doing this research. And in the end, the loss of this research will mean that we will not have that scientific knowledge and the new opportunities that go with it.

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Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HILL of Montana. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to counteract the comment that has been made that this is just a handout to large oil companies. The vast majority of oil and gas produced in America is by small independent producers with less than 20 employees. Eighty percent of these independent companies are family owned. They are small companies that drill 85 percent of the new wells in this country. Not many wells have been drilled. Of the oil research projects funded in this bill, more than 95 percent of them will be carried out by small independent companies, oil field service companies, universities, and laboratories. They also deal with fuel efficiency. They also deal with cleaner burning of fuels. That is what we are taking money from.

Mr. Chairman, this is a bad amendment. The people who have offered it do not understand who produces energy in this country. I come from the original oil patch where the Quaker States and the Pennzoils began, where all the energy began in this country, in western Pennsylvania. The oil was never produced by them. The vast majority was produced by little mom and pops. It is true across this country, in the Texas and the Oklahomas. Most of it is individuals, small companies. It is not the majors. The majors are the marketers and the sellers. They do not produce the energy in this country out of the ground, the vast majority of it.

We need to be more fuel efficient. We need to be using fuels and burning them cleaner. We need to continue to research. Just like we have realized that in health, research is vital to the health of this country. Research is vital to the economic health and being energy efficient in this country and being energy self-sufficient. If we follow the course of those who want us to stop producing oil energy in this country, this country will have no future. I certainly do not want to depend on the Irans and the Iraqs and countries like that for our future. Today we are. They can turn the key. They can make us squirm in a moment. They could double our energy costs in the next 2 months. We must not let that happen.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment does one

of two things. Either this amendment stands between us and energy independence in a globalized energy world or it saves mom and pops. They have used all the arguments. Never do we see people run so fast to mom and pop oil operations than when they talk about the oil industry. All of a sudden Chevron disappears, Shell disappears, Exxon disappears, Mobil disappears, and it is only the mom and pops that we care about. I remember when we got rid of the oil depletion allowance, it was going to be the end of mom and pops, it was going to be the end of the oil companies, it was going to be the end of the industry. If everybody who said they had a mom and pop oil company in their district had one, we would have been independent then. That was 1975.

For the gentleman to argue that this amendment is the difference between energy independence and nonenergy independence, this is the difference between \$30 barrel oil and \$60 barrel oil just shows a lack of understanding of the world oil market. Oil did not go above \$30 a barrel a few weeks ago, a few months ago when we in California were paying \$2 a gallon because they knew that they would drive down the world economy and they would lose their customers. You do not go to \$60 a barrel because you can. Because if you do, you turn off your customers. That is why they have got a range. They said they would go between 20 and 30 or 22 and 30 or 28 and 22.

There is only one market in the world. There is only one price of oil in the world. We used to have a domestic market. Domestic producers produced at one price and foreign producers produced at another price. That does not happen anymore. The world price of oil is set once a day. That is the world price of oil. It does not matter if it comes from Texas, it does not matter if it comes from Saudi Arabia or if it comes from the former Soviet Union. That is the world price of oil. That world price of oil is managed very carefully. It is managed very carefully by those producing states because they have to have enough because they have high unemployment, terrible economies, they have got to keep showering money on their people, and not too high so that they turn off the rest of the world economies.

So let us not pretend like this amendment is the difference. We take 10 million barrels a day. That is 260 million gallons of gasoline a day. If you just took the 50 cents extra they charged on the people in Chicago and Michigan, they could pay all this research time and again. It is four times that amount.

I have these research facilities in my district for the oil companies. Oil executives will tell you that they do not make any decisions based upon what the United States Government does be-

cause they have to make such great commitments of capital that they cannot worry about our tax laws, our depreciation laws or our research laws. They make those commitments because they have to think in 10-year time lines, they have to think in billion dollar drilling rigs and they have to think in multi-billion dollar pipelines and they have to think in multi-billion dollar commitments around the world.

Did the gentleman from Oregon (Mr. DEFAZIO) know that he could affect this whole industry with \$53 million? These are people who are betting billions of dollars on a single rig, drilling in a thousand feet of water in some of the most hostile environments in the world, people who are deciding whether they are going to take a pipeline through Iran or Turkey, a wonderful choice. But they are betting their companies are shareholders in it all. But for the gentleman from Oregon's amendment, it will not come together.

What are we doing? What are we doing using the taxpayer dollars to subsidize this research? The marketplace takes oil out of the ground. I remember those tight, tight sands up there in Wyoming. They were just a tax break away from busting loose in those sands. Gas would have come flowing out of those sands. Just one more tax break. Money is what takes oil out of the ground. It is funny, those mom and pops, they turn it down at \$15 a barrel and they turn it right back on at \$30 a barrel. It is money. It is the marketplace. It is not this.

At this point in time, this research is simply wasted taxpayer dollars. We are better off putting it into the National Forest System lands, we are better off putting it into the recreational opportunities where we have an incredible backlog of public lands that the people of this country want to use on behalf of their families and to recreate and to enjoy. In that one we are not meeting our needs.

We can take this money and transfer it from this program where according to their own Committee on the Budget there is no discernible evidence that this is in fact working as the gentleman from Vermont (Mr. SANDERS) pointed out. So we ought to put it to a place where it can be deployed immediately and it can be deployed on behalf of the American people. The oil companies I think will take good care of themselves given the price increase.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, it was interesting to hear the gentleman's comments about producers turn their wells right back on. That shows the gentleman does not understand the oil industry.

Mr. GEORGE MILLER of California. I understand it perfectly. I understand shut-in wells. I have shut-in wells all over California. We shut in the Bakersfield.

Mr. PETERSON of Pennsylvania. Thirty dollar oil has not turned a lot of them on.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(On request of Mr. DEFAZIO, and by unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, we had oil that you could not give away and at the right price it became one of the most valuable fields in the entire State, in the entire Nation. I understand people shut in their wells. But let us not pretend that it is a lack of this research that shuts in those wells. People make an economic decision and that is the marketplace.

I have been through this cycle. I have been through this with all of the oil companies in my district, with all of this research to inject. We have been through it in Prudhoe Bay. We have been up there, and we have talked to them about means to make the oil process more efficient. That is what the oil companies are doing, because it is in their interest to do the enhanced recovery, the tertiary recovery, all of those programs. That is what they are doing. It is in their interest, also. It is in their interest also to collect it from the mom and pops.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the DeFazio amendment. This amendment purports to benefit the National Forest Service by cutting \$53 million from the Department of Energy's fossil energy research activities.

In reality, this amendment will cut energy efficiency research.

Today, 70 percent of the electricity generated in this country comes from fossil fuels. Our nation's demand for electricity will continue to increase with the rapid growth of our high tech economy.

Do we really want to cut funding for research that will allow us to use nonrenewable resources more efficiently? Do we really want to cut funding for research that will further reduce the impact of fossil energy on the environment?

The answer is no.

Funding for fossil energy research supports national laboratory and university efforts to improve the fuel efficiency and reduce the emissions of fossil energy facilities.

Although it does not fall under the budgetary category of "Energy Efficiency," fossil energy research is, in reality, "energy efficiency" research relating to fossil fuels and fossil energy.

The United States is already benefiting from the improved efficiency and environmental protections of fossil energy research. For example, three-quarters of America's coal-fired power plants use lower-pollution boilers devel-

oped through private sector collaboration with the Department of Energy.

Future research efforts promise even greater benefits. Let's not halt this kind of progress by cutting important fossil energy research.

I would urge my colleagues to vote against the DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HILL OF MONTANA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I ask unanimous consent for the gentleman from Montana (Mr. HILL) to offer his amendment out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SANDERS. Mr. Chairman, reserving the right to object, just out of respect here, some of us have been sitting here and have amendments that are coming down the pike.

Mr. HILL of Montana. If the gentleman will yield, I attempted to offer this amendment earlier and there was some confusion at the desk so I was not permitted to offer this amendment. And so I am not offering it early. We are actually going back and reopening.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HILL of Montana:

Page 53, line 4, after the dollar amount insert "(reduced by \$500,000) (increased by \$500,000)".

Mr. HILL of Montana. Mr. Chairman, before I speak to this amendment, I want to join my colleagues in complimenting the chairman and the ranking member for their hard work on this bill. This is obviously a bill that has been produced from a great deal of bipartisan cooperation. I think the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) deserve recognition for that. It is a very important bill. Our public lands are extraordinarily important. As we just witnessed, there are some very contentious issues associated with those, but I think that the one point I

want to make is that this Congress and I think the country is going to miss the chairman's leadership that he has provided to this subcommittee. As the Members here know, term limits will be imposed in the next Congress and this will be the last time that he will be permitted to offer this. His understanding of the issues and knowledge of the facts about our forests and about our public lands astounds me. The help he has given me has been very much appreciated. I want to let him know that. I compliment the gentleman from Washington (Mr. DICKS) as well.

Mr. Chairman, I rise today in support of this amendment to H.R. 4578. The purpose of this amendment is to make a change within the economic action program of the State and private forestry appropriation. \$500,000 should be moved from the economic recovery base program component and disbursed as a special project in support of the Traveler's Rest site in Montana. These funds are to be issued to the Montana Community Development Corporation in the form of a direct lump sum payment to preserve and enhance the historical, archaeological and cultural values of the Traveler's Rest site at Lolo, Montana. It is a very important project for local and rural development.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HILL of Montana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

Mr. DICKS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. HILL).

The amendment was agreed to.

Mr. THUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to discuss an issue which is of great importance not only to the State of South Dakota but to the entire Northern Great Plains ecosystem and that is the Rocky Mountain Research Station in Rapid City, South Dakota.

Mr. Chairman, the Rocky Mountain Research Station plays a vital role in solving resource problems in the several national grasslands and national forests found in the Northern Great Plains ecosystem. This research station which focuses on managing prairies to sustain livestock and wildlife has been instrumental in decisions affecting wood production, stream flows and fire ecology research in order to provide forage for livestock and wildlife species. Therefore, it is vital that the Rocky Mountain Research Station receives the funding necessary to fulfill its mission in the year 2001.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

It is my understanding that the fiscal year 2001 funding for the United States Forest Service reflects the same level of funding that the Forest Service received in fiscal year 2000 plus inflation. Is that correct?

Mr. REGULA. If the gentleman will yield, yes, that is correct.

Mr. THUNE. That would mean, therefore, that the fiscal year 2001 funding to operate the Forest Service research facility such as the Rocky Mountain Research Station in Rapid City, South Dakota is also at the same level as in fiscal year 2000 plus inflation; is that correct?

Mr. REGULA. Yes, it is correct.

Mr. THUNE. So is it accurate to state that the Committee on Appropriations intends for the Forest Service to fund the Rocky Mountain Research Station in Rapid City, South Dakota at least at the same level in fiscal year 2001 as it did in fiscal year 2000, that is, at at least, very roughly, \$536,000 plus inflation?

□ 2045

Mr. REGULA. Yes, that is the intent of the Committee on Appropriations. We agree that this is important research, which benefits citizens and the Nation at large.

Mr. THUNE. Mr. Chairman, I thank the chairman, the gentleman from Ohio (Mr. REGULA), for clarifying that issue.

AMENDMENT NO. 31 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. WU:

Page 53, line 14, insert after the dollar amount the following: "(reduced by \$14,727,000) (increased by \$14,727,000)".

Mr. WU. Mr. Chairman, the gentleman from New Jersey (Mr. SMITH), the gentleman from Colorado (Mr. UDALL), and I offer this amendment to increase the Fish and Wildlife Management account of the United States Forest Service by \$14.7 million, which would bring the account to the administration's request.

As an offset, the Wu-Udall-Smith amendment reduces the forest products line item to \$230 million, still \$10 million above the administration's request.

Similar to the amendment that I offered last year with the gentlewoman from Ohio, this amendment is environmentally and fiscally responsible. Investing in forest, fish and wildlife now will help us mitigate for past poor management and balance timber harvest with wildlife conservation.

Briefly, if we believe in sustainable timber harvest and in preserving fish and wildlife, both for aesthetic purposes and to permit harvest, then vote for this amendment. If we want to cut

and run and leave my hunting and fishing buddies without either a job or a place to fish and hunt, then oppose this amendment.

Unless we take adequate steps now to protect watersheds, fish and wildlife, the courts will block further timber harvest in the future.

With more and more species listed as endangered or threatened, we jeopardize the future of timber. The Wu-Smith-Udall amendment strikes a balance between timber harvest, fish, and wildlife.

By redirecting funds to programs that improve the health of our Nation's forests, we protect the future of our Nation's resources. We need a fiscally responsible and environmentally sound approach to managing our Federal forests. The Wu-Udall-Smith amendment is just that, a bipartisan and common sense approach.

Our amendment is both environmentally and fiscally responsible.

As a hunter and fisherman, I care deeply about the future of our forests, as well as the health of our forest products industry. The administration requested \$220 million for timber sales management and the subcommittee funded it at \$245 million. Meanwhile, the fish and wildlife account was underfunded by \$14.7 million.

Our amendment restores fish and wildlife habitat funding to the administration requests and leaves \$10 million above the administration's requests for timber harvest purposes.

Mr. Chairman, I urge all of my colleagues to vote for fiscal responsibility, vote for a commitment to fish and wildlife, vote for the Wu-Udall-Smith amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand the concern of the gentleman from Oregon (Mr. WU) about increasing wildlife and watershed funding. But I would point out that the reduction of the amount available for timber sales has a couple pretty serious impacts.

First of all, surprisingly the gentleman may not agree with this, but it is an anti-environment amendment. I say that because much of this funding goes into thinning overstocked stands, enhancing habitat values, reducing dangers of wildfires and tree mortality caused by insects or disease.

One of the things we tried to do in the committee is ensure that there is good management of the forest. We must thin them, take care of insects, generally due for stewardship. I think one of the reasons we have had these severe fires is that we have not had adequate management of the forests, and the result is we get an enormous fuel buildup on the floor of the forest. When there is a fire, it is much hotter and much more destructive than if we were able to do thinning, if we were able to do removal of dead and insect-ridden trees.

We have reduced the sales, as the gentleman knows. When the Republicans took over the House, we were at about 12 billion board feet of authorized sales. Now we are at 3.6—70 percent reduction. I think we reflect the American public who puts great value on the forests. But on the other hand, we have to have adequate funding to manage these forests.

Of course, if we reduce the funding, it results in a decrease of something like \$30 million in receipts to local government. Something that is overlooked is that local governments get a lot of benefit out of the forests, from the production of wood fiber. And for all of these reasons, I do not think given the fact that we in the committee have tried to be responsible in providing an adequate amount of money on the advice of the forestry division to manage the sales of 3.6 billion board feet, as a practical matter, we probably will not get over about 2.5.

I think it is a mistake to reduce the amount, and we have tried to be conservative to begin with in the amount that is available. While we can always provide more for wildlife and watershed funding, keep in mind that good forest management is really important to wildlife habitat, really important to watershed protection. We have tried to put that funding in an adequate level to do that.

I would hope that the gentleman would consider withdrawing the amendment. I think the gentleman has made his point. But I would simply say that working with the minority, with the ranking member, the gentleman from Washington (Mr. DICKS), who has a good understanding of the forest needs. We have tried to have a responsible number here in what we have allocated for forest management.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words and rise in support of this amendment.

I do want to acknowledge the good work of the gentleman from Oregon (Mr. WU). I think his points are very well made. The gentleman from Oregon (Mr. WU) pointed out that this is really a balanced and moderate amendment. What it does is, it moves \$14.7 million from the forest products line, and it adds it to the fish and wildlife habitat management line.

The effect of the amendment is to add additional funds to maintain this critical fish and wildlife habitat that we all support. It is additionally important to note that the forest products line item remains at \$10 million over the administration's request if this amendment passes; and then at the same time, concurrently, the wildlife fish and habitat management account will be at the requested level.

This is a balanced and moderate amendment. By restoring \$14 million to fish and wildlife, we ensure timber harvest for the long term. We also provide

more jobs by investing in the wildlife of our forests today. So I think this is a responsible way to go. It is balanced and it is moderate.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, as the gentleman knows, his State has a lot of forests, and I think the gentleman would agree that management of these forests is probably a very vital responsibility of the Forest Service. It does take adequate funding to do that and, perhaps, we should have more. But this is the best we can do, given the allocation that was available to us.

Mr. UDALL of Colorado. Reclaiming my time, again, when I look at the numbers, Mr. Chairman, it seems to be that we leave that ability to the Forest Service. We have increased the amount available to them in this upcoming fiscal year; and yet we are also doing more directed at our wildlife in making sure that the forest is preserved in such a way that the wildlife also have an opportunity to thrive.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment of the gentleman from Oregon (Mr. WU) is certainly well-intentioned, but in the wrong direction. Earlier this year, I asked for \$9 million in the supplemental, because I felt the Forest Service had insufficient funding to deal with storm recovery problems all across this Nation, including the disastrous storm that struck the Boundaries Waters canoe area in northern Minnesota in my district, blowing down 450,000 acres of trees, 6 million cords of wood, 26 million trees. And we have a calamity on our hands. We do not have enough money in the Forest Service budget to deal with this problem.

But beyond the eighth district of Minnesota is 65 million acres of national forest land in a severe health crisis, high risk of wildfire disease and insect infestation. In the first 6 months of this year, 1.2 million acres of public lands had been consumed by wildfire.

In the previous 10-year average, that was 719,000 acres by this time. We are more than 50 percent above 10-year average in wildfires principally because of these problems of forest health. To cut these funds would cut the ability of professional foresters to manage the renewable resource of this Nation, our forestry, to manage the ability of our forests to continue to absorb carbon dioxide and return oxygen to the atmosphere, to keep our air clean, but also to provide jobs and economic stability for communities that are dependent upon those national forests.

And these forests pay for themselves in revenues returned to the Federal Government. The timber program generates over \$300 million a year in tax

revenue. The net contribution to the national economy is over \$25 billion a year from these public lands that professional foresters manage in the public interests; and in our State of Minnesota, that is a \$1.3 billion industry, forestry and allied products. 38,000 jobs in Minnesota, value of the products shipped, \$7½ billion.

Now, it is not all dependent on U.S. forest lands, but those forest lands are the cornerstone of our whole forestry program. The more those forest lands are cut back, and we have already had the road lists program that was announced last year, which we fought out on this floor and opposed, we already had cutbacks. We have already had rare 1, rare 2, rare 3. We have already had more lands added to wilderness, and I am for wilderness; but when we take it out of living forests and deny people job opportunities and livelihoods of community, we are squeezing us too hard.

And when we put that pressure on the public lands, it shifts over to the less well-managed and less available private forestry lands. I would say well, this is \$15 million, but this will take us below the President's budget, which is below what we need.

I commend the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS) of our subcommittee, for adding the resources that we need to manage these public resources in the best public interest. Do not take a short-sighted view. A forest is forever.

Trees that were blown down in the boundary waters a year ago this summer, a year ago this July, were saplings at the time of the Civil War; managed well, they can last for another 150 years. I urge this body to oppose this amendment.

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, I would like to point out to the gentleman that the account for timber sales management remains at \$10 million above the administration request; and that with respect to blowdown and other nongreen trees, there is a separate account for salvage purposes.

Mr. OBERSTAR. Reclaiming my time, I would just say to these gentleman, I know how these budgets work. We cut \$15 million here, then we have to shift that money someplace. So it is going to come out of the hide of the resources that I have just addressed, and so I really cannot agree. We must oppose this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of passage of the Wu-Smith-Udall amendment which shifts \$14.7 million to the fish and wildlife habitat con-

servation line item from the forest products line item within the budget of the U.S. Forest Service.

Let me just say that I do believe that the chairman, the gentleman from Ohio (Mr. REGULA), has tried very hard within the budget constraints to allocate sufficient monies for programs within the jurisdiction of his subcommittee. It is a very tough balancing act—as chairman of the Subcommittee on International Operations I found how hard it was to write our bill. Last year the Congress passed my State authorization bill which is now law and it too was a balancing act—287 pages of disparate provisions and allocations. So I emphasize.

But in response to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), there is more money not less, but more federal dollars, as my friend, the gentleman from Oregon (Mr. WU), just pointed out. The pending legislation includes an additional \$10 million more than the President's request for the Forest Service line item, the timber sales management program. Our amendment retains that plus up but shifts another \$14.7 over to the fish and wildlife programs. It is a reasonable and environmentally sound redirection of scarce resources. It is fiscally prudent. And it deserves support.

□ 2100

Mr. Chairman, the Forest Service through their fish and wildlife conservation program manages 192 acres of public lands, ensuring that animals such as elk, bighorn sheep, mountain goat, waterfowl, and song bird enjoy the habitat they need to remain viable and productive. Over 360 threatened and endangered species live in National Forests and the Forest Service works in this program to provide ecological conditions that provide for the plant and animal community diversity which will allow these species to survive and to thrive.

Mr. Chairman, yes, this a difficult choice, but, again, we are talking about redirecting a modest amount of resources from this account that has already been plussed up, and we are looking to take some of that and put it in the area where we think it will do the greatest good. I urge support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in opposition to the Wu amendment.

Mr. Chairman, I think our side has worked with the chairman to try to come up with a balanced package. I would point out to my colleagues that in the Pacific Northwest we have reduced timber harvests because of endangered species issues by 85 percent, maybe 90 percent.

The administration, when it came to office, held a summit in Portland, Oregon, and said we are going to try to get out of court. We appreciated that. We were enjoying no timber harvest at all, zero, under the previous administration. We worked out a plan, the Northwest Forest Plan, to deal with it. Unfortunately, because the Forest

Service has not done all of its work on some of the species they were supposed to monitor, instead of getting to the one billion board feet, down from four billion to one billion, we are now down at about 300 million to 400 million board feet a year in harvest. So what this amendment would do would mean that we would not be able to try to build back up to the one billion board feet that was in the President's plan.

We are spending money, a substantial amount of money, on ecosystem management, on watershed restoration. I have made sure that the President's program to help the Northwest was funded over the last 7 years, and we are putting a lot of money into wildlife protection, into the Endangered Species Act, et cetera, et cetera. What we have got to do though is to keep the commitment we made to all of those rural communities that we would stay at about one billion board feet. Last year we were down at about 300 million board feet because of the court decisions.

Now, I would be delighted to work with the gentleman from Oregon in trying to do something on the wildlife account, to move it up a little bit as we go to the conference committee. The gentleman from Oregon I think always tries to be constructive, and the gentleman is correct that the forest products account is up a little, and, therefore, we have some room to make some adjustments. But I think, frankly, that this effort to try to build back up is going to take a couple more years, frankly, so, again, we are going to have the people out there from our areas who we told that we were going to get up to one billion board feet, we still have not lived up to that commitment. That is why I think the committee felt that adding a little money here was appropriate.

Number two, we have a crisis in the West, and it has been pointed out here. We have seen the fire at Los Alamos, we see the fires every night. Because of what? Because, as the chairman said, we have not properly managed these forests. We have understorage, undergrowth, that is there, that is explosive at this point because we have not done the thinning, we have not done the pruning and the other things you do to properly manage a forest.

There was a professor at Berkeley who was denounced by everyone who said you have to use control fires; and now, 30 years later, people are saying he was the guru, the genius, who really understood that these forests have to be managed.

Mr. Chairman, I have always been a believer in balance and fairness. I think, because we are so far behind, especially in the Northwest, not to add this small amount of money to try to get timber sale preparation done, to do the pre-commercial thinning and the other things, which will have a good ef-

fect on forest health, but also will help us build back up to that one billion board feet, would be a very serious mistake in judgment. That is why I support the chairman and oppose the Wu amendment, though I remain open to deal with the gentleman and try to work out something in conference if the amendment is not successful.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue of fish and wildlife management is what we are talking about. I ask all Members, how much time do you spend in the forest? I am not a golfer, I am a gardener, and I have spent a lot of time in the forest. I grew up as a youngster, I camped out in the forest more than I did anything else. I have always loved nature and the forest, and a healthy forest is the most important thing to fish and wildlife management. A healthy forest is the most important thing to fish and wildlife management, and we do not have a healthy forest in this country, not what we should have. It was already mentioned, 65 million acres at risk; 39 million for fire, 26 million with disease-insect infestation, and 1,200,000 acres have burned this year.

How much wildlife and what kind of quality of streams do you have in a forest that is burned? A few years ago I was with the Speaker and the leaders of the House, and we were out in Idaho and went over the burned area, 400,000 acres. There was not a blade of grass, there was not a live tree, there was no greenery. The streams were sliding into the rivers, the rivers were ruined, the streams were decimated, and wildlife was not there.

A healthy forest will bring us the fish and wildlife management that we need. Let us look at the record. Our forest is growing by 23 billion board feet a year. We have six billion board feet that blow down and die annually, and we are cutting less than three billion, so we are having a net gain of 14 billion board feet a year on Forest Service land. Over the last 5 years, that is an average. That is 70 billion board feet of additional timber than we had 5 years ago. And the wildlife will be flourishing on the land that is healthy. Wildlife will be extinct, will not be endangered, it will not be there, and the fish will not be there when a forest burns.

Where do you find grouse in the woods? Where do you find deer, wild turkey, and song birds? Where the forest has been adequately pruned and the forest is healthy. Somebody else mentioned, you do not hear much about it, a fast growing forest that is growing fast and has been pruned is a carbon dioxide reducer. It is a carbon sink. It takes the CO₂ out of the air, which we are worrying about. An old dying forest adds CO₂ to the air and adds to the air pollution. Not a healthy, well-mature,

well-managed growing forest. The Forest Service has 200 million acres. They have the wilderness and the roadless areas which are appropriate.

The GAO study says we should be treating three million acres a year at a minimum, and we are treating about 200,000. We are not managing it, and the gentleman's amendment will prevent us from treating more, and we are treating too little already.

Mr. Chairman, I understand the concept of wildlife habitat, but allow them to manage the forest adequately. Let them make the investment. Let them prune the forest where it is too thick and there is a lot of fire danger. Let them cut out the diseased trees so it does not infest the acres nearby. That is how you manage a forest, that is how you keep it healthy, that is how you have a home for wildlife and creatures.

The gentleman's amendment takes us in the wrong direction. We need to be managing our forest, we need to be treating our forest. It is like a garden, and, when you ignore it, the weeds take over and you do not have much of anything.

Our forest is a valuable resource for this country. It is also a job creator. We have not even talked about the economics. But areas that are basically owned by the Federal Government, there has been no dependency, because the Federal Government, you cannot depend on it to adequately market any amount of timber. Many counties in the West and parts of other States, their economies have been decimated, and for no good reason.

We can manage our forests, we can prune them properly, we can enhance wildlife habitat, and we can do it without the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. This is an unfortunate and uninformed amendment, especially in view of the importance of the timber sale program to preventing tragedies like we recently saw in Los Alamos, New Mexico.

Contrary to the myth created by some in the environmental community that cutting timber harms the environment, today's Federal timber sale program is a critical and cost-effective tool for reducing fire risk, improving wildlife habitat and protecting communities.

Let me give Members an example. Last summer I visited a timber sale in the fire-prone forests of Northern California. The purpose of the sale was to reduce the risk of fire on 2,000 acres of forest and return the forest to a more natural state. The strategy was to thin the forest by removing undesirable fir trees while leaving the large majestic Ponderosa pines. The result was a more fire resistant forest and better wildlife habitat.

This result was achieved through a timber sale contract, a contract that simply thinned the forest of the most undesirable trees, a timber sale contract that reduced fire risk and created better wildlife habitat, a timber sale that helped protect the local communities from the devastation of catastrophic wildfire. What added to the benefits of this project was that it actually made money for the Federal Government. A contractor actually paid the Forest Service \$8 million to thin the forest by removing the most undesirable fire-prone trees.

Mr. Chairman, what I am describing is today's Federal timber sale program. The notion that this program is harmful to the environment is a myth, is a political fabrication. Today's timber sale program is designed to reduce fire risk and improve wildlife habitat in a way that is more cost effective than any program that the Wu amendment will fund. Even more importantly, it is our most effective tool for preventing tragedies in communities like Los Alamos, where the single-most important strategy for protecting homes and lives from devastating wildfire is to thin overstocked timber stands.

Mr. Chairman, we should not be cutting funding for this program. If we have learned anything from Los Alamos, we should be increasing the funding for this program.

Make no mistake, a vote in support of this amendment is a vote to cut our ability to reduce the risk of wildfire and thereby protect homes and lives. It is a vote against cost-effective wildlife habitat restoration. A vote for this amendment is a vote for a myth. I urge my colleagues to reject the myth and support cost-effective management of our forests.

Earlier this evening the chairman of the Subcommittee on the Interior of the Committee on Appropriations and I engaged in a colloquy in which we discussed the needs of the wildlife management program. I was pleased just a few minutes ago to hear the ranking Democrat on the subcommittee say that he, too, was interested in working with the gentleman to find increased funding for the wildlife program, without taking it from the modest increase that is taking place in the forestry program.

Therefore, it seems to me far more appropriate to join in and accept, reach across the aisle, accept the chairman's offer, accept the ranking member's offer, to work to find that increase elsewhere, rather than take it away from a program that obviously has far greater need than we are addressing, given the fact that we have more than 40 million acres of our National Forests that are subject to high risk of catastrophic wildfire.

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just wanted to make very, very clear that what I am standing up for is not just good fish and wildlife management, but good long-term forestry management. But there is one issue that I want to take off the table.

□ 2115

That is that there is a lot of discussion today about fires on forest land. I understand the concern. I am completely sympathetic to it.

I just want to point out to the gentleman and to the prior speaker that there is more than \$600 million in the Department of Agriculture funds to prevent wildfires and address wildfires if they occur. Separately, there is \$297 million in the Department of the Interior budget to address wildfires and to suppress wildfires.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. GOODLATTE) has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 30 additional seconds.)

Mr. GOODLATTE. Reclaiming my time, Mr. Chairman, the gentleman knows those funds are available for the purpose of fighting the fires once they get started, or for other fire prevention methods.

But the best way to long-term prevent that catastrophe and to improve the wildlife habitat and the general condition of the forest is to have a viable timber sale program, geared in the new directions of the Forest Service, to use that program to thin these areas that are exposed to very high risk.

While I join with the gentleman in his interest in making sure that wildlife habitat is promoted, taking this money from one fund that promotes that wildlife habitat and putting it into another does not achieve that, whereas working with the chairman to first preserve this fund and then look for additional help, as the ranking Democrat also proposed, that is a better way to proceed.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in opposition to the Wu, Smith, and Udall amendment.

I also believe we should invest wisely in our National Forest resources, but I have a different view on how to accomplish this worthy goal.

Clearly this amendment put thousands of forestry jobs at risk and jeopardized the economic stability of rural communities such as Northern Michigan.

I want to speak about a larger issue. The amendment claims to be concerned with an extensive backlog of fish and wildlife habitat needs. However, this singular approach is misguided. The

real backlog is in the overall forest management, the backlog of improvement projects needed to restore forests to stable ecological conditions.

Fish and wildlife habitat is an important part of forest restoration. Many of us in Congress are aware of the tremendous accumulation of forest fuels on our public lands. Poor forest conditions are a major contributor to larger forest fires, like the recent fire in New Mexico. It is estimated that 65 million acres of our National Forests are currently at risk of catastrophic wildfire, insect infestation, and disease.

While there may be a large backlog of watershed and wildlife habitat restoration needs, there is even a larger national backlog of general forest restoration work.

This amendment is a contradiction. It is misguided to focus solely on fish and wildlife program funding and fail to address the broader forest health crisis that currently exists on our Nation's forest lands. In fact, it is impossible to separate the two goals.

Large-scale watershed and wildlife habitat improvement activities are certainly needed. A lot of work is needed in the removal of massive amounts of wood that currently is a fire hazard on Federal lands.

The rationale that the forest products line item is excessive is simply false. In spite of what others may have us believe, timber sales are not bad. Modern timber sales are a necessary tool and an economic means to an environmentally beneficial end. Professional foresters can develop silvicultural prescriptions and design timber sales to accomplish fish and wildlife restoration objectives.

It certainly would be nice to have more funds for fish and wildlife programs. There certainly is a lot of good work to be done in the woods. But increasing fish and wildlife habitat management funds at the expense of forest products would be a serious mistake. It is unreasonable. Indeed, it would be wrong. It would be wrong to take these funds from Forest Service timber programs. Such a change is misguided and would only serve to hurt both programs in the long run.

These funds are needed to protect the forest product line, to counter inflation, and pay the salaries of people who work in the woods preparing and administering timber sales. Reducing the capacity of the Forest Service to prepare these timber sales would ultimately be detrimental to fish and wildlife habitat.

Timber sales are often of the most effective way to achieve vegetation management objectives. An example of this work is thinning dense forest stands to restore ecological conditions, reduce the risk and intensity of catastrophic fire by removing excessive forest fuels, and create desired wildlife habitat. Removing excess wood from the forest

lands improves the long-term health of watersheds and protects fish and wildlife habitat.

A broad forest health strategy and a variety of tools are needed to effectively meet this challenge. Prescribed fire is one tool, but there are many constraints and dangers that limit the use of fire, as we have seen in the catastrophic fire at Los Alamos.

Removing flammable wood requires the use of many tools, including properly planned timber sales. Well designed timber sales are a good way to remove large amounts of dead, dying, or overmature wood from our accessible public lands.

I urge my colleagues to join me in opposing this amendment. I thank the chairman and the ranking member for increasing the account for timber sales. Let us not cut the timber sales. Let us have a holistic approach to our National Forests.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the passion that we see on both sides of this issue. I simply want to say that I understand the good intentions of the gentleman who offers the amendment. He is very concerned about a very important cluster of programs.

But I think the problem we face here tonight is that we are seeing efforts to move very small amounts of money around from one program to another. It sort of depends on what kind of district you come from, whether you think that is a good idea or not. If you come from a district like mine, which is heavily dependent upon a broad understanding of multiple use, so that forest lands are used for economic production, so that they are used for recreation, so that they are used for wildlife, we have one view of this amendment. If one comes from a different kind of district, one has quite another.

I would urge Members to oppose the amendment because we are not going to fix the wildlife problems in this country by taking a few million dollars out of the forestry program. The real problem is that we need more money in all of these programs. We had a good excuse not to put that money there when we had huge deficits, but now we do not.

So it seems to me that we need a more aggressive forest management. We need much greater investments in wildlife. We have a huge backlog in maintenance for our parks and our forests.

I do not think that we do any good by playing a beggar thy neighbor game. I am going to vote against this amendment because I think the best way to deal with this is to remember what was said yesterday when the labor-health-education bill was on the floor.

The main reason that we do not have enough money in this bill for all of

these programs, whether it is land acquisition or forestry management or anything else, is because the majority has chosen to commit a huge amount of its resources to providing tax cuts, most of which are aimed at very high-income people, the richest 1 percent or 2 percent, so everything else that this Nation tries to do suffers. That in the end is the problem with this bill.

Mr. Chairman, I would urge Members to remember that, and I would urge Members in the end, after efforts are made to reflect Members' various districts' differences, I would urge Members to vote against this bill because it is inadequate to meet the Nation's needs on a whole host of fronts, and I would urge rejection of this amendment in the process.

Mr. HILL of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am hopeful that the gentleman from Oregon (Mr. WU) will in the end withdraw this amendment. I know or I believe that he is sincere in offering this amendment because he sincerely believes that wildlife habitat is important, and providing more dollars for that is important. I do not disagree with him about that.

I think it is important for us to remember that this bill increases the wildlife and fish habitat management funds by about \$6 million over last year's funding level. It is about a 5 percent increase over last year's budget. It only increases the timber sales management by \$8 million, which is about 2½ percent increase over the last year budget.

In other words, the amount of increase for the wildlife and fish habitat management fund is twice as much proportionately as the amount of money that is offered for the timber sale.

I think it is important also for us to remember that the dollars in this budget are not going to be enough dollars for us to meet the targeted timber harvest that the bill calls for. It is not even going to come close to enough money. We have not been meeting these targets. These are targets that Congress has determined are necessary for us in order to manage the forest.

The events of the last few weeks that others have talked about, the fires at Los Alamos, in Arizona, in California, in my home State of Montana, demonstrate the increasing risks that we have to fires in our Western National Forests.

What the forest supervisors will tell us if we go talk to them is that the biomass in these forests and the threat of fire is at the highest that they have ever seen, ever in their lives. The kinds of fires that we are going to have are going to be more intense, they are going to be more destructive than the fires that we have experienced in the

past. The General Accounting Office points out and says that 40 million acres in the Western forests are at risk of catastrophic fire. This is over 20 percent of the National Forests that we have in this Nation.

When we talk about catastrophic fire, we are talking about an environmental catastrophe. We are talking about the destruction of soils, we are talking about the destruction of watershed, and we are talking about fires that destroy the habitat that the gentleman claims to seek to protect with his amendment.

We have already cut timber sales in this country by 80 percent. These are having huge impacts on rural communities. I know the gentleman's district has been impacted as well. We have lost 1,500 jobs in Lincoln County, Montana, alone, a county of 10,000 people.

The consequence of this has been the huge loss of revenues to the local governments. At the same time, the people who live in these communities have lost their jobs, the schools in those districts who depend on the timber receipts have lost their revenues, the counties have lost their revenues, and the local hospitals have lost their revenues. Teachers have been laid off, counties have been required to cut back their budgets, at a time when we desperately need to manage this resource and to thin these forests.

The Government Accounting Office says we need to spend \$750 million a year for the next 25 years to restore the health of these forests. This bill is \$500 million short of what it is going to take just to get us on track. So at this level, we are going to lose ground. It means the risk is going to be even worse than the risk is today.

That means the intensity of these fires is going to go up, not down. It means they are going to destroy more habitat, not less. It means it is going to destroy more watershed, not less. It is going to destroy more fisheries, not less.

While I know the gentleman's intention is to preserve wildlife and habitat, and I agree with him, and he has heard the chairman of the subcommittee and he has heard the ranking member say that he is willing to work for more funds for his purpose, and I support him in that, let us not do it by taking it from this necessary and important area.

We need to mechanically manage these forests to get them to the stage that we can reintroduce fire as a management regimen. It is incredibly important that we have the dollars to do that. I urge the gentleman to withdraw his amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), had

it about right. That is that we are arguing over a pot of money here that in and of itself does not cure either problem. If we left it in the account, it would not cure the problems that the gentlemen in opposition to the amendment have spoken about, and if we are fortunate enough to transfer it into the fish and wildlife account, the fact of the matter is that we still will not deal with that account with the urgency which it is due.

The problem with this amendment is that it is different in different parts of the country, but I would invite colleagues to come to the Sierra and look at the watershed there and see that we are in continued decline in those great mountains from activities that have taken place in the last several years, and many years ago.

We still have not been able to restore habitat. We still have not been able to restore water quality.

□ 2130

In fact, they all continue to be in decline. The very species that have already been listed continue to be in decline so it is not about recovery. That is why this money is so urgently needed in the fish and wildlife account. That is why the gentleman from Oregon (Mr. Wu) felt it was necessary to offer this amendment. It is not as though this would leave the forestry account naked because, in fact, it puts the forestry account back to what the administration requested, and several million dollars above last year's level so that they can continue.

It is not like the investment in the forestry account has been the best deal for the American taxpayers. From 1995 to 1997, we spent \$1.2 billion to administer this fund and we got back \$125 million. We lost almost \$900 million administering this forest program.

The suggestion is that one is either for forest health if they want to cut trees or one is against it if they want to do fish and wildlife habitat. The fact of the matter is that both of these are tools of forest management. Habitat restoration is part of forest management, as is forest health. But this leaves the salvage accounts that are used in forest health intact. It leaves the wild lands fires account intact, and it allows us to address some of the most urgent needs where we continue to have these watersheds, habitat, and species in decline.

The bottom line is this, our budget may be in surplus but our society is not. We have argued now appropriation bill after appropriation bill where the needs, the urgent needs, for those who are from States with great forest resources, are telling us we need \$750 million a year, and we are arguing over \$14 million. We are arguing over \$14 million.

So we have a society that is in great deficits. When HHS was out here ear-

lier in the day, we were arguing over the lack of being able to provide a decent education to children, to be able to provide help for handicapped students, all of which are in deficits.

We walk around pulling our suspenders and talking about a surplus. Well, this is a deficit account here, both on the forestry side and on the fish and wildlife side, but the more urgent account in this particular case happens to be fish and wildlife because the decline is continuing and that threatens the economy; that threatens the ability of commercial fishermen; that threatens the forest health in a grander scale and then comes back and calls for more people to limit the logging. So we should support the Wu-Smith-Udall amendment.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have here some charts that I think really tell a story very graphically. The first one here is the USDA Forest Service, acres harvested, fiscal year 1997 versus 1999 acres burned, and what we see here is the difference of what is going on in our forests in terms of acres harvested versus those that are burned.

The next picture I show, Mr. Chairman, is from my district, the Upper Grand Run. That is not snow we see there. That is ash. That is from a fire in 1996.

This particular part of my district was slated to have a timber management sale. That sale was let and then appealed. No harvest took place.

Mr. Chairman, this area then burned. Do we want to talk about fish habitat; want to talk about fish habitat? After this forest fire occurred in my district, this is riparian area, this was a stream. This washed out in the next major rainfall, and 30 miles of salmon habitat were destroyed.

Now, why does that matter in the course of this debate? It matters because we are not taking good care of our forests. As the General Accounting Office said in their report right here about western national forests, we believe the threats and costs associated with increasing uncontrollable catastrophic fires, together with the urgent need for action to avoid them, make them the most serious immediate problem related to the health of national forests in the interior West.

We also believe the activities planned by the Forest Service may not be sufficient and may not be completed during the estimated 10 to 25 year window of opportunity remaining for effective action before damage from uncontrollable wild fires becomes widespread.

The tinderbox that is now the interior West likely cannot wait that long for a cohesive strategy.

Mr. Chairman, there was another fire in my district this summer, 113 acres near Sun River, Oregon. I quote from

the local newspaper there, the fire started in a 75 acre stand of unthinned trees and consumed it, according to the Deschutes National Forest spokesman, but when the flames were blown into a 30 acre area to the northeast that had been thinned fire fighters stopped it. Fire fighters credited the quick control of the fire to the stands that had been thinned as a part of a recent timber sale, thereby reducing its intensity and allowing the crews to get the upper hand.

Both of these programs are important to us, as we manage these forest lands, Mr. Chairman, and this is not an amendment that should be adopted to shift these funds.

Frankly, my colleague and friend from Oregon should recognize when he has a good deal, and the deal he has is he can have both. He can have this timber management program to stop this kind of catastrophic fire, at least help with the timber sales and prevent that from occurring, and he has gotten a commitment from the ranking member of the subcommittee and the subcommittee chairman to work for the funds we need for fish habitat improvement as well.

I will say, I have not been around this process a long time but that sounds like a pretty good deal that I think my colleague would be wise to accept and withdraw his amendment.

Mr. Chairman, more than half of the timber sales on Forest Service lands are about stewardship purposes. They are to thin, because the biggest problem we have is disease and overstocking. Since 1909 we have done one heck of a job of putting out forest fires and we have reduced, as we heard the ranking Democrat say on the Northwest Forest Plan, an extraordinary level of harvest down to a very, very low level we have reduced.

These fires burn. One cannot tell which way they are going when one is in them.

Mr. Chairman, our forests are choking. Our communities are hurting. I represent people in counties that if they were in an urban setting one would say are oppressed, because 70, 75 percent of the lands around them are Federal lands. They live in these neighborhoods. Their homes abut these forests. These fires are as real in northeastern Oregon as they are in New Mexico.

Let us not move this amount of money around and take money away from the timber sale program. Let us do both. Let us defeat the Wu amendment or hopefully have it withdrawn, which would be the better course of action, Mr. Chairman.

With that, I would urge a no vote on the Wu amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the environmentally and fiscally wise

amendment from my colleague from New Jersey, my colleague, the gentleman from Oregon (Mr. WU), and my colleague, the gentleman from Colorado (Mr. UDALL). The Wu-Smith-Udall amendment adds, as we have heard, \$14.7 million to the fish and wildlife management line of the Forest Service.

Yes, both of the programs that we are talking about here are important, but what we want to do is to establish some balance. How did this come about? The administration requested \$220 million for the forest products account, what used to be called timber harvest, and the committee gave the Forest Service \$245 million, an increase of \$25 million above what the agency requested.

Meanwhile, the committee funded the valuable wildlife and fish habitat management accounts \$14.7 million below the administration request.

Now, fish and wildlife management sorely needs an increase in funding. Of course, they both do. For years, this fish and wildlife program has been underfunded. At the forest level, biologists are scarce and are involved in planning and NEPA work and are frequently unable to do the on-the-ground work that needs to be done.

Now on the other hand, there is evidence that the Forest Service timber program is not cost effective. According to the GAO, the program costs the American taxpayer over \$2 billion from 1992 to 1997. The Forest Service estimates that this year recreational jobs will account for 77 percent of the national forest employment, whereas timber-related jobs will account for only 2.3 percent.

The Wu-Smith-Udall amendment is not only a statement of fiscal responsibility, it is a commitment to preserving natural resources. Without the Wu-Smith-Udall amendment, the current funding levels for fish and wildlife habitat will result in the loss of hundreds of miles of fish habitat restoration and thousands of acres of wildlife habitat restoration.

The head of the Forest Service, Chief Dombeck, has changed the focus of the Forest Service. He has done a great job in promoting a sustainable supply of timber, while promoting conservation and habitat restoration.

The Wu-Smith-Udall amendment is consistent with Chief Dombeck's leadership in continuing a future and sustainable supply of timber, while maintaining a habitat necessary for healthy fishruns and for healthy stocks of wildlife.

I strongly urge all of my colleagues to support this important amendment.

Mr. SHERWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong disapproval of this amendment. I think we have heard a great deal tonight. We have heard about the President's bud-

et, and it is obvious that that budget does not understand or does not want to realize the benefits of timber management.

The zero cut philosophy will get us somewhere where we do not want to be. Our timber has been managed for hundreds of years by wildfire. We have suppressed those wildfires in this century pretty successfully, so now we have a ladder of trash, we have a very unhealthy forest and it is susceptible to cataclysmic fire. We saw that in New Mexico.

If the forest is not going to be treated with wildfire, and we do not want to do that, it is dangerous, it has to be treated somehow. The underbrush has to be removed. There has to be harvesting. This resource has to be managed.

Our forests are one of the greatest resources that have been left to this country, and we need to use our best judgment to manage them.

This amendment does not use good judgment. It pulls \$14 million away from these very sound programs to manage our forest resource. As we manage that resource, as has been said earlier this evening, we will provide fish and wildlife habitat. Every time there is a cataclysmic fire, it destroys that fish and wildlife habitat and it destroys it for two or three generations. So by properly using these stewardship cuts to improve our forest stand, we will get the economic benefit of the removed trees. We will have a safer stand. It will not be as susceptible to fire. It will grow more rapidly. It will absorb more carbon dioxide. That is a win/win.

Our chairman has offered to work with the other side on the budget for fish and wildlife. Let us stop trying to take a foolish cut out of the forest management program.

Mr. WU. Mr. Chairman, will the gentleman yield?

Mr. SHERWOOD. I yield to the gentleman from Oregon.

Mr. WU. Mr. Chairman, as the gentleman knows, there is \$297 million already allocated in the Department of Interior for fire suppression and for thinning activities and additionally there is over \$600 million allocated for fire suppression and thinning activities under the Department of Agriculture funds. So every speaker is coming up and talking about fire, and this is just a smokescreen for bad forestry practices of the past. That is something that we were trying to correct with this amendment. We should take the fire issue off the table because that is funded separately in this bill.

Mr. SHERWOOD. I could not disagree more. The \$600 million the gentleman is talking about is for fire suppression. This is fire prevention. \$14 million, if it prevents a fire, we will not have to spend that other money. That is good management. Fire cannot be taken off

the table here because fire is a result of a poorly managed forest, and this is money to properly manage our forests.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would note the Pennsylvania delegation is slightly out of order.

We have, almost have the deck chairs on the *Titanic* arranged through this debate, and that is interesting, because as a number of people who have spoken before me have said quite truthfully, there is not an adequate amount of money in the Forest Service budget to perform its many diverse functions.

□ 2145

Mr. Chairman, I offered earlier an amendment to increase the recreation budget. We earlier had an amendment to take \$4 million out of the wild horse management program of which I am a big supporter. But it was to go to a slightly higher priority, which is fighting fires and fire suppression and fuels management.

Now, these are choices this Congress should not be forced to make. We should not be starving these resource management agencies. We should be investing in the future, the future of our forests, not starving them. That is what we are doing. Do not try and treat them like cash cows.

This amendment, in the past, the gentleman from Oregon (Mr. WU) and before that Ms. Furse and others have offered amendments similar to this; but in those amendments, they actually cut the Forest Service budget. From those amendments, they actually transferred the money to other agencies or transferred money to deficit reduction.

Tonight the amendment before us is trying to divide a pie which is too small. It is trying to decide whether we should undertake crucial activities on the wildlife side. If we do not fulfill those functions and those activities, we will not be harvesting any timber anywhere because we will not be meeting the needs of the forests as a healthy ecosystem.

On the other side, we have the Forest Service struggling to implement in my region the Clinton forest plan, and we are in gridlock again. If fact, I have asked the Clinton administration to begin an early plan update because I believe the plan has failed. It has failed both to protect old growth and to deliver what it said would be predictable supplies of timber.

So the question becomes on this amendment, what can we do. Well, unfortunately, we are slicing up and dicing up the pie into little bits and pieces. The amendment of the gentleman from Oregon (Mr. WU) will leave an increase of \$10 million in the account for timber harvesting. It will transfer some money to another underfunded account.

This is a difficult choice for those of us who live in areas more than half owned by the Federal Government, someone who represents a district like mine that has been formerly the most public timber-dependent district in the United States.

So the question becomes, what should we do here? I am going to recommend that this amendment is not going to break the forest gridlock. It is not going to resolve the controversies. It is not going to be an incredible setback for the Forest Service on the timber management side. There are other monies that have been allocated to the committee by other forms of vegetation management. I am certain in conference they can move some of those funds around. I am certain that they can deliver on the promise they made to the gentleman from Oregon (Mr. WU).

We will both better fund wildlife and better fund reasonable timber management. But I do not think unless a change is made here tonight that necessarily that problem will be fulfilled. I believe, if this amendment passes, we will get more money for both accounts when we come out of the conference committee. So I will support the amendment.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a member of the Subcommittee on Forests and Forest Health of the Committee on Resources in support of the Wu-Smith-Udall amendment.

Just a few short weeks ago, we all stood on this floor to debate the CARA bill, probably the most importance piece of environmental legislation to pass the House of Representatives this Congress.

I was pleased to support that legislation, as it represented a solid and productive effort by the Congress to ensure the protection of America's delicate forest land, open space, waterways, and park lands.

Today the Congress has another chance to go on the record of supporting our environment. This amendment boosts clean water efforts and improves the health of our national forest recreation and commercial users.

The Wu-Smith-Udall amendment also redirects vital resources towards improvement of our drinking water and our fish and wildlife.

This amendment reduces what is basically a subsidy for timber sales management and directs the Federal funds to desperately needed forest restoration projects throughout this country.

As the Representative of the most urban district on the Committee on Resources, I know the value of green space and the need to protect these lands for future generations of Americans. By keeping ecosystems at a

healthy level, clean air and water can be supplied to all communities throughout this land.

Protection of our watersheds is important for making our communities more livable and making sure that we all have the safest and cleanest water available for drinking and for recreation.

There is absolutely no reason to put the interest of the timber industry ahead of the health of our forests and drinking water, especially when both can peacefully co-exist.

I strongly support this environmentally sound and fiscally responsible amendment, and I urge my colleagues to do the same.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, certainly every Member of this House has a right to weigh in on issues no matter how they fail to affect that particular Member's district. Just as I do not claim any authority over the boroughs of New York City, so, too, do I think it is important that we understand precisely what it is we are talking about. We are talking about jobs. But more importantly, we are talking about forest health.

I have heard some interesting claims tonight. One of my friends from California again says we need more and more and more and more money; and yet this House, against the better judgment of some of us, enacted CARA, calling for an additional \$900 million a year over the next 15 years to purchase even more land.

I would invite my friends from the east coast metropolises and also those who hail from coastal districts from the West in urban areas to come visit the Sixth Congressional District of Arizona to understand the very clear and present forest fire danger that exists because we fail to employ effective forest management techniques.

Oh, we do have one rallying cry that comes from the inner cities of the East. Over 30 years ago, the cry "burn, baby, burn" has now been inflicted into this debate, because people seem to think let us let the forests go up in smoke; that is the way one controls this renewable resource. That is wrong.

This amendment, though well intentioned, is wrong, because it does not protect the fish and wildlife its sponsors would purport to protect. It, instead, sets up a situation for ecological disaster.

Those of my colleagues who say they embrace the notion of balance and ecological principles, Mr. Chairman, I implore my friends on the left to withdraw this amendment, to work in a constructive way with the ranking member of this subcommittee and the subcommittee chairman, to strike that true balance.

While, again, everyone is entitled to their own opinion, and we certainly re-

joice in that fact, I would, Mr. Chairman, ask my colleagues to think of the people who live in the districts whose homes and livelihoods are affected and the very wildlife they purport to want to protect.

Sadly, we see a situation where some in this Chamber and around this Nation cannot see the forest for the trees. No to this amendment.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Wu-Smith amendment, and I want to share with my colleagues from a very personal perspective why I think this is a bad idea.

I come from an area of Texas where we have four national forests. Now, when one looks at those national forests on a map, one thinks they are entirely Federal property. But when one looks at a more detailed map, what one sees is that those Federal properties are interspersed with private property tracks.

As a consequence, everyone who is a private land owner who adjoins the national forest is at risk in terms of their property and the ability of them to be free from forest fires if we, as the Federal Government, fail to properly manage the Federal forests.

If my colleagues or I were living in the midst of the national forest tonight, and we heard that Congress was going to reduce the funding for management of the forest, we would have every reason to be worried about the risk of forest fire and danger to our own properties.

So even though we are debating tonight an issue that calls for the reduction of funding in the amount of \$15 million, and some would argue who have offered this amendment that we ought to increase funding for the protection of wildlife, I say to them that it is equally, if not more important, to protect the lives and safety of those citizens who are all across this country in areas where we have national forests who own private property within and adjoining those national forests.

It is also, I think, important to remember that those who have opposed traditionally logging in our national forests have gotten the better end of the deal in recent years. In fact, we are at an all-time low in terms of the volume of timber harvested from our national forest.

We see today based on the statistics that are available to all of us that we are growing timber six times faster in the national forest than we harvest it. As a consequence, we have an abundant supply of available marketable timber in our national forest.

If we are going to be good stewards of the land and if we are going to protect those who adjoin and live in the midst of our national forest from the threat of forest fires engulfing their own

homes, we have got to be willing to spend the necessary funds to be sure that we properly manage the forest.

Now, I have talked to the district forester that manages and oversees the four national forests in east Texas. I can tell my colleagues that, when we talk about reducing funding for forest management, it gets his attention, because he understands that it takes personnel and it takes equipment and it takes time to go out and properly manage a forest.

There are some here tonight who criticize the cost of management of our national forests even to go so far as to suggest that it costs more to manage the forests than we get in harvestable commercial timber. Well, the truth of the matter is we may manage our forest well and it may cost a lot, but I will tell my colleagues, there is a whole lot of regulations that our national forests have to abide by in management of those forests.

I, frankly, as a private forest land owner only wish that I could afford to manage my property the same way that the Federal Government manages our national forest, because the amount of control and regulation and attention to detail that takes place in the management of our national forest far exceeds anything that I see going on in the private sector.

But the bottom line here for me is that this amendment and any future effort to cut funding for the management of our forest directly affects the school children in my congressional district, because as we all know, 25 percent of the proceeds of the sale of timber goes to the school districts in our respective congressional districts.

I know personally firsthand the hardship that has been placed upon many of our school districts and the disadvantages that it has placed the school children in those districts from the reduction of harvesting from our national forest.

There is a piece of legislation that passed this House that is now pending in the Senate that is designed to try to help that situation. I hope that when that bill comes back, we will all support it. But in the meantime, we do not need to be reducing funding for the management of our national forest.

□ 2200

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I want to advise the membership of what we are doing.

We have an agreement that has been agreed to between the gentleman from Washington (Mr. INSLEE) and myself, and I have a colloquy, and then we

have two votes on amendments that have been rolled, and that will complete the activities tonight. Then we will get time agreements to start tomorrow morning, as soon as the Subcommittee on Foreign Operations, Export Financing and Related Programs have completed their markup.

We are going to make every effort to finish this bill tomorrow. We have to finish it tomorrow, but will attempt to do so in order to get people out of here in time to make their airplane connections.

So we have no more debate on this amendment, Mr. Chairman.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would ask the gentleman why we do not just go ahead and vote on this amendment.

Mr. REGULA. Reclaiming my time, Mr. Chairman, let us defer that one.

Mr. DICKS. I believe we have to vote on this amendment.

The CHAIRMAN. We have not put the question on the amendment.

The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WU. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. WU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 49 to offer an amendment on behalf of the gentleman from Washington (Mr. INSLEE) and myself.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 49 line 24 strike "shall" and insert in lieu thereof "may" and on page 50 line 5 strike "shall" and insert in lieu thereof "may at the discretion of the Secretary."

Mr. REGULA. Mr. Chairman, this amendment reflects an agreement between the gentleman from Washington (Mr. INSLEE) and myself on an amendment, and I urge the Members to support it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

Mr. LARGENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman I would like to enter into a very brief colloquy with the chairman of the subcommittee.

Mr. Chairman, as the gentleman knows, I represent the State of Oklahoma, a State that is home to 23 percent of the Native Americans in this country. Despite the fact that almost one in four Native Americans live in my State, we receive only 13 percent of Indian Health Service dollars. Of the 12 Native American service areas in the country, Oklahoma City receives less than \$900 per capita, while Nashville receives \$1800 per capita, and some tribes receive as much as three times that of Oklahoma City, \$2700 per capita.

Our hospitals in Tahlequah and Claremore receive \$141, while the Phoenix Indian Medical Center receives \$400 per capita.

I believe that the Native Americans in my State should receive more equitable treatment when IHS funds are distributed. Rather than receiving 13 percent, Oklahoma should be receiving close to 20 percent, if not more.

Mr. Chairman, will the gentleman from Ohio commit to working with me to close these gaps in funding?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. LARGENT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for raising this important issue today. I agree that this disparity is problematic, and that the IHS funding mechanisms are lacking. I agree that the Director of Indian Health Services should develop a plan for ensuring that every Native American is treated in an even-handed manner.

Last year, we provided funding through an Indian Health Care Improvement Fund to bring these tribes funded at very low levels of need up to more reasonable levels. Unfortunately, the Indian Health Service has not decided on a method for distributing these funds. It was the committee's intent that these funds be devoted to the most underfunded tribes rather than spreading the funds across the large number of tribes.

I will be more than happy to work with the gentleman from Oklahoma to see that the IHS functions are distributed in a more equitable way.

Mr. LARGENT. Reclaiming my time, Mr. Chairman, I thank the gentleman and look forward to working with him to ensure Oklahoma's Native Americans receive something closer to their fair share.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word and, Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Will the gentleman identify the page and line for us?

Ms. KAPTUR. Page 69, line 10.

The CHAIRMAN. We are not at that portion of the bill yet.

Mr. REGULA. Mr. Chairman, would the gentlewoman want to enter into a colloquy, in lieu of the amendment?

Ms. KAPTUR. Yes, Mr. Chairman. What I wanted to do was to introduce the amendment, withdraw it, and then enter into the colloquy as a part of that whole package.

Mr. REGULA. We are not at the right place in the bill for that. Let us get these votes over, frankly, and if she wants to do the colloquy we can do that, but we need to get on to the votes.

Ms. KAPTUR. Well, that was not my understanding, Mr. Chairman, but I would move to strike the last word and would like to submit for the RECORD articles in *The New York Times* today and in the *Toledo Blade* concerning gas prices and enter into a colloquy with the chairman and ranking member of the subcommittee.

Mr. Chairman, I believe there is a critical need for a comprehensive report on how biofuels, including ethanol and biodiesel, can be more fully incorporated into the strategic fuel reserves of our country. Alternatives such as swaps or sales of a portion of current crude reserves for biofuels should be evaluated with estimates of funds realized to be directed toward biofuels purchase and storage costs. Also, options to encourage on-farm storage of biofuel inputs and related biofuel processing and storage capacity as a ready reserve should be evaluated.

Therefore, I would ask the chair and ranking member if they could consider the need for such a report and possibly include language in the conference report on this bill to request such a report from the Departments of Interior, Agriculture and Energy?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would respond to the gentlewoman from Ohio that we would be happy to look into this situation. I believe we need an overall national energy strategy that addresses issues such as this in the larger context.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentlewoman for her outstanding leadership on this issue, and I assure her that we will give this request careful consideration and we will work with her in the conference to see if we can get the language that the gentlewoman would like. We will also work with the administration to try to make sure this commitment is kept.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman

very much for his openness and leadership on this, and also the chairman of the subcommittee for his fine work on clean coal and other alternative fuels over the past years.

Mr. Chairman, the articles I referred to above are as follows:

[From the *New York Times*, June 14, 2000]

IN GAS PRICES, MISERY AND MYSTERY
COSTS IN MIDWEST EXCEED \$2 A GALLON
(By Pam Belluck)

CHICAGO, June 13.—Gasoline is so expensive in the Midwest that a retired railroad worker in Cleveland says he had to cancel his annual summer drive to visit his daughter in San Francisco.

A volunteer agency that delivers meals to shut-ins in Milwaukee cannot afford to pay its drivers enough to fill their tanks.

A florist in Urbana, Ill., is talking about raising what he charges to deliver roses and carnations.

And in suburban Chicago, Kathy Stachnik says she now considers putting gas in her blue 1997 Honda Accord an "evil necessity." "Whenever I stand at the pumps these days, I'm just furious," said Ms. Stachnik, 38, as she bought 10 gallons of gas at an Amoco in Arlington Heights for \$2.25 a gallon. "I know that something fishy is going on with these prices."

Gasoline prices in the Midwest have risen sharply in recent weeks, jumping as much as 50 cents a gallon and far outstripping increases in the rest of the country. In Chicago and Milwaukee, drivers are paying more than \$2 a gallon, the first time prices have ever soared that high in the United States, analysts says.

In recent days, the federal government has been trying to determine why the prices in the Midwest have risen so steeply. The Environmental Protection Agency and the Energy Department met with oil refiners on Monday in Washington. And the Clinton administration and the House Judiciary Committee have asked the Federal Trade Commission to look into whether the increases involve price gouging or collusion.

"We don't have good explanations," said Robert Perciasepe, the environmental agency's assistant administrator for air and pollution programs. "We're not seeing this anywhere else in the country."

Gas prices increased across the country in the last few weeks as the summer driving season began. Gasoline inventories are being depleted, and new requirements for cleaner burning gasoline became effective on June 1. But the spikes in the Midwest are especially steep.

On Friday, the most recent day for which figures are available, the average prices of self-serve regular gasoline in Chicago was \$2.13 a gallon, up from \$1.37 a gallon in January, according to Trilby Lundberg, an analyst who compiles the Lundberg Survey of gas station prices. By comparison, prices on Long Island averaged \$1.67 a gallon last week, up from \$1.39 in January. And prices in Los Angeles averaged \$1.56 a gallon in June, up from \$1.29 in January.

Industry representatives say the price increases in the Midwest are a result of several factors.

The most significant, they say, is the new federal requirement for cleaner-burning gasoline, known as RFG-2. In the Midwest, unlike in other regions, the additive oil refiners use to make their gasoline comply with the regulations is ethanol. Because ethanol evaporates quickly it requires a special for-

mulation of gasoline, said Edward H. Murphy, general manager for downstream operations at the American Petroleum Institute an industry group.

"It's more difficult to produce that gasoline," Mr. Murphy said, "As a result, production is significantly lower."

Another factor, industry officials say, was the rupture in March of a Texas pipeline that Midwest refineries depended on for their supply. The pipeline was repaired two weeks later, but it is still operating at only 80 percent capacity.

A third factor is a court ruling that the Unocal Corporation can collect royalties on a particular type of cleaner-burning fuel. That has prompted smaller refineries to curtail RFG-2 production to avoid paying royalties to Unocal, industry analysts say.

"In a situation where supplies are tight, and you have relatively inelastic demand for gasoline, the price increase you need that occurs in the market is disproportionately large," said Mr. Murphy, who said some refineries are carting in the fuel they need by barge from Nova Scotia or the Gulf states. "If the price of lemons goes up, you move to limes. If the price of coffee goes up, you move to tea. But with gasoline, consumers don't adjust very quickly in a very short term. Obviously you don't go out and trade in your brand new Ford Excursion for a Toyota Camry."

Officials at the Environmental Protection Agency and the Energy Department acknowledge that all these factors play a role in increasing gas prices somewhat. But they say none is sufficient to account for the precipitous price jumps in cities like Chicago and Milwaukee.

"All of these may have some impact but they don't seem to explain the size of the disparity," Mr. Perciasepe said. For example, he said the cost of producing cleaner gasoline with ethanol should lead to only about a 5 cent to 8 cent increase in gas prices. "Whether people are taking advantage of some of these situations is something that we hope to be able to understand better."

A senior official at the Energy Department said that although the supply of oil was tight in the Midwest, "we weren't persuaded by the arguments of the refiners. Generally speaking, all of the large suppliers say they have adequate supplies to serve the demand."

The official added, "It has the administration very concerned, obviously."

Sam Stratman, a spokesman for the House Judiciary Committee and its chairman, Representative Henry J. Hyde, Republican of Illinois, said that oil companies had years to prepare for the increased costs of the RFG-2 regulations.

"This is a complicated issue," Mr. Stratman said. "It deals with issues of supply and demand and regulatory changes mandated by E.P.A., and you wonder, have these changes given oil companies a chance to gouge consumers?"

Of course, Americans still have the lowest gas prices in the world. The Organization of petroleum Exporting Countries, which controls nearly half of the global oil supply, will meet next week to decide on whether to increase production.

Although the prices in Chicago and Milwaukee are the highest on record, they are still lower than gas prices were at their peak in March 1981, when the national average price of a gallon of gasoline was \$2.67, if adjusted for inflation, Ms. Lundberg said.

That is hardly comforting to beleaguered drivers across the Midwest these days.

"It's outrageous," said Colleen Posinger, 44, of Streamwood, Ill. "I'm really upset about the gas prices, because we told our 1-year-old daughter that we'd drive to South Dakota this summer. The vacation was already planned, so I guess we'll just have to take the crunch."

Others, like Adam Matavovszky, the retired railroad worker in Cleveland, decided they could not afford their vacations.

In Milwaukee, Goodwill Industries which delivers meals to the elderly and also takes disabled people to workshops and training programs, has been hit by \$23,000 in extra fuel costs this year, said Roger Sherman, vice president for human services. He said the organization had asked for emergency assistance from the Milwaukee County Department of Aging and might have to cut back on transportation.

"We are running 150 percent over budget," Mr. Sherman said. "We have not kept up with the rising gasoline prices."

[From the Toledo Blade, June 13, 2000]

EPA CAN'T FIND REASON FOR HIKES

WASHINGTON.—Federal officials met for two hours with refiners yesterday, and the EPA's top air pollution official said he heard "no good explanation" for soaring gasoline prices in Midwest cities, in which new requirements require cleaner-burning gas.

The Environmental Protection Agency and Energy Department said inspectors were sent to the Milwaukee and Chicago areas to investigate price increases in recent weeks of 30 to 50 cents a gallon. They focused on refining and distribution, one official said.

At the White House, spokesman Joe Lockhart said the Midwest price increases "seem to be out of whack," and any evidence of price gouging that investigators find will be turned over to the Federal Trade Commission for further investigation.

Officials from eight major oil refineries sat in on the EPA and Energy Department meeting, and further sessions were held later with individual companies.

"We see no good explanation for why the [high] prices exist. . . . We think the prices are unfair and inappropriate," Robert Perciasepe, the EPA's assistant administrator for air and pollution programs, said.

He said that while gasoline supplies are lower than normal, "there are adequate supplies" to keep prices in check. The additional cost of the cleaner-burning gasoline, called reformulated gasoline, costs only 5 to 8 cents a gallon more to produce, Mr. Perciasepe said.

The Energy Department released data that showed prices of reformulated gas were on average 9 cents a gallon higher as of June 5 than conventional gas nationwide, but 23 cents higher in the Midwest. The newly blended gas was required beginning this month in areas with severely polluted air.

Mr. Perciasepe and Melanie Kenderdine, a senior DOE official who attended the meeting, would not characterize explanations given by industry officials except to say the two sides has a general discussion about supply and distribution problems.

"We're suspicious of gouging," Dave Cohen of the EPA said.

Urvan Sternfels, president of the National Petrochemical and Refiners Association, said some of the price increases in the Midwest stem from unexpected problems refiners had with meeting the new, higher vapor-pressure requirements for the cleaner gas. Corn-based ethanol, used widely in the region as a fuel additive, reduces vapor pressure and complicates fuel blending, he said.

The Renewable Fuels Association, which represents the ethanol industry blamed the refiners for not building adequate stocks of reformulated gasoline and the EPA for "failure to make appropriate regulatory changes that would reduce the cost of producing RFG in Chicago and Milwaukee."

Gas prices have increased for five consecutive weeks nationwide with the beginning of the heavy summer driving season, but they soared in some parts of the Midwest—especially Illinois and Wisconsin.

But EPA officials said they are puzzled as to why the price difference between conventional and the cleaner-burning gas is as wide as it has been in the Midwest. "We do not believe that the cleaner-burning gasoline is causing the major price increases," Mr. Perciasepe said.

According to the Energy Department, the average price of regular-grade gas in areas requiring reformulated gas nationwide was \$1.63 a gallon on June 5, or 9 cents a gallon more than the average price of gas sold in other parts of the country that not require reformulated gas.

The average price for the cleaner gas was \$1.84 a gallon in the Midwest, a 23-cent difference from conventional gas; \$1.56 a gallon on the East Coast, a 9-cent difference; \$1.61 on the West Coast, only a 5-cent difference; and \$1.48 a gallon on the Gulf Coast, a difference of 2½ cents, according to the DOE's Energy Information Administration.

Environmental groups have questioned the soaring prices.

"The oil companies have known for five years that they would have to sell the cleaner-burning gasoline by June 1. Why didn't the industry plan for known supply needs," asked Frank O'Donnell of the Clean Air Trust, an environmental advocacy group.

[From Toledo Blade, June 9, 2000]

GASOLINE PRICE SURGE SHOCKS TOLEDO DRIVERS

Alex Alvarado filled up his gas tank just in time yesterday, saving big bucks. Most were not so lucky.

By lunchtime, gasoline prices around Toledo had surged to \$1.86 or more for regular-grade gasoline and more than \$2 for premium gasoline—an unexpected price jump at many stations of more than 30 cents per gallon.

A 30-cent-per-gallon increase costs someone with an 18-gallon tank an extra \$5.40 each fill-up.

"It's ridiculous," Mr. Alvarado said as he topped off his tank with the last of the gasoline that cost \$1.549 for regular grade at the Clark station on Eleanor Avenue at Lewis Avenue. Several yards away, a gas station clerk was posting the new prices.

The next customer would pay \$1.859 per gallon of regular grade at the same pump.

"It's price-fixing," Mr. Alvarado of Toledo grumbled. "I'm lucky I just made it in here before they changed."

Some drivers took their frustrations out on the clerks working at the stations.

Regina Chiles, assistant manager at the Speedway on Dixie Highway off I-75 said as she tacked up the new numbers on her outside sign. "You'd think they'd be a bit more appreciative that we were still a bit cheaper, but instead they just yell at us because prices are going up."

An informal survey by The Blade found that gas prices around the Toledo area spiked by midday from \$1.549 to \$1.859 for regular-grade gasoline and \$1.729 to \$2.07—or more—for premium gasoline.

Just two weeks ago, the Kroger gas station at Jackman and Laskey roads was selling

gas at \$1.419 to \$1.619 per gallon. Yesterday, prices at the same pumps had climbed to \$1.879 to \$2.079 per gallon.

If you think it was bad in northwest Ohio, Michigan has been dealing with similar prices for a week.

Yesterday at the Total stations in Adrian on North and South Main streets, the price of regular was \$1.94 per gallon and premium was \$2.16 at the Speedway on South Main.

There may be several reasons for the increases, industry experts said.

A demand for environmentally-friendlier gasoline in bulk markets such as Chicago and Milwaukee have forced up gas prices because of the more complicated, expensive refining process, Tom Kloza, publisher of Oil News and Prices, in Rockville, Md., said.

And because motorists continue to fuel up in those cities—even with the higher prices—suppliers know they can raise prices at pumps in other areas throughout the Midwest, he said.

"We reached the whining state. We reached it a few weeks ago," Mr. Kloza said. "But we haven't reached the stage when we change our behavior."

Chris Kelley of the Washington-based American Petroleum Institute agreed.

"Everyone loves to drive their gas-guzzling SUVs," he said. Economic prosperity globally means people are consuming more petroleum-based products world-wide, he added.

Add to that the high price of crude oil now—nearly \$30 a barrel compared to \$18 this time last year—and consumers will feel the pinch at the pump, he said.

U.S. Rep. Marcy Kaptur (D., Toledo), said she has tried several times this year to pass amendments that would release some of the strategic petroleum reserves to ease the gas crunch.

She said Republicans have defeated the measures. She said the government should promote efforts to develop nonpetroleum fuel sources.

In West Toledo before lunchtime, Earl Price waited several cars deep to take advantage of some of the lower prices at the Shell station at Secor Road and Monroe Street.

The gas there ranged between \$1.559 and \$1.739 per gallon, while across the intersection, BP's prices were \$1.879 to \$2.119 per gallon.

"I'm driving around here comparing gas prices and the lines at the stations," said Mr. Price, who installs pools and works with a moving company. He said he drives 100 miles daily on his 1978 pickup, which gets eight miles a gallon.

Behind him, Pam Green, a hospital technician, chuckled.

"You have to laugh," she said. "I'm sitting here using up all my gas waiting in line to buy gas."

But with gasoline 30 cents or so cheaper per gallon at some stations, "it adds up," she said. "I'll wait."

It adds up even quicker for those who buy in great quantities, although Julian Highsmith, Toledo's commissioner of facility and fleet operations, said prices are a bit more stable than they are at the pump.

The city buys its fuel in bulk from suppliers and gets a price estimate each week from the Ohio Petroleum Index System. It has fluctuated, Mr. Highsmith said, between 80 cents per gallon and the current \$1.08, the highest so far this year.

"It goes up and down, but our costs have been a little more constant than what you've been seeing at the pump," he said.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, proceedings will now

resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 35 offered by the gentleman from Oregon (Mr. DEFAZIO) and amendment No. 31 offered by the gentleman from Oregon (Mr. Wu).

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote followed by a 5-minute vote on the Wu amendment.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 13, as follows:

[Roll No. 276]

AYES—167

Abercrombie	Frank (MA)	Miller, George
Allen	Gejdenson	Minge
Andrews	Gephardt	Mink
Baird	Green (WI)	Moakley
Baldwin	Gutierrez	Morella
Barcia	Hastings (FL)	Nadler
Barrett (WI)	Hilliard	Neal
Bass	Hinchey	Oberstar
Becerra	Hoeffel	Obey
Berkley	Holt	Oliver
Berman	Hooley	Owens
Bilbray	Hostettler	Pallone
Bishop	Hoyer	Pascarell
Blagojevich	Hulshof	Paul
Blumenauer	Inslee	Payne
Bonior	Jackson (IL)	Pelosi
Borski	Jones (NC)	Petri
Boswell	Jones (OH)	Phelps
Brown (FL)	Kasich	Rahall
Brown (OH)	Kelly	Rivers
Capps	Kennedy	Rohrabacher
Capuano	Kildee	Rothman
Cardin	Kilpatrick	Roybal-Allard
Carson	Kind (WI)	Royce
Castle	Klecza	Ryan (WI)
Chabot	Kucinich	Sabo
Clayton	LaFalce	Salmon
Clyburn	Lantos	Sanchez
Condit	Larson	Sanders
Conyers	Lazio	Sanford
Costello	Leach	Sawyer
Cox	Lee	Saxton
Coyne	Levin	Scarborough
Crowley	Lewis (GA)	Schakowsky
Cummings	Lipinski	Sensenbrenner
Davis (FL)	LoBiondo	Serrano
DeFazio	Lowe	Shays
DeGette	Luther	Sherman
Delahunt	Maloney (CT)	Slaughter
DeLauro	Maloney (NY)	Smith (NJ)
Deutsch	Markey	Smith (WA)
Dixon	Matsui	Stark
Doggett	McDermott	Sununu
Ehlers	McGovern	Tauscher
Engel	McKinney	Taylor (MS)
Eshoo	McNulty	Thompson (CA)
Etheridge	Meehan	Thompson (MS)
Evans	Meek (FL)	Tierney
Farr	Meeks (NY)	Udall (CO)
Fattah	Menendez	Velazquez
Filner	Metcalfe	Walden
Foley	Millender-McDonald	Waters
Forbes		Watt (NC)
Ford		Waxman

Weiner
Wexler

Weygand
Woolsey

Wu
Wynn

Lewis (CA)
Linder

Lofgren
Martinez

Shuster
Vento

NOES—254

Aderholt	Gordon	Peterson (PA)
Archer	Goss	Pickering
Armey	Graham	Pickett
Baca	Granger	Pitts
Baker	Green (TX)	Pombo
Baldacci	Greenwood	Pomeroy
Ballenger	Gutknecht	Porter
Barr	Hall (OH)	Portman
Bartlett	Hall (TX)	Price (NC)
Barton	Hansen	Pryce (OH)
Bateman	Hastings (WA)	Quinn
Bentsen	Hayes	Radanovich
Bereuter	Hayworth	Ramstad
Berry	Hinojosa	Rangel
Biggert	Hobson	Hefley
Billrakis	Hoekstra	Herger
Bliley	Holden	Hill (IN)
Blunt	Horn	Hill (MT)
Boehlert	Houghton	Hilleary
Boehner	Hunter	Hinojosa
Bonilla	Hutchinson	Hobson
Bono	Hyde	Hoekstra
Boucher	Isakson	Holden
Boyd	Istook	Horn
Brady (PA)	Jackson-Lee	Houghton
Brady (TX)	(TX)	Hunter
Bryant	Jefferson	Hutchinson
Burr	Jenkins	Hyde
Burton	John	Isakson
Buyer	Johnson (CT)	Isakson
Callahan	Johnson, E. B.	Istook
Calvert	Johnson, Sam	Jackson-Lee
Camp	Kanjorski	(TX)
Canady	Kaptur	Jefferson
Cannon	Kapoor	Jenkins
Chambliss	King (NY)	John
Chenoweth-Hage	Kingston	Johnson (CT)
Clement	Klink	Johnson, E. B.
Coble	Knollenberg	Johnson, Sam
Coburn	Kolbe	Kanjorski
Collins	Kuykendall	Kaptur
Combest	LaHood	King (NY)
Cooksey	Lampson	Kingston
Cramer	Largent	Klink
Crane	Latham	Knollenberg
Cubin	LaTourette	Kolbe
Cunningham	Lewis (KY)	Kuykendall
Davis (IL)	Lucas (KY)	LaHood
Davis (VA)	Lucas (OK)	Lampson
Deal	Manzullo	Largent
DeLay	Mascara	Latham
DeMint	McCarthy (MO)	LaTourette
Diaz-Balart	McCarthy (NY)	Lewis (KY)
Dickey	McCollum	Lucas (KY)
Dicks	McCrery	Lucas (OK)
Dingell	McHugh	Manzullo
Dooley	McInnis	Mascara
Doolittle	McIntosh	McCarthy (MO)
Doyle	McIntyre	McCarthy (NY)
Dreier	McKeon	McCollum
Duncan	Miller (FL)	McCrery
Dunn	Miller, Gary	McHugh
Edwards	Mollohan	McInnis
Ehrlich	Moore	McIntosh
Emerson	Moran (KS)	McIntyre
English	Moran (VA)	McKeon
Everett	Murtha	Miller (FL)
Ewing	Murphy	Miller, Gary
Fletcher	Napolitano	Mollohan
Fossella	Nethercutt	Molohan
Fowler	Ney	Moore
Franks (NJ)	Northup	Moran (KS)
Frelinghuysen	Gekas	Moran (VA)
Frost	Gibbons	Murtha
Gallegly	Gilchrest	Murphy
Ganske	Gillmor	Napolitano
Gekas	Gilman	Nethercutt
Gekas	Gonzalez	Ney
Gibbons	Goode	Northup
Nussle	Goodlatte	Norwood
Ortiz	Goodling	Nussle
Ose		Ortiz
Oxley		Ose
Packard		Oxley
Pastor		Packard
Pease		Pastor
Peterson (MN)		Pease
		Peterson (MN)

NOT VOTING—13

Ackerman	Campbell	Danner
Bachus	Clay	
Barrett (NE)	Cook	

□ 2231

Messrs. THORNBERRY, REYES, TERRY, HINOJOSA, RODRIGUEZ and TOOMEY changed their vote from “aye” to “no.”

Messrs. HOEFFEL, SALMON, ROHR-ABACHER and HOYER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 31 OFFERED BY MR. WU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. Wu) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 12, as follows:

[Roll No. 277]

AYES—173

Abercrombie	Ehlers	Kaptur
Allen	Engel	Kelly
Andrews	Eshoo	Kennedy
Baldwin	Etheridge	Kildee
Barcia	Evans	Kilpatrick
Barrett (WI)	Farr	Kind (WI)
Becerra	Fattah	Klecza
Berkley	Filner	Kucinich
Bilbray	Foley	LaFalce
Blagojevich	Forbes	Lantos
Blumenauer	Fossella	Larson
Boehlert	Frank (MA)	Lazio
Bonior	Franks (NJ)	Leach
Borski	Frelinghuysen	Lee
Boucher	Gejdenson	Levin
Brown (FL)	Gephardt	Lewis (GA)
Brown (OH)	Gilman	LoBiondo
Capps	Gonzalez	Lowe
Capuano	Goss	Luther
Cardin	Greenwood	Maloney (CT)
Carson	Gutierrez	Maloney (NY)
Castle	Hall (OH)	Markey
Chabot	Hastings (FL)	Matsui
Clyburn	Hill (IN)	McCarthy (MO)
Conyers	Hinchey	McCarthy (NY)
Coyne	Hoeffel	McDermott
Crowley	Holt	McGovern
Cummings	Hooley	McKinney
Davis (FL)	Horn	McNulty
Davis (IL)	Hoyer	Meehan
DeFazio	Inslee	Meeks (NY)
DeGette	Jackson (IL)	Menendez
Delahunt	Jefferson	Miller (FL)
DeLauro	Johnson (CT)	Miller, George
Deutsch	Jones (OH)	Mink
Doggett	Kanjorski	Moakley

Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Porter
Portman
Price (NC)
Rahall
Ramstad
Rivers

Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)

Spratt
Stabenow
Stark
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Woolsey
Wu
Wynn

Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancred
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traffant
Turner
Visclosky
Vitter
Walden

Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Campbell
Clay
Cook

Danner
Linder
Lofgren
Martinez

Meek (FL)
Murtha
Shuster
Vento

□ 2258

Mr. SPRATT changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2300

Mr. REGULA. Mr. Chairman, I ask unanimous consent that consideration in the Committee of the Whole of the amendment by the gentleman from Washington (Mr. DICKS) to H.R. 4578, adding a new section at the end of title I proceed as follows: After the initial five-minute speech by Representative DICKS in support of his amendment, no further debate on that amendment shall be in order; and amendments thereto offered by Representative NETHERCUTT of Washington, or by Representative HANSEN of Utah, each shall be debatable for one hour equally divided and controlled by the proponent and Representative DICKS.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 56, line 3, after the figure insert “(and in addition \$2,000,000, to be available to the Department of Interior for the acquisition of Cat Island, Mississippi).”

On page 69, line 13, after the figure insert “reduced by \$2,000,000.”

Mr. TAYLOR of Mississippi. Mr. Chairman, I believe we have an agreement on the amendment.

The CHAIRMAN. Is there objection to the consideration of the Taylor amendment at this point in the bill?

Mr. REGULA. We have no objection.

Mr. DICKS. We have no objection. We strongly support the gentleman's amendment.

The CHAIRMAN. Without objection, the Taylor amendment will be considered at this point.

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Chairman, again I have already spoken to the Majority and Minority on this. They have been very helpful. It is the reallocation of some funds for wildlife conservation. I appreciate everyone's assistance on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

Mr. KIND. Mr. Chairman, I rise today in support of the Wu-Smith-Udall amendment to the Interior Appropriations bill. The purpose of this amendment is to restore adequate funding to an important forest service program designed to protect and manage fish and wildlife habitat within the national forest system. Specifically, this bipartisan and fiscally responsible amendment calls for a transfer of \$14.7 million from the consistently overfunded Forest Service forest products program to the chronically underfunded fish and wildlife habitat management account.

The mission of the U.S. Forest Service is to provide for the multiple uses of our Nation's great forests. Traditionally, timber management and extraction has been the principal goal of the Forest Service. In recent decades, with the rise of recreational uses of our national forests and environmental regulations that require careful assessment of natural resources impacted by timber cutting and road-building activities, the Forest Service has been called upon to survey and monitor fish and wildlife populations and to protect and restore important fish and wildlife habitat.

The problem is that Congress has not appropriated adequate funds to the Forest Service for this important habitat protection work which is demanded by the public and required by law. It makes no sense to boost funding for the Forest Service forest products program by \$25 million over the administration's request at the expense of the fish and wildlife habitat management program. To ensure the future health of our Nation's forests and to make sustainable forestry a reality instead of a mere promise, the Forest Service must be given the resources it needs to fulfill its complex and changing mission.

At this time I would also like to point out that this bill fails to adequately fund crucial habitat protection and restoration activities conducted by the U.S. Fish and Wildlife Service. The pressing needs of region 3, especially of the upper Mississippi River and Mark Twain National Refuge Systems—which serve as the migratory pathway for over 40% of North America's waterfowl and which receive more visitors annually than Yellowstone National Park—continue to go unrecognized in this bill.

As a co-chairman of the bipartisan upper Mississippi River congressional task force, I have worked hard with other members within the region to draw attention to the underfunding of region 3 Fish and Wildlife Service programs relative to other regions in the country. For three years running now, we have requested that approximately \$6 million of additional funds be appropriated for region 3 programs. These funds would be used to address the huge backlog of operations and maintenance work within the refuge system, to address increasingly serious invasive species problems, and to assist in the recovery and restoration of endangered species.

I remain deeply troubled by the shortcomings of the Interior Appropriations bill, especially in relation to Fish and Wildlife Service programs. At the very least, I urge my colleagues to vote in favor of the Wu-Smith-Udall

NOES—249

Aderholt
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Biggart
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn

Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Ford
Fowler
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas (KY)
Lucas (OK)

Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalfe
Mica
Millender-
McDonald
Miller, Gary
Minge
Mollohan
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Pryce (OH)
Quinn
Radanovich
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Schaffer
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Snyder
Souder
Spence
Stearns

amendment, which deals with the pressing need for fish and wildlife habitat protection and restoration within the National Forest System. Thank you and I yield back the remainder of my time.

Mr. HOLT. Mr. Chairman. I rise today to speak about what seems like an annual ritual. We are now in the thick of the appropriations process and that can mean only one thing. My colleagues on the other side of the aisle have sharpened their pencils and are loading up budget bills with legislative riders that surrender our environment to special interests.

There riders not only threaten important environmental and public health protections, but they subvert the democratic process by trying to force through legislative changes without the benefit of hearings or public scrutiny.

I am calling on my colleagues and the public to demand an end to this yearly assault on our precious natural resources and our open form of government.

I would like to highlight a few of the attacks within the FY 2001 House Interior Appropriations that is before us today.

One rider would prohibit any spending on national monuments developed after 1999. Among the monuments affected are the Grand Canyon-Parashant, Giant Sequoia, Agua Fria and the California Coastal National Monuments. The monuments were created by the Administration to strengthen protection of these unique federal lands.

Apparently, for some, it is not important to protect our land.

Another rider would effectively prevent agencies from implementing the American Heritage Rivers Program. This is a program where the federal government provides help to river communities looking for backing on environmental and economic development projects. This program helps communities improve water quality.

Apparently, for some, it is not important to help communities.

Another rider within the bill would block federal agencies funded within the bill from action on global warming. This rider is not even needed because the Administration does not intend to implement the Protocol prior to congressional ratification. The President is continuing to work on international negotiations on this important treaty.

Apparently, for some the climate is not important.

Finally, besides the various riders, the bill does not adequately fund many programs at the levels needed to carry them out. One such program is the President's Land Legacy Initiative. This appropriation bill places these important conservation programs in jeopardy by rejecting the President's request for a permanent funding source. This program is also drastically under-funded. As a result, federal land conservation efforts to protect national treasures, such as the Everglades, the Lewis and Clark National Historic Trail and various Civil War Battlefields are in jeopardy.

Apparently, for some, our national treasures are not important.

Well, for many, including people in central New Jersey, our national treasures, our constitution, our communities and our land are important. I urge all of my colleagues to reject these antienvironmental riders that threaten our environment and our democracy.

Mr. STUMP. Mr. Chairman, I rise in opposition to any amendment that strikes language currently in the Interior Appropriations legislation for Fiscal Year 2001 to not allow any federal funds to be used on national monuments created since 1999. I support Mr. HANSEN's effort in the Interior Appropriations bill to bring accountability back to the Administration's use of the 1906 Antiquities Act.

Mr. Chairman, Congress has spent too much time in the last few months reacting to monument designations after unilateral declaration by the Administration.

When Secretary Babbitt first announced his desire to create a higher protective status on lands in the Arizona Strip region, he agreed to work legislatively on a proposal to protect the historic uses of this area. After his announcement, I worked closely with local residents, elected officials, tribal officials, conservationists in the region, as well as the Governor, federal land management agencies and the State Lands, Minerals and Game and Fish departments to develop legislation reflecting the Secretary's publicly stated objectives.

On August 5, 1999, I introduced H.R. 2795, the Shivwits Plateau National Conservation Area Establishment Act. The original intent of the legislation was to initiate a dialogue with the Secretary, particularly considering the Secretary had not outlined his ideas in any form of legislation.

On January 11, 2000, after months of negotiating, the President, with the Secretary's recommendation, walked into Arizona and declared two national monuments, the Grand Canyon-Parashant National Monument in northern Arizona and the Agua Fria National Monument north of Phoenix.

In regard to the Agua Fria National Monument, the Secretary first made public his proposal to create a more restrictive status for the area just four months before the actual monument designation.

The original intent of the 1906 Antiquities Act was to protect small areas of land and specific items of archaeological, scientific, or historic importance in imminent danger of destruction. While the Administration contends that the areas designated as national monuments are threatened by increasing development and recreation, the government controls the development which occurs on those lands and has the authority to address problems if and when they exist.

Frankly, the Administration's decision to preempt any action by Congress is political. No reasonable public process has been used to secure public input on the merits of these designations and no environmental assessments have been done. The designations are occurring without any formal public input as mandated by NEPA, the National Environmental Policy Act.

Finally, Mr. Chairman, by highlighting these lands as national monuments, the President is merely calling more attention to the areas and significantly increasing recreation and visitation and jeopardizing the very resources he is attempting to "protect." I urge my fellow members to vote no on any amendment to remove language in the Interior Appropriations language to prohibit funds to be used on any national monuments created since 1999. Congress has already spent too much time react-

ing to the unilateral declaration of such monuments.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 4578, the Interior appropriations bill and wishes to particularly thank the chairman of the Subcommittee, the distinguished gentleman from Ohio (Mr. REGULA) and the ranking member, the distinguished gentleman from Washington (Mr. DICKS) for their hard work on the bill.

This Member understands that the Members of the Subcommittee were extremely limited by the 302(b) allocation received and as a result were forced to make tough spending decisions. However, this Member is pleased that continued funding was made available for the next phase of construction of the replacement facility for the existing Indian Health Service hospital in Winnebago, Nebraska. As the members of the Subcommittee know, this ongoing project has a long and difficult history, and the Subcommittee's support is greatly appreciated.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the extraordinary assistance that Chairman REGULA, the Interior Appropriations Subcommittee, and the Subcommittee staff have provided thus far on this important project and urges his colleagues to support the bill.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE), having resumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

--- HOUR OF MEETING ON TOMORROW

Mr. REGULA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

--- REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2966

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of H.R. 2966.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

--- SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This is the seventh week in a row that Congress has been in session in which I have returned to the House floor to read another letter from a Michigan senior citizen. This week, I will read a letter from Edith DeYoung of Spring Lake, Michigan.

Before I read Ms. DeYoung's letter, I would like to share some troubling statistics released just yesterday in President Clinton's report entitled, "Prescription Drug Coverage and the Rural Medicare Beneficiaries: A Critical Unmet Need."

Although Ms. DeYoung is fortunate to live next to a larger city in Michigan, Muskegon, there are many rural communities in our state, particularly in the Upper Peninsula that have unique health care needs. As a member of the Rural Health Care Caucus in the House of Representatives, I have been working to ensure that those needs are understood and met.

The President's report documents that seniors living in rural America face real challenges in accessing health services, especially prescription drugs.

Senior citizens who live in rural communities represent almost 25 percent of all Medicare beneficiaries, tend to have a greater need for prescription drug coverage, but have fewer coverage options. Their incomes are lower, access to pharmacies more limited, and out-of-pocket spending higher.

According to the President's report, rural beneficiaries are over 60 percent more likely to fail to get needed prescription drugs due to cost. A greater proportion of rural elderly spend a large percent of their income on prescription drugs. In fact, rural senior citizens pay over 25 percent more in out-of-pocket expenses for prescription drugs than urban senior citizens. Finally, rural senior citizens on Medicare are 50 percent less likely to have any prescription drug coverage.

I would like to take this opportunity to highlight an important provision in the Democratic prescription drug proposal that does not get as much attention as some of the other important provisions that offer coverage for Medicare seniors. The Democratic plan includes assurance that resident in rural communities will have full access to all prescription drug benefits.

Now, I will read the letter from Edith DeYoung. "I'm writing this letter to you concerning medical prescriptions for people who have reached 65 years of age. I was getting Medicaid but now that I've reached the Golden Years, age 65, I can't get help from Medicaid and Medicare does not cover prescriptions. I

get \$915 a month on Social Security. I would like to know how you can pay rent, lights, and, oh yes, groceries, and still have to pay \$437 on a spend-down for medicine that leaves me \$478 a month to pay all the above and live on. I am sending you a copy of the prescriptions I get every year. I sure can't afford any other insurance. So please, help the bill pass and help us that are 65 and need it really bad. As a senior citizen, I would like to hear back from your office. Sincerely, Edith DeYoung."

The time is now to enact real prescription drug legislation that includes a prescription drug benefit in Medicare.

Proposals have been offered by the other party that would essentially offer a subsidy for a private insurance plan—that may or may not be available to all senior citizens. I am especially worried about seniors living in rural communities. And, as Edith DeYoung said, herself, she can't afford additional insurance. The Democratic plan, on the other hand, would provide her with the real help she needs. The Democratic plan would create a Medicare benefit that, because of Ms. DeYoung's income level, would cover all of her prescription drug costs.

INTELLIGENT DESIGN IS A SCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, on June 1, I received a letter that was written by seven members of the biology department and one professor of psychology from Baylor University in response to my co-hosting a recent conference on intelligent design, the theory that an intelligent agency can be detected in nature, sponsored by the Discovery Institute.

The professors denounced intelligent design as pseudo science and advocated what is bluntly called the materialistic approach to science.

Mr. Speaker, I am appalled that any university seeking to discover truth, yet alone a university that is a Baptist Christian school, could make the kinds of statements that are contained in this letter. Is the position on teaching about materialistic science so weak that it cannot withstand scrutiny and debate?

Intelligent design theory is upheld by the same kind of data and analysis as any other theory to determine whether an event is caused by natural or intelligent causes; just as a detective relies on evidence to decide whether a death was natural or murder, and an insurance company relies on evidence to decide whether a fire is an accident or arson. A scientist looking at, say, the structure of a DNA molecule goes through exactly the same reasoning to decide whether the DNA code is the result of natural causes or an intelligent agent.

Today, qualified scientists are reaching the conclusion that design theory

makes better sense of the data. Influential new books are coming out by scientists like molecular biologist Michael Behe, Darwin's Black Box, the Free Press, and mathematician William Dembski, the Design Inference, Cambridge University Press, which point out the problems with Darwinian evolution and highlight evidence for intelligent design in the universe.

The tone of the letter I received seems to suggest that my congressional colleagues and I were unsuspecting honorary co-hosts in a conference on intelligent design. That is not the case. My good friend, the gentleman from Florida (Mr. CANADY), chairman of the House Judiciary Subcommittee on the Constitution has considered holding a congressional hearing on the bias and viewpoint discrimination in science and science education. Ideological bias has no place in science and many of us in Congress do not want the government to be party to it.

The gentleman from Florida (Mr. CANADY) approached several people, including the Discovery Institute, about plans for such a hearing. The people at Discovery suggested that instead we allow them merely to put on a modest informational briefing on intelligent design. That is exactly what happened, and we regarded the result as very valuable.

Nevertheless, many of us continue to be concerned about the unreasoning viewpoint discrimination in science. This letter dismisses those who do not share the philosophy of science favored by the authors as frauds. It is ironic, however, that the authors do not ever actually get around to answering the substantive arguments put forward by people at the Discovery Institute. The authors support a philosophy of science they call materialistic science. The key phrase in the letter is that we cannot consider God's role in the natural phenomenon we observe. Yet this assumption is merely asserted without any argument.

How can the authors of this letter be so confident that God plays no role in the observable world? Once we acknowledge that God exists, as these professors presumably do since they teach at a Christian university, there is no logical way to rule out the possibility that God may actually do something within the universe He created.

In addition, the philosophy of science the authors talk about is just that, a philosophy. It is not itself science, even according to the definition of science put forward by the authors themselves. They state, for example, that all observations must be explained through empirical observations. I am not sure what that means but I do know this: This statement itself is not verifiable by observation or by methods of scientific inquiry. It is rather a philosophical statement.

If they prefer it to the alternative that they suppose it advanced by the Discovery Institute folks, then the preference itself cannot be based on science. It is a difference of philosophy, but they are biologists not philosophers. They have no special authority in philosophy, even the philosophy of science.

Even more egregiously, they say that God cannot be proved or disproved. Now there is a philosophical statement for you. Of course many philosophers agree with it, but there are philosophers of stature who disagree with it, too. Why should the philosophical viewpoint of a group of biologists enjoy privileged status?

And then there was Darwinism. This letter treats Darwinism as a straightforwardly scientific position despite the criticism advanced by many responsible, informed people that Darwinism itself rests not on demonstrable facts but rather on controversial philosophical premises. In other words, serious people make a case against Darwinism, precisely the case that Baylor's biologists themselves are trying to make against intelligent design.

Yet the Baylor biologists simply ignore these criticisms. One senses here not a defense of science but rather an effort to protect, by political means, a privileged philosophical viewpoint against a serious challenge.

In digging into this matter further, it turns out that an international conference related to this topic, the Nature of Nature, was held recently at Baylor University. It was hosted by the Polanyi Center at Baylor and sponsored by the Discovery Institute and the John Templeton Foundation. A number of world-class scientists participated in the event, and contrary to the assertions made in this letter, advocates of intelligent design, as well as materialism, presented their ideas publicly. The authors of this letter have been part of an intense effort to close down that center, which was founded in part to explore these issues.

I would like to insert the rest of this statement in the RECORD, as well as the letter from the professors at Baylor University.

I would like to reference the words of the Israeli statesman, Shimon Peres: He said, "Science and lies cannot coexist. You don't have a scientific lie, and you cannot lie scientifically. Science is basically the search of truth—known, unknown, discovered, undiscovered—and a system that does not permit the search for truth cannot be a scientific system. Then again, science must operate in freedom. You cannot have free research in a society that doesn't enjoy freedom. . . . So in a strange way, science carries with it a color of transparency, of openness, which is the beginning of democracy. . . ."

Dr. Bruce Alberts, President of the National Academy of Sciences made a recent speech where he said "Scientists, as practitioners,

teach important values. These include honesty, an eagerness for new ideas, the sharing of knowledge for public benefit, and a respect for evidence that requires verification by others. These "behaviors of science" make science a catalyst for democracy. Science and democracy promote similar freedoms. Science and democracy accommodate, and are strengthened by, dissent. Science's requirement of proof resembles democracy's system of justice. Democracy is buttressed by science's values. And science is nurtured by democracy's principles."

There seems to be a tension between science as democratic, welcoming new ideas and dissent—and science as a lobby group, seeking to impose its viewpoint upon others. As the Congress, it might be wise for us to question whether the legitimate authority of science over scientific matters is being misused by persons who wish to identify science with a philosophy they prefer. Does the scientific community really welcome new ideas and dissent, or does it merely pay lip service to them while imposing a materialist orthodoxy?

Only a small percentage of Americans think the universe and life can be explained adequately in purely materialistic terms. Even fewer think real debate on the issue ought to be publicly suppressed.

I ask my colleagues to join with me in putting aside unfounded fears to explore the evidence and truthfulness of the theories that are being presented by those on both sides of this debate.

I want to thank Philip Johnson of the University of California at Berkeley, Dr. Robert George of Princeton University, and others in drafting this response.

BAYLOR UNIVERSITY,
June 1, 2000.

DEAR CONGRESSMAN SOUDER, We became aware of a meeting on May 10, 2000 that you and other legislators attended with members of the Discovery Institute from their website. According to the website, the main topics of the meeting involved the scientific case for design, the influence of the Darwinian and materialistic worldview on public policy, and how intelligent design will affect education. As citizens concerned with science education, we wish to give you the perspective of mainstream scientists and science teachers.

INTELLIGENT DESIGN IS NOT SCIENCE

It is an old philosophical argument that has been dressed up as science. We and other mainstream scientists refer to it as intelligent design creationism. Some have referred to it as 'creeping creationism' due to the methods used by its proponents to sneak creation science into the classroom. The hypothesis of intelligent design is that living creatures are too complex to have arisen by random chance alone. However, we have yet to see any scientific, empirical data to support this hypothesis. Some of the proponents use statistics to show the improbability that living creatures have arisen by random chance, but this does not say that living things could not have arisen through such means. The members of the Discovery Institute stress that the idea of design is entirely empirical. If this is true, then their data should be presented to the scientific community. If mainstream scientists deem the data as evidence for design, then your office will be flooded with messages from professional

scientists asking for more funding for design research. However, as the supporters of intelligent design have never openly presented their data, we have to conclude that either there is none or that it does not provide evidence for design.

THE PROponents OF INTELLIGENT DESIGN DO NOT OPERATE AS LEGITIMATE SCIENTISTS

In science, all research must go through some sort of peer review. A scientist requests funds from various agencies, such as the National Science Foundation (NSF), which requires the scientists to give a detailed explanation of the research to be conducted. After conducting the research, the scientist then publishes or presents his/her findings in peer reviewed, scientific journals or at meetings sponsored by scientific organizations. In this way, other scientists can critically study the research, how it was conducted, and if its conclusions are correct. Proponents of intelligent design do none of this. Their funding comes from think tanks such as the Discovery Institute which have their own agenda. They do not publish in scientific journals nor present their ideas at meetings sponsored by scientific organizations. Rather, they publish books for the general public which go through no sort of review process except by editors at publishing companies who are often concerned more with the financial gains and less of the scientific merit of the book.

INTELLIGENT DESIGN DOES NOT BELONG IN THE SCIENCE CLASSROOM.

Because intelligent design has no scientific, empirical data to support it, we see no reason why it should be allowed into the science classroom. The proponents of intelligent design would say that they should have equal time in the classroom as a competing theory against Darwinism. However, in science, a theory isn't given equal time, it earns equal time. Ideas should be allowed into the science classroom only when they have amassed so much empirical evidence as to gain the support of the scientific community. Intelligent design has not risen to this level.

INTELLIGENT DESIGN COULD HAVE A SERIOUS NEGATIVE IMPACT ON SCIENCE EDUCATION AND RESEARCH.

Much of the proposed research from intelligent design deals mainly with understanding the personality and limits of the designer. Within the intelligent design paradigm, a possible answer to any scientific question is "That's how the designer wanted it". This does not answer anything at all. How are science teachers to inspire curiosity into the natural world when the answer to every question is 'That's just how it is'. Also, we fear that future school board administrators would cut funds for science education because the role of science will have shifted from an exploration of the natural world to an exploration into the mind of a supposed designer. This could also have a negative impact on scientific research. Future Congresses with the need to balance budgets may cut funding to the National Science Foundation, Center for Disease Control, or National Institute for Health for the same reason as the school board administrator.

THE MEMBERS OF THE DISCOVERY CENTER ARE MISREPRESENTING MATERIALISTIC SCIENCE.

The current philosophy of science states that all observations must be explained through empirical observations. Materialistic science does not say that there is no God. Rather, it says that God, due to His supernatural and divine nature, cannot be

proved or disproved, thus we cannot consider His role in the natural phenomena we observe. Therefore, the existence of God is not a question within the realm of science. Many scientists have a strong belief in a divine God and do not see any conflict between this belief and their work as scientists.

MATERIALISTIC SCIENCE HAS GREATLY INCREASED THE AMERICAN PEOPLE'S QUALITY OF LIFE.

Considering that materialistic science has been the predominant paradigm of science for about 150 years, let us look at life in America before and after the 1850's. First, all races were certainly not considered as equals. Women were considered inferior to men in every way. Also, the number of cause of death in women was giving birth. The infant mortality rate was equal to any Third World nation today. People died of diseases such as polio, small pox, and influenza. Mentally ill people were locked up in institutions that resembled the horrors of the Inquisitions. The average life expectancy for people born in the 1850's was in the early sixties. Since the advent of materialistic science we have shown that all the races are much more alike than they are different. Medical health for women has improved to the point that couples rarely worry if the woman and/or child will die during birth. Also, women have become more empowered than any other time in human history. Diseases such as polio and small pox have essentially been wiped out in America. Also, due to improved sanitation and health regulations, typhoid, cholera, and malaria, are unheard of in America today. Mental illness is seen as a treatable, if not curable, disease. Children born in the 1990's could expect to live to be ninety years old.

THE PROPONENTS OF INTELLIGENT DESIGN ARE MAKING AN EMOTIONAL APPEAL AND NOT A SCIENTIFIC ARGUMENT.

The proponents of intelligent design are trying to use meetings such as the one that you attended to make an emotional plea to the general public about the ills that face our society. They would have us believe that all of our problems in society can be blamed on Darwinism. As a U.S. Legislator, we are certain you are aware of the many problems, great and small, facing America. As any concerned citizen, we watch the news and wonder why is there violence in the schools, why does racism and intolerance persist, and why can't the greatest nation in the world feed and house all of its people? The answer to these questions is neither Darwinian evolution nor materialistic science. Rather materialistic science could be the cure for many of society's problems.

We thank you in advance for considering the above information and for seeking more complete information regarding this important issue affecting the congressional debate regarding science education programs in this country.

Sincerely,

Cliff Hamrick, Biology Department,
Baylor University.

Robert Baldrige, Professor of Biology,
Baylor University.

Richard Duhrkopf, Associate Professor of
Biology, Baylor University.

Lewis Barker, Professor of Psychology &
Neuroscience, Baylor University.

Wendy Sera, Assistant Professor of Biology,
Baylor University.

Darrell Vodopich, Associate Professor of
Biology, Baylor University.

Sharon Conry, Biology Department,
Baylor University.

Cathleen Early, Biology Department,
Baylor University.

□ 2310

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WU) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 21.

Mr. SOUDER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Resources and Committee on Commerce.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 15, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances [OPP-300994; FRL-6555-5] (RIN: 2070-AB78) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8124. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Obstetrical and Gynecological Devices; Classification of Female Condoms [Docket No. 99N-1309] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmit-

ting the Agency's final rule—West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6600-4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8126. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins [AD-FRL-6585-7] (RIN: 2060-AH47) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Montana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6601-3] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Dakota: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6601-4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8129. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana [IN 119-1a; FRL-6601-5] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8130. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK-027-FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8131. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN-147-FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8132. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements [Docket No. 000511134-0134-01; I.D. 072699D] (RIN: 0648-AL81) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8133. A letter from the Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-STEVENS Act Provisions; Fishing Capacity Reduction Program [Docket No. 980812215-0109-02; I.D. 07289D] (RIN: 0648-AK76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2000-NM-85-AD; Amendment 39-11699; AD 2000-08-13] (RIN: 2120-

AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-56-AD; Amendment 39-11700; AD 2000-08-14] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-56-AD; Amendment 39-11701; AD 2000-08-15] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125-800A and BAe 125-800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes [Docket No. 99-NM-13-AD; Amendment 39-11693; AD 2000-08-07] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 99-NM-346-AD; Amendment 39-11701; AD 2000-08-15] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98-NM-253-AD; Amendment 39-11703; AD 2000-08-17] (RIN: 2120-AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Unalaska, AK [Airspace Docket No. 99-AAL-18] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX [Airspace Docket No. 2000-ASW-12] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Freeport, TX [Airspace Docket No. 2000-ASW-11] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000-ASW-04] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8144. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000-ASW-05] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000-ASW-03] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Holy Cross, AK [Airspace Docket No. 99-AAL-22] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kipnuk, AK [Airspace Docket No. 99-AAL-20] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Scammon Bay, AK [Airspace Docket No. 99-AAL-19] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8149. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California [FRL-6587-9] (RIN: 2040-AC44) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8150. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last In, first-out inventories [Rev. Rul. 2000-29] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8151. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural and Miscellaneous [Rev. Proc. 2000-26] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8152. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated Returns—Limitations on the Use of Certain Credits [TD 8884] (RIN: 1545-AV88) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 809. A bill to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; with an amendment (Rept. 106-676). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BALDWIN (for herself, Mr. MCHUGH, Mr. OBEY, Mr. COOKSEY, Mr. KIND, Mr. BOEHLERT, Mr. HILLIARD, Mr. SWEENEY, Mr. BOUCHER, Mrs. THURMAN, Mr. SHERWOOD, Mr. WALSH, Mrs. ROUKEMA, and Mr. SMITH of Michigan):

H.R. 4652. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM:

H.R. 4653. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Commerce.

By Mr. DELAY (for himself, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. BLUNT, Mrs. FOWLER, Ms. PRYCE of Ohio, Mr. COX, Mr. DREIER, Mr. SPENCE, Mr. GILMAN, Mr. GOSS, Mr. HYDE, Mr. STUMP, Mr. SMITH of New Jersey, Mr. BARR of Georgia, and Mr. ADERHOLT):

H.R. 4654. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on International Relations.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. FOLEY, and Mr. MEEHAN):

H.R. 4655. A bill to direct the Secretary of Energy to sell the fossil-fuel and nuclear generation facilities and the electric power transmission facilities of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 4656. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 4657. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HAYES (for himself and Mr. MCINTYRE):

H.R. 4658. A bill to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building"; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mrs. MORELLA, Mrs. BIGGERT, Mrs. EMERSON, Ms. LOFGREN, Mr. TOWNS, Mrs. KELLY, and Ms. DUNN):

H.R. 4659. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Government Reform.

By Mr. HEFLEY:

H.R. 4660. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies

that deny military recruiters access to secondary school students, or directory information about secondary school students, on the same basis as other potential employers, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself and Mr. MORAN of Virginia):

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of return information to verify the accuracy of information provided on applications for Federal student financial aid; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4662. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simplify and clarify certain drawback provisions; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4663. A bill to provide civil legal assistance for victims of domestic violence and sexual assault; to the Committee on the Judiciary.

By Mr. MEEKS of New York:

H.R. 4664. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking and Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 4665. A bill to authorize assistance for mother-to-child HIV/AIDS transmission prevention efforts; to the Committee on International Relations.

By Mr. NUSSLE:

H.R. 4666. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4667. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. ROMERO-BARCELÓ:

H.R. 4668. A bill to provide for the protection of critical lands in Puerto Rico, for intergovernmental cooperation in land and water conservation, and for other purposes; to the Committee on Resources.

By Mr. BACHUS (for himself and Mr. HILLIARD):

H.J. Res. 102. A joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 352. Concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on International Relations.

By Mr. SANDERS (for himself, Mrs. MORELLA, Mrs. CLAYTON, Mr. HILLIARD, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. ENGEL, Mr. FILNER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, Mr. BALDACCIO, and Mrs. MEEK of Florida):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; to the Committee on Education and the Workforce.

By Ms. CARSON:

H. Res. 526. A resolution encouraging and promoting greater involvement of fathers in their children's lives and expressing the sense of the House of Representatives regarding a National Responsible Father's Day; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. MCGOVERN.
H.R. 229: Mr. McNULTY and Mr. NADLER.
H.R. 460: Ms. MCKINNEY.
H.R. 802: Ms. LOFGREN.
H.R. 826: Ms. ROYBAL-ALLARD.
H.R. 980: Mr. BAKER.
H.R. 1079: Mr. PALLONE, Mr. HOLT, and Mr. ROMERO-BARCELÓ.
H.R. 1217: Mr. JONES of North Carolina.
H.R. 1303: Mr. BARRETT of Nebraska and Mrs. MEEK of Florida.
H.R. 1322: Mr. FALCOMA, Mr. TAUZIN, and Mrs. ROUKEMA.
H.R. 1422: Mr. BACA.
H.R. 1472: Mr. BACA.
H.R. 1581: Mr. RUSH.
H.R. 1621: Mr. WISE.
H.R. 1622: Mr. HOLT.
H.R. 1708: Mr. KLING.
H.R. 2059: Ms. KAPTUR.
H.R. 2265: Mr. PASCRELL.
H.R. 2273: Mr. HERGER, Mr. WOLF, Mr. TERRY, and Mr. SOUDER.
H.R. 2382: Mr. DEFazio.
H.R. 2451: Mr. ADERHOLT.
H.R. 2562: Mr. SWEENEY.
H.R. 2624: Mr. JEFFERSON.
H.R. 2631: Mr. GUTIERREZ.
H.R. 2702: Mr. PASCRELL.
H.R. 2774: Mr. HINCHEY and Mr. PAYNE.
H.R. 2870: Mrs. JONES of Ohio, Mr. BAIRD, and Mr. BILBRAY.
H.R. 2882: Ms. MCKINNEY.
H.R. 3032: Ms. CARSON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. FILNER.
H.R. 3082: Mr. STUPAK.
H.R. 3142: Mr. FALCOMA.
H.R. 3144: Mr. PASTOR.
H.R. 3180: Ms. MCKINNEY.
H.R. 3193: Ms. PELOSI, Mr. VISCLOSKEY, and Ms. SANCHEZ.
H.R. 3317: Mr. SPRATT.
H.R. 3319: Mr. ALLEN.
H.R. 3466: Mr. FOLEY and Mr. BACA.
H.R. 3521: Mr. HILLEARY.
H.R. 3573: Mr. KING.
H.R. 3580: Ms. MCKINNEY, Mr. PICKETT, Mr. ROYCE, Mr. NORWOOD, and Mr. FARR of California.
H.R. 3593: Mr. THOMAS.
H.R. 3634: Mr. RANGEL.

H.R. 3655: Mr. BERMAN and Mr. BENTSEN.
H.R. 3681: Mr. LUCAS of Kentucky and Mr. CLEMENT.

H.R. 3688: Mr. MASCARA.

H.R. 3800: Mr. BLUNT and Mr. LOBIONDO.

H.R. 3918: Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BASS, Mr. BILBRAY, Mrs. BONO, Mr. BRADY of Texas, Mr. CALAHAN, Mr. CANADY of Florida, Mr. CANNON, Mr. CHAMBLISS, Mr. COLLINS, Mr. COSTELLO, Mr. COX, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. EVERETT, Mrs. FOWLER, Mr. GALLEGLY, Mr. GOODLATTE, Ms. GRANGER, Mr. HAYWORTH, Mr. HOBSON, Mr. HORN, Mr. HUNTER, Mr. HUTCHINSON, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KOLBE, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. METCALF, Mr. MILLER of Florida, Mrs. NORTUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. REYNOLDS, Mr. ROHRBACHER, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SKEEN, Mr. SPENCE, Mr. STUMP, Mr. SUNUNU, Mr. VITTER, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. BENTSEN, Mr. BOSWELL, Mr. BOYD, Mrs. CAPPS, Mr. CLEMENT, Mr. CONDIT, Mr. DAVIS of Illinois, Mr. DOOLEY of California, Mr. EDWARDS, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Mr. MINGE, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. ROMERO-BARCELÓ, Mr. ROTHMAN, Mr. SHERMAN, Mr. SKELTON, Mr. SNYDER, Mr. SPRATT, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. TURNER, and Mr. UNDERWOOD.

H.R. 4013: Mr. GILCHREST.

H.R. 4033: Ms. MCKINNEY.

H.R. 4041: Ms. WOOLSEY.

H.R. 4042: Ms. WOOLSEY and Mr. WEXLER.

H.R. 4066: Mr. ANDREWS and Mr. FILNER.

H.R. 4069: Mr. DUNCAN, Mr. DEUTSCH, Mr. HEFLEY, Mr. MORAN of Virginia, and Mr. THUNE.

H.R. 4165: Mr. KUYKENDALL.

H.R. 4206: Mr. WEINER and Mr. GONZALEZ.

H.R. 4210: Mr. CUMMINGS and Mr. EHLERS.

H.R. 4257: Mr. PICKETT.

H.R. 4259: Mr. WALDEN of Oregon, Mr. TRAFICANT, Mr. TOOMEY, Mr. THUNE, Mr. UPTON, Mr. SIMPSON, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SWEENEY, Mr. TIAHRT, and Mr. TALENT.

H.R. 4282: Mr. ROHRBACHER and Mr. REYES.

H.R. 4320: Mr. CONYERS.

H.R. 4328: Mr. MCGOVERN and Mr. FALCOMA.

H.R. 4329: Mr. PASCRELL.

H.R. 4384: Mr. OXLEY, Mr. TANNER, Mr. BALDACCIO, Mrs. TAUSCHER, Mr. TOWNS, Mr. OWENS, Mrs. MEEK of Florida, Mr. ROEMER, Mr. HOLDEN, Mr. WATT of North Carolina, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, Mr. KLING, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEFFEL, Mr. COYNE, Mr. DOYLE, Mr. MASCARA, Mr. GORDON, Mr. LAMPSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MENENDEZ, Mr. BAIRD, Mr. MCDERMOTT, Mr. WISE, Ms. PELOSI, Mr. STARK, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. DEUTSCH, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CARDIN, Mr. CUMMINGS, and Ms. KILPATRICK.

H.R. 4395: Mr. CAMP and Mr. CRANE.

H.R. 4441: Mr. BONIOR and Mr. VISCLOSKEY.

H.R. 4453: Mr. CUMMINGS, Mr. ABERCROMBIE, and Mr. CLAY.

H.R. 4467: Mrs. KELLY.

H.R. 4468: Mr. WATTS of Oklahoma.

H.R. 4487: Mr. UNDERWOOD and Mr. WEYGAND.

H.R. 4492: Mr. LIPINSKI, Mr. BONIOR, Mr. OXLEY, Mr. WEINER, and Mr. NEAL of Massachusetts.

H.R. 4507: Ms. KAPTUR.

H.R. 4536: Mrs. MEEK of Florida and Ms. STABENOW.

H.R. 4541: Mr. BARRETT of Nebraska, Mr. CHAMBLISS, and Mr. GUTKNECHT.

H.R. 4543: Mr. McNULTY, Mr. COLLINS, Mr. ENGLISH, Mr. WATKINS, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, Mr. BARR of Georgia, Mr. BERMAN, and Mr. GRAHAM.

H.R. 4553: Mr. OSE, Mr. WALSH, Mr. GILCHREST, Mr. NETHERCUTT, Mrs. FOWLER, Mr. GREENWOOD, Ms. PRYCE of Ohio, Mr. KUYKENDALL, Mr. UPTON, Mrs. EMERSON, Mr. HOUGHTON, Mr. EHLERS, Mr. MANZULLO, and Mr. TANCREDO.

H.R. 4556: Mr. ENGLISH.

H.R. 4596: Ms. LEE and Mr. HINCHEY.

H. Con. Res. 220: Mr. PASCRELL.

H. Con. Res. 225: Mr. WYNN.

H. Con. Res. 261: Mr. TOWNS.

H. Con. Res. 297: Mrs. MYRICK.

H. Con. Res. 322: Mr. DOOLITTLE and Mr. LARSON.

H. Con. Res. 348: Mr. TURNER, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. CONYERS, Ms. BROWN of Florida, Mr. CLAY, and Mr. SHERMAN.

H. Res. 259: Mr. MCHUGH, Mr. COOK, Mr. CLEMENT, Mr. GARY MILLER of California, and Mr. FALEOMAVAEGA.

H. Res. 420: Mr. TAYLOR of North Carolina, Ms. DELAURO, Mr. TRAFICANT, and Mr. SHAYS.

H. Res. 458: Mr. FORBES and Mr. LATHAM.

H. Res. 500: Mr. MENENDEZ.

H. Res. 517: Mr. TIAHRT and Mr. RYUN of Kansas.

H. Res. 521: Mr. STEARNS, Mr. LARGENT, Mr. JONES of North Carolina, Mr. HILLEARY, Mr. SCHAFFER, Mr. GARY MILLER of California, Mr. RYUN of Kansas, Mr. RYAN of Wisconsin, Mr. BARTLETT of Maryland, Mr. HUTCHINSON, Mr. CHABOT, Mr. HOKSTRA, Mr. SMITH of Michigan, Mr. GREEN of Wisconsin, Mr. COX, Mr. VITTER, and Mr. TOOMEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2966: Mr. TANCREDO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT No. 51: Page 53, line 4, after the dollar amount insert "(reduced by \$500,000) (increased by \$500,000)".

H.R. 4578

OFFERED BY: MR. HILL OF MONTANA

AMENDMENT No. 52: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to remove or rescind a designation, in existence as of the date of enactment of this Act, of a route or water surface for use by snowmobiles under section 2.18(c) of title 36, Code of Federal Regulations, or any special regulations promulgated thereunder, in Yellowstone National

Park, Grand Teton National Park, or the John D. Rockefeller National Memorial Parkway.

H.R. 4578

OFFERED BY: MS. KAPTUR

AMENDMENT No. 53: Page 69, Line 10: After "until expended." Add "Provided, that the Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve."

H.R. 4578

OFFERED BY: MR. OSE

AMENDMENT No. 54: On page 52, strike lines 12 through 15.

H.R. 4578

OFFERED BY: MR. SUNUNU

AMENDMENT No. 55: Page 5, line 17, after the first dollar amount insert the following: "(increased by \$10,000,000)".

Page 15, line 15, after the first dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 7, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 9, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 17, line 13, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 54, line 25, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 67, line 16, after the dollar amount insert the following: "(reduced by \$126,500,000)".

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT No. 11: Page 20, line 13, after the dollar amount, insert the following: "(reduced by \$25,000,000)".

Page 20, line 18, after the dollar amount, insert the following: "(reduced by \$25,000,000)".

Page 62, line 22, after the dollar amount, insert the following: "(increased by \$25,000,000)".

Page 63, line 1, after the dollar amount, insert the following: "(increased by \$25,000,000)".

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT No. 12: Page 20, line 13, after the dollar amount, insert the following: "(reduced by \$60,000,000)".

Page 20, line 18, after the dollar amount, insert the following: "(reduced by \$60,000,000)".

Page 62, line 22, after the dollar amount, insert the following: "(increased by \$60,000,000)".

Page 63, line 1, after the dollar amount, insert the following: "(increased by \$60,000,000)".

H.R. 4635

OFFERED BY: MR. BILIRAKIS

At the appropriate place in the bill insert the following:

SEC. XX. OFFICE OF THE ENVIRONMENTAL PROTECTION AGENCY NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Section 2008(d) of the Solid Waste Disposal Act (42 U.S.C. 6917(d)) is

amended by striking "4 years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984" and inserting "on the date that is 10 years after the date of enactment of the Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes".

(2) FUNCTIONS AND POWER OF OFFICE.—

(A) GENERAL FUNCTIONS.—In addition to those functions not otherwise inconsistent with Federal law and the solid and hazardous waste laws of the United States, if shall be the function of the Hazardous Waste and Superfund Ombudsman to administer the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman to:

(i) assist citizens in resolving problems with the Environmental Protection Agency;

(ii) identify areas in which citizens have problems in dealing with the Environmental Protection Agency;

(iii) to the extent possible, propose changes in the administrative practices of the Environmental Protection Agency to mitigate problems identified under clause (ii);

(iv) identify potential legislative changes that may be appropriate to mitigate such problems; and

(v) conduct investigations, determine findings of fact, and make non-binding recommendations.

(B) GENERAL POWERS.—In addition to the powers not otherwise inconsistent with Federal law and the hazardous waste laws to the United States, the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman shall have the following powers:

(i) To investigate any act of the Environmental Protection Agency, upon complaint or his own motion, without regard to its finality.

(ii) To adopt rules necessary for the execution of duties, including procedures for receiving and processing complaints, conducting investigations and reporting findings, not inconsistent with this Act and the consensus standards expressed in the 1969 Resolution of the American Bar Association and the United States Ombudsman Association Model Act for Ombudsman for the establishment of Ombudsman.

(iii) To examine the records and documents and to enter and inspect without notice the premises of the Environmental Protection Agency together with related authorities of section 104(e) of CERCLA.

(iv) To subpoena any person to appear, to give sworn testimony or to produce documentary or other evidence determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation.

(v) To undertake, participate in or cooperate with any persons or agencies in such conferences, inquiries on the record, public hearings on the record, meetings and studies as may be determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation or which may lead to improvements in the functions of the Environmental Protection Agency and cooperating agencies.

(vi) To maintain as confidential and privileged any and all communications respecting any matter and the identities of any parties or, witnesses coming before the National Hazardous Waste and Superfund Ombudsman.

(vii) To request independent counsel from the United States House of Representatives, the United States Senate, the appropriate United States Attorney, or, otherwise at the election of the National Hazardous Waste and Superfund Ombudsman, to enforce the provisions of this section.

(viii) Administer a budget for the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman.

(3) STRUCTURE, OPERATIONS AND REPORTS.—

(A) STRUCTURE.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall report to the Administrator of the Environmental Protection Agency and Congress.

(B) OPERATION.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of the Ombudsman shall have the authority and responsibility to, but shall not be required to—

(i) appoint one Ombudsman for each Region of the United States;

(ii) evaluate and take personnel actions (including hiring and dismissal) with respect to any employee of the Office of Ombudsman; and

(iii) conduct and lead investigations, determine findings of fact, and make non-binding recommendations.

Notwithstanding the placement of the office described in subparagraph (A), the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall maintain, at each and every location, an office location, a telephone, facsimile and other electronic communication access and a post office address at a location other than any Environmental Protection Agency office.

(c) REPORTS.—The Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman may from time to time and shall annually report on the status of health and environmental concerns addressed by complaints and cases brought to the National Hazardous Waste and Superfund Ombudsman. Such reports shall be submitted to the President, to the Congress through the Commerce Committee of the House of Representatives and the Committee on Environment and Public Works of the Senate; and to the public, to the Environmental Protection Agency, and in his discretion, to other governmental agencies.

(4) IMMUNITIES AND OBSTRUCTION.—

(A) IMMUNITIES.—The National Hazardous Waste and Superfund Ombudsman shall have the same immunities from civil and criminal liabilities as an administrative law judge and shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of official duties except as may be necessary to enforce this Act or the criminal laws of the United States.

(B) OBSTRUCTION.—Any person who willfully obstructs or hinders the proper and lawful exercise of the National Hazardous Waste and Superfund Ombudsman's powers, or willfully misleads or attempts to mislead the Ombudsman in the course of an investigation shall be subject, at a minimum, to penalties under sections 1001 and 1505 of the United States Code.

(5) RELATION TO OTHER LAWS AND COOPERATION.—

(A) RELATION TO OTHER LAWS.—The provisions of this section do not limit any remedy

or right of appeal and may be exercised notwithstanding, any provision of law to the contrary that an agency action is not reviewable, final or not subject to appeal.

(B) COOPERATION.—All Federal agencies shall assist the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman in carrying out functions under this Act and shall promptly make available all requested information concerning past or present agency waste management practices and past or present agency owned, leased or operated hazardous waste facilities. This information shall be provided in such format as may be determined by the National Hazardous Waste and Superfund Ombudsman.

(6) APPROPRIATION.—The sum of \$2,000,000 is hereby made available and appropriated within the general funds of the Environmental Protection Agency for fiscal year 2001 for the purposes of carrying out this Act. In future years not less than one one-thousandth of the annual Environmental Protection Agency appropriation shall be made available and appropriated within the general funds of the Environmental Protection Agency for the purposes of carrying out this Act.

(7) SEVERABILITY.—If any part of this Act is declared invalid, all other provisions shall remain in full force and effect.

H.R. 4635

OFFERED BY: MR. BILIRAKIS

AMENDMENT No. 14: Page 62, line 2, under the heading "Hazardous Substance Superfund", after "2002" insert "; *Provided further*, That of amounts appropriated under this heading, \$2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman".

H.R. 4635

OFFERED BY: MR. DEFazio

AMENDMENT No. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 426. None of the funds made available in this Act may be used by the Department of Housing and Urban Development to provide any financial assistance for a smoke shop or other tobacco outlet.

H.R. 4635

OFFERED BY: MR. DEFazio

AMENDMENT No. 16: Page 9, line 8, insert after the dollar amount the following: "(increased by \$16,000,000)".

Page 79, line 23, insert after the dollar amount the following: "(reduced by \$16,000,000)".

H.R. 4635

OFFERED BY: MR. DEFazio

AMENDMENT No. 17: Page 79, line 23, insert after the dollar amount the following: "(reduced by \$16,000,000)".

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT No. 18: Page 14, after line 13, insert the following:

In addition, for "Grants for Construction of State Extended Care Facilities", \$80,000,000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT No. 19: Page 9, after line 8, insert the following:

In addition, for "Medical and Prosthetic Research Benefits", \$25,000,000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT No. 20: Page 9, after line 3, insert the following:

In addition, for "Medical Care", \$35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT No. 21: Page 3, after line 21, insert the following:

In addition, for "Readjustment Benefits", \$900,000,000 for enhanced educational assistance under chapter 30 of title 38, United States Code (the Montgomery GI Bill), in accordance with the provisions of H.R. 4334 of the 106th Congress as introduced on April 13, 2000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT No. 22: Page 46, line 21, after the dollar amount, insert the following: "(increased by \$4,770,000)".

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT No. 23: At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. _____. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 25: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. _____. None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and

the Department of Housing and Urban Development (among other parties).

H.R. 4635

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 26: Page 14, line 13, insert after the dollar amount the following: “(increased by \$30,000,000)”.

Page 73, line 18, insert after the dollar amount the following: “(reduced by \$30,000,000)”.

EXTENSIONS OF REMARKS

HONORING RACHAEL JANKOWSKI,
LEGRAND SMITH SCHOLARSHIP
WINNER OF DEERFIELD, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Rachael Jankowski, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Rachael is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Rachael is an exceptional student at Deerfield High School and possesses an impressive high school record.

Rachael has received numerous awards for her excellence in academics and has held many leadership positions throughout her high school career. Outside of school, she is an active member of her community's church.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Rachael Jankowski for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING MARSHALL FLOYD AND
THE HONOREES OF THE MARSHALL FLOYD AWARDS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to share with you the story of Marshall Floyd, a man who has taught at Highland High School in Albuquerque New Mexico for 47 years. His dedication has earned him a unique honor: the Marshall Floyd Award is given to outstanding teachers every year. The classroom teachers who receive this honor must have a minimum of ten years experience and excellence in teaching.

Mr. Floyd is the kind of teacher who defines teaching and education for his students and

colleagues. He does far more than teach; he inspires many that share his classroom, as have the recipients of the Marshall Floyd Award.

The teachers from my home of Albuquerque, New Mexico who received the Award this year are:

Ms. Carol Hoffman, an English and humanities teacher at Sandia High School, a teacher of 37 years.

Ms. Barbara Langner, chair of the English Department at Highland High School, has taught for 28 years.

Mr. Chris Montano, a fifth grade teacher at Duranes Elementary School, who has taught for 15 years.

Ms. Sharon Swallows, a second grade teacher at Bandelier Elementary School, has been a teacher for 34 years.

Mr. Speaker, please join me in honoring the dedication of Mr. Marshall Floyd and the teachers honored with the Marshall Floyd Award for their contributions to their students and our community of Albuquerque, New Mexico.

EXPRESSING THE SENSE OF THE
CONGRESS REGARDING BENEFITS
OF MUSIC EDUCATION

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. DeLAURO. Mr. Speaker, I rise in strong support of H. Con. Res. 266, recognizing the benefits of music education. This is an important expression of our Nation's support for the arts and the tangible benefits the arts, and particularly music, provide for our children and for all Americans.

Music education not only opens a door for a new way of self-expression for young students, but it also trains the brain to organize information in a way that improves abilities in math and science. In fact, studies show that students with music training perform an average of almost 100 points higher on the SAT college entrance examination.

According to the National Association for Music Education, skills learned through the discipline of music transfer to study skills, communication skills, and cognitive skills useful in every part of the curriculum. Students who play in a band or orchestra more effectively learn to work with their teachers and classmates in the school environment without resorting to violent or inappropriate behavior.

I've heard from the music teachers in my district and my State—they are experiencing a teacher shortage that is serious. In some cases, they are forced to conduct the high school band in an old locker room or teach the violin in a broom closet. These are talented

and dedicated professionals who just want to share the joy of music with their students, and we must show them that Congress supports them in their goal.

I am pleased that today we can stand united in our recognition and commendation of music education, the benefits it provides students—from their knowledge of other subject areas and to their overall self-esteem, and to the talented music teachers who often work without the resources their curriculum deserves.

Let's continue this spirit of support. When it comes time to put our money and our laws where our priorities are, let's make sure music education—and all arts education—remains an essential part of our public education system.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2001

SPEECH OF

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4577) making appropriations for the Department of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today to oppose the Ryan Amendment.

21st Century Community Learning Centers in New York State alone would lose over \$10 million dollars if this amendment is accepted—the children of New York need this program, their parents want this program, and their schools are begging for this program. We should do the right thing and invest in this program.

Throughout the country, over 5 million school-age children are left unsupervised in the afternoon leaving them at great risk of being involved in crime or drug and alcohol abuse.

Research shows that by providing engaging, academically rich activities, after-school programs help students to attain higher levels of achievement.

After-school programs ensure higher interest in learning, lower drop-out rates and less involvement in crime.

Mr. Chairman, that is why I rise in strong opposition to the Ryan Amendment because this amendment would deny nearly 2.4 million at risk children an opportunity to get a better start in life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A RESOLUTION HONORING ABBY
WALTER, LeGRAND SMITH
SCHOLARSHIP WINNER OF
GRASS LAKE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Abby Walter, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Abby is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Abby is an exceptional student at Grass Lake High School and possesses an impressive high school record.

Abby has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she has received many awards for her involvement in 4-H.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Abby Walter for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING ERICA VASQUEZ

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I rise to support the efforts of Erica Vasquez to raise funds for the Leukemia Society of America by running a marathon in Walt Disney World. She represented a 7-year-old boy, Adam Valencia, who has acute lymphoblastic leukemia. Erica was the youngest runner on the Team in Training Desert Mountain States Chapter, training for five months and raising money to compete. She even created her own donation forms and sent them out to businesses, doctors, lawyers, friends, and family members. Though they could not run with her, she gave them an important opportunity to do their part.

Sadly, Erica was inspired to help others because of a personal loss: in one year, she lost two cousins and an aunt to cancer. This tragedy inspired her to fight the disease any way she could. Her immediate goal is to increase awareness about Leukemia. Until a cure is found, people like Erica will continue to fight in whatever way they can, including increasing

education about cancer and fundraising for treatment.

Please join me in celebrating the generous heart of Erica Vasquez, a young woman who fights to bring awareness about a disheartening disease to the world. May her resilient spirit of giving encourage to us all to give of ourselves to save lives.

ESTONIAN PRESIDENT LENNART MERI HONORED BY THE CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. LANTOS. Mr. Speaker, today the Congress of the United States is honoring President Lennart Meri of the Republic of Estonia at a special reception here in the Capitol Building paying tribute to the contribution of the United States to the freedom of the Baltic states. Sixty years ago, in 1940 as World War II raged in Europe, the Baltic nations—Estonia, Latvia and Lithuania—lost their freedom, first falling under Soviet control, then Nazi German occupation, and then again under Soviet dominance.

For half a century—from 1940 until 1990 when the Baltic states regained their independence—the United States government refused to recognize the occupation of the Baltic states. This policy of non-recognition was a public affirmation of the right of these three nations to their independence. When the Soviet Union collapsed ten years ago, the American people joined in the celebration as Lithuania, Latvia and Estonia once again emerged as independent and democratic states.

It is appropriate, Mr. Speaker, that we mark today the six decades of American support for the independence of the Baltic States. It is particularly noteworthy that President Lennart Meri is here in the United States to join us in celebrating a decade of renewed independence for Estonia.

Mr. Speaker, President Lennart Meri's life mirrors the tragedy and pathos of the Estonian and Baltic struggle for national independence and democracy. As a young man, President Meri and his family were deported to Siberia along with thousands of other Estonians, Latvians and Lithuanians. It is particularly noteworthy that we are holding this celebration today, because today is the anniversary of the date that Lennart Meri and his family were expelled from Estonia and forcibly taken to Siberia—June 14, 1941.

Later, after returning to Estonia, President Meri graduated cum laude from Tartu University. Unable to practice his profession as a historian, he traveled to the most remote areas of the Soviet Union, where he wrote and produced films on the cultures of small ethnic groups. Meri's literary works, films and translations contributed significantly to the preservation of the Estonian national identity.

Lennart Meri's shift of focus from literary to political activities took place in 1988 when he established the non-governmental Estonian Institute to establish cultural contacts with the countries of the West. These Estonian cultural missions, established under his auspices, be-

came embassies of Estonia when the country formally regained its independence in 1991.

Lennart Meri was appointed Minister of Foreign Affairs on April 12, 1990, following Estonia's first non-communist elections in over fifty years. He established formal diplomatic contacts with countries of Europe, the United States, and other nations, and he represented Estonia at a number of international conferences. He also served briefly as Estonia's ambassador to Finland. On October 6, 1992, Lennart Meri was elected President of the Republic of Estonia, and in September 1996 he was reelected to this position.

Mr. Speaker, I invite my colleagues to join me in extending a special warm welcome to President Lennart Meri of Estonia.

TRIBUTE TO ETHEL MCCANN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SPENCE. Mr. Speaker, I rise today, as we celebrate the 225th Birthday of the United States Army, to recognize Ethel McCann, who dedicated 38 years of service to the Department of the Army. Although, Mrs. McCann retired on December 29, 1999, she remains a part of the Army family.

For the last 26 years of her employment, Mrs. McCann served in the Army House of Representatives Liaison Office. In that capacity, Mrs. McCann was a dedicated and reliable resource person for Members of Congress and their staff. At the time of her retirement, it was estimated that she had responded to more than 125,000 inquiries from Congressional Offices.

Mrs. McCann touched the lives of thousands of service members and their families during the 38 years that she was a civilian employee with the Department of the Army. She can be justifiably proud of her many achievements. On this day of celebration for the Army, I would like to take this opportunity to commend Ethel McCann on her service to our Country and to extend to her best wishes in her retirement in Florida.

HONORING THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 90 ON THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to the members of the International Brotherhood of Electrical Workers Local 90 of New Haven, Connecticut as they celebrate their 100th Anniversary.

Chartered January 1, 1900, fifteen electrical tradesmen established what has since become one of the most respected union organizations across the State of Connecticut. Historically, union members have been challenged by communities to prove that, as

tradesman, they deserved respect and a better quality of life for their labor and skills. Throughout its century of history, Local 90 has expanded its jurisdiction—reaching out to other communities, protecting the interests of electrical tradesman through much of Central and Southern Connecticut.

I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. Local 90 has fought hard for better wages, more comprehensive health benefits for their members and their families, and safer working environments—ensuring that corporations throughout Connecticut listen to their employees and afford them these basic rights. Local 90 has been a true leader for our working families, giving them a voice during the hardest of economic times.

In addition to their professional contributions, the members of Local 90 are dedicated to our community. For the past several years, Local 90 members have used their expertise to create what has become a highlight of the Christmas season—the Fantasy of Lights exhibition at Lighthouse Point in New Haven. The exhibition and their work benefits the New Haven Rehabilitation Center. The tremendous work that goes into this project is truly remarkable—bringing the spirit and joy of the holiday season for all of our children and families to enjoy.

For the many contributions they have made to the working families of Southern and Central Connecticut, I am proud to stand today to pay tribute to former and present members of Local 90—they have made a real difference in the lives of many. I am honored to extend my sincere congratulations to them as they celebrate their 100th Anniversary and my best wishes for another century of success.

FLAG DAY

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in recognition of a day that would not exist without the sacrifices endured by brave men and women throughout our country's distinguished history. Although today is known as Flag Day, it symbolizes much more.

When describing the American flag, George Washington once said, "We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her . . .".

Well, over 200 years later, our flag continues to symbolize the independence fought for by Washington as well as countless others.

From the Revolutionary War to the Gulf War, our men and women in uniform risked—and lost—their lives to promote democracy, and defend the liberties we cherish. These brave men and women defended the most basic belief which our flag symbolizes—that freedom is worth putting our lives in harm's way to preserve.

These were real people, not simply statistics in a history book or names chiseled in stone. They were young men and women with moth-

ers, fathers, dreams and fears just like the rest of us.

When I visit schools back home, and children ask me questions about the American flag or Pledge of Allegiance, I tell them there is more to the flag than pretty colors. If you look behind those stars and stripes you unveil a story of determination and sacrifice.

As we take time out of our lives to honor those who fought to protect our flag, we must never forget that we stand together as a great, proud, and free Nation because of their sacrifices.

The American flag is a fitting reminder of their devotion.

A RESOLUTION HONORING ANDREW POENICKE, LEGRAND SMITH SCHOLARSHIP WINNER OF ADRIAN, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Andrew Poenicke, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Andrew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Andrew is an exceptional student at Lenawee Christian High school and possesses an impressive high school record.

Andrew has received numerous awards for his excellence in academics as well as his involvement in soccer. Outside of school, he has been active in many volunteer programs such as Meals on Wheels for Lenawee County.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Andrew Poenicke for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

HONORING ELWAR "RUBEN" LACOUR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Elwar "Ruben" LaCour, Jr., a student in my district. As a mid-

dle schooler, he was awarded the U.S. National Award in mathematics. His commitment to learning is an indication of great future success.

Ruben's recognition from the U.S. Achievement Academy is a great honor. We all know of the studies and reports that say that students in the United States are falling behind in math performance. Ruben's skills, abilities, and success provides evidence of students excelling in math.

Mr. Speaker, please join me in congratulating Elwar "Ruben" LaCour on his achievement in and dedication to mathematics. We must celebrate achievements and encourage our children to do their very best.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MYRICK. Mr. Speaker, I was not present for the following vote. If I had been present, I would have voted as follows: June 8, 2000, rollcall vote 247, on agreeing to the rule H. Res. 518, providing consideration of H.R. 4577, the FY2000 Labor, Health & Human Services and Education bill, I would have voted "yea."

TRIBUTE TO GENERAL JOHN RUSSELL BLANDFORD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SPENCE. Mr. Speaker, I was saddened to learn recently of the death of Major General John Russell Blandford, who was an outstanding American. General Blandford joined the staff of the Committee on Armed Services in the House of Representatives upon its formation in January 1947. He was appointed the Chief Counsel of the Committee in December 1963, and he served in that position until his retirement from the House in 1972.

On behalf of the Members and the staff of the Committee on Armed Services, I would like to extend our deepest sympathy to his wife, Betty, and to the other members of his family. I submit for the CONGRESSIONAL RECORD the obituary of this remarkable man.

[From the State, Columbia, SC, May 18, 2000]

CAROLINA OBITUARIES

JOHN BLANDFORD

CHARLESTON.—Memorial services for John Russell Blandford, 82, will be held at 11 a.m. Saturday at Johns Island Presbyterian Church. Burial services will be conducted 11 a.m. Wednesday, May 24, 2000 in Arlington National Cemetery with full military honors. In lieu of flowers memorials may be made to the First Marine Division Association Scholarship Fund, 14325 Willard Road, Ste. 107, Chantilly, VA 20151-2110 and/or Johns Island Presbyterian Church, 2550 Bohickett Road, Johns Island, SC 29455. J. Henry Stuhhr, Downtown Funeral Chapel is in charge.

Mr. Blandford was born in Buffalo, N.Y., Feb. 20, 1918, a son of the late Raymond and

Mary Blandford. He graduated from Lafayette High School of Buffalo and was awarded a scholarship to Hobart College of Geneva, N.Y. While in college, he enlisted in the P.L.C. Program in the U.S. Marine Corps in 1937. He graduated cum laude, Phi Beta Kappa, Tau Kappa Alpha in 1939. He was commissioned a 2nd Lt. in the marine corps reserve until graduation. He was admitted to Yale Law School in Sept. 1939 (the first Hobart College graduate to ever be admitted to the law school). He was ordered to active duty in the marine corps in Sept. 1941 and attended marine corps schools at Quantico, Va. and in April 1942 reported for duty as an Artillery Officer in the First Marine Division. He participated in the Guadalcanal Campaign Aug. 7, 1942 to Dec. 1942 and there after was with that division in New Guinea, Cape Gloucester, Willimez Peninsula and the Russell Islands. He served as a Forward Observer, Artillery Liaison Officer Provost Marshall and Regimental Judge Advocate.

Mr. Blandford was released from active duty in March 1946 and returned to Yale Law School graduating with Primis Honoris in Nov. 1946. He was with the law firm of Hodgson, Russ, Andrews, Woods and Goodyear in Buffalo. In January he was appointed counsel to the newly created House Armed Services Committee where he served becoming Chief Council Dec. 1, 1963 and served in this capacity for 25 years. He was promoted successively from 2nd Lt. to Major General in the marine corps finally retiring in 1976. He retired from the congress on July 1, 1972. He received numerous awards including Legion of Merit Medals from the marine corps and the army, the navy Distinguished Public Service Award, the air force Exceptional Civilian Award, and the prestigious Rockefeller Public Award in 1966. Following his retirement from congress in 1972, he became a legal consultant with an office in Virginia. He was admitted to practice in New York, the District of Columbia, Virginia, the U.S. Supreme Court and the Court of Military Appeals. He was a former member of the Washington Golf and Country Club, the Burning Tree Club of Bethesda, Md., the Carlton Club and the Capitol Hill Club. He was a member of Who's Who and was a pioneer of Seabrook Island and a board member where he served in many capacities.

Surviving are his wife, Betty Blakely Blandford of Seabrook Island; daughter, Marcia Ann Hoener of Norcross, Ga.; brother, Clinton P. Blandford of Clinton, Iowa; 11 grandchildren; a great-grandchild.

HONORING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I express my heartfelt congratulations for a historic landmark and historic event. This Friday, citizens from throughout Long Island and New York Metropolitan and Tri-State area will gather to celebrate the 10th anniversary of the signing of the Americans with Disabilities Act. The most significant civil rights legislation ever enacted on behalf of citizens with disabilities.

This event, "A Decade of Progress—the Americans with Disabilities Act in the New Mil-

lennium" is a kickoff event for a series of nationwide activities highlighting the Spirit of ADA Torch Relay, which will arrive in Washington, DC on July 26, 2000.

During the past ten years, we have seen dramatic changes throughout the country in equal opportunity, public accommodations such as businesses and commercial establishments, state and local government services and activities, transportation and telecommunications in advancing the age of information technology. As with most issues, Long Islanders have been in the forefront of this issue. That is why I want to especially thank Bruce Blower, Director of Suffolk County Office of Handicapped Services, James Weisman, Associate Director, Eastern Paralyzed Veteran's Association, and Don Dreyer, Director of the Nassau County Office for the Physically Challenged for their outstanding leadership and dedication. You have made us proud to be Long Islanders.

It is through their leadership that Nassau and Suffolk Counties have developed local initiatives to work together with the private sector in removing barriers to consumerism and the workplace.

And while more remains to be done to increase accessible environments and employment opportunities for persons with disabilities, New Yorkers can be justifiably proud of the energies expended and results achieved in Nassau County, Suffolk County and the surrounding region.

A RESOLUTION HONORING BETH ANN JOHNSTON, LEGRAND SMITH SCHOLARSHIP WINNER OF JACKSON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership, and community service, that I am proud to salute Beth Ann Johnston, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Beth Ann is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Beth Ann is an exceptional student at Vandercook Lake High School and possesses an impressive high school record.

Beth Ann has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she is an active member of her church community and a conscientious volunteer.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Beth Ann Johnston for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to

the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING DR. ANDREW HSI

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Dr. Andrew Hsi, a pediatrician at the University of New Mexico in Albuquerque. He was honored as the first recipient of the Humanism in Medicine Award because of his many strengths, focusing on community service, ethics in medicine, and treating people with dignity. He understands the importance of respect for colleges and patients as well as showing compassion and consideration to others.

Dr. Hsi has found purpose and fulfillment in serving the public. He is nonjudgmental of the pregnant women who come to him for help—despite the fact that many of them abuse illegal substances. Thomas Weiser, a medical student at UNM, nominated Dr. Hsi because "[h]is fairness, sensitivity, and nonjudgmental attitude have inspired students and faculty to be more compassionate to their own patients. And, most importantly, it has provided an impetus to many of his patients to change their own lives."

Mr. Speaker, please join me in honoring the compassion and team skills of Dr. Andrew Hsi. He exemplifies patience, acceptance, and the courage to help his community. The help he offers to those in need does not just come in the form of medicine: he encourages and inspires people to take charge and change their lives. He is a hero in our community.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of music education. Recently, I had an opportunity to speak at the commencement exercises of the Cleveland School of the Arts in the Eleventh Congressional District of Ohio. Those graduates were a wonderful example of the beneficial effects of music education and of the arts in general.

The arts are inseparable from education throughout a young person's life. Brain research is now showing that stimuli provided by music—song, movement, play acting—are essential for the young child to develop to the fullest potential. These activities are the "languages" of children, which help them to understand and interpret the world. Active use of music also paves the way for children to use verbal language, to read and to write.

Quantifiable research has also shown the value of arts education for older children. The University of California at Los Angeles has analyzed the school records of 25,000 students as they moved from grades 8 to 10. Students who studied the arts had higher grades, scored better on standardized tests, had better attendance records and were more involved in community affairs than other students. Students from low-income families who studied the arts improved their school performance more rapidly than all other students.

The U.S. Department of Education in its YouthARTS study has also found that the arts improve academic performance, reduce delinquency, and increase the skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

The College Board, which administers the SAT, has reported that college-bound students who have had arts education have higher SAT scores than other students.

In closing, I would add that the discipline and human connection of music can remind us that there is a form of human achievement that is unarguably and profoundly true. Music requires collaboration in which diverse groups of people can come together to create an entity in which they all care deeply. This builds bridges of understanding and communication. So let us support music education because music is essential. And let us commend music teachers across the country for the key roles they play in helping our children succeed in school and throughout life.

A TRIBUTE TO THE LATE EARL T. SHINHOSTER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to salute and pay tribute to a great American, Earl T. Shinhoster. A 35 year veteran leader of the NAACP, a devoted husband and father, Earl Shinhoster was my friend and my brother. He had a distinguished career of service to the public and to the community which I serve in particular. Indeed, it is as a result of his tireless work for voter education and to ensure voter participation that many of us are here today.

Earl cared. He really cared. He cared about voter education and voter participation. He cared about human rights and civil rights. He cared about Africa and Africans. He cared about being empowered and empowering others. He cared about equal access and equal opportunity.

He just wanted things to be fair. And, he was always looking for creative ways to break down the barriers that separate us, to make things fair.

Earl Shinhoster was Southeast Regional Director of the NAACP for 17 years and served as Acting Executive Director and CEO of the organization from 1995 to 1996.

Earl was so energetic, so engaging, so dedicated and so committed. His eyes were always on the prize. He will be sorely missed.

EXTENSIONS OF REMARKS

HONORING THE AMERICAN FLAG
ON FLAG DAY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SWEENEY. Mr. Speaker, I rise today, on Flag Day, to pay tribute to the American flag, our most cherished symbol of freedom and democracy.

"Old Glory" has stood as a symbol of our patriotic resolve through times of peace and war. The earliest version of the American flag was carried at the battle of Saratoga in my district, which was the turning point of the Revolutionary War. The flag has symbolized our democratic ideals on hundreds of battlefields since Saratoga. It inspired great Americans in places like Gettysburg, San Juan Hill, Iwo Jima, Inchon, Saigon, Kuwait City, and countless other sites around the globe. Thousands of Americans paid the ultimate sacrifice to defend the ideals symbolized by this great flag. Let us pause for a moment to recognize their sacrifice and the flag they successfully defended.

Today, our distinguished flag acts as an ambassador of liberty and opportunity to those who suffer under oppressive regimes in far away places. For those whose freedom has been stripped away, the flag stands as a reminder of a compassionate ally. Our flag undeniably represents the supremacy of freedom and democracy over oppression and tyranny.

The stars and stripes are the pre-eminent symbol of the broad freedoms established by our Constitution. It is yours and mind, and all American's to guard and protect . . . and to respect.

Mr. Speaker, please join me in saluting our glorious flag on Flag Day. God bless our flag and this great Nation.

A RESOLUTION HONORING MATTHEW VANWORMER, LEGRAND SMITH SCHOLARSHIP WINNER OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Matthew VanWormer, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Matthew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Matthew is an exceptional student at Hillsdale High School and possesses an impressive high school record.

Matthew has received numerous awards for his excellence in academics as well as his involvement in the tennis team. Outside of school, he is an active member of his church community and a conscientious volunteer.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Matthew VanWormer for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

HONORING JAMIE RENEE
HAMILTON

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Jamie Renee Hamilton, an eighth grader at Madison Middle School in Albuquerque, New Mexico. Jamie Renee designed a poster for our local Campus Crime Stoppers. She is helping to stop crime in our schools. I have the Campus Crime Stoppers poster hanging in my Albuquerque office.

So often, the power of young people to change our world is overlooked. Jamie Renee stood up to make a change for the better in schools and our community.

Mr. Speaker, the Congress is working hard on school safety. Jamie Renee Hamilton is working hard in my home of Albuquerque on this very issue also. Please join me in honoring the contributions by Jamie Renee Hamilton to safety in our schools and in our community.

APPALACHIAN HUNGER TOUR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. HALL of Ohio. Mr. Speaker, every day, we are inundated by stories of how well the United States' economy is doing. We are told that we have the lowest unemployment in decades, the longest-sustained growth in generations and record-breaking stock markets. But our economy is hollow. There are many people it is leaving behind; there are many pockets of poverty and neglect. Our foundation is not as complete and secure as we might think. If we scratch the surface, we find people who are truly hurting.

Last year the U.S. Department of Agriculture released shocking statistics that showed 31 million Americans hungry or at risk of hunger—one out of every nine people in this richly blessed nation. That number has not diminished since 1995, despite our booming economy and the chimera of success many interpret from the decreasing welfare rolls. This

sad state of affairs has been confirmed by research of the U.S. Conference of Mayors, America's Second Harvest, Catholic Charities, Tufts University and my own investigations. More and more Americans are turning to emergency food providers to stretch their fixed incomes, meager salaries or ever-declining public assistance benefits.

From June 1 to 3, I conducted my third domestic fact-finding visit to communities plagued by hunger in the past three years. I focused on hunger in the Appalachian region by returning to sites in southern Ohio I visited in 1998 and then venturing into eastern Kentucky and West Virginia at the invitation of constituents whose roots are there. I was joined for portions of the trip by my colleagues Rep. TED STRICKLAND (OH-6th), Rep. BOB WISE (WV-3rd), Ms. Joy Padgett, Director of Ohio Governor Bob Taft's Office of Appalachia, Ohio State Representative Joe Sulzer, and other state and local officials.

Our work was assisted by the Dayton-based Our Common Heritage, the Ohio Association of Second Harvest Food Banks, the Ohio Food Policy & Anti-Poverty Action Center, Southeastern Ohio Regional Food Center. Senior citizen centers and other community groups in Logan and McArthur, Ohio; Ashland and Louisa, Kentucky; and Huntington, West Virginia also lent us their help.

FINDINGS

EMERGENCY FOOD ASSISTANCE

The data on who is hungry in America were confirmed by people who shared their stories with me throughout the tour. The Southeastern Ohio Regional Food Center in Logan, Ohio and the Congressional Hunger Center's Mickey Leland Hunger Fellows recently conducted a needs-assessment survey of the emergency food assistance network to document the increased demand for food over the past three years. They found four primary barriers to escaping poverty are: high regional unemployment, a very limited number of high-paying jobs, physical disabilities and low levels of education.

The three primary groups served by the network of food pantries are families with children, senior citizens and the disabled.

Families with children make up 55 percent of individuals seeking food assistance, despite income from work and public assistance programs, such as food stamps and the Temporary Assistance for Needy Families program (TANF replaced the former Aid to Families with Dependent Children program, commonly known as welfare). One quarter of these families will lose eligibility for TANF benefits within the next six months because of strict time limits, imposed by the Personal Responsibility and Work Opportunity Act of 1996.

Senior citizens comprise approximately twenty percent of the people served. Most face the catch-22 choice of paying for prescription drugs, rent, utilities, medical bills or food because their Social Security benefits and other income does not permit them to cover the cost of these necessities.

Households with disabled individuals represent two-thirds of food recipients, despite the fact that more than half receive food stamps.

Social Security, food stamps, TANF, Supplemental Security Income and unemployment

insurance are the federal programs that were designed to keep their recipients from falling through the cracks. Unfortunately, people who are playing by the rules now still are not able to make ends meet. I heard from some of them at an emotional community roundtable.

Darryl and Martha Wagner are two ordinary people who find themselves requiring assistance from the CHAPS food pantry in Logan. Darryl just turned 70 and receives about \$1,000 each month for his retirement. They spend around \$900 each month on rent, utilities and a car payment, and as Darryl said, "the bills are piling up every day." Martha has cancer and lost her parents and her brothers to the disease. She had surgery eight times in the past 10 years and currently sees four different doctors.

In order to get to her medical appointments, Darryl and Martha must drive eighty miles round-trip. Even with Medicaid, their gas and \$10 co-payments add up, so they swallowed their pride and applied for food stamps. After filling out an application that asked 700 questions, Darryl and Martha were congratulated on being entitled to \$10 in monthly benefits!

When an outreach worker spoke with Darryl and Martha, neither of them had eaten for three days. There was not a single can or box of food in their cupboards, after months of trying to stretch everything they had. Martha had watered down a can of tomato juice to last two weeks. She had added extra water to cans of soup to try and make it last a second day. They once had chicken noodle soup with no chicken and noodles made from one egg and a little flour. Martha would often lie to her husband and say that she wasn't hungry so that he could eat. "We never asked for help," they said, until the doctor gave her two days to live if she did not start eating again. The food pantry helped them with a few bags of groceries, and for now, they say, "we don't have to add water to everything because we can eat again."

Priscilla Stevens is someone else who told me why she relies on the CHAPS food pantry. She has been diagnosed with the debilitating condition of lupus since 1984, and after a period of remission, experienced a relapse in 1997. In addition to lupus, she also has multiple sclerosis and Cushing's Disease, which require her to take 26 different medications every day. After receiving some state disability assistance, she has now been denied three times for federal Social Security Disability Insurance and is appealing in court, although she was on a ventilator when she was first denied. She survives on a measly \$258 per month—\$115 in disability assistance, \$127 in Food Stamps and \$16 for a utility allowance. Her disability is so severe that she requires a home health aide eight hours a day and she cannot even sign her own name. Instead, she has a rubber stamp of her signature to affix to necessary documents. Fortunately, Medicaid covers her medical bills that run in the thousands of dollars every month. "It's been really hard and it's getting harder every day," she told me. "They say I'm a miracle and I want to tell people about my story."

I am sorry to say that they are not alone. I also heard from Mike Miller who was doing all he could to get a job and earn his living. But when his car got a flat tire, he was fired from

his temporary job at the mushroom plant. And then when he went to his sister-in-law's funeral to pay his last respects, he was fired from his next job. He is willing to work, but he said, "you get to a point where you give up hope." Reverend Mel Franklin of the CARE Outreach food pantry in McArthur has been doing all that he can to assist Mike, including paying for new tires out of his own pocket.

Little Cantrell Roberts was there at the same food pantry. He was eight weeks old, being cared for by his great grandmother, because his mother, a U.S. Marine, had been shipped off to Okinawa and his grandmother was busy working at WalMart. Norma Miller was thrilled to get off welfare when she got a job. But when she took her child out of day care because of child abuse by the staff, she lost her job and was sanctioned by the human services office. "Just because folks are off welfare doesn't mean they're making it," she explained to me, as a counter to those who would interpret declining participation as success. Speaking at initial registration for the Commodity Supplemental Feeding Program at CARE Outreach, she said, "we appreciate the food—it's just like Christmas."

The Spradlin family depends on the Ashland Community Kitchen lunch program to supplement Jeff's \$6 an hour job and help to feed their two children. Although their children have health insurance, they have no coverage whatsoever and pray that they don't get sick. Their four year-old son Andrew did not utter a single word throughout our breakfast together, probably because the chronic poor nutrition has taken a deeper toll on him beyond just an empty stomach. When school ends later this week, his seven year-old sister Britney will no longer be able to enjoy school lunch and breakfast, so she will join her family at the kitchen.

The Penningtons are trying to make ends meet but Charley's job with the Census Bureau ends next month. He's not sure how he will be able to care for his 83 year-old mother with no income, other than \$800 a month in Social Security, state retirement and food stamps. Charley needs new eyeglasses but does not have any money to spare. Imogene has cut back on her medications already "we could not do without the kitchen." If we did not come here, we would not be able to afford car insurance." Some months, the family doesn't pay their insurance premium so that they can pay their rent instead. One of their fellow diners is homeless and about to turn 60. He is a Navy veteran who has no income whatsoever, besides the few dollars he is able to earn doing odd jobs. "This is the only food I get," he said matter-of-factly, "Weekends, I don't eat." He was quick to point out, "I'm not the only one like this, there are plenty more."

ELDERLY NUTRITION PROGRAMS

In addition to the individuals who need emergency food assistance, I met with dozens of senior citizens who depend on the elderly nutrition programs for survival. Most make tough decisions every week: do I pay for food or medicine? Through the expired Older Americans Act and USDA's Food and Nutrition Service, the federal government provides crucial funding for Meals-on-Wheels and congregate meals. In addition to this funding, local senior citizen centers also get state appropriations and raise private donations to provide

their constituents with necessary services. But their reimbursement rates have been declining steadily for the past decade. They are having to do more with less, just like the older Americans they serve.

Representative STRICKLAND and I delivered lunch to Ray Wallace in his tiny ramshackle apartment, provided by the Southeastern Ohio Regional Food Center Meals-on-Wheels program. He is in his 80s after working as a truck driver for 40 years. "The meals help out quite a bit," Mr. Wallace told us. He has difficulty getting around and, after falling in his home, he spent hours on the floor until he was able to pick himself back up. His top concern is the growing cost of his prescriptions; he knows that he will not be able to afford all of them and is preoccupied trying to decide which one he can risk skipping.

Bernice Miller, who is 87, does not get out of her subsidized apartment very much. She suffers from asthma, severe allergies and has been recovering slowly from a recent stroke. Fortunately her nephew, who works at the food bank in Logan, takes care of her as best he can. Even with his help, she has just \$800 each month to spend and almost half of that goes for medication. Even with her housing subsidy, she pays more than 25 percent of her income for rent and utilities. "The meals are good and good for you," she said in a voice that was weak, but determined. When we thanked her for allowing us into her living room, she echoed the common Appalachian courtesy, saying, "my father taught me not to close the door on anyone."

I never got a chance to meet Tom Nelson. He is one of the tens of millions of poor Americans we don't see. He was an older man who worked at a food bank in Huntington, West Virginia, handing out one grocery sack of canned food to people who can't feed their families on what they earn. He worked at the Huntington Area Food Bank out of the goodness of his heart, but also because the job paid him a little extra a month so that he could feed his own family.

A few months ago, the food bank wasn't able to pay Mr. Nelson any longer—primarily because it has not received funding promised by West Virginia for nearly a year. To stretch his Social Security check to cover groceries, Mr. Nelson tried to stretch his blood pressure medicine. The cause of his death was listed as heart attack, but the truth is he died trying to feed this family.

These are among the fortunate seniors. Hundreds more don't get home-delivered meals because they live in isolated places that are hard to reach. Others still wait on long lists; many die before they ever get a home-delivered meal. The SE Ohio Regional Food Center has already cut its costs and improved its efficiency as much as it can; it simply does not receive enough money to provide meals for everyone who is eligible. Outreach workers know of senior citizens who go days without food, because they just do not have enough money to pay for everything. Food insecurity is characterized by the tough choices between buying food or paying all of the other bills. Hunger is the result of choosing food as the item to cut from the family's budget.

CONCLUSIONS

Welfare as we knew it has ended. The Personal Responsibility and Work Opportunity Act

of 1996 is the law of the land, but it is implemented differently in every state. That means that Ohio Works First, the state TANF program, has 88 different manifestations for each county's department of human services. While I support the principle that every person who can work, should work, we have gone too far and not far enough. The drive to cut the welfare rolls has produced an atmosphere where the poor are treated as criminals. One county director of human services was ashamed at the way the state is demonizing the poor, punishing them simply for asking for assistance. He was not surprised that people were unwilling to return to government offices for demeaning treatment and instead turning to food pantries.

I was disappointed in the private sector to hear that a company would fire an employee for attending a family member's funeral. But, I was outraged to hear that public assistance would be denied for such a cause. Another family lost its benefits because the father quit his job following the tragic death of their son in a school accident. In order to keep his family together in a time of overwhelming grief, he was cut off and now they have no income. While they are appealing the decision, their children suffer as they try to put food on the table.

I was appalled when Darryl and Martha Wagner told me that they only qualify for \$10 per month in foods stamps. They were required to fill out a 700-question application, document everything, and return every three months to do it all over again. I heard other stories of those who were denied food stamps because their car's value was more than \$4,650 and a car loan wasn't considered in discounting its value. In a rural area like Appalachia, workers need reliable transportation to get anywhere—to work, to day care, to the store. It was sad to learn that federal programs established to help people in need are too often failing to accomplish their purpose.

The limited number of people we met and places we visited does not paint a complete picture. It is a telling indicator of the nature of hunger in our country. Hunger is a hidden plague, but a real one. Those who are hungry rarely lobby for help or speak about their plight, too often they are ashamed and don't have the wherewithal to speak out. Hunger is hidden because the majority of Americans are comfortable and do not want to know about those in need. Policy makers and journalists, those who could make the biggest difference, are guilty of ignoring Americans who most need our attention.

RECOMMENDATIONS

(1) Food banks and the front-line emergency food-providing agencies who are feeding hungry and poor people should be given the food and resources they need to address the increasing needs. With all the discussions of congregations and faith-based organizations caring for those in need, federal and state governments have failed to recognize and expand the support they provide to these charities. The Emergency Food Assistance Program (TEFAP) provides government commodities for food banks to distribute through their networks; it should be immediately expanded. "Bonus commodities" should be increased to benefit farmers while also helping hungry

Americans. Funds for administrative costs should be increased to cover the high distribution, storage and transportation costs. Additionally, the Commodity Supplemental Feeding Program (CSFP) desperately needs to be expanded to include more individuals and more states. It took Ohio more than ten years to gain admission into the program. Many more women, children and senior citizens would benefit tremendously from receiving a supplement for their monthly groceries.

(2) The federal elderly nutrition programs are in sore need of attention. The Older Americans Act, which authorizes the Meals-on-Wheels and Congregate Meals programs, has not been reauthorized in more than seven years. We need to put these essential programs back on solid ground. Congress also needs to increase the meal reimbursement rate immediately. Despite a slight increase in funding over the past couple of years, the steep rise in demand for meals and their increasing cost of providing these services has hurt senior nutrition sponsors in their quest to provide nutritious meals to senior citizens. The current rate of USDA reimbursement is a shameful \$.54 per meal, a drop of 35 percent in real value since 1993. This puts the organizations dedicated to serving our seniors in a precarious position and is an immoral policy toward "the Greatest Generation." Seniors can only hold so many bake sales to pay for these costs. These meals ultimately reduce the overall federal expenditures required for long-term nursing home care by helping our seniors to maintain independent living situations. As we know, nutrition is the cheapest form of medicine.

(3) The food stamp program, America's first line of defense against widespread hunger, requires some essential changes. Some of these adjustments must be made on the federal level, but states already have the authority to make some of these improvements on their own.

First, the vehicle allowance needs to be updated. Currently, if a food stamp recipient owns a car worth more than \$4,650, his or her benefits will be slashed or revoked. In rural and suburban areas, reliable transportation is essential for people to get to work—a requirement under welfare reform. The federal government should exempt the value of one vehicle from a family's asset limits.

Second, the shelter cap deduction should be increased to permit food stamp recipients who spend more than 50 percent of their limited income on housing to deduct excessive costs when determining food stamp benefits.

Third, Congress must adjust the food stamp level from the Thrifty Meal Plan, which pays just \$.71 per meal on average, to the Moderate Meal Plan. This no longer reflects the true cost of feeding a family.

Fourth, we need to guarantee a reasonable level of food stamp benefits, especially for the elderly and disabled. The minimum benefit level should be closer to \$75 per person per month, not the current \$10. It is ridiculous to put applicants through enormous hassle in exchange for only pennies a day.

Fifth, the recertification process should be required once a year for those who are elderly or disabled living on fixed incomes. Working

families should be recertified no more frequently than every six months, not every quarter. It is an extreme hardship for people who are working, disabled or elderly to go to an office every three months to provide additional documentation. The paperwork should be reduced and simplified to conform with other federal assistance programs. Ohio would greatly benefit from a universal application form, instead of the current 34-page, 700-question application.

Sixth, food stamp benefits should be restored for all 18–50 year old unemployed adults without dependents, especially in regions of high unemployment. In this area of Appalachia where laborers have lost their lucrative jobs in coal mines or factories, they are now unable to access food stamp benefits.

Finally, states need to do a much better job in assisting those who are eligible for food stamps to participate. During my visits, it was clear that states are not insuring those who are eligible are able to apply and participate in the program. While recognizing the need to reduce waste, fraud and abuse, those who apply for food stamps should not be made to feel like criminals or treated as less than human. These are people in need and should be treated with compassion and dignity. Office hours and procedures should be expanded to accommodate those who are working full-time or more than one job. It is apparent that states are overly focused on quality control compliance, instead of serving those who are categorically eligible for food stamps.

SUMMATION

It is unconscionable that the richest country in the world's history cannot find the resources to feed its most vulnerable citizens. We find the money we need to pay for new weapons systems, tax cuts for those who are already wealthy, and everything else that we think is important.

Congress has an obligation to include those in need in its focus. And all Americans have a responsibility to do what they can in the struggle to end hunger.

I wish that I did not take this trip because there was no hunger in Appalachia or anywhere else in America. I wish that I did not have to focus so much of my time and energy on these humanitarian issues because there weren't any problems. I wish that we could declare hunger solved and move on to something else. But these are only wishes because hunger still stalks our proud land. Our economy and our promises are hollow. We must do better to care for the least of these among us.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to voice my strong support of H. Con. Res. 266, expressing the sense of the Congress regarding the benefits of music education.

Music education has a long history, dating back to Ancient Greece. As part of a standard education, music was used to teach math and deemed equally important to forming a balanced individual. As a former educator, I know that an important component to youth development and a key solution to youth violence is access to art and music education in our schools. College Board studies have shown that students who play an instrument score significantly higher on their Scholastic Aptitude Tests than those who do not. High risk elementary students who participated in an arts program for one year gained eight percentile points on standardized language arts tests. Those who have exposure to music and art are less likely to have discipline problems. If we are serious about improving student achievement and curtailing youth violence in our schools, we must find adequate funding to bring music and art education to our children.

Missouri's fifth district has taken major steps toward integrating arts education into the daily routine in schools. Magnet schools such as the Paseo Academy of Visual and Performing Arts and the Kansas City Middle School of the Arts teach children more than just reading, writing, and arithmetic. Students also learn how to create and appreciate music, painting, and dancing through hands-on experience. The Kansas City Symphony established an orchestral residency at the Paseo Academy to provide professional mentors to aspiring musicians. The results of programs like this are astounding. These schools have improved student test scores well above the district average and greatly increased parental satisfaction. Students enjoy attending school more than ever because of personal interest with the subject matter. I urge my distinguished colleagues to support this measure.

Because of the vast amount of research proving the benefits of music education, we need to invest in more programs which will spark student interest in music such as the National Endowment for the Arts (NEA) sponsored "Challenge America" initiative which would provide \$50 million to more than 1,100 communities, bringing the arts and music to regions previously underserved by cultural programming.

Music and art education remains important in the lives of children. From infants listening to classical music to facilitate brain development, to elementary students learning about music related careers from their favorite musicians, to high school instrument students who achieve above average SAT scores, the importance of music education cannot be denied. I urge my distinguished colleagues to continue to support music and art education programs such as "Challenge America" which contribute to the success of students as they become members of our democracy.

IN TRIBUTE TO EARL T.
SHINHOSTER

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. CLAYTON. Mr. Speaker, it is with great sadness that I rise to express my condolences

to the family of Mr. Earl T. Shinhoster, whose tragic and untimely passing we mourn. His wife, Ruby, and his son, Michael Omar, should know, that while their grief is heavy, comfort may be found in those close to them, friends and family, who will gather on Friday morning, June 16th, to acclaim his life. This husband and father was indeed an American hero, the Wind beneath the Wings of a reborn and revitalized NAACP.

For more than 30 years, Earl T. Shinhoster gave of himself to the NAACP, serving in a range of roles and assuming the highest staff position when that organization was at its lowest. With the same dedication and determination that typified his tenure, in 1996, he grabbed the reins of the NAACP and, as Executive Director, brought it from the brink of bankruptcy to a bastion of brightness. Whether in Africa, his birth state of Georgia or across the Nation, he reminded us that voting is the most important because all other rights grow from that right.

Earl has now been called to rest and to reside in a place of total peace. God's finger has gently touched him and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will now serve as guideposts for those he leaves behind. I am also certain that throughout his life, he remained a caring friend, a devoted and loving family member, and a committed and dedicated father and husband. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

The passing of a loved one is always very hard to understand, but God has the situation in-hand. Ecclesiastes, Chapter 3, Verses 1 through 8 is instructive. It reads in part, "To every thing there is a season, and a time to every purpose under the heaven. . . . A time to be born, and a time to die." And while his friends and family will greatly miss Earl, I want to remind them that strength can be found in their continued support of one another. That is what he worked for all of his life. That is what he would want.

And, a special word for Ruby and Michael Omar. It is my hope that your family will be comforted by the fact that God in His infinite wisdom does not make mistakes. Your husband and father will live on forever in your hearts and minds through your cherished memories of his life and the time you had with him. Please continue to support one another, and I will pray for God's rich blessings on each of you. May God comfort and help your family and friends and help all of you to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that your beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Earl T. Shinhoster lived his life in sacrifice so that millions of us could live our lives in pride. He has labored long. He now rests.

June 14, 2000

A RESOLUTION HONORING CHRISTOPHER AEMISEGGER, LEGRAND SMITH SCHOLARSHIP WINNER OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Christopher Aemisegger, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Christopher is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Christopher is an exceptional student at Hillsdale High School and possesses an impressive high school record.

Christopher has received numerous awards for his excellence in academics as well as his participation in school sports. Outside of school, he is an active member of his church community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Christopher Aemisegger for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his endeavors.

HONORING CLAUDIA SCHROTH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring your attention to Claudia Schroth, a 12-year-old student at Wilson Middle School in Albuquerque, New Mexico. Claudia created a slogan for our local Campus Crime Stoppers: "See Something Out of Line? Take the Time . . . Call Campus Crime Stoppers!!!" This slogan, though short and simple, will help direct young children to report a crime if they see one. I have the Campus Crime Stoppers poster with the slogan hanging in my Albuquerque office.

Claudia proves that people of all ages can make a difference in their community, changing things for the better. It is because of Claudia and people like her that schools can be made safer.

Mr. Speaker, the Congress is working hard on school safety. Claudia Schroth is working hard in my home of Albuquerque in this very issue also. Please join me in honoring the commitment to a safer world displayed by Claudia Schroth.

EXTENSIONS OF REMARKS

TRIBUTE TO THE ROUND TOP, TEXAS, INDEPENDENCE DAY PARADE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. PAUL. Mr. Speaker, I rise today to pay tribute to the citizens of Round Top, Texas. The bark of the old cannon on the town square in Round Top, Texas, on July 4, 2000, will announce the city's famous Independence Day Parade. Each year, the small town of Round Top, deep in the heart of Fayette County in Texas' Congressional District 14, swells to accommodate a crowd of 8,000 Fourth of July visitors that come to celebrate our nation's freedom.

In 1851, on the occasion of the 75th Anniversary of the Declaration of Independence of United States, Round Top celebrated its first Fourth of July. The celebration of this most important date in United States history continues to be the longest held observance of Independence Day west of the Mississippi.

According to historical accounts, early stagecoach lines operating along the Old Bahia Road between Houston and Austin traveled near the center of today's town. When the drivers crossed Rocky Creek along the route and spotted the octagonal-shaped roof of the stage stand, they called out "Round Top!"

Things are slow to change in Round Top. Its citizens appreciate their traditions and have adopted ordinances that are designed to project, enrich and promote the old historic landmarks for the enjoyment and edification of future generations.

On the occasion of over 150 years of celebrations, I ask my colleagues to join me in congratulating the people of Round Top, Texas, who, on Independence Day, proudly proclaim, "God Bless America!"

CELEBRATING MEN'S HEALTH WEEK

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CUNNINGHAM. Mr. Speaker, over the past 20 years Congress has devoted a great deal of time and money toward addressing the important issues facing women's health. We created an Office of Women's Health at the NIH and we have taken great strides to increase the number of women included in health studies. We have undoubtedly saved hundreds of thousands of women's lives, improved the quality of many millions more, and we have every reason to be proud.

However, we must now begin to focus on the crisis in men's health too. The simple fact is that every year hundreds of men suffer and die needless—and entirely preventable—deaths.

In 1994, Congress established National Men's Health Week, the week leading up to and including Father's Day. Unfortunately, men's health is not getting any better.

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I believe it is time for us to establish an Office of Men's Health. For that reason, I am introducing legislation today that will establish an Office of Men's Health at the Department of Health and Human Services to monitor, coordinate and improve men's health in America.

America needs a concerted effort to combat the problems facing men's health. This year, almost 200,000 men will be diagnosed with prostate cancer and almost 32,000 of these men will die. Of course, we cannot save all these men. Nevertheless, we could save a lot of them. While mammograms and Pap smears have dramatically reduced the death rate from breast and cervical cancers, the death rate from prostate cancer could be reduced by widespread use of a simple test called the PSA, which most of us have never heard of.

I am one of the thousands of men who have been saved by a simple PSA test. Just a little over a year ago, I was diagnosed with prostate cancer. During my annual examination, my doctor noticed a slight elevation in the readings of a Prostate Specific Antigen (PSA) test. However, it was only after a prostate biopsy that it was determined that I had cancer. Following the diagnosis, with my family, we decided that I should go ahead and have surgery. I am fortunate that my cancer was detected early, that I had a doctor who was familiar with PSA test results, and that I had healthcare coverage for my treatments. In my case, and in the cases of thousands of men, early detection and treatment have meant the difference between life and death.

However, prostate cancer is only a small component of the men's health crisis: men have a higher death rate than women do for every single one of the ten leading causes of death in this country. We're twice as likely to die of heart disease—the number one killer—40% more likely to die of cancer, and 20% more likely to die of a stroke. At the turn of the last century, men and women had equal life expectancies. At the turn of this one, women outlive men by 7 years.

Admittedly, the largest part of the problem is that men do not take particularly good care of themselves. Only about half as many men as women have a regular physician, for example, and overall, men make about a 30% fewer doctor visits every year than women—and that's even factoring out women's prenatal visits.

So if we got men to start going to the doctor will men start living longer? Well, it could not hurt. However, in a study published earlier this year by the Commonwealth Fund, nearly 70% of men over 40 who visited the doctor were not even asked whether they had a family history of prostate cancer. Men making less than \$50,000 a year were even less likely to be asked. And 40% of men over 50—who should be getting a prostate exam every single year—were not even screened by their doctors. And going to the doctor won't do anything about the fact that four times as many men commit suicide as women, that the victims of violent crime are 75% male, that 98% of the people who work in the most dangerous jobs in this country are men, and that 94% of people who die in the workplace are men.

What can we do about this? First, we can make men's health a public priority. Just as we support public service announcements

aimed at getting women to get regular mammograms and do routine self exams, we must support the same kind of campaign to get men to get regular health checkups and do routine self exams. Testicular cancer, which is the most common cancer in men under 35, is curable if caught early enough. In addition, one of the best ways to do that is to teach boys and young men to check themselves at least once a month.

As precious as life is, men—just like women—should have the benefit of as much of it as they possibly can. And because they live so much longer, women are in the unenviable position of seeing their husbands, fathers, and even their sons suffer and die prematurely.

So this year, as we approach Father's Day, let's spend some time figuring out what we can do to help men be better healthcare consumers and what we can do to give men the support and encouragement and resources they need to be the kind of fathers their kids need them to be and that they truly want to be.

Congress is taking the lead in this endeavor. Over 50 members of Congress have joined with me to cosponsor the annual Men's Health Screenings being conducted this week by the Men's Health Network. Informational brochures are provided by Pfizer Inc, American Cancer Society, and the Centers for Disease Control and Prevention. Screenings are available in the Rayburn First Aid station Tuesday and Wednesday and on Thursday in the Hart First Aid station. I encourage my colleagues to take this opportunity to be screened for prostate and colorectal cancer, diabetes, cholesterol, and other significant health indicators.

I also hope that all my colleagues will help me by supporting my legislation to establish an Office of Men's Health.

HONORING DEBI BARRETT-HAYES,
EDUCATOR FROM FLORIDA

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. BOYD. Mr. Speaker, today I pay tribute to the dedicated work of my constituents and one of Florida's finest educators. Debi Barrett-Hayes, has spent the past twenty years of her life working to enrich the minds of our youth by teaching Art to students from Kindergarten through 12th grade. Today, June 14, 2000, Debi Barrett-Hayes will be inducted into the National Teachers Hall of Fame. It is her invaluable commitment and dedication that we honor today.

Ms. Barrett-Hayes is currently the Chair of the Visual Arts Department K-12 and a teacher of Visual Arts grades 9-12 with Florida State University School in Tallahassee, Florida. She has spent her entire career committed to the arts. Debi began as a graphic designer and freelance artist, then moved into the education field where she has stayed for the past twenty years. She has been teaching art to students of all levels, including the Primary, Secondary and University levels. Throughout her career, Ms. Barrett-Hayes has

been honored with a variety of awards. Just this past year, he was given the Christa McAuliffe Fellowship Award. In 1996 she was named Florida Art Educator of the Year, and the year before Florida State University School also named her Teacher of the Year.

Debi is also the National Art Education Association Secondary Division Director and was one of the first art teachers to obtain the status of National Board Certified Teacher. Her commitment to advocating the importance of art on the national level has been impressive throughout her career. She has successfully written numerous grant requests, and has brought in over \$400,000 in additional funds for her school district. Conducting over 300 workshops and being invited to speak on the state, national and international level certainly distinguishes her remarkable career.

The greatest reflection of an educator's career is when they are recognized by their peers and students. Countless colleagues, parents and students have eagerly stepped forward to praise the work of Debi Barrett-Hayes. They are impressed with her rapport with students and with her ability to integrate art into the lives of those she teaches. She uses history, science and culture to bring about a greater understanding of the visual arts. Other impressive attributes to her career are the successes her students experience through the awards and scholarships they have received for their talents. The need for caring and effective educators in today's society is extremely important, and honoring those who have dedicated their lives to reinforcing a system of quality education is why we honor them.

Therefore, Mr. Speaker, we join Debi Barrett-Hayes' family, colleagues, students and friends in honoring her as she is inducted into the National Teachers Hall of Fame.

RECOGNIZING REVEREND MICHEAL ELLIOTT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KINGSTON. Mr. Speaker, today I rise to recognize Reverend Micheal Elliott, President of Union Mission, Inc. and a recipient of this year's Robert Wood Johnson Foundation's Community Health Leadership Program award. The Robert Wood Johnson Foundation ranks as one of the largest philanthropies in the country and their mission is devoted to improving the health and health care of all Americans. Let me take a moment to applaud the Robert Wood Johnson Foundation's efforts to fund projects that seek diversified solutions to the challenges of health care. This national foundation invests in our futures by supporting training, education, research and projects that demonstrate the effective delivery of health care services. All of us benefit from their commitment to improving health and health care. The Robert Wood Johnson Foundation honors ten individuals each year who have found creative solutions to bring health care to communities whose needs have been ignored or unmet. This award is considered the nation's

highest honor for community health leadership and includes a \$100,000 program grant. I am pleased that they have recognized Reverend Micheal Elliott.

Recognizing that poor health care prolongs homelessness, Reverend Elliott developed partnerships among the diverse private and public organizations serving the homeless to create a shelter based clinic. Reverend Elliott established the J.C. Lewis Health Center of Union Mission, a 32-bed respite center which provides care to the homeless who are too sick to recover in shelters, but not sick enough to remain in hospitals. This well-conceived project provides much needed care to the homeless as well as saves the country's three major hospitals millions of dollars annually in the costs of unnecessary hospitalizations. By integrating services for this vulnerable population, Reverend Elliott and his organization bridged the gap in service and helped to reduce homelessness in Savannah.

Reverend Elliott's efforts confirm that innovative approaches and collaborative efforts are very effective tools in resolving the health care challenges that many communities face. Finally, the real strength of these creative programs is the compassion of Reverend Elliott. I've known Mike for years—he is energetic, dedicated and bold. He mixes idealism with practicality, and assembles a group of personalities and talents together to make things happen. I believe it is his "outside of the box" thinking that makes the difference.

A RESOLUTION HONORING
COURTNAY MCFETERS, LEGRAND
SMITH SCHOLARSHIP WINNER OF
HORTON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Courtney McFeters, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Courtney is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Courtney is an exceptional student at Hanover-Horton High School and possesses an impressive high school record.

Courtney has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she is an active member of her church community.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Courtney McFeters for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this

June 14, 2000

remarkable young woman, I extend my most heartfelt good wishes for all her endeavors.

TRIBUTE TO DR. JOAN A. GOREE
OF DECATUR, ALABAMA

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Dr. Joan A. Goree of Calhoun Community College. Dr. Goree, known throughout my home state of Alabama as "the lady with the golden voice", is retiring after thirty years of dedicated instruction. I wish to join her many grateful students, faculty colleagues, family and friends in honoring her for sharing her talents and skills with our community.

Dr. Goree also graces Decatur and the entire state with her frequent performances as a soloist, recitalist and numerous musical theatre performances. Dr. Goree's love of music is evident as she spreads her love of melody and harmony to her students. Several of them have achieved fame crediting their knowledge and skills to their beloved teacher.

At Calhoun Community College, Dr. Goree wore many hats including professor of voice, theory, piano, Director of the College Chorus, Assistant Director of The Madrigal Singers and the Chorale and Editor of the first newsletter for Alabama Junior and Community College Association. But her talents have traveled beyond Alabama. She has toured Central America three times as a concert artist and has established schools of music there as well. She authored the book "Basic Theory" in Spanish and English and then set up a corresponding video course also.

For her extraordinary service to the musical students of Calhoun and the arts community in Alabama at large, I feel that this is an apt honor. Her love of learning is infectious, a scholarship has been established in her honor. On behalf of the United States Congress, I pay homage to Dr. Goree and thank her for a job well done. I congratulate her on her retirement and wish her happiness in her future endeavors.

GUN SAFETY LEGISLATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak about the need for common-sense gun safety legislation.

Today, Democrats and local million mom marchers and other representatives from organizations like Handgun Control Inc. will convene a vigil for the victims of gun violence as we call upon this Congress to take up reasonable gun safety legislation. The Houston Chronicle reported that a Houston police officer's 3-year-old son accidentally shot himself in the leg on June 12th. The boy is OK, however, investigators say the boy found the load-

EXTENSIONS OF REMARKS

ed gun in a linen closet. June 8, a 12-year-old middle school student here in Chesapeake, Virginia was charged after he brought a gun to school.

The overall rate of firearm-related deaths for children younger than 15 years of age is nearly 12 times greater than that found for 25 other industrialized nations. The United States has the highest rates of firearm-related deaths among industrialized countries. Between 1980 and 1997 three out of four murdered juveniles ages 12 or older were killed with a firearm. The American Academy of Pediatrics even predicts that by the year 2003, firearm-related deaths may become the leading cause of injury-related death.

It is imperative that we act now and not allow Republican leaders to dismantle the vital gun safety provisions contained within the current juvenile justice bill. Simply passing a bill without any gun safety provisions would be irresponsible and a terrible mistake on the part of this Congress. We must let the American people know that we are not afraid to take the steps necessary to enact responsible legislation. We cannot allow the NRA to determine how this Congress acts at the expense of our children. We are holding this vigil to continue the push for this Congress to pass gun safety legislation that would close the gun show loophole and include common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining fire arms and children from getting access to guns. The American people have waited long enough for us to act on this legislation. We can no longer delay and wait for the next tragedy in order to take action.

CURRENT HEADLINES

Sunday, June 11, in Harris County, a 14-year-old girl shot and killed another teen, James Stampfli. Evidently, the two teens were arguing over a motorcycle and the girl took a semi-automatic .22 rifle and shot the other teen.

A TRIBUTE TO THE LATE RAY
JENNINGS KEMPFER

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. WELDON of Florida. Mr. Speaker, the Kempfer family lives and works on the lands of Deer Park Ranch, which has belonged to the family since 1889.

Today I salute Ray Jennings Kempfer and honor the life of this young man who was born January 15, 1974, and died in the early hours of April 3, 2000. The cause of his unexpected and untimely death is still unknown.

Ray is the son of Reed and Charlene Kempfer. Reed and his brother Billy are the great-grandsons of William Hopkins who pioneered the ranch. Ray recently completed his Masters in Reproductive Physiology and graduated with honors from the University of Florida, and following the family tradition took his place on the ranch.

My condolences go out to the family, local ranchers, and the community that were shocked by his untimely death.

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A RESOLUTION HONORING JOSEPH
NORTHUP, LEGRAND SMITH
SCHOLARSHIP WINNER OF TE-
CUMSEH, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Joseph Northrup, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Joseph is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Joseph is an exceptional student at Tecumseh High School and possesses an impressive high school record.

Joseph has received numerous awards for his excellence in academics as well as his involvement in band. Outside of school, he has been involved in Tecumseh Youth Theater and the community chorus and orchestra.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Joseph Northrup for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

TRIBUTE TO DR. JAMES PERINO,
SUPERINTENDENT, ACALANES
UNION HIGH SCHOOL DISTRICT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. TAUSCHER. Mr. Speaker, today I honor a very special leader in my district. Dr. James Perino has served as the Acalanes Union School District Superintendent for over a decade. As Superintendent, Dr. Perino has successfully worked for the betterment of the entire school community.

Dr. James Perino emphasized challenging academic programs and electives, established benchmarks and standards, stressed professional development programs, increased the use of technology as a learning tool, campaigned for modernization and new construction funds, worked for win-win employee relationships, implemented the strategic planning process, and developed strong business and community partnerships.

I take great pride in honoring Dr. James Perino's dedication and leadership. His hard work has created high standards, rigorous curricula and excellent teachers throughout the

District. Under his direction, Acalanes Union School District has served as a model for schools in Contra Costa County and throughout the State of California. I believe that school districts across the country should follow Dr. Perino's example and take the opportunity to learn from his successful and innovative ways.

THE ELDERLY HOUSING + HEALTH SUPPORT DEMONSTRATION ACT

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. MEEKS of New York. Mr. Speaker, elderly and disabled Americans in the United States currently face a dire problem—inadequate public housing. Approximately 40% of HUD's 1.3 million public housing units are occupied by the Elderly and the Disabled who are paying in excess of half their income towards rent. Public housing apartment buildings have amassed a back-log of \$5.7 billion in needed repairs. Nearly two-thirds of the buildings were constructed prior to 1970 and have frequently been passed over for modernization due to inadequate appropriations. Many of these public housing units need significant upgrading to meet basic safety and comfort standards in order to comply with the Americans with Disabilities Act. Upgrading these units creates opportunities to bring supportive health and other services to help residents age with mobility and avoid costly and depressitig institutionalization.

The Elderly Housing + Health Support Demonstration Act seeks to meet these aims by providing competitive awards to Public Housing Agencies (PHAS) for the most innovative proposals to address the soaring needs of the Elderly and Disabled to have access to health-related supportive and congregate housing services. Specifically, the bill provides: (a) \$250 million of capital funding for physical rehabilitation of the building and installation of facilities for health-related services; (b) a pool of up to \$10 million (maximum grant to a selected PHA is \$400,000) for service coordinator funds; and (c) \$15 million (maximum grant to a selected PHA is \$750,000) for congregate housing services. The total cost of this demonstration grant program is \$275 million.

Please join me in co-sponsoring The Elderly Housing + Health Support Demonstration Act. Upgrading public housing and providing a continuum of care will enable Elderly and Disabled public housing residents to have a quality assisted-living environment, a viable health care system, and an independent life. This program has the additional benefit of providing much needed cost savings and preventing premature institutionalization of one of our most vulnerable populations.

EXTENSIONS OF REMARKS

TRIBUTE TO SUSIE HAAS—2000 NATIONAL TEACHER'S HALL OF FAME INDUCTEE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CALVERT. Mr. Speaker, today I commend Kindergarten Teacher Susie Haas, one of only five, who will be inducted into the National Teachers Hall of Fame in 2000. I am particularly proud, because Susie teaches at one of my own hometown elementary schools in Corona, California—the John Adams Elementary School. In fact, I went to school with Susie. Susie, I promise not to tell any stories if you'll do the same for me!

Susie says, and I quote, that her "philosophical beliefs concerning how children make sense of the world around them are the foundation of the instructional program I have created for my students. I believe all children deserve to be taught in an environment that will promote, value, and nurture their natural desire to learn."

Susie's own teaching philosophy seems like common sense—straightforward and easy. However, it is the hands-on practice of her philosophy that has made such an incredible impact on all of the children and parents with whom she has come into contact. As a result, Susie has been recognized numerous times by her students, colleagues, community, state and nation. In 1999 alone, Susie was a Disney American Teacher of the Year Honoree, California Teacher of the Year, one of the Inland Empire Magazine's "Teachers Making a Difference," Walmart Teacher of the Year, Riverside County Teacher of the Year and Corona-Norco Unified School District Teacher of the Year.

And Susie has not stopped her work at the door of her own classroom. She has written a variety of documents and books and given seminars across the United States to share her expertise in teaching, most significantly in literacy instruction. The Lap-Reading program created by Susie has educated thousands of parents across the nation on how they can boost their own child's school performance by offering monthly ideas on how parents can increase reading at home. For her students, she has created Spot, a stuffed classroom mascot, who travels home with each child two nights each year. Spot has done almost everything from birthday parties to dentist visits. All of the adventures have been recounted in drawings and writings by each child into Spot's personal journal.

Mr. Speaker, as we debate the need to reform our education system this year and years to come, I ask my colleagues to look in their own backyard for advice from teachers, parents and students. They are living and breathing the adventures of literacy, the key to success for all future generations. To Susie Haas, I offer my deepest appreciation. Her passion and commitment to teaching America's next generation is truly awesome and inspiring.

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A RESOLUTION HONORING SARAH ZIEGLER, LEGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Sarah Ziegler, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Sarah is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Sarah is an exceptional student at Litchfield High School and possesses an impressive high school record.

Sarah has received numerous awards for her achievements in academics as well as her involvement in athletics. Outside of school, she is an active member of the Hillsdale County Community Foundation as well as her community church.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Sarah Ziegler for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.J. Res. 101, commemorating the 225th birthday of the United States Army.

As a proud supporter of the Army, of its men and women in uniform as well as the many civilian employees who work alongside them, I am pleased that we are taking time today to recognize their contributions to our national security.

Since the War of Independence was fought to first gain our nation's liberty, the Army has been there to protect and defend that freedom, and to fight to extend that right to other nations as well. The Army reinforced our fledgling country's freedom during the War of 1812, fought with valor in the Civil War, and charged up San Juan Hill with Teddy Roosevelt and his Rough Riders. The Army fought in the trenches of Europe in the "War to End

All Wars," then returned to storm the beaches of Normandy a generation later. The Army fought the "Cold Wars" of Korea and Vietnam, and the conflicts and insurgencies that followed, and stormed the deserts of Kuwait. And, every day, our Army guards our borders and keeps our nation strong and secure.

Only recently have we begun to learn some of the stories of the brave men and women who defended our nation's freedom during World War II because of movies like "Saving Private Ryan," books such as "Citizen Soldier," and the recent opening of the D-Day Museum in New Orleans, Louisiana. They are the stories of the soldiers who watched the shrapnel "come down like rain" in the Hurtgen Forest in Germany, and who "grew up overnight" on the beaches of Normandy.

But we should not forget the stories of the other men and women who served in the Army, including the estimated 480,000 who wear the uniform today. Every day these men and women put their lives on the line for us, asking little in return. It is because of these men and women, and the countless ones who served before them, that we enjoy the many benefits of freedom and liberty today. And we should take the opportunity to thank them for their service and dedication to our nation.

But I also want to take time today to recognize the contributions of one Army base in my district, Picatinny Arsenal, which pre-dates our Army! The "Middle Forge" that was established at the base of Picatinny Peak in 1749 evolved into an iron works which provided cannon shot, bar iron, shovels and axes for General George Washington's Revolutionary Army.

Designated as the Picatinny Powder Depot in 1880 by the War Department, the installation began producing explosives. During World War I, Picatinny produced everything from rifle ammunition to large caliber Navy projectiles.

The "modern" facility dates back to a massive explosion at Picatinny in 1926, after which the arsenal was rebuilt and expanded. As a result, during World War II, the government turned to Picatinny and its nearly 20,000 military and civilian employees to produce bombs, explosives, fuzes, artillery ammunition and other critical ordinance needed to support our forces who were fighting for freedom around the world. And, ultimately, the Army consolidated all weapons system research at Picatinny in 1977.

Today, Picatinny is a premier research and development facility which has produced the Crusader Self-Propelled Howitzer, the Light-weight 155mm Towed Howitzer, the Objective Individual Combat and Crew Served Weapons, the Precision Guided Mortar Munition and the Wide Area Munition. In addition, Picatinny's researchers have developed fuzes, pyrotechnics and non-lethal systems in use by the Army and other services as well.

Despite reductions in personnel, and funding, to Army R&D installations across the country, Picatinny Arsenal continues to excel and exceed all expectations. Last month, I was honored to attend a ceremony at the Pentagon where Picatinny Arsenal was presented with this year's Commander in Chief's Award for Installation Excellence. This is an elite honor, bestowed upon the top Army, Navy, Air Force and Marine installations in the nation,

and Picatinny Arsenal just received that award for the second time in five years!

The men and women of Picatinny Arsenal are a unique and special group, military and civilians alike. Year after year, as we have seen overall defense spending decrease, they have been asked to do more with less, and have risen to the challenge by continuing to excel at their missions. The ammunition and weapons systems developed at Picatinny Arsenal are used by every soldier in the Army, every day. Many of the new technologies engineered at Picatinny have no equal in the world.

By winning this award, Picatinny has proven to all what I have long known—that they are the best of the best in the Army. And today, I pay tribute to those men and women, and to all they have accomplished behind the scenes to secure our nation's liberty.

Again, Mr. Speaker, I am pleased to offer my support to H.J. Res. 101, and urge all my colleagues to do the same.

TRIBUTE TO THE LATE EARL T. SHINHOSTER—FREEDOM FIGHTER, HUMAN AND CIVIL RIGHTS ACTIVIST, GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our nation's unsung heroes, the late Earl T. Shinhoster, one of the noblest among the NAACP's indefatigable leaders. His untimely demise in a car accident suffered some 25 miles away from historic Montgomery, AL on Sunday, June 11, 2000 leaves a gaping void in our nation's quest for simple justice and equality of opportunity.

My State of Florida and most specifically, Miami-Dade County, will surely miss him for the longevity of his genuine commitment to our well-being under the aegis of the NAACP. When I think of Mr. Shinhoster's work in Florida, it is clear that it parallels much of our State's history as it struggled through the countless challenges of racial equality.

I first came to know him during the beginning of the 1980's when Liberty City was the scene of an unprecedented police brutality as it went up in flames in the aftermath of the killing of an innocent insurance executive, Arthur McDuffie, at the hands of the police. In his role as Southeast Regional Director of the NAACP, Mr. Shinhoster helped to restore calm and sanity to what was then a thoroughly besieged community.

Prior to this heartrending episode that gripped my community, this young crusader came in our midst to give hope and courage to countless parents from the innercity, challenging them to be involved with their children's schools and urging them to keep the faith toward helping them achieve mastery of the basic skills and academic excellence. He managed to return again and again, espousing the same message upon which the success of minority schoolchildren could be forged.

Then in 1983, when Miami was yet again embroiled for 3 days in racial disturbance in

the Overtown area, it was Mr. Shinhoster who brought calm by urging the immediate suspension and investigation of two Miami police officers accused of killing two Overtown residents.

When 34 Haitian bodies washed ashore in Miami, this young leader came back to commiserate with our Haitian community, helping to bury the dead and calling for the authorities to investigate the circumstances surrounding the tragedy. Given the magnitude of our community's trauma from multiple sources, it was Mr. Shinhoster's creative genius and utmost understanding that gave rise to the creation of the NAACP's Office of Urban Affairs to support the healing of a community torn asunder by severe urban turbulence.

And when in the mid 80's tensions came to rip apart relations between the Black and Jewish communities, it was again Earl Shinhoster who came to the rescue, urging and facilitating a dialogue between the groups.

The decade of the 80's marked Mr. Shinhoster's defining moment as he unabashedly spoke out at meetings, radio talk shows, TV programs and countless forums and conferences, espousing the NAACP's stance on a myriad of issues verging on school busing and fair housing. He was forthright in putting banks and insurance companies on notice for covertly and overtly resorting to redlining and mortgage discrimination practices, and questioning the use of deadly force by the police under the guise of maintaining law and order. He was brutally frank in assessing the unfairness of the death penalty and decrying the rise of youth crime among Blacks on one hand, while applauding the merits of minority set asides, affirmative action and a fair immigration policy for all on the other.

When in 1992 Hurricane Andrew unleashed its awesome destructive power upon our community, making it the nation's costliest natural disaster, once again Mr. Shinhoster came to our rescue by orchestrating the NAACP's response to those whose lives and spirits were drastically dislocated.

Under Earl Shinhoster's leadership, Florida's barriers to Black access to political representation and voter participation were removed. And for the first time in the 20th century, African-Americans were able to run and serve on elected boards, city councils, school boards, county commissions, the State Legislature. Finally, in the 1990's as a result of his indefatigable leadership, I along with my colleagues ALCEE HASTINGS and CORRINE BROWN became the first African-Americans from Florida to be elected to the U.S. Congress since the Reconstruction Period almost a century ago.

Blessed with a lucid common sense and quick grasp of the issues at hand, Mr. Shinhoster was also imbued with the rare wisdom of recognizing both the strengths and limitations of those who have been empowered to govern. The acumen of his intelligence and the timeliness of his vision were felt at a time when my community and this nation needed someone to put in perspectives the simmering agony of disenfranchised African-Americans and other minorities yearning to belong.

I vividly recall that when government and community leaders met to douse the still-burning embers of the Liberty City and Overtown racial disturbances, his was the firm voice of

reason and conscience, wisely articulating his credo that we have got to learn to live and understand each other, or we run the risk of shamefully reaping the grapes of wrath from those who have been left out.

Mr. Earl T. Shinhoster truly exemplified a calm but reasoned leadership whose courage and wisdom appealed to our noblest character as a nation. While he will be missed by all of us, we will celebrate the gift of his life and thank God for sending him to grace our paths at a time when we most needed him.

My pride in sharing his friendship is only exceeded by my eternal gratitude for all that he has sacrificed on our behalf. This is the magnificent legacy by which we will honor his memory.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. REYES. Mr. Speaker, it is with a tremendous sense of pride that I rise to congratulate the United States Army on its 225th Birthday. For 225 years, our men and women have answered the call and served this Nation, where they were needed and when they were needed. For over two centuries members of the Army have fought and died on distant shores to ensure that not only Americans remain free, but more importantly, to also protect the freedoms of other people.

I've felt the camaraderie, been part of the tradition, and felt the hardship of service in the Army. There is no more noble profession, and there are no words that can suitably honor the men and women of the Army who served in the past and continue to serve today. Today members of the Army serve in Europe, Korea, Bosnia, Kosovo and a hundred other locations far away from their homes, friends and families.

However distant, whatever the challenge, for 225 years, the United States Army has fought the Nation's wars and served its country honorably in peace. I commend the men and women of the Army, and again, congratulate them on this very special birthday.

GRAPHIC INTERNATIONAL COMMUNICATIONS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SHAW. Mr. Speaker, on Sunday, June 23, 2000 the Graphic International Communications 2000 meeting will commence in Orlando, Florida. Graphic International Communications is an international marketing organization representing pioneering companies in seventeen nations around the world.

Mr. Speaker, as chairman of the Florida Congressional Delegation, it is my honor to welcome those participating in the Graphic

International Communications annual conference to Florida.

Serving as the host of this event is Merchandising & Marketing Corporation. As a corporation located in my Congressional District, I am proud that they have been chosen to host this important conference. In fact, this is the second time that the Merchandising & Marketing Corporation has been chosen to host this event.

I congratulate them on their selection, and I am sure that the Graphic International Communications annual meeting will be a major success.

DEBT REDUCTION ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRANE. Mr. Speaker, deficit spending has run rampant for too long. The federal debt has ballooned to nearly \$6 trillion. With this legislation for the first time since 1917 we are reversing this trend.

Uncle Sam will actually begin to pay off our \$6 trillion credit card bill. Paying off our huge debt should be a top priority, not an afterthought.

Under current law, any money left over at the end of the year is used to reduce the debt. This bill makes debt reduction a priority by setting aside the money up front.

Reducing the public debt is good for the country. It increases national saving and makes it more likely that the economy will continue growing strong. American families benefit through lower interest rates on mortgages and other loans, more jobs, better wages, and ultimately higher living standards.

Reducing the public debt strengthens the government's fiscal position by reducing interest costs and promoting economic growth. This makes it easier for the government to afford its future budget obligations.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes;

Mr. HAYES. Mr. Chairman, I cannot support any amendment to FY 2001 Labor-Health and Human Services-Education bill that will cut funding to Impact Aid. Impact Aid is a crucial element of the basic financial support for

schools that support our military and Native American children. In some cases, Impact Aid supplies a critical portion of school districts' operating budgets. In Cumberland County Schools in North Carolina, Impact Aid represents more than \$2 million of their school budget. Mr. Chairman, we have a responsibility to assist those school districts impacted by a Federal presence. I encourage my colleagues to join me in voting against any amendments that would threaten the Impact Aid Program.

HONORING THE HISTORY OF O'FALLON, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the history of one of the oldest communities in my congressional district.

The City of O'Fallon, Illinois was named in honor of Colonel John O'Fallon. He was a soldier, a businessman, a real estate owner and a public minded citizen. His father, James O'Fallon was a physician who came to this country shortly before the Revolutionary War and served as a surgeon in George Washington's Army. After the war, he went to Louisville, Kentucky where he met and married Frances Clark, a sister of George Rogers Clark and William Clark, army officers, who became famous in the development of the Mississippi Valley.

John's father died when he was a child and he was reared and educated by his mother and uncles. With his army background, he became a soldier. He fought in the War of 1812 where he rose to the rank of Captain. After the war ended, O'Fallon became assistant Indian Agent to his Uncle William Clark of the Lewis and Clark expedition. Later he became a contractor, buying and selling Army supplies. He invested his money and became involved with the expanding railroad industry across the nation. He promoted the Missouri Pacific railroad, as well as the Wabash and the B&O railroads. His involvement with railroads and the purchase of lands lead him to become the namesake of both O'Fallon, Illinois and O'Fallon, Missouri. His purchase of lands in an area north of St. Louis also lead to the development of the community of O'Fallon Park. He gave generously to St. Louis University and Washington University. He also formed an institute which became the forerunner of today's St. Louis High Schools and the City's public library.

O'Fallon, Illinois was formed around the depot and a water tank for the B&O railroad. A newly replicated depot stands near the site of the beginnings of this community. O'Fallon was incorporated as a village in 1874 and in 1905 became a town. O'Fallon's early growth was due to the large coal mining industry in the region. O'Fallon was also home to major businesses like Willard Stove, Tiedeman Milling and the Independent Engineering Company. O'Fallon also had abundant agricultural land which supported large farming operations.

Today, O'Fallon is a community of 20,000 people. It continues to grow because of its proximity to Scott Air Force Base and St. Louis. It sits astride 1-64 and boasts three interchange exits where large commercial and retail developments are clustered. O'Fallon also is home to the O'Fallon Township High School, which is recognized as one of the top high schools in the region. The high school is also home to the Marching Panthers Band, which has won several national awards and is a regular participant in the Macy's Thanksgiving Day parade in New York City.

The City of O'Fallon continues the growth and development envisioned by Captain O'Fallon. The rail line he developed, continues to run through the community delivering vital commerce and supplies to areas to the west.

Mr. Speaker, I ask my colleagues to join me in honoring the community and the people of the City of O'Fallon.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to address the fundamental unfairness of the Death Tax. This is a tax that preys upon small business owners, farmers, women, minorities, and families in mourning. There is no question. Our current system of death taxation is simply inexcusable. No family or child should be forced to pay for the death of a loved one. Yet, this is precisely what happens.

One of the founding principles that our forefathers invoked when founding our nation was that of "No taxation without representation." In a perverse way, the Death Tax is quite possibly the clearest violation of this principle that has ever been passed into law. For, if you are dead, who can possibly represent you?

This is a tax that attacks the very foundation of small business. There are some in this body from the other party who often claim that this tax only affects the rich. Well, that is simply untrue. I wonder how many Democrats actually believe that small family farms are rich? How many cattlemen are rich? How many restaurant owners are rich? These are the people who this ghoulish tax affects.

These are our brothers, sisters, sons, daughters, and parents. These people are our neighbors. These people are ordinary American citizens. The truth is, those who actually have the money can actually afford to find ways to circumvent this tax. Those small businessmen who live on the financial margins cannot.

Furthermore, the Death Tax acts as a disincentive to saving. Who would want to save for their children their whole life only to have up to forty percent of their savings confiscated at death? Under the current policy, vacations and fungible assets actually provide a higher return than saving your money for your children. This is outrageous.

Some on the other side of the aisle cry, "The sky is falling!" when the elimination of

this onerous tax is mentioned. Who are they kidding? The sky is nowhere close to falling. Since 1940, inflation adjusted tax revenues of the United States government have risen by 2000%!

The fact remains, eliminating the Death Tax will actually help families, small businessmen, and the economy. For instance, according to a WEFA Group U.S. Macroeconomic Model and the Washington University Macro Model, the U.S. economy would have increased its output by another eleven billion dollars a year had we eliminated the Death Tax in 1996. Furthermore, America could well have seen increases of an average of eight billion dollars in personal income levels if we had done this.

Mr. Speaker, it's time to end the Death Tax. Let's give it a wake and bury it this year. The fetid stink of this tax is simply too much to put up with any longer.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. ANDREWS. Mr. Speaker, the following message is from Steve Nisenfeld, father of Bryan Nisenfeld for whom Bryan's law is named and which was incorporated into H.R. 4504.

The family and friends of Bryan Nisenfeld wish to express their extreme gratitude to all the advocates, aides, Congressmen and staffers who worked diligently on Bryan's Law. We firmly believe this bill is very important. Its passage will provide increased protection for missing students who might otherwise be overlooked by the university's staff, faculty or security force. In the case of Bryan Nisenfeld, there was a breach of security wherein Bryan Nisenfeld went unreported as missing by Roger Williams University for six agonizing days though administrators at the university were aware of threats made against his life.

University administrators, by their own admission, overlooked the threatening phone calls Bryan received prior to his disappearance. This response by Roger Williams University denied Bryan's family an opportunity to intervene on Bryan's behalf and maybe save his life. At the very least, Roger Williams University, by its failure to report Bryan missing on a timely basis denied trained professionals time to immediately launch a search for him. We know that time is an essential ingredient used by law enforcement in locating a person. The actions of Roger Williams University officials delayed this important process.

The Nisenfelds hope that Bryan's Law will prevent other parents from experiencing the pain and anguish the Nisenfelds suffered. This law requires all universities and colleges implement policies that protect missing students. It also provides information to parents and students searching for a safe college to attend. The Nisenfelds hope and pray the law continues through the legislative channels and wins approval in the Senate. Bryan Nisenfeld was a caring, giving individual who rallied be-

hind social causes. The Nisenfelds believe passage of this bill speaks for Bryan's character. We thank you all. Bryan Nisenfeld's memory will forever live on. Thank you all.

FLAG DAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KLECZKA. Mr. Speaker, I rise today, on Flag Day, to remind all Americans to pause and pay their respects to the banner that has come to symbolize the freedom and liberty that we hold so dear.

June 14, 2000, marks the 223rd birthday of the U.S. Flag. In 1777, less than a year after the signing of the Declaration of Independence, and more than a decade before the Constitution was finalized, the Continental Congress adopted the Stars and Stripes pattern for the national flag. Flag Day was first celebrated in the year of the flag's centennial, 1877. After that, many citizens and organizations advocated the adoption of a national day of commemoration for the U.S. Flag. However, it was not until 1949 that President Harry Truman signed legislation officially making Flag Day a day for us to remember what the Stars and Stripes stand for, and honor those who gave their lives for them.

The brother of one such brave soldier from my district contacted me recently to relate to me the great patriotism and love for his country of his fallen family member, Joseph G. Serketich, who was killed in a World War II battle in Metz, France, on November 17, 1944. During his basic training at Camp Swift, TX, he sent a letter to the Father of his church back home in Wisconsin that exemplifies how those soldiers felt about their flag, and reminds all of us of its true meaning.

On July 31, 1942, Pvt. Serketich wrote of what he felt was the army's most moving ceremony, the end of the day retreat. His words ring as true today as they did when they were written:

There the men all stand in formation, facing the flag of our country. While the colors are being lowered the men stand at attention and present arms. . . The thrill comes when one stares at the flag there high in the sky, he wonders what is it there for. What does it mean? Liberty, freedom, happiness and freedom of religion. . . I will fight to defend it whenever an enemy tries to take it from us. I will die for it as Christ died for me. . . All America should be proud of its flag, not of its material beauty, but for what it stands—life, liberty and happiness—to be also proud of its soldiers who fought to make it, and who fight to preserve it.

The Serketich family also sent me a poem entitled "I Am Your Flag". These excerpts eloquently remind us all of what this hallowed national symbol really stands for:

I was born on June 14, 1777.

I am more than just a cloth shaped into a design.

I have led your sons into battle from Valley Forge to the bloody jungles in Vietnam. I walk in silence with each of your honored dead to their resting place

My red stripes symbolize the blood spilled in defense of this glorious nation. My White

stripes signify the burning tears shed by Americans who lost their sons. My blue field is indicative of God's heaven under which I fly.

My stars are clustered together, unifying 50 states as one, for God and country.

Keep alight the fires of patriotism, strive earnestly for the spirit of democracy.

Worship eternal God and keep His commandments,

And I shall remain the bulwark of peace and freedom for all mankind.

—Author Unknown.

I would like to thank Paul Serketich for bringing these tributes to my attention. Each day as the flag is raised in front of our government buildings, schools, and businesses, and as we put our right hands over our hearts and pledge our allegiance, we will be reminded not only of those who fought and died for all that our flag represents, but of the freedom that they bought with their lives.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. STARK. Mr. Speaker, I have a rather personal interest in this legislation, and I have heard a lot from the chairman of the Committee on Ways and Means about what we owe our children, so I have come to the well this morning and apologize to my children, I have 5, and 10 grandchildren.

I am probably one of the few Members of the House who started out poor. I used to say I was so poor as a kid I never slept alone until I was married. But through good luck and the action of commerce, I was able to amass what most of the people in my district would call a fortune. And I have not paid much tax on that. I pay income tax each year. I pay more income tax than you pay me salary, but most of what I have was accumulated through capital gains, and I have not sold it. I do not intend to.

My kids will get it pretty much free. So I apologize because I am going to vote against this. Kids, to Jeff and Bea and Thekla and Sarah, Fortney and the 10 grandchildren, you are going to have to pay some tax. This is a little family business, it might be 7 figures, but you are going to get a down payment on that from your mother and me of \$1,350,000 free. You have not worked a day in your life for that.

You have a college education, down payment on your homes, cars, but you have not worked worth squat. First you are going to get a million to a million and a half bucks. Then you are going to get half of the business free. You may have to pay 50 to 55 percent tax on the balance. Next you are going to get 10 years to pay off that balance at a below prime interest rate. And, kids, if you are so dumb that you cannot run that business with over a 50 percent down payment given to you and 10 years to pay off the balance at a low rate, you do not deserve it.

You ought to have been trained in this country to earn your own way and pay your

taxes every day so that Dad can have a prescription drug benefit and a decent nursing home so you do not have to worry about taking care of me in my dotage.

There are not very many Members of Congress that are going to pay any inheritance tax. This is a gift to the rich not for independent, smart kids as I have raised.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. HOYER. Mr. Speaker, I rise today in support of H. Con. Res. 266 to recognize the great benefits of music education. Americans are known around the world for our unique contributions to modern music. But we are far behind many other industrialized Nations in recognizing the educational benefits of teaching music to our children. In Japan, it is mandated by the Ministry of Education that every child, grades one through nine, receive two hours a week of music instruction. In Germany students must take two, 45-minute classes of music education a week.

Unfortunately, in America, the trend over the last several years has been to cut back on music education programs. This is occurring despite mounting evidence that music education can actually alter brain development in children and improve their reasoning skills. A study from the University of California at Irvine found that elementary school students in Los Angeles who took piano lessons boosted their math performance. From the body of data available, researchers have concluded that there are genuine long-term changes in the wiring of the brain that enhance children's abilities to understand how patterns work in time and space.

The educational benefits are clear and according to a recent Gallup poll, nine in ten Americans believe that music education should be a part of every student's day.

Mr. Speaker, I have had the privilege of working with the GRAMMY Foundation, the non-profit arm of the National Academy of Recording Arts and Sciences. The GRAMMY Foundation is dedicated to advancing music education in schools. We recently held an event here on Capitol Hill to announce that the New American schools, a non-profit corporation established by President Bush to identify new ways of teaching, has welcomed the GRAMMY Foundation's Leonard Bernstein centers for artful learning into their portfolio of cutting-edge educational models.

The GRAMMY Foundation brings music to thousands of children through their "GRAMMY in The Schools" program which exposes high schools students to careers in the music industry.

And the Foundation created Smart Symphonies, a classical music CD based on brain research to benefit the development of infants. I applaud the efforts of the GRAMMY Foundation to make music and art education available for all children.

Mr. Speaker, I support this Resolution in the hope that children of all ages across this nation will have access to quality music education programs. If we foster the creative impulses of our children, the possibilities of their success in life will be boundless.

TRIBUTE TO GEN. ANTHONY C. ZINNI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Gen. Anthony C. Zinni, who will retire from the U.S. Marine Corps on August 11, 2000, after more than 35 years of devoted service to the nation.

General Zinni was commissioned a second lieutenant upon graduation from Villanova University in 1965. After completion of The Basic School, he was assigned to the 2d Marine Division. In 1967, General Zinni served in Vietnam as an Infantry Battalion Advisor to the Vietnamese Marine Corps. Following his tour in Vietnam, he was ordered to The Basic School as a Tactics Instructor and Platoon Commander. In 1970, he returned to Vietnam where he was wounded and subsequently assigned to the 3d Force Service Regiment on Okinawa. One year later, General Zinni was again assigned to the 2d Marine Division as a Company Commander. In 1974, he was assigned to the Manpower Department at Headquarters, Marine Corps.

Following the Vietnam war, General Zinni served in succession of influential staff and command positions, including: Commanding Officer of the 2d Battalion, 8th Marines; Operations and Tactics Instructor at the Marine Corps Command and Staff College; Head of the Special Operations and Terrorism Counteraction Section; Chief of Naval Operations Strategic Studies Group fellow; Regimental Commander of the 9th Marines; Commanding Officer of the 35th Marine Expeditionary Unit; and Chief of Staff of the Marine Air-Ground Training and Education Center.

Upon promotion to flag rank in 1991, General Zinni was named the Deputy Director of Operations at the United States European Command. In 1991, he served as the Chief of Staff and Deputy Commanding General during the Kurdish relief effort in Turkey and Iraq and also acted as the Military Coordinator for the relief effort for the former Soviet Union. From 1992 to 1993, he served as the Director for Operations for the Unified Task Force Somalia and as the Assistant to the Special Envoy to Somalia. His next assignment was as the Deputy Commanding General, United States Marine Corps Combat Development Command. After that, he assumed command of the I Marine Expeditionary Force, during which he served as Commander of the Combined Task Force responsible for protecting the withdrawal of United Nations forces from Somalia.

In September 1996, General Zinni was assigned to the United States Central Command and subsequently assumed command in 1997. In addition to continuing no-fly and maritime interdiction operations over Iraq, General Zinni

conducted humanitarian operations in response to flooding in Kenya and demining efforts in Ethiopia, Eritrea, Yemen and Jordan.

The continued intransigence over United Nations weapons inspections resulted in General Zinni leading several military operations against Iraq. Operation DESERT FOX set Iraq's ballistic missile program back several years by destroying key facilities and specialized equipment during several days of combat operations. General Zinni activated a joint task force in Kenya to assist in recovery support after the 1998 terrorist bombing of the embassies in Nairobi and Dar es Salaam, Tanzania, while also taking military action against the terrorist infrastructure in Sudan and Afghanistan.

During his command, General Zinni participated in numerous diplomatic efforts within the Central Command area of responsibility. In the fall of 1998, he worked directly with the National Security Advisor to prevent Ethiopia and Eritrea from resorting to armed conflict over a border dispute. He also was instrumental in efforts to engage the Pakistani government after its nuclear tests. His two trips to Pakistan reinforced objections to Pakistan's nuclear tests and stressed the importance of avoiding a nuclear arms race between Pakistan and India.

Additionally, General Zinni orchestrated the command's large-scale overseas exercise. Conducted in Egypt, this exercise involved not only United States forces but also eleven participating countries, 33 observer nations, and 70,000 troops. This field training exercise emphasized coalition operations, interoperability, and computer simulation of exercise events. It also exhibited regional stability and cultural interaction.

General Zinni's decorations include: the Defense Distinguished Service Medal; the Defense Superior Service Medal with two oak leaf clusters; the Bronze Star Medal with Combat "V" and gold star; the Purple Heart; the Meritorious Service Medal with gold star; the Navy Commendation Medal with Combat "V" and gold star; the Navy Achievement Medal with gold star; the Combat Action Ribbon; the Vietnamese Honor Medal; the French National Order of Merit, and the Order of Merit of the Italian Republic.

Mr. Speaker, I want to recognize General Zinni for serving the Marine Corps with honor and distinction for 35 years. He has provided a significant and lasting contribution to the Nation's security. I want to wish him and his wife, Debbie, best wishes in the days ahead. The Marine Corps will lose not one, but two exceptional people upon General Zinni's retirement. I know the Members of the House will join me in expressing our appreciation for their distinguished and faithful service to the country.

HONORING THE STUDENT ENVIRONMENTAL CONGRESS OF GREATER CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Student Environmental Congress

of Greater Cleveland, who held their fourth annual Earth Day Coalition Student Environmental Congress Day on March 22, 2000.

The Student Environmental Congress brings together students from the Greater Cleveland area who are dedicated to working towards a cleaner and healthier environment. The Congress develops environmentally-aware students throughout northeast Ohio, encouraging them to take action within their communities to form eco-groups committed to the conservation and preservation of the environment.

This program empowers high school students to be a voice in their community, to grow into environmentally literate citizens, and to network with environmentally conscious students from other schools.

The Student Environmental Congress Program assists high school students in the design and implementation of community-based, environmental service-learning projects. Students from Cleveland public schools unite with students from suburban schools to educate one another at an all-day, student-led conference. These students work together towards creating a more sustainable environment.

The accomplishments of this program are important for the future preservation of our environment. I take pride in recognizing the environmental leaders of northeast Ohio, and congratulate the Congress on another successful Conference Day in March.

My fellow colleagues, please join with me in honoring the Student Environmental Congress for their important and note-worthy goals and achievements.

A RESOLUTION HONORING AARON BAKER, LEGRAND SMITH SCHOLARSHIP WINNER OF HUDSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Aaron Baker, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Aaron is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Aaron is an exceptional student at Hudson High School and possesses an impressive high school record.

Aaron has received numerous awards for his excellence in academics. Outside of school, he has received many awards for his involvement in the Jackson, Hillsdale, and Adrian Youth Symphony Orchestras.

Therefore, I am proud to join with his many admirers in extending my highest praise and

congratulations to Aaron Baker for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all of his future endeavors.

HONORING GOVERNOR BENT ELEMENTARY SCHOOL

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention the national recognition received by Governor Bent Elementary School in Albuquerque, New Mexico. The team at Governor Bent Elementary is highlighted in a report by the Fordham Foundation for their effective teaching techniques.

Governor Bent is known for expecting a lot from all their students. There are no excuses, all students can do quality work. Creativity is fostered for the success of the students, parents, teachers and all staff. The results are high student test scores and student enrollment from outside their attendance area.

Mr. Speaker, please join me in honoring the Principal Marilyn Davenport and the team at Governor Bent Elementary School for their contributions to students and to the future of our community.

CONSERVATION TRUST FUND OF PUERTO RICO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRANE. Mr. Speaker, I would like to address an issue that we have been working on for almost five years. I am speaking about the funding question for the Conservation Trust Fund of Puerto Rico. As my colleagues may recall, in last year's Ticket to Work and Work Improvement Act tax bill, we included language that increased the amount of excise tax on rum covered over to Puerto Rico and the Virgin Islands from \$10.50 to \$13.25. We have written statutory language that mandated one-sixth of the increase would be directed toward the endowment fund of the Conservation Trust. During the negotiations on the bill it was decided that this language would not be included when the government of Puerto Rico committed to transfer these funds to the Conservation Trust. I am pleased to say that the first payment has in fact been transferred to the Trust. This extension of the rum tax increase will last for thirty months. At that time we will have to revisit the question whether we have fulfilled our commitment to fully endow the Trust Fund.

Recently we passed the Africa-CBI Trade bill and inserted language that will accelerate the payments of the rum tax cover over to Puerto Rico and the Virgin Islands. I want to

make sure that everyone clearly understands that this new legislation does not in any way undermine the intent of Congress in the previous tax bill. We expect the Conservation Trust Fund of Puerto Rico to continue getting one-sixth of the increase at the same time the government of Puerto Rico receives its payments and that those funds be segregated by the Trust into an account that is solely for the purpose of building up the endowment fund. These amounts are not to be used for normal operational expenses or for expenditures for new projects or acquisitions.

I know that the Secretary of the Interior has prepared a Memorandum of Understanding to be signed by himself and the Governor of Puerto Rico memorializing the commitments made to Congress in this matter. To my knowledge this document has not been signed at this date, and I urge the governor and the Secretary of the Interior to do so at their earliest opportunity.

RECOGNIZING 225TH BIRTHDAY OF UNITED STATES ARMY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to offer my best wishes, while conveying the warm regards of the residents of the 8th Congressional District for the men and women of the United States Army on the occasion of the 225th Anniversary of the United States Army's service to our nation.

From the battlefield of Breed's Hill, most commonly known as the Battle of Bunker Hill, to the war torn former provinces of Yugoslavia the army has repeatedly proven its ability to meet the challenges offered by this nation's leadership. Any time the nation called the men and women of the United States Army has answered in the affirmative and successfully met the challenges of their mission on the behalf of a free and independent United States of America. Therefore, it is proper that this historic milestone for the United States Army should occur on this our Nation's Flag Day.

I am happy to join millions of Americans in thanking the men and women of the United States Army for their vigilance in protecting this nation from its enemies both foreign and domestic for the last 225 years. Although most Americans cannot recount each individual act of bravery or heroism, which comprises the long history of this much-lauded branch of our nation's armed forces, they are told in the sustained unbroken history of this great nation.

The sacrifices of the men and women who are the United States Army have for over two centuries put the country's best interest ahead of their own for the benefit of all of our freedom.

Today, we celebrate their sacrifice to this nation, because they have made the world a safer place for democracy and freedom. May they continue in the fine tradition established by the last two-and-a-quarter centuries of the existence of the United States Army well into this new millennium.

Mr. Speaker today is indeed a day for celebration. Therefore, I would like to ask my fellow members of the House to join me in applauding the United States Army.

RECOGNIZING 225TH BIRTHDAY OF UNITED STATES ARMY

SPEECH OF

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. ADERHOLT. Mr. Speaker, on June 14, 1775, the Continental Congress adopted a resolution which authorized the enlistment of ten companies of riflemen to serve the United Colonies for a period of one year. This marked the birth of the Army and was the prelude to the birth of our Nation the following year on July 4, 1776.

For the past 225 years, the Army's central mission has been to fight and win the Nation's wars. As General McArthur said, in a 1962 address at the United States Military Academy: "Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory—and that if we fail, the Nation will be destroyed." Whatever the mission, the Nation has turned to its Army for victory.

Throughout this Nation's history the soldiers of the Army have risked their lives to protect others. With patriotism, valor and sheer selflessness, from the Revolutionary War to the Gulf War, they have fought to protect our freedoms here and those abroad. In light of this, it is appropriate and fitting that the Army Recruiting Station, Jasper, Alabama, has organized a celebration of the Army's 225 years of dedicated service. I want to commend the soldiers of the Army Recruiting Station, Jasper, Alabama who are doing their part to ensure that this historic day is not forgotten.

I want to publically say, not only to the soldiers currently serving in the Army, but to all soldiers who have served in wars to protect the interests and national security of the United States—thank you for protecting us. Thank you for your courage which has inspired generations on this shore and beyond. May God bless you, and may God bless America.

TRIBUTE TO NELSON DEOLIVEIRA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to Nelson DeOliveira. Nelson was a positive, outgoing young man who lost his life too soon to an epidemic sweeping our nation—the epidemic of gun violence.

Nelson was born and raised in Medford, Massachusetts. He was known for his boundless energy and for enjoying life to the fullest. Whether hard at work, participating in one of his many favorite sports, or having fun with family and friends, Nelson was always giving his all.

With his ever-present smile and positive personality, Nelson endeared himself to all. Like most young men at 23, Nelson had dreams. He wanted something better out of life. He decided to return to school, and to prepare himself for a solid future. He looked forward to spending time as a loving uncle to his sister's child, and to one day enjoying a family of his own. Nelson always regarded family and friends as the most important aspect of his life.

On the night of February 12, 1995, Nelson was visiting the home of a new girlfriend when suddenly the girl's ex-boyfriend arrived angry, jealous and ready to assault the couple. The police were called, and upon their arrival the man was taken to jail. Believing the situation was safe, Nelson continued his visit unaware the ex-boyfriend would be freed that very night. Once out of jail, the man armed himself with a 38 caliber handgun. He then proceeded to smash his way into the girl's basement apartment with the intent to murder everyone inside. And murder he did—killing the girl's brother, Nelson, and firing two shots into the girl, who has since survived.

Since that moment, the family and friends of Nelson have focused their love, emotions, and sense of loss through the creation of the Nelson Foundation. The mission of the Foundation is to provide public awareness on the true costs of gun violence. The Nelson Foundation raises funds for organizations that fight gun and domestic violence through positive community programs. In addition, it has developed a scholarship program for students who are dedicated to the message of peace and non-violent conflict resolution.

I commend the family and friends of Nelson DeOliveira in their efforts to honor the spirit of this exceptional young man by working to put an end to the epidemic of gun violence.

And I urge Congress to do its part by passing meaningful gun safety legislation. We can not afford to lose one more life to one more bullet. We can not afford to lose the promise and the hope of young people like Nelson DeOliveira.

TRIBUTE TO DEBI BARRETT-HAYES

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the dedicated work of my constituent and one of Florida's finest educators. Debi Barrett-Hayes, has spent the past twenty years of her life working to enrich the minds of our youth by teaching Art to students from Kindergarten through 12th grade. Today, June 14, 2000, Debi Barrett-Hayes will be inducted into the National Teachers Hall of Fame. It is her invaluable commitment and dedication that we honor today.

Ms. Barrett-Hayes is currently the Chair of the Visual Arts Department K-12 and a teacher of Visual Arts grades 9-12 with Florida State University School in Tallahassee, Florida. She has spent her entire career committed to the arts. Debi began as a graphic

designer and freelance artist, then moved into the education field where she has stayed for the past twenty years. She has been teaching art to students of all levels, including the Primary, Secondary and University levels. Throughout her career, Ms. Barrett-Hayes has been honored with a variety of awards. Just this past year, she was given the Christa McAuliffe Fellowship Award. In 1996 she was named Florida Art Educator of the Year, and the year before Florida State University School also named her Teacher of the Year.

Debi is also the National Art Education Association Secondary Division Director and was one of the first art teachers to obtain the status of National Board Certified Teacher. Her commitment to advocating the importance of art on the national level has been impressive throughout her career. She has successfully written numerous grant requests, and has brought in over \$400,000 in additional funds for her school district. Conducting over 300 workshops and being invited to speak on the state, national and international level certainly distinguishes her remarkable career.

The greatest reflection of an educator's career is when they are recognized by their peers and students. Countless colleagues, parents and students have eagerly stepped forward to praise the work of Debi Barrett-Hayes. They are impressed with her rapport with students and with her ability to integrate art into the lives of those she teaches. She uses history, science and culture to bring about a greater understanding of the visual arts. Other impressive attributes to her career are the successes her students experience through the awards and scholarships they have received for their talents. The need for caring and effective educators in today's society is extremely important, and honoring those who have dedicated their lives to reinforcing a system of quality education is why I rise today.

Therefore, Mr. Speaker, we join Debi Barrett-Hayes' family, colleagues, students and friends in honoring her as she is inducted into the National Teachers Hall of Fame.

IN HONOR OF CORNUCOPIA, INC.
AND NATURE'S BIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Cornucopia and Nature's Bin on the occasion of their 25th anniversary.

Cornucopia, a nonprofit organization, helps people with disabilities achieve successful integration into the workplace. Since 1975, this organization has devoted its time on training programs in their natural food store, Nature's Bin. Originally known as "The Bin," this shop started as a humble little storefront on Madison Avenue in a section of Lakewood known as "Birdtown." At the time, The Bin only sold produce. Since then, Nature's Bin has become the training site for Cornucopia's vocational programs for people with disabilities. Through encouragement and direction, Nature's Bin has helped bring many disabled persons into the workplace. It is an important task that they

have undertaken. Upon graduation from one of Cornucopia's training programs, a person can enter the workforce as a skilled and confident individual.

It is evident that Cornucopia and Nature's Bin has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution.

Cornucopia and Nature's Bin will be celebrating its 25th anniversary June 23rd through June 25th. The celebration will include several speakers throughout the weekend and will be capped with a late afternoon of jazz.

My fellow colleagues, please join me in honoring Cornucopia and Nature's Bin for the service they have provided to those with disabilities for 25 years.

OUR CONSTITUTION PROTECTS ITS
DEFENDERS

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. DELAY. Mr. Speaker, I am proud to be introducing today the "American Servicemembers Protection Act of 2000". This legislation will protect our Armed Services from being prosecuted by the ill-conceived International Criminal Court which the United States has refused to join.

In some parts of America, national sovereignty is still taken seriously. Today, we take a strong step to protect the men and women who protect U.S. from an extra-constitutional monster that could very easily be abused.

The International Criminal Court is a threat to our national interests. Under this system, American servicemembers could become pawns for hostile powers seeking revenge against U.S. policymakers.

We must not allow the International Criminal Court to exert authority over our fighting forces. Administration officials admit that our armed forces could be subjected to the ICC's jurisdiction through peacekeeping, humanitarian and other missions. That means Americans could be prosecuted or imprisoned by the court even though we never signed the treaty. This we cannot allow.

The administration refused to sign this treaty because of the threat it poses to our military personnel. This bill is a reasonable measure that gives the President the necessary tools to protect U.S. from a deeply flawed proposal.

If the President ever signed and the Senate ever ratified this treaty, then this bill will become null and void. In the meantime, we must meet our responsibility to protect our armed services from the whims of a new international bureaucracy.

American men and women in uniform take an oath to defend our Constitution from all threats, foreign and domestic. At a minimum, our soldiers, sailors, and airmen deserve all of the protections granted to them by the great document they swear to preserve.

What if we do nothing?

Under its terms, Americans could be brought before the ICC's court and tried without important rights. They could be denied a trial by jury. The court could compel Ameri-

cans to provide self-incriminating testimony. And it could deny them the right to confront and cross-examine any witnesses that testify against them.

If we don't act to protect Americans, this court will assume unto itself powers over our citizens that the Constitution forbids. Our first duty as Members of Congress is to protect our Constitution.

Turning a blind eye to the threat posed by this International Court could constrain the options available to American officials. We have no idea what threats the future holds. Can we risk allowing the threat of actions by this court to water down our nation's response to acts of terrorism, the proliferation of weapons of mass destruction, and aggression against our vital interests and allies?

Under this treaty, an American President could be tried before an international court if the prosecutor decided that an American foreign policy decision was unjustified.

This bill protects Americans in several important ways. First, it stops federal, state, and local governments from assisting the ICC. It stops U.S. officials from arresting or extraditing suspects for the ICC. It also prevents U.S. entities from performing searches and seizures. In short, this bill protects Americans from all the ways the ICC could intrude into their lives.

The bill also stops U.S. forces from taking part in missions that would expose them to the reach of this court. U.S. forces could still be deployed if the President certifies to Congress that exemptions to prosecution are in place to protect our forces. The bill also safeguards our national interests by denying classified data to the ICC.

Finally, this bill authorizes the President to use whatever means necessary to rescue Americans who are detained under the authority of the ICC.

The Clinton administration is continuing to seek revisions to the ICC treaty to protect our armed forces from the court's jurisdiction. This legislation should reinforce the administration's efforts by making clear to those countries that support the ICC what the future will hold if American concerns about the court are not satisfactorily addressed.

Mr. Speaker, America is not ready to timidly cede her sovereignty to an unaccountable, international entity that is not bound to respect our Constitution, and that we have refused to join. Members should support this bill and defend our first principles.

INTRODUCTION OF H. CON. RES. 352

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. GILMAN. Mr. Speaker, I submit for the Record the text of House Concurrent Resolution 352, a resolution I am today introducing to express the concern of the Congress of the United States with regard to the increasing intimidation and manipulation of the Russian media by the Russian government, its officials and agencies.

Mr. Speaker, this resolution makes it clear that the Congress is very concerned over a

number of things that the Russian government has done—or, at times, failed to do—with regard to freedom of the press in Russia. Very little privatization has been carried out when it comes to major sectors of the media in Russia. Enterprises such as large printing and publishing houses, newspaper distribution companies, and nationwide television frequencies and broadcasting facilities have been only partially privatized, if they have been privatized at all. In the context of the extensive privatization of state-owned enterprises that has taken place in recent years in Russia, the failure to more extensively privatize key segments of the media is inexplicable. That failure, however, has allowed the Russian government to continue to exert an immense influence over the media at all levels, an influence that we have seen employed, blatantly and cynically, for political ends in the recent parliamentary and presidential elections in Russia.

Beyond the manipulation of the media that took place in the context of the recent Russian elections, this resolution points out that the Russian government and its officials and agencies have taken steps intended to simply intimidate those in the media that it could not manipulate. A new Russian Ministry for the Press was created last July. In one of his earliest statements, the Minister in charge of that agency stated that its job was to address the “aggression” of the Russian press. As leading Russian editors said in an open letter to former Russian President Boris Yeltsin last August, high-ranking government officials have put pressure on the mass media, particularly through unwarranted raids by tax police. In fact, Mr. Speaker, as recently as May 11th, masked officers of the Russian Federal Security Service mounted an armed raid on the headquarters of “Media-Most,” which operates “NTV,” the largest independent national television station in Russia, and then, just this week, arrested the owner of Media-Most, Vladimir Gusinsky, on what I understand to be rather vague charges.

Mr. Speaker, Russian reporters have been beaten and murdered, and police investigations tend to fail, more often than not, to identify the perpetrators, much less bring them to justice. Andrei Babitsky, a Russian reporter working for Radio Free Europe/Radio Liberty and covering the war in Chechnya, was arrested by the Russian military and then exchanged to unidentified Chechens for Russian POWs, a blatant violation of his rights as a Russian citizen. His prosecution by the Russian government since his return to Moscow has also involved reported abuses of his rights under Russian law. Aleksandr Khinshtein, a reporter for “Moskovsky Komsomlets,” was ordered by the Federal Security Service in January to enter a psychiatric clinic far from Moscow for an examination after he wrote critical articles concerning illegal activities by Russian officials, a disturbing return to Soviet-era practices of repression. Thankfully, Mr. Khinshtein’s lawyer appeared in time to prevent that order from being carried out, but, who can say what faces such courageous Russian reporters tomorrow?

Indeed, who can be sure what will face the Russian people tomorrow? This resolution points out a very disturbing fact. Russian intel-

ligence agencies are right now moving to ensure total surveillance over the Internet in Russia. Under a so-called technical regulation, known by its acronym as “SORM-2,” the Federal Security Service is installing a system by which all transmissions and e-mails within Russia and all such transmissions to parties in Russia can be read in real time by that agency. At the same time that the manipulation and intimidation of the Russian media is taking place, a new structure of surveillance over all of Russia’s citizens is being created.

Mr. Speaker, with regard to the abuse of freedom of the press now underway in Russia, Thomas Dine, President of Radio Free Europe/Radio Liberty, has to date been the only American official who has clearly and strongly identified that distressing trend. He has stated publicly that the Russian government’s efforts to intimidate the mass media in that country threaten the chances for democracy and rule of law there. I believe that this resolution makes that fact clear, but also makes it clear that the freedom of expression of Russians in general is under attack by the current Russian government and its agencies.

This resolution makes it clear that the United States continues to support freedom of speech and freedom of the press in Russia. By its passage, the President of the United States will be requested to make that quite clear to the President of Russia and to emphasize the fact that such intimidation and manipulation of the media in Russia is incompatible with true democracy.

Mr. Speaker, I ask my colleagues to join me in supporting passage of this important resolution.

H. CON. RES. 352

Whereas almost all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the “Press Freedom Survey 2000” reported by “Freedom House” of Washington, DC, stated that the approximately 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program “Top Secret” after it reported on alleged corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia’s leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its

policies towards the mass media so as to address “aggression” by the Russian press;

Whereas the Russian Federal Security Service or “FSB” is reportedly implementing a technical regulation known as “SORM-2” by which it could reroute, in real time, all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian constitution’s provisions concerning the right to privacy of private communications, according to Aleksei Simonov, President of the Russian “Glasnost Defense Foundation,” a nongovernmental human rights organization;

Whereas such surveillance under SORM-2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, among other transmissions;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidency in the beginning of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya to the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for “Reuters News Agency” and the “Associated Press” were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and of the press, and have reportedly constituted a violation of the Criminal Code of the Russian Federation;

Whereas in January 2000 Aleksandr Khinshtein, a reporter for the newspaper “Moskovsky Komsomlets”, was ordered by the Russian Federal Security Service to enter a clinic over 100 miles from his home for a psychiatric examination after he accused top Russian officials of illegal activities, and such detainment in psychiatric wards was previously employed by the former Soviet regime to stifle dissent;

Whereas the Russian newspaper “Novaya Gazeta” was officially warned by the Russian Ministry of the Press for its printing of an interview with Aslan Maskhadov, the elected President of the Republic of Chechnya; an entire issue of “Novaya Gazeta”, including several articles alleging massive campaign finance violations by the

presidential campaign of Vladimir Putin, was lost to unidentified computer "hackers"; and a journalist for "Novaya Gazeta" was savagely beaten in May of this year;

Whereas President Thomas Dine of Radio Free Europe/Radio Liberty on March 14th, 2000, condemned the Russian Government's expanding efforts to intimidate the mass media, stating that those actions threaten the chances for democracy and rule of law in Russia;

Whereas "NTV", the only national independent television station, which reaches half of Russia and is credited with professional and balanced news programs, has frequently broadcast news stories critical of Russian Government policies;

Whereas on May 11, 2000, masked officers of the Russian Federal Security Service carrying assault weapons raided the offices of "Media-Most", the corporate owner of NTV and other independent media;

Whereas the May 11th raid on Media-Most represented a failure of recourse to normal legal mechanisms and conveyed the appearance of a politically-motivated attack on Russian independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky;

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian dictatorship in Russia; and

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the pattern of Russian officials' surveillance and physical, economic, legal, and political intimidation of Russian citizens and of the Russian media that has now become apparent in Russia;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Radio Free Europe/Radio Liberty journalist Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the

May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th arrest of Vladimir Gusinsky;

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and the political manipulation of the state-owned media in Russia are incompatible with democratic norms; and

SEC. 2. TRANSMITTAL TO SECRETARY OF STATE.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with the request that it be forwarded to the President of the Russian Federation.

CITIZENS DESERVE MORE INFORMATION ABOUT 527 CAMPAIGN ATTACK ADS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. HOLT. Mr. Speaker, today, I am proud to join many of my Democratic colleagues in signing a discharge petition to bring legislation to the floor of the House of Representatives to require full disclosure of so-called 527 ads—the political attack ads that are becoming a disturbing way of life in politics today. These ads are the latest scheme to get around campaign finance laws. The undermine our democracy.

I speak from experience about 527's. As a freshman Member of Congress, I have had these anonymous attack ads running in my central New Jersey district—both against me and against the loser of the primary election in my district.

527 ads are the political equivalent of a drive-by shooting. They are deceptive—they are anonymous—and they keep citizens in the dark about who is trying to influence their elections.

Citizens deserve the right to know who is contributing money to elections. Full disclosure allows citizens to make more informed judgments about issues and elections.

I urge my colleagues to join me in signing the discharge petition.

TRIBUTE TO DEPUTY MAYOR MATHEW WITECKI FROM LITTLE FALLS, NEW JERSEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the life of a man I am proud to call my friend, Mathew Witecki of Little Falls, New Jersey, who passed from this Earth on Sunday, May 29, 2000. It is only fitting that Mayor Witecki be honored, for he has a long history of caring, generosity and commitment to others. Due to his leadership and dedicated service, I am honored to submit

these words to be immortalized in the annals of this greatest of all freely elected bodies.

Fifteen years ago, Mathew Witecki made his political debut by wearing a gas mask and pushing a baby carriage during a protest to stop the construction of a landfill on part of the Montclair State University Campus. Mathew, the former mayor and deputy mayor of Little Falls, joined the picket line and helped fight plans to dump garbage from New York on a site near the border of Montclair and the township where he lived for 43 years.

Since his political debut, Mayor Witecki, 76, a retired engineer, served on the Little Falls Township Council and was an active member of numerous community organizations until he died on this past Sunday. Mathew was the son of Polish immigrants who grew up during the depression. He is remembered as a man who never wasted time or resources. Mathew was a graduate of Newark College of Engineering and retired in 1986 as a senior engineer for Bendix Corp. after 45 years of service. He then worked as a consultant for Allied Signal. Known for his honest approach to life, Mathew took a firm stand on community issues. Most recently, he was the founder and chairman of STOP, an organization created to block plans to run a natural gas pipeline underneath 33 North Jersey communities, including Little Falls and the 20 other towns in my Congressional District in New Jersey. I was proud to work along side of Mathew during these months fighting the pipeline. Even though we were from opposite sides of the aisle, Mathew never let politics get in the way of a cause in which he believed. We worked together in a bipartisan way to accomplish a goal on an issue we both were passionate about. He was a tireless advocate of the families in the area. Along with his help, we fought the battle against the pipeline, and I pledge to continue to fight in his honor.

Mathew Witecki was a member of the Knights of Columbus Council 3835, the past president of the Passaic County Historical Society, trustee of the New Jersey Intergovernmental Insurance Fund and treasurer of Passaic County Vision 20/20 Inc. He was also a member of the Little Falls Planning Board, former chairman and trustee of Passaic County Solid Waste Authority and a member of the Little Falls Garden Club.

The father of four, grandfather of 11, and great-grandfather of two, mayor Mathew Witecki is survived by his wife, the former Helen T. Stolarz; two sons, Mathew and John; two daughters, Patricia Murphy and Marybeth Witecki.

Mr. Speaker, I ask you to join me, the family of Mayor Mathew Witecki, the residents of Little Falls and Passaic County, his friends and co-workers in honoring the life of a great man.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. NEY. Mr. Speaker, Whereas, The United States Army was established by the

First Continental Congress on the 14th day of June, 1775; and

Whereas, The United States Army exists to defend the freedom of our citizens and our nation's security interests; and

Whereas, Many citizens of the Ohio Valley have served their nation and given the ultimate sacrifice in defense of our freedoms; and

Whereas, The United States Army is to be commended for 225 years of dedicated service; and

Therefore, I join with all residents of Ohio in recognizing the United States Army as it celebrates its 225th Birthday this June 14, 2000.

Furthermore, I declare the period from June 12 through June 18, 2000, as United States Army Week.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 15, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.

SD-366

Health, Education, Labor, and Pensions
To hold hearings on the overview of Federal service programs.

SD-430

10 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine issues dealing with the Philippines.

SD-419

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.

SH-216

Armed Services

To hold hearings to examine security failures at Los Alamos National Laboratory; to be followed by a closed hearing (SR-222).

Room to be announced
Energy and Natural Resources
Business meeting to consider pending calendar business.

SD-366

Commerce, Science, and Transportation
To hold hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation.

SR-253

10 a.m.

Judiciary
To hold hearings on improving the National Instant Criminal Background Check System.

SD-226

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings on S. 1787, to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

SD-406

11 a.m.

Foreign Relations
Business meeting to consider pending calendar business.

SD-419

2 p.m.

Judiciary
Administrative Oversight and the Courts Subcommittee
To resume oversight hearings to examine the 1996 campaign finance investigations.

SD-226

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water

for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

SD-366

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR-253

10 a.m.

Health, Education, Labor, and Pensions
To hold hearings to examine medical device reuse.

SD-430

2:30 p.m.

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1643, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado.

SD-366

JUNE 27

9:30 a.m.

Energy and Natural Resources
Business meeting to consider pending calendar business.

SD-366

10 a.m.

Health, Education, Labor, and Pensions
To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

SD-430

2:30 p.m.

Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on the April 2000 GAO report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities".

SD-366

JUNE 28

9:30 a.m.

Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR-485

Energy and Natural Resources
Business meeting to consider pending calendar business.

SD-366

2 p.m.

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on countering the changing threat of international terrorism.

SD-226

JUNE 29	JULY 12	JULY 26
2:30 p.m. Energy and Natural Resources National Parks, Historic Preservation, and Recreation Subcommittee To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wil- derness area; S. 2051, to revise the boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition if land to Sequoia Na- tional Park; and S. 2512, to convey cer- tain Federal properties on Governors Island, New York. SD-366	9:30 a.m. Indian Affairs To hold oversight hearings on risk man- agement and tort liability relating to Indian matters. SR-485 JULY 19 9:30 a.m. Indian Affairs To hold oversight hearings on activities of the National Indian Gaming Com- mission. SR-485	9:30 a.m. Indian Affairs To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act. SR-485 SEPTEMBER 26 9:30 a.m. Veterans' Affairs To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion. 345 Cannon Building

SENATE—Thursday, June 15, 2000

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Lloyd Torgerson, St. Monica Parish Community, Santa Monica, CA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Monsignor Lloyd Torgerson, offered the following prayer:

Loving and gracious God, we are filled with gratitude for the many blessings that You lavishly bestow upon us and upon our beloved Nation. We thank You for giving the men and women of this Senate the privilege and responsibility of serving this great Nation.

Inspired by the words of Oscar Romero, we pray that they may have the wisdom to understand their role of leadership, knowing that they can accomplish in their lifetime only a tiny fraction of the magnificent enterprise that is the Lord's work. Help them believe that they are essentially about planting seeds that will one day grow and watering seeds already planted, knowing that they hold future promise.

As we enter this millennium may these men and women lay foundations that will endure and be the yeast that will produce effects far beyond their own capabilities. Show them what they can do to make the world a better place for all humankind. May the realization that they cannot do everything, give them a sense of liberation which will empower them to choose priorities and act with integrity.

Bless them as they work to build a Nation of justice, peace, and right relationship; grant them insight; grant them steadfastness to respond to the challenges of this new century. May they always trust in a God of faithfulness who walks before them, behind them, and with them. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

Mr. ALLARD. Mr. President, before I proceed, I yield a minute or two to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MONSIGNOR LLOYD TORGERSON

Mr. KENNEDY. Mr. President, this morning's session of the Senate was opened by Reverend Monsignor Lloyd Torgerson of Santa Monica, California. I welcome this opportunity to commend Monsignor Torgerson for his eloquent prayer and for the wisdom he has offered the Senate.

Monsignor Torgerson is a pastor at the Santa Monica Parish where he has served with great distinction for many years. He ministers to over 7,000 families, as well as an elementary school and a high school. He also serves at the Archdiocese level in Los Angeles, and is Dean of the 19 Westside parishes.

Over the years, Chaplain Ogilvie and Monsignor Torgerson have developed an excellent friendship through their work in the Los Angeles community. In fact, Monsignor Torgerson baptized all four of Chaplain Ogilvie's grandchildren.

The Senate is graced and honored by Monsignor Torgerson's presence this morning. I commend him for his inspirational prayer and for his service as our guest Chaplain. I ask unanimous consent that biographical information on Monsignor Torgerson's distinguished career be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REV. MSGR. LLOYD TORGERSON, PASTOR, ST. MONICA PARISH COMMUNITY

Rev. Msgr. Lloyd Torgerson was born in East Los Angeles in 1939 and attended St. Alphonsus Elementary School and Los Angeles Community College High School. Msgr. Torgerson completed his training for the priesthood at St. John's Seminary in Camarillo, California. He was ordained a Roman Catholic Priest in May, 1965 and his first assignment was at Holy Trinity Parish in San Pedro where he served for five years. Msgr. Torgerson was sent to complete his graduate degree in Religious Education at Fordham University in New York in 1970/71 and came back to serve the Los Angeles Archdiocese as Director of Youth Ministry. After eleven years, he was named the Director of Religious Education for the Archdiocese. Msgr. Torgerson has been in residence at St. Monica for twenty-one years and has served as pastor for the last thirteen years. St. Monica Parish has over 7,000 families, an elementary school, high school and a large outreach to the community of Santa Monica. His work as pastor and leader of St. Monica Parish includes parish administration, campaign and restoration of St. Monica

Catholic Church and schools, adult education and formation, bringing new adults into the church, young adult ministry, working with the elderly, teaching in the schools, liturgy, hospital visitation, bereavement, and many other outreaches in this parish community.

In Santa Monica, Msgr. Torgerson participates in Rotary, is a member of the Board of Directors of the Boys' and Girls' Club of Santa Monica, and the N.C.C.J. On the Archdiocesan level, he is Dean of the nineteen Westside parishes, on the Finance Council, the Tidings Board and the Cathedral Complex Restoration Committee. In March, 1999 through the present he is Episcopal Vicar of Our Lady of the Angels Pastoral Region.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume debate on the Transportation appropriations legislation. Under the order, Senator VOINOVICH will be recognized to offer his amendment regarding passenger rail flexibility. A vote on the Voinovich amendment is expected to occur this morning at a time to be determined. Further amendments will be offered and voted on with the hope of final passage early in the day. As usual, Senators will be notified as votes are scheduled.

Following the disposition of the Transportation legislation, the Senate may resume consideration of the Department of Defense authorization bill or any appropriations bills available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume H.R. 4475, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio, Mr. VOINOVICH, is recognized to offer an amendment.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have 90 minutes, equally divided, and that there be no

second-degree amendments in order in regard to this amendment I intend to send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we hope we can work something out on the time. I have spoken to Senator VOINOVICH, and we want to cooperate as much as we can. We have a couple of Senators we need to check this with. We have not been able to do that, so at the present time I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. It would be my suggestion, Mr. President, that Senator VOINOVICH go ahead and offer his amendment. As soon as we get word on whether or not we can accept the unanimous consent request, we will interject ourselves and try to get that entered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, noting the objection, in discussing this amendment, I am going to proceed to give my statement and I will send my amendment to the desk following my remarks and the remarks of my colleagues.

Mr. President, when I first introduced S. 1144, the Surface Transportation Act, more than a year ago, I did so thinking that our State and local governments should have the maximum flexibility possible in implementing Federal transportation programs.

I still firmly believe that our State and local governments know best which transportation programs should go forward and at what level of priority.

As the only person in this country who has served as President of the National League of Cities and Chairman of the National Governors' Association, and one who has worked with the State and local government coalition, which we refer to as the Big 7, I have great faith in State and local governments, and I believe they should have maximum flexibility in determining how best to serve all of our constituents.

I think one of the best examples of how state and local governments work to benefit our constituents is what we have been able to do with the welfare

system in this country when we let the States and local governments take it over.

That is why I am offering this amendment today—to give our State and local governments the flexibility they need to make some key transportation decisions that will best suit their needs.

The amendment I am offering will give States the ability to use their Federal surface transportation funds for passenger rail service, including high-speed rail service.

This amendment is identical to section 3 of S. 1144. It allows each State to use funds from their allocation under the National Highway System, the Congestion Mitigation and Air Quality Program, and the Surface Transportation Program for the following: acquisition, construction, reconstruction, rehabilitation, and preventative maintenance for intercity passenger-rail facilities as well as for rolling stock.

As my colleagues know, under current law, States cannot use their Federal highway funding for rail, even when it is the best transportation solution for their State or region. Since States are assuming a greater role in developing and maintaining passenger and commuter rail corridors, I think it makes sense that States be given the most flexibility to invest Federal funds in those rail corridors.

Part of being flexible is making sure we consider all of our options. It is similar to the 4.3-cent-per-gallon gas tax repeal effort that we faced in the Senate this past April. High gasoline prices exposed that we have no national energy policy. With prices currently over \$2 per gallon in several areas in the Midwest, the fact that we still have no national energy policy is now really being felt by the American public.

With the need for a national energy policy plainly evident, we need to put all our options on the table. We need to look at expanded rail transportation, conservation, exploration, alternative fuels, and so on. We need to put all of the right ingredients together that will make for a successful transportation policy.

In addition to the high gas prices, I think the Senate should recognize the fact that there is an appeal pending in the Supreme Court of the United States of America on the issue of the Environmental Protection Agency's new proposed ambient air standards for ozone and particulate matter. If the Supreme Court overrules the lower court's decisions that those new standards are not justified, then we will find throughout the United States of America many communities, including communities in my State—where we have achieved the current national ambient air standards in every part of our State—that will be in nonattainment. If the new standards are implemented,

we will need more tools to deal with the pollution.

With the need for a national energy policy plainly evident, we need to put all of our options on the table. We need to look at expanded rail transportation and conservation and all the rest.

As States are more able to turn towards passenger rail service as a safe, reliable, and efficient mode of transportation, we will relieve congestion on our Nation's highways. With fewer cars on the road, contributions to air quality improvements and lower gas consumption will be realized.

Again, the idea behind my amendment is simple. States understand their particular transportation challenges better than the Federal Government. I believe it is the States' right and obligation to use whatever tools are available to efficiently meet the transportation needs of their citizens. In this instance, the Federal Government should not stand in their way but work as a partner to give them the flexibility they need to develop a successful policy.

S. 1144 had 35 bipartisan Senate cosponsors. This particular amendment we are offering today is endorsed by the National Governors' Association, the U.S. Conference of Mayors, the National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the National Association of Rail Passengers, and the Friends of the Earth.

I have yet to convince some of my colleagues that this amendment will give our States and localities the latitude they need to make proper and cost-effective transportation decisions.

First and foremost, this amendment does not mandate that any portion of a State's highway dollars be used for rail. If a State wants to use all their highway dollars the same way they have been doing for the past few years under TEA-21, then they will be able to do that. It does not establish a percentage of how much is set aside for rail. If a State wants to use highway dollars for rail, then the State decides the amount to meet the particular needs. Governors will have to work with legislators to decide if they want to use it for rail and how much can be used for rail.

So often when we talk about such issues—"the Governors are going to use this money for rail"—my colleagues and I know that Governors recommend and the legislatures then decide whether they are going to follow the recommendations. In my State, looking back on my years as Governor, I think Ohio probably will not use this flexibility provision. But the fact is, it ought to be available to any State if it thinks it is in its best interest.

There is very strong support from outside the Beltway for each State's right to spend its Federal transportation funds on passenger rail. States

understand their particular transportation challenges better than the Federal Government and therefore should be given the flexibility to use their highway dollars for rail transportation. There are no mandates on the States to do this. It is totally at the discretion of the States.

We face a historic opportunity today to provide the States with the flexibility they need to meet their growing transportation needs. I urge my colleagues to vote in favor of this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I rise in strong support of the amendment to be offered by my distinguished colleague from Ohio. People in my region of the country in the South are usually known for their position in favor of States rights. This is not just a transportation issue; this is a States rights issue. This amendment is not a mandate. It is not a threat to highways or the Highway Trust Fund. It would not change any Federal transportation formulas. It requires not a penny in new spending. What it does do is to give States the option to spend Federal transportation funds on intercity passenger rail. What this amendment does do is give States the opportunity to make transportation spending decisions based on their own local needs.

Mr. President, part of my State is in a transportation crisis. Metro Atlanta has the worst traffic congestion of any southern city, and our drivers have the longest commute in the Nation. Due in large part to the exhaust from nearly three million vehicles, Atlanta's skies are in violation of national clean air standards. For two years now, Federal funds have been frozen for new transportation projects. The bottom line? Metro Atlanta's congestion and pollution problems are now threatening our most valuable selling point: our quality of life.

The good news is that the best transportation minds in the State have rallied around Metro Atlanta's transportation crisis. These movers and shakers are not afraid to redraw the maps. The result is a new transportation plan that is going to meet our air quality goals, and that plan devotes 60 percent of Georgia's transportation dollars to rail. Georgia has dramatically reformed its transportation focus: from moving cars to moving people, from promoting sprawl to promoting smart growth.

As the folk song says, "the times they are a-changing." We're about to witness a rebirth of rail in Georgia, rivaled only by the days before General Sherman when Atlanta was the undisputed railroad hub of the Southeast. And key to this vision is intercity rail. The amendment before us, if adopted, will be a Godsend to my state. Let me

state loud and clear, this amendment will be a Godsend not just to Georgia, for Atlanta's commuter congestion is mirrored in countless highways across America. One viable solution to two of the 21st century's most challenging and frustrating problems, smog and gridlock, may very well be found in a renaissance of rail, not just in my home State, but throughout this great Nation.

For those States which see rail as key to their transportation future, we should at least give them another option for financing their intercity rail investments. Our amendment will do just that. It will give states whose highways and skyways are clogged with traffic not a mandate, but a chance to use their CMAQ, National Highway System, and Surface Transportation Program funds on passenger rail if they want to.

I urge my colleagues to vote for the bipartisan measures before us. The National Governors Association, the U.S. Conference of Mayors, the Council of State Governments, the National League of Cities and the National Council of State Legislatures are all on record in support of providing flexible funding for passenger rail. This is States' rights legislation, and it's the right legislation for a balanced transportation system in the 21st century.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in opposition to this measure. I yield myself 10 minutes in opposition.

The PRESIDING OFFICER. There is no time limit.

Mr. BOND. There is no time agreement? I thank the Chair. I will take such time as I require then.

Mr. President, my colleague from Ohio has offered an amendment which I believe takes us down the wrong tracks, very far in that direction. He has offered an amendment that would allow our precious highway resources to be used for Amtrak.

My colleague from Georgia has talked about the sad situation in Georgia where their highway funds are frozen because the courts have overturned a previous policy of the Federal Government to allow highway transportation projects to continue. I urge his and my other colleagues' support of my measure on conformity that would allow needed highway construction to go forward.

As to this amendment, many would argue this is an issue of States rights. That is just not the case. I am a former Governor. One would be hard pressed to find anyone in this body who is a stronger States rights advocate than I am. I intend to continue to be so. There will be those who will try to convince us this is anti-Amtrak. That is not the case. As Governor of the great State of Missouri, I was the one who ensured that my State provided its own

resources in an effort to help subsidize Amtrak.

This is an issue of a dedicated tax for a dedicated purpose. We told the American people we were going to put the trust back into the trust fund. This is an issue of Congress upholding its end of the agreement with the American people.

It has just been 2 years this month since the Transportation Equity Act of the 21st century—better known as TEA-21—was signed into law. In my opinion, the most historic and the most important provision of TEA-21 was the funding guarantee that I authored with our late friend, Senator John Chafee, with the assistance and the guidance of the Budget and Appropriations Committees. Some called that provision RABA, or revenue aligned budget authority. Up here, it is often called the Chafee-Bond provision. In Missouri, we call it the Bond-Chafee provision. But the whole intent of that measure was very clear. We have a dedicated tax that was imposed on the American people for the purpose of highway improvement and safety issues. We lose too many lives in my State and in every State in this Nation because of inadequate highways. Over 30 percent of the deaths on our highways nationally are a result of inadequate highway and bridge conditions.

We told the American people for the first time we were going to allow them to trust the trust fund; that when they put the money in when they bought the gas at the pumps, we would put it back for highway trust fund purposes. That is what the funding must be spent on under the guarantee—highway improvements and safety issues. Because of the guarantee, our road and bridge improvements are financed on a pay-as-you-go basis.

We drive on the road. We buy the gas. We pay the tax. We build better roads and safer roads to protect our citizens, to provide convenience and safety, to get rid of the pollution that comes from congestion, and to assure sound economic growth in our communities and in our States.

I don't think this debate should even occur. It should not even be an option for us to decide whether or not we will use the highway trust fund money for other purposes. How soon we forget. We made those decisions just 2 years ago in TEA-21. Do we want to reopen the whole highway funding and highway authorization measure again? Let's not start down the path of reopening TEA-21. We made accommodations. We made changes. We made compromises. We included other projects and other activities such as transit in TEA-21. We made a deal—not just with us but with the taxpaying American public.

Earlier this year, the administration proposed to divert funding coming from the highway trust fund to Amtrak and other purposes. At that time, my colleague from Ohio, I, and countless

other Senators made it clear that we opposed the administration's attempt to rob the highway trust fund. I had an opportunity to discuss this with Secretary Slater at our Transportation appropriations hearing and suggested to him that "this dog won't hunt." This dog isn't a much better hunter either.

I don't believe that the people in my State who pay the taxes or in the States of my colleagues who pay the taxes are going to be excited about this. This amendment is similar to the previous effort by the administration to divert funding. It takes us down the path of diluting our highway funding for purposes other than highways and highway safety.

I have a simple question for my colleagues to think about: Why are we talking about using our highway funds for Amtrak and not using our transit funds for Amtrak? I personally think transit funds would be more appropriate if it fit into the transit plan. OK. Let them use transit funds because that is essentially what Amtrak is; it is a form of transit. It should not be competing with the scarce dollars to build safe highways, roads, and bridges.

I remind my colleagues that we have a transportation infrastructure crisis on our hands. Two years ago, Governors, commissioners, highway departments, city officials, and everyday Americans told us we were not investing enough in our highway infrastructure. They let us know that the deterioration of our highways and bridges was having a tremendous impact on their local and State economies and, more importantly, on the safety of their citizens. We are still not getting enough money into highway improvements. The latest I heard, and to the best of my knowledge, no State in the Nation has even 80 percent of its highways up to a standard the Department of Transportation regards as fair. Every State, to my knowledge, has at least a 20-percent deficit in adequate highways, roads, and bridges.

These are just some of the reasons so many of us fought to ensure that we would keep our commitment to the American people regarding the highway trust Fund.

We increased spending on our Nation's highway infrastructure because our needs were much greater. I know with absolute certainty that the needs identified just 2 years ago have not gone away, and they are not going to go away if we continue to divert money and if we try to divert money from the highway trust fund. These needs still exist.

We told the people of America we would put trust back into the trust fund: Trust us. Trust us to spend your highway taxes that go into the highway trust fund for highway trust fund purposes.

The National Highway System was part of the grand national scheme. This

was a national scheme to ensure that people in any State in the Nation could travel to any other State in the Nation and be safe on a National Highway System. That is what this is all about. This isn't about States having their own little, independent highway programs with four-lane highways that end in a cornfield at somebody's border. This is about having a National Highway System where there is safe transit on interstate highways.

Trust fund taxpayers in my State, and your State, and every other State, expect when they pay the money in, it will go to assure that when they drive in their State or in any other State, they will be driving on safe highways; they will not be putting themselves and their loved ones and their families at risk from unsafe highway conditions.

To my donor State colleagues—those of us whose states pay more into the highway trust fund than they get out—think about this for a minute: You have highway needs in your State. Yet under this proposal, you would see the highway trust fund dollars your citizens put into the highway trust fund going into Amtrak. That is not keeping faith with the commitment we made in the highway trust fund.

Let's talk about States rights. I have often thought that maybe we really ought to do a States rights approach to this and let the States have all the money they raised. You want to talk about States rights. Let's keep the highway trust fund dollars in each State as they are contributing. That is States rights.

We agreed in TEA-21 that we were going to have a trust fund for a National Highway System—not a national Amtrak system. We are providing funds in this bill for Amtrak.

We know that improvements and repairs to our highway system will help improve driving conditions, will reduce driving costs to motorists, will relieve congestion, and will reduce the number of accidents and fatalities. The cost of repairing roads in poor condition can be about four times as great as repairing roads that are in fair condition. We have to keep our roads in at least fair condition. Our Nation's roads and bridges are at a high level of deterioration.

A recent headline in the Capital City newspaper in Missouri said that my State of Missouri ranks seventh nationally in poor bridges. We need to do something about those bridges; they are dangerous. The highways are dangerous and we need to do something about them.

Look at the other side. This is not an issue of trying to deny Amtrak resources. Senators SHELBY and LAUTENBERG included in the underlying Transportation bill, which I support, \$521 million for Amtrak's capital program. I have supported that. That is \$521 mil-

lion for Amtrak for capital. That \$521 million provided is consistent with the administration's request, and it is consistent with the so-called glidepath level of Federal funding agreed to by the administration and Amtrak.

We continue these huge Federal subsidies, even though Amtrak's financial situation is precarious at best. According to the Senate report, the Federal Railroad Administration has said that Amtrak ended the 1999 fiscal year with a net operating loss of \$702 million.

Since 1971, Amtrak has received over \$23 billion in Federal funding for operating and capital expenses. Despite Amtrak's efforts to improve and its new business plan, it is still not clear whether or not Amtrak will reach self-sufficiency. I said that I support the appropriation for Amtrak in the underlying bill. I have used Amtrak. I am happy to work with my colleagues in the Senate, my former fellow Governors, and others, to see that we put money into Amtrak. But this issue is not about Amtrak. This is an issue about keeping our commitment to the taxpaying citizens of our States and of this country, whom we told we were going to put the "trust" back in the highway trust fund.

I strongly oppose the Voinovich amendment because it violates that promise. We can't even keep a promise for 2 years. We said we were putting the "trust" back in the highway trust funds. That is what the highway trust fund is all about. I think this amendment violates the agreement made during TEA-21, and I strongly urge my colleagues to oppose the Voinovich amendment.

I yield the floor.

The PRESIDING OFFICER. Will the Senator from Ohio please send his amendment to the desk.

AMENDMENT NO. 3434

(Purpose: To provide increased flexibility in use of highway funding)

Mr. VOINOVICH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. CLELAND, Mr. ROTH, Mr. MOYNIHAN, and Mr. LAUTENBERG, proposes an amendment numbered 3434.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3. FUNDING FLEXIBILITY AND HIGH SPEED RAIL CORRIDORS.

(a) ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY FUNDING.—

(1) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

“(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative

maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation)."

(2) SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (1) the following:

"(12) Capital costs for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation)."

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation)."

(b) TRANSFER OF HIGHWAY FUNDS TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Section 104(k) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

"(3) TRANSFER TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Funds made available under this title and transferred to the National Railroad Passenger Corporation or to any other publicly-owned intercity passenger rail line (including any rail line for a transportation system using magnetic levitation) shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds."; and

(3) in paragraph (4) (as redesignated by paragraph (1)), by striking "paragraphs (1) and (2)" and inserting "paragraphs (1) through (3)".

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that with respect to Senator VOINOVICH's amendment on passenger rail flexibility, the vote occur on or in relation to the amendment at 11 a.m. today with the debate until 11 divided in the usual form. I further ask consent that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I am on the side of the Senator from Ohio. I don't know what the agreement is as to who has jurisdiction over the time, but I believe—

The PRESIDING OFFICER. The Senator from Ohio controls half of the time, and the manager or his designee controls the other half.

Mr. LAUTENBERG. How much time remains, Mr. President?

The PRESIDING OFFICER. There are 20 minutes for the Senator from Ohio and 17 minutes for the opposition.

Mr. BIDEN. Mr. President, I ask the Senator from Ohio whether he would be willing to yield me 7 minutes?

Mr. VOINOVICH. I would be more than happy to do so.

Mr. BIDEN. Mr. President, I thank the Senator from Ohio and the Senator from Rhode Island for taking the lead on this important amendment this year. As a former Governor and mayor, they can both tell you firsthand about the need for State and local governments to have flexibility to make the best use of their transportation dollars as they see fit.

I find this kind of fascinating. Here we are and we talk about States rights and doing what the States need and the States know what their requirements are. Yet repeatedly when I have introduced this same amendment without the help—hopefully, it will change now because I have a former Republican Governor who has done the job. He is here in the Senate. I have stood up on the floor since 1991 introducing this amendment and I have been told that the Governors don't want this, or that this is inconsistent with the Republican philosophy, or whatever.

Now we have a Governor from one of the largest States in the United States who has done the job—and he obviously did it very well—who says, along with a former mayor from one of our smaller States but with more concentrated cities, that this is a flexibility that will help. Why should you be put in a position as a Governor when, in fact, you are able to, by the way, have flexibility with this money and to decide how you want to use your highway money, and you decide you want to put a bus route on, you can do it? Why can't you use the railroad? This sacrosanct principle I always hear from my friend from Missouri I find fascinating. What is the difference between a bus and a railroad? It is not a road. Guess what. It is on a road. The cement and asphalt guys like that a lot. They don't like the idea that we would make it better for our constituents and Governors have the choice and flexibility.

We are not asking for more money; we are asking for flexibility. I would think it is just common sense. The record shows that the Senate has gone on record time after time—in 1991, 1995, and 1997—in favor of this same proposal before us today in the Voinovich amendment. Time and again, the language has been dropped in conference with the House, which is why we are here again today.

In addition to the same common sense, we are also here to restore balance to the way our transportation dollars are spent. Once again, the highway lobby, which is not content to consume its own large share, is trying to keep

Amtrak from having a little bit of a share of the leftovers that go on after other modes of transportation have been taken care of. I guess we will have that business to deal with today.

First, the issue is common sense. Under current law, States are permitted to make their own choices to use the money for certain Federal transportation programs for mass transit, hike and bike trails, driver education, and even snowmobile trails. This is not a very restrictive list, Mr. President. In fact, there is only one kind of transportation that Governors and mayors aren't allowed to consider; that is, inner-city passenger rail.

Isn't that funny? They are going to give the folks in Minnesota, as we should, the ability for the Governor to decide he wants to spend highway money for snowmobile trails. Well, that is his business. They need that, according to the people in Minnesota. We don't need it in Delaware. We need rail. As my friend, and the leader on this subject for the entire time he has been here, the Senator from New Jersey, says—and one of my greatest regrets is that he is leaving voluntarily, and I mean that sincerely. He has one of the few logical voices in this debate. He and I come from States that if you widen I-95, it will accommodate the reduction of rail transportation and you are going to take up the bulk of my State. It would take another seven lanes. Look, I don't tell the folks in Missouri what they need. I don't tell the Governor of Missouri that he should or should not build more roads. Why can't you let the Governor of the State of Delaware decide whether or not it is better for us to have rail transportation between Wilmington and Newark, DE, instead of having to build another lane on I-95?

We all know why Amtrak is off the list. It is politics, pure politics. It has nothing to do with good public policy or a principle of federalism. What sense does it make to go out of our way to tie our Governor's hands when it comes to inner-city transportation? It makes no sense. That is why the Senate has supported this language time and again—unanimously, in some cases, in the past, and with strong bipartisan support. Here is what is at stake when you think about this little proposition: A little balance in our transportation spending.

Mr. President, last year Amtrak received \$571 million in Federal funding. The highway system got \$53 billion; and \$20 billion of that was over and above the gas tax and users' fees that make some folks believe they are paying their own way. Again, \$20 billion. We are talking \$571 million for Amtrak.

I am not here to argue against full funding of the highway system. However, a lot of places such as the Northeast corridor are not going to be able

to add another lane to I-95. We have to have another option for our transportation dollars. That is all this amendment does. It gives, along with every other State, an option we need to keep intercity transportation and rail systems viable. That includes States in the Midwest, West, and South, which is why S. 1144, the bill on which this amendment is based, is cosponsored by 36 Senators including, I note with interest, the distinguished majority leader.

The simple notion of balance says we ought to give all the parts of our transportation system the resources they need and we should give our citizens the full range of transportation choices that citizens in every other advanced economy in the world can now take for granted. It is time to stand up for this language. There is no principled argument on Federalism.

I thank my friend from Ohio for his leadership, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this is one of these issues that gets convoluted. Unfortunately, in my role as the chairman of the Environment and Public Works Committee, I must object to this authorizing amendment to the appropriations bill. I join several of my distinguished colleagues, including my ranking member, Senator BAUCUS, in this regard.

I point out upfront I am a cosponsor of S. 1144. I support State flexibility. I support a cost-effective rail system that is efficient. And I encourage Amtrak to move towards privatization. The States do have an interest in developing passenger rail. I want the States to have that flexibility, which is why I cosponsored S. 1144.

Rail funding flexibility is a complex subject central to the so-called TEA-21 legislation which was debated and negotiated over many months in the last Congress. This issue is squarely in the jurisdiction of the authorizing committee, not the Appropriations Committee. We have had this fight many times before. The majority leader has spoken eloquently on this matter time and time again. We basically render the authorizing committees powerless, useless. What is the purpose?

I have spent days and days and days and weeks and weeks in an effort to resolve a matter that deals with buses, an amendment or some language that would be acceptable so we could vote for this. If we had done that, perhaps we wouldn't be here now. Instead, we are now faced with a decision. I have to oppose something that in essence I support, but for some language that would deal with the problems the bus companies have.

This is an authorizing committee matter. Time and time again we legislate on appropriations bills, and time

and time again the authorizing committees become useless. Since it has been reported, I have spent several months working on substantive amendments to this bill. This bill has holes. On behalf of rail flexibility and the railroads, I have tried my best to get around the holes, to no avail.

This provision requires more thought, more consideration, better timing. Members of the Environment and Public Works Committee have a difference of opinion on this amendment. I respect that. That is the way the process works. I have no problem with people having their own views, and I am sure they don't have a problem with me having mine. We ignore the authorizers' concerns if we shove this through on an appropriations bill. The House appropriations bill had another version of rail flexibility, and it was struck by a point of order.

I am very concerned about continuing Amtrak competition with intercity bus service, which is why I have spent with my staff on the committee weeks and weeks negotiating, working, trying to come up with language that would be acceptable. Rail service will prosper if it is integrated with feeder bus service. That is how rail will prosper. The rails have limits as to where they can go. Feeder buses have more flexibility. That enhances the rail.

Not included in this amendment is a specific prohibition against these funds being used for Amtrak operating subsidies. Not included in this amendment is any mechanism to prevent below-cost pricing that damages existing bus service. And not included in this amendment is any mechanism to ensure rail and bus service are integrated. This amendment in its current form leaves many holes in this important policy, without protecting the buses or the State government from the influence of Amtrak.

Balanced intercity transportation is important. This amendment cannot strike the right balance, I regret to say. I ask my friends in the Senate to keep this provision in the jurisdiction of the Environment and Public Works Committee where it belongs. If you are on the committee, do what I am doing, even though in essence, with the exceptions I noted, I support S. 1144. Keep this matter in the jurisdiction of the committee where it belongs.

We will continue our hard work on making it good legislation for all the competing interests. If this provision goes on the appropriations bill, my committee cannot work on negotiations in conference. All who worked so hard to craft this, going back to when my predecessor was chairman of this committee, Senator John Chafee, when the process began, S. 1144 was marked out of committee and put on the Senate calendar. The idea behind that is, if there is a conference on this bill with

the House Members of the Environment and Public Works Committee, which brought the bill out, we would have a right to conference. We are not even going to be in the conference now. We are totally shut out of the process.

I say to my colleagues, I don't care where you are on the issue itself—whether you are for rail, bus, no rail flexibility, total rail flexibility—the right thing to do here is to support a rule XVI point of order because it is legislating on appropriations. Senator LOTT has spoken about that issue over the past several weeks. I encourage my colleagues to support the rule XVI point of order. I am not sure who yet will raise that point of order. I may do it, Senator BAUCUS may do it. We will talk about that. The point is, the rule should be raised and will be raised. I encourage my colleagues to support the rule XVI point of order to this legislation on appropriations bills.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask the Senator from Ohio to yield me 5 minutes.

Mr. VOINOVICH. I yield.

Mr. LAUTENBERG. I thank the Senator from Ohio and congratulate him for his foresight. He is among the best to know what to do in a situation such as this, having served as a Governor of Ohio and mayor, as we earlier heard from our friend from Delaware.

We are simply asking for flexibility to use certain highway funds for mass transit investments. I think that is a pretty good idea. The Voinovich amendment merely extends that flexibility to include Amtrak expenses.

We do not have much new here, except to make certain that if a Governor, if a State, if the people in that State choose to use some of the highway money they are going to have on rail, they have an opportunity to do so. I, frankly, think it is an appropriate local decision. We often have disputes here about whether we are invading States rights, seizing their prerogatives. This one surprises me because what I hear from the opponents, largely, is: Well, my people have put money into the trust fund from the gasoline taxes and we want it spent on highways.

I can tell you, coming from New Jersey, we don't get very much of a return on the money we send down here. As a matter of fact, I am embarrassed to tell some of my constituents that we have among the lowest—perhaps the lowest—return on money we send to Washington. So we understand the concerns there. But this is in the national interest. As we hear the discussion, we say it should be to guarantee a National Highway System. The highway system is getting by far the lion's share. If a State says it would also like to be investing in intercity rail service, I think it ought to be able to do it.

Some say all the money going to rail, to Amtrak, is largely in the Northeast

corridor. That may be a fact of life because most of the people in the country are squashed into that little area, the Northeast quadrant of the United States. But also, as we look at plans, there are plans to take trains from Chicago to St. Louis. If the investments are properly made there, we will knock about 2 hours off the trip from Chicago to St. Louis. I assume that is an important route. It is a Midwest route, Chicago to St. Louis, MO—that is a pretty busy area, too. And there is congestion there: Been there, done that; I have seen it myself. Traffic on the highways is bottled up.

We are clogging the airplanes to such a point they cannot function. There was an article in the paper the other day about runway incursions. They are way up, 27 percent in just 5 months this year. That is an ominous thing to think about. We are always concerned about airplanes falling out of the sky. Our system is fundamentally safe, but runway incursions happen for a couple of reasons, not the least of which is it is just too crowded. There are too many airplanes fighting for the same space to land or to take off or for slots to permit their passengers to disembark.

We are looking at a situation now, as we heard from the Senator from Delaware, where we cannot put anymore concrete down without recognizing there is a terrific consequence to that. We talk about urban sprawl; we talk about consuming all the land that is under us. We know one thing is true: Rail is an efficient way to go. So we ought to say, OK, I will butt out of your business. If the Governor of Missouri or Governor of Illinois or the Governor of New Jersey chooses to use some of their highway funds on intercity rail and convinces their legislature to do that, we ought to agree. We ought to do it. That is usually the cry here: Let the States decide. As much as possible, I would like to see them do that.

What we see here is an excellent opportunity to present a States rights issue and allow the decisions to be made at the local scene where they are going to have the greatest impact. I hope we are going to see full support for this amendment. This is a matter of direct choice.

I yield the floor and encourage all my colleagues to support the amendment the Senator from Ohio has wisely offered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes.

Mr. SMITH of New Hampshire. I yield to the Senator 5 minutes.

Mr. BAUCUS. Mr. President, this has an intriguing, alluring, siren call: Let the Governors and State legislatures divert it. It sounds good on the surface. But like a lot of issues, let's stop and think about the actual consequences.

First of all, when we passed the last highway bill, even though we increased the amount of dollars to go from Federal gasoline taxes into the trust fund, back out to the States for highway construction, we all knew we had not even begun to fully take care of our Nation's roads, highways, and bridges. And we have not. The Department of Transportation, the Federal Highway Administration, has done study after study that shows we only meet one-half of our Nation's needs—one-half.

Some of you saw on television last night the report about all the red lights, people caught up in traffic. We know about the potholes. We know about roads and bridges and highways that are not up to snuff. What do we also know? We also know that our highways, as good as they are, are not as durable and as lasting as, say, some European highways, German highways.

Why is that? That is because so much more research and development and expense in dollars goes into that highway system to make those the best in the world. We have problems. We think we have a good highway system—it is good, but the Department of Transportation has concluded, from study after study, we are only halfway there, even with ISTEA that we passed a couple of years ago. So anybody who thinks we should start diverting money from the highway fund better think twice about whether or not we are keeping up with our Nation's highway needs. The answer is that we are not.

Second, the highway program is trusted by Americans. Why is that? Basically because Americans know the Federal gasoline tax, as well as the State gasoline tax, goes into highway construction and maintenance and that is it. A few years ago, we decided to divert 4.3 cents, which was the additional tax we put on for highways, the gasoline tax, away from general revenues in the trust fund. We wanted to restore the trust in the highway trust fund. We did that. So basically all Federal gasoline taxes go in the highway trust fund and a small percent, half a cent, go into mass transit. The rest goes into the highway trust fund. Americans know that. They know where their dollars are going. That gives Americans confidence.

Not along ago, the suggestion was made to repeal the 4.3 cents. That was during a time when gasoline prices were going up. It sounded like a good idea, repeal 4.3 cents of the Federal gasoline tax, get those highway taxes down, get those gasoline taxes down. A siren song? Sounds good on the surface. What happened? We thought about it a little more and realized it was not a very good idea and we decided not to do that. We wanted to keep the 4.3 cents in the highway trust fund, knowing in the long run that is much more in our national interest.

This trust is very important. I can see this as the beginning of a slippery

slope, giving Government discretion to take money out of the fund for Amtrak. Then what is next after that? We start to nibble away at the trust.

One other point, the highway system in America is a National Highway System.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, I ask to proceed for 2 additional minutes.

Mr. SMITH of New Hampshire. I yield the Senator another 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire only has 3 minutes remaining.

Mr. SMITH of New Hampshire. I yield the 3 minutes.

Mr. BAUCUS. I will take 2.

This is a National Highway System. What does that mean? President Eisenhower saw this. It was his conception. As a young soldier, he traveled across America and realized the highway system needed help. That means we know, as we travel across the country, that the highways in Montana, New Jersey, Ohio—highways around the country are all in pretty good shape. It is a National Highway System. What is going to happen? I have the highest respect for my friends from New Jersey and Delaware. What is going to happen in those States which are essentially, by comparison, Amtrak States? They are not highway States; they are Amtrak States. We know what is going to happen. Those Governors and legislators are going to say we are going to take money out of the highway trust fund. Because we don't have as many highways in our State, we are going to Amtrak.

What are Americans going to think when the highways in those States start to deteriorate? It is no longer a National Highway System. The same thing about Amtrak. One Governor says Amtrak; the one next-door says, no, not Amtrak. It gets to be quilt work, gets to be patchwork, it gets to be confused, and we do not have a national system anymore.

I think we need to expand Amtrak. I am a strong Amtrak supporter—very strong. But the way to do it is not here on the floor saying Governors decide what a national Amtrak program is. The way to do it is for the Congress of the United States to do its business and come back with a national Amtrak program. That is the way to do it.

We have a budget surplus here. Let's talk about Amtrak in the context of how we put a national Amtrak program together, and not say Governors do this and do that and sometimes some States will have a little more highway money.

Mr. President, I strongly urge my colleagues to not succumb to this siren song because in the long run, it is going to hurt us.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be given 2 minutes to speak on this amendment.

Mr. VOINOVICH. I object. I want to know—

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. What does the Senator want to know?

Mr. VOINOVICH. I want to know on whose time?

The PRESIDING OFFICER. There are 8 minutes remaining for the proponents.

Mr. SHELBY. I asked unanimous consent that I be given time. It is on nobody's time.

The PRESIDING OFFICER. Is the Senator asking to put off the 11 o'clock vote then by unanimous consent?

Mr. VOINOVICH. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I was not going to comment on this provision today, as I am trying to expedite consideration of the transportation appropriations bill and did not want any statement by me to delay the conclusion of the Senate's consideration of the measure.

However, since I heard the chairman of the Environment and Public Works Committee and the ranking member of the Environment and Public Works Committee come out in opposition to this measure, I could not miss the opportunity to stand with them in opposition to include this provision on the Transportation appropriations bill. Often we find ourselves in disagreement on individual amendments, so when the chance arises to be on the same side with them, I did not want to miss the chance.

Further, I do believe that in this particular instance flexibility is a dangerous tool to be giving Amtrak. It is one thing to grant special dispensation in the case of increasing service or in unique circumstances, but my concern here is that Amtrak will use the provision to leverage State to shift badly needed highway dollars to simply maintaining already failing Amtrak service.

This is one of those circumstances of needing to be careful what you wish for—many States may find the they have fewer highway dollars and the same Amtrak service at the end of the day if this provision were to pass.

I urge my colleagues to reject this provision on this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, one of the things that is a little bit disturbing to me is that there is a feeling in the Senate that somehow Governors control their States: The Governors are going to do this; the Governors are going to do that. The Governors are unable to do anything unless they have

the support and involvement of their State legislatures.

I was a Governor from a donor State and fought for ISTEA and TEA-21. When I came in, we were at 79 cents. We are up to 90½ cents. I know how important money is for transportation. This is not an issue of Amtrak. I keep hearing Amtrak. I do not like Amtrak, and if we had the flexibility in my State, I am pretty sure we are not going to spend any money on rail. But I think the Governors should have an opportunity to have the flexibility to decide—with their legislatures—what is in the best interest of their people in dealing with their transportation problems.

There is one other issue that needs to be taken under consideration when talking about transportation, and that is the environmental policy of the United States. We are in a situation today where we have high gas prices. We are in a situation today where we need to put together an energy policy. Frankly speaking, rail ought to be part of the consideration in deciding that energy policy.

Some of the same people who are objecting to Governors having flexibility on rail supported welfare reform. I remember when we were down here lobbying for welfare reform. They said: If you give it to the Governors, it will be a race to the bottom. But, we got the job done. Some of the same people opposed to this are big advocates of giving Governors the opportunity to spend education dollars. That is what this is about. This is not about Amtrak. It is about flexibility. It is about States rights. It is about federalism.

The only reason I offered the amendment today is that I could not get a unanimous-consent agreement to bring up the bill, S. 1144, and it was stuck with a hold on it. With all due respect to the chairman, for whom I have the highest regard and understanding—and who was a cosponsor of this legislation, this issue of flexibility needs to be aired. We ought to have a vote on it. We ought to give the Governors the opportunity to have this flexibility.

To characterize the amendment as for rail or against—that is not the case. I am not here for that. I am here for flexibility for the Governors who have a big responsibility, and they ought to have an opportunity with their State legislatures to decide how they are going to spend this money. If they want to spend it on rail and debate it, fine. If they do not want it, let them decide that.

Mr. SCHUMER. Will the Senator yield?

Mr. VOINOVICH. I yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator. I support his amendment, and I want to reiterate how important this will be to our State. Because of ISTEA, our State

gets a huge amount of money for road building. The Governors make that decision. We are desperately short in terms of help for rail in many parts of our State. In fact, in some of the rural areas they are looking for rail help now which they were not several years ago.

As I understand the Senator's amendment, it will simply allow each Governor to make that choice so that in my State of New York, if Governor Pataki decides he has enough, or at least a higher priority than the bottom of the rung in terms of his highway decisions and wants to put some of this money into passenger rail service, he will be allowed to do it. It is simply his decision, no mandate, and will not affect any other State if this amendment is adopted. And that would apply in each of the States; am I correct in assuming that?

Mr. VOINOVICH. That is correct.

Mr. LAUTENBERG. Mr. President, I say to the Senator from Ohio, there are approximately 2 minutes remaining. We had an understanding that we would share some time. Does the Senator need the 2 minutes? If he does, I will step aside.

Mr. VOINOVICH. I yield 2 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will try to take only 1 minute.

This is not a new idea. This has been in Senate bills before, including ISTEA and TEA-21, and it passed with those bills. It died in conference. There was another influence working over there that prevented us from exercising our will and our judgment about what ought to happen.

With all due respect to my colleagues who oppose this, we have done this before, and we ought to have a clear opportunity to do it again.

The Senator from Ohio was so clear in his presentation. It is simply allowing the governments within the States to make decisions about how they use their highway funds. If they think they are servicing their public better by permitting them to invest in intercity rail, then, by golly, we ought to let them do it. It is better for the highway people. Those who advocate investing more in highways, how about getting more cars off the roads? Doesn't that help the highway people? Doesn't that help clear up congestion? I think so.

I understand the jurisdictional dispute. I am on the Environment and Public Works Committee, and I greatly respect the chairman. He was very clear in what he said. He does not oppose the idea, but he opposes the idea of doing it here.

It is here, and it is now, I say to the Senator, and we have to take the opportunity as it exists. I hope my colleagues will support this.

I yield whatever time remains back to the Senator from Ohio. How much time remains, Mr. President?

The PRESIDING OFFICER. A little less than 30 seconds.

Mr. VOINOVICH. I reserve my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized and has 1 minute.

Mr. SMITH of New Hampshire. Mr. President, on behalf of the majority leader, an amendment was inadvertently left off the list of eligible amendments in order to the bill. Therefore, I ask unanimous consent that a Murkowski amendment on an Alaska railroad be added to the list. This has been agreed to by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I make a point of order that the pending amendment is legislating on an appropriations bill in violation of rule XVI. I ask my colleagues to stand with me so that we can put a stop to this practice of legislating on appropriations bills.

Mr. VOINOVICH. Mr. President, I raise a defense of germaneness and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Chair submits to the Senate the question, Is the amendment No. 3434 germane? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. AL-LARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—46

Akaka	Inouye	Nickles
Bayh	Jeffords	Reed
Biden	Johnson	Reid
Boxer	Kennedy	Robb
Bryan	Kerry	Roth
Chafee, L.	Kohl	Santorum
Cleland	Landrieu	Sarbanes
Coverdell	Lautenberg	Schumer
DeWine	Leahy	Snowe
Dodd	Levin	Specter
Durbin	Lieberman	Torricelli
Edwards	Lugar	Voinovich
Feinstein	Mikulski	Wellstone
Graham	Moynihan	Wyden
Hollings	Murkowski	
Hutchison	Murray	

NAYS—52

Abraham	Craig	Helms
Allard	Crapo	Hutchinson
Ashcroft	Daschle	Inhofe
Baucus	Dorgan	Kerrey
Bennett	Enzi	Kyl
Bingaman	Feingold	Lincoln
Bond	Fitzgerald	Lott
Breaux	Frist	Mack
Brownback	Gorton	McCain
Bunning	Gramm	McConnell
Burns	Grassley	Roberts
Byrd	Gregg	Sessions
Campbell	Cochran	Shelby
Collins	Harkin	Smith (NH)
Conrad	Hatch	

Smith (OR)	Thomas	Thurmond
Stevens	Thompson	Warner

NOT VOTING—2

Domenici Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 52. The judgment of the Senate is that the amendment is not germane. The amendment falls.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am going to increasingly call attention to the disorder that prevails in this Senate.

As I sat here and listened to this crowd in the well, I wondered to myself: Can you imagine Norris Cotton being in that well? Can you imagine George Aiken being in the well at that time? Can you imagine Senator Dick Russell being in the well? Can you imagine Lister Hill being there?

I don't know what the people who visit as our guests in the galleries think of this institution. It resembles the floor of a stock exchange. I can understand that once in a while people have to go in the well and ask a question. But we are supposed to vote from our seats. I do not know how many Senators know that, but there is a regulation providing that Senators shall vote from their seats. I urge the leadership on both sides to insist that that be done. I always try to vote from my seat. It doesn't present any problem for me, voting from my seat. I realize that some Senators don't get an opportunity to talk to one another until they come to the rollcalls, but we have a vast area outside the Chamber or in the Cloakrooms where they can do that.

So I am going to urge the joint leadership to insist that Senators vote from their desks. If Senators will look on page 158 of the Senate Manual under "Senate regulations", they will find this regulation. May I ask the Chair to read that regulation to the Senate.

The PRESIDING OFFICER. "Votes Shall Be Cast From Assigned Desks."

"Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator."

Mr. BYRD. Mr. President, parliamentary inquiry: If I or another Senator insists on that regulation being enforced, is it the Chair's intention—and I am not being personal about this, but will the Chair enforce that regulation, if a Senator asks that it be done?

The PRESIDING OFFICER. It is the duty of the Chair to enforce all the rules and regulations of the Senate.

Mr. BYRD. I thank the Chair.

I hope Senators heard the Chair. For those who are not here, I hope they will read it. I urge that the joint leadership insist on that regulation. Otherwise, I am going to insist on it. One Senator can insist on it. As I understand from what the Chair has said in

his response to my parliamentary inquiry of the Chair, it is the Chair's duty to enforce the regulations.

I don't say this with any animus, but I am concerned about how the Senate appears to visitors during roll call votes. Perhaps other Senators may not be quite so concerned, but I am because it seems to be getting worse.

I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, following the previous agreement, all amendments had to be filed by 11:30. I think it is a little past 11:30. We should now have all of the amendments.

At this time, I would like to review with my ranking member, Senator LAUTENBERG, all amendments that have been filed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Chair calls for order in the Senate.

Ms. COLLINS. Thank you, Mr. President,

AMENDMENT NO. 3439

(Purpose: To express the sense of the Senate that the Strategic Petroleum Reserve should be used to address high crude oil and gasoline prices)

Ms. COLLINS. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS), for herself and Mr. SCHUMER, proposes an amendment numbered 3439.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . . . SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) since 1999, gasoline prices have risen from an average of 99 cents per gallon to \$1.63 per gallon (with prices exceeding \$2.00 per gallon in some areas), causing financial hardship to Americans across the country;

(2) the Secretary of Energy has authority under existing law to fill the Strategic Petroleum Reserve through time exchanges ("swaps"), by releasing oil from the Strategic Petroleum Reserve in times of supply shortage in exchange for the infusion of more oil into the Strategic Petroleum Reserve at a later date;

(3) the Organization of Petroleum Exporting Countries ("OPEC") has created a worldwide supply shortage by choking off petroleum production through anticompetitive means;

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories; and

(5) the Secretary of Energy should implement a swap plan at times, such as the present, when prices of fuel have risen because of cutbacks in the production of crude oil.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the President determines that a release of oil from the Strategic Petroleum Reserve under swapping arrangements would not jeopardize national security, the Secretary of Energy should, as soon as is practicable, use the authority under existing law to release oil from the Strategic Petroleum Reserve in an economically feasible way by means of swapping arrangements providing for future increases in Strategic Petroleum Reserve reserves.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and my distinguished colleague from New York, Senator SCHUMER, to offer a sense-of-the-Senate resolution that addresses perhaps what is the most pressing transportation problem facing America today; that is, the outrageously high cost of gasoline. Retail gasoline prices have skyrocketed over the past months to a nationwide average of \$1.63 per gallon. In my hometown of Caribou, ME, a gallon of regular unleaded gas costs \$1.68. And that's if you pump your own. In the Midwest, gasoline prices have exceeded \$2 a gallon. Yesterday, gasoline futures hit a 9½-year high on the New York Mercantile Exchange. Yet, just last year, gasoline prices averaged only 99 cents per gallon. What a difference a year can make.

This past March, Secretary of Energy Bill Richardson assured the nation that we would enjoy declining gasoline prices over the spring and summer and promised that we would not see gasoline prices at \$2 per gallon. Unfortunately, \$2 is exactly what many Americans now pay for a gallon of gas.

These high prices are the result of steadily increasing crude oil prices which, in turn, have been caused by OPEC's anticompetitive activity. Since the second quarter of 1999, OPEC has cut production by over 3 million barrels per day in a deliberate attempt to raise prices. Well, the strategy has worked. Although OPEC countries sold 5 percent less oil in 1999, their profits were up 38 percent. And the profits keep rolling in.

Early last fall, Senator SCHUMER and I began warning the Clinton administration that OPEC's production squeeze would have far-reaching, detrimental impacts on our economy. At that time, oil prices already were beginning to rise, and U.S. inventories were falling. Throughout the winter, Mainers and all Americans who heat with oil suffered from the highest distillate prices in a decade.

The administration's lack of a response has been as perplexing as it is disappointing. Last winter, Secretary Richardson admitted that the "Federal Government was not prepared. We were caught napping." This is an astonishing explanation for the administration's lack of leadership. And now it's time for the administration to wake up.

The administration's "energy diplomacy" policy has proven to be a failure.

On March 27, the OPEC nations agreed to increase production, but at a level that still falls well short of world demand. At the time, Secretary Richardson proclaimed that the administration's policy of "quiet diplomacy" had worked and forecast price declines of 11 to 18 cents per gallon by mid-summer. Thus far, exactly the opposite has occurred. Gasoline prices are up some 12 cents per gallon since the OPEC announcement. Now predictions are not so rosy. As the Department of Energy's Energy Information Administration candidly noted in its June 2000 short-term energy outlook, "we now recognize that hopes for an early peak in pump prices this year have given way to expectations of some continued increases in June and possibly July."

Moreover, the EIA's June report warns that OPEC's anticompetitive scheme could place us next winter once again in the midst of another diesel fuel and home heating oil crisis. The report predicts that world oil consumption will continue to outpace production throughout this year resulting in, and I quote, "extremely low inventories by the end of the year, leaving almost no flexibility in the world oil system to react to a cutoff in oil supplies somewhere or an extreme cold snap during next winter."

It is past time for this administration to shift gears from quiet diplomacy to active engagement. The oil crisis we have faced for over a year underscores the fact that this administration has no energy policy, much less one designed to address the needs of America in the 21st century. Americans deserve a long-term, sustainable, cogent energy policy. But, in the short term, they also deserve some price relief. The amendment Senator SCHUMER and I have offered would do just that.

The amendment is straightforward. It addresses the sense of the Senate that the Secretary of Energy should use his authority to release some oil from our massive Strategic Petroleum Reserve through time exchanges, or "swaps." The immediate commencement of a swaps policy would bring oil prices down while providing a buffer against OPEC's supply manipulations. Moreover, a well-executed swaps plan could, over time increase our reserve from its current level of 570 million barrels, at no cost to taxpayers.

Mr. President, the swaps approach advocated by our amendment would

also give the administration leverage it has refused to bring to bear on the OPEC cartel. Quiet diplomacy has not worked. OPEC already has broken a commitment it gave to Secretary Richardson to increase production further if crude oil prices hit the levels they have reached over the past month. OPEC is scheduled to meet again on June 21 in Vienna. We need to show OPEC that we will not sit idly by as the cartel manipulates our markets and gouges us at the pump. The amendment Senator SCHUMER and I have offered is designed to send a strong signal to OPEC nations and to provide relief to the American consumer.

Mr. President, I am aware this amendment is subject to a procedural point of order, and therefore, Senator SCHUMER and I will be withdrawing it. Nevertheless, it is a very important issue.

I commend the Senator from New York for his leadership in working on this issue for so many months. We will continue our efforts. We are writing, once again, to the President, to urge him to immediately implement a swap plan as proposed by our amendment.

For the sake of all Americans who have felt the squeeze of skyrocketing oil and gas prices, we sincerely hope that the time has finally come for the administration to heed our call.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank the Senator from Maine for her leadership and her comradeship on this issue.

We have been working for a long time. We are not going to rest until something is done. If what we propose is not the right course, come up with some other strategy. But clearly, as the Senator says so correctly, something is not working.

The bottom line is simple. Last year, the Senator from Maine and I predicted home heating oil prices would go through the roof. We were told by the Energy Department and others: Oh, no, don't worry. You are being alarmist.

Unfortunately, for many of our constituents and millions of Americans in other States, home heating oil prices went through the roof.

Then in the early winter, we said: Now, gasoline could go to \$2 a gallon this summer if nothing is done. We had studied how much oil OPEC was putting out. We looked at rural demand. We looked at the fact that our former friends, or friends who had always been helpful—Mexico and Norway, non-OPEC Members that expanded the supply of oil—would not help anymore.

They said, as the Senator from Maine indicated, let's try some quiet diplomacy. We are not the fount of all wisdom. Why not?

On March 27, when the OPEC members met, they said they were going to prevent oil from going to \$28 a barrel

on the spot market. And if it went over \$28 a barrel for more than 30 days, they would release additional oil and bring the price back down. In fact, they set a range, not just a ceiling. There was also a floor, \$22 to \$28. It was high but within the bounds of being livable for the consumers in our States who, if nothing was done, would pay \$1,000 more each year for gasoline and home heating oil. That number is no different than for most of the constituents of my colleagues from other States.

If we look at what Chairman Greenspan is doing in raising interest rates, he cites oil pressure on the economy as one of the great problems we face. He said if OPEC will do this on its own, maybe that is a better way.

Oil has been above \$28 for more than 30 days and the OPEC nations are saying they are not going to do anything.

Maybe swapping SPR reserves, as we are urging in the bipartisan letter we are releasing today, signed by about a dozen of our colleagues, as well as ourselves, is not the only way to go, but nobody has presented a better alternative.

If we were to release a relatively modest amount of oil from the SPR, prices would come down, the fragile unity that OPEC has shown would be broken, and there would be new cheating on OPEC's part, and the price would come down further.

We have 570 million barrels of oil sitting there. If we were to release, say, a million barrels of oil for a 45-day period, it would not deplete the reserve. Figure it out using simple mathematics. It is less than 10 percent of the reserve. Furthermore, because the market is what is called "backwardized," we could actually require that we would lock in a price, that we could buy oil next April at \$25 a barrel. It is simple arithmetic.

If we sell at \$31 and we can buy it back next April by buying futures on the oil market for \$25, not only do we achieve our main goal, which is to bring the price of oil back down and help the consumers throughout the country who are paying through the nose for gasoline, we could also actually make some money. The Government, for once, would be behaving as a private business. That is not our goal, but that would be a side benefit.

Here we are. Everything that has been said has not worked. Home heating oil did go through the roof. The price of gasoline is, in parts of the country, already above \$2 a gallon. The average, as of yesterday, was \$1.60—something in the rest of the country. And mark my words, heating oil next year, if we do nothing, will be much higher than it was last winter, when our constituents in the Northeast and Middle West faced unprecedented home heating oil bills.

So this resolution—I wish the point of order didn't lie against it; it does—

is what is needed. I agree with my friend and colleague from Maine we ought to withdraw it. But make no mistake about it; this policy is the only policy left on the table. To those who say it may not work—which is the only argument left. They first told us it was not legal, but it was, as we proved. They had done it three times before. They told us it was unnecessary. Prices show it is necessary. Now they are saying it may not work. Guess what. It cannot be worse than what is happening now.

So I strongly urge my colleagues, if they cannot vote on our resolution because of this point of order, to sign the letter Senator COLLINS and I have authored and continue to make our case that swapping oil from the Strategic Petroleum Reserve is the best policy we have to bring the all-too-high cost of energy down and keep our economic prosperity on track.

With that, I will yield to the Senator from Maine to conclude.

The PRESIDING OFFICER. The Senator from Maine.

Mr. LEVIN addressed the Chair.

Ms. COLLINS. Is the Senator from Michigan seeking to be heard on this resolution?

Mr. LEVIN. I am.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me congratulate the Senators from Maine and New York for this resolution. Because it is a sense-of-the-Senate resolution which might be ruled not to be germane or appropriate on this bill for technical or procedural reasons, I understand they will be withdrawing it. I am sorry that is what they must do under our rules, or need to do under our rules, because this resolution of theirs really addresses one of the most critical issues my constituents in Michigan are facing. I know the Senator's constituents in Maine are facing it, and the constituents of the Senator from New York. All of our constituents are facing these skyrocketing prices which have no rational explanation—except that the oil companies have decided they are going to gouge us pricewise, although their own prices of oil per barrel have not gone up nearly as much as have the prices that they are charging us.

We have had two agencies of this Government that have said there is no logical or rational explanation for the huge increase in gas prices. The Federal Trade Commission should investigate this matter. I have asked them to investigate this matter because of the possibility of anticompetitive practices on the part of the oil and gas industry. That is within the jurisdiction of the Federal Trade Commission. Their staff, indeed, is required to undertake that inquiry.

What is going on here is intolerable. It is not a reflection of the price of oil

per barrel. The prices at the pump have gone up far more, proportionally. In the absence of that kind of explanation, and in the presence of the kind of skyrocketing prices we are facing at the pump, as the Senator from Maine said—in the Midwest, in my State, now over \$2 a gallon—I think the signal which is being sent by this resolution is a very important one. The letter they are sending I hope will get the signatures of every Member of this body. I have already sent the President a similar letter urging the withdrawal of some oil from the Strategic Petroleum Reserve and the later swap of oil back into that reserve. I intend to sign this letter again because I think the more of us who ask this administration to withdraw oil from the Strategic Petroleum Reserve the better, and the more likely they would do so.

I commend the two Senators for their action. I intend to forcefully join with them in their letter and to continue my own efforts, as previously indicated both with the Federal Trade Commission to obtain their investigation for potential anticompetitive practices, as well as the withdrawal issue by the Department of Energy, because I believe that is one of the ways we can fight back against the OPEC monopoly.

Mr. DURBIN. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. DURBIN. If the Senator from Michigan will yield, I commend him for his remarks and also commend the Senators from Michigan and Maine for what they have done and their leadership on this issue. This is a critically important issue in the Midwest. It is certainly an important issue in the State of Illinois. I have been back to my State and I can tell you virtually every single group I have met with—labor, business, education, ordinary families—all bring up this issue as the first concern because it hits them in the pocketbook. Families trying to drive back and forth to a job, small businesses that depend on the cost of fuel for profit—they are all concerned. I commend the Senator from Michigan for the comments he has made.

I have listened to the oil companies and their explanations about why these prices have gone up, but I have to tell you they just don't wash. They don't make sense. When you explore them and look to them you say: Sure, that might account for a 2-cent increase or a 5-cent increase. But in the Chicagoland area, it is not uncommon to find gasoline at \$2.29 a gallon and higher, for the lowest cost gasoline. That does not explain it away.

Frankly, I think the oil companies are coming up with excuses. In the past, they have come up with excuses and, frankly, we have to go further. I think the Senator from Michigan is correct; the Federal Trade Commission has a responsibility here. Next Tuesday, the chairman of that Commission

is going to meet with the Illinois delegation to talk about this. I hope they take the Senator's suggestion and go forward with this investigation. At this time I think we need to have the oil companies in for honest answers so families and businesses across America understand what is behind this.

I commend the Senator from Michigan, as well as the Senator from Maine, and all those who have shown leadership on this issue. It is really a matter of the quality of life for a lot of families and businesses in the Midwest—across the Nation.

Mr. LEVIN. I thank my good friend from Illinois for his comments. As always, he has his finger on the pulse of his constituents. That is the No. 1 issue with the people of Michigan at the moment, the skyrocketing price of gas at the pump. There is not even a close second. This is the first, second, and third issue on the minds of the people of Michigan and the Midwest, and obviously other parts of the country as well. We have to hold the oil companies accountable. We have to put as much pressure on them as we can. Withdrawing oil from the Strategic Petroleum Reserve is one of the ways in which we can fight back against these skyrocketing prices.

The PRESIDING OFFICER. The Senator from Michigan is recognized, Senator ABRAHAM.

Mr. ABRAHAM. Mr. President, I first thank the Senator from Maine for her steadfast efforts to raise these issues over a fairly lengthy period of time now. I also think we should, perhaps, review some of the recent history. As my colleague from Michigan just indicated, it is clearly not just in Maine or Michigan but across the country, in almost every part of the country, the No. 1 issue on people's minds today—what it costs to fill up one's automobile or sports utility vehicle with gasoline.

In my case, like many other fathers with young children, we have a minivan. When we go to the pump now, it is somewhere between \$40 and \$50 to fill up our tank. There seems to be a pattern in our region—Michigan, Illinois, and some of the other States in the Great Lakes—that have driven the prices even higher than the national average. I share the concerns my colleague from Michigan and colleague from Illinois have expressed with respect to why this is affecting uniquely our State. I have asked the Secretary of Energy to meet personally on this issue to find out what insights he provides.

I think a few other issues need to be discussed. First, I think the points that have been raised with respect to releasing some of the petroleum in our strategic reserve make sense. This is a way to make an immediate impact, to have an immediate impact on the supply of oil which, in turn, will relate to the price. There are a lot of things we can

do that will have a long-term impact, but the short-term impact is fairly limited.

No. 1, we can tap the reserve. No. 2, we can suspend, as we have on several occasions tried to vote to do, the Federal gasoline taxes to reduce some of the costs the consumers are paying.

But I think there is an issue we need to talk about as well, that has more of a long-term consideration to it, and that is the dependency of our country on foreign sources of energy. The fact is, even if you level out the prices for the Great Lakes, if the problems in our region were to be resolved in such a fashion that we simply returned to the approximate level of the rest of the country, we would still be paying substantially higher prices than we did a year ago. There is no question the reason for that is the OPEC nations' decisions with respect to supply is the cause of these higher prices. While I think we should investigate whether it is the oil companies or anyone else who may be taking advantage of the supply situation in some inappropriate way, I think we must try to wean ourselves from the dependency we have on foreign energy sources.

I believe we have a responsibility as a Congress to work on issues related to this.

I believe the administration has a responsibility, which it has not fulfilled in over 7 years in office, to provide us with a long-term energy policy that prevents dependency from getting any worse. In the 1970s, when we had an energy crisis that led to lines at the fuel pumps, that led to shortages, we were only 35-percent dependent on foreign energy. Today, we are 55-percent dependent. At the current rate, we will hit 60 percent in the near future.

There is no question that if we place ourselves in that position, we will be at the mercy of the decisionmaking of foreign countries with respect to our energy costs. I do not think we want to be in that position as a nation. I do not think we want to have our Energy Secretary, irrespective of to which administration he or she might belong, be forced to go hat in hand, as Secretary Richardson recently was required to do, to persuade foreign countries to give America a little bit more of a supply. The only way to address that is to change policies at home that allow for domestic production to increase that will permit us to tap into alternative energy sources and to conserve more energy.

That, I believe, ought to occupy as much attention as anything else we do in this area. To address the long-term needs, in my judgment, is the top energy policy on which we should right now be focused as a Congress and as a nation.

We need a multifaceted approach. In the short run, the Strategic Petroleum Reserve can give us immediate relief

on some of the prices. I believe we should, again, consider suspending the gas tax as another way to do that for the short run. Until and unless we demonstrate as a nation a commitment to increasing our own domestic production, we are going to send a signal to these other nations that they are going to have the leverage they can use when they wish to make more profits for themselves at our expense, and instead of American consumers being in charge, it will be foreign oil ministers who make those decisions.

That is wrong. I intend to fight that, and I intend to be back on the floor as much as it takes on these issues until we begin to focus on that aspect of the problem.

Let's say the national average in the region—which does not include Michigan, Ohio, and Illinois—if that average fuel price was the price in my State, \$1.50 to \$1.60 a gallon, it would still be too high, in my opinion. The only way it is going to change is if we address the long-term issues as well.

I thank the Senator from Maine for her amendment and her efforts. I look forward to working with her on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3439 WITHDRAWN

Ms. COLLINS. Mr. President, I thank the Senator from Michigan. He is absolutely right in that we need to pursue a long-term energy policy for this Nation, as well as to provide short-term price relief by tapping our Strategic Petroleum Reserve.

I thank all my colleagues who have supported and have spoken out in support of this resolution, but particularly my primary sponsor of the legislation, Senator SCHUMER of New York. Since a point of order will lie against the amendment, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

THE ELECTRONIC SIGNATURE ACT

Mr. LEAHY. Mr. President, I mention this only because I know we were in a quorum call and, being in a quorum call, this time would not be taken from the bill. The House of Representatives has passed overwhelmingly—I think with only four votes against it—the Electronic Signature

Act. We will be taking it up in a matter of hours. I will speak further on this on the floor today, but I strongly urge my colleagues to vote for this bill.

A number of us worked closely—Republicans and Democrats alike—to craft the final package. I was one of the conferees and signed the conference report—indeed I also signed and supported the earlier report based on the agreement we achieved before the last recess weeks ago. I think that it is a good piece of legislation. I think it should pass. It includes consumer protections and balance that were lacking from the House-passed bill and builds upon the narrower provisions of the Senate-passed bill to include some additional provisions regarding record retention.

Originally, there were some who wanted to pass a digital signature bill almost for the sake of passing one. Fortunately, cooler heads prevailed in both parties but also among the industry. I think most of those in the various industries that will be affected, who want an electronic signature bill, realize they have to have something that would have consumer protection in it. Otherwise, we could see companies that do not have a strong sense of consumer ethics misuse the bill. The public reaction would be such that a subsequent Congress would wipe out all the gains we made.

What has happened now is we have written in good protections. The best companies, those companies that value their reputation and are in for the long haul, will follow these rules without any hesitation. But companies that may think of this as a chance to make profits—sudden profits—from people who are not computer literate, people who are just coming across the digital divide, they will be stopped from preying on the innocent.

I think it is a good piece of legislation, as I said. A number of us, Republicans and Democrats, worked very hard on this. Now we do have a good bill. In the Senate, Chairman MCCAIN and Senator HOLLINGS, Senator HATCH and I and Senator GRAMM and Senator SARBANES all participated in this conference, and from the House, Chairman BLILEY and Congressman DINGELL, worked to put this together. On our side Senator WYDEN made significant contributions, as well.

I urge, when this does come to the Senate floor, that it be passed, I hope unanimously.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. BINGAMAN pertaining to the introduction of S. 2736 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3430

(Purpose: To provide for an additional payment from the surplus to reduce the public debt)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI, proposes an amendment numbered 3430.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page _____, after line _____, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second at this time.

Mr. ALLARD. Mr. President, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLARD. Mr. President, the amendment that was just reported at the desk is an amendment that is cosponsored by myself, Senator VOINOVICH, Senator GRAMS, and Senator ENZI. I do want to take the time to thank them for their willingness to be a part of this very important effort to try to pay down our Nation's debt. We have two debts that are referred to frequently in debate, and I want to talk about each one of them individually. One is the burden of the national debt on America, and, as of June 14, 2000, the total national debt to the penny was \$5,651,368,584,663.04.

If we look at the debt that was owed to the public, there is an equally astounding figure of \$3,499,251,116,128.15.

How does this break down to each citizen's share of the national debt? If you were born today, what kind of debt would you have to face as you grew and paid for your education and started your own business and raised your family? Each citizen born today in America would owe \$20,550 on the national debt; or another way of putting it, \$12,724 on the debt owed to the public.

In 1961, Congress established within the Department of the Treasury the Bureau of the Public Debt, an account for citizens to repay the public debt. Our amendment is an attempt to accomplish just that. What it does, it makes a one-time payment out of the fiscal year 2000 surplus—that is the budget we are operating under right now—to the account. We have a total of about 26.5 billion surplus dollars that have come in this year. We have already obligated about \$14.3 billion in an effort for emergency spending.

This includes some adjustments between spending provisions we did last year where we forwarded some of our spending. We are going to move it back so it is within each fiscal year. It included some emergency spending for Kosovo and some emergency spending for farm programs and a number of other items. That leaves \$12.2 billion on the table. So this amendment says we want to take those \$12.2 billion and move them into the debt repayment account that Americans can pay into now, that we established in 1961.

This holds the Senate accountable for limited emergency supplemental spending consistent with the budget, I might add. I think each of us individually in the Senate, and Members of the House, ought to make a personal commitment to try to enforce provisions of that budget. That was voted on by this body, voted out of the body. If it is going to mean anything, I think Members of the Senate have to make a concerted effort to help enforce the provisions of the budget.

The amendment I have introduced, with the help of some of my colleagues, was scored by CBO as a no-cost intergovernmental transfer. It is well within the budget rules, the rules of the Senate, and it is an important amendment. It is something we need to address. We simply have to get the debt under control. I have introduced legislation in the past that has put forth a plan whereby we try to pay down the debt over 30 years, then, later on, introduced more legislation so we go ahead and pay down the debt over 20 years.

The fact is, we are having unprecedented surpluses coming in to the Government coffers. A lot of it is because of the amount of work and labor that is happening out there. It is due to American initiative that has been propelled by the free enterprise society in which we live. It is unprecedented in the history of this country.

If we do not do something to pay down the debt now, we are going to miss a great opportunity to have a secure, a more prosperous future for the young Americans of today, our future leaders.

I hope we can adopt this amendment as a minor first step in paying down our total debt. We simply should not, as a matter of conscience, continue to increase spending year after year with a total disregard of the total debt that we have accumulated. We simply need to be doing something to pay down our national debt.

This is a small step. It is something that hopefully will begin to get this Senate to understand and this Congress to realize we ought to have a plan of 20 years to pay down the debt. It is accountability on further emergency spending. Emergency spending is not counted in the budget caps and the 302(b) allocations, and too often this spending privilege is abused. Members of the House and Senate try to put programs which they cannot put in the regular budget resolution when this Congress sets its priorities under the emergency spending programs. We need to do what we can to maintain the integrity of that budget resolution because it is the one that puts restraint on spending and puts accountability in the budgeting process.

As I mentioned before, CBO has scored this as a no-cost transfer. It is important, and it is money that is left laying on the table. At this point in time, I really believe there are few choices of what will happen with the \$12.2 billion. It will either go toward debt repayment, or it will be spent. I am concerned it will be spent.

I have introduced this legislation to obligate it towards debt repayment. It is important. I ask my colleagues in the Senate to support us in the effort to pay down the debt, and I ask them to vote aye to support this amendment to pay down the debt. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, my colleague from the State of Colorado did a very good job outlining for us how important it is that we address our national debt. There is a euphoria in America today over the fact that we have a tremendous surplus. Unfortunately, the fact that we have a surplus reminds me of a Dean Martin song that went something like "Money burns a hole in my pocket." Everyone is trying to figure out how to spend this money. No one seems to be making an issue of the fact that today we have a \$5.7 trillion national debt which is costing Americans approximately \$600 million a day in interest.

Most Americans do not understand that 13 cents out of every Federal dollar we spend goes to pay interest. National defense gets 16 cents per dollar. Nondefense discretionary spending is 18

cents per dollar. They do not understand that we are spending more money on interest each year than we spend on Medicare, five times as much on interest as we do for education, and 15 times more than we spend on medical research.

This debt was racked up over a number of years. At a time when our economy is better than it has ever been before, when unemployment is at the lowest we have seen in anyone's memory, we should do like you, Mr. President, would do in your family and I would do in my family, or what a business person would do, and that is, in times of plenty, get rid of debt, get out from under debt.

We have an excellent opportunity to do that. Because of the expanding economy, we have a \$26 billion on-budget surplus in fiscal year 2000. Think of that, \$26 billion. We already allocated \$14 billion of that on-budget surplus when we passed the budget resolution to deal with what I consider to be, for the most part, emergency situations.

In order to guarantee we do not spend the rest of that money, we need to stand up and be counted and pay more than lipservice to reducing our national debt. We need to pass legislation that says the remaining on-budget surplus, this \$12.2 billion, is to be used to pay down the national debt. It is something that all of us should think about as being a moral responsibility.

One of the reasons I came to the Senate, was the fact that I believed we had spent money over the years on many things that, while important, we were unwilling to pay for, or, in the alternative, do without. We had a policy of "let the next guy worry about it"; "let the next generation worry about it."

When I came to the Senate, I had one grandchild. Today, I have two more. Like all other Americans, I think about my grandchildren and about the legacy I want to leave to them. I remember a long time ago, almost 38 years ago, when my wife Janet and I got married. At that time, only 6 cents out of every dollar was going to pay interest on our debt. Think of it. Today it has gone up over 100 percent.

I think about the legacy we are leaving our children, and Congress, during this wonderful time of a great economy, with a low unemployment rate, should take advantage of this opportunity to take our on-budget surplus and pay down our national debt and get this burden off the backs of the young people in our country; off the backs of our children and off the backs of our grandchildren.

The other thing we need to point out to the American people is something we have kept kind of a secret. It is a secret about which nobody is talking; it has been kept quiet, and that secret is we have been spending money like drunken sailors.

In fiscal year 1998, we spent \$555 billion on discretionary spending. That is

before I came to the Senate. In fiscal year 1999 we increased spending to \$575 billion.

In this year's budget, if we spend the entire on-budget surplus, discretionary spending will be \$624 billion. Think about it, \$624 billion, compared to last year's \$575 billion. If my figures are correct, that is an 8.5-percent increase in discretionary spending.

I want to know how many people in this country had an 8.5-percent increase in their paycheck last year. Why is it that the Federal Government is different than most of the families in this Nation? Families should understand, the citizens of this country should understand, if we spend all of this money—and it looks like we could—and if we do not adopt this amendment that we are suggesting be adopted today, we will have increased spending by 8.5 percent.

It is time for this Congress to be willing to make tough decisions. The cynicism that I hear so often is: We need the money to get out of town.

We need to talk about our kids. We need to talk about this national debt. We need to talk about the moral responsibility that we have to America's families.

We are not asking for a lot here today. We are asking that this body stand up and be counted. I hear people every day talking about: Let's do something about the national debt. It is a problem. We should do it.

Reducing the national debt has been a principle of my party. It has been a principle of mine throughout my political career. First of all, don't go into debt. If you are in debt, get rid of it.

Here is a chance to stand up and put our actions where our mouths are, and say, yes, we do believe in reducing the national debt. We are going to take this money, put it aside, and pay down the national debt, and we are going to do it now. We are going to do it now because we know if we do not do it now, the temptation will be to spend every dime of it.

One other thing we ought to remember; and that is, in July CBO will be coming back with some new numbers and the on-budget surplus will be even higher, perhaps maybe \$20 billion, \$25 billion more. The question is, What are we going to do with that on-budget surplus? Are we going to keep that around so we can get out of town?

It is time to make the tough decisions. It is time to stand up and be counted.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I, again, thank my colleague from Ohio, Senator VOINOVICH, for his undying effort and diligent fight to pay down the debt. It is good to have somebody with that kind of persistence and bulldog attitude to be a team player on a very important issue such as

this. I just want to commend him in a public way for his efforts.

I do not see any other Senators on the floor wanting to debate this issue. I yield the floor so the Senator from Oregon can be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. ALLARD. Objection.

Mr. President, was there a unanimous consent request?

The PRESIDING OFFICER. The Chair noted the objection of the Senator from Colorado.

The Senator from Oregon still has the floor.

Mr. ALLARD. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the foregoing request is granted.

AMENDMENT NO. 3433

(Purpose: To require the Inspector General of the Department of Transportation to review certain airline customer service practices and to make recommendations for reform)

Mr. WYDEN. Mr. President, I have an amendment at the desk involving the rights of airline passengers in this country.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3433.

Mr. WYDEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 23, before the period at the end insert the following: " *Provided*, That the funds made available under this heading shall be used by the Inspector General (1) to continue to review airline customer service practices with respect to providing consumers access to the lowest available airfare, information regarding overbooking, and all other matters with respect to which airlines have entered into voluntary customer service commitments; (2) to undertake an inquiry into whether mergers in the airline industry have caused or may cause customer service to deteriorate and whether legislation should be enacted to require that customer service be a factor in the merger review process for airlines; (3) to review the reasons for increases in flight delays, with specific reference to whether infrastructure issues or procedures utilized by the airline industry and the Federal Aviation Administration are contributing to the delays; (4) to review the airline ticket distribution system, and changes in the system, including the proposed Internet joint venture known as 'Orbitz' and the impact such changes may

have on airline competition and consumers; (5) to review whether 'Orbitz' would be, or should be, subject to Department of Transportation regulations on airline ticket computer reservation systems; and (6) to report findings and recommendations for reform resulting from these reviews and inquiries to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives by December 31, 2000, and again thereafter when the Inspector General determines it appropriate to reflect the emergence of significant additional findings and recommendations".

Mr. WYDEN. Mr. President, almost a year ago, this country's airlines made a grand announcement about a new, although albeit voluntary, commitment to the rights of airline passengers.

I tend to look with a very skeptical eye at any promise to consumers that contains the notion of both "voluntary" and "rights" together in the same sentence.

Now, 1 year later, my conversations with Federal investigators about the work they have done, at the Senate's request, leaves me to be even more skeptical of what the airlines have promised.

What I have learned from Federal investigators is that there are more questions than answers about the quality of airline customer service, flight delays, and the airline ticket distribution system.

Frankly, as I said a year ago, the evidence indicates that the airlines' so-called customer first package has proven to be worth little more than the paper it was written on.

In fact, just recently, in the last few months, the Washington Post Business Section had a headline that said: "Airline Service Dips n 3 of 4 Categories." They went on to describe what can only be categorized as a pretty bumpy operation with respect to guaranteeing the rights of passengers in this country.

I will take just a few minutes to outline what I think the central problems are, and what I have learned from Federal investigators about their work. Then I hope the Senate will support my amendment on a bipartisan basis.

First, after a year of trying to get the airlines to be straight with the American consumer with respect to finding the lowest fare available on a particular flight, I can report that finding the lowest airfare remains one of the great mysteries of our time.

On any given flight, there may be as many different fares paid as there are passengers on the plane. Finding out if the flight you want to take is overbooked is sort of like playing hide and seek. First, you have to know what to ask for. Then you need to know the difference between a flight that is oversold and a flight that is overbooked. Suffice it to say, there seem to be a fair number of people in the industry who can hardly explain that difference.

When I first called for the passage of a real, enforceable passenger bill of rights for airline consumers, I made it very clear to the Senate that I was not talking about establishing a constitutional right to a fluffy pillow on your airplane flight. I was not talking about folks being entitled to a jumbo bag of peanuts. What I was talking about has the public's right to know, the public's right to know information about basic services, just as they do in every other area of our economy.

In every other area of the economy, such as when you have a reservation for a particular item or you want to find out about how it is priced, you can get that information. You can get it whether it is on the telephone, at the counter, online, or through a variety of intermediaries. And you are told, in straightforward kinds of terms, the real reasons behind these scheduling arrangements, and prices, and the kind of information that is so relevant to the consumer.

That is not what is happening today in the airline industry, despite the grandiose pledges from folks in the industry.

For example, the annual survey by leading scholars at Wichita State who have been doing these surveys for many years came out in April and found that consumer complaints on air travel in 1999 were up 130 percent over the previous year. That study showed that 7 out of 10 airlines posted lower quality ratings than they did in the previous year.

Earlier this year, the Department of Transportation consumer division reported that the number of complaints they had received was about double that of the previous year. The complaints were up and the ratings were down after the airlines had pledged to the Congress to do better.

Suffice it to say, these professors at Wichita State are not airline industry bashers. These are individuals who, by their own description, take a very conservative orientation to these issues. Yet they found that in virtually every important area of consumer service, there had actually been a deterioration in the quality of service to airline passengers during this period since the airlines' so-called customer first pledge went into effect.

When the industry's Air Transport Association reported recently that customer satisfaction was at an all-time high, many of us struggled to find out to whom exactly they were talking. They weren't talking to the folks I sit next to on an airplane or the people I meet in ticket lines at home in Oregon or around the Pacific Northwest.

I can understand the inclination of the Senate to give the airlines some time to try to make their voluntary program work. I got my head handed to me when we had the vote in the Commerce Committee and it was 19-1 with

respect to airline passenger rights. I respected that. Given the results in the Commerce Committee, I decided we ought to try to do some followup and offered several amendments that were accepted as part of this appropriations bill in the last year. I believed it was important to continue to monitor the situation to see if we would get any improvements since the industry's pledges went into effect.

What we adopted in the last appropriations bill was part of the final law. It was binding, and it gave the Transportation Department inspector general a statutory mandate to look at whether airlines are giving customers access to the lowest fares no matter what technology they used to contact the airline. It is outrageous to know that even today airline passengers can be quoted one price over the telephone and yet a much lower fare is available to them on the Internet and they aren't given that kind of information. The Department of Transportation inspector general was directed in the last appropriations bill to investigate that issue and, in addition, to make sure we monitor this question of the lowest fare.

We directed the inspector general to tell us about overbookings of flights—again, a right-to-know context. I have no problem with an airline selling a ticket to a passenger on a flight that is overbooked, if the consumer is told that the flight is overbooked at the time they are going to make the purchase. It is fairly straightforward; it is informed consent. We have found that has not been done.

The Department of Transportation inspector general is also looking at a new scheme the airlines have cooked up known as T-2. It is our understanding this is a new online pool of airfares where nearly all of the major air carriers will offer their lowest fares but which will not be accessible to those who offer travel services.

In a few weeks, the inspector general of the Department of Transportation is going to issue an interim report on the airlines' customer service commitment plans. What I have heard about this report is that the airlines are coming up short, and seriously so, with respect to following up on the commitments they made to the Congress.

For example, recent weather delays at Chicago's O'Hare Airport resulted in numerous planes being stranded on the runways for periods of 3 hours or more and as long as 8 hours. The Presiding Officer must have heard from some of his constituents on that matter. I happen to have been on the flight that was going from Chicago to Portland where some of those folks had been on the flight that had been stranded in Chicago. They told me all they had received during this extended wait was granola bars and almost no information at all about the options they had.

A recent power failure at National Airport in the Nation's Capital stranded scores of passengers without any accommodations or emergency provisions. Again, we have the consumer complaints pouring into the Department of Transportation at record levels each month of this year, after the airline industry's voluntary pledge went into effect. This notion from the airline industry that they just need more time, give them a little bit more opportunity to make this so-called voluntary program work, is contradicted by what we have seen each month since the so-called voluntary pledges went into effect.

The customer service commitments don't even address one of the most frustrating areas of air travel; that is, the fundamental underlying issue of delays and what the airlines and the FDA will do to combat them.

It is important that we get the Department of Transportation interim report. It is going to offer the American people an unbiased view of exactly how well airlines are treating passengers. It is going to give us an independent assessment of these so-called voluntary passenger commitments.

I believe what this report is going to show is that the pledges the airline industry made are in effect a kind of cosmetic program to try to keep the Senate from enacting real passenger rights that are enforceable and truly protect the American public. I suspect what we will hear from the inspector general will be a blueprint for enforceable concrete legislation that protects the rights of passengers.

What the Senate ought to be doing is keeping the airlines' feet to the fire. That is why I am offering an amendment to this year's Department of Transportation appropriations bill that would instruct the Department of Transportation IG to continue his fact finding and information gathering in key areas that are so important to the public. I am talking about whether these customer service practices amount to anything, getting the public straight information on the lowest available fare, information about overbooking.

Importantly, for the first time the Senate would direct the Department of Transportation IG to look at the question of whether mergers in the airline industry are causing customer service to deteriorate. We ought to be looking at that issue. We ought to be looking at whether legislation should be enacted to require that customer service be a factor in granting an airline merger in this country. We have all heard so much about these airline mergers. We are having a lot of problems with customer service today. We ought to be looking at the ramifications these mergers are having on the quality of airline service in this country.

I am particularly interested in knowing whether the Senate, on a bipartisan

basis, should write a law that would stipulate whether or not customer service ought to be a factor in the merger review process. In addition, this amendment would review the reasons for increases in flight delay. We have had some folks say it is the FAA's fault. We have had other folks say that it is the airline industry's fault. I think the Department of Transportation IG ought to dig into that issue. My amendment also requires a review of the airline ticket distribution system that I mentioned earlier involving T-2. Suffice it to say that there are a number of questions there about whether that is contributing to problems that consumers are having.

The bottom line is, will the Senate keep the airlines' feet to the fire? Are we going to have the Department of Transportation continue in this investigative effort to try to at least put some kind of collective focus by the Senate on how important it is to improve passenger service? We have all heard from constituents, at a time when the airlines are, in many instances, making great profits, about why it is that some of that money can't be devoted to improving passenger service.

I am not going to go through all of the recent news stories but just a few of the headlines. The Washington Post headline is "Airline Service Dips In 3 of 4 Categories." The Los Angeles Times headline is "Air Passengers 'Fed Up' With Poor Service, Survey Finds." They go on to cite the fact that "Consumer complaints against airlines have more than doubled from last year."

In conjunction with the recommendations we are getting from the Department of Transportation's IG and their leading official, who I think does a superlative job in this area, I would like to see the Senate working with the Transportation inspector general to keep the focus on trying to force these airlines to improve the quality of passenger service to the people of this country.

I have just been informed by the staff that Chairman MCCAIN and Senator HOLLINGS and Senator ROCKEFELLER would be willing to join me today in committing to send a letter asking the Department of Transportation inspector general to investigate and report to the committee on the issues that are the subject of my amendment. So that the record is clear, Chairman MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER—and they are all the leaders of the Senate Commerce Committee and spend many hours looking into these issues—have all asked that they join me in a letter to the Department of Transportation inspector general inquiring into the issues that are the subject of my amendment.

The fact that we are getting the bipartisan leadership of our committee behind this effort is very important. It

is certainly important to me because all of them have great expertise regarding this issue. My inclination, frankly, is to have a vote on this amendment on the floor of the Senate to send the strongest possible message. But I note that Senator ROCKEFELLER cannot be present today. He has done extremely good and important work on a whole host of aviation issues, including the air traffic control system. As a member of the Commerce Committee and the Aviation Subcommittee, which has jurisdiction over these issues, I am going to agree this afternoon, on the basis of the fact that we will now have a bipartisan letter sent to the inspector general by the bipartisan leadership of the Commerce Committee directing that the IG look into all of the issues outlined in my amendment, to withdraw my amendment.

But I want to make it clear to people in the airline industry and the passengers that are so frustrated by these delays that this fight is going to continue. It is not being dropped. In fact, we are expanding it. As I mentioned, we are going to look, for the first time in recent years, at the ramifications of mergers on customer service. I happen to believe very strongly that mergers and customer service are inextricably linked. I think we ought to change the law and stipulate that one of the criteria on whether or not an airline merger ought to go forward is customer service.

AMENDMENT NO. 3433, WITHDRAWN

I note the absence of Senator ROCKEFELLER, who believes strongly in this. Chairman McCain and the ranking Democrat, Senator Hollings, have both done very important work on aviation issues. They have pledged to join with me in directing the Department of Transportation inspector general to investigate these issues. In view of that announcement that is being made today, and in view of the bipartisan support for the Department of Transportation looking into these issues, I ask unanimous consent to withdraw my amendment this afternoon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 11, 2000]

AIR PASSENGERS "FED UP" WITH POOR SERVICE, SURVEY FINDS

(By Randolph E. Schmid)

WASHINGTON.—U.S. airlines spent a lot of time last year promising things would get better for their customers, but a new study suggests just the opposite occurred: Consumer complaints more than doubled.

"You can see that consumers are just fed up, fed up with poor service," Brent Bowen

of the University of Nebraska at Omaha said in announcing the survey results Monday.

Consumer complaints were up 130% from 1998 to 1999, said Dean Headley of Wichita State University. They rose from 1.08 complaints per 100,000 passengers in 1998 to 2.48 per 100,000 last year.

Headley noted that improved Internet access made it easier to file complaints, but said that could not account for such a large increase.

The annual report, based on data collected by the Transportation Department, scores the air carriers on on-time performance, baggage handling, consumer complaints and denied boardings.

It found an overall decline in airline quality last year, with only baggage handling showing a slight improvement.

The airlines instituted a consumer bill of rights in December, after a year of pressure from Congress to improve service. A report to Congress by the Transportation Department's inspector general on how they are doing is scheduled for June.

Sen. Ron Wyden (D-Ore.), who pressed for legislation last year, said that if the upcoming report "shows anything resembling what this study shows, I think we can get a real passenger bill of rights through Congress."

"The report demonstrates that the airlines are not following through on the voluntary program," he said. "They, of course, claim that it's early and they have just begun it . . . but this is an industry that again and again finds reasons to give passenger service short shrift."

Diana Cronan of the Air Transport Assn., which represents the major airlines, noted that the airlines' voluntary "customer first" plan was not put into effect until the end of the year.

"We really would like to see the results next year when the plan has been in place for a full year. We really do believe that things will be better," she said.

Southwest Airlines ranked best overall, as it did in 1997. In 1998, the top spot went to USAirways, which fell to No. 6 in the new report.

This year, Continental finished second, followed by Delta, Northwest and Alaska Airlines. American was No. 7, followed by America West, TWA and United.

The report's only good news involved baggage handling. The study found that the industry mishandled 5.08 bags per 1,000 passengers in 1999, down from 5.16 per 1,000 a year earlier.

On the other hand, there was a drop in the portion of flights that arrived within 15 minutes of schedule. On-time performance slipped from 77.2% to 76.1% and denied boardings was virtually stable, edging from 0.87 per 10,000 passengers to 0.88.

The study was particularly critical of airlines for instituting what they called a series of anti-consumer rules designed to increase productivity.

These include tighter limits on carry-on bags, bans on carry-on food, not allowing a consumer to take an earlier connection when a seat is available and raising fees to change tickets.

"Soon, consumers will become driven by price and schedule only and regard airline loyalty as having no tangible value," the author concluded.

The Transportation Department, which independently reports on airline performance, found similar problems through February.

Consumers registered 1,999 complaints about the 10 largest carriers in February,

slightly down from January but nearly double a year earlier.

It found that 74.8% of flights arrived on time in February—also slightly better than in January but not as good as 78.9% in February 1999.

The airlines had a mishandled baggage rate of 4.81 reports per 1,000 passengers in February, an improvement from a year earlier.

Headley acknowledged the new passenger bill of rights instituted by airlines late last year and allowed that change does take time. But, he argued, the steps promised by the airlines were things they should have been doing already.

The carriers pledged to be more forthright with passengers all the way through their travel experience. They promised to volunteer the lowest air fares or cheaper travel options when people call for reservations and to give passengers at least 24 hours to cancel ticket purchases.

They also said they would update passengers at 15- to 20-minute intervals when there are delays.

AIRLINE COMPLAINTS SOAR

Airline quality declined in 1999 despite efforts by the carriers to improve service. The 10 major U.S. airlines carried nearly 500 million domestic airline passengers in 1999. The volume of consumer complaints rose 130% over 1998. Although improved reporting may account for some of the increase, it does not account for all of it. How the major airlines fared in four categories; best performers¹ are:

Airline	Percentage of on-time arrivals	Bumped per 10,000 passengers	Mishandled baggage per 1,000 passengers	Complaints per 100,000 passengers
Overall	76.1	0.88	5.08	2.48
Alaska	71.0	0.91	5.75	1.64
America West	69.5	1.39	4.52	3.73
American	73.5	0.43	5.21	3.50
Continental	76.6	0.34	4.42	2.62
Delta	78.0	1.53	4.39	1.82
Northwest	79.9	¹ 0.18	4.81	2.93
Southwest	80.0	1.38	¹ 4.22	¹ 0.40
TWA	¹ 80.9	0.73	5.38	3.45
United	74.4	0.90	7.01	2.66
US Airways	71.4	0.52	5.08	3.15

¹ Best performers.

Sources: Airline Quality Rating 2000; Associated Press. Researched by NONA YATES/Los Angeles Times.

[From the Washington Post, Apr. 11, 2000]

AIRLINE SERVICE DIPS IN 3 OF 4 CATEGORIES

(By Frank Swoboda)

Just when you thought air travel was bound to get better, it got worse.

A year after the nation's 10 major airlines promised to begin improving service in the face of mounting congressional threats to enact a series of passenger protections, a survey released yesterday shows that service in 1999 deteriorated in almost every category.

Arlington-based US Airways plunged from first in 1998 to sixth last year, showing poor performance in all service categories surveyed.

"We've acknowledged the issues. The numbers speak for themselves," said US Airways spokesman Richard Weintraub. He said government statistics since the start of the year indicate that the airline is now headed back into the "top tier" of airline service.

The survey—the Airline Quality Rating—is the 10th annual report by two university professors who track the level of service through government statistics gathered by the Department of Transportation.

The findings were based on an airline's on-time performance, baggage handling, consumer complaints and involuntarily denied

boardings, such as when an airline overbooks a flight and forces some passengers to be denied seats for which they had already paid. The only improvement shown by the survey was a slight drop in complaints about baggage handling.

The survey tracked the statistics for 10 major airlines using the Department of Transportation's definition of "major." The airlines, rated from best to worst, were: Southwest, Continental, Delta, Northwest, Alaska, US Airways, American, American West, TWA and United.

"We try to base this on pure performance, something the airline has some control over," said Dean Headley of Wichita State University and a coauthor of the survey with Brent Bowen, director of the Aviation Institute at the University of Nebraska in Omaha.

Headley said he was not surprised by the survey results, but that he was frustrated by the rise in complaints against the airlines, especially after they had all promised to improve service. He said the Internet has made it easier for people to complain but could not account for such a large increase in the number of complaints—up 130 percent between 1998 and 1999.

In December, after nearly a year of promising to improve service in the face of rising consumer complaints and congressional threats, the airlines adopted what they called a consumer bill of rights in an effort to head off threatened government intervention on behalf of passengers. That threat began in January 1999, when Northwest stranded a planeload of passengers on a snowy Detroit runway for nearly eight hours.

Nebraska's Bowen said the report's conclusion that overall industry quality continues to decline indicates that "the entire airline-sponsored plan to increase customer services is failing."

A spokeswoman for the Air Transport Association, the trade group that represents the airlines, said the voluntary bill of rights initiated by the airlines has only been in effect a few months. She said the airlines' new policy should be in place a full year before people judge whether service has improved.

The transportation department's inspector general is scheduled to issue a report to Congress in June on just how well the airlines are doing. A negative report from DOT in an election year is almost certain to rekindle calls for congressional action.

Sen. Ron Wyden (D-Ore.), an advocate of legislation to force better service from the airlines, said that if the inspector general's report mirrors the conclusions of yesterday's study, "it really strengthens my hand." Wyden said yesterday's survey "was a credible report because these fellows have been doing it a long time and they are not normally industry bashers."

Last year, Wyden proposed a bill that would force the airlines to tell customers when a flight was overbooked and to give them information on all available fares on a specific flight. The bill would also allow passengers to get a refund if they canceled a ticket at least 48 hours before a flight.

Headley and Bowen concluded that unless airlines improve service, consumers will lose loyalty to individual carriers and "become driven by price and schedule only."

But Headley said that despite his concerns about deteriorating air service, he did not think setting industry service standards was the answer. "I'm a big fan of not regulating if we can avoid it," he said.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote in re-

lation to the Allard amendment be stacked to occur first in any sequence of votes that are scheduled relative to the Transportation appropriations bill. Further, I ask that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE- MENT—E-SIGNATURES CON- FERENCE REPORT

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate considers the e-signatures conference report, the conference report be considered as having been read and it be considered under the following agreement:

Three hours to be equally divided between the chairman and ranking minority member of the Commerce Committee, or their designees, with 20 minutes each for Senators LEAHY, SARBANES, and WYDEN.

I further ask consent that following the use or yielding back of time, the conference report be laid aside and the vote occur at 9:30 a.m. on Friday on the adoption of the conference report. I further ask consent that immediately following that vote the Senate proceed to executive session for the consideration of the following nominations reported by the Judiciary Committee:

Laura Swain, U.S. District Judge for Southern District of New York; Beverly Martin, U.S. District Judge for Northern District of Georgia; Jay Garcia-Gregory, U.S. District Judge for District of Puerto Rico.

I further ask that the nominations then be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 15th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons' list of demands. These demands—known as the Articles of the Barons—were intended as a restatement of ancient baronial liberties, as a limitation on the king's power to raise funds, and as a reassertion of the principle of due process under law, at that time referred to in these words, "law of the land." Under great pressure, King John accepted the barons' demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of those copies survive today.

Several of this ancient document's sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution's Fifth and Fourteenth amendments, underscores the vital importance of the rule of law and due process of law. It reads "No freeman shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land."

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Perot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under the reign of Edward III, a statute of Edward III established the supremacy of Magna Carta by requiring that it "be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none."

In the early 1600s, the jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so,

made it a weapon in the parliamentary struggle against the gathering absolutism of the Stuart monarchy. As he proclaimed to Parliament in 1628, "Magna Carta will have no sovereign." Unless Englishmen insist on their rights, another observed, "then farewell Parliaments and farewell England."

By the end of that century, through the course of civil war and the Glorious Revolution, the rights of self-government, first acknowledged in 1215, became firmly secured.

As settlers began their migration to England's colonies throughout the seventeenth and early eighteenth centuries, they took with them an understanding of their laws and liberties as Englishmen. Magna Carta inspired William Penn as he shaped Pennsylvania's charter of government. Members of the colonial Stamp Act Congress in 1765 interpreted Magna Carta to secure the right to jury trials.

After the colonies declared their independence of Great Britain, many of their new state constitutions carried bills of rights derived from the 1215 charter, Magna Carta. As University of Virginia law professor A.E. Dick Howard notes in his classic study of the subject, by the twentieth century, Magna Carta had become "irrevocably embedded into the fabric of American constitutionalism, both by contributing specific concepts such as due process of law and by being the ultimate symbol of constitutional government under a rule of law."

In 1975, the British Parliament offered Congress and the American people a most generous gift. To celebrate two hundred years of American independence from Great Britain, Parliament offered to loan one of Magna Carta's four surviving copies to the United States Congress for a year. The document they selected is known as the Wymes copy and is regularly displayed in the British Library. Parliament also made a permanent gift of a magnificent display case bearing a gold replica of Magna Carta.

A delegation of Senators and Representatives traveled to London in May 1976 to receive that document at a colorful and thronged ceremony in Westminster Hall. On June 3, 1976, a distinguished delegation of parliamentary officials joined their American counterparts for a gala ceremony in the Capitol Rotunda. The display case containing Magna Carta was placed near the Rotunda's center, where, over the following year, more than five million visitors had the rare opportunity to view this fundamental charter at close range.

At a June 13, 1977, ceremony concluding the exhibit, I offered brief remarks in my capacity as Senate Majority Leader. I noted that nothing during the previous bicentennial year had meant more to the nation than this gift. I recalled the Lord Chancellor's

diplomatic interpretation, during the 1976 ceremony, of the reasons for the bicentennial celebrations. This is what he said:

What happened two hundred years ago, we learned, was not a victory by the American colonies over Britain but rather a joint victory for freedom by the English-speaking world.

Today, the magnificent display case remains in the Capitol Rotunda as a reminder of our two nations' joint political heritage. I encourage my colleagues to visit this case in the rotunda and examine its panel with raised gold text duplicating that of Magna Carta. What better way could we choose to observe this very special anniversary day?

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3441, 3443, 3445, EN BLOC

Mr. SHELBY. Mr. President, I call up the following amendments and ask for their immediate adoption. They have cleared on both sides: No. 3441 on behalf of Senator McCain, Nos. 3443 and 3445 on behalf of Senator Torricelli.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], proposes amendments numbered 3443, and 3445.

The amendments are as follows:

AMENDMENT NO. 3441

(Purpose: To require a cap on the total amount of Federal funds invested in Boston's "Big Dig" project)

At the appropriate place insert the following:

SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than \$8.549 billion.

AMENDMENT NO. 3443

(Purpose: To express the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along Interstate highways)

At the appropriate place in title III, insert the following:

SEC. 3 . PARKING SPACE FOR TRUCKS.

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety

Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

(Purpose: Relating to a study of adverse effects of idling train engines)

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

Mr. SHELBY. Those amendments have been cleared on both sides. I urge the adoption of the amendments.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3441, 3443, 3445) were agreed to en bloc.

AMENDMENT NO. 3441

Mr. McCain. Mr. President, my amendment is very simple and straight forward. It prevents Department of Transportation officials from authorizing project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in

Boston, Massachusetts, until the Secretary and the State have entered into a written agreement capping the federal contribution to the project.

Mr. President, last month I chaired a four-hour hearing in the Senate Commerce Committee on the Boston Central Artery/Tunnel project—the biggest, most costly public works project in U.S. history—and commonly referred to as “the Big Dig.” This project has suffered from gross mismanagement and what appears to have been a complete lack of critical federal oversight. It has experienced billions of dollars in cost overruns.

The Central/Artery Tunnel project was originally estimated to cost \$2.5 billion in 1985. Today it is estimated to cost U.S. taxpayers a staggering \$13.6 billion.

During the Committee’s hearing, there was a lengthy exchange between myself, Senator KERRY, Secretary Slater, and DOT-Inspector General Ken Mead concerning the federal obligation to this project. I argued then, as I do now, that there is no cap on the federal obligation. Senator KERRY argued there is. And Secretary Slater said we were both right!

Let me read a few lines from the May 3rd hearing transcript:

The CHAIRMAN: Mr. Secretary, is there a cap on the Federal share of the project costs?

Secretary SLATER: Mr. Chairman, there is a cap. It is true though, as you noted, and as Senator Kerry noted, that it is not in the statute or necessarily in writing.

I ask my colleagues, if it isn’t in statute or in writing, then where is it? The answer is, of course, that it doesn’t currently exist.

Mr. President, it is not my intent to stop the Boston project. The project should be completed as quickly and as fiscally responsibly as possible.

The purpose of my amendment is to direct the Secretary and the State of Massachusetts to do what the Secretary said he would do at the May 3rd hearing—to execute a written agreement capping the federal obligation of the project at the level announced by the Department—that is, no more than \$8.549 billion.

It has been six weeks since the Secretary indicated the Department was working on an agreement to cap the funding. DOT officials informed my office again today that an agreement is in the works and I am to be assured it will include the \$8.549 billion cap. Given this, I can think of no reason why not to support my amendment to spur their actions to execute the agreement sooner rather than later.

The House-passed DOT Appropriations bill includes a provision that would effectively halt the project for fiscal year 2001. My amendment would not do that. It just ensures that the promised written agreement is executed once and for all and that the American taxpayers are not on the

hook of having any more gas tax dollars shifted away from other important highway infrastructure projects.

Again, there is no cap on the Federal funding share for the project. In my view, a federal cap would help ensure the project managers reign in their run-away costs and project overruns because they will not be able to expect the rest of the nation’s highway dollars to be funneled into their project.

This amendment is fair, it is based on what the Secretary of DOT has promised, and it is what is already in the works. Let’s help encourage the timely resolution of this important matter so that the needed continuation of construction of the Central Artery/Tunnel project is not further impeded.

Mr. KENNEDY. Mr. President, I don’t oppose Senator McCain’s amendment. It reflects the current broad understanding about the status of the Central Artery/Tunnel project in Boston.

The Big Dig project has suffered from serious cost overruns and there is no disagreement about who will pay for those costs. The Chairman of the Massachusetts Turnpike Authority, the governor of Massachusetts, the leaders of the State legislature, the Secretary of the U.S. Department of Transportation, the Inspector General of the Department, the Massachusetts Congressional delegation, and Senator MCCAIN all agree that the total federal contribution remains as it was—\$8.549 billion. It is the responsibility of the Commonwealth of Massachusetts to cover any increased costs.

The state has developed a plan to do just that, and it is a good plan. The state legislature and Governor Cellucci have worked effectively to prepare a realistic plan to pay for the increased costs of the Big Dig, without asking for additional federal assistance, and without shortchanging important transportation projects throughout the rest of the state. The plan is currently being reviewed by the Federal Highway Administration and is likely to be approved very soon.

It is also important to appreciate all that is involved in this project, and all that it will do for Boston and the region. Work of this magnitude and duration has never before been attempted in the heart of an urban area. Unlike any other major highway project, the Central Artery/Tunnel Project is designed to maintain traffic capacity and access to residents and businesses. Using new and innovative technology, it has kept the city open for business throughout the construction.

The Big Dig is replacing the current six lane elevated roadway with eight to ten underground lanes. The project will create 150 acres of new parks and open space, including 27 acres where the existing elevated highway now stands.

This is an urgently needed project. Today, the Central Artery carries 190,000 vehicles a day with bumper-to-

bumper traffic and stop-and-go congestion for six to eight hours every day. If nothing were done, the elevated highway would suffer through bumper-to-bumper conditions for 15 to 16 hours a day by the year 2000.

The new underground expressway will be able to carry 245,000 vehicles a day with minimal delays. The elimination of hours of congested traffic will reduce Boston carbon monoxide levels by 12 percent citywide. Without such improvements in its transportation, Boston would not be able to continue to grow as the center of economic activity for the state and the region.

Work on this important project is progressing effectively again. I look forward to its conclusion so that the city, state, and region can benefit from the needed improvements this project will bring.

AMENDMENTS NOS. 3432, AS MODIFIED; 3436, AS MODIFIED; 3438, AS MODIFIED; 3447, AS MODIFIED; 3451, 3452, 3453, EN BLOC

Mr. SHELBY. Mr. President, I send to the desk on behalf of myself and Senator LAUTENBERG, a package of amendments and ask for their immediate consideration: No. 3432, as modified, by Senator DOMENICI; No. 3436, as modified, for Senator REED; No. 3438, as modified, for Senator KOHL; No. 3447, as modified, for Senator DODD; an amendment, No. 3451, for Senator COCHRAN on Star Landing Road; an amendment, No. 3452, for Senator BAUCUS and Senator BURNS on highway projects on Federal land; an amendment No. 3453, for Senator NICKLES of a technical nature.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 3432, as modified, 3436, as modified, 3438, as modified, 3447, as modified, 3451, 3452, and 3453, en bloc.

The amendments are as follows:

AMENDMENT NO. 3432, AS MODIFIED

Page 16, under the heading “FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)” after “under this head;” add “and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.,”

Page 17, after the last proviso under the heading “FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)” and before the heading “RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)” add “*Provided further*, That notwithstanding any other provision of law, not more than \$20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C. subject to the normal reprogramming guidelines.”

AMENDMENT NO. 3436, AS MODIFIED

At the appropriate place in the substituted original text, insert the following:

SEC. . Within the funds made available in this Act, \$10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between

Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended; \$2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; \$400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and \$250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

AMENDMENT NO. 3438, AS MODIFIED

(Purpose: To state the sense of the Senate regarding funding for Coast Guard acquisitions and for Coast Guard operations during fiscal year 2001)

At the appropriate place, insert the following:

SEC. ____ (a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW will end in 2006.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was \$1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to recommend reductions from the funding requested in the President budget on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made or

had the President's budget not included \$212 million in new user fees on the maritime community. The difference between the amount of funds requested by the Coast Guard for the AC&I account and the amount made available by the Committee on Appropriations of the Senate for those acquisitions conflicts with the high priority afforded by the Senate to AC&I procurements, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in personnel benefits and fuel costs on the 2000 operating expenses account, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, provided there is sufficient budget authority, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for AC&I;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

AMENDMENT NO. 3447, AS MODIFIED

(Purpose: To provide that new starts funding shall be available for a project to re-electrify the rail line between Danbury, Connecticut and Norwalk, Connecticut)

On page 39 of the substituted original text, between lines 18 and 19, insert the following: "Danbury-Norwalk Rail Line Re-Electrification Project".

AMENDMENT NO. 3451

(Purpose: To make available funds previously appropriated for the Star Landing Road project in DeSoto County, MS)

At the appropriate place in bill add the following new section:

SEC. . For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto, County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

AMENDMENT NO. 3452

Section 1214 of Public Law No. 105-178, as amended, if further amended by adding a new subsection to read as follows:

(s) Notwithstanding sections 117(c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law No. 105-178:

(1) The non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

(2) The Secretary shall not delegate responsibility for carrying out the project to a State.

AMENDMENT NO. 3453

In lieu of section 343 on p. 76, insert a new section 343 as follows:

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

Mr. DOMENICI. Mr. President, this amendment is to provide \$20 million to

support rural air service to the Department of Transportation and Related Agencies Appropriations bill for fiscal year 2001.

The Wendell H. Ford Aviation and Investment Reform Act of the 21st Century (AIR-21) included in Section 203 a provision to provide grants to attract and subsidize improved air carrier service to airports currently receiving inadequate service. The provision authorizes \$20 million for grants of up to \$500,000 to communities or community consortia which meet certain criteria for participation in the program.

My amendment would provide discretionary authority to the Secretary of Transportation to implement this pilot program utilizing not more than \$20 million in FY 2001 for this purpose.

Mr. President, I want to emphasize how important this program is to my home State of New Mexico, particularly southeastern New Mexico where I have worked for years to bring rural air service to that part of the state. The communities of Roswell, Hobbs, Carlsbad, and Artesia have formed a consortium in anticipation of applying for federal funds under this program. The consortium has raised \$200,000 in local funding and \$200,000 in state funds, and can demonstrate that existing air service in that part of the state is insufficient and is accompanied by unreasonably higher fares. The southeastern New Mexico consortium is precisely the sort of applicant this grant program is intended to benefit. A similar consortium is being put together in northern New Mexico.

I urge my colleagues to support this amendment to provide badly needed air service to rural areas in the country.

Mr. BINGAMAN. Mr. President, first I want to thank my colleague, Senator DOMENICI, for his work on this amendment, and Chairman SHELBY and Senator LAUTENBERG for adding this important funding to the Transportation Appropriations Bill. Our amendment provides funding for a new program to help rural communities with inadequate or uneconomical commercial air service to attract new air carriers or to improve their existing service.

Mr. President, for a number of years, as I traveled around New Mexico, I heard from many of our community and business leaders about the importance of commercial air service to support economic development and attract new employers to rural parts of my state. To help address this problem, last year I worked with the Commerce Committee, and especially Senators ROCKEFELLER and DORGAN, to authorize a new program to help rural communities to improve their commercial air service. The authorization for this new program was included in the Wendell Ford Aviation Investment and Reform Act for the 21st Century, which Congress passed and the President signed earlier this year.

At the same time, the New Mexico State Legislature, lead by Senators Altamirano, Ingle, Jennings, Kidd, and Leavell, established a \$500,000 state program to provide matching funds to communities that wanted to improve their commercial air service. Almost immediately, agreements were signed and new air service was made available to Taos and Los Alamos—cities that previously had no commercial air service. More recently, agreements have been signed with a consortium of cities in Southeastern New Mexico, including Roswell, Carlsbad, Hobbs and Lea and Eddy Counties. These are exactly the kinds of communities this program we are funding today is designed to help.

Mr. President, I am pleased the committee has found a way to fund this important program for rural communities. I want to work with the committee as the bill goes to conference to ensure that this funding is retained. I again thank Chairman SHELBY and Senator LAUTENBERG for their help.

• Mr. ROCKEFELLER. Mr. President, I come to the floor to urge the passage of the Domenici, Bingaman and Burns amendment to the Department of Transportation Appropriations Act, Senate Amendment 3432. This amendment appropriates \$20 million for grants supporting the Small Community Air Service Development Pilot program, properly targeting necessary funding to needy small airports.

When I became Ranking Member of the Aviation Subcommittee, I was determined to make support of small airports a priority. This March, I helped craft the Wendell H. Ford Aviation and Reform Act of the 21st Century (FAIR-21), the Federal Aviation Administration and the Airport Improvement Program bill authorizing \$40 billion for aviation funding, the largest increase in aviation funding ever. This included significant new funding for rural airports. In 1998, I had authored the Air Service Restoration Act, directing the Department of Transportation to make new priorities and incentives supporting the development of airports in small communities, which was incorporated into FAIR-21. The Domenici-Bingaman-Burns amendment builds on these efforts and makes the proposed funding a reality.

The Domenici-Bingaman-Burns amendment provides the funding small airports need. Small airports are an essential part of our aviation infrastructure. Without improvements to our small airports, we will stymie the economic growth of less developed areas. We know transportation is vital to economic development and that improving air transportation needs more Congressional attention. Senator DOMENICI sponsored this amendment with Senators BURNS and BINGAMAN and made it a priority and possible. But I would like to especially note the work of my good friend and respected colleague,

Senator BINGAMAN, who deserves tremendous credit for his assiduous efforts to make sure this funding is available. I wholeheartedly endorse this amendment and urge its adoption as part of the Department of Transportation Appropriation Act. •

Mr. SHELBY. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3432, as modified; 3436, as modified; 3438, as modified; 3447, as modified, 3451, 3452, and 3453,) were agreed to, en bloc.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, this completes the amendments that the managers can clear from the list of amendments. The remaining amendments on the list either have rule XVI points of order that lie against them or the managers have been unable to clear. For all intents and purposes, we are done. I intend to urge third reading and final passage in short order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have a unanimous consent agreement we would like to enter in the near future. We are waiting to hear from one Senator prior to doing that. It is my understanding Senator BYRD is on the floor. He has some remarks he wishes to make while we are waiting for clearance from the other Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

FATHER'S DAY

Mr. BYRD. Mr. President, I thank our very distinguished Democratic whip, Mr. REID, for his accommodation. I thank the distinguished manager of the bill, Mr. SHELBY, for his characteristic kindness and consideration.

Mr. President, this Sunday, June 18, is Father's Day. The Bible tells us to "honor thy father and thy mother." I would like to take just a few minutes to pay tribute to fathers and to call particular attention to this coming Sunday, that day of special significance.

An old English proverb tells us that "one father is more than 100 schoolmasters." Fatherhood is the most compelling, the most profound responsibility in a man's life.

For those of us who are fathers, there is nothing that we can do here in this Chamber that is more important than our commitment to our children. And, of course, with the greatest responsibilities, come the greatest joys and the greatest challenges. For those of us

who are blessed with a long life, we learn that existence is an intricate mosaic of tranquility and difficulty. Struggles, along with blessings, are an inevitable, and instructive, part of life. A caring father prepares us for this reality. He teaches us that, in human nature, there is no perfection, there is simply the obligation to do one's best.

My foster father, Titus Dalton Byrd, my aunt's husband, gave me my name and to a great extent the best aspects—and there are a few, I suppose—of my character. His was not an easy life. He struggled to support his wife and his little foster son during the depths of the Great Depression. This Nation is today blessed with the greatest economy the world has ever known. But, for those of us who remember the terrible poverty that gripped this Nation during the 1930's, prosperity, at one time in our lives, seemed a very, very long time in coming. It seemed far, far away.

The test of character, the real test of character in a nation is how that nation responds to adversity, and the same with regard to a person, how that person responds to adversity, not only in his own life but in the lives of others.

The Roman philosopher Seneca said that "fire is the test of gold; adversity, of strong men."

In this respect, Titus Dalton Byrd was a great teacher. He easily could have been a bitter man, a despairing man. He could have raged at his lot in life. He could have forsaken his family. He could have forsaken his faith.

I remember as clear as if it were yesterday watching for that man, that tall black-haired man with a red mustache coming down the railroad tracks. I recall watching for him as I looked far up the tracks that led ultimately to the mine, the East Five Mine in Stotesbury where he worked. I would see him coming from afar, and I would run to meet him.

As I neared him, he would always set his dinner bucket down on a cross tie. He would lift off the top of that dinner bucket, and as I came to him, he would reach in and he would bring out a cake, a little 5-cent cake that had been bought at the coal company store.

He would reach down into that dinner bucket. He would pull out that cake and give it to me, after he had worked all day, from early morning to quitting time. And in the early days, quitting time was when the coal miner loaded the coal, loaded the slate, the rock, and cleaned up his "place" for the next day.

He had gone through those hours with the timbers to the right and the timbers to the left, cracking under the weight of millions of tons of earth overhead. He had sweated. He had worked on his knees, many times working in water holes because the roof of the mine was perhaps only 4

feet or 3 feet above the ground. He toiled there with a shovel, with a pick, and his calloused hands showed the result of that daily hard toil. Of course, he wore gloves and he wore kneepads so that he could make his way on the ground, on his knees, lifting the coal by the shovelful and dumping it over into the mine car. There he worked in the darkness except for a carbide lamp. It was a very hazardous and dangerous job. But when he had his lunch, he ate the rest of the food but always saved the cake.

When I ran to meet him, he would set down the dinner pail and lift off the cover and reach in and get that cake and give it to me. He always saved the cake for me.

He was an unassuming man. Unlike me, he never said very much. He took the hard licks as they came. I never heard him use God's name in vain in all the years I lived with him. Never. He never complained. When he sat down to eat at the table, he never complained at the humble fare. I never heard him complain. He was as honest as the day was long. When he died, he did not owe any man a penny. He always represented a triumph of the human spirit to me. He honored his responsibilities. He did his duty.

He could not be characterized as a literate man. He never read Emerson's essays or Milton's "Paradise Lost" or Boccaccio's "Decameron," or the "History of Rome." He could hardly read at all. I suppose the only book he ever read was the Bible. His formal education was in the school of hard knocks, but he was a wise man. He knew right from wrong.

That sounds simple, even quaint, in these sophisticated times, but it surely is not. Cicero said, "The function of wisdom is to discriminate between good and evil." To genuinely know right from wrong and to honor that as the guiding force in one's life—that is not always simple. That is not always easy. Brilliant theologians of every faith on Earth will tell you that such moral discernment is a central spiritual challenge of a human life. But my dad knew right from wrong. He read his Bible, the King James' version of the Bible.

When the burdens of my dad's life were almost too heavy to bear during the desperate poverty of the Great Depression, his faith never wavered that the Creator would give him the strength he needed. Abraham Lincoln, as he contended with the overwhelming agonies of a nation torn apart by a great civil war, said of the Bible:

This great Book . . . is the best gift God has given to man.

Mr. President, this is a lesson that great men, whether mighty or humble, have learned, and it is the lesson my dad taught me.

We live now in what has been termed the age of information. But, as we sa-

lute our fathers on this coming Sunday, this is an opportune time to again sound a note of caution for our children. Information is not the same as wisdom. Our society, including our children and our grandchildren, and our great grandchildren, is bombarded with information and entertainment, such as it is, useless, tasteless, and bewildering, much of which is geared to our basest instincts and our tawdriest impulses. It is a parade of the lowest common denominator all too often. This is the more complicated world with which parents today must contend. Parents need to instill wisdom in their children, a moral sense that will enable their children to navigate through a volatile sea of uplifting and distressing images.

My dad, like most rural people, who was not used to much, never had much, found solace and understanding in nature. He understood the generous and bountiful delights of nature. The flowers of spring, this blessed season which officially gives way to summer on June 21, call us back to the beauty and sweetness of the world, and perhaps hint at what is best within ourselves as well. Spring is the season of rebirth, the season of replenishment. I defy any cluttered, tumultuous, cacophonous television program to compete with the simple, quiet drama of the forsythias, the dogwoods, the roses, and the azaleas, to compete with a single miraculous bud.

James Russell Lowell wrote:

And what is so rare as a day in June?
Then, if ever, come perfect days;
Then Heaven tries earth if it be in tune,
And over it softly her warm ear lays:
Whether we look, or whether we listen;
We hear life murmur, or see it glisten.

As I have said, my dad was not himself a formally educated man. But, he understood and he appreciated nature, and he knew the tremendous value of an education. That is why he wanted me to go on to school. He did not want me to be a coal miner. He did not want me to earn my living in that way. He encouraged, indeed, he demanded that I study hard. He looked at that report card. He looked at that category denominated "deportment." And he always said: If you get a whipping at school, I'll give you a whipping when you get home. And I knew that that one would be the worst of the two. But he loved me. I knew he loved me. That is why he threatened to whip me; it was because he loved me.

He encouraged me to study hard and to develop my mind. He wanted something better for me. He knew that education was the key that I would need to unlock the potential in my own life.

So, Titus Dalton Byrd was a model for me not only of the virtuous individual life, but of married life as well. He and my mom, my Aunt Vlurma, were married for 53 years. I do not recall ever witnessing either of them

raise a voice in anger against the other. And I heard them say from time to time: We have made it a pledge that both of us would not be angry at the same time.

I have always counted myself as truly fortunate—truly fortunate—even though my life's ladder had the bottom rungs taken away. You ought to see where I lived, Mr. President. You ought some time to go with me down Mercer County and see where I lived—3 miles up the hollow, with no electricity, with no running water, the nearest hospital 15, 20 miles away, the nearest doctor the same. That was back in the days of the 2-cent stamp, the penny postcard. Some things were better; some things were not. But I have always counted myself as truly fortunate in having such exemplary role models.

A lot of people say today there are no role models anymore. Well, I had two role models in the good old man and woman who reared me.

They set the standard to which I have not always succeeded but I have always aspired. And, on May 29, my beloved wife Erma and I celebrated our 63rd wedding anniversary.

We both came from families, from mothers and fathers, who tried to bring us up right. And they inculcated into us a dedication to one's oath.

Like, I suspect, many fathers whose jobs consume so much of their time and energy, I regret the times away from my daughters when they were children. I am grateful for the capable and loving efforts of Erma who has shouldered so much of the responsibilities at my home. To the extent, limited though it may be, that I have been a good father, I am humbly indebted to Erma's having been such a wonderful mother. Our journey as a family has been a more tranquil one thanks to her patience, her understanding, and her strength.

Of course, the roles of fathers—and mothers—in some ways have changed a great deal over the course of my lifetime. Parents today are confronted with far more choices at home and work than my wife and I ever encountered when we began our family. But, one thing has not changed. One thing has, in my opinion, remained constant. Parenthood is, ideally, a partnership, a collaboration. It is a vitally important, lifelong responsibility, and best experienced, whenever possible, in the shared, balanced efforts of both parents.

No mortal soul is perfect or without fault. That is the reality of being human. We are all prey to losing our way at difficult times in our lives. But, a good father will provide his child with a map, a path to follow. The hallmark of that path, throughout life, is conscience. It is that inner moral compass that has been so essential to the greatness of our Nation, and that is, I fear, so buffeted now by an aimless, hedonistic popular culture.

The ancient truths of our fathers are perhaps more obscure in this noisy, materialistic society, but they are still there—still there—gleaming and bright. John Adams, one of the great Founding Fathers of this Nation, said:

All sober inquiries after truth, ancient and modern, divines, moralists and philosophers, have agreed that the happiness of mankind, as well as the real dignity of human nature, consists in virtue.

The material things, with all their appeal and their comfort, are, in the end, fleeting. They are all transient. I remember not so much the tangible things—other than a piece of cake perhaps—that my dad gave me, as the values that he taught me. It is the treasured, if fleeting, moments together, the lessons learned, that endure. I can say now, from the perspective of a long and full and eventful life, that that is what matters. That is the greatest gift we can receive as children, and that is the greatest gift that we can bequest as parents.

A caring father is a lifelong comfort. I remember the stoic and kindly face of Titus Dalton Byrd. He encouraged me, he protected me, and his memory still guides me.

Mr. President, I have met with Kings in my lifetime, with Shahs, with Princes, with Presidents, with Princesses, with Queens, with Senators, with Governors, but I am here to say today that the greatest man that I ever knew in my long life, the really great man that I really knew in my long life, was my dad, Titus Dalton Byrd.

He taught me, in word and in deed, to work hard, to do my absolute best.

I close with this bit of verse:

THAT DAD OF MINE

He's slowing down, as some folks say
With the burden of years from day to day;
His brow bears many a furrowed line;
He's growing old—that dad of mine.

His shoulders droop, and his step is slow;
And his hair is white, as white as snow;
But his kind eyes sparkle with a friendly light;

His smile is warm, and his heart is right.

He's old? Oh, yes. But only in years,
For his spirit soars as the sunset nears.
And blest I've been, and wealth I've had,
In knowing a man like my old dad.

And proud I am to stand by him,
As he stood by me when the way was dim;
I've found him worthy and just as fine,
A prince of men—that dad of mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I personally appreciate the remarks of the Senator from West Virginia. I only hope that my five children will reflect upon their dad someday as he has his.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the one thing we can always count on from Senator BYRD is to throw in some good, sensible reflection as we go on

battering one another, at times over sometimes important things but sometimes not so important. There is a commercial about one of the brokerage firms, that when that firm speaks, everybody listens. When Senator BYRD speaks, everybody should listen. We have a collection of his papers on the Senate, but he has done so many other things. Just think of the voice, but look at the message, and you capture the essence of Senator BYRD. I am going to miss him terribly when I leave here.

Mr. BYRD. I thank the Senator.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3440

(Purpose: To condition the use by the FAA Airport Office of non-safety related funds on the FAA's completion of its investigation in Docket No. 13-95-05)

Mr. SHELBY. Mr. President, I call up amendment No. 3440 on behalf of Senator McCain and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. McCain, proposes an amendment numbered 3440.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ADDITIONAL SANCTION FOR REVENUE DIVERSION.

Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13-95-05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides of the aisle. I have talked to Senator LAUTENBERG about it. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3440) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I thank the managers of the Transportation Appropriations bill for accepting my amendment that would prohibit the Department of Transportation from making any airport grant to the Los Angeles International Airport until the Federal Aviation Administration concludes an investigation into illegal revenue diversion at the airport. The exception to this prohibition would be if such grants were required to ensure public safety. The investigation at issue here has been going on for more than five years without resolution, and American taxpayers deserve to know whether their money has been used for illegal purposes.

The investigation of revenue diversion about which I am concerned involves the City of Los Angeles and the Los Angeles International Airport, LAX. Unfortunately, this airport has served as the poster child for the problem of illegal revenue diversion for as long as I care to remember. In this case, a complaint was filed with the FAA in 1995 about the transfer of \$59 million from LAX to the city. Despite the fact that the DOT's Office of Inspector General has periodically contacted the FAA to inquire about the status of a decision by the FAA on the complaint, no decision has been forthcoming. As the Inspector General stated in a recent memo to the FAA on this subject, 5 years should be more than sufficient time for the FAA to consider the facts in the case and render a decision.

If there is no objection, I ask unanimous consent to print the Inspector General's memo in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MCCAIN. It is with a deep sense of frustration that I am compelled to act on this matter. As many of my colleagues know, I have been fighting against the illegal diversion of airport revenues for purposes that do not serve the aviation system. In fact, four years ago I spearheaded the legislative effort in the Senate to strengthen the laws against such revenue diversions.

Because we have a national air transportation system with considerable federal investment and oversight, funded in large part by the users of the system, it is critical that airports or the bodies that control them do not use monies for non-airport purposes. We cannot allow airports to receive federal grant dollars on the one hand, and spend other airport revenues for non-aviation purposes. This type of shell game results in the misuse of the underlying grant. That is one of the principal reasons there are laws against diversions of airport revenues. Unfortunately, many cities that control air-

ports see them as sources of cash that can be tapped for popular purposes.

Another reason that revenue diversion is harmful is that our Nation's airports are meant to be self-sustaining. By keeping monies generated by airports at those airports, we ensure that an important part of the national transportation system is kept strong. If airports are used to generate cash for local jurisdictions, the airport itself will suffer from the loss of resources. Even worse, air travelers will be effectively double taxed—once through federal aviation excise taxes, and a second time through the higher air fares that airlines will charge when their costs of maintaining the airport go up.

I stress that I am not advocating a specific result in this matter, and I trust that whatever decision or course of action the FAA may take will be made in the best interests of the country. In that vein, my amendment would allow grants to be made once the investigation is concluded, even if the determination is made that no action is necessary.

Again, I seek no preferential treatment for any of the parties in this matter. I desire only that this investigation be conducted appropriately, fairly, and in a timely manner. The delays that have occurred so far are just not acceptable.

Again, I thank my colleagues for accepting my amendment.

EXHIBIT 1

U.S. DEPARTMENT OF TRANSPORTATION,
May 10, 2000.

MEMORANDUM

To: Jane F. Garvey, Federal Aviation Administrator

From: Kenneth M. Mead, Inspector General
Subject: Action: Complaint by Air Transport Association Concerning Los Angeles International Airport

The Air Transport Association (ATA) requested the Inspector General's assistance in expediting resolution of ATA's formal complaint to FAA over the transfer of revenues from Los Angeles International Airport (Airport) to the City of Los Angeles (City). The complaint, filed in March 1995 pursuant to FAA's Investigative and Enforcement Procedures (14 CFR Part 13), questioned the transfer of about \$59 million from the Airport to the City. These funds were the proceeds from sale of Airport property to the State of California Department of Transportation for construction of the Century Freeway. The ATA considered the transfer to be a prohibited revenue diversion in violation of Federal regulations and grant assurances.

In May 1996 we issued a Management Advisory Memorandum (Report Number R9-FA-6-011) to your Associate Administrator for Airports discussing issues which FAA needed to consider in its deliberations on the merits of the ATA complaint. We pointed out the land sold to the State of California was used for aeronautical purposes, was purchased by the Airport, and severance damages associated with the sale should be paid to the Airport. In a June 1996 reply to our memorandum, FAA agreed to consider our information and make the memorandum a part of the Record of Decision on the complaint.

Over the past several years we have periodically contacted your Office of Associate

Administrator for Airports to inquire as to the status of a decision by FAA on the ATA complaint. However, no decision on the complaint has been forthcoming.

On April 26, 2000, we informed the Acting Associate Administrator for Airports of the ATA request and she promised to look into why it was taking so long to resolve this complaint. Five years has elapsed since ATA filed its complaint. This should be more than sufficient time for FAA to consider the facts in the case and render a decision.

Please advise us as to when FAA expects to render a decision on the ATA complaint. If the decision is not forthcoming in the near term, please provide the estimated date of completion and an explanation for further delays.

If you have any questions, or would like additional information, please contact me at (202) 366-1959, or my Deputy, Raymond J. DeCarli, at (202) 366-6767.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized for 5 minutes before we proceed to vote on the Allard amendment. I further ask unanimous consent that following the vote, I be recognized to offer an amendment; following the disposition of that amendment, the bill then be read a third time and the Senate then proceed to the vote on passage of the bill, as amended. I further ask unanimous consent that following that vote, the Senate then insist on its amendments and request a conference with the House; further, that Senator GORTON then be immediately recognized in order to make a motion to instruct conferees relative to CAFE.

Further, I ask unanimous consent that there be 2 hours equally divided in the usual form for debate on the motion, divided in the usual form, with an additional 15 minutes under the control of Senator LEVIN, 15 minutes under the control of Senator ABRAHAM, and 15 additional minutes for the proponents of the motion, with no amendments to the motion in order.

Finally, I ask unanimous consent that following that time, the Senate proceed to vote in relation to the motion and that the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I want to make sure that everyone understands the minority.

We are doing our best to be cooperative here. But the original arrangement was that we would be able to spend some time on the Defense authorization bill. Under this agreement

that will be entered shortly, we will be very lucky to finish a vote on the CAFE instructions to conferees by 7 o'clock tonight. That is an inappropriate time for us to begin some very serious deliberations that we have on a matter relating to Cuba, to abortion, and to military hospitals.

So I want the majority to be put on notice that we expect, next week, to have adequate time to go into these issues, and others. There has been a gentlemen's understanding between the two leaders that we would do half and half. We just haven't been getting our half over here on the authorization matters. We hope there will be something done next week to allow us to do that. Otherwise, we could have some problems.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 3430

Mr. LAUTENBERG. Mr. President, I want to talk about this Allard amendment because it gives an appearance of reserving \$12.2 billion for deficit reduction. I support that goal, and I am not going to oppose this amendment. But I really want to make it clear that, as a practical matter, this amendment has no meaning. Nobody should fool themselves into believing otherwise.

The current budget rules already protect budget surpluses by establishing limits on discretionary spending and by requiring offsets for all new mandatory spending or tax cuts. These rules require across-the-board cuts if Congress raids any surplus by exceeding the spending caps or by violating the so-called pay-as-you-go rules. So this amendment doesn't add any new protections to those already in law, nor does it change the provisions in current law that require all surpluses to be used to reduce our public debt.

The amendment claims to promote debt reduction by depositing \$12.2 billion into a trust fund that generally is used for receipts of gifts from foreign countries, the proceeds of which are automatically dedicated to debt reduction.

Well, that sounds good. I don't think it is going to do any harm. But it doesn't change anything, realistically. It is an intragovernmental transfer, taking from one end of the Government and giving it to another. It doesn't affect the bottom line, and it doesn't add any protections that don't already exist.

I point out, also, that we are on a course to reduce publicly held debt by a lot more than \$12.2 billion this year. Under the budget resolution, all of the roughly \$150 billion Social Security surplus, and more than \$12 billion of the non-Social Security surplus, is already devoted to debt reduction. So there is roughly a \$160 billion reserve for debt reduction already.

The Congressional Budget Office is expected to add another \$30 billion to \$40 billion in their re-estimate to that total within the next few weeks. So while we are on track to reduce the debt by potentially \$200 billion this year, including perhaps \$50 billion from the non-Social Security surplus, this amendment stands for the bold proposition that we should commit at least \$12.2 billion for debt reduction. Again, it is likely that we are going to have a \$200 billion debt reduction this year. So I don't understand, and I am not quite sure why we are doing this or why we have to define \$12.2 billion as directed to debt reduction.

In sum, the amendment claims it is going to reduce debt by a lot less than we are already on track to reduce, and it doesn't have any practical effect. Perhaps it will make some folks feel good, and I am not going to object to its adoption; but this is an exercise that is unnecessary and doesn't accomplish really anything. But we are all in the process of saluting debt reduction, and this is just another salute, I guess.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield back whatever time we have.

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the Allard amendment No. 3430.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—95

Abraham	Burns	Edwards
Akaka	Campbell	Enzi
Allard	Chafee, L.	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Graham
Bond	Crapo	Grams
Boxer	Daschle	Grassley
Breaux	DeWine	Gregg
Brownback	Dodd	Hagel
Bryan	Dorgan	Harkin
Bunning	Durbin	Hatch

Helms	Lincoln	Sarbanes
Hutchinson	Lott	Schumer
Hutchison	Lugar	Sessions
Inhofe	Mack	Shelby
Inouye	McCain	Smith (NH)
Jeffords	McConnell	Smith (OR)
Johnson	Mikulski	Snowe
Kennedy	Moynihan	Specter
Kerrey	Murkowski	Stevens
Kerry	Murray	Thomas
Kohl	Nickles	Thompson
Kyl	Reed	Thurmond
Landrieu	Reid	Torricelli
Lautenberg	Robb	Voinovich
Leahy	Roberts	Warner
Levin	Roth	Wyden
Lieberman	Santorum	

NAYS—3

Byrd	Hollings	Wellstone
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NOT VOTING—2

Domenici	Rockefeller
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The amendment (No. 3430) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAAS

Mr. INHOFE. Would the Senator yield for a brief colloquy?

Mr. SHELBY. I yield to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding. I want to commend the chairman of the Transportation Appropriations Subcommittee for developing this legislation. I understand the constraints of the allocation given the subcommittee and I believe he and the gentleman from New Jersey have done a great job in developing a bill the entire Senate can support.

As a general aviation pilot I also want to specifically thank the Senator for his recognition throughout the legislation of the role of general aviation in the national air transportation system. As the report correctly noted, "the FAA should not let the perfect be the enemy of the good" and although for example the WAAS program is struggling, the legislation notes the number of satellite based applications that can be deployed here and now to enhance aviation safety.

As you move to conference, would the Chairman be willing to work with me on language for inclusion in the Statement of Managers to enhance direction to the FAA in this particular regard? Increasing the number of GPS approaches, developing databases and GPS corridors through Class B airspace will immediately improve safety for thousands of general aviation pilots.

Mr. SHELBY. I thank the Senator for yielding and for his kind words regarding our legislation. We would be pleased to work with the Senator and I support the thrust of his request.

His request tracks very closely with the subcommittee's philosophy regarding FAA modernization. Funds provided in this bill for next generation navigation should not be used solely to

protect programs which our bill report details are struggling to various degrees but to deploy the immediate benefits of satellite based technologies as quickly as possible.

I thank the Senator for his interest and look forward to working with him. Mr. INHOFE. I thank the Senator.

USE OF SMALL DUMMIES IN THE NEW CAR
ASSESSMENT PROGRAM

Mrs. BOXER. I would like to ask my distinguished friend, the Senator from Alabama, about committee report language on the Fiscal Year 2001 Transportation Appropriations bill that affects the use of small dummies in the New Car Assessment Program, or NCAP. Let me quote from the relevant section of the report:

The Committee denies the request to expand NCAP by using small size dummies in crash tests. The Committee believes that test devices should be required for use in safety standards compliance testing before being considered for inclusion in NCAP.

As my good friend knows, the National Highway Transportation Safety Administration (NHTSA) currently conducts crash tests using dummies that meet a standard for full-grown adult men, and I am concerned that this report language would prevent the public from learning how new cars would perform in crashes involving occupants of all sizes—smaller adults and children.

Mr. SHELBY. I thank the Senator from California for the opportunity to clarify the committee's intent with respect to the committee's response to NHTSA's request to test the "feasibility of using the 5th percentile dummy" as indicated in the budget justification. The committee intended with this report language to ensure that NCAP would be expanded to include small size dummies until those dummies are certified for use in crash tests conducted to verify compliance with federal motor vehicle safety standards. I am very supportive of the expanding the number of crash test dummies to more accurately simulate the diverse height and weight of vehicle occupants. The intent was not to prevent the agency from using small dummies nor to prevent NHTSA from acquiring test data essential. To the contrary, the committee provides additional funding in the relevant Research and Analysis contract program.

I want to underscore how important it is for members of the committee and the entire body to have accurate and consistent information from NHTSA in order to proceed with expanded NCAP tests. Indeed, the committee has received conflicting information from NHTSA regarding the readiness of small size dummies for use in crash tests.

Mrs. BOXER. I thank the Senator for his answer, and I agree that it is essential that safety dummies used in the NCAP program in fact provide ade-

quate and reliable data to consumers and automobile manufacturers alike. I appreciate that there has been some confusion with respect to certification of the so-called small 5th percentile dummy, but I now have information from NHTSA which indicates that the dummy has been thoroughly tested and certified through the appropriate rule-making process.

Would he under these circumstances commit to making every effort in the conference committee on the Transportation bill to change that specific report language to reflect this information from NHTSA?

Mr. SHELBY. I assure the Senator from California that I will continue to consult with NHTSA regarding the design and reliability of the small size dummies. I believe it is critical that these dummies be satisfactorily developed in time for compliance testing associated with the new advanced air bag rule in 2004.

NATIONAL PLANNING AND RESEARCH PROGRAM

Mr. COCHRAN. Mr. President, as the Senator from Alabama is aware, this bill includes funding for a number of transit planning and research grants under the National Planning and Research Program. The Committee report that accompanies the bill identifies a number of individual research projects, including several university based projects, and the amount of federal funding to be provided for each. I commend the Chairman and the Subcommittee for their support for University based research into transit and related transportation matters. I would inquire of the Chairman whether he was aware of Jackson State University's transportation research capabilities and their plan to establish an institute at the University to utilize the disciplines of information technology, engineering, environmental science, public policy and business to provide technical and other assistance to transportation planners, local governments and others involved in multimodal transportation?

Mr. SHELBY. Mr. President, I am advised that the Senator from Mississippi did bring this matter to the Subcommittee's attention and requested the Subcommittee's consideration for funding. As the Senator from Mississippi knows, the subcommittee considered a number of requests for research projects that could not be funded within the allocations. However, I share the Senator from Mississippi's view that the research program proposed by Jackson State University would make an important contribution to multi-modal transportation research.

Mr. COCHRAN. Mr. President, I appreciate the Chairman's response, and I hope he will work in conference to provide funding for the Jackson State University Transportation Institute.

BUS FACILITIES

Mr. LEVIN. Mr. President, we have before the Senate H.R. 4475, the fiscal year 2001 Appropriations Act for transportation. Included in the Senate Committee Report is the statement: State of Michigan buses and bus facilities: Despite unanimous supported agreements among the Michigan Public Transit Association, its members, and the Michigan Department of Transportation that Section 5309 bus funds to Michigan transit agencies be distributed through MDOT, designations of funds to individual transit agencies continue to be sought and proposed apart from the agreement. The Committee directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA-MDOT agreement.

I have spoken with many local jurisdictions who do not agree that there has been an agreement that all money would go to the Michigan Department of Transportation and that there would be no specific earmarks.

I have a letter here from the President of the Michigan Public Transit Association which states that it was understood by MPTA that Michigan transit systems be allowed to pursue their own individual earmarks. I have requested such earmarks from the Committee. I ask consent that this letter be inserted in the RECORD at the conclusion of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. I thank the Senator from Michigan, and he is correct, there is language in the Committee Report which directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA-MDOT agreement.

Mr. LEVIN. I ask that you consider in conference our specific requests as well as the overall allocation of \$70 million for Bus Grants for Bus Dependent States.

Mr. LAUTENBERG. I assure the Senator from Michigan that specific requests will be carefully considered.

EXHIBIT 1

MICHIGAN PUBLIC
TRANSIT ASSOCIATION,
Lansing, MI, June 15, 2000.

To: Michigan Congressional Delegation

In regard to FY 2000-01 Section 5309 earmarks to the State of Michigan, the Michigan Public Transit Association is in support of both the State's priority list for earmarks as provided to the Michigan Congressional Delegation, and will support any individual earmarks that Michigan areas have requested. There is no agreement that says that the State of Michigan will get all the earmark funds. We understand that the State of Michigan has submitted a priority list in which certain facility projects will receive the first priority, and bus replacement needs in Michigan will receive the second priority. The Michigan Public Transit Association supports Michigan Department of

Transportation identification of needs and has agreed to the prioritization. We furthermore understand that transit systems will be asking for special earmarks for projects and we are supportive of all the requests. We urge the Michigan Congressional Delegation to secure the largest possible earmark to the State of Michigan, and to provide individual earmarks at the highest possible levels to transit systems in Michigan.

The above is what was agreed to between Michigan public transit systems and the Michigan Department of Transportation at meetings held in January and February of this year. It is clearly our understanding that transit systems in Michigan are allowed to pursue their own individual earmarks at the same time as we are supportive of the State receiving funds and distributing them in accordance with their agreed to priority list.

Sincerely,

PETER VARGA,
President.

Mr. LAUTENBERG, Mr. President, I would like one moment to ask Senator SHELBY, chairman of the Transportation Appropriations Subcommittee, a brief question. Mr. Chairman, would you agree that the Jamaica Intermodal Project in Jamaica, Queens, New York is eligible to receive bus funds along with the other projects listed in the Committee report?

Mr. SHELBY. Mr. President, I would agree.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related agencies Appropriations bill for fiscal year 2001.

I commend the distinguished chairman of the Appropriations Committee and the chairman of the Transportation Appropriations Subcommittee for bringing us a balanced bill within necessary budget constraints.

The Senate-reported bill provides \$15.3 billion in new budget authority (BA) and \$19.2 billion in new outlays to fund the programs of the Department of Transportation, including federal-aid highways, mass transit, and aviation activities. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals \$14.0 billion in BA and \$48.0 billion in outlays.

The Senate-reported bill is exactly at the subcommittee's 302(b) allocation for budget authority, and the bill is \$310 million in outlays under the Subcommittee's 302(b) allocation.

I thank the chairman for the consideration he gave to New Mexico's transportation priorities.

Mr. President, I support the bill and urge its adoption.

I ask unanimous consent to have printed in the RECORD spending comparisons of the Senate-reported bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4475, TRANSPORTATION APPROPRIATIONS, 2001
SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal year 2001, in millions of dollars)

	General pur- pose	High- ways	Mass transit ¹	Manda- tory	Total
Senate-reported bill:					
Budget authority	13,281			739	14,020
Outlays	15,663	26,920	4,639	737	47,959
Senate 302(b) allocation:					
Budget authority	13,281			739	14,020
Outlays	15,973	26,920	4,639	737	48,269
2000 level:					
Budget authority	12,536			721	13,257
Outlays	14,635	24,338	4,569	717	44,259
President's request ² :					
Budget authority	13,911			739	14,650
Outlays	15,661	26,677	4,646	737	47,721
House-passed bill ² :					
Budget authority	13,735			739	14,474
Outlays	15,948	26,920	4,639	737	48,244
SENATE-REPORTED BILL COMPARED TO					
Senate 302(b) allocation:					
Budget authority					
Outlays	-310				-310
2000 level:					
Budget authority	745			18	763
Outlays	1,028	2,582	70	20	3,700
President's request:					
Budget authority	-630				-630
Outlays	2	243	-7		238
House-passed bill:					
Budget authority	-454				-454
Outlays	-285				-285

¹ Although the President's request, House-passed, and Senate-reported versions of this bill all include \$1.254 billion in BA for the mass transit category, there is no such allocation to compare it to, so those amounts are omitted.

² For comparison purposes, outlays for the highways and mass transit categories for the President's request and the House-passed bill are adjusted by the same amounts as the Senate-reported bill to reflect the difference between CBO's estimate of outlays for implementing TEA-21 and OMB's calculation of the TEA-21 caps for those categories.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

DENVER METRO AREA

Mr. CAMPBELL. Mr. President, I seek recognition to raise an issue of importance to my home state of Colorado with the distinguished chairman of the Transportation Appropriations Subcommittee, Senator SHELBY.

I commend my friend and colleague from Alabama, Senator SHELBY, for his effective leadership on this important Transportation Appropriations bill. I take this opportunity to call to his attention a matter of highway safety in the increasingly congested Denver Metro area, particularly the I-25 ramps project near downtown Denver.

I-25 is the most congested highway artery in the State of Colorado and has more accidents per miles driven than any other traffic corridor in the State. All of the ramps in this project area are separated by inadequate distances. Funds for this project would increase these distances and therefore increase safety.

The amount of traffic directed onto the 17th Avenue and 23rd Avenue ramps off of I-25 is expected to grow to a point that would overwhelm the already unsafe traffic volumes on these ramps.

I am concerned that even today, the ramps are substandard and could be considered unsafe. Under the design recommendations of the American Association of State Highway and Transportation Officials (AASHTO), the minimum safe distance between an ON and OFF ramp is 1,600 feet. These ramps are only 435 and 750 feet apart.

The Average Daily Traffic (ADT) for these ramps is 40,800 yet the current ramps are designed for only 12,000 ADT. These ramps are currently at 340 percent over capacity and they can't handle more traffic without funding for this project.

I have been working with the Subcommittee on Transportation Appropriations to help the Denver Metro area and Colorado and very much appreciate the Chairman's assistance. A key priority for me is to improve highway safety in Metro Denver through this ramps project. Because of the budget constraints, however, the subcommittee was not able to include the project at this time. Will the Chairman be able to assist my efforts in seeking this funding as we move towards Conference?

Mr. SHELBY. Mr. President, I thank the Senior Senator from Colorado for raising the issue of highway ramps to improve safety on the roads in the Metro Denver area. Based on the Transportation Subcommittee's review of highways across the country, it is clear that Colorado, especially the Denver Metro area, has one of the fastest growth rates in the country and has specific transportation needs.

I support the Senator's request for assistance on the particular highway project he mentions, and will be happy to work with him to identify funding for this important safety and capacity project as we move towards Conference.

Mr. WYDEN. Mr. President, I rise to voice my concerns about Section 335 of the Transportation Appropriations bill. This section flatly bans the Department of Transportation from even considering any reform of the commercial drivers' Hours of Service (HOS) regulations, which limit the time that drivers spend behind the wheel of large trucks and buses. The provision shuts off all funding for DOT current and future efforts to ensure drivers receive adequate rest. This sweeping ban on any further consideration of HOS regulations goes too far.

Section 335 would not even give DOT a chance to try to address concerns that have been raised about its proposed regulations. DOT would be prohibited from holding public hearings on the changes (several are planned for this month alone) or from even talking with drivers, law enforcement groups, and highway safety groups about the proposed changes. The measure also halts efforts to enhance HOS enforcement through on-board recorders—one of the National Transportation Safety Board's ten most wanted safety improvements.

The ban on any consideration of HOS reform also contradicts Congress' recent action to improve truck safety. Just last year Congress mandated the creation of a new truck safety agency within DOT, the Federal Motor Carrier

Safety Administration. It is FMCSA's proposal to change the HOS regulations which has led to the ban in section 335 of the Transportation Appropriations bill. Moreover, in 1995, the Congress, through the medium of the Interstate Commerce Commission Termination Act (ICCTA), directed DOT to study the HOS regulations and suggest reforms. DOT and FMCSA have done so. The result of their efforts should not be the foreclosing of all debate on new driver safety rules.

Mr. FEINGOLD. Mr. President, as the Senate continues to debate this year's Transportation Appropriations bill, I am pleased to again express my support for high-speed passenger rail. Efficient high-speed passenger rail has many benefits: it helps to relieve some of our ever-increasing traffic congestion, it provides increased mobility for both business and personal travel, and it reduces pollution of the air we breathe. I have long supported a truly intermodal and effective transportation system and high-speed rail is a vital link in that chain.

Federal assistance is essential for the development of transit systems such as high-speed rail. The Federal Government has long had a major role, of course, in funding America's transportation network, from construction and maintenance of the interstate highway system to providing mass transit assistance to local governments. I believe the federal role is important because we need a coherent, responsible national transportation policy.

But I believe it is appropriate that state and local officials have the greatest role in making the important decisions about where our transportation money is spent, because they are the people who deal with the demands on all the elements of the transportation system on a daily basis. The great thing about high-speed passenger rail is that it incorporates the best of both worlds.

The Federal Government should be the partner of state and local government in transportation, where there are local, state and national interests. While it is crucial that we provide adequate funds for high-speed rail, it is also important for the Federal Government to support high-speed rail in other ways. To this end, I urge the Federal Railroad Administration to further develop its outreach activities to help promote awareness of high-speed rail as a viable option for providing dependable intercity transportation.

I am committed to supporting a sound national transportation infrastructure and to developing thoughtful, fair transportation policy that reflects the changing needs of our Nation and respects the role of state and local government as the main decision-makers. High speed passenger rail fits the bill.

Mr. CLELAND. Mr. President, as we vote today on the Transportation Ap-

propriations bill for fiscal year 2001, I want to draw the attention of my colleagues to a remarkable achievement in the Atlanta region of my home state of Georgia. But first let me thank Chairman SHELBY and our Ranking Member, Senator LAUTENBERG, for their assistance on my state's transportation priorities in this bill.

The bill provides assistance for a number of alternative transportation projects, from water taxis to eliminating high-hazard grade crossings on the proposed Atlanta to Macon commuter rail line. We have direction to the Federal Railway Administration and funding to extend the agency's high-speed rail transportation plan from Charlotte, North Carolina, to Macon, Georgia. We have important funding to make up for a shortfall in funding to complete a regional transit study for metropolitan Atlanta, so that this fast growing region—whose motorists drive the longest distance of any metro area—can plan for a region-wide system of seamless intermodal transportation. We have the Georgia Regional Transportation Authority, GRTA, the Metropolitan Atlanta Rapid Transit Authority, MARTA, the Georgia Department of Transportation, Chatham Area Transit, and the Southern Coalition for Advanced Transportation on the eligibility list for bus funding. In addition, MARTA is eligible for New Starts mass transit rail funding. And, the maglev program to provide high-tech, high-speed fixed guideway service between Chattanooga, Tennessee, and Atlanta would receive \$3 million to continue pre-construction planning in this Senate bill.

These are important projects, especially in light of the unanimous decision yesterday by the Georgia Regional Transportation Authority to approve the Transportation Improvement Program, TIP, for the Atlanta region. This was a remarkable event given the intense process that has been underway the past 12 weeks in Atlanta, culminating a two-year effort to submit a fiscally constrained, air quality conforming plan to the U.S. Department of Transportation for approval. As many of my colleagues know, the Atlanta region has been called the "poster-child of urban sprawl." The region is in a conformity lapse, and, as a result, new highway and transit construction dollars are frozen until the Federal Government approves a plan that conforms with the Clean Air Act and the requirements of the Transportation Equity Act for the 21st Century.

The Atlanta region has developed and submitted a plan that has been under the closest scrutiny of any metropolitan region of the country. No other region has had to fulfill the requirements set forth by the Federal transportation agencies for not only local financial commitments, but to adopt a land-use strategy that would support the major

public transportation investments called for in the TIP. In regard to these requests, let me remind my colleagues that the counties in my state are very protective of their home rule powers and rightly so, and Federal directives on local control issues are difficult to swallow.

Nevertheless, officials from the Atlanta Regional Commission, ARC, which is the metropolitan planning organization for the region, and from the Georgia Regional Transportation Authority, GRTA, our new regional agency established to implement the ARC's plan, worked with the Federal agencies to craft a process to ensure that the transportation alternatives in the TIP are successful. This 3-year TIP makes a very strong investment in alternative transportation. Half of the \$1.9 billion plan is devoted to mass transit, bicycle, pedestrian and air quality improvement projects and only 10 percent is devoted to new capacity for single-occupant vehicles.

Even more important, the ARC and the GRTA are pledged to work together to implement a land use strategy that links the regional development plan with this transportation improvement program. This is an historic linkage of land-use guidelines with transportation improvements. The Atlanta Regional Development Plan calls for land use policies that strengthen town centers, foster transit-oriented development, encourage new development to be more clustered in portions of the region where new opportunities exist, protect environmentally sensitive areas, support the preservation of stable, single-family neighborhoods and encourage best development practices.

For the first time, these high-sounding goals are not just left to gather dust on a shelf. They are the guideposts for the region's transportation program. The GRTA resolution calls the regional development plan "an integral part of fulfilling its responsibility to manage land transportation and air quality. . . ."

Mr. President, I would like to point out that these plans for mixed-use and transit-oriented development do not mean that the GRTA is going to mandate high-density housing throughout the region. That could not be farther from the truth. What this plan sets out is that where opportunities exist along certain transportation corridors the counties should allow the free market to step in and build higher-density housing and commercial development that would attract support for transportation alternatives, such as express buses or commuter rail lines.

Let me state that many local governments have submitted written promises that they will do their part in implementing the TIP. Even more important, everybody is now fully aware of what will be expected of them. For that reason—and because the GRTA has

pledged to use its influence to put the program into action—I believe moving forward is the right thing to do. I urge the Department of Transportation to move this plan forward. It is time to put solutions that improve air quality, reduce traffic congestion and provide transportation choices on the roads and railways in Atlanta.

Mr. President, at this time I ask unanimous consent that the full text of the GRTA resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE GEORGIA REGIONAL
TRANSPORTATION AUTHORITY

RESOLUTION 00.6.1

Whereas, on May 10, 2000, the Georgia Regional Transportation Authority (GRTA) adopted a resolution relative to the Transportation Improvement Program for FY 2001–FY 2003;

Now, Therefore, Be It Resolved that GRTA approves the Atlanta Region Transportation Improvement Program, FY 2001–FY 2003, and further resolves:

Land Use: Be it further resolved that GRTA finds the policies and best development practices approved by the Atlanta Regional Commission Board on May 24, 2000, and described in “A Framework for the Future: ARC’s Regional Development Plan,” October, 1999 to be an integral part of fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA will use its resources and authority to cause the implementation of the policies and practices as described in “A Framework for the Future: ARC’s Regional Development Plan,” October, 1999, and assumed and required by the RTP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, and

Funding/Projects: Be it further resolved that GRTA finds the prioritization, in cooperation with ARC and local governmental jurisdictions, of planning, funding and implementation of local and regional public transit (bus, rail, vanpool, carpool, and supporting infrastructure, such as a regional network of high-occupancy vehicle lanes), travel demand management programs and projects, and streets safe for walking and bicycling are important to fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA adopts the jurisdiction-specific transportation funding assumptions detailed in the RTP/TIP and will use its resources and authority to cause the fulfillment of these local commitments assumed and required by the RTP/TIP, and

Cooperating Local Government Status: Be it further resolved, that GRTA’s designation of cooperating local governments requires that the region’s jurisdictions make satisfactory progress on the land use, fiscal and other assumptions and requirements of the RDP, RTP, TIP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, as well as regional and jurisdictional transportation and air quality goals, performance measures and targets established by GRTA, and

Be it further resolved that GRTA will establish regional and jurisdictional transportation and air quality goals, performance measures and targets prior to the next process to update/amend the TIP.

Environmental Justice: Be it further resolved, GRTA’s approval of future TIPs require compliance of the TIP with all federal, state, and GRTA statutory and regulatory requirements for addressing the issue of environmental justice.

Speed Study: Be it further resolved, that GRTA, EPD, GDOT, and ARC will perform a comprehensive vehicle speed study for peak and non-peak traffic to address air quality considerations in support of the State Implementation Plan (SIP) for the non-attainment area to be completed by October 1, 2000.

Mr. LIEBERMAN. Mr. President, I rise today to express my concern about a rider that has been attached to the Transportation Appropriations bill in Congress for the past four years. The language of this rider prevents the Administration from even considering an increase to our nation’s Corporate Average Fuel Economy, or CAFE. This rider was a bad idea when it was first introduced four years ago, and it is a bad idea today. This rider appears yet again in the FY2001 House Transportation Appropriations bill. I would like to voice my opposition to this rider and express my support for Senator GORTON’s Motion to Instruct Conferees, which he is offering with Senators FEINSTEIN and BRYAN, that opposes the CAFE freeze.

Aside from my personal conviction about the importance of improved CAFE standards, I am troubled by this provision for another fundamental reason: this rider bars the Administration from considering—even discussing—making our cars more efficient. This Administration should be making decisions in light of all possible information, not being asked to forgo critical policy analyses simply because they are not allowed to freely evaluate different options.

Substantively, this rider forces the nation to bypass a critical opportunity to make our fleet of cars more efficient. The efficiency of our cars, or said another way, the number of miles our cars can travel on one gallon of gasoline, is important for a great number of reasons. First, because of recent and continuing increases in the price of fuel, we have felt firsthand the bite of high prices at the pump. The best answer to reducing the amount of money we spend each month on gasoline is to make our cars more efficient. We know this approach will work, because the doubling of fuel economy between 1975 and the mid 1980s saved new car purchasers an average of \$3,000 in fuel over the lifetime of the car, at today’s prices. The Union of Concerned Scientists estimates, for example, that if we were to raise light truck fuel economy to 27.5 miles per gallon, the most popular Sports Utility Vehicle in the country—the Ford Explorer—would go from traveling 19 miles to the gallon to traveling 34 miles to the gallon. We could achieve this for \$935 in established technology, and the SUV owner would save thousands of dollars over the lifetime of the car.

Second, we need to raise CAFE standards for the sake of our national security. The United States imports more than half of its oil from foreign countries, and this dangerously limits our independence and potentially our options in times of turmoil. The dramatic rise in oil prices in recent months should be a reminder of how overly-dependent we are on OPEC, and how vulnerable we are to OPEC cartel pricing. We must raise our domestic fuel economy in order to reduce this dependence. According to the Sierra Club, raising CAFE standards would save more oil than we import from the Persian Gulf and off-shore California drilling combined.

Third, there are critical environmental gains to be made from improving the fuel economy of our vehicles. There have been a number of reports in recent weeks about the reality of global warming. A Federal Government study released earlier this week, requested by Congress four years ago, reports that global climate has become approximately one degree hotter over the past century, and many scientists believe that this warming trend will continue as humans continue to burn fossil fuels. This trend will cause very real and significant changes to our weather and climate patterns, fundamentally altering the way of life in some geographic areas. A recent study at NASA’s Ames Research Center reported that the ozone layer is not recovering as fast as was previously thought, potentially due to greenhouse gas emissions. A report by Environment Canada and Parks Canada shows that some national park glaciers could disappear in 20 years due to global warming. These and other significant reports come on the heels of one another to warn us that global warming is real and that we need to pay serious attention to the problem.

The first, very important step we must take to curb greenhouse gas emissions is to reduce the amount of fossil fuels we consume in our vehicles. Improving the CAFE standards to 45 mpg for cars and 34 mpg for light trucks would save this country 3 million barrels of oil per day and prevent hundreds of millions of tons of CO₂ from entering the atmosphere every year. Carbon dioxide is the major contributor to greenhouse gas emissions and to the subsequent warming of our climate. We must, I repeat we must, take this step and raise CAFE standards.

Since the 1980s, partly due to our nation’s increasing use of light trucks, or Sports Utility Vehicles, the corporate average fuel economy of our fleet of vehicles has declined. According to EPA’s 1999 Report on Fuel Economy Standards, there have been no improvements in fuel economy for light trucks in 19 years. This is particularly dismaying when we consider that over half the

passenger vehicles sold in the U.S. now fit into the category of light trucks. We know we can do better and that the technology already exists. Using state of the art engine refinements; optimized transmission control; high strength, "ultra-light" steel techniques, and lower rolling resistance tires, auto manufacturers should be able to improve fuel economy drastically.

For all these reasons, we must move back toward improving the fuel economy of the vehicles in the United States. It saddens me that some of my colleagues would like to prevent this discussion from even taking place. The first step in the right direction is to uphold the Gorton/Feinstein/Bryan motion and oppose the freeze on CAFE standards. From there, we will be able to discuss appropriate measures to improve upon our vehicles, for so many reasons that make good sense.

Mr. SCHUMER. Mr. President, I rise to thank the distinguished Chairman of the Senate Appropriations Subcommittee on Transportation, Senator SHELBY, and Ranking Member, Senator LAUTENBERG, for their diligence and patience in moving this vital legislation forward. The difficulty of crafting such a comprehensive appropriations bill is considerable and they deserve congratulations. While I plan to vote for this bill, I would like to state my reservations about one particular provision—Section 335—which would preclude the Secretary of Transportation from expending any FY 2001 funds on the completion of a Federal rule pertaining to motor carrier "Hours of Service." As my colleagues prepare for conference with their House counterparts, I hope they will recede to the House on this particular provision.

Mr. President, Secretary Slater recently wrote to the Appropriations Subcommittee stating his opposition to such a provision. The Secretary points out, rightly I think, that heavy trucks are a major source of accidents on our roadways. Driver fatigue often plays a major role in these accidents.

I feel that since the Department has not yet begun responding to comments on its "Hours of Service" Notice of Proposed Rulemaking, it is premature to terminate DOT's review. Highway Safety is one of Congress' foremost transportation priorities, as evinced by the recent creation of the Federal Motor Carrier Safety Administration.

Mr. President, it is because highway safety is so important that I ask my colleagues to drop this provision in conference. I have attached a copy of Secretary Slater's letter, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 8, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I am advised that the Transportation Subcommittee may add a very damaging provision to the pending DOT Appropriations Bill, effectively barring the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and affected industries on one of the most critical safety challenges we face—fatalities involving heavy trucks on our nation's highways and the need to update our "Hours of Service" rules for ensuring adequate rest for commercial drivers.

Heavy trucks are involved in almost 15 percent of all fatal highway crashes. I challenged the FMCSA last year to cut fatality levels in half by 2009. We cannot accomplish this without addressing the problem of operator error, and we know that fatigue is a critical factor in crashes. The 60-year-old rules for driver Hours of Service should be modernized. Also, new technology, such as on-board recorders may play a role in reducing the crash/fatality rates.

We have just proposed changes in a Notice of Proposed Rulemaking to change the Hours of Service rules. This proposal emphasizes rest and is science-based. We do not even have the benefit of full comment at this point, yet some are advocating that Congress intervene and prohibit analysis of the information and views we receive. This would be utterly contrary to the action Congress just took in December 1999 to set up the FMCSA as a free-standing safety regulatory agency.

We have heard from industry representatives about the pace of the rulemaking, and I am prepared to extend the comment period for 90 days to allow interested members of the public more time for in-depth analysis of the proposal's details and to clarify matters that have arisen since the proposal was issued May 2. However, I am not prepared to stop moving forward on an issue that has not been substantially addressed in 60 years and that promises so much in safety improvement. If the Subcommittee adds the amendment, it will signal an end to our efforts to address driver fatigue. I therefore strongly oppose the amendment.

Sincerely,

RODNEY E. SLATER.

Mr. REED. Mr. President, I rise in strong support of the motion to instruct conferees to reject the provision in the House version of the fiscal year 2001 Transportation Appropriations bill that freezes implementation of the Corporate Average Fuel Economy standards.

As my colleagues have stated, the House bill would, for the sixth year in a row, block the Department of Transportation from studying ways to improve CAFE standards for vehicles in the United States.

Mr. President, the National Highway Traffic Safety Administration's latest report to Congress states that cars sold in the United States in 1999 averaged 28.3 miles per gallon, down from 28.7 miles per gallon in 1998. Light trucks, which now make up about half of new passenger vehicles sold, averaged 20.7 miles per gallon, down from 20.9 in 1998.

What a shame that in an era of great technological innovation, all of the

fuel economy gains from technological improvements over the last twelve years have been erased by the proliferation of larger, heavier, gas-guzzling vehicles.

As Transportation Secretary Rodney Slater said of the CAFE freeze in his June 8 letter to Chairman SHELBY, "Because this prohibition has been in place in recent years, the Department has been unable to fully analyze this important issue. The average fuel economy of passenger cars and light trucks has decreased almost 7 percent since 1987. In fact, the average miles-per-gallon for 1999 was the lowest since 1980. CAFE is a significant policy issue that should be addressed analytically and not preemptively settled through the appropriations process."

With fuel prices high and rising, it is especially critical that we improve CAFE standards. Lax fuel economy standards have allowed SUVs and other light trucks on the road today to be 30 percent less efficient than cars on average. This fuel economy gap caused Americans to spend \$21.4 billion more for gasoline last year than if these trucks were as efficient as cars. SUV and light truck drivers in my state of Rhode Island paid an extra \$55 million at the pump last year due to this gap in fuel efficiency standards.

Meanwhile, as overall fuel efficiency goes down, our nation continues to import over 55 percent of its crude oil, putting us at the mercy of the OPEC cartel. We owe it to the drivers in the Northeast who are paying over \$1.70 for a gallon of gas, or those in the Midwest paying over \$2.00 per gallon, to take a serious look at cutting our consumption of foreign oil by improving CAFE standards.

Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 5 years, and each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

Shouldn't we at least give the Department of Transportation the chance to study this issue? Isn't it time to lift the gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards? I believe the answer is clearly yes.

I urge my colleagues to support this important motion.

Mrs. BOXER. Mr. President, the Fiscal Year 2001 Transportation Appropriations bill now before the Senate contains, in my opinion, a very damaging and potentially dangerous provision. This provision would effectively bar the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and other interested parties on the critical need to revise the so-called Hours of Service

rules, which regulate, among other things, the number of continuous hours commercial drivers are permitted to be on the road.

Over 5,300 people are killed and 127,000 are injured each year as a result of truck-related crashes, and research shows that truck driver fatigue is a contributing factor in 30 to 40 percent of all truck-related fatalities. Moreover, the Department of Transportation (DOT) finds that fatigue is directly related to 15 percent of all fatalities involving heavy trucks.

There are both good and not-so-good parts to DOT's proposed changes to the Hours of Service rule. While I am very concerned that the proposed rule contemplates increasing the number of continuous driving hours from 10 to 12, it would also require the use of electronic on-board recorders for long haul and regional truckers, and it would require commercial drivers to follow the 24-hour circadian rhythm cycle as opposed to the currently permitted 18-hour cycle. This is important because all authoritative studies show that the human body best resets its "clock" when following the circadian rhythm cycle.

In response to requests from groups on all sides of this issue, DOT recently extended the comment period on the proposed rule by another 90 days. Nevertheless, language in the Transportation Appropriations bill would bring the entire rulemaking process to a halt.

Mr. President, not only is it wrong for this body to insert itself in this way in the preliminary stages of a proposed rulemaking process, I am concerned that that this provision will set highway safety initiatives back by decades. Only by keeping the rulemaking process alive can the existing 60-year-old Hours of Service rules ever be meaningfully reformed.

I understand that the House Transportation Appropriations bill contains no such provision, and it is my strong hope that this provision will be rejected in Conference Committee.

Mr. BYRD. Mr. President, I rise in support of the Fiscal Year 2001 Transportation Appropriations bill, and I compliment the Chairman of the Subcommittee, Senator SHELBY, and the Ranking Member, Senator LAUTENBERG, for the outstanding job that they have done on this measure.

Their recommendations, which were approved by a unanimous vote of the Appropriations Committee, are the best that could be done within the very tight 302(b) allocation that was provided to the Subcommittee. I am hopeful that we will be able to provide increased funding for the Transportation Subcommittee, as the bill proceeds through the Senate and its conference with the House. As is usual for the Transportation Subcommittee, the programs and activities contained in this

bill are funded in as fair and balanced a way as one could expect. I am proud of the work of the managers of this bill. Very importantly, the bill continues to fully fund the highway spending levels set forth in the Transportation Equity Act for the Twenty-First Century, TEA-21. As members will recall, when that landmark legislation was debated and enacted two years ago, I joined with Senator GRAMM of Texas as well as Senators WARNER and BAUCUS, the Chairman and Ranking Member of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee, to provide some \$26 billion in additional highway spending over the six-year life of that measure. In so doing, we put the "trust" back into the Highway Trust Fund. We assured the American people that the full amount of the gasoline taxes that they pay at the gas pump, and which go into the highway account of the Highway Trust Fund, will be spent on construction and rehabilitation of our Nation's highway and transit systems. Unfortunately, for the second year in a row, the Administration's budget proposed that a large portion of these Highway Trust Funds be used for non-highway purposes. Fortunately, the managers of this bill, Senators SHELBY and LAUTENBERG, found a way to reject the Administration's proposal and to continue, in full, the commitments made to the American people; namely, that all of the gasoline taxes that they pay will be fully spent, each year, for the purposes for which those taxes were collected. I am grateful to the managers of the bill for having the wisdom and the courage to reject the Administration's ill-conceived proposal for a second year in a row. I hope the Administration will get the message that this Congress is not interested in going back on the commitments it made and that the President signed into law in TEA-21, to keep the "trust" in the Highway Trust Fund.

Mr. President, I note that this will mark the last occasion upon which Senator LAUTENBERG will serve as the Ranking Member of the Transportation Appropriations Subcommittee. During his tenure as Chairman and Ranking Member of this Subcommittee, Senator LAUTENBERG has always been very cooperative with me in my role as Chairman and Ranking Member of the Appropriations Committee. He was no less cooperative when I served as Majority and Minority Leader of the Senate. He has demonstrated the courage to take a stand for what he believes in, throughout his Senate career, even when the votes were not there. He has performed a tremendous service to his State, as well as to his Country on many critical issues. He has worked tirelessly on a broad range of transportation issues throughout his service on the Appropriations Subcommittee on Transportation. These accomplish-

ments range from improvements in Amtrak service, to ensuring that there are sufficient resources for the FAA, Coast Guard, mass transit and highway safety programs. When it comes to transportation issues, Senator LAUTENBERG has always been in the forefront. He has always fought valiantly to protect the lives of the American people. He was the author of the smoking ban on airplanes. He was the author of the Minimum Drinking Age Act. His tireless battle against drunk-driving, which began with that Act, has now brought us to this appropriations bill, which includes a provision establishing a national intoxication threshold of point-zero-eight (.08) blood alcohol content. The Senate will miss FRANK LAUTENBERG. We will remember him with great fondness.

The one disservice, however, that he performed for his Nation, and for the Senate, and for the Appropriations Committee, was his decision not to run again. I am sorry that he made that decision. I talked with him about the matter several times. I told him that it was simply not good for the Country. I don't say that because he is a Democrat—I say that because this man is a Senate man. This man has rendered great service. I greatly regret his decision—and I told him so, and I urged him to rethink it, because he renders the kind of service that our Country needs. I salute him for his Senate service. And, I say again, we are going to miss this man—FRANK LAUTENBERG.

Mr. President, I urge all Members to support the Fiscal Year 2001 Transportation Appropriations Bill now before the Senate.

Mr. McCAIN. Mr. President, I wish to express my concerns over a provision included in this legislation that would effectively prevent the Department of Transportation (DOT) from continuing its work to fulfill a statutory directive to revise its regulations that limits the driving and duty time of truck and bus drivers.

The federal hours of service regulations were established in 1937. Yet, despite the vast technological advancements and dramatic changes in the motor carrier industry, those rules have remained largely unchanged after more than 60 years.

Due to the growing safety concerns stemming from truck driver fatigue and other factors, the National Transportation Safety Board has repeatedly called for the Department to develop new hours of service rules that reflect current research on truck and bus driver fatigue. Further, the ICC Termination Act of 1995 required the department to issue an Advanced Notice of Proposed Rulemaking (ANPRM) addressing motor carrier hours-of-service regulations by March 1996 and a final rule by March 1999.

Unfortunately, the Department failed to meet the time frames as required

under the law. The ANPRM was not issued until November 1996. It wasn't until April of this year that the Notice of Proposed rule was issued—a proposal not embraced by industry or safety advocates.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation policy, I believe it critical to allow and actually require the Department to continue its work to develop sound new rules governing motor carrier operators. I fully recognize the DOT's regulatory proposal is not acceptable in its current form. Moreover, the public needs sufficient time to analyze the proposal and the Department must clearly evaluate and understand its implications before a final rule can be issued. But the Appropriations Committee approach which prevents the DOT from doing anything in this area is simply wrong.

Section 335 of the Transportation Appropriations bill would prohibit DOT's Federal Motor Carrier Safety Administration (FMCSA) from using any funds to "consider or adopt any proposed rule" contained in the Notice of Proposed Rulemaking (NPRM) issued on April 24, 2000 or to "consider or adopt" any "similar" rule.

I will not and am not defending the DOT's regulatory proposal. But I do not think that preventing any further work in this area is sound judgement on our part. If the provision in this bill is allowed to stand in conference, it will effectively prevent any changes to the more than 60-year-old truck driver rules.

We must urge the DOT to move forward with reasoned regulations in lieu of the depression era regulations that today continue to dominate a technologically driven industry. The safety of the traveling public is at stake.

AMENDMENT NO. 3454

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 3454:

At the appropriate place, insert:

SEC. . Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the "Frank R. Lautenberg Transfer Station"; *Provided*, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the "Frank R. Lautenberg Transfer Station".

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be really brief. My colleagues have said much about what Senator

LAUTENBERG has contributed to the country, to the Senate, and his persistent advocacy on behalf of the State of New Jersey. I will not repeat all those things that have already been said about our distinguished colleague. What I would like to share with the Senate today is a more overlooked but important perspective in FRANK LAUTENBERG.

Senator LAUTENBERG is appropriately characterized as a Democrat. I am appropriately characterized as a Republican. You might think we would have a difficult time working together in managing the Transportation appropriations bill. Make no mistake, we have our differences, as we all do. But in the 4 years that I have shared the responsibility of managing this bill with Senator LAUTENBERG, holding hearings on Transportation appropriations issues, working to improve transportation safety, working to improve the efficiency of transportation programs, and working to develop recommendations that reflect the will of the Senate and the priorities of our colleagues, I have found FRANK LAUTENBERG to be thoughtful, decisive, reasonable, and professional. I could not ask for more from a ranking member.

I could talk about his accomplishments when he chaired this subcommittee in years past, his advocacy on behalf of Amtrak and the Coast Guard, about his legislative accomplishments to ban smoking on airline flights and to shape highway reauthorization bills, about his love of aviation, about his significant place in shaping Transportation authorization and appropriations bills during his tenure in the Senate, about his vision for improving transportation services, not just in his State of New Jersey but more broadly for the entire Northeast region of the United States.

But that would not give the full measure of his contribution. Equally, if not more important, is his commitment to making the process here work, to applying pressure in his own way to get the issues before the Senate and the Congress that are timely and that are relevant.

Many have said the Senate will miss Senator LAUTENBERG, that New Jersey will miss his influence, and that the country will miss his leadership on transportation issues. That is all true. But what I will miss most is his friendship, his advice and support on the Transportation Subcommittee on which he has labored so long.

I would like to see Senator LAUTENBERG honored in an appropriate way as he departs his service to the Senate and to the Nation's transportation system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished chairman for his very

generous and appropriate gesture on behalf of Senator LAUTENBERG. Over the last months, I have had occasion to meet around the country with people who are concerned about transportation. To a person, they all voluntarily offer up the degree to which they are going to miss Senator LAUTENBERG who has been an extraordinary champion for public transportation and for aviation, as the chairman said.

Most important, speaking parochially for a moment, it is not easy to champion the rail system in a country that has been dominated by automobiles and our love affair with autos and highways. In all his years here, FRANK LAUTENBERG has been the single strongest advocate of making certain we have an alternative form of transportation.

In the Northeast particularly, we will have an accelerated rail link between New York and Boston and ultimately Washington that is due almost solely to his persistent annual guarantee that the funding is there.

That is an enormous legacy. We do not always get an opportunity in the Senate to have that kind of niche where your vision is singlehandedly implemented. Senator LAUTENBERG has done that with great commitment and great perseverance.

I thank him on behalf of everybody in New England who depends on that system to get to work, to travel, to meet their families, and to enjoy affordable opportunity to travel.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I know our colleagues are waiting to vote. I will not take more than a moment. I add my voice and congratulate the Senator from Alabama for his amendment. This amendment will be adopted unanimously, as it should. It is in recognition not only of the great contribution Senator LAUTENBERG has made to this subcommittee and to transportation policy but to the country at large on policies that go way beyond transportation, whether it is tobacco or gun safety. Whether it is an array of issues foreign or domestic, Senator LAUTENBERG has provided an insightful voice, a courageous voice.

As Democratic leader, it has been an honor and high pleasure for me to have worked with him. I am proud to have had that opportunity. I congratulate him on his extraordinary service to his country.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I add my voice as well and compliment FRANK LAUTENBERG for his accomplishments. I commend him for his fine service in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3454.

The amendment (No. 3454) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 4475), as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Rockefeller

The bill (H.R. 4475), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

Under the previous order, the Senator from Washington, Mr. GORTON, is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. GORTON. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4475 be instructed, and are hereby instructed, not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield myself such time as I may use.

Yesterday, both Senator BRYAN and I came to the floor to discuss this motion, the reasons for dealing with corporate average fuel economy standards in this fashion, and to give a preview as to our reasons for this vitally important motion.

Twenty-five years ago, in 1975, the Congress—an enlightened Congress, I may say—passed a certain set of requirements demanding that automobiles and small trucks on average from each manufacturer meet certain fuel efficiency standards; that is to say, that they get better gas mileage and, not at all incidentally, provide less pollution into the atmosphere of the United States.

That statute was passed, of course, in the aftermath of the oil boycott on the part of Arab countries and a steep rise in gasoline prices.

Though I am quite conservative and often critical of government regulation, I know of few, if any, regulatory regimes of the United States that were more successful. In a period of a little more than 5 years, the average fuel efficiency of automobiles in the United States for all practical purposes doubled. That proposal was passed, incidentally, over arguments that were not similar to the arguments that are made against this motion today but identical to the arguments made against this motion today.

We were told by the Ford Motor Company that the passage of such standards would mean everyone would be driving a Maverick or something smaller than a Maverick. Chrysler and

General Motors followed suit. The people of the United States would not be able to buy the kinds of automobiles they were accustomed to driving and those that they were in fact driving at the present time.

Well, those predictions were so dramatically off kilter that the largest regular passenger cars manufactured today get better gas mileage than the Maverick about which they were speaking in the year 1975.

Curiously enough, however, in spite of this huge success, a success that literally saves 3 million gallons of gasoline a day in the United States, for at least the last 10 years, the House of Representatives, in its appropriation bill for the Department of Transportation, has prohibited not only the promulgation of new corporate average fuel economy standards but even their study and proposal on the part of the Department of Transportation.

The Senate, in each of those years, has been wiser. It has included no such prohibition. Regrettably, however, the Senate has without exception receded to the House position on this issue in each and every year of the last decade or two. As a consequence, the average fuel economy of our overall fleets has been decreasing rather than increasing.

Last year, the distinguished Senator from California, Mr. BRYAN from Nevada, and I introduced a sense-of-the-Senate resolution stating that we should not keep our heads in the sand any longer; We ought to allow these studies to go forward. We ended up with roughly 40 votes, a substantial and credible vote, but obviously not a majority vote of the Senate. What has happened during the course of the last year, Mr. President? Well, the most obvious occurrence has been a vast increase in the retail price of gasoline for each and every American consumer.

A year ago, we were at the end of roughly a year of abnormally low gasoline prices. The reaction earlier this year on the part of OPEC was to get that cartel together, cut back on production, and thus hugely drive up the price of gasoline. Our Secretary of Energy was sent, hat in hand, around the world to plead with OPEC countries to please produce more gasoline, please don't punish Americans by driving up retail gasoline prices so high. This is what we in the United States were reduced to—pleading with OPEC countries for a greater degree of production.

Well, they agreed to a little bit more. Prices dropped for a month or so, although nothing comparable to the increase that had preceded it. Now they are on the rise again. I believe it was Monday that the Washington Post indicated that retail prices for gasoline in the Midwest, where there are certain air pollution requirements, have gone up 30 to 50 cents a gallon in the course of 6 or 8 weeks. The same report indicated that we had 3 straight weeks of

gasoline price increases all over the country, to the point where they are higher than ever before. Predictions are that they will hit \$2 a gallon well before this year is over. Perhaps even more significant than this punishment of the American people with higher gasoline prices is the increased dependence the U.S. has on foreign sources of oil. Way more than 50 percent of our oil is produced overseas now, which, of course, subjects us to the effectiveness of the OPEC cartel.

That is the first thing that has taken place. The second thing is this: We were accused last year in the debate with mandating new corporate efficiency standards when we didn't know what they would be, and when they would ignore completely the safety of automobiles that were produced and driven in the U.S. Curiously enough, that, too, was a major argument made 25 years ago: More people will be killed on the highways because we will be driving these tiny little Mavericks and subcompact automobiles.

But do you know what has happened? Death rates on our highways, per hundred million miles driven, have dropped by more than 50 percent. Why? Because the big three automobile manufacturers' technology and imagination is far more efficient than their lobbying and the points they make during the course of political campaigns. They have made automobiles safer both because there has been a demand and because there have been mandated requirements through the National Highway Traffic Safety Administration for airbags, side impact matters, and a wide range of other safety devices. It is far safer to drive with the cars that we have today, which are twice as fuel efficient as those in the mid-1970s, than it was before these standards were adopted.

Nevertheless, it is our view that safety is an appropriate consideration. So you have a different proposition before you this year than you had last year. All we are asking—so it is a very important request in this motion—is that the Senate not agree to a House prohibition that says you cannot study, propose, or promulgate new corporate average fuel-efficient standards for automobiles. To say that we can't study that in light of the technological changes in the last 20 years—it is incredible that anybody in the Senate would argue for such a proposition. No study? No proposal? No knowledge about what we are doing?

I will be one of the conferees that will be appointed as soon as this debate is over and this voice vote is taken. Mr. President, because the House, of course, will maintain its position, my view is that not only an appropriate compromise but an appropriate course of action will be to permit the Department of Transportation study and propose new corporate average fuel effi-

ciency standards. I think they ought to be studied. I think they ought to be proposed. I think they ought to consider safety as well as fuel efficiency. But I do think it quite appropriate that they be brought back here to this body into the House of Representatives before they be promulgated. So I will accept as a compromise with the House a prohibition against promulgating new standards until next year's Transportation appropriations bill has been deliberated, passed, and signed, obviously by a new President of the United States.

We will not be running the risk of a runaway Federal agency by any stretch of the imagination. What risks will we be running? We will run the risk that we will vote on something we understand. We will run the risk that standards will be proposed that will increase the efficiency of our automobiles and lower the cost of gasoline for every American purchaser of a new car and help clean up our air—important considerations that are specific in nature and brought to us because they cannot be promulgated until we have had another chance to vote on them. I think it takes a great deal of imagination to say the United States of America, through its Department of Transportation, cannot engage in such a study and such a proposal.

The arguments you will get on the other side you already have in a Dear Colleague letter, one that says, gee, we made our cars more efficient in 1975, and now we drive more. I don't think that is a criticism. I think that is a praise of better gas mileage. Of course, oil consumption has increased in 25 years. We have more people. We have better roads. And we have better automobiles. It may very well be that will be the case, if we have even better gas mileage. But to say we ought to cause people to stop driving because gasoline is too expensive and we are not going to do anything about it is, at the very best, a bizarre argument.

The second is, of course, the very argument that there will no longer will be any choice—that cars will have to be so small that people won't be able to choose small trucks or SUVs. The Ford Motor Company has already told us it can greatly increase the fuel efficiency of SUVs. We know they can do this in the future, as they have in the past. I repeat that it is perfectly appropriate to say we will bring these standards back here to us with their actual impact before we actually pose them.

Finally, they argue that we are doing so well already with creating more efficient cars that we shouldn't undercut that kind of research going into a new generation of engine by having some kind of mandate. True. We have. In fact, I chaired another appropriations subcommittee, the Subcommittee on Interior, which finances the studies for a new generation of vehicles. I do so

with great enthusiasm. But I also note that while these studies have gone on, the automobile manufacturers have done nothing to actually increase their average fuel economy on the road.

This proposal is not only not inconsistent with the studies that are going on with the cooperation of the Federal Government and the automobile manufacturers, but they are totally consistent with them. We are saying: Do a better job for Americans. Don't tell us that we will see future Secretaries of Energy every time the OPEC countries are moved to demand more money going hat in hand around the world. Use American technological genius to do the job that you did from 1975 until 1980. Produce a more efficient automobile. Don't make it less safe, make it more safe; the way you did then.

To use the old expression, if you fool me once, shame on you; fool me twice, shame on me. They attempted to fool our predecessors in 1975. They didn't succeed. They were wrong in every single argument they made in 1975. If we let them fool us twice with the same arguments, shame on us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Missouri such time as he might require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for yielding time to me to speak on a very important issue.

In the 1970s, Congress sought to regulate fuel economy for various vehicles in the United States, and recently, as a result of the continuation of that program, there has been an effort to continue to escalate the amount of fuel economy that is demanded from companies that produce automobiles. Since CAFE was enacted, we have had a weight reduction in cars of about 1,000 pounds per car. That is the way you get better fuel economy—carry less, and reduce the weight of the car in order to get better fuel economy.

I point out that there are some very serious consequences of reducing the weight of a car by a thousand pounds. I indicate that one of those serious consequences has been highlighted in USA Today in a major feature article from July 2 of last year, "Death by the Gallon."

A USA Today analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of the 1970's-era push for greater fuel efficiency which has led to smaller cars—

Read, "Lighter cars."

For a number of reasons, I think it is in our best interest not to force our auto manufacturers to produce lighter and lighter cars—46,000 people represents 46,000 families. I think we want to be a part of a voice that says don't make it riskier to drive on the highways.

There are a number of individuals who would say: This kind of statistical analysis isn't the right thing. They say fuel economy has gone up, and the number of fatalities on our highways has gone down. Therefore, it must be that cars are safer in spite of the fact that they are lighter. Very frankly, that is a pretty primitive sort of analysis, and it is misleading. It is not correct.

I have in my hand a letter addressed to me from the Harvard Center for Risk Analysis. I will ask unanimous consent it be printed in the RECORD. I would like to read from the letter. Here is what this letter says:

There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces.

Here is important language:

It would be easy for these favorable forces to mask or conceal any adverse safety effects of CAFE in overall data. In fact, our national times series analyses published in 1989 (*Journal of Law and Economics*, vol. 32, April 1989, pp. 112-3) show that, once these favorable effects are controlled for in a national time-series model, the average weight of the vehicle fleet is significantly and **NEGATIVELY** associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

In other words, more vehicle weight and less fuel economy is associated with a smaller fatality rate.

Conversely, the more weight you have in the vehicle, the lower your fatality rate, and the more weight you take out of the vehicle, the higher your fatality rate.

Those who have suggested that this 46,000 number is not a reliable number simply are simplistically interpreting the data.

When you control for factors such as the reduction in drunk driving, when you control for the factors such as airbags and seatbelts, when you control for factors such as the increased number of miles driven on interstate highways, we still have to live with the fact that 46,000 people have died because we have mandated that vehicles be made lighter and unsafe. It is clear that this is a tremendous human toll to pay.

Due to higher gasoline prices, there are those who would argue that if we suddenly have lighter vehicles, the fuel savings will remediate the problem that we have no energy policy in the United States. I think that is less than realistic.

We need an energy policy in the United States. We need to have the opportunity to develop our own energy resources. Trying to get a few more miles per gallon on the highway and lightening our vehicles even further, subjecting more people to the fate of the 46,000 who have already died, is not going to solve the problem we have en-

ergy-wise around the world. We will solve the problem when we decide that America will make a commitment to some of its own energy and energy independence.

I rise today to oppose this motion that instructs the conferees on the part of the Senate to fight the position expressed in the House of Representatives. The House of Representatives measure properly recognizes that to take additional weight out of vehicles as a result of a mandate for additional corporate average fuel economy is unwise.

The National Highway Traffic Safety Administration, the agency that administers CAFE, found increasing the average weight of each passenger car on the road by 100 pounds saves 300 lives annually. Rather than decreasing, we might be able to increase and save lives.

A number of studies have been conducted to determine the actual effect of CAFE standards on highway safety. The Competitive Enterprise Institute found that of the 21,000 car occupant deaths that occurred last year, between 26 and 4,500 in just 1 year were attributable to the Federal Government's new car fuel economy standards. That is not consequential; 4,500 is nearly 100 people per State on average who die in car accidents because Congress is mandating weight be taken out of cars.

I ask unanimous consent to have two letters printed in the RECORD on which I will now comment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARVARD CENTER FOR RISK ANALYSIS,
Boston, MA, June 13, 2000.
Senator JOHN ASHCROFT,
Committee on Commerce, Science and Transportation,
U.S. Senate, Washington, DC.

CORRECTING MISINFORMATION ABOUT FUEL ECONOMY REGULATION AND SAFETY

DEAR SENATOR ASHCROFT: During the recent House discussions of Corporate Average Fuel Economy (CAFE) regulation, there was a widely distributed letter dated May 18, 2000 by the American Council for an Energy-Efficient Economy (ACEEE) and the Center for Auto Safety (CAS). I am concerned that this letter contains some misleading statements about an important issue: The potential adverse effects of fuel economy regulation on the safety of motorists. The purpose of my letter is to correct the misinformation and offer a different perspective. I have enclosed a copy of the ACEEE/CAS letter in case you have not seen it.

There are a variety of claims in the ACEEE letter about energy savings, jobs, and technology that I am in no position to evaluate. However, I have published the critical peer-review science on the CAFE-safety issue and thus am in a strong position to offer insight into the safety risks of the CAFE program. I have four specific concerns about the ACEEE letter.

Concern #1. A chart accompanying the ACEEE letter shows that the U.S. traffic fatality rate has steadily declined from 1970 to 1998 (CAFE started in 1975), a period when motor vehicle fuel economy improved sub-

stantially. The inference drawn from the chart, that improved fuel economy did not compromise the safety of motorists, is misleading.

There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces. I would be easy for these favorable forces to mask or conceal any adverse safety effects of CAFE in overall data. In fact, our national times series analyses published in 1989 (*Journal of Law and Economics*, vol. 32, April 1989, pp. 112-3) show that, once these favorable effects are controlled for a national time-series model, the average weight of the vehicle fleet is significantly and negatively associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

Another important factor that ACEEE does not mention (with regard to safety) is that the light truck fleet grew rapidly in the post-CAFE period (particularly post-1985), and these light trucks tend to be larger, heavier, and more crashworthy than the passenger cars they displaced in the market. Thus, one of the reasons for the declining traffic fatality rate from 1985 to the present was the growing size and weight of the light-duty vehicle fleet, which is increasingly dominated by light trucks (minivans, cargo vans, pick-up trucks and sport-utility vehicles). Although some of these light trucks have serious safety issues associated with them (e.g., rollover risk for certain smaller SUVs), there is no question that the size of these vehicles offers more crashworthiness for the occupant than does the average passenger car (even holding constant optional safety features).

Since CAFE regulation was applied only to new vehicles and was applied more stringently to new passenger cars than light trucks, we would not expect CAFE to have a noticeable effect on the fatality rate for all vehicles (old and new, light trucks and cars) on the road, the overall data presented by ACEEE. When direct comparisons were made of fatality and injury rates in new passenger cars downsized due to CAFE and old passenger cars unaffected by CAFE, it was clearly shown that the downsizing of cars increased the fatality and injury risks to the occupants of the downsized cars. These data were published by the Highway Loss Data Institute and the Insurance Institute for Highway Safety over ten years ago.

When Dr. Robert Crandall of Brookings and I analyzed fatality rates with and without CAFE regulation, controlling for other relevant safety variables, we estimated that CAFE regulation (from 1975 to 1985) was responsible for about half of the 1,000-pound decline in the average weight of new passenger cars, which resulted, once the entire car fleet was regulated, in 2,200 to 3,900 additional fatalities to motorists per year in the USA. To the best of my knowledge, these findings have never been disputed in the peer-reviewed scientific literature.

Concern #2: The ACEEE letter asserts that the growing sales of small cars in the 1975-1985 time period were attributable to recession, oil prices and other market factors rather than CAFE regulation.

Dr. Crandall and I addressed this question explicitly in our 1989 study. In our economic analysis of the car market, we found that the average new passenger car became about 1,000 pounds lighter during this period. About

half of the weight reduction was due to market forces; the other half was due to CAFE regulation.

Concern #3: The ACEEE letter asserts that the Insurance Institute for Highway Safety (IIHS) has a history of "shoddy analysis" on the subject of CAFE and safety.

I feel compelled to come to the scientific defense of IIHS by simply noting that IIHS has a strong scientific reputation throughout the world and, although I sometimes disagree with their inferences, I have always found IIHS's scientific work—on this topic as well as on other safety topics—to be meticulous and analytically competent. I would urge you and your colleagues to give a fair hearing to the analyses prepared by IIHS.

Concern #4: The ACEEE letter suggests that automakers, in the future, can make light trucks more fuel efficient without reducing their size or weight through technological enhancements. This statement may be correct but it is misleading because the CAFE program does not require or encourage automakers to favor technological enhancements over downsizing and weight reduction.

Reducing the size and weight of a light truck generally reduces the cost of producing the vehicle. Making the kinds of engineering changes recommended by ACEEE will generally increase the cost of producing a light truck, a point that ACEEE acknowledges. The CAFE program is designed to let automakers choose how to comply with tighter CAFE requirements, and you can be sure that there will be "bean counters" in Detroit and Japan who would prefer to comply with tighter CAFE rules by reducing vehicle size and weight rather than adopting costly engineering changes.

The regulatory history of CAFE shows that automakers, when confronted with tough CAFE rules, respond with a mix of downsizing, weight reduction, and engineering innovations. For example, from model year 1974 to 1990, a period of improving new car fuel economy, the average "shadow" (length times width) of a new car declined by 16% and the average weight of a new car declined by 20%. Engineering improvements such as front-wheel drive and computerized fuel injection systems also increased rapidly. Although automakers "could" have complied primarily or even exclusively with engineering improvements, there is nothing about the design or enforcement of the CAFE program that discouraged vehicle manufacturers from reducing vehicle size and weight as part of their compliance strategy. This compliance issue is discussed in more detail in my published critique of the "Bryan bill" of ten years ago (JD Graham, "The Safety Risks of Proposed Fuel Economy Legislation," *Risk: Issues in Health and Safety*, vol. 3(2), Spring 1992, pp. 95-126.) If tougher CAFE rules are now applied to light trucks, there is no reason to believe that downsizing and weight reduction will be ignored by automakers (especially since they represent a cost-SAVING compliance strategy).

It should also be noted that the letter by ACEEE touts weight reduction (e.g., through lighter steel materials) as a compliance strategy without acknowledging the safety risks of lighter materials. For example, an SUV may be more likely to rollover if it is constructed with lighter materials, and the driver of a vehicle that crashes into a guardrail is generally safer with more vehicle mass than less vehicle mass (assuming the guardrail is somewhat flexible or penetrable). Heavier vehicles do pose more risk to other motorists in two-vehicle crashes but the government's studies have demonstrated

that making small cars heavier will have seven times more safety benefit than making light trucks lighter (and hence less aggressive in two-vehicle crashes).

In summary, any discussion of tighter CAFE standards should include a serious, careful evaluation of the potential safety risks. Although safety risks are important, they should not dictate the final policy choice since they need to be weighted against the benefits of enhanced fuel economy, some of them cited in the ACEEE letter.

Senator Ashcroft, I certainly hope that these thoughts are helpful. If you should use any of these comments in the policy debate, be careful to attribute the comments to me personally rather than to my Center or University. Please do not hesitate to contact me if you or your staff should have any questions or desire any additional information. You may also be interested to know that we have a working group at my Center looking into these issues, exploring new policy approaches that may save both energy and lives. We will certainly keep you in touch as we make progress on this complex regulatory issue.

Sincerely,

JOHN D. GRAHAM, Ph.D.,
Professor and Director.

INSURANCE INSTITUTE FOR
HIGHWAY SAFETY,
Arlington, VA, August 27, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more "safer" vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990-95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the

marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
President.

Mr. ASHCROFT. The 1989 Harvard University/Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for between a 14 and 27 percent increase in the annual traffic deaths, since the new car fleet must be downsized in order to meet stricter standards.

Further, the 1992 National Academy of Sciences study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. The study found "safety and fuel economy are linked because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight."

Stunning advances are being made to improve safety in other respects. To give away those advances by imposing lighter and lighter vehicles raises very, very, very serious and troubling questions.

The most troubling conclusion from the study that was conducted by the National Academy of Sciences: "it may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences." The National Academy of Sciences study also said, "the CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach."

The National Academy of Sciences says careful reconsideration of this entire approach ought to be undertaken. If the National Academy of Sciences is suggesting we need to carefully reconsider this approach, I am not sure we ought to be in the business of extending the approach or enlarging that approach. These standards are killing people, yet there are those who want to make the standards even tougher, even more deadly.

Based on experience and the research, increasing CAFE standards to

40 miles per gallon, which is less than the proposal supported by the President and the Vice President, would cause up to about 57,000 deaths a year. At some point, I hope we will get the attention of policymakers and ask ourselves if we really want to sacrifice, on this altar of fuel economy, that many lives a year.

Of course, that is included in this special USA Today report. Mr. President, 46,000 people is equivalent to an entire town, such as Joplin, MO, in my home State. The deaths of 46,000 people would wipe out the entire town of Blue Springs, MO, or all of JOHNSON and Christian Counties in Missouri.

The average gas mileage for passenger vehicles in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I am not sure 46,000 lives are worth it for improved fuel efficiency.

There are a number of alternatives to lightening vehicles for fuel efficiency. Some of the alternatives are in the process of being developed in the capitals of the automotive industry, whether in Detroit or other sections around the country. They relate to fuel cells. They relate to combination strategies. They relate to large flywheels that capture the momentum of a car as it stops, and as that momentum is captured in the flywheel it is regained as the car is started again. There are many things that are being done.

Some in the automotive industry say if we mandate additional fuel economy standards immediately, the research resources which are supporting the development of these new technologies will have to be shifted back over into weight reduction techniques immediately to meet demands. So instead of moving toward long-term changes in efficiency, we get to the short run, which loses more lives and impairs our ability to develop the kind of fuel cell technology, the kind of combined energy technologies that result in safer and more efficient cars.

I asked the Insurance Institute for Highway Safety for an opinion on raising CAFE standards and the impact on highway safety. The Institute said: Even in single vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The letter stated: The more safer vehicles the manufacturer sells, the more difficult it becomes to meet CAFE standards.

The idea of elevated CAFE requirements is at war with the idea of safe occupancy in the automobile. The simple idea or notion that says fatalities have been going down while weight has been going down in cars, therefore it must be safer to be in lighter cars, is a simple notion, but it is an incorrect notion. It ignores the other factors. It ignores factors such as seatbelt use, air-

bag deployment, divided highways, the kinds of things highway design has done to elevate safety standards.

I make one thing very clear: I am in favor of promoting cleaner air. I believe we must be responsible environmentally. However, there is a level at which we ought to consider the risk to human lives. The reason we want clean air is that dirty air impairs the health and well-being of human beings. So the reasons we are pursuing are the same. We want to save people who might be included in these gruesome statistics of 46,000 people dying. While I want to have cleaner air, I don't think it is necessarily done by putting people on the altar of lighter vehicles and having them lose their lives when we can find other ways of achieving that.

Consumers are not choosing smaller cars. They look at convenience. They look at safety. They look at where their children are going to be riding, and how they will get there. They are buying larger cars. Safety is one of the three main reasons people purchase SUVs. Small cars are only 18 percent of all vehicles on the road, but they account for 37 percent of vehicle deaths. You have to think about that for a moment. That is a startling statistic. Small cars are only 18 percent of the vehicles on the road. Yet they account for 37 percent of the vehicle deaths—or that was the figure in 1997. I doubt if the data has significantly changed.

Some people argue that the reason the small cars are troublesome is because they get into wrecks with bigger cars; they are getting into accidents with SUVs. Frankly, the facts do not support that claim. Based on figures from the National Highway Traffic Safety Board, only 1 percent of all small car deaths involved collisions with mid-size or large SUVs—1 percent. One percent of their accidents, yet their fatality rate is 37 percent; in spite of the fact they are only 18 percent of the cars on the road, 37 percent of all the traffic deaths.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. According to this source, 82 percent who have purchased small cars say they will not buy another.

Safety-conscious consumers—certainly my constituents in Missouri—understand the need for safety and are buying larger vehicles. But now Washington wants to tell residents in my State what kind of car they can buy. Washington wants to increase the level of risk, basically, that will attend driving those cars. The lighter the car, according to the National Academy of Sciences and the National Highway Traffic Safety Board, the higher the risk.

We fight drunk driving. We mandate seatbelt use. We require manufacturers to install airbags. Yet today we are being asked to tell the House we will

not accept their policy of providing for Americans the opportunity of choosing cars that are heavy enough to be safer. We want to mandate, somehow, that we take additional pounds out of cars.

I was stunned by the data developed by our own agencies that said if you add 100 pounds, you save 300 lives. I suppose it is not scientifically correct to say if you took 100 pounds out, you would lose 300 lives—maybe you would. You might lose more. I would hate to be the person who had to make up the list of the 300 names, or of the thousand names, or however many names there are, of the lives that would be lost because we refused to adopt an approach which says: We have gone far enough with the Federal mandates on weight reduction and fuel economy. We should allow what is already happening in the automotive industry, a tremendous surge of research and technology, much of it spurred by our own incentives and initiatives, to develop alternative technologies which can provide for the transportation needs that we have with greater efficiency, without putting so many people at risk.

I urge my colleagues to reject this motion, the motion which would instruct the conferees not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I yield such time to the distinguished senior Senator from California as she may use.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is a pleasure for me to join the Senator from Washington in this debate. I have just listened to the comments of the distinguished Senator from Missouri. I must say I profoundly differ with them. But let's for a moment say the Senator is correct. Then what is the fear of doing a study to take a look at the safety implications of SUVs and light trucks in single and multicar accidents? If the other side is so sure they are correct, they have nothing to worry about from a study being done. So why the gag order that prevents the Government from looking at this?

I submit to you, Mr. President, in direct debate with the Senator, that as fuel economy standards have gone up, fatality rates per million miles traveled have actually decreased. That decrease is rather large. I wish I had a big chart, but you can kind of see it here. These are the fuel economy on-road miles per gallon going up, and here are the fatality rates to the year 2000 actually going down.

Second, Ford Motor Company, by 2003, will have on the market a hybrid SUV which will get 40 miles per gallon. And Ford says that its 2003 version of its Escape sports utility vehicle will get twice that of other small SUVs, four times that of big ones. This comes

from technology, from a hybrid powerplant, a small gasoline engine coupled to an electric motor. This SUV will get 40 miles to the gallon. Let me read a statement by the National Highway Traffic Safety Board:

Collisions between cars and light trucks account for more than one half of all fatalities in crashes between light duty vehicles. More than 60 percent of all fatalities in light vehicle side impacts occur when the striking vehicle is a light truck. SUVs are nearly three times as likely to kill drivers of other vehicles during collisions than are cars.

According to a study by the National Crash Analysis Center, an organization funded by both the Government and the auto industry:

Occupants of a SUV are just as likely as occupants of a car to die, once the vehicle is involved in an accident.

The explanation, of course, is that SUVs have high rollover rates; 62 percent of SUV deaths are in rollover accidents, but only 22 percent of car deaths are in rollover accidents. So you cannot say that the SUV/light truck is a safe vehicle, even as a heavier vehicle. The statistics do not support it.

Let me also say that Ford Motor Company itself, which depends on SUVs for much of its profit, has acknowledged that they cause serious safety and environmental problems. Let me quote from the New York Times:

In its first corporate citizenship report issued at the company's annual shareholders' meeting here, Ford said that the vehicles contributed more than cars to global warming, emitted more smog-causing pollution, and endangered other motorists. The auto maker said that it would keep building them because they provide needed profit, but would seek technological solutions to the problems and look for alternatives to big vehicles.

So here is a major American manufacturer admitting that SUVs are not safer.

Let me finally, on this point, quote a GAO report:

The unprecedented increase in the proportion of light cars on the road that occurred between 1976 and 1978, and 1986 and 1988, did not have the dire consequences for safety that would be expected if fatality rates were simply a function of car weight. Not only did the total fatality rate decrease, but the fatality rate for small cars, those at the greatest risk, if it is assumed that heavier cars are inherently safer than lighter cars, also declined sharply.

So why be afraid of the study? If those who say safety is a problem are so sure, let's take a good look at it. Let's have unbiased sources take a look at it.

The reason I feel so strongly is because I do believe that global warming is a real and vital phenomenon; that it is taking place all across the land, and that the largest single thing we can do to reduce global warming is to reduce the emission of carbon dioxide.

By putting the same fuel efficiency standards on SUVs and light trucks as

are on sedans, we essentially remove 240 million tons of carbon dioxide each year from the atmosphere.

This year's House Transportation appropriations bill once again contains the provision which prevents this issue from even being considered. This is the seventh consecutive year this gag order has appeared. Why are they so afraid of a study?

If you add to what the Senator from Washington said—and I think he is absolutely correct—that we are witnessing a new phenomenon this year in increasing gasoline prices which have exacerbated our Nation's dependence on OPEC and foreign oil, this policy does not make sense from another viewpoint. It costs the consumer more. Frankly, I am surprised there is this resistance. Since last year's debate, gasoline prices reached \$2 per gallon in many parts of my State, and they are approaching \$2.50 through much of the Midwest. This should harden our resolve to take a look at the situation.

Today, the United States, with only 4 percent of the world's population, consumes 25 percent of the world's energy. Our CO₂ emissions from vehicles alone exceed the total CO₂ emissions of carbon dioxide from all but three other countries in the world today.

My State of California is the third largest consumer of gasoline in the world, behind only the United States and Japan and ahead of virtually every other country. So California has a huge stake in this. We use more gasoline than China, Germany, and Russia. The situation is made worse by this loophole. SUVs and light trucks, which are as much passenger vehicles as station wagons and sedans, are only required today to have 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

I am an SUV owner. I own three Jeeps. I love my Jeeps, but I do not see why they should not be just as fuel efficient as the sedan we also drive. At today's prices, light truck and SUV owners are spending an additional \$25 billion a year at the pump because of this loophole. If SUVs simply achieve the same fuel economy standards as automobiles, consumers would save hundreds of dollars a year and thousands of dollars over the life of a vehicle.

As this chart shows, the typical SUV burns about 861 gallons of fuel each year. The average gasoline price, if it is at \$1.50 cents a gallon, costs consumers \$1,290 a year. At \$2, the cost increases to more than \$1,700.

If we simply close this SUV loophole and require these vehicles to meet the same standards as automobiles, SUVs would burn 213 fewer gallons of gasoline a year. That is a savings of 1 million barrels of oil a year, and it is a savings of 240 million tons of carbon dioxide going into the air. It is also a savings for the consumer of \$318 each year. At \$2, the savings is \$420 a year.

The real clincher is the pollution argument, and that is, the savings of 240 million tons of CO₂ from going into the air and creating a greenhouse effect that warms the Earth.

We also know that raising CAFE standards is the quickest and most single effective step we can take in this direction. I happen to believe global warming is real. I took a day and went to the Scripps Institute of Oceanography in San Diego and had a briefing. What I heard there doubly convinced me it is a real phenomenon.

The weather is getting hotter, and the ten hottest years on record have all occurred since 1986; 1980 to 1999 was the hottest 20-year period ever recorded, and 1998 was the hottest year in recorded history. Yesterday the temperature in San Francisco, a usually very cold city, was 104 degrees.

The Earth's average temperature has risen 1.3 degrees in the last 100 years, and computer models predict an increase of 2 to 6 degrees over the next century. Because of our temperate climate, the increase in the United States will be on the high end of that figure; meaning we will gain about 6 degrees in temperature over the next century.

What does that mean? That means warmer weather in my State will make water even more scarce. It means it will destroy certain agricultural crops. It means it will lead to more frequent and intense Sierra forest fires and serious flooding at certain times of the year.

In normal winters, our water gets stored in snowpacks until the spring when it is needed for drinking and farming, but warmer winters would cause significant amounts of winter precipitation to change from snow to rain, becoming runoff or, worse, floods into low-lying flood-prone areas, such as Sacramento. Drought conditions will worsen in the southern and central valley parts of my State, destroying water-dependent crops, such as rice, cotton, and alfalfa.

According to the Intergovernmental Panel on Climate Change, sea levels could rise 2 feet over the next century, further flooding low-lying areas, and greatly increasing the penetration of salt water into the California delta, the source of drinking water for 22 million people.

That is why I am concerned. It is a legitimate reason to be concerned and it is doubly legitimate if you know something that is doable and can be done with no adverse impact, is, in fact, being done by some manufacturers and foreign manufacturers, and this Congress will not even take a look at what effect it would have on pollution, what effect it would have on safety. It is an ostrich syndrome par excellence.

Mr. President, 117 million Americans live in areas where smog makes the air unsafe to breathe. Asthma of children is on the uptake, and roughly half of

this air pollution is caused by cars and trucks.

If we increase fuel efficiency, we consume less gasoline. This decreases smog and air pollutants. Given all these facts, I cannot figure out why anyone would not want to at least study whether CAFE standards should be updated. For 7 years there has been a gag order: Do not even take a look; both sides are certain. Senators GORTON, BRYAN, and myself on one side; Senators ABRAHAM, LEVIN, and ASHCROFT on another. Let's settle it. Let's take a look. Let's have an independent study. Let's see who is right. It does not bother me to do that. I do not understand why it bothers anyone else.

Half of all new vehicles sold in this country are SUVs and light duty trucks, and this is what makes this so compelling. This becomes then a stranglehold on energy efficiency, and it has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards because of it. We are polluting the air more because of it. We are contributing to global warming more because of it.

The United States saves 3 million barrels of oil each day because of the current fuel efficiency standards. Closing the SUV loophole adds 1 million additional barrels. That is a total savings of 4 million barrels of oil each day.

Last year, opponents of our amendment argued that boosting CAFE standards would lead to increased traffic fatalities, layoffs, and higher sticker prices. If our opponents again are so sure of their arguments, what is the harm of allowing the Department of Transportation to study the costs and benefits of higher CAFE standards?

Last year, I listened to some of my colleagues cite their concerns again about traffic safety. Based on what we heard today, I believe it is naive to think that bigger cars are simply safer.

I was going to buy a bigger car not too long ago. I watched the crash tests. I saw this expensive, heavy sedan crumple up like an accordion. I decided not to buy it; it was not safer.

The New York Times recently reported on tests conducted by the National Highway Transportation Safety Administration to demonstrate the propensity of SUVs to roll over. Here is a particularly poignant quote from the article:

Because it is taller, heavier and more rigid than a car, an SUV or pickup is more than twice as likely to kill the driver of the other vehicle in a collision. Yet partly because these so-called light trucks roll over so often, their occupants have roughly the same chance of dying in a crash.

So not only is an SUV driver more apt to kill someone else, but that same driver is not any safer. I think this should be disturbing to anyone who gets into any moving vehicle.

With regard to job losses in the domestic auto industry, opponents of our

amendment fail to offer any empirical evidence. A recent study by the non-partisan American Council for an Energy Efficient Economy concludes that the consumer savings at the pump would actually translate to a net increase of 244,000 jobs nationwide, with 47,000 of these new jobs occurring in the auto industry. Let me repeat: The projections are, it will not mean a loss of jobs; it will mean a gain of jobs. And that gain of jobs has translated into a net increase of 244,000 jobs nationwide and 47,000 in the auto industry.

I remember when automakers told us they could not make cars safer; they could not meet the original CAFE standards; they could not add seatbelts or catalytic converters; But they did. They said regulations and mandates would drive them out of business, but they did not.

These same arguments have been recycled for decades.

In 1974, a representative for Ford Motor Company testified in front of Congress that the implementation of CAFE standards would lead to a fleet of nothing but sub-Pinto-sized automobiles. Of course, that did not happen. Our Nation's fleet of vehicles are as diverse as ever and probably more diverse. The largest sedans and station wagons today get far better fuel economy than the 1974 Pinto. It is really a tribute both to the industry and to that industry's ingenuity. It is also a tribute to the CAFE or fuel efficiency program.

One of the reasons that, for a while, the American automobile manufacturers lost their cutting edge in the 1970s was their reluctance to do the research and development necessary to build innovative new vehicles. But I am very proud to say that today's car companies are far more efficient and innovative and have the technology to increase the fuel economy of light duty trucks and SUVs to much higher levels than achieved by today's automobiles.

I am disappointed that the automotive companies continue lobbying for this gag order. To me, it is like pushing things back into the 1970s, where the Japanese made all the advances, and the American industry refused to change its models, to move with the times, to put in the research and development that is necessary to build a better automobile. I thought those days were behind us.

What do we have to lose by allowing the Department of Transportation to simply do their job and determine whether it makes sense to increase CAFE standards?

Let me just touch on a couple of the safety fallacies.

Again, in fact, vehicle fatality rates have been cut in half since CAFE standards were introduced. I pointed that out in the beginning. Only by stretches of fallacious logic do opponents contrive higher death rates to the CAFE standards.

Let me give you some of these fallacies:

First, the CAFE standards imply smaller vehicles.

The answer: Higher CAFE is achieved by technology improvement, not by downsizing.

Secondly, that lighter vehicles imply higher fatalities.

The answer: Crashworthiness is determined not by size or weight but by design. Today's compacts are safer than large cars of 20 years ago.

And finally, unbalanced risk assessment.

The answer: Studies based on harm to small-car occupants neglect the risks that larger vehicles impose or inflict on others.

So I am hopeful that because of the increase in fuel prices, because of the added cost to the consumer by the gag order, by the fact that every consumer, if this were to come to pass, would save \$318, with an average cost of \$1.50, and \$504 with a higher cost a year, we can clearly make a showing that a study is necessary at this time.

I thank the Chair and also the Senator from Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the opponents are absent for the time being, discussing what is at least a possible settlement of this matter. As a consequence, I suggest the absence of a quorum and ask unanimous consent the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield myself as much time as I might need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, we are obviously in the midst of an ongoing discussion that has been held on a number of occasions here over the issue of CAFE standards and this motion, obviously, to instruct the Senate conferees to either modify or strike the moratorium on CAFE standards in the House bill.

I rise to speak in opposition to this motion to instruct.

Let me begin, first, by outlining the case against raising corporate fuel economy standards, or CAFE. Then what I would like to discuss is what would actually happen as a matter of law if the CAFE freeze were lifted.

First, increased CAFE requirements would cost American auto workers their jobs.

They put American automobile manufacturers at a competitive disadvantage vis-a-vis foreign manufacturers. Let me explain what I mean by this.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars and 20.7 miles per gallon for minivans, sport utility vehicles, and light trucks. To meet increased CAFE requirements, automakers must make design and material changes to their vehicles. Those changes cost money. They force American manufacturers to build cars that are smaller, less powerful, less popular to consumers, and, as I will indicate in a moment and as several of the preceding speakers have noted, less safe.

In 1992, the National Academy of Sciences found that raising CAFE requirements to 35 miles per gallon would increase the average vehicle's cost by about \$2,500. Japanese automakers have escaped these costs because sky high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese automakers, and that means they will continue to place an uneven burden on American automobile workers.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of Americans depend on the health of our auto industry. It is not just people in Michigan or people in Ohio; it is people across our Nation whose livelihoods are linked to the success of the American automobile manufacturing industry.

In their letter of June 7, the United Auto Workers wrote:

*** further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

In a June 9 letter, the International Brotherhood of Teamsters writes: The CAFE program has not helped manufacturers reduce U.S. consumption of gasoline.

Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans.

I ask unanimous consent the full text of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL
IMPLEMENT WORKERS
OF AMERICA—UAW,

Washington, DC, June 7, 2000.

DEAR SENATOR: When the Senate considers the FY 2001 Transportation Appropriations bill, we understand that amendments may be offered, including the Gorton-Feinstein-Bryan clean car resolution, to eliminate or

modify the current moratorium on increases in the fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the "Partnership for a New Generation of Vehicles" (PNGV). This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards. PNGV is working. This spring, PNGV achieved one of its major goals with the introduction of a supercar concept by each of the Big Three automakers.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS—AFL-CIO
Washington, DC, June 9, 2000.

DEAR SENATOR: The United States Senate may soon be asked to vote on a provision that currently prevents the Department of Transportation from increasing the Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks. Opponents of this provision argue that higher standards will benefit consumers and help the U.S. reduce oil imports and gasoline consumption. We disagree, and urge you to vote against any amendments to eliminate or modify the current moratorium on these standards.

Many observers feel CAFE is a case of good intentions gone awry. The law's original pur-

pose was to improve automotive fuel economy, and in so doing, cut our nation's dependence on foreign oil. Unfortunately, although fuel economy for cars and trucks has risen substantially over the past 25 years, our reliance on imported oil has not declined. In fact, our nation's dependence on imported oil has risen to more than 55 percent today from 35 percent in 1975 when the law was passed. By any measure, CAFE has not delivered the benefits it promised.

Even worse, CAFE produces serious side effects when it comes to American jobs. Rather than creating a level playing field for all manufacturers, the CAFE system has actually worked against U.S. manufacturers and autoworkers. The law gives small car manufacturers a competitive advantage. Of course, these manufacturers are primarily foreign-based, and they import many of the cars and light trucks that they sell. In addition, this situation has provided an incentive for the Asian automakers to enter the mid-size and large car market segments at the expense of the traditional U.S. auto companies.

Domestic autoworkers need to be able to build the larger cars and trucks American consumers want. Today, American consumers are demanding the safety and utility of trucks, including vans, mini-vans, sport utility vehicles and pick-ups—a market in which U.S.-based manufacturers and autoworkers produce eight out of ten vehicles. Increases in light truck CAFE standards would erode the dominant position of U.S. manufacturers and autoworkers in this market segment. It would also adversely affect the jobs of Teamsters, who transport materials, components and finished vehicles across the country.

Increasing vehicle fuel economy is a laudable goal. But the CAFE program has not helped manufacturers achieve that objective, and it has not reduced U.S. consumption of gasoline. Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans. Consequently, we respectfully urge you to oppose any amendment to strike or modify the current moratorium on increasing CAFE standards for light trucks.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs Department.

Mr. ABRAHAM. In addition, raising CAFE standards will cost lives. On the issue of vehicle safety, for a number of years, the Federal Government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents. How ironic to learn that Federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute estimates that between 2,700 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing. Last year, USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000 lives. Even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards. In its publication "Small Car Safety in the 1980s," NHTSA explains that smaller cars are less crash worthy than large ones, even in single-

vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars, and smaller light trucks will mean even more fatalities. These trucks and SUVs have higher centers of gravity and so they are more prone to rollovers. If SUV and truck weights are reduced, thousands more will die.

On the safety issue, two additional items: First of all, it is true that since CAFE standards came into effect, the overall death rates on our roads have gotten better. However, this fails to note some pretty significant information. We have had safety belts and airbags, a variety of other safety devices included and, in some cases, mandated for usage in automobiles and other vehicles. Our roads have gotten better. For all these reasons, the overall cumulative effect in terms of safety has been better over the last 25 years. But the studies that have specifically focused on the impact of CAFE standards, the impact of lighter vehicles, the impact of less crash-resistant vehicles has shown that the problem in terms of CAFE is not to make cars and vehicles more safe but to make them less so. That is the bottom line.

Moreover, in relationship to SUVs in particular, these are vehicles that are more crash prone. Therefore, the notion of making them less safe as a product of a CAFE reform effort would be a strike at the heart of the safety of the American motorist.

In addition, increased CAFE standards reduce consumer choice. CAFE averages are determined by the buying pattern of the American public. U.S. automakers are challenged by the current CAFE standards because the American consumer has demonstrated time and again a preference for minivans and SUVs, even though alternatives that are more fuel efficient are readily available. We don't need Government mandates to force automakers to produce fuel-efficient cars. If consumers want vehicles which get better gas mileage no matter what the cost of gasoline, they have a wide choice of vehicles from which to choose.

If, as the supporters of new CAFE standards contend, consumers crave more fuel-efficient vehicles, then more small cars and vehicles would be purchased. It is supply and demand. Yet despite a variety of choices for fuel-efficient vehicles which get as much as 40 to 50 miles per gallon, these vehicles account for less than 1 percent of total vehicle sales. Why? The answer is simple: The public demands the convenience of vehicles with a larger carrying capacity and vehicles that are safer. These vehicles, minivans, and SUVs are the class of vehicle that will be eliminated should new CAFE standards be enacted, and the livelihood of the thousands of Americans employed in the production of such vehicles will be threatened.

The Americans Farm Bureau writes:

Full size pickups are the tools of the agricultural trade and they do, indeed, haul everything from bales of hay to farm equipment to livestock feed on an every day basis. Higher CAFE standards would almost inevitably lead to less powerful engines and weaker frames and suspension or even the elimination of some full size truck models.

We should continue to let the market, not the Government, choose the types of vehicles produced by American automobile manufacturers. Consumers will suffer if their choices are narrowed. Automakers and their employees will suffer if they are forced to make cars the public simply does not want.

Again, on the choice issue, this is precisely what happened when the CAFE standards were first adopted. In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors noted:

In 1982, we were forced to close two assembly plants which had been fully converted to produce our new highly fuel efficient compact and mid-size cars. The cost of the conversions was \$130 million. But the plants were closed because demands for those cars did not develop during the period of sharply declining gasoline prices.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards or to build cars that Americans won't buy. In either case, the real victims are American workers and American consumers. Proponents of CAFE argue that it will reduce U.S. dependence on foreign oil and gasoline consumption. Since the program was enacted 25 years ago, the U.S. fleet average fuel economy has more than doubled. However, U.S. oil imports have risen from 36 percent to over 50 percent, and gasoline consumption has increased during that very same timeframe.

Thus raising CAFE will not reduce our dependency on foreign oil, but it will reduce job opportunities, consumer choice, and the automobile safety we presently enjoy.

Mr. President, let me explain why the entire CAFE issue itself is almost obsolete. In just a few years, American automobile workers, working individually as well as through partnerships with Government, academia, and suppliers, will be bringing to the market advanced fuel-efficient technologies—cars powered by electric, hybrid electric, clean burn, and fuel cell engines, and other promising new technologies. Toyota became the first manufacturer to mass produce a hybrid electric passenger car, the Prius, which will be on sale in the U.S. later this year. Several companies, such as Volkswagen, are already selling vehicles that utilize advanced technology to achieve 40 to 50 percent greater fuel efficiency than conventional gasoline-powered vehicles without sacrificing performance.

American automobile manufacturers are close behind. They continue to in-

vest almost \$1 billion every year in research to develop more fuel-efficient vehicles, and those efforts will soon bear fruit. In fact, just today, GM announced it will offer a fuel-efficient SUV capable of handling ethanol-based fuel. As we heard from previous speakers, the Ford Motor Company is in the process of bringing forth vehicles which will be hybrid fuel efficient within just a few years.

Clearly, there already exists fierce competition among automakers to market more fuel-efficient vehicles. So why should we even consider turning to the punitive and disruptive methods of Federal mandates through CAFE standards to increase fuel efficiency for American vehicles. This is going to happen, Mr. President. The market will drive it, and it will be done in the most efficient fashion if we allow the companies to do what they are already in the process of accomplishing, instead of grabbing control in Washington and once again dictating through a bureaucracy the way America ought to do business.

Since 1993, the Partnership for a New Generation of Vehicles has brought together Government agencies and the auto industry to conduct joint research, research that is making significant progress that will breach the gap to real world applications after 2000. By enhancing research cooperation, PNGV is helping our auto industry develop vehicles more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's mid-size family sedans—all this while producing cars that retain performance, utility, safety, and economy.

Mr. President, we are making solid progress—progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand or the safety we should all expect, progress that will render CAFE requirements obsolete.

Mr. President, I want to address the contention that lifting the CAFE freeze will simply allow the Department of Transportation to study the need to raise CAFE standards. Of course, that sounds rather benign on its face, and a study alone is something we do often around here. But the way the rules and the law are currently set up, that is simply not the case. As a matter of law, lifting the freeze will lead to higher CAFE standards on sports utility vehicles and light trucks. Public Law 94-163, the Energy Policy and Conservation Act of 1975, requires the Department of Transportation to set CAFE standards each year at—get this, Mr. President—the maximum feasible average fuel economy level.

The Secretary is not authorized to just study CAFE. The Secretary must act by regulation to set new CAFE standards each year. The last year prior to the CAFE freeze—1994—the administration began rulemaking on new

CAFE standards. DOT's April 6, 1994, proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard. Since 1995, Congress has refused to allow DOT to unilaterally increase the standards, as it has in the past.

We have recognized that it is our duty as legislators to make policy in this important area of economic and environmental concern. I believe that very strongly. I think it ought to be the Congress that steps up to the responsibility of making these kinds of determinations, which have such overriding and such pervasive impact on the economy of virtually every one of the 50 States.

Now, however, the proposal before us would move us back in the direction of delegating these critical economic decisions to the bureaucracy, the Department of Transportation. The automobile industry is a critical component of our overall economy. Indeed, the future of our economic growth depends on the continued health of the automobile manufacturing sector. That is why I believe that we in Congress should make the policy decisions related to CAFE, not regulators at the Department of Transportation, or anywhere else.

In summary, raising CAFE standards for light trucks and SUVs will cost American jobs. It will undermine our automobile industry's global competitiveness. It will compromise passenger safety. It will reduce consumer choice, and it will not reduce America's dependence on foreign oil sources. Nor, in my judgment, as I think some of our colleagues who will soon be speaking will indicate, will it make that much of an impact with respect to fuel efficiency. Therefore, I urge my colleagues to vote against this motion to instruct the conferees to strike the CAFE freeze provision.

I yield the floor and withhold the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if the Senator from Michigan wants to speak, I will not ask for a quorum call.

Mr. LEVIN. I am prepared to go.

Mr. GORTON. The Senator may go ahead.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the CAFE law, which the House of Representatives very properly has kept on the shelf—is a bill with many flaws. I am just going to focus briefly on a couple of those flaws.

First, the CAFE law, as it is written, and which would be put back into force, does not allow for the consideration of some very highly relevant factors that should be considered in the regulatory process. One of these is safe-

ty. Senator ASHCROFT—and I believe Senator ABRAHAM—have also made reference to analyses of losses of life that have resulted from lighter vehicles.

There has been a study and analysis, which has been referred to at some length, by USA Today which shows that 46,000 people have died because of the CAFE law who otherwise would not have died. I want to read very briefly from this article:

... in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars.

This is according to the USA Today's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed.

The Energy Policy and Conservation Act and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon versus 14 in 1975. But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

These figures can be disputed, although this is a very lengthy and very objective analysis in the USA Today of July 2, 1999.

I ask unanimous consent that this article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Braggs, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

"She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

"I want to go to her high school graduation, not her funeral."

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, ac-

cording to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria.

"We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars," says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less-destructive deceleration and no "bounce-back."

The regulations don't mandate small cars. But small, lightweight vehicles that can perform satisfactorily using low-power, fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger.

"A small car, even with the best engineering available—physics says a large car will win," says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths.

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

"Small cars fit best into some consumers' pocketbooks and driveways," says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

"We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around."

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic. Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined. In return, "CAFE has an almost lethal effect on auto safety," says Rep. Joe Knollenberg, R-Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results.—CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance.—Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning, competitively priced fuel. And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V-6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

"Improved fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles," says Robert Shelton, associate administrator of NHTSA.

Cost.—Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the \$500 to \$1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. "It's based on experience," spokesman Dave Hurst says.

CAFE has been "a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market," says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of

Sciences, says that while better fuel economy generally is good, "the undesirable attributes of the CAFE system are significant," and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: "During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat."

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

"I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards," says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards. Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards. And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO₂, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO₂ is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO₂.

"People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions," says Jim Motavalli, editor of *E: The Environmental Magazine*, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. "But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities," says Motavalli, also a car enthusiast and author of the upcoming book *Forward Drive: The Race to Build the Car of the Future*. Not all scientists agree that CO₂ causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is \$5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the

same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be "nearly 3% fewer fatalities, or an estimated savings of more than 700 lives" a year. That's like trading a 1989 Honda Civic, which weighs 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researchers conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of *Car Buyer's and Leaser's Negotiating Bible*—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study by California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: "People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue."

That hits home with Tennessee dad George Poe. He want car shopping with teen-age daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

"If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee."

Mr. LEVIN. Mr. President, I have heard already one speaker contest some of the facts that are set forth in the USA Today article. But it seems to me that, at a minimum, it is relevant to discuss the question of safety, to study the question of safety, to look at whether or not there are additional traffic deaths that result from lighter cars. Surely, at a minimum, any law which seeks to regulate in this area should look at the kind of analysis which has been done—which shows 46,000 people have died.

Now, I am not an expert in this area. I don't know if 46,000 people have died or not. I do know that serious objective analysis by serious objective people have reached that conclusion and the CAFE law, which would be triggered into effect unless this freeze is continued, as the House of Representatives proposes, doesn't allow for consideration of safety.

It seems to me that any regulatory process should look at all of the costs and all of the benefits before we regulate. But when we look at the CAFE laws that would be put back into effect unless the position of the House of Representatives is adopted, they require

that at least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation—this isn't optional, this is mandatory—shall prescribe by regulation a standard which shall be the maximum feasible average fuel economy level that the manufacturers can achieve in that model year.

None of the four or five factors listed in the law that should be considered on decisions on maximum feasible average fuel economy has to do with safety. It seems to me that kind of a narrow approach, which is just focused on some of the factors which should go into the regulatory process, is not the kind of approach which a proper regulatory process should adopt.

I emphasize that the CAFE law isn't a study. This is a mandate.

No. 1, every year there must be a decision by the Department of Transportation as to the maximum feasible average fuel economy level for the model year, and it is mandatory.

No. 2, it does not provide for consideration of highly relevant factors.

I have no problem myself with a study that looks at all the relevant factors. Quite the opposite. I think it is perfectly appropriate, provided we don't prejudge the outcome of the study and lift the freeze before we find out what the outcome of the study is. I don't have any problem with a study that looks at all of the factors objectively and then makes a recommendation.

I have plenty of problems with telling any agency of this Government that, based on a restricted list of relevant factors, they should mandate something every year on the automobile manufacturers. That excludes this current law. This CAFE law excludes highly relevant factors that should be considered.

That is point No. 1.

At the top of the list of considerations is the question of safety.

In addition to that, we have in this law which, in my judgment, unfairly discriminates against the U.S. automobile industry. That includes both the manufacturers and the people who manufacture parts.

I would like to give one example of what I mean.

Take two vehicles. These are two sport utility vehicles—the GM Sierra and Toyota Tundra. Both of these vehicles are about the same weight. One of them is slightly more fuel efficient than the other; that is, the GM Sierra. But the way the CAFE law is designed it has absolutely no impact on the imports. It has a huge impact on domestic manufacturers.

Because of the way the CAFE law is written, even though the GM vehicle is slightly more fuel efficient than the Toyota vehicle, Toyota can sell 309,000 of those Tundras without any penalty. GM can't sell one of its vehicles without a penalty.

It seems to me that this kind of disparate impact has to be looked at. No study worth its salt, and no study that is worthy of being called objective or fair, could ignore the disparate impact which the CAFE law has added. If it is put back into effect, it will continue to have a discriminatory effect on the American automobile manufacturers because of the way it is designed. It doesn't look at each vehicle weight class. Instead, it looks at the manufacturer and its total fleet.

The result is that you have some manufacturers producing vehicles no more efficient than other manufacturers that have absolutely no effective limit on what they can sell—you have the other manufacturers—and it is the American manufacturer—that are discriminatorily impacted because of the nature of their fleet. The American-made vehicles are just as fuel efficient, or perhaps slightly more fuel efficient. Yet they have to pay the price in terms of loss of market share. They have to pay a penalty. They have no room to sell vehicles the same weight as the imports can sell with no effective limits whatsoever.

People can give the arguments on the other side of this issue. That is fair enough. But the problem is—if I am right, and I believe I am right—that the discriminatory impact on the American manufacturers and parts producers cannot be taken into consideration as part of the annual CAFE imposition. That is not on the list of things that go into the definition of "feasible average fuel economy" because the Secretary is told that he or she must prescribe the "maximum feasible average fuel economy," and then defines it in such a way that it excludes the discriminatory impact of the CAFE law on American manufacturers.

The CAFE law is flawed in many ways. It has some very negative consequences, in my judgment, and in the judgment of others in terms of safety, loss of life and discriminatory impact on American automobile manufacturers and parts producers.

One other thing: Not only do the imports have this huge amount of room to sell their heavy vehicles while General Motors, using this particular analysis, cannot sell any without penalty, but they can also bank so-called "credits" under the CAFE law. Because they can bank credits—again, we are comparing vehicles that are the same weight where the GM vehicle is slightly more fuel efficient—then because of the way in which the law is designed, Toyota could sell 1.6 million of those vehicles without any penalty; General Motors, none.

This is the original 309,000 that I made reference to, and these are the addition of so-called "banked credits."

There are many discriminatory, disparate, and, I hope, unintended consequences of CAFE. But I wasn't here

in the early seventies when this law was drafted. I can only say I hope the consequences which I described are unintended.

The better approach to this entire issue, it seems to me, is for Government and the private sector to cooperate in a partnership for a new generation of vehicles. That is what is now underway. That partnership is producing some extraordinarily positive results.

That research approach—that voluntary cooperative partnership—harnesses the ingenuity and the energy of business, partially funded with the Government, to achieve the policy goal which we all want—which is more fuel-efficient cars, and cars that are also safer. And we don't want at the same time to unfairly damage the American automobile industry.

How much time does this Senator have left on his 15 minutes?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. LEVIN. The better alternative for increasing SUV and light truck fuel economy from both an environmental and equity perspective is aggressive investment in fuel efficiency research projects. The Partnership for a New Generation of Vehicles, PNGV, provides an example of the pay-off from programs that harness the energy and ingenuity of government and business to achieve this policy goal.

The goal of PNGV is to improve national manufacturing competitiveness, implement technologies that increase the fuel efficiency of and improve emissions for conventional vehicles, and develop technologies for a new class of vehicles with up to 80 mpg without sacrificing the affordability, utility, safety, and comfort of today's midsize family sedans.

For the five years that this program has existed (it is currently in its sixth year), the average annual government contribution has been about \$250 million per year. The average annual private sector contribution by the Big Three has been in excess of \$900 million per year.

PNGV fuel-efficient technologies, such as lightweight materials, advanced batteries, and fuel cell and hybrid electric propulsion systems, are already appearing on experimental concept vehicles shown by automakers at recent auto shows.

Under PNGV, U.S. automakers will have production-ready prototypes by 2004. Some of the technology from this aggressive research will be transferable to the light duty truck fleet.

I urge Members to vote against this resolution.

I yield the floor.

Mr. GORTON. I yield such time as the distinguished Senator from Nevada, Mr. BRYAN, desires.

Mr. BRYAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I realize this debate has raged on for some period of time this afternoon. I will simply make a couple of points in support of the motion to instruct conferees.

Fuel economy affects Americans in a very practical way. We have seen in recent weeks the escalating prices of gasoline, prices that have caused Americans who come to the gas station real sticker shock. These are some of the numbers we have seen: \$1.54 a gallon on the east coast; in my own part of the country, \$1.59. Those numbers appear to be going up.

The effect of this is to require American families who are dependent upon automobiles for transportation—that is most of the people who live in a western State, such as my own in Nevada—to have less spendable income for other family needs and requirements. If it is possible to reduce the amount of money they spend by increasing fuel economy—that is, getting more miles to the gallon—it makes sense for every family, not only in my own State, but across the Nation.

We are proposing lifting the gag rule, to strip the blindfold off, to unplug our ears, and simply allow the Department of Transportation to examine the technology of the past 25 years—because it has been 25 years since we have applied new fuel economy standards in America—and see if we can't get better fuel economy and still leave a full range of vehicle choice to American consumers.

I find it hard to believe that is not a win-win for everyone. It is a win for the consumer. It is a win for the American automobile industry. It is a win for the economy. Not only do we get better fuel economy and save costs for the American motorist, but we can also help to reduce our dependence on foreign oil.

We are held vulnerable and hostage to a certain extent. We see that every time OPEC tweaks up or tweaks down the production quotas with an instantaneous response in the market. That is what has happened with respect to these increases.

OPEC recognizes how vulnerable we are. We import 54 percent of the oil consumed in this country; 40 percent of that is attributable to the automotive sector. OPEC knows, because of our dependence on imported oil, if they can get their own act together to impose some production restraints, they reduce their production, the cost to the consumer who is filling up his or her car with gasoline is going up. If we can be a little less vulnerable by reducing

the amounts of oil we import, won't that be a good thing?

That is precisely what occurred in the 1970s. We were vulnerable then, as we are now, to events that occurred. We had the embargo, the fall of the Shah of Iran, and our economy was sent into a tailspin. Indeed, economically, the 1970s were a very difficult time for our country, as people who lived during that era will recall.

By passing the CAFE legislation of 1975, we reduced the amount of oil we consumed each and every day by some 3 million barrels. We are suggesting fuel economy standards are beginning to decline.

If one looks at the recent numbers, one will see that after two decades of progress, fuel economy averages are declining. In 1975, we got less than 14 miles per gallon on average. That peaked during 1988, 1999, and it has declined. The reason it is declining is that Americans are choosing to purchase trucks and sport utility vehicles. That is their choice. Light trucks and sport utility vehicles make up nearly 50 percent of the market.

Shouldn't we be able to look at the technology of the last 25 years and apply that and see if we might not get fuel economy that would make it possible for Americans to drive light trucks, sport utility vehicles, and get better fuel economy? Is there anything wrong with that? I am hard pressed to come up with an argument in opposition to that.

Here is what we have. From the time I was a child, I have been infatuated with the automobile. I have shared on this floor on many occasions the excitement I experienced as a youngster each new model year, going down to the local dealership, peering in the dealership, and wondering what that year's model was going to be.

If I have been improvident in terms of my expenditures, probably in no area is that more evident than I have loved automobiles. I have purchased them, and I love them. So I do not speak as a Senator who has an antipathy to the automobile. I love my cars. I am very dependent, and I recognize most Americans are as well.

I say with great respect that this is an industry that has almost a Pavlovian response when it comes to suggestions that technology ought to be applied to improved fuel efficiency or some aspect of technology. The auto industry had fought us for decades on airbags. I am privileged to join the distinguished Senator from Washington on this issue. He and I were instrumental in the conference of the reauthorization of the highway bill a decade ago to get that legislation requiring airbags. Today, many Americans survive auto accidents, and of those who have had injuries, their injuries are much less than might have been expected but for airbags.

The industry resisted catalytic converters and the industry resisted tenaciously in the 1970s this legislation that we called Corporate Average Fuel Economy.

I realize that is ancient history, but is it? One gets a sense of *deja vu* on the floor when one listens to the arguments against even permitting the examination of new CAFE requirements. The motion to strike simply deletes reference to a rider that has been added to the Transportation appropriations bill each and every year since 1995 that says that the Department of Transportation may not consider moving forward on new fuel economy standards.

The sponsors of this action do not seek to establish a numerical standard but simply to say let the Department of Transportation examine the technology and see if a new standard could be imposed that would enable us to apply technology, reduce the number of gallons of gas we need to operate our vehicles, save consumers money, reduce our dependence on imported oil, and also to clean up our air.

These are public policy issues. One is reducing our dependence on foreign oil. Another is reducing the trade imbalance, which every economist will tell you is a point of vulnerability in an economy which has extraordinarily performed in 112 consecutive months of economic expansion—without precedent in American history. But continued trade deficits of this magnitude are a problem. About a third of those trade deficits are attributable to the amount of oil we import. We could reduce our dependency.

There is not an American city of any size that is not concerned about air pollution. Most scientists will tell you, whether or not they have fully subscribed to the global warming theory, that it is not a good thing for us to continue to pump as much carbon dioxide into the atmosphere as we are. With better fuel economy, we would reduce those emissions as well.

What is the response? Unfortunately, the industry has chosen to invoke scare tactics. In farm country they are telling America's farmers they may not be able to get and use a pickup truck. For those recreationists who tow vehicles, whether they are boats or horse trailers, they are saying they may no longer be able to participate in this particular avocation—whether it is boating or horseback riding—because we are not going to be able to build a vehicle that will pull a trailer, that will allow them to transport their boat to the lake, or their horse to an event where they want to race or show that horse.

They are telling others it will be impossible for us to produce the sport utility vehicles that they love, whether they love them for comfort, convenience, or to get out on the back trails

of America and do a little off-road driving. They will not be able to do that as well.

Does this sound familiar? Those arguments, cast in the context of the 1970s, were the arguments that were advanced by the auto industry then. I must say, if the past is prologue, this would be a classic example.

In the testimony on the CAFE legislation in 1974, the Ford Motor Company testified as follows, referring to CAFE, which would have and did ultimately double the fuel economy that automobiles get, from less than 14 to more than 27 miles per gallon, in a decade.

This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles—

Ford's smallest vehicle in the 1970s—or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick.

That was a small vehicle as well, slightly larger than the Pinto. That was 1974. All one need do is change the words "sub-Pinto-sized and Maverick," and add in there "light trucks and sport utility vehicles," that we would not be able to offer those if this proposal were advanced, and we would have the contemporary argument, the argument that is made in the year 2000.

Chrysler Motors said:

In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing sub-compact-size cars. . . .

Does the resonance sound familiar to any of us? It was a pretty familiar line of argument.

And General Motors said:

This legislation would have the effect of placing restrictions on the availability of 5- and 6-passenger cars.

Nobody wanted that. Those were all tactics that the industry employed to frighten the American public. I am sure none of the sponsors, in 1974—and I was not a Member of this body—intended to deprive Americans of vehicle choice. I do not think anybody had in mind to prevent American families from purchasing station wagons or four-door, full-size, six-passenger sedans. I can assure you, the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Washington, Mr. GORTON, we do not. We do not preclude or attempt to preclude it. In fact, some of us own sport utility vehicles and we want the element of choice. All we are saying is please give us an opportunity to look at the technology that would be available. Those owners of those sport utility vehicles, if we could get 4 or 5 or 10 miles per gallon more, would pay a lot less when they go to fill up at the gas pump.

I say to my colleagues, whether you believe there is a precise number you can achieve, in terms of increased fuel economy—and some have indicated we could double that once again—or

whether you believe improvements more incremental and modest are possible, under the current legislation, it will be impossible for us to do so because of a rider that restrains our ability to do so. That simply does not make much sense.

So all we are asking for is an opportunity for the Department of Transportation to examine that technology. One would have to be a neo-Luddite to believe that in 25 years, a quarter of a century in which more technology advancements have occurred than in any 25 years of recorded history, of recorded civilization, that somehow the auto industry is not able to take advantage of some of those technology improvements.

So we simply ask for this opportunity. I hope my colleagues will support our position. I know as I speak, there are some discussions occurring off the floor that may lead to a compromise. I hope such a compromise will be possible. But it is a compromise that ought to let the technology, not the politics of scare and fright, dictate what a public policy for America ought to be. If we can improve that, and reduce the cost that motorists have to use their cars for work or recreation, if we can make America less dependent on imported oil, if we can ease the balance of payments that creates a potential threat to future economic expansion, if we can reduce the amount of carbon dioxide that goes into the atmosphere, would that not be a good thing? Wouldn't Americans—Democrats, Republicans, Independents, libertarians—embrace that concept? Wouldn't the far left and the far right move to the political center and say, yes, that makes sense?

I believe it is possible. All we seek is the opportunity to let American technology try. I suppose, if I have a quarrel with my friends in the auto industry, it is that they have less confidence than I do in themselves and their ability. Let me say, what they did from 1975 to 1987 was extraordinary. They doubled fuel economy—doubled it. And they doubled it at the same time they provided a full range of vehicle choice.

By the early 1990s, the largest automobile built by the Ford Motor Company—the largest automobile—got better fuel economy than the smallest Ford automobile produced in 1975, the little Pinto. That is something about which to rejoice. I say congratulations.

I am proud as an American that that kind of technology was possible, and I simply say to an industry that in 1974 believed it could accomplish nothing: Have confidence in yourself. Let all of those entrepreneurial juices flow, and we know, when given a chance, American industry produces technological marvels that are the envy of the world; give us that chance. That is what we ask of our colleagues.

I reserve the remainder of my time, as we are working on negotiations. How much time remains on each side?

The PRESIDING OFFICER. Senator GORTON has 15 minutes; the opponents have 38 minutes.

Mr. BRYAN. I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I have only a relatively short period of time left. The distinguished Senator from New Jersey, Mr. LAUTENBERG, is coming to speak on our side of this issue, so I will make only one or two points briefly.

I listened with great interest to each of the opponents to my motion. It seems to me, as was the case a year ago, that they emphasized overwhelmingly the impact of new fuel efficiency standards on automobile safety. In fact, those arguments would have been entirely persuasive if this were a proposal requiring lighter automobiles and small trucks. It, of course, is not. It is a proposal to allow a study of whether or not corporate fuel economy standards should be increased.

My view, and that of my distinguished colleagues from California and Nevada, is that this can be accomplished without downsizing automobiles or small trucks. Interestingly enough, many of the comments on the part of the opponents to our motion in effect said so, that great technical strides have been made in this connection, strides that we encourage.

But I simply want to make it clear that the goal of the proponents of this motion is to end the prohibition against even studying whether or not we should improve these fuel efficiency standards. To that end, there have been very serious negotiations in the course of the last hour or so among members of the contending parties, and it is at least possible we will be able to reach an agreement that will be approved on the part of all of those who have debated this issue here today.

I have every hope that that is the case because it will allow us to go forward with studies but will see to it that Congress plays the significant role—that it is playing right here today—in being permitted or required to take action before any new fuel efficiency standards become the law of the land.

With that, Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to support the Gorton-Feinstein motion to instruct. This states that the House CAFE freeze rider ought not to be accepted by the Senate in conference.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They did not often travel through congested urban and suburban areas. But all that has changed.

Today, light trucks—the category that includes SUVs and minivans—represent half of all vehicles sold. They produce 47 percent more global warming pollution than do cars. Each light truck goes through an average of 702 gallons of gas per year. That compares to 492 gallons per year for cars. Goodness knows what is happening now as we look at these prices, recognizing that our consumption of fuel is way above what it had been, importing more from what at times are very unfriendly sources. We are just on a consumption kick that is affecting our way of life but particularly our environment. I will talk more about that in a minute.

Even with the tremendous increase in the number of SUVs, the Senate continues to accept the House's CAFE freeze rider. By the way, just as a note of explanation, CAFE refers to the gas consumed and the emissions by the vehicles about which we are talking. We are talking about CAFE standards; that is, to try to have the amount of fuel consumed reduced and to try to reduce the emissions that are affecting our environment and the quality of our air.

The result of the House's CAFE freeze has meant serious consequences for American families' pocketbooks, jobs, and the environment. There is a myth floating around that CAFE standards hurt the American family. The truth is, sensible CAFE standards helps our families. It is a simple concept. If your car or your SUV uses less gas, you save money and you do less harm to the environment in which your families live. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved \$3,000 over the lifetime of the car. That translated into \$30 billion of savings in America for families to spend on items other than gas.

Jobs are also an important part of this discussion. The opposition keeps

insisting that CAFE standards are going to hurt employment, particularly in the auto industry. A study by the American Council for an Energy Efficient Economy says that money saved at the gas pump and reinvested throughout the economy would create a quarter of a million jobs, 244,000 in this country, including 47,000 in the auto industry.

Another benefit of CAFE standards is in fighting the most daunting environmental challenge of our time: global warming. Passenger cars, SUVs, and light trucks accounted for 18 percent of U.S. greenhouse gas emissions in 1998. It is a major contributor to the problem of global warming. A recent National Academy of Sciences study finds that global warming trends are undoubtedly real. In December, a British Meteorological Office study said that 1999 was the fifth warmest year on record and that 7 of the hottest 10 years on record occurred in the 1990s. That tells us something. It tells us we ought to get our heads out of the sand and do something about it. That 10 years in the 1990s was the hottest decade of the millennium, also this winter.

I traveled to the South Pole in January because I wanted to see what we were doing about trying to protect ourselves against negative environmental change. When you see this beautiful ice continent and recognize the contribution it makes to the entire global environment and you hear the water rushing off as the ice melts—a condition that is not supposed to exist; it is supposed to stay hard ice; 70 percent of the world's fresh water supply is stored in the ice there—it is a very bad sign.

If we look at our families and our world, we say: What is happening? If that continues to mix with the saline, it is a terrible and ominous sign to which we should pay attention.

In Australia, a continent thousands of miles away from Antarctica, the Australians pride themselves in recreational water sports, things of that nature. Children going to the beach in Australia today have to wear hats. They have to wear full-body bathing suits because of the high incidence of skin cancer. Australia today has the highest incidence of skin cancer of any advanced country in the world. It is a terrible tragedy; it has such grim warnings attached to that.

We still are not paying proper attention. This winter, two gigantic icebergs, collectively about two-thirds the size of New Jersey—one the size of Rhode Island and another the size of Delaware—broke off from Antarctica. One day we are going to see an iceberg the size of the State of Texas. Then everybody is going to say: Woe be unto us. Why didn't we pay attention when our environment was deteriorating literally in front of our eyes? Why didn't we pay attention when it was predicted that water levels would rise, that tem-

peratures would rise, that a place like New York City could almost have tropical type weather?

We just saw that in a report the other day. When are we going to pay attention to the alarm we hear sounding off day after day? We choose to ignore that threat and say: Go on, spend it, use those big vehicles and burn as much gas as you want and issue as much contamination as you want. It is our problem, and it is our responsibility.

Scientists project a rise in sea level of 4 to 12 inches on the mid-Atlantic coast in the next 30 years—not 100 years, not 50 years, 30 years away. My little grandchildren who were in the gallery today will be 35 years of age. That is hardly old. That is when it looks as if we will be experiencing the worst of what ignoring the consequences of this process will mean.

Scientists also tell us higher seas will lead to greater storm surges, more coastal damage, even from relatively modest storms.

CAFE is essential for fighting this danger. A recent analysis shows that CAFE standards could be raised to over 40 miles per gallon for new cars and light trucks by 2010. This would result in emissions reductions of 396 million metric tons of carbon dioxide below business-as-usual projections, which is 6 percent of our current emissions.

I don't like to get into those kinds of astronomical figures because they don't always mean much. When we think of 396 million metric tons of carbon dioxide, that is a lot. But when we think of the poor air quality days, where it is hard for those who are elderly to go out and conduct normal travel and normal exercise, normal living, it makes it difficult for them to breathe and be as active as they like. We have few other opportunities for attacking global warming as dramatically and as cost-effectively as controlling auto fuel efficiency.

I urge my colleagues to think about this problem, to be able to say to their constituents: Yes, we are concerned. We want you to have the comfort. We want you to be able to have the cars you prefer to drive. You are spending your hard-earned money. But let's make them as efficient as we can.

It is something our geniuses in the automobile industry—and they are geniuses; they have built an incredible population of vehicles and conveniences—can make better. We have seen all kinds of samples of that. If we encourage them and know that everybody is going to be in the same competitive bind or competitive environment, they will do it.

I ask our colleagues to vote in favor of the Gorton-Feinstein motion. We have few other opportunities for attacking global warming as dramatically and as cost-efficiently as controlling auto fuel efficiency.

I will take a minute more, and I ask that my colleague from Louisiana be just a little more patient. I beat her to the microphone. That is what happens. It wasn't a foot race, but it was just a coincidence of circumstances.

Since I have been in the Senate 18 years, many wonderful things have happened. I have seen the benefit of things we have done legislatively have an impact on folks back home. Whether it is no smoking in airplanes or mentoring programs or drug control programs in public housing or computers in schools—I come out of the computer industry—all have a direct effect.

The health programs we have and the education programs have been terrific. Today, I was personally rewarded by an expression of friendship and appreciation, led by Senator SHELBY from Alabama. He is my colleague, a Republican. He used to be a Democrat. We are still friends, even though his party affiliation changed. He did something today that both shocked and humbled me. He asked that a new facility being built in New Jersey, a railroad terminal, a railroad station, where all of the railroads in New Jersey—and we have a lot of rail passenger lines—come together so that people can choose an option for going to New York City or for going to Newark Airport or for going to the beach for recreation or commuting between cities in New Jersey—he asked it be named for me, and I am, indeed, grateful. I was surprised, nevertheless flattered.

Comments by Senator BYRD and Senators JOHN KERRY, CHRIS DODD, BARBARA MIKULSKI, and TOM DASCHLE were all laudatory. I was pleased to have two of my children and grandchildren in the balcony. It was a coincidence because they live a distance away, in the State of Florida. They were here to see their grandfather. One of my grandchildren, who is 5 years old, said, "Are they doing anything down there?" I said, "Perhaps you would not notice it, but they are." So they were here to see it. It was a happy moment for me and my family. I am grateful to my colleagues who voted for it. There was no objection when it was offered.

While I will miss this place, I will leave it with so many fond memories of opportunities to serve that are rewarded in much more specific ways than having a naming process attached to it. No one has ever exemplified that more thoroughly and more deeply than has Senator ROBERT BYRD, who sits in the Chamber at this moment, who is always talking about the nobility of the service we perform here, about the opportunity we have to give something back, showing our appreciation for being in this country, for being in this democracy, for being able to be in the position that we are to do the things we do.

So I am grateful. With that, I know I will make the Senator from Louisiana grateful by yielding the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me say to my colleague from New Jersey how much we are going to miss his service and his leadership. I know several of my colleagues spoke earlier today on naming the train station after him. It was very appropriate; he has been such a leader in the area of transportation, particularly mass transportation, particularly in regard to how those transportation methods affect our environment. I was happy to join my colleagues today in doing that. I have really enjoyed working with him in my time here. I thank the Senator for the great service he has rendered to Louisiana. He has been a good friend to us when we have come to this floor and to meetings about things important to our State and our region of the country.

Mrs. BOXER. Mr. President, I want to commend my colleague from California for offering this motion. The motion instructs the Senate conferees to the Transportation Appropriations bill to reject the anti-environment CAFE rider.

This anti-environment rider has been included in the Transportation bill for the past four years. The rider prohibits the Transportation Department from even looking at the need to raise the nearly decade old CAFE standards.

The existing standards have saved more than 3 million barrels of oil per day. We know that raising the CAFE standards is possible and would save more oil. For example, requiring sport utility vehicles (SUVs) and other light trucks to meet the same standard that applies to passenger cars would save approximately 1 million barrels of oil per day.

Because SUVs are coming to dominate the new car market, we must make this change. But under the CAFE rider, the Transportation Department can't even think about it. They can't even study it.

Instead of moving forward to raise CAFE standards, what do some want to do to relieve our dependence on foreign oil? Some propose opening the California coasts to offshore oil drilling. Others propose opening up the Arctic National Wildlife Refuge to drilling.

Why put our natural heritage at risk when we know we could save oil by making modest changes to CAFE standards?

It's good energy policy and good environmental policy.

Mr. President, raising CAFE standards is one critical step toward restoring sanity to our energy policy. In addition to this step, I have been advocating several other proposals.

First, we need to invest more in energy efficiency and renewable energy. Over the past five years, Congress has appropriated 22 percent less than requested by the President for energy efficiency and renewable energy.

Second, we need vigorous enforcement of the anti-trust laws on oil companies. For several years I have been concerned about the practices of the oil companies on the West Coast and in my State of California. Several times I have called on the FTC to investigate possible anti-trust violations.

Just this week, the government began investigating the dramatic jump in gasoline prices in the midwest. There is apparently no external justification for these huge price spikes.

Third, we should place a moratorium on oil company mergers. By definition, mergers mean less competition and less competition means higher prices.

Fourth, we should prohibit the export of Alaska North Slope crude oil. The GAO reported that the lifting of the ban in 1995 increased the price of crude oil by about a dollar per barrel.

I hope that my colleagues will join with me in supporting this CAFE motion. It is good energy policy and good environmental policy.

Mr. BURNS. Mr. President, thank you for the opportunity to address an issue today that means an awful lot to Montanans. That issue is the very right to have access to a choice of cars and trucks that will meet the rigorous needs of rural life. I don't know how many of those listening today have driven in Montana, but it is a much different story than driving in more densely populated states. CAFE standards have a huge effect on Montanans in a lot of different ways that many people here today would not understand.

Today, some of my colleagues have cited statistics about the impact of large vehicles harming occupants of smaller vehicles. This is extremely unfortunate, but large vehicles are not a luxury. For many of us they are a necessity. Just as 18 wheeled diesel trucks keep our country's goods moving on our interstate system, large vehicles are a necessity to keep our rural economies alive. Hauling a heifer to market just is not feasible in a Geo Metro.

Now, in the Washington, D.C. area, there are many more small, economical cars on the road than there are in Havre, Montana. But, I have to remind you that in Montana we have winter for a large part of the year. A long, cold winter with plenty of snow and ice. It is the kind of weather that makes 4-wheel drive a life saving device. When you are driving your family down the road in the middle of December and the weather is miserable and cold, you want to be confident you will all be safe. This generally means a sturdy vehicle with four-wheel drive. It'll help you stay on the road, which is important considering it could be a very long time before you see anyone else, and the nearest town could be 80 miles away. If you are unfortunate enough to slide off of a two-lane road

in the black of night it is nice to know your family will be protected. This is the reality in parts of Montana, as hard as it is for some of my colleagues in the Senate to imagine.

Similarly, when you live in an area of Montana that is geographically isolated, and there are very few that are not, you need to be prepared to buy more than one bag of groceries at a time. Maybe you need to buy a month's worth of groceries, and feed for the animals, and fence posts, any other odds and ends you might need and bring them all home at the same time. How you will fit that all into a little car is a mystery. You'd better leave the kids home, that's for sure.

Besides that fact that stricter CAFE standards could hurt rural Montanans and the general safety issues that concern me, I think there is more at stake here. We are basically telling consumers that they have no right to choose the car they want to drive. This isn't right. In recent years, the American automobile industry has made great strides in developing better cars in every possible way. On the whole, our cars are becoming safer, and cleaner than ever before. This ingenuity is what makes American industry great.

We have done a good job of making sure the manufacture of automobiles is consistent with the environmental goals we want to reach. But to step aside and allow federal regulators to enact a blanket policy that punishes those people who use large vehicles as a necessity of every day life, and stifle the right to choice for rural consumers, is the wrong approach.

Mr. FEINGOLD. I support the Senate motion to instruct the Conferees on fuel economy standards. This issue has been controversial in my state, and I believe its effect on automobile fuel economy standards is not well understood.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I support this motion because I am concerned that Congress has for more than 5 years blocked the National Highway Traffic Safety Administration (NHTSA), part of the federal Department of Transportation (DOT), from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The motion instructs the Conferees not recede to Section 318 of the House bill.

As I made clear last year, I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year tak-

ing into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 318 of the House bill, identical to last year's language, states:

None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law.

The NHTSA should be allowed to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those

consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. I have heard strongly from my state that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this motion, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. KERRY. Mr. President, I ask unanimous consent that the distinguished minority whip be permitted to proceed for a unanimous consent and that I then be accorded the floor immediately following.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. For 4 minutes.

Mr. MCCAIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding an agreement is worked out so we do not need a vote.

Mr. GORTON. That is correct. We are prepared to implement that agreement now, if we have permission.

Mr. REID. We have a unanimous consent agreement that has been worked on all day that is now ready to be entered, next week.

Mr. GORTON. That is also correct.

Mr. REID. Could we proceed with either one of the two unanimous consent agreements?

Mr. GORTON. With the permission of the Senator from Massachusetts.

Mr. KERRY. Mr. President, it may be my remarks will be shorter. If they take a brief period of time, I am happy to let that go forward, with the understanding that I will have the floor immediately after.

Mr. REID. I say to my friend from Massachusetts that people literally have been waiting all day. We need

something on the record indicating there will be no votes.

Mr. KERRY. I am happy to accommodate my colleagues. It will probably be shorter if they start and do it rather than talk about doing it.

MOTION TO INSTRUCT CONFEREES, AS MODIFIED

Mr. GORTON. Mr. President, I have at the desk a revised motion to instruct the conferees on the Transportation appropriations bill. I ask unanimous consent it be in order to consider it and it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask unanimous consent the reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

I move that conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) be instructed, and are hereby instructed, to accept section 318 of the bill as passed by the House of Representatives, but to authorize the Department of Transportation, pursuant to a study by the National Academy of Sciences in conjunction with the DOT, to recommend, but not to promulgate without approval by a Joint Resolution of Congress, appropriate corporate average fuel efficiency standards;

Provided, however, that any such study shall include not only those considerations outlined in 49 USC section 32902(F) but also the impact of any such proposal on motor vehicle safety, any disparate impact on the U.S. automotive sector, and the effect on U.S. employment in the automotive and related sectors, and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.

The National Academy of Sciences shall complete its study no later than July 1, 2001, and shall submit the study to Congress and the Department of Transportation.

Mr. GORTON. Mr. President, essentially we have had a debate over the refusal to allow anybody in the Transportation appropriations bill to be used to study, propose, or promulgate new corporate average fuel economy standards. The proponents of the original instruction have stated they did not wish for the Department of Transportation to be authorized to promulgate any such new rules without the consent of Congress or without another vote in Congress but that they felt it inappropriate to prevent studying what technology now permits us to do with respect to such standards.

This revision simply allows the House provision to go into effect with respect to the old 1975 law. However, it also tells the conferees to authorize a study by the National Academy of Sciences in conjunction with the Department of Transportation that by July 1 of next year will recommend but will not promulgate, without approval by a joint resolution of Congress, appropriate corporate average fuel economy standards.

It also expressly states that they shall consider safety—which was a

major part of the debate here—and the impact on the automobile and manufacturing business in the United States.

It will last only, of course, for the fiscal year 2001 because this is an appropriations bill, but we hope by that time we will have something that we can debate that will be real in nature rather than just theoretical.

I ask unanimous consent my motion be considered a motion for me, for my distinguished colleague from Nevada, Mr. BRYAN; the Senator from California, Mrs. FEINSTEIN; and the three Members who have debated against this, both Senators from Michigan, and the Senator from Missouri, Mr. ASHCROFT.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be clear that this language instructs the conferees to accept section 318 in the House bill. Those are the words in this motion.

In addition, one of the specific factors in the study we look at is “the disparate impact, if any, on the U.S. automotive sector.” Then it issues the words, “and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.”

My question to the Senator from Washington is whether or not in his judgment the fairly lengthy list of factors which are relevant to this question, which are set forth in Senate bill 2685, a bill which was introduced, I believe, by Senators ASHCROFT and ABRAHAM, myself, and a number of others, whether in his judgment those factors would be included as being relevant in any study?

Mr. GORTON. Mr. President, I answer my friend from Michigan that I believe the widest range of considerations should be a part of this study, including, of course, those that the Senator from Michigan has set forth, and for that matter anything else the National Academy of Sciences considers to be relevant.

Mr. LEVIN. And the answer specifically is what?

Mr. GORTON. The answer to the question was yes.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. REID. Mr. President, I have the floor. I have imposed upon my friend from Massachusetts. This was supposed to be just a brief dialog while we entered a unanimous consent request. He only requested 4 minutes and he has yielded to get this done. We have now taken 8 or 9 minutes. I don't think that is fair.

Mr. ABRAHAM. I ask unanimous consent following the statement of the Senator from Massachusetts, after his 4 minutes, we then return to consider-

ation of the motion to instruct, and that I be permitted to speak at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I wonder if we could enter the unanimous consent request?

Mr. LEVIN. Has this motion been adopted?

The PRESIDING OFFICER. No motion has been adopted.

Mr. LEVIN. I suggest this motion be agreed to if there is no further debate.

Mr. ABRAHAM. I object.

Mr. LEVIN. And the speech of the Senator from Michigan, relative to the motion, be inserted prior to adoption of the motion.

Mr. BRYAN. I ask my colleague to suspend. We have run into a couple of potential language issues that I need a couple of minutes to explore. I can assure my colleague it is not my purpose to delay, but there are some language changes here that we need to check out.

The PRESIDING OFFICER. The Senator from Massachusetts has the right to reclaim the floor.

Mr. KERRY. Mr. President, I had a feeling my 4 minutes was going to be shorter than their 4 minutes. But here is what I am willing to do. I want to try to accommodate my colleagues. I think it is important. I know how important these critical moments are. You want to try to make it work when you can.

Mr. REID. Will the Senator yield?

Mr. KERRY. I yield to the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I know we want to move as quickly as possible to the digital signature, e-signature legislation. Obviously, we have to finish the action on the proposed motion to instruct. My comment on the proposal submitted by the Senator from Washington is that I think it moves in a very positive direction.

I have introduced legislation in the Senate for the past several Congresses, attempting to establish what I consider to be a more appropriate way of considering issues related to corporate average fuel economy. Specifically, I feel the current considerations are not broad enough. We do not take into account—as I indicated in my speech earlier today—the impact on employment in the United States and, more specifically, in the automotive industry. We do not take into account safety; we do not take into account similar factors that matter to the people I represent.

The proposal is to have a study conducted by the National Academy of Sciences that would look specifically at those considerations, as well as many others that the Academy or the conference committee would recommend—as the Senator from Washington indicated in the colloquy with

my colleague from Michigan—and other criteria that we have included in legislation that I have introduced in this and previous Congresses.

The other thing which I have always felt is relevant to this process is how the role of Congress should be enhanced. I mentioned this earlier today in my remarks. I believe something as directly significant to the economy of the United States as the automobile industry, and specifically the CAFE standards' impact on that industry, are issues that Congress ought to have an ultimate role in addressing. I am happy the provisions here would subject any changes—at least in this fiscal year—to the approval of Congress by a joint resolution. I think that makes a lot of sense, because that would put the elected officials of this country—not the unelected bureaucrats of this country—in the position of making the significant determinations that will impact our economy.

For both those reasons I think this approach makes sense for this fiscal year. It keeps intact the freeze which we have had in recent years, so there will not be an increase or change in corporate average fuel economy standard generated through the process that has existed under United States Code. But at the same time, it does provide those who wanted a study the opportunity to have one conducted by the National Academy of Sciences. It also gives Congress a much more direct role in any changes that might occur during the upcoming year. And it does, I think, acknowledge the very important criteria beyond simply the question of appropriate levels of fuel economy—criteria like safety, criteria like employment. Criteria that relate to our economy would also be taken into consideration.

So I believe this makes sense as now submitted to this body. I hope we can quickly act on it.

The PRESIDING OFFICER. The question is on agreeing to the motion, as modified.

The motion, as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUE conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada had a question about the duration of the motion that

was just agreed to. It probably would have been better to have stated that it expires on September 30, 2001, as does the entire bill on that date. I know he wished my assurance and the assurance of the people on the other side, Senator LEVIN, that it is our intention, and we will make that clear in any final conference committee report that this is a 1-fiscal-year provision only and that the entire provision expires at the end of fiscal year 2001.

Mr. BRYAN. Mr. President, I thank the Senator for his comments. To be sure, we are saying the entire provision, as I understand the observation of the Senator from Washington, all the language incorporated in this motion will expire September 30, 2001.

Mr. GORTON. The Senator is correct.

Mr. BRYAN. May I ask the Senator one other question?

Mr. GORTON. Certainly.

Mr. BRYAN. There was some discussion about the use of the words "recommend" and "proposed." Can the Senator state his intention with respect to that language?

Mr. GORTON. The Senator from Michigan asked we use "recommend" rather than "proposed." I think it is a distinction without a difference. The operative language here is nothing can go into effect unless Congress has approved it. Whether it comes in the form of a recommendation from the Department of Transportation or proposal from the Department of Transportation, Congress has to approve it.

Mr. LEVIN. Will the Senator yield?

Mr. BRYAN. I will be happy to yield to the Senator from Michigan.

Mr. LEVIN. Perhaps our recollection is different, but I am not sure it makes a major difference. My recollection is in the original draft of this motion, the Senator from Washington had used the word "recommend." I may be wrong on this, but this is my recollection, which I have shared with my good friend from Nevada so we are all straight with each other, as we always are.

The word at some point was changed to "proposed," and then a number of us on this side of the issue urged the word "recommend" be used instead of "proposed" to avoid any implication that this was a proposed rulemaking. That was the reason that word did have some relevance. There is no intention here that there be a proposed rulemaking which be authorized in any way by this motion. The word "proposed" could create an implication which was unintended, whereas the word "recommend" does not have that implication.

That was my recollection. If I am wrong on that, then I certainly want my friend from Nevada to know historically that was my recollection, and that is what I represented to him.

Mr. BRYAN. I appreciate the explanation of the Senator from Michigan. I say with great respect, I believe and I

recall—and I may be in error as well—that the language "proposed" was originally offered by my friend from Michigan. I know he has a different recollection, and we are not, obviously, going to resolve it. I know he has been acting in good faith, and I know he knows I have been asking in good faith.

Mr. LEVIN. That question, of whether the words "recommend" or "proposed," in any event, was explicitly discussed among all of us who were involved in this revised motion, and it was important to those of us who opposed the original motion that the word "recommend" be used for the reason I just gave.

If the recollection of the Senator from Washington is the word "proposed" originally was made by me, if in fact that is true, so be it. That is not my recollection. Nonetheless, it did become an issue in discussion whether the word be "proposed" or "recommend," and it became important to those of us opposing the motion that the word "recommend" be used to avoid that implication which everybody said was not intended.

Mr. GORTON. In one minor respect, the senior Senator from Michigan is in error. My own handwritten first draft said "proposed." I simply acceded to the recommendation of the Senator from Michigan that we use the word "recommend."

Clearly, what we are speaking about is the promulgation of a rule, and nothing can be promulgated by the Department of Transportation without approval of a joint resolution of Congress. So whether it recommends or proposes, they are going to have to come here before any rule takes place.

In connection with my earlier answer, all of these bars are off in a year. We will be right back here next year, I hope maybe not debating the same issue. I hope we may have been able to reach a conclusion on it.

Finally, the point of all these words, what we are now doing is instructing our conferees to a conference with the House of Representatives, and it is the words and the requirement that come out of that conference committee, of course, that will govern actual future action.

My intention as a member of that conference committee, and perhaps the only one in this colloquy who is a member of that conference committee, will be to see to it that we have a very thorough study of this subject. I hope, like my colleagues from Michigan, that it will recommend stronger corporate average fuel economy standards, but I am willing to listen to the experts in that connection. If it does, I will support them in this body, but if something else happens, we will be debating this issue again next year. The law that applies to corporate average fuel economy standards today will apply when this fiscal year is over once

again, and the same kind of rule-making will take place then.

I hope I have not spoken too long on this subject, but I think we ought to get on with it now and do the job that needs to be done.

Mr. ABRAHAM. Mr. President, I wish to indicate I was actually speaking on the floor at the time that the initial exchange of documents took place, but from the point at which I concluded my remarks and began discussing this issue with the Senator from Michigan and the Senator from Washington, it was certainly my understanding that the intention, and certainly our side's intention, in urging the word "recommend" be employed was to make precisely the distinction which my colleague from Michigan just indicated. Certainly there was an important element to that change from my point of view, as I know there was from his.

I am hopeful as the process moves forward that it will do so in the constructive way we have outlined. We ought to make clear a rulemaking procedure is where "a proposed set of rules" would be the term of art used. For a study, which is what we intended here—a recommendation is different from the proposal that might stem from an actual rulemaking. That is my interpretation of the discussions in which I at least took part.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I have a statement on behalf of the majority leader.

I ask unanimous consent that immediately following the disposition of the motion to instruct the conferees, the Senate turn to the e-signatures conference report under the previous consent.

I further ask consent that when the Senate resumes the DOD authorization bill at 3 p.m. on Monday, it be considered under the following terms:

That the pending B. Smith amendment and the Warner amendment be laid aside and Senator KENNEDY be recognized to offer his amendment regarding hate crimes, and immediately following that offering, the amendment be laid aside and Senator HATCH or his designee be recognized to offer his hate crimes amendment.

I further ask that the two amendments be debated concurrently and that no amendments be in order to either amendment prior to the votes in relation thereto and that the vote occur in relation to the Hatch amendment to be followed by the Kennedy amendment following the vote in relation to the Murray amendment on Tuesday.

I also ask that at 9:30 a.m. on Tuesday, Senator DODD be recognized to offer his amendment relative to a Cuba commission and there be 120 minutes

equally divided on the amendment prior to a motion to table and no amendments be in order prior to the vote, with the vote occurring in a stacked sequence following the two votes ordered regarding hate crimes.

I further ask consent that at 11:30 a.m. on Tuesday, the Dodd amendment be laid aside and Senator MURRAY be recognized to offer her amendment relative to abortions and there be a time limit of 2 hours under the same terms as outlined above with the vote occurring at 3:15 p.m. on Tuesday.

I further ask consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday in order for the weekly party conferences to meet.

I also ask that there be 4 minutes of debate prior to each vote in the voting sequence on Tuesday and no further amendments be in order prior to the 3:15 p.m. votes.

I finally ask consent that the Senate proceed to S. 2522, the foreign operations appropriations bill following the disposition of the above mentioned amendments and any amendments thereto and no call for the regular order serve to displace this bill, except one made by the majority leader or minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COM- MERCE ACT—CONFERENCE RE- PORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 761), to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes, having met, after full and free conference, have agreed that to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings at pages H4115-18 of the RECORD of June 8, 2000.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I promised I would not go in front of Senator WYDEN.

I yield to the Senator from Oregon.

Mr. MCCAIN. How long does the Senator from Oregon need?

Mr. WYDEN. I was contemplating speaking about 5 minutes. But, again, I

do not want to inconvenience my colleagues.

Mr. MCCAIN. I yield 5 minutes to the Senator from Oregon, followed by 2 minutes to the Senator from Massachusetts, and then those of us on the beleaguered majority will have our say.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the conference agreement on digital signatures that is going to be overwhelmingly approved tomorrow morning may be the big sleeper of this Congress, but it certainly was not the "big easy."

The fact of the matter is, when we started on this in March of 1999, Senator ABRAHAM and I envisioned a fairly simple interim bill. We were looking at electronic signatures to make sure that in the online world, when you sent an electronic signature, it would carry the same legal weight as a "John Hancock" in the offline world.

But as we prepared—after this passed the Commerce Committee—to move forward with a pretty innocuous bill, the financial services and insurance industries came to us with what we thought was a very important and thoughtful concept; and that was to revolutionize e-commerce, to go beyond establishing the legal validity of e-signatures to include electronic records, keeping important records electronically. We were told by industry—and correctly so—that this would give America a chance to save billions and billions of dollars and thousands of hours, as our companies chose to spend their funds on matters other than paper recordkeeping.

At the same time, the consumer groups that sought this proposal were extremely frightened. They saw this as an opportunity for unscrupulous individuals to come on in and rip off senior citizens, to foreclose on people's homes, to cut off health insurance, and things of that nature, by just perhaps an e-mail into cyberspace.

Chairman MCCAIN is here. This is truly a bipartisan effort in every respect. I had a chance to work with my senior colleagues on this side, Senator LEAHY, Senator HOLLINGS, Senator SARBANES, and our friend Senator KERRY, who is here. And let me tell you, it ultimately took three Senate committees 8 months and thousands of hours to get it done. We had to bring together key principles of what is known as the old economy, such as consumer protection and informed consent, and fuse them together with the principles of the new economy and the online world, and the chance to save time and money through electronic records and electronic signatures.

What we tried to say, on this side of the aisle, and what we were able to get a bipartisan agreement around, is the proposition that consumer rights are not virtual rights. We have to make sure—and we have it in this legislation—that the protections that apply

offline would apply online. We were able to do it without enduring all kinds of unnecessary redtape and bureaucracy. I wanted the bill to unleash the potential of electronic signatures and records for industry without shattering a cornerstone of American commerce: the right of individual consumers to have meaningful and informed consent and to keep accurate records of their contracts and transactions.

I believe the conference agreement before the Senate has met the challenge of protecting consumer rights in the new economy.

Consumer rights are not virtual rights. Consumers must enjoy the same basic rights in the online world as they have in the off-line world. Through the electronic consumer consent provision in Section 101(c) that I authored with Senators LEAHY, HOLLINGS and SARBANES, I believe we have adequately translated offline consumer protections into online consumer protections.

Let me just spend a minute describing this key provision of the conference agreement. This provision requires that consumer consent must be meaningful. We all know of cases where someone said, "Just e-mail me that document," only to have that person call later, saying "Gee, I couldn't open the document, can you fax it to me?" I can't recall how many times this exact thing happened to our own staff during the negotiation of this agreement.

Meaningful consumer consent doesn't mean being given a pageful of hardware and software specification gobbledegook. It means consenting electronically so that a consumer knows he or she can receive, read and retain the information in an electronic record.

Section 101(c) provides that if a statute, regulation or other rule of law requires that information relating to a transaction be provided or made available to a consumer in writing, the vendor can use electronic means if the consumer, prior to consenting, has been given a clear and conspicuous statement of his or her rights. The consumer must be informed of the option of getting the record on paper, and what the consequences are if he or she later withdraws the electronic consent in favor of returning to paper records. Some vendors, for example, may be able to achieve considerable savings by using electronic records, and offer customers a much more attractive price for doing business online rather than through traditional paper and snail mail. But a vendor might not want to be locked into a lower price if the buyer reverts to paper later in the life of the contract. This provision will assure a consumer will be informed up front of any change in the cost if the consumer withdraws consent to receive records electronically subsequent to consummation of the contract. This could happen, for instance, if a consumer finds he cannot access the docu-

ments electronically, or the vendor chooses to upgrade his software and the consumer does not want to go to the expense of upgrading his system to accommodate the change.

The consumer must also be informed of the hardware and software necessary to access and retain records electronically, how to withdraw electronic consent, how to update information needed to contact the consumer electronically, the categories of records that will be provided or made available electronically, how a consumer may request a paper copy of an electronic record and whether a fee will be charged for such copy. If a vendor changes the electronic system used to obtain the original consent electronically, the vendor must obtain the consent electronically again using the new system and the same two-way consent process.

Most importantly, the consumer must consent electronically or confirm his or her consent electronically in a manner that reasonably demonstrates that the consumer can access the information in the electronic form that will be used to provide the information. This is critical. "Reasonably demonstrates" means just that. It means the consumer can prove his or her ability to access the electronic information that will be provided. It means the consumer, in response to an electronic vendor enquiry, actually opens an attached document sent electronically by the vendor and confirms that ability in an e-mail response.

It means there is a two-way street. It is not sufficient for the vendor to tell the consumer what type of computer or software he or she needs. It is not sufficient for the consumer merely to tell the vendor in an e-mail that he or she can access the information in the specified formats. There must be meaningful two-way communication electronically between the vendor and consumer.

At the heart of these provisions is the concern—shared by many in the industry as well—that electronic communication, e-mail, is not as reliable or as ubiquitous as traditional first class mail. Until advances in electronic mail technology eliminate such concerns and until the vast majority of Americans are comfortable using the technology of the New Economy, consent to use electronic records requires special care and attention. Because of such concerns, there are some areas where the use of electronic notice and records are simply not appropriate today. Section 103 of the conference agreement recognizes this by continuing to require paper notice. These areas include shutting off a consumer's utilities, canceling or terminating health insurance or benefits or life insurance benefits, foreclosing on someone's primary residence, recall of a product that risks endangering health or safety and docu-

ments required to accompany the transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials. What happens, for example, if a hazmat truck loaded with toxic waste spills its cargo, endangering a community, and the only notice about the hazardous cargo was posted on the company's website? Is it fair to allow a mortgage lender to foreclosure on someone's home just because their ISP went out of business and they weren't receiving their payment notices electronically? The exceptions we fought for in this section of the conference agreement will protect consumers.

Before paying tribute to those who worked so hard on this bill, I believe it is important to the legislative history to say a brief word about the process. This is necessary because, unfortunately, statements are being made or inserted in the RECORD and colloquies are being offered that seek to weaken, undermine and even directly contradict the actual words of the text of the Conference Agreement. This appears to come from some quarters that do not share the majority view of those who signed the Conference documents. As one of the principal sponsors of the Senate measures, S. 761, I am compelled to point out that the actual text of the legislation can and should stand on its own.

The negotiations that led to the final legislative document were very difficult and contentious. Because of this, part of the agreement on the final language included a commitment—a sort of "gentleman's agreement" if you will—from all the signers of the Conference Agreement not to prepare the normal Statement of Managers that accompanies a Conference document. There is no Statement of Managers for S. 761, and no one should pretend there is. As one of the key managers for the Senate, I can attest that I did not participate in negotiating such a document, nor did I acquiesce to one prepared by another party or parties or sign one.

The conference agreement is the product of many, many long days and nights of negotiations. Commerce Committee Chairman MCCAIN, Ranking Democrat Senator HOLLINGS, Senators LEAHY and SARBANES, and Senator ABRAHAM all contributed to this product. The efforts of our distinguished colleagues in the House, Commerce Committee Chairman BILEY and Ranking Democrat JOHN DINGELL, were critical in this process. I would also like to recognize some of the key staff and Administration officials who did yeoman work to produce this agreement. In particular, Senator HOLLINGS' Counsel, Mosses Boyd, and his Commerce Committee Staff Director, Kevin Kayes, Senator LEAHY's outstanding Judiciary counsel, Julie Katzman, Senator SARBANES' Banking Staff, Marty

Gruenberg and Jonathan Miller. Chairman McCain's very able and patient counsel, Maureen McLaughlin, and Senator ABRAHAM's lead staffer on this bill, Kevin Kolevar. Sarah Rosen-Wartell of the White House staff and Commerce Department General Counsel Andy Pincus also deserve praise for their hard work on this bill.

This conference agreement came perilously close on more than one occasion to running off the rails, but each time the will was found to resume negotiations and try to bring the conference to a close. This is also a tribute to the hard work of a handful of consumer and industry groups who did not want to give up on the process. I urge my colleagues to vote for this agreement, which lays another important cornerstone for electronic commerce.

At the end of the day, this is not a perfect bill. I do not think any of the conferees would argue that it is. But it is a very good bill. It is a very good bill because, as a result of three Senate committees and thousands of hours, we took key principles of what was known as the old economy—consumer protection, informed consent, making sure that the vulnerable, the elderly, and people for whom the home and health care are lifeline concerns—we ensured that they will be protected, while at the same time allowing those in the financial services industry, who came to us with sensible suggestions for saving time and money—by taking records from paper to the electronic world—to have their concerns addressed, while at the same time being true to fundamental values of consumer protection and the fusing together of the new and the old economy. That is what I think makes this legislation so special.

Chairman McCain is here. He and his staff did an extraordinary job, as did Senator ABRAHAM. I cannot say enough good things about four senior Democrats—Senator LEAHY, Senator SARBANES, Senator HOLLINGS, and Senator KERRY—because they helped us champion those consumer protection principles that were so important and helped us get this bill done right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I join my colleague from Oregon in expressing support for what we have achieved here. I begin by thanking Senator McCain, Senator SARBANES, and Senator HOLLINGS for their leadership. They helped to create the climate within which we were able to finally get together with the House leadership.

But also I thank the distinguished Senator from Oregon. He is extraordinarily knowledgeable in this arena and very creative. And he works hard at it. He really has helped to shape the outcome of this in a significant way. I think he has done a very good job of outlining the tensions that existed here.

Many of us thought, at the outset of this endeavor, that we could accomplish this quickly. We ran into, as he said, complications along the road. The key to many of us was that even as we provided the legal capacity for electronic signatures to take place and certain recordkeeping to take place, we did not want to diminish the rights of our citizens to have access to information about them, we did not want their ability to be able to make corrections to be diminished somehow. We did not want to diminish their right to know about themselves or about their own transactions in a way that would diminish their position in the marketplace. And that is a difficult thing. We worked through that. I think we are still going to be working through that for some time.

But the important thing is that this phenomenon, this revolution that is taking place in America and across the globe in how we do business, needed to be—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. Will the Senator yield me 30 more seconds?

Mr. McCain. I yield the Senator 30 more seconds.

Mr. KERRY. That revolution needed to be able to continue in its most creative form and, frankly, with the best upside possible for the people to whom we are all accountable, who are the consumers, the citizens, and the people who ultimately we want to have benefit from this. I think this legislation is very positive in that regard.

I thank the chairman of the Commerce Committee, Senator McCain, for his leadership and his courtesy in letting the usually mostly abused and beleaguered minority take a dominant position at the outset of the debate. It is characteristic of him that he allowed us to do that. It is a very momentary glimpse of freedom we are not used to. We thank him for that. It is just whetting our appetite and only makes us work harder to have that dominant position forever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I appreciate both my friend from Oregon and my friend from Massachusetts for their work on this bill. I appreciate their comments. It is a great pleasure to work with both of them on the Commerce Committee.

I think sometimes it is worthy of note, in these days of tension, that on the Commerce Committee we have a great habit of working in a bipartisan fashion. I would argue that no bill that I know of has been reported out of our committee that was not a bipartisan effort. No bill has been reported out, that I know of in the years that I have been the chairman, that was strictly along party lines.

Mr. President, tonight the Senate considers the conference report for S. 761, the Electronic Signatures in Global and National Commerce Act. Before I summarize the bill, I want to note for the RECORD the importance of this measure.

The bipartisan legislation would be a significant achievement for this Congress and the American people. Today in America we are in the midst of a phenomenal transformation from the industrial age to the information age.

Even as we speak, Americans are on the Internet, browsing, researching, and experiencing in ever-greater numbers. They are also buying. In fact, electronic commerce is one of the principle engines driving our Nation's unprecedented economic growth. For example, Forrester Research has estimated that consumer spending online will total \$185 billion by 2003. During this past holiday season alone, online merchants transacted an estimated \$5-7 billion dollars worth of commerce—a 300% increase in business from 1998.

But one great barrier to the continued growth of Internet commerce is the lack of consistent, national rules governing the use of electronic signatures. A majority of States have enacted electronic authentication laws, but no two of these laws are the same. This inconsistency deters businesses and consumers from using electronic signature technologies to authorize contracts or transactions.

This bipartisan legislation can eliminate this unnecessary barrier to the growth of electronic commerce by providing consistent, fair rules governing electronic signatures and records.

This bill will do the following:

It would ensure that consistent rules for validating electronic signatures and transactions apply throughout the country. Thus providing industry with the legal certainty needed to grow electronic commerce.

It empowers businesses to replace expensive warehouses full of awkward and irreplaceable paper records with electronic records that are easily searched or duplicated. Moreover, State and Federal agencies are prohibited from requiring a business to keep paper records except under extreme circumstances—where they can show a compelling government interest. To prevent abuses of electronic recordkeeping, however, the bill also authorizes regulatory agencies to define document integrity standards that are necessary to insure against fraud.

It would also ensure that private commercial actors get to choose the type of electronic signatures that they want to use. This will ensure that the free market—not government bureaucrats—will determine which technologies succeed. To that end, the legislation also prohibits States or Federal agencies from according "greater legal status or effect" to one specific technology.

And this bill recognizes that without consumer confidence, the Internet can never reach its full potential. Thus, this bill empowers consumers to conduct transactions or receive records electronically without foregoing the benefits of State consumer disclosure requirements.

Specifically, the bill would provide that when consumers choose to conduct transactions or receive records electronically, electronic records can satisfy laws requiring a written consumer disclosure if: consumers have been given a statement explaining what records they are agreeing to receive electronically, the procedures for withdrawing consent, and any relevant fees, and consumers consent, or confirm consent electronically, in a manner that reasonably demonstrates that they can actually access the information.

The goal of these consumer protection provisions is basic fairness. To that end, if a business changes hardware or software requirements in a way that precludes the consumer from accessing or retaining the records, the consumer can withdraw consent—without a fee.

But the bill also ensures that these consumer protections do not become unduly burdensome as technology advances. Thus, for example, the bill provides that a Federal regulatory agency can exempt categories of records from the consumer consent provisions if this would eliminate a substantial burden on e-commerce without jeopardizing consumers.

I also note that the bill directs the Secretary of Commerce and the Federal Trade Commission to report to Congress on the benefits and burdens of the bill's consumer protection provisions. It also directs the Secretary of Commerce to report to Congress within 12 months on the effectiveness of delivering consumer notices via email.

This is important legislation, and my colleague from Michigan, Senator ABRAHAM, is to be commended for his foresight in introducing this legislation. He is responsible for the formulation of it. He has shepherded it through for many months. I commend him for his work on this legislation. It is safe to say this legislation and conference report would not be here today if not for the efforts of Senator ABRAHAM. I also commend Senators STEVENS, BURNS, WYDEN, LEAHY, HOLLINGS and SARBANES for their commitment to bipartisan agreement on the critical issues raised by this legislation. And, I thank Chairman BLILEY and ranking member DINGELL in the House, for their dedication and leadership on this issue.

Reaching a bipartisan agreement on the issues raised by this legislation has not been easy. In fact, the conferees to this bill have spent months considered the often-conflicting views of various

industries, consumer protection groups, State governments and federal agencies.

Needless to say, the bill that emerged from this broad and contentious process had to try to strike a fair balance between the often-conflicting interests of these groups. As a result, some factions may have had doubts about the bill because they thought that a narrower or partisan legislative process might have produced a bill more slanted towards their narrow interests.

But that sort of thinking is short-sighted and fatally flawed: Where this legislation is concerned, a narrow or partisan approach would have jeopardized the growth of electronic commerce. This would have harmed businesses, consumers and the national economy—including the same special interests that a narrower approach might have sought to favor.

We must recognize that this bill represents one step in the continuing—and unfinished—process of integrating electronic transactions and the Internet into the mainstream of American commerce. This process of integration must continue if we are to continue to enjoy the unprecedented economic growth that e-commerce and technology have helped bring to this country.

But electronic commerce cannot continue to grow and develop without broad support from consumers, businesses and governments. Consumers will not support electronic commerce if they discover that electronic transactions strip them of traditional protections.

Nor will businesses support electronic commerce if they cannot realize the cost savings it offers. Finally, governments may not enact laws supporting electronic commerce should such transactions strip their citizens of rights that they have previously enjoyed.

Electronic signatures legislation must, therefore, balance the interests of these various groups without unduly favoring any of them: it must give electronic commerce the certainty it needs to grow while preserving the consumer protections that States have chosen to apply in paper-based commercial transactions.

The broad and bipartisan support enjoyed by this legislation is the surest sign that it has achieved its most important objective: It has struck a fair balance between competing interests that will ensure continued broad support for the growth of electronic commerce.

Mr. President, the Electronic Signatures in Global and National Commerce Act is a positive, confidence-creating tool that will allow the Internet to continue to develop towards its full potential as a conduit for information, communication and commerce. It will enable businesses and consumers alike

to rely on digital signatures regardless of their physical location. Uniform standards for digital signatures will decrease costs while increasing certainty and consumer confidence. The value of these public benefits should not be underestimated.

In closing, I want again to thank Chairman BLILEY, and Ranking Member DINGELL in the House for all of their work. In the Senate, I note the hard work of the ranking member of the committee, Mr. HOLLINGS, Senator WYDEN, and others. Without their efforts this bill would not be before us today. I especially, again, recognize the incredible job done by Senator ABRAHAM, the original sponsor of the legislation, the original shepherd, the person who played a key and vital role in the formulation of these final agreements.

Given the importance of these issues to consumers, businesses and our global economy, I urge my colleagues to support this legislation.

I ask unanimous consent that a listing of the groups that support S. 761 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT S. 761

1. Business Software Alliance.
2. Microsoft.
3. America Online.
4. Information Technology of America.
5. American Express Company.
6. DLJDirect.
7. American Bankers Association.
8. Citigroup.
9. Information Technology Industry Council.
10. American Electronics Association.
11. Fannie Mae.
12. Freddie Mac.
13. National Association of Realtors.
14. Oracle.
15. Cable & Wireless.
16. Sallie Mae.
17. US Chamber of Commerce.
18. Real Estate Roundtable.
19. Consumer Mortgage Coalition.
20. Mortgage Bankers Association.
21. Electronic Financial Services Council.
22. Intuit.
23. Federal Express.
24. National Association of Manufacturers.
25. Coalition for Electronic Authentication.
26. America's Community Bankers.
27. Investment Company Institute.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally considering the conference report on S. 761, "The Electronic Signatures in Global and National Commerce Act". I wish that we could pass it tonight. Tomorrow, when the delayed vote occurs, I will be in Vermont. While I am never sorry to be in Vermont, I will regret missing the final tally. I was honored to serve as a conferee and help develop the conference report. I signed the conference report and support its final passage. I go back to my native State secure in the knowledge that it will pass overwhelmingly.

This legislation is intended to permit and encourage the continued expansion of electronic commerce and to promote public confidence in the integrity and reliability of online promises. These are worthy goals, and they are goals that I have long sought to advance.

For example, in the last Congress, many of us worked together to pass the Government Paperwork Elimination Act, which established a framework for the federal government's use of electronic forms and electronic signatures. Many of us have worked together in a successful bipartisan effort to promote the widespread use of encryption and relax out-dated export controls on this critical technology for ensuring the confidentiality and integrity of online communications and stored computer information. In areas as diverse as enhancing copyright and patent protections for new technologies and updating our criminal laws to address new forms of cybercrime, we have been able to work together in a constructive, bipartisan way to make real progress on a sound legal framework for electronic commerce to flourish.

The conference report is the product of such bipartisan cooperation. I think we all know that there were some bumps along the way. At one point, industry representatives were warned against even speaking with any Democrats. But the final product is bipartisan. It is an example of Congress at work rather than at loggerheads. It is legislators legislating rather than politicians posturing and unnecessarily politicizing important matters of public policy.

I commend Chairman BLILEY and Chairman MCCAIN for making this a real conference, in which all conferees, Republican and Democratic, had an opportunity to air their concerns and contribute to the final report. We all might have written some provisions differently, but the conference report is a solid and reasonable consensus bill that will establish a Federal framework for the use of electronic signatures, contracts, and records, while preserving essential safeguards protecting the Nation's consumers.

The conference report adheres to the five basic principles for e-sign legislation articulated by the Democrat Senators in a letter dated March 28, 2000.

It ensures effective consumer consent to the replacement of paper notices with electronic notices.

It ensures that electronic records are accurate, and relevant parties can retain and access them.

It enhances legal certainty for electronic signatures and records and avoids unnecessary litigation by authorizing regulators to provide interpretive guidance.

It avoids unintended consequences in areas outside the scope of the bill by providing clear federal regulatory authority for records not covered by the bill's "consumer" provisions.

And, it avoids facilitating predatory or unlawful practices.

These principles are not rocket science but are simply intended to ensure that the electronic world is no less safe for American consumers than the paper world. The American public has enough concern when they go online. They worry whether their privacy will be protected, whether a damaging computer virus will attack their computer, whether a computer hacker will steal their personal information, adopt their identity and wreak havoc with their good names, or whether their kids will meet a sexual predator. These worries are all serious drags on electronic commerce.

An AARP survey of computer users over the age of 45 released on March 31st found that almost half of respondents already think that electronic contracts would give them less protection than paper contracts, while only one-third believe they would have the same degree of protection. With this conference report, we have avoided aggravating consumers' worries. Companies doing business online want to reassure consumers and potential customers that their interests will be protected online, not heighten their concern about electronic commerce. Our conference report should be helpful in this regard.

Mr. President, the United States has been the incubator of the Internet through its infancy. The world closely watches whenever we debate or enact policies that affect the Internet, and that is another reason why we must act carefully and intelligently whenever we pass Internet-related laws. What we have produced here is the charter for the next growth phase of e-commerce, and this bill will be closely read and widely emulated. Because of the potential this bill had for eviscerating scores of basic state consumer protection laws that most Americans today take for granted, this bill also has presented us with perhaps the most significant consumer issues of a decade or longer—not for what, thank goodness, this bill is in its final form, but for what this bill nearly became in its earlier stages. To the benefit of consumers and in the interest of the smooth and sensible forward progress of Internet commerce, this bill largely strikes a constructive balance. It advances electronic commerce without terminating or mangling the basic rights of consumers.

Before I discuss specific provisions of the conference report, I note that I saw in the CONGRESSIONAL RECORD of the House proceedings a statement by Chairman BLILEY that is formatted like a managers' statement of a conference report. I feel I must clarify that those are Mr. BLILEY's views, not a statement of the managers. In fact, I saw it for the first time today, when I picked up the CONGRESSIONAL RECORD, and have not yet had a chance to study it thoroughly.

I will now describe how the conference report gives effect to the Democratic Senators' five basic principles.

First, the conference report will ensure informed and effective consumer consent to the replacement of paper notices and disclosures with electronic notices and disclosures, so that consumers are not forced or tricked into receiving notices and disclosures in an electronic form that they cannot access or decipher.

Under the House bill, a business could obtain a consumer's "consent" simply by specifying the hardware and software needed to access the notices and disclosures. This approach would have done little or nothing to protect technologically unsophisticated consumers, who may not know whether they have the necessary hardware and software even if the technical specifications are provided.

I maintained that any standard for affirmative consent must require consumers to consent electronically to the provision of electronic notices and disclosures in a manner that verified the consumer's capacity to access the information in the form in which it would be sent. Such a mechanism provides a check against coercion, and additional assurance that the consumer actually has an operating e-mail address and the other technical means for accessing the information.

Section 101(c) of the conference report requires the use of a technological check, while leaving companies with ample flexibility to develop their own procedures. The critical language, which Senator WYDEN and I developed and proposed, provides that a consumer's consent to the provision of information in electronic form must involve a demonstration that the consumer can actually receive and read the information. Section 101(c) also provides that if there is a material change in the hardware or software requirements needed to access or retain the information, the company must again verify that the consumer can receive and read the information, or allow the consumer to withdraw his or her consent without the imposition of any conditions, consequences or fees. In addition, prior to any consent, a consumer must be notified of his or her rights, including the right to receive notices on paper and any available option for reverting to paper after an electronic relationship has been established.

Senator GRAMM has criticized the conference report on the ground that its technological check on consumer consent unfairly discriminates against electronic commerce. But those most familiar with electronic commerce have never seriously disputed the need for a technological check. In fact, many high tech firms have acknowledged that it is good business practice

to verify that their customers can open their electronic records, and many already have implemented some sort of technological check procedure. I am confident that the benefits of a one-time technological check far outweigh any possible burden on e-commerce, and it will greatly increase consumer confidence in the electronic marketplace.

Let me make special note of section 101(c)(3), a late addition to the conference report. Without this provision, industry representatives were concerned that consumers would be able to back out of otherwise enforceable contracts by refusing to consent, or to confirm their consent, to the provision of information in an electronic form. At the same time, however, companies wanted to preserve their autonomy as contracting parties to condition their own performance on the consumer's consent. For example companies anticipated that they might offer special deals for consumers who agreed not to exercise their right to paper notices. Section 101(c)(3) makes clear that failure to satisfy the consent requirements of section 101(c)(1) does not automatically vitiate the underlying contract. Rather, the continued validity of the contract would turn on the terms of the contract itself, and the intent of the contracting parties, as determined under applicable principles of State contract law. Failure to obtain electronic consent or confirmation of consent would, however, prevent a company from relying on section 101(a) to validate an electronic record that was required to be provided or made available to the consumer in writing.

I should also explain the significance of section 101(c)(6), which was added at the request of the Democratic conferees. This provision makes clear that a telephone conversation cannot be substituted for a written notice to a consumer. For decades, consumer laws have required that notices be in writing, because that form is one that the consumer can preserve, to which the consumer can refer, and which is capable of demonstrating after the fact what information was provided. Under appropriate conditions, electronic communications can mimic those characteristics; but oral notice over the telephone will never be sufficient to protect consumer interests.

Second, the conference report will ensure that electronic contracts and other electronic records are accurate and that relevant persons can retain and access them. Consumers must be able to retain electronic records and must have some assurance that they provide reasonable guarantees of the accuracy and integrity of the information that they contain.

Under section 101(e) of the conference report, the legal effect of an electronic contract or record may be denied if it is not in a form that can be retained

and accurately reproduced for later reference and settlement of disputes. This means that the parties to a contract may not satisfy a statute of frauds requirement that the contract be in writing simply by flashing an electronic version of the contract on a computer screen. Similarly, product warranties must be provided to purchasers in a form that they can retain and use to enforce their rights in the event that the product fails.

Third, the conference report will enhance legal certainty for electronic signatures and records and avoid unnecessary litigation by authorizing Federal and State regulators to provide interpretive guidance. Even with the representation on this conference of Members from committees of varied jurisdiction, we could not begin to think of every circumstance that might arise in the future as to which this legislation will apply. It was therefore essential to provide regulatory agencies with sufficient flexibility and interpretive authority to implement the statutes modified by the legislation.

Most importantly, the conference report preserves substantial authority for Federal and State regulators with respect to record-keeping requirements. In a letter dated May 23, 2000, the Department of Justice expressed concern that an early draft of the conference report, produced by certain Republican conferees, would "seriously undermine the government's ability to investigate, try and convict criminals who alter or hide required records in programs such as Medicare, Medicaid, and federal environmental laws." The Department explained:

Record Retention. As presently drafted, the bill leaves the public at risk for serious waste, fraud, and abuse. For example, under the current bill, there is nothing to prevent a Medicare contractor from retaining its financial records on a spreadsheet (such as Excel or Quattro Pro). However, because those programs generally contain no security features to monitor changes to the files they create, anyone could change one number on a spreadsheet, which would then change all other numbers affected by the impermissible entry, reflecting a financial picture different from the reality. The government could have its hands tied in seeking to establish rules to ensure that such records could not be altered.

The Department's concerns regarding the Federal Government were shared by the States, whose regulators need and deserve the same flexibility as Federal regulators. This is particularly true in areas where the States are the primary regulators, as they are with respect to insurance and State-chartered banks. Having pressed this point throughout the conference, I am pleased that the final report treats Federal and State regulators with equal respect, and that it has won the support of the National Conference of State Legislatures.

Under earlier drafts of this conference report, as in H.R. 1714 as passed

by the House, a requirement that a record be retained could be met by retaining an electronic record that accurately reflected the information set forth in the record "after it was first generated in its final form as an electronic record." By striking that final phrase, we made clear that agencies, through their interpretive authority, can ensure that electronic records remain accurate throughout the period that they are required by law to be retained. For additional certainty, we expressly authorized agencies to set performance standards to assure the accuracy, integrity, and accessibility of records that are required to be retained and, if necessary, to require retention of a record in paper form. We also delayed the effective date of the Act with respect to record retention requirements, to give agencies time to put in place appropriate regulations designed to assure effective and sustainable record retention, and to prevent companies from retaining materials in any easily alterable form that they chose until regulations are forthcoming. Together, these changes will avoid facilitating lax record-keeping practices that could impede the enforcement of program requirements, anti-fraud statutes, environmental laws, and many other laws and regulations.

Fourth, the conference report will avoid unintended consequences for laws and regulations governing "records" outside its intended focus on business-to-consumer and business-to-business transactions. I was seriously concerned that the sweeping legislation passed by the House would allow hazardous materials transporters to provide truckers with the required description of the materials via electronic mail, so that key information might not be available to clean-up crews in the event an accident disabled the driver. Similarly, I worried that the House bill would allow employers to provide OSHA-required warnings on a Web site rather than on a dangerous machine.

The conference report raises no such concerns. For one thing, it specifically excludes from its scope any documents required to accompany the transportation or handling of hazardous materials, pesticides, and other toxic or dangerous materials. For another thing, it expressly preserves all Federal and State requirements that information be posted, displayed or publicly affixed. In addition to allaying concerns about OSHA-warnings, this provision ensures that the bill will not inadvertently undermine Federal and State labeling requirements, such as requirements that poisonous products be labeled with the skull and crossbones symbol.

Perhaps more importantly, the scope of the legislation has been narrowed. As reported by the conference committee, the bill covers signatures, contracts and records relating to a "transaction" in or affecting interstate or

foreign commerce, with the critical term—"transaction"—defined to mean "an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons." The conferees specifically rejected including "governmental" affairs in this definition. Thus, for example, the bill would not cover records generated purely for governmental purposes, such as regular monitoring reports on air or water quality that an agency may require pursuant to the Clean Air Act, Clean Water Act, Safe Drinking Act, or similar Federal or State environmental laws.

Fifth and finally, the conference report avoids the problem created by many earlier drafts, including the House bill, of potentially facilitating unfair and deceptive practices. It does this through a broad savings clause which clarifies that the bill does not limit any legal requirement or prohibition other than those involving the writing, signature, or paper form of a contract. Laws—including common law rules—that prohibit fraud, unfair or deceptive trade practices, or unconscionable contracts are not affected by this Act. A wrongdoer may not argue that fraudulent conduct that complies with the technical requirements of section 101(c) is beyond the reach of anti-fraud laws. By the same token, a consumer is always entitled to assert that an electronic signature is a forgery, was used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form.

This legislation has come a long way in conference. It is far from the reckless bill it was in danger of becoming. Still, it is far from perfect. As a general matter, I believe it may still be unduly preemptive of State regulatory and record-keeping authority. It is ironic that the same Members who claim to be vigilant guardians of States' rights are so quick to impose broad Federal mandates on the States when it suits their political interests. The majority has failed to explain why the expansion of the Internet justifies jettisoning the federalist principles that have governed our Republic for more than two centuries. I have worked hard, in connection with this bill and others, to preserve State authority in areas traditionally reserved to the States, particularly where there is no conflict between the Federal goals and State jurisdiction. We should preempt State authority only when there is a demonstrated need to establish a national standard, and even then, only for as long as is necessary.

That being said, the conference report appropriately rejects the massively preemptive approach taken by earlier versions of this legislation, including the House-passed bill. As the National Governors' Association ob-

served in a letter to Congress dated March 14, 2000, "H.R. 1714's ambiguity with respect to preemption [was] very troubling". It authorized States to "modify, limit, or supersede" the Federal statute by adopting the Uniform Electronic Transactions Act (UETA), but then rendered this authorization irrelevant by stating that no State law (including UETA) was effective to the extent that it was inconsistent with the Federal statute or technology specific.

By contrast, the conference report does not preempt the laws of those States that adopt UETA, so long as UETA is adopted in a uniform manner. Such exceptions to UETA as a State may adopt are preempted, but only to the extent that they violate the principle of technological neutrality or are otherwise inconsistent with the Federal statute. This affords States considerable flexibility; for example, a State may enact UETA to incorporate the consumer consent procedures set forth in section 101(c).

In addition, section 104(a) of the conference report expressly preserves governmental filing requirements. Federal agencies are already working toward full acceptance of electronic filings, pursuant to the schedule established by the Government Paperwork Elimination Act. I am confident that State agencies will follow our lead. Until they are technologically equipped to do so, however, they have an unqualified right under section 104(a) to continue to require records to be filed in a tangible printed or paper form.

I have a number of other concerns about the conference report. In particular, I am troubled that the conference report fails to provide a clear Federal rule—or, indeed, any rule at all—concerning how it is intended to affect requirements that information be sent, provided, or otherwise delivered. The absence of a delivery provision is particularly conspicuous given the fact that the prototype for this legislation does include such a provision. Section 8(a) of UETA provides that if a law requires information to be sent in writing to another person (but does not specify a particular method of delivery), the requirement is satisfied if the information is sent in an electronic record that the recipient can retain. Under section 8(b), if a law requires information to be sent by a specified method—whether by regular U.S. Mail, express mail, registered mail, certified mail, or another method—then the information must be sent by the method specified in the other law, except that parties may contract out of regular mail requirements to the extent permitted by the other law. UETA also contains a detailed rule for determining when an electronic record is sent, and when it is received.

The conference report touches upon the issue of delivery in section

101(c)(2)(B), but only with respect to specified methods that require verification or acknowledgment of receipt, such as registered or certified mail. What happens to State law requirements that a notice be sent by first-class mail or personal delivery? How about a law that requires information to be provided, sent, or delivered in writing, but does not specify a particular method of delivery? I raised these questions during the conference, but the conference report provides few answers.

The conference report does provide some guidance in the case of States that enact UETA. In such States, section 8(a) of UETA will govern with respect to general delivery requirements, and section 8(b)(2) of UETA will govern with respect to requirements that information be delivered by a specified method, subject to section 102(c) of the federal legislation. Section 102(c) prevents States that enact UETA from circumventing the federal legislation through the imposition of new nonelectronic delivery methods. Thus, States enacting UETA may continue to prescribe specific delivery methods, so long as there is an electronic alternative for any nonelectronic delivery methods.

This leaves the question of how the Federal legislation will affect Federal delivery requirements and State delivery requirements in non-UETA States. Because our bill is silent on this question, and because repeal and preemption by implication are disfavored, a court or agency interpreting the legislation could reasonably conclude that these Federal and State delivery requirements remain in full force and effect. Indeed, this interpretation is practically compelled by the plain language of the legislative text. It does, however, have the potential to undermine one of our key legislative objectives—that is, the elimination of unintended and unwarranted barriers to electronic commerce. For this reason, it will be tempting to discern in this legislation some sort of plan to permit electronic delivery of information whenever delivery is required by law, even when the law specifies a particular method by which delivery must be made. Let me assure the courts and regulators that have occasion to read these words that this legislator had no such plan.

Had we in fact addressed this issue in conference, my goal would have been to ensure that any specific requirement that information be sent or delivered not be relaxed or weakened through this Act. I believe an electronic method of delivery should be at least as reliable, secure, and effective as the method it replaces. Thus, a law that requires information to be delivered to a person by first class mail should not be satisfied simply by posting the information on a Web site; at a minimum,

the person must also be notified of the location and availability of the information. Nor is information delivered, in my view, if it is electronically posted for an unreasonably short period of time, or sent electronically in a manner that inhibits the ability of the recipient to store or print the information.

Having failed to address the issue of delivery, we may be compelled to revisit the issue at a later date. We will, by then, have the benefit of the Commerce Department's study under section 105(a) of the conference report, regarding the effectiveness and reliability of electronic mail as compared with more traditional methods of delivery.

Another troubling provision in the conference report appears at the end of section 101, and concerns the liability of insurance agents and insurance brokers. This provision appeared for the first time in a conference draft produced by the Republican conferees on May 15th. In its original incarnation, this provision gave insurance agents and brokers absolute immunity from liability if something went wrong as a result of the use of electronic procedures. This was not just a shield from vicarious liability, or even from negligence; rather, it was an absolute shield, which would protect insurance agents and brokers from their own reckless or even wilful conduct. No matter that insurance agents and brokers are perfectly capable of protecting themselves through their contracts with insurance companies and their customers. Senator HOLLINGS and I opposed the provision as unnecessary and indefensible as a matter of policy, and we succeeded in transforming it into a clarification that insurance agents and brokers cannot be held vicariously liable for deficiencies in electronic procedures over which they had no control. In this form, the provision remains in the bill as a stark reminder of the power of special interests.

Section 104(d)(1) is another political compromise that blemishes this conference report, although I believe its actual impact will be negligible. It provides that Federal agencies may exempt a specified category or type of record from the consumer consent requirements of section 101(c), but only if such exemption is "necessary" to eliminate a "substantial" burden on electronic commerce, and it will not increase the material risk of harm to consumers. While Chairman BLILEY indicated in his floor statement yesterday that this test should not be read as too limiting, the opposite is true. The test is, and was intended to be, demanding. The exemption must be "necessary," and not merely "appropriate," as Chairman BLILEY suggested. It should also be noted that the conferees considered and specifically rejected language that would have authorized

State agencies to exempt records from the consent requirements.

Finally, I want to discuss the concept of technology neutrality that is so central to this bill. This legislation is, appropriately, technology neutral. It leaves it to the parties to choose the authentication technology that meets their needs. At the same time, it is undeniable that some authentication technologies are more secure than others. Nothing in the conference report prevents or in any way discourages parties from considering issues of security when deciding which authentication technology to use for a particular application. Indeed, such considerations are wholly appropriate.

Pursuant to the Government Paperwork Elimination Act, passed by the previous Congress, the Office of Management and Budget (OMB) has adopted regulations to permit individuals to obtain, submit and sign government forms electronically. These regulations direct Federal agencies to recognize that different security approaches offer varying levels of assurance in an electronic environment and that deciding which to use in an application depends first upon finding a balance between the risks associated with the loss, misuse or compromise of the information, and the benefits, costs and effort associated with deploying and managing the increasingly secure methods to mitigate those risks.

The OMB regulations recognize that among the various technical approaches, in an ascending level of assurance, are "shared secrets" methods (e.g., personal identification numbers or passwords), digitized signatures or biometric means of identification, such as fingerprints, retinal patterns and voice recognition, and cryptographic digital signatures, which provide the greatest assurance. Combinations of approaches (e.g., digital signatures with biometrics) are also possible and may provide even higher levels of assurance.

In developing this legislation, the conference committee recognized that certain technologies are more secure than others and that consumers and businesses should select the technology that is most appropriate for their particular needs, taking into account the importance of the transaction and its corresponding need for assurance.

Mr. President, the benefits of electronic commerce should not, and need not, come at the expense of increased risk to consumers. I am delighted that we have been able to come together in a bipartisan effort in which Democrats and Republicans in the Senate and House are joining in s-sign legislation that will encourage electronic commerce without sacrificing consumer protections. I want to commend Senator HOLLINGS, Senator SARBANES and Representative DINGELL, the ranking Democrats on the other Committees

participating in the House-Senate Conference, for their leadership and steadfast efforts on behalf of our dual objectives. I thank Chairman BLILEY and Chairman MCCAIN for allowing the conference process to work and to result in a report that so many of us can support. I also want to praise Senator WYDEN for his dedication to this project and for never losing sight of the need to create a balanced bill. It has been a privilege to work with all of these distinguished Members on this landmark legislation.

I am profoundly grateful to the Administration for its work on this legislation. Andy Pincus, Sarah Rosen Wartell, Michael Beresik, Gary Gensler, and Gregory Baer, in particular, have devoted countless hours to ensuring that the conference report will create a reasonable and responsible framework for electronic commerce.

I would also like to thank the Senate and House staff who worked so hard to bring this matter to a reasonable conclusion. On my staff, Julie Katzman and Beryl Howell. In addition, Maureen McLaughlin, Moses Boyd, Carol Grunberg, Marty Gruenberg, Jonathan Miller, Kevin Kayes, Steve Harris, David Cavicke, Mike O'Rielly, Paul Scolese, Ramsen Betfarhad, James Derderian, Bruce Gwinn, Consuela Washington, and Jeff Duncan—all deserve credit for their role in crafting the consensus legislation that the Senate passes today. Thanks, too, to House Legislative Counsel Steve Cope, for his technical assistance and professionalism throughout this conference.

This conference report enjoys strong bipartisan and bicameral support. It passed the House of Representatives yesterday by an overwhelming majority. It has been well received by industry and consumer representatives alike, by the States as well as by the Administration. I urge its speedy passage into law.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I am proud to rise this evening to discuss legislation that I am very confident we will pass tomorrow—the conference report to S. 761, the Electronic Signatures and Global National Commerce Act. This is the culmination of nearly two years' effort, and I deeply appreciate all of the generous assistance on the part of my colleagues who helped move this bill through the legislative process.

I believe that hindsight will prove this to be one of the most important pieces of legislation to emerge from the 106th Congress. This legislation will eliminate the single most significant vulnerability of electronic commerce, which is the fear that everything it revolves around—electronic signatures, contracts, and other

records—could be rendered invalid solely by virtue of their being in “electronic” form, rather than in a tangible, ink and paper format.

This bill will literally supply the pavement for the e-commerce lane of the information superhighway. What we do today truly changes tomorrow, and I am certain that this legislation will prove to have a tremendous positive impact on electronic commerce—and on the general health of our economy—for decades to come.

Mr. President, thanks to the development of secure electronic signatures and records, individuals, businesses, and even governments are increasingly able to enter transactions without ever having to travel—whether the travel is a short drive across town or a thousand-mile flight. They are turning on a computer and opening e-mail, rather than scheduling drop-offs at mailboxes or pick-ups from courier services.

They are able to transact now, rather than “tomorrow, before 10AM”, or over the next few days, depending on mail volume (and, of course, except for on Sunday). They are paying transactions costs in the fractions of cents, rather than in 33 cent increments. And as we move forth into the electronic world, “they” will increasingly include even the smallest businesses and consumers, who will find themselves able to take advantage of many of the technologies and efficiencies available only to the largest of firms.

Even now, consumers are realizing the time and cost benefits of electronic commerce at a rapidly escalating rate. On-line catalogs are everywhere, all the time, and always in competition to provide the best service at the lowest price. And for the average family in America, on-line lending and real estate brokerage services are making the most significant of all purchases—the purchase of a family home—available over the Internet. Changes to home-buying over the near term will be dramatic. Rapid document and service delivery will reduce a transaction typically measured in days or weeks to minutes or hours, and the ability of a consumer to quickly assess the rates offered by scores of lenders will increase competition and lower mortgage costs and rates for every consumer. Mr. President, Franklin Raines, the Chairman and CEO of Fannie Mae, told an investor conference in May that “. . . the application of electronic commerce to the U.S. mortgage finance industry should help the U.S. homeownership rate reach 70 percent over the next decade.” Mr. President, and Chairman Raines, I look forward to that future.

But for e-commerce to continue growing, we must have a consistent, predictable, national framework of rules governing the use of electronic signatures and records. Current legal inconsistencies are deterring businesses from fully utilizing electronic

signature technologies. And the ability of one court, in one jurisdiction, to rule against the validity of a contract solely because of its electronic form threatens to destabilize the entirety of electronic commerce—bringing down the whole house of cards.

The National Conference of Commissioners on Uniform State Law has developed a uniform system for the use of electronic signatures. Their product, the Uniform Electronic Transactions Act, or UETA, is an excellent piece of work and I look forward to its enactment in all fifty states. But as some state legislatures are not in session next year, and as other states face more immediately pressing issues, it will likely take three to four years for all the states to enact the UETA.

That is a long time in the high-technology sector—far too long to permit, when this Congress possesses the ability to bridge the gap.

With this in mind, Mr. President, in November of 1998—shortly after the passage of the first electronic signature legislation, the Government Paperwork Elimination Act, which I also co-authored with my friend, Senator WYDEN—I initiated a series of discussions with both industry and states for the purpose of developing a plan to foster the continued growth of electronic signatures and electronic commerce. In January of 1999, my staff had produced draft legislation which I invited Chairman BLILEY to consider introducing in the House of Representatives. Over the next several months, Senator WYDEN and I worked with Republicans and Democrats in both chambers to refine this legislation. On March 25 of 1999, Senators WYDEN, MCCAIN, BURNS, LOTT, and I introduced the “Millennium Digital Commerce Act” (S. 761); Representative ANNA ESHOO introduced the House companion later that day. My staff continued to consult with Chairman BLILEY in order to refine our substantive approach to this issue, and his electronic signature legislation, H.R. 1714, was introduced on May 6, 1999. As I noted, S. 761 was the first electronic signature bill introduced in the 106th Congress. Thanks to the gracious assistance of Chairman MCCAIN, our bill received its first hearing in the Senate Commerce Committee on May 27 of last year. On June 23 it was passed out of the Commerce Committee on a unanimous 19-0 vote. I would note that the version of the bill passed out by the Committee included provisions regarding both electronic signatures and electronic records.

During the fall of 1999, we made several attempts to pass this bill by unanimous consent agreement in the Senate, but unfortunately, we were unable to proceed because several Members had concerns relating to the inclusion of electronic records in the legislation. Given our need to accommodate the Senate’s schedule, we made a decision

to pass a substitute bill that excluded the records provisions, and the Abraham-Wyden-Leahy substitute amendment passed the Senate unanimously on November 19, 1999.

At the time the Senate passed S. 761, Senator LOTT and I made clear our intention to work for inclusion of electronic records provisions in the final bill. I am pleased to say that with much effort, the bill is being passed today as conceived nearly two years ago—granting legal certainty to both electronic records and signatures.

Mr. President, at this point I would like to speak to several of the key principles of this legislation, which I believe will provide the legal framework needed for the continued growth of e-commerce.

The general rule of this legislation ensures the legal certainty of e-commerce in very clear, targeted terms: “a signature, contract, or other record . . . may not be denied legal effect, validity, or enforceability solely because it is in electronic form”.

Mr. President, the word “solely” is pivotal in this context: it means that electronic writings are not to be discriminated against, but instead are to be judged according to existing principles of contract law.

With this language, the “achilles heel” of all of e-commerce is protected—the “electronic” nature of a contract will not be used to attack the validity of a contract.

Mr. President, I view this as my single most important contribution to the future of electronic commerce, and would like to thank Senators MCCAIN, WYDEN, GRAMM, and HATCH for their counsel and support in writing this section of the legislation.

This section of the legislation was added to ensure that no ambiguity existed with respect to our treatment of existing contract law. Although we strongly believe that our General Rule is formulated in the least onerous incarnation, Section 101(b) clarifies that principles of contract law, which have been established over a millennium of commerce, remain in effect and should continue to guide transactions nationwide. It is the strong belief of the conference that the decision whether or not to participate in electronic commerce is completely voluntary, and if the parties decide to do so, the bill grants parties to a transaction the freedom to determine the technologies and business methods to employ in the execution of an electronic contract or other record.

Under the consent provisions, a consumer must affirmatively consent to the provision of records in electronic form, and there must be a reasonable demonstration that the consumer can access electronic records. For the immediate future, the conference envisions this “electronic consent” to take the form of either a web-page based

consumer affirmation, or a reply to a business' electronic mailing which includes an affirmation by the consumer that he or she could open provided attachments. I eagerly await future technology developments that render the burdens this section imposes on consumers and businesses obsolete.

This provision, in combination with the simple fact that the use of electronic records by a consumer and right to contract generally are completely voluntary, should ensure that no consumer will be forced by any business to accept any electronic document that the consumer does not wish to receive.

It is well worth noting that the term "consumer" does not include business-to-business transactions, which will allow businesses to take full advantage of the efficiency opportunities presented by this legislation.

As I have noted, the central purpose of this legislation is to establish a nation-wide baseline for the legal certainty of electronic signatures and records. The States themselves have recognized the need for uniformity in laws governing e-commerce, and in July of last year, the National Conference of Commissioners on Uniform State Law (NCCUSL) reported out model legislation designed to unify state law in a market-oriented, technology-neutral approach. I believe that the eventual adoption of UETA by all 50 states in a manner consistent with the version reported by NCCUSL will provide the same national uniformity which is established in the Federal legislation. For that reason, and at my insistence, when a state adopts the "Uniform Electronic Transactions Act" (UETA) as reported by NCCUSL, the federal preemption provided in this bill is superceded. In the meantime, the preemption contained in the Federal Act will ensure a uniform standard of legal certainty for both electronic signatures and electronic records.

Mr. President, I would like to address two additional points related to preemption. First, UETA includes a provision that permits a state to prescribe "delivery methods" for various records. I saw this as a potential loophole to the bill, which would allow a state to circumvent the intent of the general rule and require that an electronic document be delivered via physical methods—most likely "first class" mail. It should be clear to all that the federal legislation would not permit such a delivery method requirement, and we have specified as much in the preemption section. Second, I believed that the House version of the preemption was unnecessarily overbroad, and went so far as to seriously hamper the ability of a state or local government to perform those governing functions entrusted to it by the citizens. I am pleased that the conference agreed with my opinion, and that the language was changed in response.

The "consumer protection" provisions of this legislation specify that any notice of product recalls or cancellation, or termination of utility services, among other items, are to be excluded from the scope of this legislation. This means, of course, that the validity of these notices may be denied solely because they are in electronic form. I hope that industry does not shy away from providing these notices electronically—as well as in paper—as it seems to me that electronic "anyplace, anytime" notification of a product recall or utility shutoff would be extremely valuable. Especially to a resident of northern Michigan on business or vacation travel, whose furnace was subject to recall during the dead of winter.

Mr. President, because of the benefits of "anyplace, anytime" notice—and especially in light of the strong consent provisions in the bill—I believe consumers should be free to choose to receive any type record electronically, even those expressly precluded in this legislation. I hope the appropriate regulatory agencies will utilize the authority granted in this bill to allow all records, even those precluded from electronic transmission by this legislation, to be sent electronically.

The Legislation does not prevent states from establishing standards for electronic transactions with their constituents. Just as the Government Paperwork Elimination Act provided the Federal government the authority to set standards for electronic regulatory filing and reporting, so too should the States have the ability to set standards for electronic submission with a State or political subdivision. And, like any business, the Federal government and the States also have the ability to establish procedures and standards for procuring goods and services online.

The bill directs the Department of Commerce and Office of Management and Budget to report on Federal laws and regulations that might pose barriers to e-commerce and report back to Congress on the impact of such provisions and provide suggestions for reform. Such a report will serve as the basis for Congressional action, or inaction, in the future.

This was one of the final sections of the language to be modified in response to my concerns. The original proposal by the Administration to deny legal validity for records required to be retained by Federal or State law or regulation until October 1, of 2001 was, in my opinion, needlessly excessive and punitive to those consumers and businesses prepared to leap now into the electronic age. I maintained that Federal and State agencies should be provided only six months time to develop standards to ensure document validity and integrity, so as to not inappropriately burden the private sector. Objective individuals outside the process

with experience in developing and implementing regulations at the Federal and State level assured me that six months was feasible. In the end, however, we effectively agreed upon an eight-month delayed implementation. And finally, language which House negotiators insisted upon which would have needlessly created an uneven playing field for the financial services industry was also dropped at my request.

Since the Internet is inherently an international medium, consideration must be given to the manner in which the U.S. will conduct business with overseas governments and businesses. This legislation therefore sets forth a series of principles for the international use of electronic signatures. In the last year, U.S. negotiators have been meeting with the European Commissioners to discuss electronic signatures in international commerce. In these negotiations, the U.S. Department of Commerce and the State Department have worked in support of an open system governing the use of authentication technologies. Some European nations oppose this concept, however. For example, Germany insists that electronic transactions involving a German company must utilize a German electronic signature application. I applaud the Administration for their steadfast opposition to that approach. This bill will bolster and strengthen the U.S. position in these international negotiations by establishing the following principles as the will of the Congress:

One, paper-based obstacles to electronic transactions must be eliminated.

Two, parties to an electronic transaction should choose the electronic authentication technology.

Three, parties to a transaction should have the opportunity to prove in court that their authentication approach and transactions are valid.

Four, the international approach to electronic signatures should take a non-discriminatory approach to electronic signature. This will allow the free market—not a government—to determine the type of authentication technologies used in international commerce.

Mr. President, it is my hope that adoption of these principles will increase the likelihood of an open, market-based international framework for electronic commerce.

Mr. President, two years ago I believed that if we, as a body, could maintain a spirit of bipartisanship and a strong commitment to principles of free commerce, that we were poised to produce the landmark accomplishment of this Congress. Well we took these commitments seriously, and I believe our work product will be hailed for generations to come as the grounds upon which the dream of a prosperous

new economy became a reality—and well beyond our expectations.

I am pleased to say that we have already begun work on the next legislative effort to help this nation shift to the electronic world, addressing the apportionment of liability for violations of duty and trust, and the protection of information and user confidentiality in electronic commerce. Mr. President, I welcome the help of my colleagues who have been with me in the effort to protect electronic signatures and records. I look forward to again working closely with the states and industry, and I hope to deliver to the American public corresponding legislation that is as well-contemplated and effective as S. 761 in the next Congress.

Before I close, there are a number of individuals whom I would like to thank for their hard work, and without exception, for their endurance. First, I would like to recognize Chairman MCCAIN for his assistance and dedication to this effort. The Chairman was one of the original cosponsors of this legislation, and lent a great deal of support well before any of the current attention was being paid to the issue of the legal certainty of electronic commerce. Senator MCCAIN's constant momentum eliminated many obstacles over the past 18 months and kept this process moving forward.

Without his efforts and those of Mark Buse and Maureen McLaughlin of the Senate Commerce Committee staff, I certainly wouldn't be making this statement today.

I would also like to sincerely thank my friend, Senator PHIL GRAMM, Chairman of our Banking Committee, whose dedication to those important principles of economic freedom was a key ingredient in guiding our legislation through the past year and a half.

The expertise which he and his staffers Geoff Gray and Wayne Abernathy brought to the table was absolutely indispensable. Senator GRAMM ensured that this legislation's propound impact on the financial services industry will be a positive one.

I also want to acknowledge our Judiciary chairman, Senator HATCH, who I understand will not be participating in the final vote on this legislation tomorrow due to another commitment, but he and his staff likewise worked very closely with us throughout this effort.

The support and counsel of Senator WYDEN, my partner in introducing this bipartisan bill last year, has also been essential to bridging the conceptual differences between colleagues on both sides of the aisle. Despite the different approaches we occasionally endorsed, I could always count on his sincere efforts to find common ground on this legislation. Senator WYDEN and his legislative director, Carole Grunberg did yeoman's work on this bill, and for that I wish to express my true appreciation.

I also commend Senator PAT LEAHY and his counsel, Julie Katzman for their contributions to this bill. Indeed, we worked hard in putting together the ingredients that made up the Senate version of this legislation, the final amendment which was adopted by the Senate when we passed this last year. Senator LEAHY's continuing interest, involvement, and support were very important to our success.

I must also express my gratitude to the Senate leadership for their patience as well as their persistence in moving this legislation. I truly appreciate the assistance of Dave Hoppe, Jack Howard, Jim Sartucci, and Rene Bennett of the Senate Majority Leader's staff.

I would also like to give thanks to Massachusetts Governor Paul Cellucci for his assistance and support through the process of drafting this legislation. Massachusetts should be proud of the work done by their Governor and his staff on this bill, especially the Governor's Special Counsel for e-commerce, Daniel Greenwood, to assure that state and federal law governing e-commerce are complimentary.

Finally, I would like to recognize the efforts of three members of my own staff who are here tonight. My legislative assistant, Kevin Kolevar, my Judiciary Committee Counsel, Chase Hutto, and my Administrative Assistant Cesar Conda.

I thank them for their tireless efforts and loyalty, and recognize they possess both the tremendous vision necessary to conceive of this legislation back in November of 1998, and the dedication to bring it to the point of final passage today.

I would just indicate that without these three gentleman and their hard work, numerous impasses that seemed to have doomed this legislation would not have been surmounted. Their willingness to creatively examine the problems we were confronting and come up with new approaches that offered all the participants an opportunity to work together to find a common ground were absolutely indispensable to this success. I certainly can attest to the long hours that were put in by these individuals to make sure that we completed this project and that we are in a position to pass this legislation.

As people look back on this effort, and I think they will with a sense that this was an important achievement, all three of these individuals will be accorded the praise they deserve for their efforts.

In closing, let me urge my colleagues to support final passage of the conference report tomorrow morning. I believe that we are passing a very important, landmark piece of legislation that will provide a stimulus to the new economy the likes of which we have not previously seen. I believe it is one of the most important steps we can

take as a Congress to remove some of the barriers and impediments that might prevent us from fully enjoying the benefits of the new technologies, and I believe that as it becomes the law of the land, and subsequently as it is used as a basis for the entering into of transactions through e-commerce, we will look back on these achievements with great pride. I am happy to have been part of it. I thank all of my colleagues who made this possible.

Mr. ROBB. Mr. President, I rise today in strong support of the conference report on the Millennium Digital Commerce Act, a bill which I believe will help us remove one of the most imposing barriers to the growth of electronic commerce—the lack of a way to verify the validity of contracts entered into over the web.

As the Internet becomes more ubiquitous in society and the lines between paper and electronic worlds blur, it is crucial that we find ways to adapt older regulatory structures such as contract law to the new world of Internet commerce. By providing a framework for digital signatures, the Millennium Digital Commerce Act will do just that, and I'm pleased that we're about to send it to the President's desk for signature.

I'm particularly pleased that the conferees were able to work through some of the complicated consumer protection issues on this bill. Throughout the conference negotiations, there were those who suggested that we should use this bill to relax some of our most important consumer protection laws. I appreciate the efforts of Senators LEAHY, MCCAIN, ABRAHAM and others in working to temper these efforts, and believe that the final product is much better for it.

While I strongly support this legislation, I regret that a prior commitment will prevent me from being here tomorrow to vote in favor of it. In my absence, I urge each of my colleagues to support this landmark agreement, which will help the Internet realize its full potential.

Mrs. BOXER. Mr. President, last night the other body overwhelmingly approved the conference report accompanying S. 761, the Electronic Signatures in Global and National Commerce Act, by a vote of 426-4. The Senate is expected to take the report up soon.

I support the conference report on S. 761 because paper-less transactions will give our Information Age economy a boost, and allow persons to shop for goods and services once unavailable on the Internet.

The ability to make binding contracts online, that reach across state borders, will drive down transaction costs. The financial industry alone expects to save millions of dollars a year due to efficiencies derived from electronic signatures.

Consumers will save money and time, also. With electronic signatures persons will no longer need to sign certain contracts in person or communicate via mail. Now, persons will be able to enter into contracts and purchase items, like care loans, from the comfort of their own homes. Certainly, consumers will save money with this new level of competition, and save time conducting their daily affairs.

As people are able to conduct more and more business transactions online, I think we'll look back one day and try to remember what it was like without electronic signatures.

Mr. President, I look forward to this bill becoming law.

Mr. GRAMM. Mr. President, I rise today in support of the conference report on S. 761, the Electronic Signatures in Global and National Commerce Act, also known as the E-SIGN bill. The bill establishes a uniform national standard for treating electronic signatures, contracts and disclosures are legally binding in the same way that physical signatures, paper contracts and paper disclosures are legally binding. The bill will allow American businesses to become more efficient and productive through use of the Internet and other forms of electronic commerce, rather than being forced to use paper for all binding agreements. Further, it will expand for consumers everywhere the availability of products and services as well as permit tremendous time savings. With consumers no longer bound by expensive and time-absorbing requirements to complete transactions through the mail or in person, consumer costs will decline and choices will grow. Working from home computers, people will increasingly be able to pay bills, apply for mortgages, trade securities, and purchase goods and services wherever and whenever they choose. The reach of the consumer will extend around the globe.

Mr. President, Senator SPENCER ABRAHAM deserves the lion's share of the credit for this legislation. He began this process back in 1998, fathering not only the Senate bill, but subsequently generating interest on the House side. He continued providing technical and drafting assistance throughout the process. Without Senator ABRAHAM's persistence, and his clear, constant vision of what we need to accomplish, there would be no bill.

This legislation will have a profound impact on the financial services industries. "Electronic records" is the term in the legislation that would encompass the disclosures that banks and other financial services companies must provide to consumers. Unlike the Senate bill, the House-passed bill included references to "electronic records" throughout the provisions of the bill. By including electronic records along with electronic signatures, the House bill extended the

scope of the bill to cover disclosures required under various laws and regulations.

Far more than other industries, financial services companies such as banks, insurance companies and securities firms are impacted by these disclosure laws. Not only these industries, but these disclosure laws themselves fall under the jurisdiction of the Banking Committee. I am pleased that members of the Banking Committee were able to serve on the conference committee to ensure that these provisions were drafted in an appropriate and workable fashion.

There remain some problems with the bill, but I do not believe them to be overwhelming. There are those who are fearful of the electronic market place, and that fear found its expression in the debates in the conference committee. It found its expression in provisions in this bill that apply standards to electronic commerce that are not applied to paper commerce. That is not unusual. Every major technological advance has met with fear before its full benefits were embraced. It may seem odd, but not over one hundred years ago there was a very spirited congressional debate about whether it was safe to buy an automobile for transporting the President. Voices were loudly raised in Congress that automobile transportation was not safe, that it was too risky to let the President be transported in anything other than a horse-drawn carriage. Governments passed restrictions on automobile use that should silly to us today.

I believe that many of the fears that have been raised about electronic commerce will very soon sound silly. In fact, many of them do not make much sense today. That is why I am pleased that this legislation will allow the regulators to remove many of these onerous restrictions if the fears prove unfounded, as I expect that they will. And as I expect the fear to prove unfounded, I expect the regulators to act vigorously to remove unnecessary restrictions and requirements. Electronic commerce should labor under no greater regulatory restrictions than does the quill pen, if this is to be a system for the twenty-first century.

We will watch very closely the development of electronic commerce. If this legislation proves to put an unnecessary burden on electronic commerce, and if the regulators fail to act, or if legislation is needed, we will then take vigorous action in the Congress to correct the situation and make the purposes of this legislation a reality.

Mr. LAUTENBERG. Mr. President, this bill includes a critical measure to make .08 the national drunk driving standard.

Chairman SHELBY and I both care deeply about improving transportation across this country, but we also share a commitment to making sure our trans-

portation systems are as safe as possible. One of the most important things we can do to keep our families safe on our nation's roads is to keep drunk drivers off those roads.

Mr. President, the Senate already voted in favor of the .08 standard in 1998. The Senate overwhelming passed the Lautenberg-DeWine .08 amendment to TEA-21 by a vote of 62-32.

But, ultimately, the American public did not get the safety legislation that they deserved when a national .08 standard was not included in the final TEA-21 conference report that was sent to the President.

The TEA-21 conference report removed the Senate-passed .08 standard and replaced it with an incentive grant program, that, while well intentioned, frankly is not working. Only two states have passed .08 BAC since TEA-21 was enacted two years ago and it seems very unlikely that any other state will be motivated by the incentive grants over the next few years.

Mr. President, we have learned with other effective drunk driving legislation such as the minimum 21 drinking age and zero tolerance that weak incentive programs do not work—but national standards do.

I would assure my colleagues that the .08 provisions in this bill today do not alter the TEA-21 incentive grant program. So if your state is receiving incentive grant funds, you will continue to receive every cent you are entitled to under the current program.

For over a decade—in both Republican and Democratic Administrations, the National Highway Traffic Safety Administration has been telling Congress that the .08 standard is the best way to ensure safety on our roads and lower the number of fatalities which result from drunk driving.

In fact, the National Highway Traffic Safety Administration (NHTSA) estimates that a national .08 standard will save approximately 500 lives per year.

Make no mistake—drivers at .08 are drunk and should not be on the road. According to NHTSA, at .08, drivers are impaired in their ability to steer, brake, change lanes, use good judgment and focus their attention.

Their ability to perform these critical tasks may decrease by as much as 60 percent.

We must keep these drivers off the road in order to keep our families safe.

I am grateful to my colleagues for including the .08 provisions in this bill today. Now we look to the House of Representatives to follow our lead and work with us to produce a conference report that retains this critical safety legislation.

I yield the floor.

Mr. HOLLINGS. Mr. President, I rise to speak in favor of the passage of the conference report on S. 761, the electronic signatures bill. This legislation was originally considered and reported

by the Commerce Committee. The initial purpose of the legislation was to legalize the use of digital signatures for contracting electronically, mostly via the internet. The States for several years had been working on adopting a model law—the Uniform Electronic Transaction Act (UETA)—which was to be adopted by the States for the purpose of creating uniformity. This process was to be akin to the adoption of the Uniform Commercial Code (UCC). However, a number of industries, most notably those in the high-tech field, felt that it could take years for all States to adopt the model law. Thus, they sought Federal preemption. Bills eventually were introduced in both Chambers. Senator ABRAHAM introduced the legislation in the Senate, and Congressman BLILEY introduced legislation in the House (H.R. 1714).

As noted, the Senate bill—introduced on March 25, 1999—was referred to and considered by the Commerce Committee. After holding a hearing on May 27, 1999, the committee reported the bill on June 23, 1999. At that time, we were advised that the general purpose of the bill was to establish a Federal temporary and backup law, so as to ensure the national use of electronic signatures until the model law was adopted by the States.

During the committee's consideration of S. 761, I indicated that I did not have a problem with establishing uniformity; however, because the legislation ultimately affects State contract law, I was concerned about preserving the right of States to adopt their own laws, given that States already were working on the adoption of a model law. In the field of commercial law, the States had a similar experience with the UCC. Thus, I saw no reason to prevent the States from adhering to the same process with respect to digital signatures. I made it clear to Senator ABRAHAM that I would not support the bill—in fact, that I would seek to block its passage—if the legislation did not preserve the autonomy of States to adopt the model law that they were considering. I also sought to make sure States were able to adopt the model law in a manner consistent with their consumer protection laws. Senator ABRAHAM and I were able to come to an agreement so as to ensure that the legislation, as reported by the committee, was consistent with these principles. The legislation was unanimously reported by the committee on June 23, 1999.

Once reported, Senator LEAHY worked to procure a number of changes designed to ensure the non-applicability of the bill to certain agreements, including marital and landlord tenant relationships. The legislation was passed by the Senate on November 19, 1999.

I should note that before final passage of the bill, I objected to its pas-

sage by unanimous consent because of the inclusion of language providing that the legislation applied to the business of insurance. I objected because that language was not in the Senate bill as reported by the Commerce Committee, but more significantly, I objected because insurance companies are regulated by the States. Because the matter had not been addressed by the Commerce Committee, and because insurance is under the jurisdiction of the Commerce Committee, I wanted some clarification on the issue, and assurance that the issue of State insurance regulation would be addressed in the legislative conference on the bill. Senator ABRAHAM, through a colloquy, agreed that the issue would be addressed during conference discussions.

The House bill—H.R. 1714—was passed last November as well. It, however, was more extensive, and severe, than the Senate bill. It did not provide regulatory flexibility to the States to allow them to adopt the model law in conformance with their consumer protection laws; it included provisions regarding Government electronic filing and record keeping—which was beyond the original purpose of the legislation; and provisions specifying the manner in which consumers' consent could be obtained for the use of electronic signatures. Reservations and opposition to the bill were heard from state officials and the consumer community.

These groups had a right to be concerned about the bill. The legislation, pursuant to its "consent provisions" would have allowed consumers to be easily induced into giving their consent to contract electronically, even if they didn't own or have access to a computer. In other words, pursuant to certain inducements by a commercial entity—i.e., through an offer that the consumer could get the product cheaper if he or she agreed to a transaction electronically—consumers could have been placed in positions whereby they walked away from a commercial agreement in person without any paper or documentation and potentially no means of accessing the actual contents of the agreement later, including any additional notices or disclosures they're required to receive with consumer purchases. With respect to the record retention requirements that states impose on commercial entities, such as insurance companies, the legislation, would have substantially undermined the ability of States to ensure that businesses retained important documents, such as financial statements and records, and that States retained access to those documents.

The conference discussions on the bill began between the Senate and House immediately after the Senate conferees were appointed in March of this year. Subsequently, however, the majority staff of the Senate and House began to convene among themselves.

On May 15, the majority presented a draft conference agreement to the Democratic Members. After reviewing the document, I made it clear that not only would I not support the proposal, but if offered up, I would do all I could to kill the measure. I should note, however, that every other Democratic Member of the conference—Senators LEAHY, SARBANES, WYDEN, KERRY, INOUE, and ROCKEFELLER as well as Congressman DINGELL and Congressman MARKEY—in addition to the administration, opposed the measure. In light of this opposition, the majority Members, and the high-tech industry, knew they would not achieve passage of the proposal.

The problems with the draft include the following:

Similar to the House bill, it would have allowed businesses to induce consumers into signing and consummating contracts electronically even in face to face transactions. Consequently, a person could walk away from a major agreement without any paperwork. The actual agreement would have been e-mailed to the purchaser. In that situation, however, the consumer would have no way of proving that the document that he or she received by e-mail is the deal that he or she actually agreed to. Moreover, there would be no paperwork on warranties and no guarantee that a person could access the documents if that person doesn't own a computer or doesn't have the proper computer software of hardware.

Additionally, the draft provided that after a consumer consented, in the event a company changed the hardware or software that prevented the consumer from receiving or reviewing the document, the burden would have been on the consumer, not the company to purchase the correct hardware and software.

The draft also included the onerous record retention provisions of the House bill.

After the draft was rejected by the Democratic Members, I suggested to my friend, TOM BLILEY, the chairman of the conference, that the only way a bill was going to pass this year was that it had to be an agreement of a bipartisan nature. Given that Congressman BLILEY's bill was so far different from where most Democrats were, I knew that if we could come to an agreement, we could achieve a bipartisan measure. He agreed. I suggested that he meet with a group of Democratic Members and the representatives of the administration to develop a bipartisan draft to present to the conference. He agreed to this recommendation as well. Subsequently, his staff met with Democratic staff members and representatives of the administration and eventually constructed a bipartisan conference draft. That document included major revisions of the consumer consent, preemption and

record retention provisions. Those provisions provided significantly more protections to consumers and protections of state regulatory authority.

When the draft was first presented to the conference, there were objections. However, it led to a second bipartisan discussion between the Democratic Members, along with the Administration and the two Republican principals, Congressman BLILEY and Senator McCAIN—who also recognized the need for a bipartisan consensus. Through the efforts of Senator McCAIN, we eventually were able to agree on a final draft of the bipartisan measure.

I am proud to say that the final conference report includes major protections for consumers and the States. Does it include all I would have liked for it to? Of course not. However, it does represent a commendable effort by Republican and Democratic conferees to put forth a law that accomplishes the original goal of establishing a legal framework for the new digital world, while maintaining important protections for American consumers. I have joined with Senators SARBANES and WYDEN introducing an explanatory statement of the legislation, which details how the bill affects consumers and State governments. I would, however, like to highlight a few important provisions:

(1) The agreement ensures that consumers, when giving consent to do a transaction electronically, before their consent can be valid, must be informed of their right to receive records in paper, and of the right to withdraw their consent once given, and that there be some demonstration that the consumer can actually access and retain the document.

(2) It ensures that consumers are able to withdraw consent to receive their required notices under the contract in the event the provider changes the hardware or software in a manner which prevents the consumer from accessing and retaining the document, without costs and fees.

(3) It preserves state unfair and deceptive trade practices laws, so as to ensure that the use of electronic signatures and electronic transactions cannot be used to evade the requirements and prohibitions of these laws.

(4) It preserves important aspects of Federal and State record retention laws and requirements, and gives States some reasonable time to conform their regulations in light of the legislation's affirmation of electronic record retention by regulated industries.

Mr. President, I would like to commend Congressman BLILEY, and Senator McCAIN for their efforts to forge an agreement on the legislation. I also want to commend all my Democratic colleagues and their staff, and the representatives of the administration for their admirable work on this legislation.

Mr. SARBANES. Mr. President, I am very pleased to be able to bring to the floor of the Senate this conference report of S. 761, the Electronic Signatures in Global and National Commerce Act, along with my colleagues from the Commerce and Judiciary Committees.

First and foremost, the success of this effort is the result of the leadership of Chairman BLILEY and Chairman McCAIN. Their commitment to working in a bipartisan manner ultimately carried the day.

I also want to thank Senator HOLLINGS, Senator LEAHY, Senator WYDEN, and Representative DINGELL. Without the leadership exhibited by these 4 members, and the long hours, hard work, and dedication of their key staff (Moses Boyd, Kevin Kayes, Julie Katzman, Carol Grunberg, Consuela Washington, and Bruce Gwinn) we would never have reached this agreement.

Finally, the Administration, through its representatives from the Commerce and Treasury Departments (Andy Pincus and Gary Gensler), as well as the White House (Sarah Rosen-Wartell), played a crucial and constructive role in putting together the package we have before us.

Mr. President, I support this bipartisan conference report. This new law creates a solid legal foundation upon which electronic commerce can grow and prosper, with benefits for many consumers and businesses.

It is apparent to all of us that more and more business will be done on-line in the future, and that this will be true both for business-to-business commerce and for consumer transactions.

We need to be mindful, however, that while this trend will likely continue, many Americans do not today participate in the electronic world. Indeed, they cannot participate in this world in any meaningful way.

To make this point, I want to share with my colleagues the findings of a July, 1999 Commerce Department report entitled "Falling Through the Net: Defining the Digital Divide."

First, about 70 percent of Americans do not yet have access to the internet;

Urban households with incomes of \$75,000 and higher are more than twenty times more likely to have access to the internet than rural households at the lowest income levels and they are more than nine times more likely to have a computer at home;

Whites are more likely to have access to the internet from home than Blacks or Hispanics have from any location;

Regardless of income level, Americans living in rural areas lag on internet access. At the lowest income levels, those in urban areas are more than twice as likely to have access than rural families with the same income.

These facts are alarming. More distressing, is the fact that, as bad as

these numbers are, the trends are moving in the wrong direction. The Commerce Department reports that the digital divide is actually growing.

For example, the gap between white and minority households has grown 5 percentage points in just one year, from 1997 to 1998.

The gap, based both on education and income increased by 25 and 29 percent in the past year, respectively.

These dramatic and disturbing findings underline the importance of ensuring that, as we move to an electronic world, we make sure that longstanding consumer protections survive the transition. Many of us made clear from the beginning that our goal was to ensure equivalent consumer protections for transactions conducted in the paper and electronic worlds. We have largely achieved that goal.

First among these protections is the common sense provision incorporated in the report that consumer consent to engage in electronic commerce be given electronically. This is a protection against unscrupulous and abusive practices as well as inadvertent mistakes by well meaning vendors.

Electronic consent will greatly enhance the consumer confidence to do business on-line, without resulting in additional burden on businesses—they are, after all, already committed to communicating with the consumer electronically.

The best demonstration of the importance of electronic consent is the fact that the initial conference draft that was provided to Conferees was circulated via e-mail. Yet, despite the fact that our staff is more technologically sophisticated than the average American consumer, many of them were unable to download the document and had to have paper copies hand delivered.

Now, imagine if that was a notice of change in mortgage servicing, or a notice that health insurance benefits are being cut back, or that auto insurance is being cancelled. That family could very well find itself with a sick child on no health insurance.

Electronic consent would have avoided that problem by ensuring that the consumer is able to read the records provided.

Electronic consent is not, as some people have sought to portray it, relevant only for a transitional period. Compatibility among systems is always important to check, given the significance of the records being transmitted. In addition, the U.S. mail is free to receive and comes to your door. You do not need a computer to receive the mail. You do not need to pay for an internet service provider, and you do not need to go to a public library to gain access to a computer if you don't have one at home. For all these reasons, electronic consent will be as important in the future as it is today.

Other concerns I had have also been addressed in this report.

We have provided both federal and state agencies with the authority to interpret and issue guidance on the proposed law. Providing this interpretive authority will provide businesses with a cost-effective way of getting guidance in how to implement the new law. Without this authority, these questions would have to have been answered by the courts, after extensive and expensive litigation. We have avoided that problem.

The conference report gives law enforcement agencies of federal and state governments the authority they need to detect and combat fraud, including the ability to require the retention of written records in paper form if there is a compelling governmental interest in law enforcement.

Let me raise one specific example, among many, of where this provision ought to be exercised. The Securities and Exchange Commission should use this provision to require brokers to keep written records of agreements required to be obtained by the SEC's penny stock rules. Investors in the securities markets have been the victims of penny stock abuse for more than a decade. The SEC must exercise every tool at its disposal to fight this kind of fraud.

Finally, we narrowed the scope of the legislation to ensure that certain notices that simply cannot effectively be made electronically, such as documents carried by vehicles hauling hazardous materials, will continue to be in paper form.

As many of you know, it was not at all clear that we were going to be able to deliver this bipartisan, largely consensus product to the floor. There were many times when negotiations threatened to unravel.

But we stuck to it; we continued to show a willingness to consider and reconsider many issues that came up, even after agreement on many of those issues was achieved. Eventually, we were able to close the few remaining gaps and come to a final compromise.

Mr. President, these changes make this a good piece of legislation worthy of our support. I urge all my colleagues to do so, and, once again, commend the leaders who brought this effort to a successful conclusion.

Finally, I ask unanimous consent to insert for the RECORD some more specific observations on a number of provisions of the legislation on behalf of Senator HOLLINGS, Senator, WYDEN, and myself. I think this will be helpful given the fact that no statement of managers was included with the final legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATORS HOLLINGS, WYDEN, AND SARBANES REGARDING THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

We want to make a number of points about some of the important provisions in the Act we are passing today.

1. *Scope of Requirement.* Section 101 (a). In recommending that the Senate vote to pass this legislation, we would like to clarify for members the kind of transactions that are covered by the bill. You will note that the definition of "transaction" includes business, commercial, or consumer affairs. The Conferees specifically rejected including "governmental" transactions. Members should understand that this bill will not in any way affect most governmental transactions, such as law enforcement actions, court actions, issuance of government grants, applications for or disbursement of government benefits, or other activities that government conducts that private actors would not conduct. Even though some aspects of such Governmental transactions (for example, the Government's issuance of a check reflecting a Government benefit) are commercial in nature, they are not covered by this bill because they are part of a uniquely Governmental operation. Likewise, activities conducted by private parties principally for governmental purposes are not covered by this bill. Thus, for example, the act of collecting signatures to place a nomination on a ballot would not be covered, even though it might have some nexus with commerce (such as the signature collectors' contract of employment).

General Rule of Validity. Section 101(a)(1) and (2). The Conferees added the word "solely" in both sections 101(a)(1) and (2) to ensure that electronic contracts and signatures are not inadvertently immunized by this Act from challenge on grounds other than the absence of a physical writing or signature. Companies and consumers should only be able to agree to reasonable electronic signature technologies. As the definition of the electronic signature makes clear, the electronic signature is only valid under this Act if the person intended to sign the contract. A person accepting an electronic signature should have a duty of care to determine if the signature really was created by the person to whom it is attributed.

Preservation of Rights and Obligations. Section 101(b)(1). The Conferees added a new Section 101(b)(1) which provides that this Title I does not "limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form." This savings clause makes clear that existing legal requirements that do not involve the writing, signature, or paper form of a contract or other record are not affected by Title I. As a result, laws or regulations or common law rules that prohibit fraud or unfair trade or deceptive practices or unconscionable contracts are not affected by this Act. The use of the word "solely" throughout section 101(a) is intended to ensure a contract, notice or disclosure which is provided electronically gains no additional validity or sanctity against challenge just because it is in electronic form. The validity of a consent obtained as the result of an unfair or deceptive practice can be challenged and found to be invalid, in which case any records which were provided electronically will be deemed to not have been provided to

the consumer. Thus, for example, a transaction into which a consumer enters electronically is still subject to scrutiny under applicable state and Federal laws that prohibit unfair and deceptive acts and practices. So, if a consumer were deceived or unfairly convinced in some way to enter into the electronic transaction, state and Federal unfair and deceptive practices laws might still apply even though the consumer was properly notified of their rights under Section 101(c) and consented to the electronic notices and contract was properly obtained. In other words, compliance with the Act's consumer consent requirements does not make it unnecessary for the transaction and parties to the transaction to comply with other applicable statutes, regulations or rules of law. The basic rules of good faith and fair dealing apply to electronic commerce.

Preservation of Rights and Obligations. Section 101(b)(2). The Act specifically avoids forcing any contracting party—whether the Government or a private party—to use or accept electronic records and electronic signatures in their contracts. Thus, for example, where the Government makes a direct loan, the bill would not require the use or acceptance of electronic records or signatures in the loan transaction, because the Government would be a party to the loan contract. The Conferees recognized that, in some instances, parties to a contract might have valid reasons for choosing not to use electronic signatures and records, and it is best to allow contracting parties the freedom to make that decision for themselves.

Protections Against Waste, Fraud and Abuse. Sections 101(b)(2), 102(b) and 104(b)(4). Members should note that several provisions of the Conference report are designed to address concern about protecting taxpayers from waste, fraud and abuse in connection with government contracting or other instances in which the government is a market participant. For example, Sections 101(b)(2), 102(b) and 104(b)(4) and others give agencies significant latitude to accept, reject, or place conditions on the use of electronic signatures and records when the government is acting like a market participant.

Consent to Electronic Records. Section 101(c)(1). The House bill included an amendment that required that consumers affirmatively consent before they can receive records (included required notices and disclosures and statements) electronically that are legally required to be provided or made available in writing. Special rules apply to electronic transactions entered into by consumers. It is the Congress' intent that the broadest possible interpretation should be applied to the concept of "consumer." The definition in Section 106(1) is intended to include persons obtaining credit and insurance, even salaries and pensions—because all of these are "products or services which are used primarily for personal, family or household purposes" as the word is defined in the Act. Amongst the other changes to this section made in Conference, the Conferees added an important new element: Section 101(c)(1)(C) of the Conference Report requires that the consumer "consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent." The purpose of this provision is to ensure that, when consumers agree to receive notices electronically, that they can actually open, read, and retain the records that they will be sent electronically. The

Act requires that consumers consent electronically—or confirm their consent electronically—in either case, in a manner that allows the consumer to test his capacity to access and retain the electronic records that will be provided to him. The consumer's consent to receive electronic records is not valid unless it is confirmed electronically in a manner meeting the specific requirements of Section 101(c)(1)(C)(ii).

Today, many different technologies can be used to deliver information—each with its own hardware and software requirements. An individual may not know whether the hardware and software on his or her computer will allow a particular technology to operate. (All of us have had the experience of being unable to open an e-mail attachment.) Most individuals lack the technological sophistication to know the exact technical specifications of their computer equipment and software. It is appropriate to require companies to establish an “electronic connection” with their customers in order to provide assurance that the consumer will be able to access the information in the electronic form in which it will be sent. This one-time “electronic check” can be as simple as an e-mail to the customer asking the customer to confirm that he or she was able to open the attachment (if the company plans to send notices to the customer via e-mail attachments) and a reply from the customer confirming that he or she was able to open the attachment. This responsibility is not unduly burdensome to e-commerce. As a matter of good customer relations, any legitimate company would want to do confirm that it has a working communications link with its customers.

Preservation of Consumer Protections. Section 101(c)(2)(A). The Conferees preserved an important provision from the House bill which provides that: “nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.” State and federal law requirements on delivering documents have not been addressed in this Act. The underlying rules on these issues still prevail. It is our view that records provided electronically to consumers must be provided in a manner that has the same expectation for the consumer's actual receipt as was contemplated when the state law requirement for “provided” was passed. So, for example, if a statute requires that a disclosure be provided within 24 hours of a certain event and that the disclosure include specific language set forth clearly and conspicuously. That requirement could be met by an electronic disclosure if provided within 24 hours of that event, which disclosure included the specific language, set forth clearly and conspicuously. However, simply providing a notice electronically does not obviate the need to satisfy the underlying statute's requirements for timing and content.

Section 101(c)(3) is a narrow saving clause to preserve the integrity of electronic contracts: just because the consumer's consent to electronic notices and records was not obtained properly does not mean that the underlying contract itself is invalid. This provision only affects electronic records, it simply means that an electronic consent which fails to meet the requirements of section 101(c) does not create a new basis for invalidating the electronic contract itself.

Retention of Contracts and Records. Section 101(d)(1) and Section 104(b)(3). The Conferees added provisions that state: “if a statute, regulation, and other rule requires that a

contract or other record relating to a transaction . . . be retained,” the requirement is met by retaining an electronic record of the information that “accurately reflects the information” and “remains accessible” to all who are entitled to it “in a form that is capable of being accurately reproduced for later reference. . . .” Moreover, Federal or State regulatory agencies may interpret this requirement to specify performance standards to “assure accuracy, record integrity, and accessibility of records that are required to be retained.” Moreover, these performance standards can be specified in a manner that does not conform to the technology neutrality provisions, provided that the requirement serves, and is substantially related to the achievement of, an important governmental objective. These record retention provisions are essential to the capacity of Federal and State regulatory and law enforcement agencies to ensure compliance with laws. For example, the only way in which a government agency can determine if participants in large government programs are complying with financial and other requirements of those programs may be to require that records be retained in a form that can be readily accessible to government auditors. Similarly, agencies must be able to require that companies implement anti-tampering protections to ensure that electronic records cannot be altered easily by money launderers or embezzlers or others seeking to hide their illegal activity. Without the ability of these agencies to ascertain program compliance through electronic record retention, taxpayers could be exposed to far greater risk of fraud and abuse. Similarly, bank and other financial regulators need to require that records be retained in order that their examiners can insure the safety and soundness of the institutions and their compliance with all relevant regulatory requirements.

Accuracy and Ability to Retain Contracts and Other Records. 101(e). The Conferees added new language in section (e) of 101 to establish that a contract or record which is required under other law to be in writing loses its legal validity unless it is provided electronically to each party in a manner which allows each party to retain and use it at a later time to prove the terms of the record.

Exemptions to Preemption. Section 102(a) allows a state to “modify, limit or supersede section 101” in one of two ways: (1) by passing the Uniform Electronic Transactions Act (“UETA”) as approved and recommended for enactment by the National Conferences of Commissioners on Uniform State Laws in 1999, or (2) by passing another law which specifies the requirements for use or acceptance of electronic records and electronic signatures which is consistent with this Act. These choices for states are not mutually exclusive. Of course, the rules for consumer consent and accuracy and retainability of electronic records under this Act shall apply in all states that pass the Uniform Electronic Transaction Act or another law on electronic records and signatures in the future, unless the state affirmatively and expressly displaces the requirements of federal law on these points. A state which passed UETA before the passage of this Act could not have intended to displace these federal law requirements. These states would have to pass another law to supercede or displace the requirements of section 101. In a state which enacts UETA after passage of this Act, without expressly limiting the consent, integrity and retainability subsections of 101, those requirements of this Act would remain

in effect. The general provisions of UETA, such as the requirement for agreement to receive electronic records in UETA are not inconsistent with and do not displace the more specific requirements of section 101, such as the requirement for a consumer's consent and disclosure in section 101(c).

It is important to note that Section 103(b) lists certain notices which are exempted from the coverage of section 101 (such as notices of cancellation of utility service or insurance coverage). The legal result is that section 101 simply does not apply to the notices listed in section 103. Under section 102(a) a state only has the authority to modify, limit or supercede the coverage of section 101. We specifically intend that a state may not use its authority under section 102, to authorize solely electronic records of those notices listed in section 103.

Prevention of Circumvention. Section 102^o. Section 8(b)(2) of UETA allows States to impose delivery requirements for electronic records. Section 102(c) has the limited purpose of ensuring that the state does not circumvent Titles I or II of this Act by imposing nonelectronic delivery methods. Thus, provided that the delivery methods required are electronic and do not require that notices and records be delivered in paper form, States retain their authority under Section 8(b)(2) of UETA to establish delivery requirements.

We believe that Title II of this Act separately addresses transferable records by establishing rules for creating, retaining and providing these records electronically. This Act places no limitation on a state's right to add consumer protections to transferable records.

Preservation of Existing Rulemaking Authority. Section 104(b). This Act will affect requirements that are imposed by Federal and State statutes, regulations, and rules of law. No one agency that is charged with interpreting its provisions; instead, under Section 104(b), regulatory agencies that have authority to interpret other statutes may interpret Section 101 with respect to those statutes to the extent of their existing interpretative authority. This provision provides important protection to both affected industry and consumers. It is impossible to envision all of the ways in which this Act will affect existing statutory requirements. This interpretative authority will allow regulatory agencies to provide legal certainty about interpretations to affected parties. Moreover, this authority will allow regulatory agencies to take steps to address abusive electronic practices that might arise that are inconsistent with the goals of their underlying statutes. For example, if a broker were to deceive a person into pledging equity in their home for a loan based on false representations about the loans terms and conditions, the broker's action could be challenged under any applicable statute that prohibited such deception and false representations, even if the consumer executed the loan documents electronically and consented to the use of the electronic contract and records in compliance with the terms of this Act. Without this authority, predators might argue that this Act somehow immunizes the abusive practice, notwithstanding the underlying statutory requirement, and consumers and competitors would have to wait for resolution of the issue through litigation.

I would also like to clarify the nature of the responsibility of government agencies in interpreting this bill. As the bill makes clear, each agency will be proceeding under its preexisting rulemaking authority, so that

regulations or guidance interpreting section 101 will be entitled to the same deference that the agency's interpretations would usually receive. This is underlined by the bill's requirements that regulations be consistent with section 101, and not add to the requirements of that section, which restate the usual *Chevron* test that applies to and limits an agency's interpretation of a law it administers. Giving each agency authority to apply section 101 to the laws it administers will ensure that this bill will be read flexibly, in accordance with the needs of each separate statute to which it applies.

Any reading under which courts would apply an unusual test in reviewing an agency's regulations would generate a great deal of litigation, creating instability and needlessly burdening the courts with technical determinations. Likewise, because these regulations will be issued under preexisting legal authority, and challenges to those regulations will proceed through the methods prescribed under that preexisting authority, whether pursuant to the Administrative Procedure Act or some other statute. Again, this will ensure that any challenges to such regulations are resolved promptly and minimize any resulting instability and burden. Of course, such regulations must satisfy the requirements of the Act.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate

now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. KERRY. Mr. President, it has been more than a year now since the Columbine tragedy, and still regrettably our friends on the other side of the aisle refuse to act on common-sense, sensible gun legislation. I understand the divisions in the Senate and in the country on the issue of guns. I am certainly not unmindful of the truth to some people's assertions regarding the degree to which personal responsibility enters into the actions of anybody with respect to guns.

Obviously, we need to create greater accountability on a personal level with respect to those actions. But common sense tells every single American that there are also basic things we can do to make this country safer for our children, things we can do to keep guns out of the hands of our children, things we can do to make our schools safer, ways in which guns themselves can become safer. I am deeply troubled by the numbers of people, particularly the number of children who have been wounded or killed by gunfire since Columbine, and who are killed and wounded by gunfire each year in this country.

All we are asking is that the juvenile justice conference meet, that the Senate do its business, that they finish the business, issue their report, and that the Congress have the courage and the willingness to vote on the conference report.

Until we do act, many of us on this side of the aisle—I would say the Democratic caucus—is prepared to read the names of those who have lost their lives to gun violence over the past year. We will continue to do so every single day that the Senate is in session.

The following are the names of people who were killed by gunfire, 1 year ago today:

Latonia Davis, 21, Charlotte, NC; Jacob B. Dodge, 24, Madison, WI; Elvin R. Dugan, 33, Oklahoma City, OK; Marcus E. Gray, 39, Chicago, IL; Dante Green, 26, Washington, DC; Dwayne Pate, 32, Washington, DC; Charles Vullo, 42, Houston, TX; Brandon Williams, 3, Hollywood, FL; Lennox Williams, 49, Hollywood, FL; Mae William, 44, Hollywood, FL; Unidentified male, 63, Portland, OR.

I hope my colleagues will join in releasing the juvenile justice bill from its prison and empowering the Senate to do its job and to pass the juvenile justice bill, which will make this country safer for our children.

I yield the floor.

DEFENSE APPROPRIATIONS ADD-ONS, INCREASES, AND EARMARKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that my list of add-ons, increases, and earmarks to the fiscal year 2001 Defense appropriations bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS

[In millions of dollars]

TITLE II—OPERATIONS AND MAINTENANCE	
Army:	
Military Gator	5
GCCS-USFK	11.3
HEMTT vehicle recapitalization	10
Maintenance Automatic Identification Technology	2
LOGTECH	0.5
Fort Wainwright utilidors	10
Fort Greely runway repairs	7
Hunter UAV	5
Rock Island UPC subsidy	11.5
Watervliet UPC subsidy	11.5
Air Battle Captain	1.25
Joint Assessment Neurological Exam equipment	1.5
JCALs	10
Biometrics support	8
Army conservation and ecosystem management	2
Information Assurance-USFK IT security	2
Rock Island Bridge repairs	2.5
Fort Des Moines, Historic OCS memorial	2
Memorial Tunnel, Consequence management	5
Mounted Urban Combat Training, Fort Knox, Kentucky	4
Industrial Mobilization Capacity	68
(Charlestown Naval Auxiliary Landing Field—The Committee encourages the Corps of Engineers to complete the remaining environmental remediation work at this site as expeditiously as possible)	
Navy:	
C-12 Spares Program	5
Shipyard Apprentice Program	12
Meteorology and oceanography	7
UNOLS	5
Ship Disposal Project	16
Mark 53 (NULKA) training and support	4.3
NUWC MBA program	2
JMEANS-N, Naval War College, Newport RI	1
Biometrics Support	3
MTAPP	2

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

Pearl Harbor Shipyard	24
Intumescent Fire Protective Coatings	3
Information Technology Center (New Orleans)	7
Public Service Initiative	1
Navy benefit Center	3
(Hunter's Point Naval Shipyard—the Committee is concerned about the status of environmental remediation at Hunter's Point in San Francisco. SECNAV will report to this committee n.l.t. Jan 15, 2001 on the status of the project)	
Marine Corps:	
Joint Service NBC Defense Equipment Surveillance	3.7
Lightweight Maintenance Enclosures	10
Polartec cold weather gear	5
ECWCS	4
Air Force:	
B-52 attrition reserve	36.9
Keesler AFB, MI Weatherproofing	2.8
University Partnering for Operational Support	4
TACCSF upgrades and operations	5.1
PACAF Airlift Support	3.5
RPM Eielson AFB, AK, utilidors	10
Hickam AFB, HI alternative fuel vehicle program	1
Biometrics support	3
Iodine 131 experimentation	5
Iodine medical monitoring	2
MTAPP	4
Elmendorf AFB, AK	10
College/Officer candidate initiative	1.5
Advanced 3-D for Portable Flight Planning Software (PFPS)	2
O&M Defense-Wide:	
Civil-Military Programs	24.1
DLA Aging Aircraft Program	15
OEA, Adak AK Reuse support	7
OEA, Fitzsimmons Army Hospital	10
OEA, Charleston Naval Shipyard, Bldg. 234	10
OSD, Pacific Command regional initiative	20
OSD, Clara Barton Center	1.5
DoDDEA, Galena MT IDEA	4
Legacy/Navy Historical Preservation, Lake Champlain	15
Middle-East Regional Security Issues	1
Institute for Defense Computer Security and Information Protection	10
Information Security Scholarship Program	20
American Red Cross for Armed Forces Emergency Services	5
Bosque Redondo Memorial, New Mexico	2
Army National Guard:	
Distributed learning project	65.7
Additional full-time support technicians	20.5
School house support	7
Extended cold weather clothing system	12
Fort Harrison, MT infrastructure improvements	2
Air National Guard:	
C-130 operations	5
Defense Systems Evaluation (DSE) White Sands NM	2.5
Project Alert	3.5
AlaskaAlert	1.5
Recruiting	6
New Jersey Forest Fire Service	0.093
Environmental Restoration, Formerly Used Defense Sites—Formerly Used Defense Sites (FUDS) Army Corps of Engineers	45
TITLE III—PROCUREMENT	
Army:	
Ammunition Production Base Support (Arms Initiative)	20
Weapons and Tracked Combat Vehicles: Carrier Modifications	10
Abrams Full-Crew Interactive Skills Trainer Development	5
Weapons of Mass Destruction Civil Support Teams (WMD-CST)	3.7
Special Purpose Vehicles	11.3
Navy:	
ITALD	20
MK-45 Mod 4 Guns	30
SMAW Common Practice Round	5
MSC Thermal Imaging System	8
Shipboard Air Traffic Control on-board Training Devices	4
JEDMICS	4
Info Systems Security Program (ISSP)	3
Passive Sonobuoys	3
AN/SSQ-62 DICASS	3
AN/SSQ-101 ADAR	3
Joint Tactical Combat Training System	5
Rotational Training Range Upgrade	5
NULKA	4.3
Submarine Training Device Mods Data Management & Conv.	2.5
MTVR Trucks	10
Armed Forcer Recruiting Kiosks	2
Cryptology Readiness Trng Support: Signalwork	4
Marine Corps Procurement:	
Bayonets	2
M203 Tilting Bracket	2
ULCANS Command Post System	5
Aluminum Mesh Tank Liner	1
Air Force Procurement:	
F-15 E-Kit Engine Mods	48
Survivability Enhancements	26.9
F-16 Digital Terrain System	16.5
F-16 OBOGS retrofit	5
C-17 Maintenance Trng System	11

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

C-40 (1) plus-up for ANG	52
C-130 Simulator	7.5
RC-135 Reengining (2)	59
COBRA BALL digital processing	9
RIVET JOINT mission trainer	15.5
U-2 SYERS	3
COMPASS CALL block 30/35 mission crew simulator	23.7
ALE-50 Towed Decoys	23.1
Hydra Rockets	15
MOU-93 Conical Tail Fin	1
HMMWV, Armored	10
COMSEC equipment	4
Unmanned Threat Emitter Combat Training Ranges	21.4
Laser Eye Protection	2.5
Supply Assets Tracking System	10
Emergency Support Heli-Basket	4
Missile Procurement: Maverick Re-configurations	5
U-2 Aircraft Production	3
Procurement Defense-Wide:	
Advanced Seal Delivery System	3.3
Automatic Document Conversion, Defense Supp. Activities	15
Integrated Bridge System for SOF Rigid Inflatable Boats	7
NAVSCIATTS Collateral Equip	2.75
C2A1 Canister	1.8
M291 Decontamination Kits	2.5
Chemical Biological Defense Program (Contamination Avoidance)	1.8
TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION	
R,D,T,E (Army):	
Defense Research Sciences (Cold Regions Mil. Engineering)	1.25
Defense Research Sciences (Force Protection from Terr. Weapons)	3
Defense Research Sciences	4.25
University and Industry Research Centers	6.5
Industrial Preparedness: Printed Wiring Board Manufacturing Tech.	5
Display Performance & Environmental Evaluation Laboratory	3
Applied Research:	
Materials Technology	13
Missile Technology	8
Modeling and Simulation Technology	5
Combat Vehicle and Automotive Technology	23.5
Ballistic Technology	6
Joint Service Small Arms Program	5
Weapons and Munitions Technology	5
Electronic and Electronic Devices	10.6
Countermine Systems	5.4
Environmental Quality Technology	6
Military Engineering Technology	11.5
Warfighter Technology	2
Medical Technology	26.5
Silicon Carbide Research	15
Applied Technology Development:	
Warfighter Advanced Technology	5
Medical Advanced Technology	56.5
Missile and Rocket Advanced Technology	22
Demonstration and Validation:	
Army Missile Defense Systems Integration	80
Tank and Medium Caliber Ammunition	15
Advanced Tank Armament System (ATAS)	150
Night Vision System Advanced Development	5.1
Aviation—ADV DEV	5
Operational Test of Air-Air Starstreak Missile	12
Engineering and Manufacturing:	
EW Development	18
Engineer Mobility Equipment Development	15
Night Vision Systems—ENG DEV	1.5
Combat Feeding, Clothing and Equipment	3.5
Joint Surveillance/Target Attack Radar System	4
Aviation—ENG DEV	5
Weapons and Munitions—ENG DEV	9
Medical Material/Medical Biological Defense Equipment	3
Landmine Warfare/Barrier—ENG DEV	30
Radar Development	5
Firefinder	10
Information Technology Development	4
RDT&E Management:	
Threat Simulator Development	4.9
Concepts Experimentation Program	5
Survability/Lethality Analysis	16
DOD High Energy Laser Test Facility	24.4
Munitions Standardations, Effectiveness and Safety	2
Management Headquarters (Research and Development)	3
MLRS Product Improvement Program	16
Aerostat Joint Project Office	2
Aircraft Modifications/Product Improvement Program	12
Tactical Unmanned Aerial Vehicles	7
End Item Industrial Preparedness Activities	15
R,D,T & E Navy:	
Air and Surface Launched Weapons Tech.-Free Electron Laser	5
Air and Space Launched Weapons Tech-Pulse Detonation Engine	7
Reentry Systems Application for Advanced Technology Vehicle	2
Innovative Stand-Off Door Breaching Munitions	4.5
Surface Ship & Submarine HM&E Advanced Technology	5
Navy Information Technology Center, New Orleans	8
Ship Submarine & Logistics:	

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

Bio-degradable Polymers	1.25
Non-Magnetic, Stainless Steel Adv Double Hull	5
3DP Metal Fabrication Process	5
Bio-environmental Hazards Research Program	3
Marine Corps Landing Force Technology—Cent./threat/ops Communications, Command & Control, Intell, Surveillance	3
Hyperspectral Research	3
Networking Program, ACIN, Camden, NJ	15
UESA Signal Processing	10
Tactical Component Network Demonstration	10
E-2C RMP Littoral Surveillance	15
Chemical Agent Warning Network	3
Materials, Electronic & Computer Technology:	
Materials, Electronics, & Computer Tech. Program	2
Advanced Materials Processing Center	5
Wood Composite Technology Project	1.5
Innovative Communications Materials	2
Intermediate Modules Carbon Fiber Qualification	2
Nanoscale Science & Technology Program	3
Composite Storage Module	3
Advanced Materials Innovative Communications Materials	2
Compatible Processor Upgrade Program (CPUP)	5
Oceanographic and Atmospheric Technology:	
Littoral Acoustic Demonstration Center (LADC)	2
Distributed Marine Environmental Forecasting System	3
Dual Use Applications Program: Energy and Environmental Technology Initiative	2
Air Systems and Weapons Advanced Technology:	
Precision Strike Navigator	5.7
Digitization of FA-18 Aircraft Technical Manuals	5.2
Surface Ship & Submarine HM&E Advanced Technology:	
Laser Welding and Cutting	2.8
Virtual Test Bed	2
Supply Chain Best Practices Program	2
Marine Corps Advanced Technology Demonstration (ATD): Marine Corps Combat Development Command, Project Albert	4
Manpower, Personnel and Training ADV TECH DEV: RIT Center for Integrated Manufacturing	3
Environmental Quality and Logistics Advanced Tech.:	
Ocean Power Technology	3
Hybrid Lidar-Radar	3
Geotrack Positioning Technology Program	7.5
Smart Base Initiative	2.7
Visualization of Technical Information	2
Undersea Warfare Advanced Technology: Magnetorestrictive Transduction	3
Advanced Technology Transition:	
Vectored Thrust Ducted Propeller	3.2
HYSWAC	5
USMC ATT Initiative	10
C3 Advanced Technology: National Technology Alliance	15
Air/Ocean Tactical Applications: National Center of Excellence Hydrography	2.5
ASW Systems Development: Advanced Periscope Detection	5
Shipboard System Component Development: MTTC/IPI	8
Advanced Submarine System Development:	
Enhanced Performance Motor Brush	2
Conformal Acoustic Velocity Sonar (CAVES)	5
Common Towed Arrays	5
C128 Advanced Composite Submarine Sail	2.5
Ship Preliminary Design and Feasibility Studies: Shipboard Simulator for USMC	20
Marine Corps Assault Vehicles	17.5
Marine Corps Ground Combat/Support System:	
SMAW Follow-on	3
High Mobility Artillery Rocket Systems	17.3
Space and Electronic Warfare (SEW) Architecture and Engineering Support: Collaborative Integrated Information Technology	4
Multi-Mission Helicopter Upgrade Development: Advanced Threat Infrared Countermeasures	4
SSN-688 and Trident Modernization: Antenna Technology Improvement	5
Ship Contract Design/Live Fire T&E: Nuclear Aircraft Carrier Design and Product Modeling	10
Ship Self Defense—EMD: Anti-ship Missile Decoy System	2.1
Medical Development:	
Smart Aortic Arch Catheter	1.5
Coastal Cancer Control	5
Major T&E Investment: Fleet Air Training	3
Marine Corps Program Wide Support: USMC University	1
Consolidated Training Systems Development: Joint Tactical Combat Training	5
HARM Improvement: Quick Bolt, ACDT Program	5
Navy Science Assistance Program:	
LASH	10
Range Airship	9
RWR Antenna Replacement and System Enhancement	1
Marine Corps Communication Systems: Joint Enhanced Core Communication System	3
Joint C4ISR Battle Center (JBC): Interoperability Process Software Tools	2
Airborne Reconnaissance Systems: Hyperspectral Modular Upgrades to Airborne Recon. System	4
Space Activities: SPAWAR SATCOM Systems Integration Initiative	2
Modeling and Simulation Support: SPAWAR	5
Air Force:	
(USAF) Research, Development, Test and Evaluation: Basic Research-Defense Research Sciences	2
Applied Research:	
Materials	24.6
Aerospace Flight Dynamics	0.552
Human Effectiveness Applied Research	6
Aerospace Propulsion	12.1
Space Technology	10.6
Advanced Technology Development:	
Advanced Materials for Weapon System	3.5
Advanced Aerospace Sensors	12
Flight Vehicle Technology	3.827
Aerospace Structures	6.2

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

Crew Systems and Personnel Protection Technology	5
Flight Vehicle Technology Integration	3
Advanced Spacecraft Technology	20,415
Maui Space Surveillance System (MSSS)	15
Advanced Weapons Technology	12
Environmental Engineering Technology	2
Aerospace Info Tech Sys Integration	0.6
Intercontinental Ballistic Missile—DEM/VAL	19.2
LaserSpark Countermeasures Program	5
Extended Range Conventional Air-launched Cruise Missile Program	43
XSS-10 Micro-Missile Technology Program	12
Engineering and Manufacturing Development:	
B-2 Advanced Technology Bomber	5
EW Development	8
Life Support Systems	2.75
Combat Training Ranges	4
Integrated Command & Control Applications (IC2A)	4.8
Intelligence Equipment	5.3
RDT&E for Aging Aircraft	7
RDT&E Management Support: Major T&E Investment	5
Operational Systems Development:	
B-52 Squadrons	10
A-10 Squadrons	2
F-16 Squadrons	1
F-15 Squadrons	5
Compass Call	10
Extended Range Cruise Missile	20
Theater Battle Management (TBM) C41	5
Joint Surveillance and Target Attack Radar System	7.2
Information Systems Security Program	5
MILSATCOM Terminals	3
NAVSTAR Global Positioning System (Space & Controls)	10.7
Dragon U-2 (JMIP)	6
Endurance Unmanned Aerial Vehicles	18
Airborne Reconnaissance Systems	15.7
Manned Reconnaissance Systems	11
Industrial Preparedness	3
Productivity, Reliability, Availability, Maintain. Pro	9
C-5 Aircraft Modernization/Reliability Enhancement Program	92.5
Defense—Wide Research, Development, Test & Eval.	
Support Technologies—Applied Research:	
Photoconduction on Active Pixel Sensors	7
Laser Communication Demonstration	5
Shipboard High Precision Lidar System	2
Bottom Anti-Reflective Coatings	2.5
Wide Band Gap Materials	2
ALGL/STRIKER	6
Spatio-temporal Database Research	6
Logistics R & D Tech. Demo. Silicon-Based Nanostructures	2
High Energy Laser R,D,T & E	50
Generic Logistics Research and Development Tech. Demo.	0.3
Special Reconnaissance Capabilities (SRC) Program	2
Support Technologies—Advanced Technology Dev.:	
Silicon Thick Film Mirror Coatings	5
Atmospheric Interceptor Technology	15
Comprehensive Advanced Radar Tech.	5
Excalibur Target & Component Technologies Program	3
RF/IR Data Fusion Testbed	3.2
Wideband Gap Semiconductor	10
Explosives Demilitarization Technology	5
BMD Technical Operations	33.5
PMRF TMD Upgrades	11.5
Optical-Electro Sensors	5
Range Data Fusion Upgrade Project	2
ESPIRIT	2
Advanced Multi-Sensor Fusion Testbed	1.5
Advanced Research Center/Sim Center	6.5
Defense Wide RDT&E	
Basic Research:	
Defense Research Sciences	11.6
University Research Initiatives	10
Def. Experimental Prog. to Stimulate Competitive Research	15,141
Chemical and Biological Defense Program	5
Ballistic Missile Defense Org. of International Cooperation	6
Environmental Security Technical Certification Program	5
Strategic Environmental Research & Development Program	5
Information Technology Center	20
Solid State Dye Laser Project	7
Military Personnel Research	4
Applied Research:	
Support Technologies—Applied Research	18.5
Historically Black Colleges and Universities (HBCU)	3.5
Lincoln Laboratory Research Program	2.1
Chemical and Biological Defense Program	8
Remotely Controlled Combat Systems Initiative	199
Integrated Command and Control Tech.	7
Materials and Electronics Technology	6
Chem-Bio Advanced Materials Research	3.5
Advanced Tech. Development:	
Explosives Demilitarization Tech.	10.7
Support Tech-Advanced Tech. Dev.	41.2
Advanced Aerospace Systems	4,115

DEFENSE APPROPRIATIONS FOR FY 2001 ADD-ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

Chemical and Biological Defense Program—Advanced Dev.	9.1
Special Technical Support	5
Generic Logistics R&D Tech. Demonstrations	14
Strategic Environmental Research Program	0.2
Advanced Electronics Tech.	6.5
Advanced Concept Tech. Demonstrations	5
High Performance Computing Modernization Program	13.5
Joint Wargaming Simulation Management Off.	8
Agile Port Demonstration	5
Demonstration and Validation:	
Joint Robotics Program	5
Advanced Sensor Applications Program	15.5
CALS Initiative	7
Environmental Security Technical Certification Program	0.5
BMD Tech. Operations	33.5
Engineering and Manufacturing Development:	
Chemical and Biological Defense Program	3.5
Information Systems Security Program	2.5
RDT&E Management Support:	
General Support to C3I	6
Foreign Material Acquisition and Exploitation	48.1
Defense Technology Analysis	3
Operational Systems Development:	
Information Systems Security Program	1.8
Defense Imagery and Mapping Program	4
Committee Recommendations:	
Central Test & Evaluation Investment Dev. (CTEIP)	15.5
Roadway Simulator	13.5
Big Crow Operations	7
Magdalena Ridge Observatory	10
Digital Video Laboratory	5
Live Fire Testing	1.5
Reality Fire-fighting Training	1.5
TITLE V—"BUY AMERICA" PROVISIONS FOR THE NATIONAL DEFENSE SEALIFT FUND	
TITLE VI—OTHER DOD APPROPRIATIONS	
Pine Bluff Arsenal	1.5
Outcomes Management Demonstration at WRAMC	10
Pacific Islands Health Care Referral Program	8
Automated Clinical Practice Guidelines	7.5
Hawaii Federal Health Care Network (PACMEDNET)	7
Clinical Coupler Demonstration Project	5
CoE for Disaster Management and Humanitarian Assistance	5
Tri-Service Nursing Research Program	4
Defense and Veterans Head Injury Program	3.5
Graduate School of Nursing	2
Brown Tree Snakes	1
Alaska Federal Health Care Network	1
Biomedical Research Center Feasibility Study	1
Oxford House DOD Pilot Project	0.75
Uniformed Services University of the Health Sciences	6.3
Breast Cancer Research Program (BCRP)	175
Prostate Cancer Research Program (PCRP)	100
Ovarian Cancer Research Program (OCRP)	12
Peer Reviewed Medical Research Program (PRMRP)	50
Committee Adjustments (Counternarcotics):	
National Guard Counterdrug Support	20
Gulf States Initiative	14.8
Regional Counterdrug Training Academy	2
Marijuana Eradication	6.1
Tethered Aerostat Radar System (TARS)	10
EO/IR Sensors for Air National Guard OH-58 Aircraft	5
WV Air National Guard C-26 Aircraft Support	6.3
WV Air National Guard Counterdrug Program	3.2
Northeast Regional Counterdrug Training Center	5
Counternarcotics Center at Hammer	10
Source and Transit Zone Interdiction Operations	15
Drug Enforcement Policy Support	23
TITLE VII—AGENCIES	
(Health Benefits of Cranberries—Committee urges SECDEF to take steps to increase the Department's use of cranberry products in the diet of on-base personnel and troops in the field)	
Committee Recommendation: Kaho'olawe Island Conveyance	60
TITLE VIII—GENERAL PROVISIONS	
National Center for the Preservation of Democracy	20
[(Studies Japanese-American's imprisoned during WWII)—SEC. 8009 Patients from Micronesia may receive medical services pending Secretary of the Army approval, at Army facilities in Hawaii, assuming the action is beneficial for Army graduate medical programs—SEC. 8016 "Buy America" provisions for Welded Shipboard Anchor and Mooring Chain 4" in diameter or less]	
SEC. 8031 Civil Air Patrol	21.4
[SEC. 8033—"Buy America" provisions for carbon, alloy or armor steel Health Benefits of Cranberries—Committee urges SECDEF to take steps to increase the Department's use of cranberry products in the diet of on-base personnel and troops in the field. SEC. 8062 "Buy America" provisions for Ball and Roller Bearings—SEC. 8064 "Buy America" provisions for Super Computers—SEC. 8067 The Army shall use the former George AFB, CA, as the airhead for the National Training Center at Fort Irwin. SEC. 8079 SECDEF may waive reimbursement of costs for attendance at the Asia-Pacific Center by critical personnel—SEC. 8085 "Buy America" provisions for Construction of Public Vessels, Clothing & Textiles, & Food—SEC. 8092 "Buy America" provisions for ADC(X) Main Propulsion Engines & Propulsors]	
SEC. 8123 National D-Day Museum	2.1
SEC. 8124 Chicago Public Schools conversion of Bronzeville Army	
Total	4,367,493,000.00.

WIC FOR MILITARY FAMILIES

Mr. LEAHY. Mr. President, the Department of Defense authorization bill that we will resume on Monday contains a "buried gem." This is an amendment that several Senators from both sides of the aisle have been working on for some time. In addition, many members in the other body also have been very supportive of this effort in general.

This "buried gem" is a provision that will allow military personnel and dependents stationed overseas to participate in a program very similar to the WIC—the Women, Infants and Children—nutrition program. The WIC program in this country has enjoyed full, bipartisan support for many years, and this new provision provides that our forces abroad will be entitled to benefit from a very similar program with eligibility calculated under very similar rules.

The chairman of the Senate Agriculture, Nutrition and Forestry Committee, Senator LUGAR, and the ranking member, Senator HARKIN, along with the chairman of the nutrition subcommittee, Senator FITZGERALD, worked together with me and other members of the Committee on this WIC in the military issue. We received valuable input on this recent amendment from the DOD and the military liaison offices, as well as from the Department of Agriculture. We are grateful for that assistance.

I know that many of us worked together last year on this issue also. Last year, I introduced the bill, Strengthening Families in the Military Service Act of 1999 (S. 1162), which was designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas.

In my floor statement on May 26 of last year, I noted that "if it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?"

A former staff person, Janet Breslin, who worked for me as Deputy Chief of Staff of the Senate Agriculture Committee and now is stationed in Japan with her husband, sent me a note saying:

WIC can make all the difference to an at-risk baby or pregnant mother. There is a specific need here in Okinawa. Our young families make the long trip to Japan to represent their country. They are separated from family and friends back home. Because we have limited base housing, some are forced to live off-base for months or a year. During this time the family faces the high cost of living in Japan, especially high utility fees and food costs. For many, huge phone bills home put many families in a financial pinch.

If these at-risk families were in the United States, they would qualify for WIC, which would provide nutritious dairy and other

food products for the family. However, due to a legal quirk, WIC is not available for Americans on overseas military bases.

This effort, by you and others, would help reduce the pressure on these young families, improve the health of mother and baby, and enhance the quality of life for Americans serving their country halfway around the world.

Janet perfectly summarized why we should provide WIC to our military personnel overseas.

My bill, and the amendment included in the DOD bill, provide that the Secretary of Defense will administer such a program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States.

For 26 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breast-feeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment: For every dollar invested in the WIC program, an estimated \$3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

These same benefits should be provided overseas to military families who are serving our country, living miles from their homes on military bases in foreign lands, and whose nutritional health is at risk. If they were stationed within our borders, their diets would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals and juices, high protein products, and other foods especially rich in needed minerals and vitamins.

My staff has been in direct contact with military officials on this matter and they have expressed a strong desire for this reform. I know that many Vermonters stationed overseas want WIC benefits to be offered at their bases. We should not turn our backs on these Americans stationed abroad.

My bill last year, and this amendment, disregard the value of in-kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program similar to the program in the United States. This is the correct approach—let's not shortchange our service personnel stationed overseas.

The average monthly food cost would be around \$30 to \$35 for each participant, based on Department of Defense estimates of the cost of an average WIC food package in military commissaries. As many as 40,000 to 50,000 persons could be eligible for this program, but it is uncertain how many of those would apply. In the United States, 80

percent of those who are eligible actually apply.

Administration costs—which include medical, health and nutrition assessments—are likely to be about \$10 per month per participant. We know from experience that each dollar spent on WIC is a very wise investment, which is why I am very pleased that this amendment was accepted today.

I want to thank several Senate staff members who have worked on this issue, including Ed Barron and Elizabeth Darrow on my staff, Dave Johnson and Carol Dubard with Chairman LUGAR, Mark Halverson and Lowell Unger with Senator HARKIN, and Terry Van Doren with Senator FITZGERALD. Joe Richardson of CRS was also very helpful, as he has been over the years.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 14, 2000, the Federal debt stood at \$5,643,728,718,133.89 (Five trillion, six hundred forty-three billion, seven hundred twenty-eight million, seven hundred eighteen thousand, one hundred thirty-three dollars and eighty-nine cents).

One year ago, June 14, 1999, the Federal debt stood at \$5,608,265,000,000 (Five trillion, six hundred eight billion, two hundred sixty-five million).

Five years ago, June 14, 1995, the Federal debt stood at \$4,905,557,000,000 (Four trillion, nine hundred five billion, five hundred fifty-seven million).

Ten years ago, June 14, 1990, the Federal debt stood at \$3,122,390,000,000 (Three trillion, one hundred twenty-two billion, three hundred ninety million).

Fifteen years ago, June 14, 1985, the Federal debt stood at \$1,766,279,000,000 (One trillion, seven hundred sixty-six billion, two hundred seventy-nine million) which reflects a debt increase of almost \$4 trillion—\$3,877,449,718,133.89 (Three trillion, eight hundred seventy-seven billion, four hundred forty-nine million, seven hundred eighteen thousand, one hundred thirty-three dollars and eighty-nine cents) during the past 15 years.

ADDITIONAL STATEMENTS

JOHN JAMES DALEY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an extraordinary Vermonter, John James Daley, who passed away last night at the age of 76. Mr. Daley leaves behind a devoted wife, a loving family and a grieving community which will miss his leadership and example.

Jack, as he was known, was born in my hometown of Rutland, Vermont on June 21, 1923 to John M. and Bridget C. Daley. He attended Norwich University

and proudly served as a member of the United States Marine Corps in the Philippines and other parts of Asia. He found his niche as a public servant in 1956 when he was elected to the Rutland Board of Aldermen. From there he served as mayor for two years from 1961 to 1965, becoming the youngest man ever to have held the position.

In November of 1965 Jack was elected Lieutenant Governor of Vermont and served two terms with Governor Phil Hoff. Jack continued his career as a role model and advisor when he joined the Rutland Public School system as a teacher for many years. Through his lectures and by acting as a role model, he enriched the minds of our Vermont youth as he taught history, citizenship and American government. In 1981 Jack returned to the office of mayor and from there continued his legacy as he was reelected in 1983 and 1985. He continued to represent the interests of his hometown as he sought and served two terms in the Vermont House representing Rutland District 6-2.

Jack was a devoted family man. More than fifty years ago he married another Rutland native, Mary Margaret Creed. Together they became the proud parents of eleven children, nine girls and two boys. Mary's everlasting energy allowed her not only to raise their own eleven children but tirelessly work as a nurse in the nursery at the Rutland Hospital helping to care for the children of others. Ceaseless in her dedication, she continues to help out when needed despite her retirement.

Today, I pay tribute to the accomplishments of this public servant, father, husband and my friend, John James Daley. Today, Rutland and the entire state of Vermont grieve for a great man. Farewell, Jack. You will be truly missed.●

NATIONAL SERVICE—LEARNING LEADER SCHOOL AWARD WINNERS

● Mr. KENNEDY. Mr. President, the Corporation for National Service recently announced the winners of the second annual National Service—Learning Leader Schools Program, a Presidential Award that recognizes schools for excellence in service-learning.

Learn and Serve America, one of the three national service programs of the Corporation for National Service, is sponsoring the Leader Schools initiative. In its second year, the Leader Schools program is honoring 34 middle schools and 32 high schools in 31 states for thoughtfully and effectively combining academic subjects with community service in a way that benefits students, teaches civic responsibility, and strengthens communities.

Service-learning is expanding in the United States. The Department of Education found that in 1984, only 27 percent of all high schools had school-

sponsored community service projects and only 9 percent offered service-learning. By the 1998-99 school year, those numbers rose to a remarkable 83 percent and 46 percent, respectively.

Three schools in Massachusetts—Wareham High School and Wareham Middle School in Wareham and Tantasqua Regional Junior High School in Fiskdale have been leaders in our state on service-learning and were honored as National Service Learning Leader Schools this year. I commend each of these schools for the important work they have accomplished in making community service an integral part of school life. These schools are impressive models for Massachusetts and for the nation.

The Leader Schools program is not simply an awards program. The schools being honored are making a two year commitment to assist other schools through mentoring and coaching, thereby contributing to the spread of service-learning throughout the country.

The Corporation for National Service also administers AmeriCorps, the domestic Peace Corps that is engaging Americans in extensive, service activities in this country. In addition, the Corporation administers the National Senior Service Corps which enables nearly half a million Americans age fifty-five and older to share their time and talents to help solve local problems.

All of these outstanding programs are achieving great success under the strong leadership of our former colleague in the Senate, Harris Wofford, the chief executive officer of the Corporation.

The sixty-six Leader Schools will be honored in a ceremony at the Kennedy Center this week. These schools are true leaders in education reform. I commend them for their academic achievements and their contributions to our country through community service, and I ask the list of the Leader Schools may be printed in the RECORD.

2000 NATIONAL SERVICE—LEARNING LEADER SCHOOLS

Academy for Science and Foreign Language, Huntsville, AL; Eureka Senior High School, Eureka, CA; Irvington High School, Fremont, CA; Howard High School of Technology, Wilmington, DE; Wakulla Middle School, Crawfordville, FL; Neptune Middle School, Kissimmee, FL; Bay High School, Panama City, FL; Taylor County High School, Perry, FL; Carol Shores High School, Tavernier, FL; Waiakea High School, Hilo, HI; Punahou School, Honolulu, HI; President George Washington Middle School, Honolulu, HI; Bettendorf High School, Bettendorf, IA; Resurrection High School, Chicago, IL; Field Middle School, Northbrook, IL; Paoli Senior High School, Paoli, IN; Warren Central High School, Bowling Green, KY; North Laurel Middle School, London, KY; East Jessamine Middle School, Nicholasville, KY; Tantasqua Regional Jr. High School, Fiskdale, MA; Wareham High School, Wareham, MA; Wareham Middle School, Wareham, MA;

Phillips Middle School, Phillips, ME; Lahser High School, Bloomfield Hills, MI; Romulus High School, Romulus, MI; Fulton Academy, Fulton, MO; Tupelo Middle School, Tupelo, MS; Chief Joseph Middle School, Bozeman, MT; Lewistown Junior High School, Lewistown, MT; Ramsey Street Alternative Middle School, Fayetteville, NC; Ferndale Middle School, Highpoint, NC; Piedmont High School, Monroe, NC; Woodbury Middle School, Salem, NH; Woodsville High School, Woodsville, NH; Cranford High School, Cranford, NJ; Academy of the Holy Angels, Demarest, NJ; Terence C. Reilly Middle School, Elizabeth, NJ; Delsea Regional Middle School, Franklinville, NJ; Hoboken Charter School, Hoboken, NJ; John F. Kennedy Memorial High School, Iselin, NJ; Linden High School, Linden, NJ; Opportunity School, Reno, NV; Scotia-Glenville Junior High School, Scotia, NY;

W.T. Clarke Middle School, Westbury, NY; Russell F. Hobart Middle School, Painesville, OH; Hastings Middle School, Upper Arlington, OH; Jones Middle School, Upper Arlington, OH; The Environmental Middle School, Portland, OR; Tillamook Junior High School, Tillamook, OR; Lamberton Middle School, Carlisle, PA; Parkway West Alternative Center for Education, Oakdale, PA; Feinstein High School for Public Service, Providence, RI; D.R. Hill Middle School, Duncan, SC; Britton's Neck High School, Gresham, SC; Pickens Middle School, Pickens, SC; Wren Middle School, Piedmont, SC; Camp Creek School, Greeneville, TN; Harpeth Hall School, Nashville, TN; Quest High School, Humble, TX; Weatherford High School, Weatherford, TX; Box Elder Community High School, Brigham City, UT; Evergreen Junior High, Salt Lake City, UT; William E. Waters Middle School, Portsmouth, VA; River Bluff Middle School, Stoughton, WI; WVDE at Davis Stuart School, Lewisburg, WV; Morgantown High School, Morgantown, WV.●

TRIBUTE TO SUSAN SYGALL

● Mr. HARKIN. Mr. President, July 26 will mark the 10th Anniversary of the Americans with Disabilities Act. In the next few weeks we'll be holding a number of events here in Washington and around the country to celebrate the ADA. And right now it looks like we can start our party a little early.

I just found out that yesterday, Susan Sygall, a woman with a disability, received a MacArthur Foundation Fellowship. Each year, the MacArthur Foundation awards 20 or so unrestricted \$500,000 grants to, and I quote, "talented individuals who have shown extraordinary originality and dedication. . . ." These so-called "genius grants" are among the most prestigious in the world.

Susan is the Executive Director of Mobility International USA. Mobility International's mission is to empower people with disabilities, particularly women, through international exchange, and by providing information, technical assistance, and training to ensure the inclusion of people with disabilities in international exchange and development programs.

Right now, Mobility International is, among other things, facilitating a program to develop relationships between

the disability communities in Vietnam and in the United States. Some of Susan's genius must have rubbed off on us in the Foreign Operations Committee because we encouraged USAID to fund disability rights programs in Vietnam. I hope that we can help the program again this year.

I strongly believe that for all of America's economic and military might, our greatest strength will always be our democratic principles. Those principles have served as the foundation for aspiring democracies everywhere. As our own democracy matures, and the ADA is a testament to that, it is essential that we export the lessons we have learned.

I have seen personally how the ADA has fostered disability rights activism around the world and as the 10th Anniversary approaches I can think of no better person to honor than Susan Sygall. A civil rights law is only as great as the people who bring it to life every day. That's why when I hear about people like Susan, I know that the ADA's future is in good hands.●

COMMEMORATING THE 150TH ANNIVERSARY OF THE TOWN OF SEYMOUR, CONNECTICUT

● Mr. DODD. Mr. President. I rise today to pay tribute to the town of Seymour, nestled in the Lower Naugatuck Valley of Connecticut. Located in New Haven County with the Lower Housatonic River nearby, Seymour offers its residents a wide variety of recreational activities, history, industry, and a strong sense of community with an emphasis on education. Seymour was formally founded on June 24, 1850, when the town's council held its first meeting. I rise today to congratulate Seymour on its Sesquicentennial anniversary, 150 years as a town, and to reflect for just a few moments on the rich history of this town.

The Naugatuck Valley increased in importance during the early 1800s because of its valuable natural resources and industrial growth. Due to different manufacturing concerns and the desire to separate and become their own community, the town of Seymour, then called Humphreysville, petitioned the state legislature to become the town of "Richmond." Thomas H. Seymour, who was the Governor of the state of Connecticut, promised the people that if the town was named in his honor, the bill would be accepted immediately. Evidently, the good people of the town agreed, for shortly thereafter the town of Seymour was formally constituted.

Throughout the years, companies have prospered and grown in Seymour, paralleled by the development and expansion of the town itself. The H.P. & E. Day Company began in Seymour in 1865, and has developed into the Waterman Pen Company of France, producers of some of the world's finest

fountain pens. Telegraph cables that could be placed underwater were developed by Austin Goodyear Day in Seymour in the mid-nineteenth century, and continue to be produced by the Kerite Company, presently located on Day Street. With the vital shipping lanes of the Housatonic River, as well as the region's railroads and factories, Seymour flourished throughout the late nineteenth century, and within the town a broad range of products—from copper to paper to bottled spring water—was produced. Outside of the industrial diversity of Seymour, one is immediately aware of the natural beauty of the area. Not only is the Housatonic River one of New England's greatest assets, but it also provides recreational activities such as canoeing and fishing for local residents.

I have had the pleasure of visiting the town of Seymour on many occasions, and am always impressed with the natural beauty and spectacular resourcefulness of the residents. One thing that has lingered in my mind from past visits is the strong sense of community, and the emphasis on the importance of education. Seymour offers residents an abundance of entertainment and activities through the Seymour Recreation Commission, a strong police force led by Police Chief Michael E. Metzler, the Seymour Senior Center, cultural and performing arts events through the Seymour Culture and Arts Commission, and celebrations of important national holidays such as Memorial Day through local events and parades. In the realm of education, Superintendent Eugene A. Coppola has continued to uphold the fine reputation of local schools, which have seen recent increases in test scores, state-of-the-art expansion of Bungay Elementary School, the strengthening of the core curriculum, and a majority of students participating in extracurricular activities. One of the most important facets of the school system in Seymour is the DARE program, instilling in students the importance of remaining drug-free.

Seymour in the year 2000 is in many respects a great American town. It is a place where businesses can prosper, where families can thrive, and where a sense of community permeates everyday life. In recognizing this important anniversary in the life of the town, we pay homage to all those who have in the past contributed to making Seymour the outstanding place it is today. And we congratulate those current residents who pause on this occasion not only to remember the past, but who dedicate themselves to the future success and vitality of this remarkable town they call home.●

MESSAGE FROM THE HOUSE

At 12:40 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4577. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9218. A communication from the Executive Director of Government Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the report of financial statements for calendar years 1998 and 1999; to the Committee on the Judiciary.

EC-9219. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on federal government energy management and conservation programs, fiscal year 1998; to the Committee on Energy and Natural Resources.

EC-9220. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "Deposition of Air Pollutants to the Great Waters"; to the Committee on Environment and Public Works.

EC-9221. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the notice of establishing and adjusting schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC-9222. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the audited fiscal years 1998 and 1999 financial statements of the U.S. Mint; to the Committee on Banking, Housing, and Urban Affairs.

EC-9223. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Financial and Administrative Activities of the Taxicab Assessment Fund for Fiscal Years 1997, 1998, and 1999"; to the Committee on Governmental Affairs.

EC-9224. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Status of the Washington Convention Center Authority's Implementation of D.C. Auditor Recommendations"; to the Committee on Governmental Affairs.

EC-9225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on birth defects and developmental disabilities programs at the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

EC-9226. A communication from the Chairman of the President's Committee On Employment of People With Disabilities, transmitting, pursuant to law, a report entitled "Programs That Work Producing People at Work"; to the Committee on Health, Education, Labor, and Pensions.

EC-9227. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, the report on improvements to claims processing under

the Tricare Program; to the Committee on Armed Services.

EC-9228. A communication from the Principal Deputy Under Secretary of Defense, transmitting, pursuant to law, the report on the Cooperative Threat Reduction (CTR) Multi-Year Program Plan for fiscal year 2000; to the Committee on Armed Services.

EC-9229. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9230. A communication from the Chair of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9231. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9232. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9233. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9234. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9235. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9236. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9237. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 11: A bill for the relief of Wei Jingsheng.
S. 150: A bill to the relief of Marina Khalina and her son, Albert Mifakhov.

S. 451: A bill for the relief of Saeed Rezaei.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1078: A bill for the relief of Mrs. Elizabeth Eka Bassey and her children, Emman-

uel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1513: A bill for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2019: A bill for the relief of Malia Miller.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commission for the term expiring June 30, 2002.

J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council for a term of one year.

Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Jeffrey D. Kotson and ending Kimberly Orr, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2000.

By Mr. HATCH for the Committee on the Judiciary.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement.

Beverly B. Martin, of Georgia, to be United States District Judge for the Northern District of Georgia.

Jay A. Garcia-Gregory, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Laura Taylor Swain, of New York, to be United States District Judge for the Southern District of New York.

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

Russell John Qualliotine, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAMM:

S. 2732. A bill to ensure that all States participating in the National Boll Weevil Eradication Program are treated equitably; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM (for himself, Mr. KERRY, and Mr. SARBANES):

S. 2733. A bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FITZGERALD:

S. 2734. A bill to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. BAUCUS, Mr. KERREY, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. THOMAS, Mr. HARKIN, Mr. ROBERTS, Mr. JOHNSON, Mr. COCHRAN, and Mrs. LINCOLN):

S. 2735. A bill to promote access to health care services in rural areas; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2736. A bill to provide compensation for victims of the fire initiated by the National Park Service at Bandelier National Monument, New Mexico; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2737. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. FRIST, and Mr. ENZI):

S. 2738. A bill to amend the Public Health Service Act to reduce medical mistakes and medication-related errors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. HELMS, Mr. MOYNIHAN, Mr. ROTH, Mr. THURMOND, and Mr. WARNER):

S. 2739. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

By Ms. LANDRIEU:

S. 2740. A bill to provide for the establishment of Individual Development Accounts

(IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and to increase the limit on deductible IRA contributions, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, Mr. ROBERTS, Mr. LEVIN, Mr. KERREY, Mr. GRASSLEY, and Mr. CRAIG):

S. 2741. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of Oregon (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. SANTORUM, Mr. GORTON, Mrs. HUTCHISON, Mr. ALLARD, Mr. BENNETT, Mr. COVERDELL, Mr. GREGG, Mr. HELMS, Mr. THOMAS, Mr. INHOFE, Mr. MACK, Mr. WARNER, Mr. BUNNING, Mr. LOTT, Mr. MCCONNELL, Mr. CRAPO, and Mr. ROBERTS):

S. 2742. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes; read the first time.

By Mr. KENNEDY (for himself, Mr. DODD, and Mrs. MURRAY):

S. 2743. A bill to amend the Public Health Service Act to develop an infrastructure for creating a national voluntary reporting system to continually reduce medical errors and improve patient safety to ensure that individuals receive high quality health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 2744. A bill to ensure fair play for family farms; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2745. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ASHCROFT:

S. 2746. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Con. Res. 123. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 2732. A bill to ensure that all States participating in the National Boll Weevil Eradication Program are treated equitably; to the Committee on Agriculture, Nutrition, and Forestry.

THE BOLL WEEVIL ERADICATION EQUITY ACT

• Mr. GRAMM. Mr. President, today I am introducing the Boll Weevil Eradication Equity Act. Boll weevil infestation has caused more than \$15 billion worth of damage to the United States cotton crop, and the nation's cotton producers lose \$300 million annually. Texas is the largest cotton producing state in the nation, yet the scope of this problem extends beyond Texas. The ability of all states to eradicate this pest would stop future migration to boll weevil-free areas and prevent reintroduction of the boll weevil into those areas which have already completed a successful eradication effort.

We must continue to build upon the past success of the existing program that authorizes the Animal and Plant Health Inspection Service of the United States Department of Agriculture to join with individual states and provide technical assistance and federal cost-share funds. This highly successful partnership has resulted in complete boll weevil eradication in California, Florida, Arizona, Alabama, Georgia, Virginia and North Carolina. These states received an average federal cost-share of 26.9 percent, with producers and individual states paying the remaining cost.

Since 1994, however, the program has expanded into Texas, Mississippi, Arkansas, Louisiana, Tennessee, Oklahoma and New Mexico, but the federal appropriation has remained relatively constant. The addition of this vast acreage has resulted in dramatically reducing the federal cost share to only 4 percent, leaving producers and individual states to fund the remaining 96 percent. This is not fair to the states now participating in the program because federal matching funds to the states enrolled in the early years of the program constituted almost 30 percent of eradication costs.

The National Cotton Council estimates that for every \$1 spent on eradication, cotton farmers will accrue about \$12 in benefits. The bill I am introducing today will authorize a federal cost share contribution of not less than 26.9 percent to the states and producers which still must contend with boll weevil infestation. I urge my colleagues to join this effort to ensure that these producers receive no less support than that which was provided during the earlier stages of the program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boll Weevil Eradication Equity Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, infestation by *Anthonomus grandis* (commonly known as the "boll weevil") has caused more than \$15,000,000,000 in damage to cotton crops of the United States and costs cotton producers in the United States approximately \$300,000,000 annually;

(2) through the National Boll Weevil Eradication Program (referred to in this Act as the "program"), the Animal and Plant Health Inspection Service of the Department of Agriculture partners with producers to provide technical assistance and Federal cost share funds to States in an effort to eradicate the boll weevil;

(3) States that enrolled in the program before 1994 have since been able to complete boll weevil eradication and were provided a Federal cost share that accounted for an average of 26.9 percent of the total cost of eradication;

(4) States that enrolled in the program in or after 1994 account for 65 percent of the national cotton acreage and are now provided an average Federal cost share of only 4 percent, placing a tremendous financial burden on the individual producers;

(5) the addition of vast acreage into the program has resulted in an increased need for Federal cost share funds;

(6) a producer that participates in the program today deserves not less than the same level of commitment that was provided to producers that enrolled in the program before 1994; and

(7) the ability of all States to eradicate the boll weevil would prevent further migration of the boll weevil to boll weevil-free areas and reintroduction of the boll weevil in those areas having completed boll weevil eradication.

SEC. 3. BOLL WEEVIL ERADICATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall provide funds to pay at least 26.9 percent of the total program costs incurred by producers participating in the program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as are necessary for fiscal years 2001 through 2004.●

By Mr. SANTORUM (for himself and Mr. SARBANES):

S. 2733. A bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families; to the Committee on Banking, Housing, and Urban Affairs.

AFFORDABLE HOUSING FOR SENIORS AND FAMILIES ACT

• Mr. SANTORUM. Mr. President, I rise with great pride to introduce the Affordable Housing for Seniors and Families Act. I am very pleased to say that Senator KERRY of Massachusetts and Senator SARBANES are original co-sponsors of this bill.

Even as our national economy flourishes, many Americans are struggling

to find safe, decent, sanitary, affordable housing. HUD estimates that 5.4 million families are either paying over half of their incomes for rent or living in substandard housing. Of these households, 1.4 million, or 26%, are elderly or disabled. The scarcity of affordable housing is particularly troubling for seniors and the disabled who may require special structural accommodations in their homes.

As Vice Chairman of the Subcommittee on Housing and Transportation, and as a member of the Aging Committee, I feel a heightened sense of urgency in helping these special populations find housing. Thus, I am pleased to offer a bill which: reauthorizes federal funding for elderly and disabled housing programs; expands supportive housing opportunities for these special populations; codifies options to enhance the financial viability of the projects; assists sponsors in offering a "continuum of care" that allows people to live independently and with dignity; offers incentives to preserve the stock of affordable housing that is at risk of loss due to prepayment, Section 8 opt-out, or deterioration; and modernizes current laws allowing the FHA to insure mortgages on hospitals, assisted living facilities, and nursing homes. Together, I believe these measures will help to fill the critical housing needs of elderly and disabled families.

On September 27, 1999, the House of Representatives overwhelmingly approved the Preserving Affordable Housing for Senior Citizens in the 21st Century Act (H.R. 202) by a vote of 405-5. Several aspects of H.R. 202, which protected residents in the event that their landlords did not renew their project based Section 8 contracts, were included in the FY 2000 VA-HUD appropriations bill. The legislation I offer today is modeled on the House-passed bill, without the preservation provisions that have already been enacted. I would like to take a few moments to highlight the major provisions of this bill.

The Section 202 elderly housing program and the Section 811 disabled housing program each provide crucial affordable housing for very low-income individuals, whose incomes are 50 percent or below of the area median income. By law, sponsors, or owners, of Section 202 or Section 811 housing must be non-profit organizations. Many sponsors are faith-based. The Affordable Housing for Seniors and Families Act will increase the stock of Section 202 and 811 housing in several ways. First, it reauthorizes funding for Section 202 and 811 housing programs in the amount of \$700 million and \$225 million, respectively, in FY 01. Such sums as are necessary are authorized for FY 02 through FY 04. Second, it creates an optional matching grant program that will enable sponsors to leverage additional money for construc-

tion. Third, it allows Section 202 housing sponsors to buy new properties.

This legislation also codifies options giving owners financial flexibility to use sources of income besides the Section 202 and Section 811 funds. For instance, by requiring HUD to approve prepayment of the 202 mortgages, this bill allows sponsors to build equity in their projects, which can be used to leverage funding for capital improvements or services for tenants. It gives sponsors maximum flexibility to use all sources of financing, including federal money, for construction, amenities, and relevant design features. In order to raise additional outside revenue and offer a convenience to tenants, owners are permitted to rent space to commercial facilities. In the cases of both Section 202 and 811 housing, owners may use their project reserves to retrofit or modernize obsolete or unmarketable units. Finally, this bill allows project sponsors to form limited partnerships with for-profit entities. Through such a partnership, sponsors can also compete for the Low Income Housing Tax Credit, and build larger developments.

The importance of providing a "continuum of care" for seniors and disabled persons to continue living independently is addressed in the Affordable Housing for Seniors and Families Act. For example, this bill helps seniors stay in their apartments as they become older and more frail by authorizing competitive grants for conversion of elderly housing and public housing projects designated for occupancy by elderly persons to assisted living facilities. Responding to obstacles the handicapped face in finding special-needs housing, it allows private nonprofits to administer tenant-based rental assistance for the disabled. It also ensures that funding will continue to be invested in building housing for the disabled by limiting funding for tenant-based assistance under the Section 811 program to 25% of the program's appropriation. Funding for service coordinators, who link residents with supportive or medical services in the community, is authorized through FY 04. Moreover, service coordinators are permitted to assist low-income elderly or disabled families in the vicinity of their projects. Seniors who live in their own houses will be assisted by a provision in Title V which allows them to maximize the equity in their homes by streamlining the process of refinancing an existing federal-insured reverse mortgage.

Title IV of this legislation focuses on preserving the existing stock of federally assisted properties as affordable housing for low and very low-income families. Each year, 100,000 low-cost apartments across the country are demolished, abandoned, or converted to market rate use. For every 100 extremely low-income households, having

30% or less of area median income, only 36 units were both affordable and available. Even in rural areas, the potential loss of assisted, affordable housing is very real due to prepayment of mortgages, opt-out of assisted housing programs upon contract expirations, frustration with government bureaucracy, or simply a recognition that the building would be more profitable as market-rate housing. Title IV responds with a matching grant program to assist state and local governments who are devoting their own money to affordable housing preservation. Likewise, it authorizes a competitive grant program to assist nonprofits in buying federally assisted property.

Current law allowing the Federal Housing Administration (FHA) to insure mortgages on hospitals, nursing homes, and assisted living facilities has become outdated. Title V modernizes the law and removes barriers to using FHA insurance for such facilities. Likewise, it recognizes the integrated nature of healthcare by allowing the FHA to provide mortgage insurance for "integrated service facilities," such as ambulatory care centers, which treat sick, injured, disabled, elderly, or infirm persons.

Mr. President, I urge my colleagues to cosponsor this important bipartisan legislation. In closing, I would like to express my gratitude to Senator KERRY for working closely with me on this important legislation. I also would like to thank Senator SARBANES for his cosponsorship.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Affordable Housing for Seniors and Families Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Regulations.

Sec. 3. Effective date.

TITLE I—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Sec. 101. Prepayment and refinancing.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Sec. 201. Supportive housing for elderly persons.

Sec. 202. Supportive housing for persons with disabilities.

Sec. 203. Service coordinators and congregate services for elderly and disabled housing.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

- Sec. 301. Matching grant program.
- Sec. 302. Eligibility of for-profit limited partnerships.
- Sec. 303. Mixed funding sources.
- Sec. 304. Authority to acquire structures.
- Sec. 305. Mixed-income occupancy.
- Sec. 306. Use of project reserves.
- Sec. 307. Commercial activities.
- Sec. 308. Mixed finance pilot program.
- Sec. 309. Grants for conversion of elderly housing to assisted living facilities.
- Sec. 310. Grants for conversion of public housing projects to assisted living facilities.
- Sec. 311. Annual HUD inventory of assisted housing designated for elderly persons.
- Sec. 312. Treatment of applications.

Subtitle B—Housing for Persons With Disabilities

- Sec. 321. Matching grant program.
- Sec. 322. Eligibility of for-profit limited partnerships.
- Sec. 323. Mixed funding sources.
- Sec. 324. Tenant-based assistance.
- Sec. 325. Use of project reserves.
- Sec. 326. Commercial activities.

Subtitle C—Other Provisions

- Sec. 341. Service coordinators.

TITLE IV—PRESERVATION OF AFFORDABLE HOUSING STOCK

- Sec. 401. Matching grant program for affordable housing preservation.
- Sec. 402. Assistance for nonprofit purchasers preserving affordable housing.
- Sec. 403. Section 236 assistance.
- Sec. 404. Preservation projects.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

- Sec. 501. Rehabilitation of existing hospitals, nursing homes, and other facilities.
- Sec. 502. New integrated service facilities.
- Sec. 503. Hospitals and hospital-based integrated service facilities.
- Sec. 504. Home equity conversion mortgages.

SEC. 2. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this Act as the "Secretary") shall issue any regulations to carry out this Act and the amendments made by this Act that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 3. EFFECTIVE DATE.

(a) **IN GENERAL.**—The provisions of this Act and the amendments made by this Act are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) **EFFECT OF REGULATORY AUTHORITY.**—Any authority in this Act or the amend-

ments made by this Act to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this Act or the amendments made by this Act under such provisions and amendments and subsection (a) of this section.

TITLE I—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

SEC. 101. PREPAYMENT AND REFINANCING.

(a) **APPROVAL OF PREPAYMENT OF DEBT.**—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) **SOURCES OF REFINANCING.**—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) **USE OF UNEXPENDED AMOUNTS.**—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata

allocation of shared savings resulting from the refinancing.

(d) **USE OF CERTAIN PROJECT FUNDS.**—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of \$500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of \$1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) **BUDGET ACT COMPLIANCE.**—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

SEC. 201. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

"(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing assistance under this section \$700,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section."

SEC. 202. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

"(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing assistance under this section \$225,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section."

SEC. 203. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There is authorized to be appropriated to the Secretary \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004, for the following purposes:

(1) **GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.**—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) **CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.**—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects

under subparagraphs (B) through (D) of subsection (k)(6) of such section.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

SEC. 301. MATCHING GRANT PROGRAM.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), in the second sentence, by inserting “or through matching grants under subsection (c)(4)” after “subsection (c)(1)”; and

(2) in subsection (c), by adding at the end the following:

“(4) MATCHING GRANTS.—

“(A) IN GENERAL.—

“(i) 15 PERCENT MINIMUM.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 15 percent of the amount of assistance provided pursuant to this paragraph for the project.

“(ii) PREFERENCE.—In providing assistance under this paragraph, the Secretary shall take into consideration the degree to which the applicant will supplement that assistance with amounts from sources other than this section and, all other factors being equal, shall give preference to applicants whose supplemental assistance is equal to the highest percentage of the amount of assistance provided pursuant to this paragraph for the project.

“(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

“(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by elderly persons who are not very low-income persons in a number such that the ratio that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.”.

SEC. 302. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

“Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).”.

SEC. 303. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended by striking “non-Federal sources” and inserting “sources other than this section”.

SEC. 304. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking “from the Resolution Trust Corporation”; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking “RTC PROPERTIES” and inserting “ACQUISITION”; and

(B) by striking “from the Resolution” and all that follows through “Insurance Act”.

SEC. 305. MIXED-INCOME OCCUPANCY.

(a) IN GENERAL.—The first sentence of section 202(i)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(i)(1)) is amended by striking “and (B)” and inserting the following: “(B) notwithstanding subparagraph (A) and in the case only of a supportive housing project for the elderly that has a high vacancy level (as defined by the Secretary, except that such term shall not include vacancy upon the initial availability of units in a building), consistent with the purpose of improving housing opportunities for very low- and low-income elderly persons; and (C).”.

(b) AVAILABILITY OF UNITS.—Section 202(i) of the Housing Act of 1959 (12 U.S.C. 1701q(i)) is amended by adding at the end the following:

“(3) AVAILABILITY OF UNITS.—In the case of a supportive housing project described in paragraph (1)(B) that has a vacant dwelling unit, an owner may not make a dwelling unit available for occupancy by, nor make any commitment to provide occupancy in the unit to—

“(A) a low-income family that is not a very low-income family unless each eligible very low-income family that has applied for occupancy in the project has been offered an opportunity to accept occupancy in a unit in the project; and

“(B) a low-income elderly person who is not a very low-income elderly person, unless the owner certifies to the Secretary that the owner has engaged in affirmative marketing and outreach to very low-income elderly persons.”.

(b) CONFORMING AMENDMENTS.—Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting before “in accordance with this section” the following: “, and for low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B).”; and

(B) in the first sentence of paragraph (2), by inserting after “elderly persons” the following: “or by low-income elderly persons (to the extent such occupancy is made available pursuant to subsection (i)(1)(B).”; and

(C) in paragraph (3), by inserting after “very low-income person” the following: “or a low-income person (to the extent such occupancy is made available pursuant to subsection (i)(1)(B).”; and

(2) in subsection (d)(1), by inserting after “elderly persons” the following: “, and low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B).”; and

(3) in subsection (k)—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) LOW-INCOME.—The term ‘low-income’ has the meaning given the term ‘low-income

families’ under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).”.

SEC. 306. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

“(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.”.

SEC. 307. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: “Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.”.

SEC. 308. MIXED FINANCE PILOT PROGRAM.

(a) AUTHORITY.—The Secretary shall carry out a pilot program under this section to determine the effectiveness and feasibility of providing assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for housing projects that are used both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

(b) SCOPE.—Under the pilot program the Secretary shall provide, to the extent that sufficient approvable applications for such assistance are received, assistance in the manner provided under subsection (d) for not more than 5 housing projects.

(c) MIXED USE.—The Secretary shall, for a project to be assisted under the pilot program—

(1) require that a minimum number of the dwelling units in the project be reserved for use in accordance with, and subject to, the requirements applicable to units assisted under section 202 of the Housing Act of 1959, such that the ratio that the number of dwelling units in the project so reserved bears to the total number of units in the project is not less than the ratio that the amount of assistance from such section 202 used for the project pursuant to subsection (d) bears to the total amount of assistance provided for the project under this section; and

(2) provide that the remainder of the dwelling units in the project may be used for assistance to persons who are not very low-income.

(d) FINANCING.—The Secretary may use amounts provided for assistance under section 202 of the Housing Act of 1959 for assistance under the pilot program for capital advances in accordance with subsection (c)(1) of such section and project rental assistance in accordance with subsection (c)(2) of such section, only for dwelling units described in subsection (c)(1) of this section. Any assistance provided pursuant to subsection (c)(1) of such section 202 shall be provided in the form of a capital advance, subject to repayment as provided in such subsection, and shall not be structured as a loan. The Secretary shall take such action as may be necessary to ensure that the repayment contingency under such subsection is enforceable for projects

assisted under the pilot program and to provide for appropriate protections of the interests of the Secretary in relation to other interests in the projects so assisted.

(e) **REPORT.**—Not later than 2 years after assistance is initially made available under the pilot program under this section, the Secretary shall submit to Congress a report on the results of the pilot program.

SEC. 309. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q-1) the following:

“SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

“(a) **GRANT AUTHORITY.**—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for 1 or both of the following activities:

“(1) **REPAIRS.**—Substantial capital repairs to a project that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

“(2) **CONVERSION.**—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

“(b) **ELIGIBLE PROJECTS.**—

“(1) **IN GENERAL.**—An eligible project described in this subsection is a multifamily housing project that is—

“(A) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

“(B) owned by a private nonprofit organization (as such term is defined in section 202); and

“(C) designated primarily for occupancy by elderly persons.

“(2) **UNUSED OR UNDERUTILIZED COMMERCIAL PROPERTY.**—Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more than 3 such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

“(c) **APPLICATIONS.**—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

“(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

“(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

“(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

“(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

“(d) **FUNDING FOR SERVICES.**—The Secretary may not make a grant under this sec-

tion for conversion activities unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

“(e) **SELECTION CRITERIA.**—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

“(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

“(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

“(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant's financial records, including assets in the applicant's residual receipts account and reserves for replacement account;

“(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

“(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

“(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

“(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

“(f) **DEFINITIONS.**—In this section—

“(1) the term ‘assisted living facility’ has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

“(2) the definitions in section 202(k) shall apply.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.”.

SEC. 310. GRANTS FOR CONVERSION OF PUBLIC HOUSING PROJECTS TO ASSISTED LIVING FACILITIES.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

“SEC. 36. GRANTS FOR CONVERSION OF PUBLIC HOUSING TO ASSISTED LIVING FACILITIES.

“(a) **GRANT AUTHORITY.**—The Secretary may make grants in accordance with this section to public housing agencies for use for activities designed to convert dwelling units in an eligible projects described in subsection (b) to assisted living facilities for elderly persons.

“(b) **ELIGIBLE PROJECTS.**—An eligible project described in this subsection is a public housing project (or a portion thereof) that has been designated under section 7 for occupancy only by elderly persons.

“(c) **APPLICATIONS.**—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

“(1) a description of the proposed conversion activities for which a grant under this section is requested;

“(2) the amount of the grant requested;

“(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

“(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

“(d) **FUNDING FOR SERVICES.**—The Secretary may not make a grant under this section unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility.

“(e) **SELECTION CRITERIA.**—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

“(1) the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve;

“(2) the inability of the public housing agency to fund the conversion activities from existing financial resources, as evidenced by the agency's financial records;

“(3) the extent to which the agency has evidenced community support for the conversion, by such indicators as letters of support from the local community for the conversion and financial contributions from public and private sources;

“(4) extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

“(5) the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

“(6) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

“(f) **DEFINITION.**—In this section, the term ‘assisted living facility’ has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.”.

SEC. 311. ANNUAL HUD INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

Subtitle D of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 et seq.) is amended by adding at the end the following:

“SEC. 662. ANNUAL INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.

“(a) **IN GENERAL.**—The Secretary shall establish and maintain, and on an annual basis

shall update and publish, an inventory of housing that—

“(1) is assisted under a program of the Department of Housing and Urban Development, including all federally assisted housing; and

“(2) is designated, in whole or in part, for occupancy by elderly families or disabled families, or both.

“(b) CONTENTS.—The inventory required under this section shall identify housing described in subsection (a) and the number of dwelling units in such housing that—

“(1) are in projects designated for occupancy only by elderly families;

“(2) are in projects designated for occupancy only by disabled families;

“(3) contain special features or modifications designed to accommodate persons with disabilities and are in projects designated for occupancy only by disabled families;

“(4) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by elderly families;

“(5) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by disabled families; and

“(6) are in projects designed for occupancy only by both elderly or disabled families.

“(c) PUBLICATION.—The Secretary shall annually publish the inventory required under this section in the Federal Register and shall make the inventory available to the public by posting on a World Wide Web site of the Department.”.

SEC. 312. TREATMENT OF APPLICATIONS.

Notwithstanding any other provision of law or any regulation of the Secretary, in the case of any denial of an application for assistance under section 202 of the Housing Act of 1959 (42 U.S.C. 1701q) for failure to timely provide information required by the Secretary, the Secretary shall notify the applicant of the failure and provide the applicant an opportunity to show that the failure was due to the failure of a third party to provide information under the control of the third party. If the applicant demonstrates, within a reasonable period of time after notification of such failure, that the applicant did not have such information but requested the timely provision of such information by the third party, the Secretary may not deny the application solely on the grounds of failure to timely provide such information.

Subtitle B—Housing for Persons With Disabilities

SEC. 321. MATCHING GRANT PROGRAM.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (b)(2)(A), by inserting “or through matching grants under subsection (d)(5)” after “subsection (d)(1)”; and

(2) in subsection (d), by adding at the end the following:

“(5) MATCHING GRANTS.—

“(A) IN GENERAL.—

“(i) 15 PERCENT MINIMUM.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 15 percent of the amount of assistance provided pursuant to this paragraph for the project.

“(ii) PREFERENCE.—In providing assistance under this paragraph, the Secretary shall

take into consideration the degree to which the applicant will supplement that assistance with amounts from sources other than this section and, all other factors being equal, shall give preference to applicants whose supplemental assistance is equal to the highest percentage of the amount of assistance provided pursuant to this paragraph for the project.

“(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

“(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by persons with disabilities who are not very low-income persons in a number such that the ratio that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.”.

SEC. 322. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

“Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).”.

SEC. 323. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended by striking “non-Federal sources” and inserting “sources other than this section”.

SEC. 324. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

“(4) TENANT-BASED RENTAL ASSISTANCE.—

“(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

“(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify

such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

“(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.”; and

(2) in subsection (1)(1)—

(A) by striking “subsection (b)” and inserting “subsection (b)(2)”; and

(B) by striking the last comma and all that follows through “subsection (n)”; and

(C) by adding at the end the following: “Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.”.

SEC. 325. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

“(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.”.

SEC. 326. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: “Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.”.

Subtitle C—Other Provisions

SEC. 341. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking “MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT” and inserting “CERTAIN FEDERALLY ASSISTED HOUSING”; and

(2) in subsection (a)—

(A) in the first sentence, by striking “(E) and (F)” and inserting “(B), (C), (D), (E), (F), and (G)”; and

(B) in the last sentence—

(i) by striking “section 661” and inserting “section 671”; and

(ii) by adding at the end the following: “A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled

families living in the vicinity of such project.”;

(3) in subsection (d)—

(A) by striking “(E) or (F)” and inserting “(B), (C), (D), (E), (F), or (G)”;

(B) by striking “section 661” and inserting “section 671”; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) **REQUIREMENT TO PROVIDE SERVICE COORDINATORS.**—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking “to carry out this subtitle pursuant to the amendments made by this subtitle” and inserting the following: “for providing service coordinators under this section”;

(2) in subsection (d), by inserting “)” after “section 683(2)”;

(3) by adding at the end following:

“(e) **SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.**—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.”.

(c) **PROTECTION AGAINST TELEMARKETING FRAUD.**—

(1) **SUPPORTIVE HOUSING FOR THE ELDERLY.**—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking “and (F)” and inserting the following: “(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)”.

(2) **OTHER FEDERALLY ASSISTED HOUSING.**—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after “response,” the following: “education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),”; and

(B) by adding at the end the following:

“(f) **PROTECTION AGAINST TELEMARKETING FRAUD.**—

“(1) **IN GENERAL.**—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

“(2) **CONTENTS.**—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

“(A) informs such residents of—

“(i) the prevalence of telemarketing fraud targeted against elderly persons;

“(ii) how telemarketing fraud works;

“(iii) how to identify telemarketing fraud;

“(iv) how to protect themselves against telemarketing fraud, including an expla-

nation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

“(v) how to report suspected attempts at telemarketing fraud; and

“(vi) their consumer protection rights under Federal law;

“(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

“(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on ‘mooch lists’ confiscated from fraudulent telemarketers.”.

TITLE IV—PRESERVATION OF AFFORDABLE HOUSING STOCK

SEC. 401. MATCHING GRANT PROGRAM FOR AFFORDABLE HOUSING PRESERVATION.

(a) **FINDINGS AND PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) availability of low-income housing rental units has declined nationwide in the last several years;

(B) as rents for low-income housing increase and the development of new units of affordable housing decreases, there are fewer privately owned, federally assisted affordable housing units available to low-income individuals in need;

(C) the demand for affordable housing far exceeds the supply of such housing, as evidenced by recent studies; and

(D) the efforts of nonprofit organizations have significantly preserved and expanded access to low-income housing.

(2) **PURPOSES.**—The purposes of this section are—

(A) to continue the partnerships among the Federal Government, State and local governments, nonprofit organizations, and the private sector in operating and assisting housing that is affordable to low-income persons and families;

(B) to promote the preservation of affordable housing units by providing matching grants to States and localities that have developed and funded programs for the preservation of privately owned housing that is affordable to low-income families and persons; and

(C) to minimize the involuntary displacement of tenants who are currently residing in such housing, many of whom are elderly or disabled persons and families with children.

(b) **DEFINITIONS.**—In this section:

(1) **CAPITAL EXPENDITURES.**—The term “capital expenditures” includes expenditures for acquisition and rehabilitation.

(2) **LOW-INCOME AFFORDABILITY RESTRICTIONS.**—The term “low-income affordability restrictions” means, with respect to a housing project, any limitations imposed by law, regulation, or regulatory agreement on rents for tenants of the project, rent contributions for tenants of the project, or income-eligibility for occupancy in the project.

(3) **PROJECT-BASED ASSISTANCE.**—The term “project-based assistance” has the meaning given such term in section 16(c) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)), except that such term includes assistance under any successor programs to the programs referred to in such section.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(5) **STATE.**—The term “State” means each of the several States and the District of Columbia.

(c) **AUTHORITY.**—The Secretary shall, to the extent amounts are made available in advance under subsection (k), award grants under this section to States and localities for low-income housing preservation and promotion.

(d) **APPLICATIONS.**—The Secretary shall provide for States and localities (through appropriate State and local agencies) to submit applications for grants under this section. The Secretary shall require the applications to contain any information and certifications necessary for the Secretary to determine who is eligible to receive such a grant.

(e) **USE OF GRANTS.**—

(1) **ELIGIBLE USES.**—

(A) **IN GENERAL.**—Amounts from grants awarded under this section may be used by States and localities only for the purpose of providing assistance for acquisition, rehabilitation, operating costs, and capital expenditures for a housing project that meets the requirements under paragraph (2), (3), (4), or (5).

(B) **FACTORS FOR CONSIDERATION.**—In selecting projects described in subparagraph (A) for assistance with amounts from a grant awarded under this section, the State or locality shall—

(i) take into consideration—

(I) whether the assistance will be used to transfer the project to a resident-endorsed nonprofit organization;

(II) whether the owner of the project has extended the low-income affordability restrictions on the project for a period of more than 15 years;

(III) the extent to which the project is consistent with the comprehensive housing affordability strategy approved in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) for the jurisdiction in which the project is located;

(IV) the extent to which the project location provides access to transportation, jobs, shopping, and other similar conveniences;

(V) the extent to which the project meets fair housing goals;

(VI) the extent to which the project serves specific needs that are not otherwise met by the local market, such as housing for the elderly or disabled, or families with children;

(VII) the extent of local government resources provided to the project; and

(VIII) such other factors as the Secretary or the State or locality may establish; and

(ii) States receiving funds shall ensure that, to the maximum extent practicable, projects in both urban and rural areas in the State receive assistance.

(2) **PROJECTS WITH HUD-INSURED MORTGAGES.**—A project meets the requirements under this paragraph only if—

(A) the project is financed by a loan or mortgage that is—

(i) insured or held by the Secretary under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)) and receiving loan management assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) due to a conversion from section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(ii) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act (12 U.S.C. 1715l(d)(5)); or

(iii) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(B) the project is subject to an unconditional waiver of, with respect to the mortgage referred to in subparagraph (A)—

(i) all rights to any prepayment of the mortgage; and

(ii) all rights to any voluntary termination of the mortgage insurance contract for the mortgage; and

(C) if the low-income affordability restrictions on the project are for less than 15 years, the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend those restrictions, including any such restrictions imposed because of any contract for project-based assistance for the project, for a period of not less than 15 years (beginning on the date on which assistance is made available for the project by the State or locality under this section).

(3) **PROJECTS WITH SECTION 8 PROJECT-BASED ASSISTANCE.**—A project meets the requirements under this paragraph only if—

(A) the project is subject to a contract for project-based assistance; and

(B) the owner of the project has entered into binding commitments (applicable to any subsequent owner)—

(i) to continue to renew such contract (if offered on the same terms and conditions) until the later of—

(I) the last day of the remaining term of the mortgage; or

(II) the date that is 15 years after the date on which assistance is made available for the project by the State or locality under this subsection; and

(ii) to extend any low-income affordability restrictions applicable to the project in connection with such assistance.

(4) **PROJECTS PURCHASED BY RESIDENTS.**—A project meets the requirements under this paragraph only if the project—

(A) is or was eligible low-income housing (as defined in section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (42 U.S.C. 4119)) or is or was a project assisted under section 613(b) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 4125(b));

(B) has been purchased by a resident council or resident-approved nonprofit organization for the housing or is approved by the Secretary for such purchase, for conversion to homeownership housing under a resident homeownership program meeting the requirements under section 226 of such Act (12 U.S.C. 4116); and

(C) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend such assistance for not less than 15 years (beginning on the date on which assistance is made available for the project by the State or locality under this section) and to extend any low-income affordability restrictions applicable to the project in connection with such assistance.

(5) **RURAL RENTAL ASSISTANCE PROJECTS.**—A project meets the requirements of this paragraph only if—

(A) the project is a rural rental housing project financed under section 515 of the Housing Act of 1949 (42 U.S.C. 1485); and

(B) the restriction on the use of the project (as required under section 502 of the Housing Act of 1949 (42 U.S.C. 1472)) will expire not later than 12 months after the date on which assistance is made available for the project by the State or locality under this subsection.

(f) **AMOUNT OF STATE AND LOCAL GRANTS.**—

(1) **IN GENERAL.**—Subject to subsection (g), in each fiscal year, the Secretary shall award to each State and locality approved for a grant under this section a grant in an amount based upon the proportion of such State's or locality's need for assistance under this section (as determined by the Secretary in accordance with paragraph (2)) to the aggregate need among all States and localities approved for such assistance for such fiscal year.

(2) **DETERMINATION OF NEED.**—In determining the proportion of a State's or locality's need under paragraph (1), the Secretary shall consider—

(A) the number of units in projects in the State or locality that are eligible for assistance under section 6 that, due to market conditions or other factors, are at risk for prepayment, opt-out, or otherwise at risk of being lost to the inventory of affordable housing; and

(B) the difficulty that residents of projects in the State or locality that are eligible for assistance under subsection (e) would face in finding adequate, available, decent, comparable, and affordable housing in neighborhoods of comparable quality in the local market, if those projects were not assisted by the State or locality under subsection (e).

(g) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—The Secretary may not award a grant under this section to a State or locality for any fiscal year in an amount that exceeds twice the amount that the State or locality certifies, as the Secretary shall require, that the State or locality will contribute for such fiscal year, or has contributed since January 1, 2000, from non-Federal sources for the purposes described in subsection (e)(1).

(2) **TREATMENT OF PREVIOUS CONTRIBUTIONS.**—Any portion of amounts contributed after January 1, 2000, that are counted for purposes of meeting the requirement under paragraph (1) for a fiscal year may not be counted for such purposes for any subsequent fiscal year.

(3) **TREATMENT OF TAX INCENTIVES.**—Fifty percent of the funds used for the project that are allocable to tax credits allocated under section 42 of the Internal Revenue Code of 1986, revenue from mortgage revenue bonds issued under section 143 of such Code, or proceeds from the sale of tax-exempt bonds by any State or local government entity shall be considered non-Federal sources for purposes of this subsection.

(h) **TREATMENT OF SUBSIDY LAYERING REQUIREMENTS.**—Neither subsection (g) nor any other provision of this section may be construed to prevent the use of tax credits allocated under section 42 of the Internal Revenue Code of 1986 in connection with housing assisted with amounts from a grant awarded under this section, to the extent that such use is in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) and section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note).

(i) **REPORTS.**—

(1) **REPORTS TO SECRETARY.**—Not later than 90 days after the last day of each fiscal year, each State and locality that receives a grant under this section during that fiscal year shall submit to the Secretary a report on the housing projects assisted with amounts made available under the grant.

(2) **REPORTS TO CONGRESS.**—Based on the reports submitted under paragraph (1), the Secretary shall annually submit to Congress

a report on the grants awarded under this section during the preceding fiscal year and the housing projects assisted with amounts made available under those grants.

(j) **REGULATIONS.**—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue regulations to carry out this section.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2001 through 2004.

SEC. 402. ASSISTANCE FOR NONPROFIT PURCHASERS PRESERVING AFFORDABLE HOUSING.

(a) **CONGRESSIONAL FINDINGS.**—Congress finds that—

(1) a substantial number of existing federally assisted or federally insured multifamily properties are at risk of being lost from the affordable housing inventory of the Nation through market rate conversion, deterioration, or demolition;

(2) it is in the interests of the Nation to encourage transfer of control of such properties to competent national, regional, and local nonprofit entities and intermediaries whose missions involve maintaining the affordability of such properties;

(3) such transfers may be inhibited by a shortage of such entities that are appropriately capitalized; and

(4) the Nation would be well served by providing assistance to such entities to aid in accomplishing this purpose.

(b) **GRANTS.**—The Secretary may make grants, to the extent amounts are made available for such grants, to eligible entities under subsection (c) for use only for operational, working capital, and organizational expenses of such entities and activities by such entities to acquire eligible affordable housing for the purpose of ensuring that the housing will remain affordable, as the Secretary considers appropriate, for low-income or very low-income families (including elderly persons).

(c) **ELIGIBLE ENTITIES.**—The Secretary shall establish standards for eligible entities under this subsection, which shall include requirements that to be considered an eligible entity for purposes of this section an entity shall—

(1) be a nonprofit organization (as such term is defined in 104 of the Cranston-Gonzalez National Affordable Housing Act);

(2) have among its purposes maintaining the affordability to low-income or very low-income families of multifamily properties that are at risk of loss from the inventory of housing that is affordable to low-income or very low-income families; and

(3) demonstrate need for assistance under this section for the purposes under subsection (b), experience in carrying out activities referred to in such subsection, and capability to carry out such activities.

(d) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE AFFORDABLE HOUSING.**—The term "eligible affordable housing" means housing that—

(A) consists of more than four dwelling units;

(B) is insured or assisted under a program of the Department of Housing and Urban Development or the Department of Agriculture under which the property is subject to limitations on tenant rents, rent contributions, or incomes; and

(C) is at risk, as determined by the Secretary, of termination of any of the limitations referred to in subparagraph (B).

(2) **LOW-INCOME FAMILIES; VERY LOW-INCOME FAMILIES.**—The terms "low-income families"

and very low-income families" have the meanings given such terms in section 3(b) of the United States Housing Act of 1937.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.

SEC. 403. SECTION 236 ASSISTANCE.

Section 236(g) of the National Housing Act (12 U.S.C. 1715z-1(g)) is amended—

(1) in paragraph (2), by striking "Subject to paragraph (3) and notwithstanding" and inserting "Notwithstanding"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

SEC. 404. PRESERVATION PROJECTS.

Section 524(e)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "amounts are specifically" and inserting "sufficient amounts are".

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

SEC. 501. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1)—

(A) by striking "the refinancing of existing debt of an"; and

(B) by inserting "existing integrated service facility," after "existing board and care home,";

(2) in paragraph (4)—

(A) by inserting "existing integrated service facility," after "board and care home," each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: "which refinancing, in the case of a loan on a hospital, home, or facility that is within 2 years of maturity, shall include a mortgage made to prepay such loan";

(C) in subparagraph (B), by inserting after "indebtedness" the following: "pay any other costs including repairs, maintenance, minor improvements, or additional equipment which may be approved by the Secretary,"; and

(D) in subparagraph (D)—

(i) by inserting "existing" before "intermediate care facility"; and

(ii) by inserting "existing" before "board and care home"; and

(3) by adding at the end the following:

"(6) In the case of purchase of an existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) the Secretary shall prescribe such terms and conditions as the Secretary deems necessary to assure that—

"(A) the proceeds of the insured mortgage loan will be employed only for the purchase of the existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) including the retirement of existing debt (if any), necessary costs associated with the purchase and the insured mortgage financing, and such other costs, including costs of repairs, maintenance, improvements, and additional equipment, as may be approved by the Secretary;

"(B) such existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing inte-

grated service facility, or any combination thereof) is economically viable; and

"(C) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, existing assisted living facility, intermediate care facility, board and care home, existing integrated service facility or any combination thereof, proposed to be purchased) or of section 242 (for the existing hospital proposed to be purchased) have been met.".

SEC. 502. NEW INTEGRATED SERVICE FACILITIES.

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "are not acutely ill and";

(B) in paragraph (2), by striking "nevertheless"; and

(C) by adding at the end the following:

"(4) The development of integrated service facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who do not require hospital care, and the support of health care facilities which provide such health care and related services (including those that support hospitals (as defined in section 242(b)))";

(2) in subsection (b)—

(A) in paragraph (1), by striking "acutely ill and not";

(B) in paragraph (4), by inserting after the second period the following: "Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.";

(C) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

"(A) meets all applicable licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all applicable licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any underwriting requirements of the Secretary for such purposes"; and

(ii) in subparagraph (C), by striking "and" at the end;

(D) in paragraph (7), by striking the period at the end and inserting "and"; and

(E) by adding at the end the following:

"(8) the term 'integrated service facility' means a facility—

"(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof, to sick, injured, disabled, elderly, or infirm persons, or providing services for the prevention of illness, or any combination thereof;

"(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary, for the sick, injured, disabled, elderly, or infirm;

"(C) providing clinical services, outpatient services, including community health services and medical practice facilities and group practice facilities, to sick, injured, disabled, elderly, or infirm persons not in need of the services rendered in other facilities insurable under this title, or for the prevention of illness, or any combination thereof; or

"(D)(i) designed, in whole or in part to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, profes-

sional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery by such hospitals; and

"(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

"(E) that provides any combination of the services under subparagraphs (A) through (D).";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "board and care home," after "rehabilitated nursing home,";

(ii) by inserting "integrated service facility," after "assisted living facility," the first 2 places it appears;

(iii) by inserting "board and care home," after "existing nursing home,"; and

(iv) by striking "or a board and care home" and inserting ", board and care home or integrated service facility";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting before "including" the following: "or a public body, public agency, or public corporation eligible under this section"; and

(ii) in subparagraph (B), by striking "energy conservation measures" and all that follows through "95-619)" and inserting "energy conserving improvements (as defined in section 2(a))";

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting ", and integrated service facilities that include such nursing home and intermediate care facilities," before ", the Secretary";

(II) by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary).";

(III) by inserting ", or the portion of an integrated service facility providing such services," before "covered by the mortgage,"; and

(IV) by inserting "or for such nursing or intermediate care services within an integrated service facility" before ", and (ii)";

(ii) in the second sentence, by inserting "(which may be within an integrated service facility)" after "home and facility";

(iii) in the third sentence—

(I) by striking "mortgage under this section" and all that follows through "feasibility" and inserting the following: "such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the integrated service facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project";

(II) in clause (i)(II), by striking "and its relationship to, other health care facilities and" and inserting "or such facilities within an integrated service facility, and its relationship to, other facilities providing health care";

(III) in clause (i)(IV), by striking "in the event the State does not prepare the study,"; and

(IV) in clause (i)(IV), by striking "the State or"; and

(V) in clause (ii), by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary).";

(iv) by striking the penultimate sentence and inserting the following: "A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence."; and

(v) in the last sentence—

(I) by inserting "the proposed mortgagor or applicant for mortgage insurance may obtain from" after "10 individuals.";

(II) by striking "may" and inserting "and"; and

(III) by inserting a comma before "written support"; and

(D) in paragraph (4)(C)(iii), by striking "the appropriate State" and inserting "any appropriate"; and

(4) in subsection (i)(1), by inserting "integrated service facilities," after "assisted living facilities.".

SEC. 503. HOSPITALS AND HOSPITAL-BASED INTEGRATED SERVICE FACILITIES.

Section 242 of the National Housing Act (12 U.S.C. 1715z-7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding "and" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B) and striking "and" at the end;

(B) in paragraph (2), by striking "respectfully" and all that follows through the period at the end and inserting "given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide; and"; and

(C) by adding at the end the following:

"(3) the term 'integrated service facility' has the meaning given the term in section 232(b).";

(2) in subsection (c), by striking "title VII of" and inserting "title VI of";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "operation," the following: "or that covers an integrated service facility owned or to be owned by an applicant or proposed mortgagor that also owns a hospital in the same market area, including equipment to be used in its operation.";

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: "and who, in the case of a mortgage covering an integrated service facility, is also the owner of a hospital facility"; and

(ii) by adding at the end the following: "A mortgage insured hereunder covering an integrated service facility may only cover the real and personal property where the eligible facility will be located.";

(C) in paragraph (2)(A), by inserting "or integrated service facility" before the comma; and

(D) in paragraph (2)(B), by striking "energy conservation measures" and all that follows through "95-619" and inserting "energy conserving improvements (as defined in section 2(a))";

(E) in paragraph (4)—

(i) in the first sentence—

(I) by inserting "for a hospital" after "any mortgage"; and

(II) by striking "or section 1521 of the Public Health Service Act" and inserting "of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary).";

(ii) by striking the third sentence and inserting the following: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in subparagraph (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless: (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that: (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary). A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement."; and

(iii) in the last sentence, by striking "feasibility"; and

(4) in subsection (f), by inserting "and public integrated service facilities" after "public hospitals".

SEC. 504. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

"(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

"(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

"(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of—

"(A) the total cost of the refinancing; and

"(B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

"(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

"(A) the mortgagor has received the disclosure required under paragraph (2);

"(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

"(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

"(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on an actuarial study conducted by the Secretary.

"(5) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary. The Secretary shall prohibit the charging of any broker fees in connection with mortgages insured under this subsection.".

(b) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding sections 2 and 3 of this Act, the Secretary shall issue any final regulations necessary to implement the amendments made by subsection (a) of this section, which shall take effect not later than the expiration of the 180-day period beginning on the date of enactment of this Act.

(2) PROCEDURE.—The regulations under this subsection shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).•

Mr. KERRY. Mr. President, today, along with my colleagues, Senators SANTORUM and SARBANES, I am introducing legislation which will help address the lack of affordable housing for the most vulnerable Americans—the elderly, disabled persons, and low-income families. This bill closes a number of gaps in the federal housing assistance programs for these families, and ensures that programs designed to promote affordable housing can do so in this rapidly expanding economy.

As our economy flourishes at an unprecedented rate, many Americans have prospered. However, as the economy grows, so too does the gap between rich and poor. Instead of finding opportunities in this new economy, some Americans have found closed doors. This is especially true for low-income people who are being squeezed out of tight housing markets in my home state of Massachusetts and around the Nation.

Although a majority of elderly Americans live in decent, adequate and affordable housing, millions of elderly households require some assistance in order to afford housing that meets

their needs. In fact, there are eight elderly people waiting for each unit of assisted elderly housing in this country. Fourteen percent of people in Massachusetts are over 65 years of age, and one out of every ten of these elderly persons has an income below the poverty level.

This bill expands upon the current program of providing affordable housing, increasing housing opportunities for low-income elderly and disabled persons, and bringing the program up-to-date. As Americans grow older, housing programs must be altered to address the changing needs of a generation that is living longer, and aging in place. This bill enables existing housing to be converted to assisted living facilities to meet the needs of the elderly and disabled.

Assisted living is the fastest growing type of elderly housing in the U.S., and this legislation ensures that this supportive, and increasingly necessary living arrangement, is available to all elderly and disabled Americans, regardless of income. By 2030, 20 percent of this Nation's population will be over the age of 65, compared with only 13 percent of the population today. As we make strides in medicine to allow older people to live longer, more active lives, we must also make sure that the services and structures are in place to support elderly Americans. This bill is a step in this direction.

This bill also encourages the leveraging of federal funds, helping to increase the stock of affordable housing. Public dollars alone are unable to meet the needs of low-income families. This legislation makes it easier for federal funds for disabled and elderly housing to be combined with other sources of funding, including the Low-Income Housing Tax Credit, and private funds.

Not only will this bill increase the supply of affordable housing for the elderly and disabled, it will help to preserve affordable housing for all low-income households. A record high number of households, 5.4 million, have worst case housing needs, paying over 50 percent of their income to housing costs or living in substandard housing. This is a 12 percent increase since 1991. At the same time that more Americans are finding it increasingly difficult to find suitable and affordable housing, the federal government has not been doing enough to preserve the affordable housing that exists.

A number of provisions aim to ensure that affordable housing is preserved. This bill allows uninsured 236 project owners to retain their excess income for use in the project, helping to keep these owners in the program and ensuring that the units will remain affordable. In addition, this bill includes the preservation bill introduced earlier this Congress by Senator JEFFORDS and myself, S. 1318, to provide matching

grants to States and localities devoting resources to the preservation of affordable housing. Cities, like Boston, which have dedicated a substantial amount of funds to the production and preservation of affordable housing units, would receive federal funds to assist in their efforts under this provision, ensuring that an even greater number of units are preserved.

I hope that this critical legislation will attract broad support. At this time of prosperity, we cannot forget that while many Americans have benefited, there are still too many people who cannot afford to meet their basic housing needs. These people cannot be overlooked in this era of economic growth. This legislation ensures that they won't be.

Mr. SARBANES. Mr. President, I come to the floor today in support of the Affordable Housing for Seniors and Families Act introduced by Senators KERRY and SANTORUM.

This bill expands upon critical housing programs for both elderly and disabled Americans. The Nation's population of elderly is growing rapidly. Between 1980 and 1997, the number of people over the age of 65 grew by 33 percent. AARP estimates that by 2030, 20 percent of the population will be over 65 years of age, compared to only 13 percent of the population today. We need to have programs in place to assist growing numbers of seniors.

AARP also estimates that there will be 2.8 million elderly people who, by 2020, will have difficulty performing a number of basic functions such as eating, bathing, and dressing. As America's age, traditional housing will have to change to accommodate the unique needs of those in their golden years. This bill will ensure that additional housing opportunities exist where these Americans can receive the services they need. This legislation allows traditional elderly and disabled housing to be converted to assisted living facilities, to meet these growing needs.

We must not only work to ensure that adequate services are available, we must work to increase the affordable housing stock. A recent study conducted by HUD indicates that 1.7 million low-income elderly are in urgent need of affordable housing. Nearly 7.4 million elderly households pay more than they can afford on housing, and there are more than eight elderly people waiting for every unit of assisted elderly housing.

In addition, HUD estimates that 1.4 million disabled Americans have worst case housing needs, meaning they pay over half of their income for housing or live in substandard housing. The Consortium for Persons with Disabilities conducted a study in 1998 which showed that there was not one housing market in the U.S. where a disabled person receiving SSI benefits could afford rent based on federal guidelines.

The federal government is not doing enough to meet the needs of these low-income people. This legislation assists us in meeting these needs. It expands access to capital from both federal and non-federal sources for elderly and disabled housing programs, helping to create new housing opportunities for these communities. Providers of elderly and disabled housing will be able to link with the Low-Income Housing Tax Credit, a crucial source of affordable housing funding, and other private funds.

This bill also ensures that the affordable housing which exists in this country is maintained. This crucial stock of housing will be preserved through a matching grant preservation program authored by our colleagues, Senators KERRY and JEFFORDS, which will reward States and localities spending resources to preserve affordable housing by giving them federal dollars to assist in their efforts. This provision will help to ensure that as we increase the stock of affordable housing on the front end, we are not losing units on the back end—our goal is to increase available housing, not maintain the status quo.

This bill is a step in the right direction towards providing necessary housing opportunities for those Americans that are too often forgotten. And many people in this nation enjoy the benefits of a prospering economy, so too are many Americans being left behind. This legislation will ensure that more Americans have the opportunity to live in safe and decent housing.

By Mr. FITZGERALD:

S. 2734. A bill to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE WAREHOUSE IMPROVEMENT ACT OF 2000

• Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to revitalize and streamline the federal program governing agricultural commodity warehouses. This legislation, entitled the "Warehouse Improvement Act of 2000," will make U.S. agriculture more competitive in foreign markets through efficiencies and cost savings provided by today's computer technology and information management systems.

The Warehouse Act was originally enacted in 1916, and was subsequently amended in 1919, 1923, and 1931. However, since that time, the authorizing legislation for this program has seen little change. At the same time, U.S. agriculture and our society has seen drastic changes since the early part of the 20th century. Computer technology has revolutionized our world and laptops and handheld computers have become almost commonplace. Now is the time for us to bring USDA's agricultural warehouse program out of the

dark ages and into the information age.

The U.S. Warehouse Act does not mandate participation by warehouse operators that it regulates; it simply offers those who apply and qualify for licenses an alternative to state regulation. Currently, warehouse licenses may be issued for the storage of cotton, grain, tobacco, wool, dry beans, nuts, syrup and cottonseed. According to the U.S. Department of Agriculture, 45.5 percent of the U.S. off-farm grain and rice storage capacity and 49.5 percent of the total cotton storage capacity is licensed under the Warehouse Act. In general, these paper warehouse receipts that are issued under the Warehouse Act are documents of title and represent ownership of the stored commodity.

The Warehouse Improvement Act of 2000 will make this program more relevant to today's agricultural marketing system. The legislation would authorize and standardize electronic documents and allow their transfer from buyer to seller across state and international boundaries. This new paperless flow of agricultural commodities from farm gate to end-user would provide significant savings and efficiencies for farmers across the Nation.

In 1992, the Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for only the cotton industry. Since that time participation in the electronic-based program has grown to over half of the U.S. cotton crop. In 1996, for example, nearly 12 million bales of cotton, out of the total crop of approximately 19 million bales, were represented by electronic warehouse receipts. Recently, the cotton industry estimated that this electronic system saves them 5 to 15 dollars per bale, a savings of over \$275 million per year. The legislation that I introduce today extends this electronic warehouse receipt program to all agricultural commodities covered by the U.S. Warehouse Act. This reduced paperwork, increased efficiency, and substantial time savings will certainly make U.S. agriculture more competitive in world markets, giving our U.S. farmers the upper hand.

In the short year and a half I have served in the U.S. Senate, I have introduced two bills that have been delivered to the President's desk to help bring the United States Department of Agriculture into the information age. First, S. 1733, the Electronic Benefit Transfer Interoperability and portability Act of 2000, which improves the electronic benefits transfer system that has provided significant savings and efficiency to the food stamp program, was signed into law on February 11 of this year (P.L. 106-171). And second, S. 777, the Freedom to E-File Act, requires USDA to set up a system to allow farmers to file all USDA required paperwork over the internet. This leg-

islation unanimously passed both the House and Senate recently and is currently awaiting the President's signature. The legislation I am introducing today follows these two pieces of legislation by requiring USDA to use computer technology and information management systems to better serve farmers and the American public.

The Warehouse Improvement Act of 2000 is a positive step toward moving the Department of Agriculture from the computer technology "dirt road" to the information superhighway of the 21st century. It is common sense legislation and I look forward to working with my colleagues on this issue as the legislative session moves forward. I would also like to thank a number of the Senate Agriculture Committee staff who have worked tirelessly on this issue, including Michael Knipe and Bob White on Senator LUGAR's staff and Terry Van Doren on my staff. They have worked to build consensus among the USDA and the agricultural industry to bring about these needed changes to improve the efficiency of our grain marketing system. In fact, this legislation enjoys the support of USDA, the Association of American Warehouse Control Officials, the National Grain and Feed Association, the American Far Bureau Federation, and various other commodity groups.

I ask unanimous consent that the bill be printed in the RECORD following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Warehouse Improvement Act of 2000".

SEC. 2. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'United States Warehouse Act'.

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) AGRICULTURAL PRODUCT.—The term 'agricultural product' means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

"(2) APPROVAL.—The term 'approval' means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

"(3) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

"(4) ELECTRONIC DOCUMENT.—The term 'electronic document' means a document authorized under this Act generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

"(5) ELECTRONIC RECEIPT.—The term 'electronic receipt' means a receipt that is au-

thorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

"(6) HOLDER.—

"(A) IN GENERAL.—The term 'holder' means a person, as defined by the Secretary, that has possession in fact or by operation of law of a receipt or any electronic document.

"(B) INCLUSION.—The term 'holder' includes a person that has possession of a receipt or electronic document as a creditor of another person.

"(7) PERSON.—The term 'person' means—

"(A) a person (as defined in section 1 of title 1, United States Code);

"(B) a State; and

"(C) a political subdivision of a State.

"(8) RECEIPT.—The term 'receipt' means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(10) WAREHOUSE.—The term 'warehouse' means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

"(11) WAREHOUSE OPERATOR.—The term 'warehouse operator' means a person that is lawfully engaged in the business of storing or handling agricultural products.

"SEC. 3. POWERS OF SECRETARY.

"(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

"(1) each warehouse operator licensed under this Act;

"(2) each person that has obtained an approval to engage in an activity under this Act; and

"(3) each person claiming an interest in an agricultural product by means of an electronic document or electronic receipt subject to this Act.

"(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

"(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

"(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

"(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

"(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

"(g) WAREHOUSE OPERATOR'S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

“(h) **SYSTEMS FOR CONVEYANCE OF TITLE IN AGRICULTURAL PRODUCTS.**—The Secretary may approve 1 or more systems under which title in agricultural products may be conveyed and under which documents relating to the shipment, payment, and financing of the sale of agricultural products may be transferred, including conveyance of receipts and any other written or electronic documents in accordance with a process established by the Secretary.

“(i) **EXAMINATION AND AUDITS.**—The Secretary may conduct an examination, audit, or similar activity with respect to—

“(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

“(2) any State agency that regulates the storage of an agricultural product by such a person; or

“(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

“(j) **LICENSES FOR OPERATION OF WAREHOUSES.**—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

“(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

“(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

“(k) **LICENSING OF OTHER PERSONS.**—

“(1) **IN GENERAL.**—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

“(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

“(B) to sample such an agricultural product;

“(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

“(D) to weigh such an agricultural product and certify the weight of the agricultural product.

“(2) **CONDITION.**—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

“(l) **EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.**—The Secretary may examine, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

“(1) a warehouse operator operating a warehouse licensed under this Act;

“(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

“(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

“(m) **COOPERATION WITH STATES.**—The Secretary may—

“(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

“(2) enter into cooperative agreements with States to perform activities authorized under this Act.

“SEC. 4. IMPOSITION AND COLLECTION OF FEES.

“(a) **IN GENERAL.**—The Secretary shall charge, assess, and cause to be collected fees to cover the costs of administering this Act.

“(b) **RATES.**—The fees under this section shall be set at a rate determined by the Secretary.

“(c) **TREATMENT OF FEES.**—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

“(d) **INTEREST.**—Funds collected under this section may be deposited in an interest bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

“(e) **EFFICIENCIES AND COST EFFECTIVENESS.**—

“(1) **IN GENERAL.**—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

“(2) **REPORT.**—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

“SEC. 5. QUALITY AND VALUE STANDARDS.

“If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

“SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

“(a) **IN GENERAL.**—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

“(b) **SERVICE OF PROCESS.**—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

“(c) **ADDITIONAL ASSURANCES.**—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

“(d) **THIRD PARTY ACTIONS.**—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

“SEC. 7. MAINTENANCE OF RECORDS.

“To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

“(1) A warehouse operator that is licensed under this Act.

“(2) A person operating a system for the electronic recording and transfer of receipts

and other documents that are authorized under this Act.

“(3) Any other person issuing receipts or electronic documents that are authorized under this Act.

“SEC. 8. PRECLUSION OF LIABILITY.

“Nothing in this Act creates any liability with respect to the Secretary or any officer, employee, or agent of the Department in any case in which a warehouse operator or other person authorized by the Secretary to carry out this Act fails to perform a contractual obligation that is not subject to this Act (including regulations promulgated under this Act).

“SEC. 9. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

“(a) **IN GENERAL.**—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

“(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

“(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

“(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

“(b) **ALLOCATION.**—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

“SEC. 10. COMMINGLING OF AGRICULTURAL PRODUCTS.

“(a) **IN GENERAL.**—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

“(b) **LIABILITY.**—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

“SEC. 11. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

“(a) **IN GENERAL.**—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

“(b) **CONTINUED DUTY.**—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

“SEC. 12. ISSUANCE OF RECEIPTS AND OTHER DOCUMENTS.

“(a) **IN GENERAL.**—Subject to subsections (b) and (c) and except as otherwise provided in this Act, at the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

“(b) **ACTUAL STORAGE REQUIRED.**—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

“(c) **CONTENTS.**—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

“(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

“(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, no other or further receipt may be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

“(2) OTHER DOCUMENTS.—If a written or electronic document is recorded or transferred under this section, no other similar document in any form shall be issued by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

“(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in subsection (f) and notwithstanding any other provision of Federal or State law:

“(1) IN GENERAL.—The Secretary shall promulgate regulations to authorize the issuance of electronic receipts, and the recording and transfer of electronic receipts and other documents, in accordance with this subsection.

“(2) SYSTEMS FOR ELECTRONIC RECORDING AND TRANSFER.—Electronic receipts and electronic documents issued with respect to an agricultural product may be recorded in, and transferred under, a system or systems maintained in 1 or more locations.

“(3) TREATMENT OF HOLDER.—The person designated as a holder of an electronic receipt or other electronic document shall be considered, for the purposes of Federal and State law, to be in possession of the receipt or document.

“(4) SECURITY INTERESTS.—

“(A) PERFECTION OF INTEREST.—Any security interest lawfully asserted by a person under any Federal or State law with respect to an agricultural product that is the subject of an electronic receipt, or an electronic document filed under any system for electronic receipts or other electronic documents issued or filed in accordance with this Act, may be perfected only by recording the security interest in the system in the manner specified by the regulations promulgated under paragraph (1).

“(B) EFFECT OF RECORDATION.—The recordation by a person of the person's security interest in any agricultural product included in any system for electronic receipts or other electronic documents issued or filed in accordance with this Act shall, for the purposes of Federal and State law, establish the security interest of the person.

“(C) PRIORITY.—If more than 1 security interest exists in an agricultural product covered by an electronic receipt, the priority of the security interests shall be determined by the applicable Federal or State law.

“(D) ENCUMBRANCES.—

“(i) OPERATORS LICENSED UNDER STATE LAW.—If a warehouse operator licensed under State law elects to issue an electronic receipt authorized under this subsection, a security interest, lien, or other encumbrance may be recorded on the electronic receipt under this subsection only if the security interest, lien, or other encumbrance is—

“(I) authorized by State law to be included on a written warehouse receipt; and

“(II) recorded in a manner prescribed by the Secretary.

“(ii) OTHER APPLICATIONS.—If a warehouse operator licensed under this Act, or a warehouse operator not licensed under State law, elects to issue an electronic receipt authorized under this subsection, a security interest, lien, or other encumbrance shall be re-

corded on the electronic receipt in a manner prescribed by the Secretary.

“(5) EFFECT OF PURCHASE OF RECEIPT OR DOCUMENT.—A person purchasing an electronic receipt or electronic document shall take possession of the agricultural product free and clear of all liens, except those liens recorded in the system or systems established under the regulations promulgated under paragraph (1).

“(6) ACCEPTANCE.—

“(A) IN GENERAL.—An electronic receipt issued, and an electronic document transferred, in accordance with the regulations promulgated under paragraph (1) shall be accepted in any business, market, or financial transaction, whether governed by Federal or State law.

“(B) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue a receipt or document with respect to an agricultural product in electronic format.

“(7) LEGAL EFFECT.—Information created to comply with this Act (including regulations promulgated under this Act) shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

“(8) OPTION FOR STATE LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a State-licensed warehouse operator not licensed under this Act may, at the option of the warehouse operator, issue electronic receipts and electronic documents in accordance with this subsection.

“(9) APPLICATION.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

“(A) not to issue electronic receipts authorized under this subsection; or

“(B) to issue electronic receipts authorized under State law.

“(f) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS FOR COTTON.—

“(1) AUTHORITY.—

“(A) CENTRAL FILING.—Notwithstanding any other provision of Federal or State law, the Secretary, or the designated representative of the Secretary, may provide that, in lieu of issuing a receipt for cotton stored in a warehouse licensed under this Act or in any other warehouse, the information required to be included in a receipt (i) under this Act in the case of a warehouse licensed under this Act or (ii) under any applicable State law in the case of a warehouse not licensed under this Act, shall be recorded instead in 1 or more central filing systems maintained in 1 or more locations in accordance with regulations promulgated by the Secretary.

“(B) DELIVERY OF COTTON.—Any record under subparagraph (A) shall include a statement that the cotton shall be delivered to a specified person or to the order of the person.

“(C) ELECTRONIC TRANSMISSION FACILITIES BETWEEN WAREHOUSES AND SYSTEM.—

“(i) NONAPPLICABILITY TO WAREHOUSES WITHOUT FACILITIES.—This subsection and section 4 shall not apply to a warehouse that does not have facilities to electronically transmit and receive information to and from a central filing system under this subsection.

“(ii) NO REQUIREMENT TO OBTAIN FACILITIES.—Nothing in this subsection requires a warehouse operator to obtain facilities described in clause (i).

“(2) RECORDATION AND ENFORCEMENT OF LIENS IN CENTRAL FILING SYSTEM.—Notwith-

standing any other provision of Federal or State law:

“(A) RECORDATION.—The record of the possessory interests of persons in cotton included in a central filing system under this subsection—

“(i) shall be considered to be a receipt for the purposes of this Act and State law; and

“(ii) shall establish the possessory interest of persons in the cotton.

“(B) ENFORCEMENT.—

“(i) POSSESSION OF WAREHOUSE RECEIPT.—Any person designated as a holder of an electronic warehouse receipt authorized under this subsection or section 4 shall, for the purpose of perfecting the security interest of the person under Federal or State law with respect to the cotton covered by the warehouse receipt, be considered to be in possession of the warehouse receipt.

“(ii) PRIORITY OF SECURITY INTERESTS.—If more than 1 security interest exists in the cotton represented by the electronic warehouse receipt, the priority of the security interests shall be determined by applicable Federal or State law.

“(iii) APPLICABILITY.—This subsection is applicable to electronic cotton warehouse receipts and any other security interests covering cotton stored in a cotton warehouse, regardless of whether the warehouse is licensed under this Act.

“(3) CONDITIONS FOR DELIVERY ON DEMAND FOR COTTON STORED.—A warehouse operator operating a warehouse covered by this subsection, in the absence of a lawful excuse, shall, without unnecessary delay, deliver the cotton stored in the warehouse on demand made by the person named in the record in the central filing system as the holder of the receipt representing the cotton, if the demand is accompanied by—

“(A) an offer to satisfy the valid lien of a warehouse operator, as determined by the Secretary; and

“(B) an offer to provide an acknowledgment in a central filing system under this subsection, if requested by the warehouse operator, that the cotton has been delivered.

“SEC. 13. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.

“(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

“(1) the holder of the receipt for the agricultural product; or

“(2) the person that deposited the product, if no receipt has been issued.

“(b) PAYMENT TO ACCOMPANY DEMAND IF REQUESTED.—

“(1) IN GENERAL.—Demand for delivery shall be accompanied by payment of the accrued charges associated with the storage of the agricultural product if requested by the warehouse operator.

“(2) SPECIAL RULE FOR COTTON.—In the case of cotton stored in a warehouse, the warehouse operator shall provide a written request for payment of the accrued charges associated with the storage of the cotton to the holder of the receipt at the time at which demand for the delivery of the cotton is made.

“(c) SURRENDER OF RECEIPT.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

“(d) CANCELLATION OF RECEIPT.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the

delivery of the agricultural product for which the receipt was issued.

“SEC. 14. SUSPENSION OR REVOCATION OF LICENSES.

“(a) IN GENERAL.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

“(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

“(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

“(b) TEMPORARY SUSPENSION.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

“(c) AUTHORITY TO CONDUCT HEARINGS.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

“(d) JUDICIAL REVIEW.—

“(1) JURISDICTION.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

“(2) PROCEDURE.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

“SEC. 15. PUBLIC INFORMATION.

“(a) IN GENERAL.—The Secretary may release to the public the results of any investigation made or hearing conducted under this Act, including the names, addresses, and locations of all persons—

“(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

“(2) with respect to which a license or approval has been suspended or revoked under section 14, including the reasons for the suspension or revocation.

“(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

“SEC. 16. PENALTIES FOR NONCOMPLIANCE.

“(a) CIVIL PENALTIES.—If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

“(1) of not more than \$25,000 per violation, if an agricultural product is not involved in the violation; or

“(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

“(b) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

“(c) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

“SEC. 17. REGULATIONS.

“The Secretary shall promulgate such regulations as the Secretary considers necessary to carry out this Act.

“SEC. 18. AUTHORIZATION OF APPROPRIATION.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”•

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. BAUCUS, Mr. KERREY, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. THOMAS, Mr. HARKIN, Mr. ROBERTS, Mr. JOHNSON, Mr. COCHRAN, and Mrs. LINCOLN):

S. 2735. A bill to promote access to health care services in rural areas; to the Committee on Finance.

HEALTH CARE ACCESS AND RURAL EQUALITY
ACT OF 2000

Mr. CONRAD. Mr. President, today, I rise to introduce the Health Care Access and Rural Equality Act of 2000 (H-CARE).

This proposal is the result of a bipartisan and bicameral effort. I am proud to be joined by several cosponsors, including Senators GRASSLEY, DASCHLE, THOMAS, HARKIN, BAUCUS, KERREY, JEFFORDS, ROCKEFELLER, ROBERTS, JOHNSON, LINCOLN, and COCHRAN. I would also like to thank our House companions for joining me as supporters of this proposal. In particular, would like to recognize Representatives FOLEY, POMEROY, TANNER, NUSSLE, MCINTYRE, STENHOLM, BERRY, and LUCAS for their efforts. Working together, I believe we are taking important steps toward improving health care access in our rural communities.

Also, I would like to thank the National Rural Health Association, the Federation of American Health Systems, and the College of American Pathologists for their support of this effort.

Last year, we received information that 12 of my State's 35 rural hospitals were in jeopardy of closing. In North Dakota, many areas do not have hospitals within their county borders. This means that in some areas of my State, many communities depend on having access to one specific rural health care facility. If this facility were to close, this would leave residents in these areas without access to vital health care services.

We know that in many rural communities, Medicare patients make up the majority of the typical rural hospitals' caseloads—in N.D., more than 70 percent of most rural hospitals' patients are covered by Medicare. This means that Medicare funding and changes to the program greatly impact our small, rural providers.

Unfortunately, while our rural facilities may serve a disproportionate number of Medicare patients, they are often forced to operate with merely half the reimbursement of their urban counterparts. For example, Mercy Hospital in Devils Lake receives on average about

\$4,200 for treating a patient with pneumonia. In New York City, we know that some hospitals receive more than \$8,500 for treating the same illness. This disparity places our providers at a clear disadvantage.

Against the backdrop of this funding disparity, we know that rural providers were particularly hard hit by reductions in the Balanced Budget Act of 1997. Last year, N.D. hospitals were losing at minimum 7 percent on every Medicare patient they serve. In some of our smaller communities, hospital margins fell as low as negative 21 percent. How can our hospitals be expected to survive at a 20 percent loss?

Recognizing the challenges that our communities were facing, I fought hard last year to offer relief to our rural providers. I am happy to say that the Balanced Budget Refinement Act of 1999 (BBRA) brought more than \$100 million to our ND providers—but we must do more.

Even though the BBRA improved the outlook for our hospitals, N.D. facilities are still in financial trouble—they are still projected to have negative 4.9 percent margins by 2002. Continued funding shortfalls have made it, and will continue to make it, impossible for our smallest rural hospitals to make needed building improvements; impossible for them to provide patients access to updated technologies; and difficult for them to competitively recruit and retain health care providers, particularly to the most isolated, frontier areas.

For this reason, I rise to introduce H-CARE. This legislation offers targeted relief to our most vulnerable rural providers, including: our sole community, critical access, and Medicare dependent hospitals.

In particular, H-CARE would offer a full inflation update to all rural hospitals. The BBA limited hospitals' inflation updates through 2002. This has meant that our providers have not been allowed to receive payments that are in line with the costs they incur for serving Medicare patients. H-CARE would close the gap on this funding shortfall.

Also, H-CARE permanently extends the important Medicare dependent hospital program, which is due to expire in 2006, and would offer these providers more up-to-date funding. Currently, they are reimbursed based on 1988 costs. As providers that serve at least a 60 percent Medicare caseload, it is important that they receive appropriate Medicare payments.

In addition, H-CARE addresses several flaws in last year's Medicare add-back bill that have adversely impacted our rural providers. For example, many rural hospitals entered the Critical Access Hospital (CAH) program under the promise that they would receive adequate resources to keep their doors open. The BBRA inadvertently limited

these hospitals' ability to receive funding for providing lab services to their patients. H-CARE fixes this problem by ensuring CAHs once again receive the funding they need to provide lab services.

For our sole community hospitals, H-CARE corrects an error in the BBRA which excluded some of these hospitals from receiving higher reimbursement rates based on more recent costs. H-CARE fixes this mistake by letting all sole community hospitals receive more up-to-date payments based on 1996 costs. This is particularly important for N.D. since 29 of my state's 36 rural facilities are sole community hospitals.

Lastly, H-CARE would establish a loan fund that rural facilities could access to repair crumbling buildings or update their equipment—eligible facilities could receive up to \$5m to make repairs and an extra \$50,000 to help develop a capital improvement plan. H-CARE also includes grants, in the amount of \$50,000 per facility, that hospitals could use to purchase new technology and train staff on using this technology.

In summary, this year, I will fight to enact these and other measures that are vital to improving our rural health care system. I urge my colleagues to support this important effort.

• Mr. JOHNSON. Mr. President, I am pleased to join my colleagues today to support introduction of the Health Care Access and Rural Equality Act of 2000, known as H-CARE.

I especially want to commend Senators CONRAD and GRASSLEY, and Representative FOLEY for the tremendous amount of effort they put forth in drafting this key legislation. As well, I commend a number of my other colleagues who have contributed immensely to the crafting of this bill, including Senators DASCHLE, HARKIN, ROBERTS, THOMAS, KERREY, ROCKEFELLER, and Representatives POMEROY, TANNER, NUSSLE, and MCINTYRE.

The bipartisan and bicameral support for this legislation signifies the critical and often times desperate condition, that our rural hospitals are in due in large part to the unforeseen impact of the Balanced Budget Act (BBA) of 1997 and disparities in Medicare reimbursements for rural facilities.

Impact estimates and preliminary data suggest that the BBA cuts have fallen squarely on the shoulders of our rural hospitals who do not have the operating margins to shoulder consecutive years of budgetary deficits. Unfortunately, rural hospitals do not have the luxury of trimming spending in one area to meet the needs in another. Recent cuts have forced hospitals to eliminate important programs such as home health care or therapy services in order to operate within these tight budget restraints.

Rural hospitals are charged with the responsibility to provide high-quality,

compassionate care to individuals in times of need, especially our senior and disabled Medicare populations. However, it also seems evident to me that we have asked hospitals to do a day's work for an hour's pay.

The H-CARE Act works to restore some of the funding disparities that exist for rural hospitals and provides resources to ensure their survival.

Hospitals in my home state of South Dakota face a potential loss in Medicare revenues of nearly \$171 million over five years if something is not done to help them.

Provisions in H-CARE including inflation updates for rural hospitals, protection for Medicare Dependent Hospitals, support for the Critical Access Hospitals Programs, creation of a capital infrastructure loan program, assistance to update technology, and increased reimbursement for Sole Community Hospitals will allow rural facilities the necessary resources to keep their doors open.

We are talking about rural facilities such as the Medical Center in Huron, SD, which was forced to eliminate 24 full time positions to compensate for Medicare cuts in their FY 2001 budget, or the hospital in Burke, SD, which had to cut \$124,000 from their hospital this year to ensure their survival. These are just a few examples of the many stories that I've heard from hospitals administrators throughout my home state of South Dakota.

Once again, I am please to join my colleagues today as an original cosponsor of the H-CARE Act and look forward to working with the full Senate to ensure quick and immediate action on this critically important legislation. •

By Mr. DOMENICI (for himself, and Mr. BINGAMAN):

S. 2736. A bill to provide compensation for victims of the fire initiated by the National Park Service at Bandelier National Monument, New Mexico; to the Committee on Environment and Public Works.

THE CERRO GRANDE FIRE ASSISTANCE ACT

Mr. DOMENICI. Mr. President, let me say from the very beginning of this discussion today, it has been a real pleasure to work with Senator BINGAMAN and his staff—and I hope that is mutual—on putting together a bill that we are going to introduce today. It is our best effort to put together a bill that permits the citizens of Los Alamos, the people who reside there, whose houses or personal property were damaged or destroyed, and businesses that existed, owned either by corporations or individuals—the damage they might have suffered. This is just a partial list. I will read the list before we leave the floor.

This is an effort to compensate the Indian people for similar losses.

Mr. President, since May 4, 2000, it is now known that the National Park

Service started a forest fire, a so-called prescribed burn, at Bandelier National Monument in New Mexico. That was done during the height of the fire season and, regrettably, as everyone now knows, that fire, which was expected to be a controlled burn by the Park Service in Bandelier National Park, was not able to be controlled by those who were called in to control it. The fire went right down the mountainside, ended up burning down the forest and parts of the community of Los Alamos. The fire destroyed more than 425 residences.

I am going to start from the beginning with just one photo. Senator BINGAMAN has others. He drove the streets while some of the fires were still cooling off. As I understand it, Senator BINGAMAN could see the remnants of steam and heat, and the residue of fires that had not yet totally burned out.

This is just one picture of the old town site. That means there is a part of the area that was built up by the Federal Government years ago when Los Alamos was a closed off and secret community, at which the first atomic bomb was being built. All of the science was put in place up there, and it was totally a secret city. Years later, while I was a Senator—I have been here 28 years—we tore down the walls and sold those houses to individuals.

This is the way the fire looked as a house burned adjoining the trees and forests that surround Los Alamos. It was actually much worse than that. But that is the best we can do in a photograph of this type.

The fire started on May 4, and by May 5 it was a full-fledged wildfire devouring everything in its path. Ultimately, it devoured 48,000 acres of forest land and significant parts of the community where houses and businesses were owned by individuals.

During the time this fire burned out of control, our Nation was celebrating the 50th anniversary of Smokey the Bear; that is, the date of his rescue from a raging forest fire in the Lincoln National Forest in NM.

For 50 years, Smokey the Bear had cautioned Americans to be careful. Apparently, no one told the Park Service.

The decision was made to start a forest fire. The basis was a miscalculation of the danger. The result was, believe it or not, about 25,000 people were evacuated; 405 families lost their residences or homes; two Indian pueblos lost land, livelihood, and sacred sites; and 48,000 acres were transformed from a lush forest into a charcoal garden covered in some places by 12 inches of ash.

The cost thus far to taxpayers just to fight the fire is perhaps \$10 million.

We now have a couple of official reports. We have a 40-page report called "Sierra Grande Prescribed Burn Investigative Report" dated May 18, 2000. It can be summarized.

Too little planning; too few followed procedures; too little caution; too little experience; too much dry underbrush; too much wind; too much advice unheeded; and too late arrival of the "hotshot" experts; and, it was too bad.

It is more than too bad. It calls into question the policy with reference to prescribed burns. But that is an issue for another day. But I am hopeful that serious discussions are taking place as to how we should handle controlled burns in the future.

We have a catastrophe. It is a catastrophe that it started in the first place. There is no doubt about that.

It is a tragedy that it destroyed homes. There is no doubt about that.

It is a disaster that fire disrupted businesses. It cost State and local governments millions of dollars. There is no disagreement about that.

Imagine the horror of seeing your home reduced to ashes and the freakishness of owning a concrete staircase to nowhere and calling it your home as you come back to visit. The house is burned to the ground, and only cement steps remain.

Imagine seeing your neighborhood reduced to a row of brick chimneys and concrete foundations.

Consider the irony of a home burned to the ground while the wooden tree house stands unoccupied in the yard.

Imagine the task of sifting through the ashes for any unincinerated remnants of your life.

Think about the gawkers and the TV trucks driving through your neighborhood waiting to see if the first rains produce mudslides and/or floods.

Imagine your life if you were they.

You want to go back to work, to get the kids back into a routine, but your life is a series of back-to-back-meetings, dealing with appraisers, contractors, insurance, FEMA, SBA, and flood insurance.

Everyone involved wishes that the fire could be unset, the match unlit, the decision unmade, but there is no way to undo the catastrophe.

The Federal Government can't undo the damage, but it can provide prompt compensation. That is the objective of the legislation that Senator BINGAMAN and I are introducing today. We have worked closely with the administration, and I am pleased that they support this legislation.

I am pleased to introduce legislation that starts the process of rebuilding lives. It provides an expedited settlement process for the victims of the fire.

The first estimate of the cost that we are covering is an approximate number of \$300 million. We will use \$300 million as our approximate cost as we take this bill into conference on the MILCON bill and attempt to get it adopted in an expedited matter as part of that conference, along with the monies needed to compensate the victims

for their claims under this legislation. And there are moneys for other components of the fire under other federal programs—\$134 million for the laboratory damage itself, which is a separate appropriations item.

To accomplish the goal of compensating fire victims in the most efficient and fair way possible, this legislation establishes a compensation process through a separate Office of Cerro Grande Fire Claims at FEMA.

It provides for full compensation for property losses and personal injuries sustained by the victims, including all individuals, regardless of their immigration status, small businesses, local governments, schools, Indian tribes, and any other entities injured as a result of the fire.

Such compensation will include the replacement cost of homes, cars, and any other property lost or damaged in the fire, as well as lost wages, business losses, insurance deductibles, emergency staffing expenses, debris removal and other clean-up costs, and any other losses deemed appropriate by the Director of FEMA.

To make sure that this is an expedited procedure, within 45 days of enactment, FEMA must promulgate rules governing the claims process. After the rules are in place, FEMA must publish in newspapers and other places in New Mexico, an easy-to-understand description of the claims process in English and Spanish, so that everyone will know their rights and where and how to file a claim.

Once those rules are in place, victims will have 2 years to file their claims, and FEMA must pay those claims within 6 months of filing.

During the adjudication of each claim, FEMA is authorized to make interim payments to victims so that those with the greatest need will not be forced to wait a long time before receiving some form of compensation from the government.

This bill also will reimburse insurance companies for the costs they paid to help rebuild Los Alamos and the surrounding communities. Under this bill, insurance companies will be able to make subrogation claims against the government on behalf of themselves or their policyholders in same manner as any other victim of the fire.

I want the victims to know that this bill requires that they will be compensated before insurance companies.

The intent is to encourage insurance companies to settle with their policyholders and then come to the government for compensation. That way, victims can get on with their lives as soon as possible, and insurance companies can get reimbursed through the claims process without the need to proceed under the cumbersome Federal Tort Claims Act.

For victims whose insurance will not cover the complete replacement cost of

their property loss or their personal injury, insurance companies should cover all that is required under their policies, and the government will make up the difference.

Mr. President, I think that in this bill, we have developed a process which is fair, comprehensive, and efficient. Yet there will be some who believe, for whatever reasons, that they are not receiving what they are entitled from the government.

For those individuals, this bill preserves their right to sue under the Tort Claims Act or to protest the final claims decision of FEMA. I hope that there will be few, if any, such lawsuits, but I believe we must maintain the rights of individuals to proceed to court if they are unhappy with their claims award.

I think we have taken an excellent first step in proposing this claims legislation. There is no way one bill can address every issue which might arise in every circumstance. Many of the details will be determined by the Fire Claims Office. I want my constituents to know that I will do all I can to monitor the process as it moves forward to ensure that New Mexicans are treated fairly and in accordance with the intent of this law.

All our citizens owe a tremendous gratitude to the workers at Los Alamos. We won the cold war because of their contributions. Today we enjoy our freedoms because of their dedication. We need their continued dedication to assure that those freedoms survive for our future generations. And they need our help to rebuild their lives and return to their vital missions.

I hope my colleagues will support the Cerro Grande Fire Assistance Act.

Citizens can choose not to take this claims approach provided for in this legislation, and they can go to the Federal courts under the Federal Tort Claims Act. If they do, they will get no compensation under this bill. That is their option.

If they choose the option provided under this bill and they go through it to get money for their damages—let's just take an item, such as a house which Senator BINGAMAN and I discussed. If there is a dispute as to the value of that house, and they are supposed to get the value for the replacement cost—if there is a dispute, this bill provides an opportunity to use arbitration.

We have limited attorney's fees in this bill to 10 percent. We don't think this is going to be a heavily litigated process. I repeat, if citizens want to make their claim under the Federal Tort Claims Act, this legislation does not preclude that, other than they have no right to claim anything under this bill.

We owe tremendous gratitude to the workers of Los Alamos. We won the cold war because of their efforts and

their predecessors in the various activities and scientific niches at this laboratory which has been run admirably by the University of California.

Today, we enjoy some of our basic freedoms because in that cold war with the Soviet Union we had great people in this community and a couple of other communities, always staying ahead so people could be assured nuclear weapons would never be used against our people.

That laboratory is having some trouble besides the fire. When it all finishes, we will still stand in awe at the fantastic brain trust that is assembled in the mountains of northern New Mexico. We have a sister institution in California, obviously, and an engineering institution in Albuquerque called Sandia National Laboratories. They are three labs that are tied together by scientific prowess and a commitment to serve America in her needs.

The PRESIDING OFFICER. The junior Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator DOMENICI. I also want to state how much I have enjoyed working with him on this terrible subject. I think the ability of our offices to work together has been admirable. We have come up with a plan that moves the process forward and closer to some real relief for the people who were damaged by this incident.

Mr. President, this was a disaster. This was a catastrophe. Let me show three photos that make the case. This is a photo from space, from a very high altitude, that shows the fire while it was burning, with the smoke plume coming through northeastern New Mexico into Colorado, into Oklahoma, and into west Texas. The photo shows the magnitude of what was involved. This was clearly the largest forest fire we have ever had in our State of New Mexico since they have been keeping records. It is very unfortunate that it was started by a controlled burn to which the Park Service agreed. That clearly makes this the responsibility of the Federal Government. As a country, we need to step up and compensate people for their losses.

Let me show two other photos that make the case as to what was done. This is a photo of one of the houses in Los Alamos with a car out front. These people in Los Alamos were advised they needed to leave their homes, get in cars or on buses, and go down to Santa Fe to escape the danger. They did. This is what they came back to a couple of weeks later. Clearly, this is not the kind of a circumstance of which anyone can be proud.

Mr. DOMENICI. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. DOMENICI. The Senator views this scene while driving down the streets?

Mr. BINGAMAN. I toured the community and the neighborhoods with

James Lee Witt, the head of FEMA, and with our Governor, Governor Johnson. We saw the devastation.

Mr. DOMENICI. This is a chimney?

Mr. BINGAMAN. That is a chimney.

The people did not have time to even arrange to drive their cars out of town. Of course, all their personal belongings were in the houses. The damage was total. The loss was total for the families who were burned out.

Another photo makes the case, a photo of the rubble that was left at one of the sites. Here is a bicycle. I might add, the water lines in these houses were still running. As we drove up and down the street, we saw water spurting out of the water lines, but there would be no house. Clearly, the devastation was enormous.

The people of Los Alamos and Senator DOMENICI made this point, and it has been made many times: The people of Los Alamos were heroic in their response to this tragedy. They pulled together as a community. They helped each other. They worked together to get their community back up and running. The people of the entire State came together and rallied to help the people who were injured. This was a period, and we are still in it to some extent, a period where we have lots of fires going on in New Mexico. It was not just the people who were injured in the Cerro Grande fire who were requiring assistance. We had other fires in our State, including the Scott Able fire in southern New Mexico which was very devastating, the fire at Ruidoso, the Viveash fire near Pecos.

Our job now, and what Senator DOMENICI and I are trying to do in this legislation, is to put in place a mechanism so people can get as full a relief as possible. We recognize you are not ever in a position to compensate someone for all of this loss, but we want to compensate people as fully as the Government can. We also, of course, want to do so as quickly as possible.

The reason this legislation is important, I believe—and I think this was something which the administration officials, and Jack Lew with the Office of Management and Budget agreed with entirely—is that the time it takes to go through the Tort Claims Act is extensive. History has shown that in many cases it is not satisfactory, that process has not been satisfactory. It was our conclusion, and the conclusion supported by the administration, that we should do a separate bill which would set up a different procedure that, hopefully, would give better compensation to people, and do it much more quickly than is otherwise possible.

Senator DOMENICI pointed out we have gone to great lengths to not interfere with the right of people to pursue their remedies under current law, if they choose to do that. We have not changed the rules for that. We have not in any way impeded that. But people

have to make a judgment after they consult with everyone involved—their attorneys if they have attorneys, or anyone else with whom they want to consult—make a judgment as to whether to use the remedy, the process we are setting up in this legislation, once this becomes law, or to use the process that is available to them under current law under the Tort Claims Act.

My own hope is that we have come up with a better alternative. That is my belief. That has certainly been our purpose. We hope people will see it that way and that this legislation will result in more full compensation, much more rapidly than would otherwise be possible, and that people will be able to get on with their lives because of that.

The legislation has many aspects to it, which I discussed in detail. Senator DOMENICI went into some of that. Let me just say, the main thrust of it is to compensate people for injuries they receive, for loss of property, compensate businesses for losses they incurred, compensate businesses and individuals, both, for financial losses that are directly traceable and attributable to this fire.

Clearly, we want this to be a fair process for those involved. At the same time, we are anxious that it be done in a responsible way, so once it is over with, we can have an accounting for what compensation was provided and the justification for it. I think the American people will want that and should be entitled to that. I believe this will substantially improve the chances of folks getting fully compensated, as fully compensated as possible, as early as possible.

For that reason, I am pleased to join Senator DOMENICI in cosponsoring this legislation. I do think we have several steps, several hoops to jump through between now and when this becomes law. There will be opportunities for us to fine-tune this as we go forward. I hope we can do that, but I hope we can go forward very quickly. He indicated our desire to have it included in some appropriations legislation—the military construction appropriations bill—which is pending now. I hope very much that can happen, and I hope that bill can get to the President very quickly with this included and can become law.

Mr. President, on May 4, 2000, a decision by the National Park Service to conduct a prescribed burn in the Bandelier National Park changed the lives of Los Alamos residents forever. What started as a prescribed burn of approximately 1,000 acres, turned into a fire that roared for 18 days and in the end charred over 47,000 acres. Soon after the fire raged out of control, the National Park Service assumed responsibility for the damage caused by the fire.

While we need to take another look at the Park Service's policy concerning

prescribed burns, we first need to take care of those that were injured by the Park Service's actions. There will be time for hearings and investigations. But first, there are people that must be clothed, homes that must be rebuilt, and businesses that must pay their bills. We need to make sure our children are settled again before the 2001 school year begins in 2 months. We need to clean up the debris and hazardous waste so families can think about rebuilding.

The Cerro Grande Fire Assistance Act that I am introducing with Senator DOMENICI today is what we believe represents the Government's responsibility to the citizens of Los Alamos and the surrounding pueblos.

The Cerro Grande fire didn't just burn 47,000 acres of national forest. This fire was so intense that it traveled several miles from the point of origin to the town of Los Alamos, New Mexico. When the fire roared up the canyons in Los Alamos, it completely destroyed 385 dwellings and seriously damaged another 17 dwellings. Over 60 homes were burned on 46th, 48th and Yucca Streets alone. Keep in mind that Los Alamos is not a large community and these numbers reflect a large majority of the residents in those areas. This chart shows what used to be single family homes on Arizona Avenue. It was one of the 50 homes destroyed along Arizona Avenue.

This second picture shows the damage done along Alabama Avenue. The fourplexes across the street were spared but many of the fourplexes along Alabama are no longer standing. Most of these fourplexes were built between 1949 and 1954 by the federal government for the first workers of the national laboratory. In the late 1960's the federal government sold these homes to the residents of Los Alamos. On May 4th, many of these homes were occupied by the original residents—individuals who are now retired from the lab and enjoying their golden years. Ten percent of the households destroyed belonged to senior citizens. One such couple showed up to a town meeting to show me all they had left of their former home—the wife had the burned door handle and the husband had the key in his pocket.

Other fourplexes that were destroyed were occupied by young families and the most recent generation of lab employees. 35% of the housing units destroyed were being rented and 92 of those tenants were without any form of insurance. Many of these people are now without a home for their young families. One of the couples I spoke with after the fire was a young couple expecting a child who lost their home and their adjoining rental unit. And I was recently informed that over 200 school children were burned out of their homes.

Driving through these neighborhoods that are now filled with blackened

trees, melted swing sets and burned bicycles is a difficult thing to witness. This fire grew out of control so quickly, mostly because of the 60 mph winds that swirled through the controlled burn area, that most families had less than an hour to gather their belongings and evacuate the mesa. Many others didn't have even that much time. As you can see by the numerous burned cars, many families were unable to get both of their cars down the hill before the fire hit. In the end, 5% of the housing units in Los Alamos was destroyed by this fire.

Despite the personal tragedy many of them suffered, the residents of Los Alamos came together and helped one another and supported the efforts of the hundreds of firefighters who fought long and hard to control this monstrous blaze. Several Los Alamos restaurant owners returned to Los Alamos during the height of the fire and donated their inventory and services to cook up meals at the local Elks Lodge for the firefighters, police and National Guardsmen who were sent to this remote community. In addition, the outpouring of support from the nearby communities in setting up shelters and offering food and clothing was something I was proud to witness firsthand. This support also included the shelters and individuals who volunteered to take in the hundreds of animals that belonged to the over 20,000 residents evacuated from Los Alamos and White Rock.

The citizens of Los Alamos were heroic throughout this fire. Residents, like engineer Tony Tomei, were singlehandedly trying to help save their neighborhoods from spreading wildlife. Tomei used his garden hose to douse small spot fires and used a rake and shovel to extinguish burning debris. His all night efforts saved his own house and the house of one neighbor, much to the neighbor's surprise.

After returning from Los Alamos and viewing the extent of damage, I began work with Senator DOMENICI on legislation that would compensate the people of Los Alamos, the surrounding pueblos, and the national laboratory for the damages sustained. We have been working for over 3 weeks now with the Office of Budget and Management, the White House, and the citizens of New Mexico to come up with legislation that will provide those who suffered personal and/or financial injury the most expedient and thorough compensation possible. We have received input from a number of individuals who lost their homes, from business owners who were shut down for up to a week, from the Los Alamos County Council and the governors of the San Ildefonso and Santa Clara Pueblos. While no one can truly be made whole after such a devastating experience, the role of the federal government in this situation is to ensure that people are adequately

compensated for the losses resulting from the fire. Senator DOMENICI and I worked to come up with legislation that would compensate New Mexicans as fully as possible, while still being something acceptable to the entire Congress.

Based on the numerous meetings we held with the people mentioned above, we have come up with categories of damages that are compensable, including: property losses, business losses and financial losses. The goal is to compensate individuals for losses that were not otherwise covered by insurance or any other third party contribution.

For example, compensable property losses will include such things as uninsured property losses. This should address the problem many individuals are facing after realizing that they were under insured for their homes or their personal property. The goal is this legislation is to provide individuals with the funds needed to repair or replace their real and personal property using "replacement value" as a determining factor. This means that individuals should receive the dollar amount needed to rebuild their homes using current construction methods and materials, in line with current zoning requirements, and without a deduction for depreciation. It also means that individuals should be provided with the funds necessary to allow them to replace their damaged personal property with property that provides them equal utility. Moreover, we realize that homeowners will need funds to cover the cost of stabilizing and restoring their land to a condition suitable for building after the debris is removed.

The legislation will also compensate public entities for the damage to the physical infrastructure in the community. The county and other governmental entities will be able to seek compensation for the cost of rebuilding community infrastructure damaged by the fire, such as power lines, roads and public parks.

Compensable business losses will include such things as damage to tangible business assets, lost profits, costs incurred as a result of suspending business for one week, wages paid to employees for days missed during the fire, and other business losses deemed appropriate by the Claims Office. This provision is intended to help business owners who were forced to evacuate Los Alamos for up to 5 days. For people like the local nursery owner, closing shop during Mothers' Day weekend and the short planting season in northern NM was devastating. While the residents of Los Alamos disappeared from the community, the fixed overhead costs of the small business owners did not disappear.

Compensable financial losses will include economic losses for expenses

such as insurance deductibles, temporary living expenses, relocation expenses, debris removal costs, and emergency staffing expenses for our governmental entities. The intent is to assist victims in rebuilding and recovering incidental expenses that they would otherwise not have incurred, had it not been for the Cerro Grande Fire. This includes costs incurred by the claimant in proving his losses, including the cost of appraisals where necessary.

In addition, the pueblos will be eligible to seek compensation for the damage to the forest lands on the pueblo and the impact of the fire on their subsistence hunting, fishing, firewood, timbering, grazing and agricultural activities. Individual tribal members and wholly-owned tribal entities will be eligible to seek reimbursement through this claims process for quantifiable losses. This means that the BIA will not serve as a conduit for any settlement to an individual tribal member or a tribe.

This legislation also intends to provide resources for the remediation that will be necessary to prevent future disasters because of flooding and mudslides. While we have experienced an unusually dry summer in the Southwest, forecasters predict an earlier than usual monsoon season and efforts must be made to shore up the burned hillsides and 70 foot canyon walls. The remediation effort will have to be undertaken by several federal agencies, including the Department of interior, the Agriculture Department and other entities with experience in this regard.

In order to expedite an individual's recovery, we have designed an administrative claims process that will allow injured parties to seek compensation for the expenses that were incurred, and were not otherwise covered by a third party, as a result of the Cerro Grande fire. This legislation authorizes that claims process and establishes an Office of Cerro Grande Fire Claims which will be under the authority of the Director of FEMA. FEMA is directed to compensate the victims of the Cerro Grande fire for injuries resulting from the fire and to settle those claims in an expeditious manner. FEMA will be given authority to hire an independent claims manager or other experts in claims processing to oversee this large project. We feel that FEMA is the best federal agency to handle this responsibility as they are capable of the task and are familiar with the damages that are common in a disaster. I trust that the FEMA Director will assemble a team that the community of Los Alamos can have confidence in and that will strive to settle claims to the benefit of those injured.

The Director of FEMA has 45 days to design this claims process and promulgate regulations for the claims office to follow. The regulations should not

be overly burdensome for the claimants and should provide an understandable and straight forward path to settlement. In the event that issues arise concerning a settlement amount, the claimant will be able to enter into binding arbitration to settle any disputes with the claims office. If a claimant would rather have the Director's decision reviewed by a judge, the claimant will be able to seek judicial review of the Director's decision in federal court. Claimants who believe they need legal assistance as they proceed through this process should know that attorneys' fees are provided for in this legislation, with a cap of 10%. And while we believe this administrative claims process is the most efficient and reliable route for those seeking compensation, we are leaving the option of a federal tort action open to this legislation.

Mr. President, there is nothing Senator DOMENICI or I can do to replace the personal items and sentimental possessions that were consumed by the Cerro Grande Fire. This federal compensation will do nothing to replace a coin collection collected over a lifetime or an heirloom inherited from a great-grandmother. However, the federal government has the responsibility to try and restore the lives of the people impacted by this horrible tragedy. The federal government started this mess and it is time the federal government started cleaning up this mess and fixing what was damaged.

Congress can start the recovery process by passing this legislation. I ask that my colleagues act quickly on this legislation as the season for rebuilding this community is a short season for this city that sits high above the valley. I thank my colleagues for their support and for their willingness to do the right thing in this very unique situation.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I once again thank Senator BINGAMAN.

Part of the time these discussions were taking place in New Mexico, I was not available to be there. As most people in New Mexico know, I have been there twice, but I missed one occasion when Senator BINGAMAN got to talk with the people. I thank him for that because he brought back a number of ideas. One of my staffers was present with him. Those ideas are incorporated in this legislation.

In particular, let me repeat that the bill covers "loss of property," and it says what that means; "business losses," and it says what that means; "financial losses," and it says what that means. Then a "summary of the claims process" and a summary of the remedies and a summary of appeal rights.

The lead agency is going to be the Office of Cerro Grande Fire Claims within

FEMA. James Lee Witt or his successor will oversee that office but has the discretionary authority to designate an independent claims manager to run the office, if he so desires.

We are not creating anything new, it will be FEMA. But if he wants an independent claims manager, he has the latitude and authority to do that. There will be a separate account for the victims of the Cerro Grande fire that will be separate from the disaster assistance fund. Also, all of the money appropriated will be designated as an emergency.

I want to thank the staff who worked on this legislation. In my office: Steve Bell, Denise Greenlaw Ramonas, Brian Benczkowski, James Fuller and Veronica Rodriguez. From Senator BINGAMAN's office, Trudy Vincent, Christine Landavazo, Sam Fowler and Bob Simon. I also want to thank Ann Bushmiller from the White House Counsel's office and Elizabeth Gore from the Office of Management and Budget. I ask unanimous consent that a letter from Jack Lew expressing the Administration's support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cerro Grande Fire Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the "Cerro Grande Prescribed Fire", exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, 1 of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) PURPOSES.—The purposes of this Act are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CERRO GRANDE FIRE.**—The term “Cerro Grande fire” means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) **DIRECTOR.**—The term “Director” means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 4(a)(3), the Manager.

(3) **INJURED PERSON.**—The term “injured person” means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, county, township, city, State, school district, or other non-Federal entity (including a legal representative);

that suffered injury resulting from the Cerro Grande fire.

(4) **INJURY.**—The term “injury” has the same meaning as the term “injury or loss of property, or personal injury or death” as used in section 1346(b)(1) of title 28, United States Code.

(5) **MANAGER.**—The term “Manager” means an Independent Claims Manager appointed under section 4(a)(3).

(6) **OFFICE.**—The term “Office” means the Office of Cerro Grande Fire Claims established by section 4(a)(2).

SEC. 4. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.

(a) **IN GENERAL.**—

(1) **COMPENSATION.**—Each injured person shall be entitled to receive from the United States compensation for injury suffered by the injured person as a result of the Cerro Grande fire.

(2) **OFFICE OF CERRO GRANDE FIRE CLAIMS.**—

(A) **IN GENERAL.**—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) **PURPOSE.**—The Office shall receive, process, and pay claims in accordance with this title.

(C) **FUNDING.**—The Office—

(i) shall be funded from funds made available to the Director under this title; and

(ii) may reimburse other Federal agencies for claims processing support and assistance.

(3) **OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.**—The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this Act.

(b) **SUBMISSION OF CLAIMS.**—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) **INVESTIGATION OF CLAIMS.**—

(1) **IN GENERAL.**—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) **APPLICABILITY OF STATE LAW.**—Except as otherwise provided in this Act, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) **EXTENT OF DAMAGES.**—Any payment under this Act—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) **PAYMENT OF CLAIMS.**—

(1) **DETERMINATION AND PAYMENT OF AMOUNT.**—

(A) **IN GENERAL.**—

(i) **PAYMENT.**—Not later than 180 days after the date on which a claim is submitted under this Act, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) **PRIORITY.**—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this Act only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) **PARAMETERS OF DETERMINATION.**—In determining and settling a claim under this Act, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this Act; and

(iv) the person or persons entitled to receive the amount.

(C) **INSURANCE AND OTHER BENEFITS.**—

(i) **IN GENERAL.**—In determining the amount of, and paying, a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) **GOVERNMENT LOANS.**—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) **PARTIAL PAYMENT.**—

(A) **IN GENERAL.**—At the request of a claimant, the Director may make 1 or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) **JUDICIAL DECISION.**—If a claimant receives a partial payment on a claim under this Act, but further payment on the claim is subsequently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) **RIGHTS OF INSURER OR OTHER THIRD PARTY.**—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this Act or any other law.

(4) **ALLOWABLE DAMAGES.**—

(A) **LOSS OF PROPERTY.**—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure;

(iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) **BUSINESS LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) **FINANCIAL LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 2(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) **ACCEPTANCE OF AWARD.**—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant, with respect to all claims arising out of or relating to the same subject matter; and

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter.

(f) **REGULATIONS AND PUBLIC INFORMATION.**—

(1) **REGULATIONS.**—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this Act.

(2) PUBLIC INFORMATION.—

(A) IN GENERAL.—At the time at which the Director promulgates regulations under paragraph (1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) DISSEMINATION THROUGH OTHER MEDIA.—The Director shall disseminate the explanation published under subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) CONSULTATION.—In administering this Act, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this Act;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this Act may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this Act may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) NO EFFECT ON ENTITLEMENTS.—Nothing in this Act affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Director under this Act may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) STANDARD.—The decision of the Director incorporating the findings of the Direc-

tor shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this Act, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) FEDERAL SHARE.—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this Act.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this Act—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this Act in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this Act during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

SUMMARY OF CERRO GRANDE FIRE ASSISTANCE ACT OF 2000

Administrator: FEMA as lead agency, with authority to designate an independent claims manager.

Entities eligible for compensation: all individuals, Indian tribes, corporations, tribal corporations, partnerships, companies, associations, counties, townships, cities, State, school districts and any other non-federal entity that suffered injury resulting from the Cerro Grande fire.

Types of compensable injuries: tracks the Federal Tort Claims Act: Injury, loss of

property and personal injuries are compensable.

Damages for "loss of property" will include: uninsured or under-insured property loss, decrease in the value of real property, damage to physical infrastructure, loss of subsistence hunting, fishing, firewood, timbering, grazing and agricultural activities, and any other loss deemed appropriate as a "loss of property."

Damages for "injury" will include "business losses", such as: damage to tangible assets or inventory, business interruption losses, overhead costs, employee wages paid for work not performed as a result of the fire, and any other injury deemed appropriate for compensation as a "business loss."

Damages for "injury" will include "financial losses" such as: increased mortgage interest costs, insurance deductibles, the cost of flood insurance, temporary living or relocation expenses, emergency staffing expenses, debris removal and other clean-up costs, hazard mitigation and any other injury deemed appropriate for compensation as a "financial loss."

Process: FEMA Director required to promulgate interim final regulations within 45 days of enactment of the Act. Claims must be filed within two years of promulgation of the regulations, and adjudicated by FEMA within 180 days of filing. Once regulations are promulgated, Director must publish easy-to-understand explanation of the rights conferred by the law and a description of the claims process in English and Spanish in New Mexico newspapers and other media outlets.

Election of remedies: Party must at the outset elect either to proceed under Federal Tort Claims Act (FTCA) or legislative claims process. The election is binding on the claimant for all damages resulting from the Cerro Grande fire. Must release U.S. Government from lawsuit under FTCA as a condition of receiving a claims process award.

Appeal: If victim is dissatisfied with claims decision, may appeal to Federal District Court for the District of New Mexico or pursue binding arbitration. If elect binding arbitration, decision of the arbiter is final. If elect Federal Court, standard of review is that the decision of the Director stands if supported by substantial evidence on the record.

Insurance: Insurance companies allowed to proceed in same manner under the Act as all other claimants, but to the maximum extent practicable, insurance company subrogation claims must be paid after those of other injured persons. Awards received through claims process will be reduced by amounts of insurance payments already received.

Consultation: Director required to consult with Secretary of Energy, Secretary of Interior, Secretary of Agriculture, SBA, FEMA, other federal agencies, State, local and tribal officials to ensure the efficient administration of the process and provide an outlet for local concerns.

Attorney's fees: Limited to 10 percent of claims award. Attorneys who violate the rule fined \$10,000.

Matching requirements: Waives State and local matching requirement for all Federal programs utilized in response to the fire.

Flood insurance: Government will reimburse homeowners for the cost of three years of Federal flood insurance premiums if their property was not in the flood plain prior to the fire and subsequently was included in the flood plain as a result of the fire.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 15, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: As you know from our work together in recent weeks, the Administration shares with you the commitment to ensuring that all those affected by the fire that began at Bandelier National Monument are fully compensated for their losses. We are pleased that our work together in a constructive dialogue has resulted in legislation that will achieve this goal.

We are fully supportive of the Cerro Grande Fire Assistance Act, which will help fully, fairly, and quickly compensate those who have suffered losses as a result of this fire. We urge Congress to move promptly to pass this essential legislation.

Sincerely,

JACOB J. LEW,
Director.

By Mr. LUGAR (for himself and Mr. HARKIN)

S. 2737. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE GRAIN STANDARDS IMPROVEMENT ACT OF
2000

• Mr. LUGAR. Mr. President, today I rise to introduce the Grain Standards Improvement Act of 2000. I am pleased that the ranking minority member of the Senate Agriculture Committee, Senator HARKIN, has joined me as a co-sponsor.

The United States Grain Standards Act was enacted in 1916 as a means of eliminating confusion resulting from the use of many different sets of grain standards applied by different grain inspection organizations operating without national coordination and supervision. Created by this Act and operating within the United States Department of Agriculture (USDA), the Federal Grain Inspection Service (FGIS) sets and administers official grain standards and conducts grain inspection services.

The Act authorizes FGIS to establish standards of "kind, class, quality and condition for corn, wheat, rye, oats, barley, flax seed, sorghum, soybeans, mixed grain and such other grains as in the administrator's judgment the usages of the trade may warrant and permit." The FGIS administrator is authorized to develop standards or procedures for accurate weighing and weight certification and controls for grain shipped in interstate or foreign commerce. The Act also established certain performance requirements for grain inspection and weighing equipment. The certainty of these standards and the credibility and integrity of the inspection system has allowed our domestic and international markets to flourish as a result.

But improvements are necessary to keep up with the changing markets. The legislation that I am introducing today is based on legislation proposed by the Administration earlier this year. The Grain Standards Improvement Act of 2000 will reauthorize the collection of fees, the FGIS Advisory Committee, and funding for FGIS until September 30, 2005.

In order to keep up with advances in technology, FGIS needs flexibility in the way that commodity samples can be obtained. Grain marketing patterns, quality attributes, and quality testing methods are changing rapidly. New quality traits developed through biotechnology have increased the speed of change. This Act will provide flexibility needed by FGIS to continue to maintain an efficient sampling system.

In general, under current law, only one official federal inspection agency can operate within geographic boundaries. The 1993 amendments to the Grain Standards Act provided for a pilot program that allowed for more than one official inspection agency within a single geographic area at interior locations. These programs were successful in facilitating the marketing of grain without jeopardizing the integrity of the system. This bill will permanently authorize this policy.

This legislation is supported by the National Association of State Departments of Agriculture, the Association of American Warehouse Control Officials, the National Grain and Feed Association, the American Farm Bureau Federation, the National Farmers Union and other agricultural commodity organizations.

The credibility and integrity of the United States grain inspection must be maintained to allow U.S. producers to continue to feed the world through our marketing system. The Grain Standards Improvement Act of 2000 will help FGIS to continue these high standards and increase the economic efficiency of the U.S. grain marketing system.

Mr. President, I ask unanimous consent that the bill and a section-by-section summary be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grain Standards Improvement Act of 2000".

SEC. 2. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking "(on the basis)" and all that follows through "from the United States)".

SEC. 3. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by striking "conduct pilot programs to".

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended in the last sentence by striking "conduct pilot programs to".

SEC. 4. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking "2000" and inserting "2005".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(1)(3) of the United States Grain Standards Act (7 U.S.C. 79a(1)(3)) is amended in the first sentence by striking "2000" and inserting "2005".

SEC. 5. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking "but at least annually and".

SEC. 6. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "2000" and inserting "2005"; and

(2) by striking "40 per centum" and inserting "30 percent".

SEC. 7. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting "inspection, weighing," after "laboratory testing,".

SEC. 8. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting "or prohibit disguising the quality of grain," after "sound and pure grain".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "2000" and inserting "2005".

SEC. 10. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking "2000" and inserting "2005".

GRAIN STANDARDS IMPROVEMENT ACT OF
2000—SECTION-BY-SECTION SUMMARY

Section 1. Short title

This Act may be cited as the Grain Standards Improvement Act of 2000.

Section 2. Sampling for export grain

This section would provide FGIS with more flexibility in obtaining samples of export grain. Currently, samples of export grain can only be obtained after final elevation of the grain. Historically, this has been a requirement due to the breakage that can occur as the grain goes through an export elevator. In many cases, this sampling procedure is still appropriate. However, for value enhanced traits (e.g. protein) that are not affected by handling, sampling and testing prior to final elevation may be more appropriate. Often it is not a simple process to perform these tests in a field environment. Grain marketing patterns, quality attributes, and quality testing methods are changing rapidly. These changes are being expedited by quality traits developed through biotechnology and new testing methods. In response to these breakthroughs, new grain marketing programs are evolving that require measurement of additional, more complex quality attributes. Also, in order to maintain an efficient and effective marketing system in the United States, grain merchants are relying more on identity preserved programs to assure acceptable quality with limited testing. These

merchants may need quality results on identity preserved grain prior to final elevation. Flexibility in obtaining samples would not jeopardize the representatives of the samples obtained for inspection.

Section 3. Geographic boundaries for official agencies

This section would allow, under certain conditions, more than one official agency to perform inspection and weighing services within a single geographic area at interior locations. The 1993 amendments provided for pilot programs to test such a change. These programs were successful in that they facilitated the marketing of grain without jeopardizing integrity of the system. This section will give the Secretary the authority to develop criteria similar to the current pilot programs.

Section 4. Authorization to collect fees

This section would extend, through fiscal year 2005, the authority of the Secretary to charge user fees assessed for the supervision of official agencies and to invest sums collected.

Section 5. Testing of equipment

This section would eliminate the requirement for mandatory annual testing for all equipment used in sampling, grading, inspection, and weighing. Annual testing is not necessary or appropriate for such equipment.

Section 6. Limitation on administration and supervisory costs

This section would provide that the administration and supervisory costs for services, performed through fiscal year 2005, would be subject to the ceiling of 30 percent of total costs for such services (excluding the costs of standardization, compliance, and foreign monitoring activities).

Section 7. Licenses and authorizations

This section would allow the Secretary to contract for inspection and weighing services in addition to specified sampling and technical functions. This allows the Secretary greater flexibility in performing the duties required by the Act.

Section 8. Grain additives

This section would prohibit disguising the quality of the grain as a result of the introduction of nongrain substances and other identified grains. The prohibition would include the introduction of nongrain substances such as cinnamon, vanilla, and bleach, and could apply to all grain whether officially inspected or not. This prohibition will enhance the integrity of the national grain marketing system.

Section 9. Authorization of appropriations

The section would extend, through fiscal year 2005, the authorization for appropriations to cover standardization, compliance, foreign monitoring activities and any other expenses necessary to carry out the provisions of the Act which are not obtained from fees and sales of samples.

Section 10. Advisory committee

This section would maintain an advisory committee through fiscal year 2005. This committee represents the industry and advises the Secretary in administering the Act.●

By Mr. JEFFORDS (for himself,
Mr. FRIST, and Mr. ENZI):

S. 2738. A bill to amend the Public Health Service Act to reduce medical mistakes and medication-related errors; to the Committee on Health, Education, Labor, and Pensions.

THE PATIENT SAFETY AND ERRORS REDUCTION
ACT

Mr. JEFFORDS. Mr. President, I am pleased to join today with my good friend Senator FRIST to announce the introduction of the Patient Safety and Errors Reduction Act, a bill which will work toward increasing patient safety for all Americans.

Late last year, the Institute of Medicine (IOM) released a report citing medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result each year. More people die of medical mistakes than from motor vehicle accidents, AIDS, or breast cancer. The IOM report took a serious look at the problem of medical errors and provided some thoughtful recommendations for change.

Last year I worked closely with Senator FRIST to ensure that Congress pass Senate Bill 580, the Healthcare Research and Quality Act of 1999. This newly passed legislation reauthorized by the Agency for Health Care Policy and Research, renamed it the Agency for Healthcare Research and Quality (AHRQ), and refocused its mission to support healthcare research on safety and quality improvement. I am pleased that AHRQ has decided to dedicate more than \$20 million for research on medical error reduction. This shows a real commitment by Dr. John Eisenberg and his agency to address the problem of medical errors.

Our bill will attack this problem in several ways. First, it will provide a framework of support for the numerous efforts that are already underway in the public and the private sectors. Second, it will establish a Center for Quality Improvement and Patient Safety within the Agency for Healthcare Research and Quality. And finally, it will provide needed confidentiality protections for medical error reporting systems.

I believe we can save thousands of lives by substantially reducing medical mistakes over the next few years. We have a great opportunity to apply the safety lessons that we have already learned—both within health care and in other fields.

How can we prevent these mistakes? One lesson we have learned that was repeated time and again in our hearings is that mandatory reporting of all errors and subsequent punishment of healthcare professionals doesn't work very well.

Even good doctors and nurses make mistakes during the most routine of tasks. Clearly, the root cause of medical errors is more systemic. Medicine has some of the most advanced technology for treating patients and some of the most rudimentary systems for ensuring quality. Taking a look at the systems that ensure patient safety will go farther in addressing the problem of medical errors rather than

reprimanding any one individual or group.

Over the past few decades we have seen one industry after another adopt the principles of continuous quality improvement. The government itself has instituted these principles, notably in its regulation of aviation. Focusing on punishment will only deter improvement.

Having said that, we are not interested in sweeping problems under the rug, but bringing them out into the open. And if an individual is harmed, this bill in no way limits the legal recourse that patients have now. The confidentiality protections are just for information that is submitted under quality improvement and medical error reporting systems. Patients and their lawyers will still have access to the entire medical record just like they do now.

Our bill also creates a new center for patient safety through AHRQ as the IOM report recommended. This Center will collect information on medical errors and serve as a center to develop strategies to reduce them. It is likely that additional funding beyond the \$20 million recommended by the President will be needed for AHRQ's new role overseeing this center for patient safety.

We also need to allow for confidentiality—through peer review protections—for information that is voluntarily submitted regarding medical errors. This legislation provides for these protections.

Once the information is collected and analyzed, either through AHRQ or another deemed institution, such as the Vermont Program for Quality in Health Care, recommendations on ways to prevent errors need to be developed and disseminated throughout the health care industry.

It is my hope that these recommendations will continue to be incorporated into survey instruments by organizations such as the Joint Commission on Accreditation of Healthcare Organizations, the accrediting body responsible for hospitals and other inpatient healthcare settings. In this way, the health care industry can engage in the kind of continuous quality improvement that is vital to curbing errors and saving lives. But a medical errors program will only succeed if hospitals, doctors and other health professionals support it and participate in it willingly.

Neither the IOM nor Congress discovered this problem. Health care professionals have been at work for some time in trying to address medical errors. I hope that by becoming a partner in this process, the federal government can accelerate the pace of reform and provide the most effective structure possible.

I am pleased that our legislation has the support of many, including the

United States Pharmacopeia, the American Hospital Association, the American Health Quality Association, the American College of Physicians/American Society of Internal Medicine, the American Psychological Association, and the Institute for Safe Medication Practices.

Mr. President, we cannot afford to wait on this issue. This legislation will raise the quality of health care delivered by decreasing medical errors and increasing patient safety and I will work to ensure its enactment this year.

By Mr. LAUTENBERG (for himself, Mr. HELMS, Mr. MOYNIHAN, Mr. ROTH, Mr. THURMOND, and Mr. WARNER):

S. 2739. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

SEMIPOSTAL STAMP FOR THE ESTABLISHMENT OF THE WORLD WAR II MEMORIAL

Mr. LAUTENBERG. Mr. President, I rise today to introduce S. 2749, the World War II Memorial Postage Stamp Act. The purpose of this bill is to raise funds for the construction of the National World War II Memorial by issuing a special World War II Memorial "semipostal" stamp.

Mr. President, many events have shaped world history, but none so dramatically or so deeply as the Second World War. The war permanently altered lives, communities, and nations, at the same time speeding America's rise as a superpower.

The National World War II Memorial will honor the 16 million Americans who served in uniform during the war, the more than 400,000 who gave their lives, and the millions more who supported the war effort at home. A symbol of the defining event of 20th-century America, the Memorial will honor the spirit, sacrifice, and commitment of the American people as well as the cause of freedom from tyranny throughout the world.

To date, the World War II Memorial Fund, chaired by Bob Dole, has raised approximately \$92 million. Issuing a World War II Memorial Stamp could raise millions more, helping the World War Memorial Fund reach its goal of \$100 million needed to construct and maintain the Memorial. Furthermore, a new stamp would give every American the chance to play a part in building this monument to those who served our Nation.

Mr. President, I served this great country as a member of the Armed Forces during World War II, and I know firsthand the sacrifices made by our Nation's veterans. It is my sincere hope that, thanks to this bill, the Na-

tional World War II Memorial will be a lasting symbol of American unity—and a timeless reminder of the moral strength that joins the citizens of this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEMIPOSTAL STAMP FOR THE ESTABLISHMENT OF THE WORLD WAR II MEMORIAL.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

"§414a. Special postage stamp for the establishment of the World War II Memorial

"(a) In order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial, the Postal Service shall establish a special rate of postage for first-class mail under this section.

"(b) The rate of postage established under this section—

"(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

"(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

"(3) shall be offered as an alternative to the regular first-class rate of postage.

The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

"(c)(1) Amounts becoming available for the establishment of the World War II Memorial under this section shall be paid to the American Battle Monuments Commission. Payments under this section shall be made under such arrangements as the Postal Service shall by mutual agreement with the American Battle Monuments Commission establish in order to carry out the purposes of this section, except that, under those arrangements, payments to such Commission shall be made at least twice a year.

"(2) For purposes of this section, the term 'amounts becoming available for the establishment of the World War II Memorial under this section' means—

"(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section, as determined by the Postal Service under regulations that it shall prescribe.

"(d) It is the sense of the Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total Federal funding received by the American Battle Monuments Commission below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(e) Special postage stamps under this section shall be made available to the public be-

ginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 90 days after the date of the enactment of this section or, if earlier, November 11, 2000 (Veterans Day).

"(f) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

"(1) the total amount described in subsection (c)(2)(A) which was received by the Postal Service during the period covered by such report; and

"(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(2)(B).

"(g) This section shall cease to be effective upon the determination of the Postmaster General (in consultation with the American Battle Monuments Commission) that the Commission has or will have the funds necessary to pay all expenses of the establishment of the World War II Memorial. Any excess funds shall be deposited in the fund within the Treasury of the United States created by section 2113 of title 36 and may be used for any of the purposes allowable under such section.

"(h) As used in this section, the term 'World War II Memorial' refers to the memorial the construction of which is authorized by Public Law 103-32."

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

"414. Special postage stamps to benefit breast cancer research.

"414a. Special postage stamps for the establishment of the World War II Memorial."

(2) The heading for section 414 of title 39, United States Code, is amended to read as follows:

"§414. Special postage stamps to benefit breast cancer research."

By Ms. LANDRIEU:

S. 2740. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and to increase the limit on deductible IRA contributions, and for other purposes; to the Committee on Finance.

THE SAVINGS ACCOUNTS ARE VALUABLE FOR EVERYONE ACT OF 2000

Ms. LANDRIEU. Mr. President, I want to speak for a few moments this morning and introduce a bill that I am calling the Savings Are Valuable for Everyone Act, the SAVE Act of 2000.

Mr. President, as of February 1, 2000, the United States officially entered into the longest period of economic expansion in our history. This means we have had nine years of continuous growth—a hard-earned achievement. During this time, we have had the first back-to-back federal budget surpluses

in 43 years, the smallest welfare rolls in 30 years, and 20 million new jobs for people across America.

Clearly we are doing something right. However, that does not mean our work is done. In order for this economic prosperity to reach its full potential, we must continue to provide more opportunities (not guarantees) to widen the "winners' circle" and allow all Americans to participate in our economic expansion.

According to the U.S. Department of Labor, the latest unemployment figures show that most Americans do have jobs. The unemployment average is 4.1 percent and many states have even lower rates, such as Iowa with 2.5 percent, New Hampshire with 2.7 percent, and Virginia with 2.8 percent. In some places across the country, there are some even higher spots, such as Howard County, Maryland, where the unemployment rate is a remarkable 1.4 percent. However, because of the high cost of living, many working families still struggle to make ends meet and are being forced to live from paycheck to paycheck, without any hope of saving for the future or building the tangible assets which are so important to upward mobility.

I recently finished reading the book, "The Millionaire Next Door," and discovered that when the authors of this book began interviewing millionaires as part of their research, they were surprised to find most of the wealthy people they spoke with didn't drive fancy sports cars, or have \$5,000 gold watches or even live in fabulous mansions. They were first-generation business people who, through aggressive saving, sensible investing and frugal spending, had managed to accumulate a significant amount of assets.

While not everyone's goal in life is to become a millionaire, this book does carefully outline the road to fiscal security and clearly documents the importance of saving.

I know that you will be as shocked as I was to learn that, while the net worth of the typical American family has increased dramatically recently, the net worth of families under \$25,000 has actually been decreasing. The Federal Reserve Board recently released a study which showed that families earning under \$10,000 a year had a medium net worth of \$1,900 in 1989. This figure rose to \$4,800 in 1995 but slipped to \$3,600 by 1998. The net worth of families who earn less than \$25,000 annually was \$31,000 in 1995 but then dropped to \$24,800 in 1998.

During this same time period, while the number of families who owned a home or business rose overall, this figure among lower income families has actually decreased. In 1995, 36.1 percent of families who earned less than \$10,000 a year owned a home, however by 1998 this number had decreased to 34.5 percent. In 1995, 54.9 percent of families

who earn less than \$25,000 annually owned their home but in 1998 this percentage was reduced to 51.7 percent.

Mr. President, I rise today to address this problem by introducing the Savings Are Valuable for Everyone Act of 2000, or SAVE, which will help all families save for the future. The goal of SAVE is simple: help the working poor build assets for themselves and to expand the IRA limit to ensure retirement savings. The goal is not income redistribution, but instead it is to find ways that allow opportunities for everyone, regardless of income, to build the productive assets that lead to economic security.

In order to help the working poor break the discouraging cycle of living from paycheck to paycheck and to help the lower-middle class move up the income ladder and save for the future, this measure provides incentives for the accumulation of assets through the use of Individual Development Accounts, or IDAs, while, at the same time, making it easier for the rest of America to save for retirement.

IDAs are matched savings accounts which are restricted to three uses: (1) post-secondary education/training; (2) small business start-up costs; and (3) purchasing a first home. Private as well as state and local public sector funds can also be contributed to the account with a special tax credit of up to \$500 a year attached to the private contribution. Usually it takes two to four years for the account holder to accumulate enough funds to purchase the asset they were saving for and, before the money is released, they must complete an approved financial education course which is provided by the qualified financial institution or non-profit which holds the account.

All IDAs must be held at a "qualified financial institutions," meaning, any financial institution qualified to hold an IRA. IDAs are available to all citizens or legal residents of the United States who are at least 18 years old and whose household income does not exceed 80 percent of the area median income, or AMI. At least 33 percent of the IDAs will be targeted to households which are at 50 percent or below the AMI. Contributions made by a participant into an IDA are limited to \$2,000 per year. While the individuals who open these accounts are encouraged to use the money for their own benefit, they may withdraw it to help a spouse or dependent open a business, buy a house, or further their education.

For example, one such program was started in March of 1999, by Hibernia Bank Louisiana. They began pilot IDA programs in New Orleans, with another one operating in Shreveport, to help low-income families save for a house. So far, 11 families are participating in the New Orleans program, with seven already placed in homes of their own and four shopping for one.

The program administrator said these 11 families "absolutely would not be in a position to buy a home at this time" without this program. Hibernia matches the account holders funds two-to-one up to a set amount. The funds then can be used for home-buying costs, such as a down payment or closing costs—lump sums that often can be prohibitive to working families on a tight budget.

In order to encourage the establishment of IDAs, two tax credits are offered. The first is available to participating financial institutions. For every dollar saved in an IDA, the qualified financial institution will provide a one to one match, limited to \$500 per person per year. The financial institution would then be eligible for a 90 percent federal tax credit for matching funds provided.

The second tax credit is known as the IDA Investment Tax Credit. In order to leverage private sector investments and encourage broader community involvement in this program, a 50 percent tax credit will be available for investments in qualified non-profits, 501(c)(3)s or credit unions, which can administer qualified IDA programs. However, in order qualify for this tax credit, at least 70 percent of the funds received must be used for financial education, program monitoring, and/or program administration. Any taxpayer can participate as a donor.

It is important to remember that each IDA consists of two parallel accounts—one that the participants make his deposits into and one that the donor makes their deposits of matching funds into. The interest on the money in the participant's account would be taxed while all funds in the matching account (including interest) would be tax free. One could say that the participant's account is treated in a similar fashion to the way that the IRS treats IRAs and 401(k)s.

Already an estimated 3,000 people nationwide are taking advantage of available pilot programs, which are run in partnership with more than 100 non-profit organizations and authorized financial institutions. This fact shows the strength of this plan: it serves as a catalyst for the rapid creation of public-private partnerships—between account holders, banks, foundations, policymakers and providers of financial education—that are the hallmark of successful IDA programs.

As you can see, IDAs are not only good for individuals and their families, they also are good for the future of our country. Russell Long once said, "The problem with Capitalism is that there are not enough Capitalists." IDAs provide a tool with which our country can address this age-old problem and help create more Capitalists. When capitalism is combined with the proper social safety nets and incentives for asset

development for those at all income levels, we create incentives for saving at all levels while you create a capitalist system that works for everybody. These accounts are a sure-fire mechanism that will build assets and create wealth among the families and communities who need help the most.

Economic analyses of the impact of a national IDA investment show that for every dollar invested, a \$5 return to the national economy would result in the form of new businesses, new jobs, increased earnings, higher tax receipts and reduced welfare expenditures. However, it is important to realize that the Savings Accounts Are Valuable for Everyone Act does not simply focus on the working poor. It also provides savings incentives for the middle class by expanding the current Individual Retirement Account limits from \$2,000 a year to \$3,500.

Currently, our tax code allows individuals to save up to \$2,000 a year in IRAs with income earned on the deposits either being tax deferred until withdrawal, which can begin at age 59½, or, through the use of the Roth IRA, the taxes can be paid up front on the money deposited into the accounts. SAVE will make these accounts an even better tool for retirement saving by expanding the annual contribution limits.

I firmly believe that we must find ways to shift our nation's policy from one of consumption to one of savings and wealth accumulation for all American households. To understand why, one need only consider these facts which were calculated by the Corporation for Enterprise Development in Washington, D.C.:

One-half of all American households have less than \$1,000 in net financial assets;

One-third of all American households and 60 percent of African-American households have zero or negative net financial assets;

Forty percent of all white children and 73 percent of all black children grow up in households with zero or negative financial assets;

By some estimates, 13-20 percent of all American households do not even have a checking or savings account; and

Ten percent of all American households control two-thirds of the wealth.

We already have a tax code that provides over \$300 billion in federal tax expenditures which are dedicated to asset building for middle- and upper-income wage earners and businesses, but tax-based incentives are still out of reach for most lower- and middle-income families. In this time of wealth and prosperity, why can't we offer tools that will assist in asset building for the families who need them the most—the working poor and moderate-income families who make up the backbone of our economic system.

Benjamin Franklin once said, "The wealth of an individual is measured not by what a person earns but by what he saves."

Take the example of Oseola McCarty of Mississippi. Oseola toiled in obscurity for most of her life, taking in other people's laundry for \$2 a bundle and amassing a small fortune by socking away every extra cent in a savings account. At the age of 87, she donated \$150,000 of her life savings to the University of Southern Mississippi, establishing a scholarship fund to give African-American youths a chance for the education she never received.

What Oseola accomplished is a great example of the power of savings. Savings, investing and assets—not necessarily income—determine wealth. Just think what Oseola could have accomplished, not only for herself but for others, with the benefit of a program like IDAs to add matching funds and additional interest to her hard-earned savings.

IDAs are partnerships between the government, the community and the individual to build stronger families and a stronger economy. For not only do Americans improve their economic security through the building of assets, this also stimulates the development of capital for the entire nation. As our nation continues to build on our recent economic successes, we in Congress must continue to look for innovative ways to give working families the tools they need to plan for the future. Passage of the Savings Accounts are Valuable for Everyone Act is one way we can do this.

Mr. President, to summarize my comments, I will share a story about what this act, if passed and adopted, will do. There is a family in Washington, the Darden family. Selena and Dwayne Darden thought they were doing the best they could do. They were both working, earning about 150 percent of the poverty rate. They had four children and were doing a very good job of raising their children, but basically living paycheck to paycheck. They never thought they could save for the future or, for that matter, own a home. There just wasn't anything extra.

Then just about 2 years ago, according to this article, Selena, who is a beautician, heard about something called Individual Development Accounts, a program that was offered here in Washington with the Capital Area Asset Building Corporation. They inquired and were told basically that this was a pilot program that Congress had established a few years earlier that would allow her and her husband to put up some savings, which would be matched by the Federal Government through an appropriate financial institution and a community agency that would provide some education and support for the effort. If she was a con-

sistent and good saver, she and her husband could save enough for a downpayment. The end of the story is that they did; they saved enough. They are now proud homeowners right here in Marshall Heights.

I share that story because that is exactly what this bill does. In my State, in the last few years, I have come to learn about these pilot programs that we initiated through the work of Senator Coats, and Senator SANTORUM has been on this issue for some time, and Senator LIEBERMAN has been advocating this proposal. I want to add my voice by introducing this bill to say how much I support this effort, and to take these pilot programs that have been successful and expand them nationwide.

In Louisiana, I have come across many families from New Orleans to Shreveport, and elsewhere, who are coming into partnership with the Hibernia Bank and community action organizations, such as the Providence House in Louisiana, that help families get back on their feet when they go through a crisis. The idea is to help create these accounts. People can begin saving money.

The bill allows for them to either use the funds for home ownership, because we know how important that is, or building a person's confidence and self-esteem—how important it is for children to live in a home that actually belongs to them, as opposed to renting and perhaps having to move, and to be able to put down roots. We know how important that is.

This bill will allow people to save to start up a business. We spend a lot of time in Washington talking about business. Sometimes I think we focus on businesses that are actually quite large, which is wonderful; but we need to focus on the great strength of America, which is small business—that entrepreneur out there who takes a risk to start a business. He employs himself and one, two, or three other people. That is the backbone of the American economy and the great system we have enjoyed. We are really the envy of the world. This bill will allow for people to save a few thousand dollars to start a successful business and employ members of their family, or friends, or other workers in their area.

I am hoping we can potentially consider, as this bill moves through the process, that it may allow savings for a transportation vehicle. If you can get a good job, sometimes the jobs are not necessarily where people live. Mass transit is not as dependable as it should be. Perhaps we should consider this matched savings plan to give people the ability to get a vehicle and to be able to drive to work. Some of these pilots allow that.

This bill will allow for these savings accounts. It is limited to households of 80 percent of the median income, based

on regions, and 150 percent of the national poverty rate. While that might work for Louisiana, it doesn't work very well for poor families in Connecticut or California, where the standard of living is high.

We have designed this bill to reach to the low-income working poor. But we are sensitive to the different regions in this Nation. We believe if we can help people accumulate assets and encourage them to save, that not only is it good for individual families but it is good for our Nation to encourage savings rates.

Let me share a few statistics about this which are of very great concern to me and of which I would like my colleagues to be more aware.

According to a recent report by the Corporation for Enterprise Development in Washington, DC, one-half of all American households have less than \$1,000 in financial assets; one-third of all American households and 60 percent of African American households have zero, or negative financial assets; 40 percent of all white children and 73 percent of all African American children grow up in households with zero or negative financial assets; by some estimates, 13 to 20 percent of all American households do not have a checking or a savings account; and 10 percent of all American households control currently two-thirds of the wealth.

If we want to address an income gap, if we want to try to increase prosperity, if we want to try to eliminate poverty, I suggest that our efforts have to be more than just income, more than just about full employment or a job. It is about income, frugal spending, and aggressive savings. And we should be partnering with the American people to do just that, to encourage wealth and assets creation and development.

Not everyone wants to be a millionaire. Some people are better at that than others. But I don't know of a family that doesn't want to have financial security—not one. Whether they work at a relatively modest job from 9 to 5, or whether they work two jobs, or three, or whether they are quite aggressive and well educated enough to make large sums of money, in every case I think it is about security. It is about choices. But I don't know any family that doesn't want to be secure. We can be better partners in this Government by encouraging policies such as this that enable people to be part of that American dream, to widen the winners circle, because we have the greatest economic expansion underway and there is a cost-effective way to do it.

Let me just make a couple of other points as I close.

According to some documents that are supporting this policy, let me read for the RECORD a couple of things:

No. 1, assets matter and have largely been ignored in poverty policy debates.

No. 2, individual development accounts address the wealth gap and bring people into the financial mainstream.

No. 3, public policy plays a large role in determining levels of household wealth.

People say, We can't afford to do this. They ask, Why would we want to do this for a certain group of people, low- and moderate-income people? One reason is we already do it to the tune of \$300 billion for middle-income and wealthy individuals and businesses. It is called tax incentives. All throughout our Tax Code and public policy, we are already putting up \$300 billion to help create and maintain assets for the wealthy and for businesses. Let's do the same for the working poor and lower and middle class so they can be more able to join this extraordinary economic expansion. We do that through IRAs and 401(k)s and IDAs, which are good national investments and they improve the national savings rate.

In conclusion, let me say that this SAVE Act will expand IDA. It also raises the income limits for IRAs for all families in America to encourage them to save. By expanding the opportunities for IRAs, which many of us have supported in a bipartisan way, and by implementing IDAs from pilots to a national model, I believe we could go a long way in eliminating poverty, expanding the middle class, and expanding and widening the winners circle in this great economic expansion.

I share this with my colleagues. I thank again Senator LIEBERMAN for his great work. Senator SANTORUM has also been leading this effort. Senator Dan Coats, who is no longer serving with us, I understand was one of the original sponsors of this pilot program. It is now time. We know it works to take it national. That is what we do with this bill.

I yield whatever time I may have.

Mr. President, I ask unanimous consent to insert additional material into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IDAS: FEDERAL POLICY

The benefits and rationale for enacting federal IDA policy can be summarized in five parts:

1. *Assets matter, and have been largely ignored in poverty policy.* Assets provide an economic cushion and enable people to make investments in their futures in a way that income alone cannot provide. IDAs address a big piece of the poverty puzzle—the savings and asset base of the poor—that has never been addressed before.

2. *IDAs address the wealth gap and bring people into the financial mainstream.* Despite the growing trend of average Americans investing in stocks and mutual funds, many are being left behind. One-third of all American households have zero or negative net financial assets, and up to 20 percent of all households do not even have a checking or savings account.

3. *Public policy plays a large role in determining levels of household wealth.*—Nearly \$300 billion in federal tax expenditures are dedicated to asset building for middle- and upper-income people (for home ownership, retirement, and investing). But public policies often penalize low-income people or put tax-based asset incentives out of their reach.

4. *Individual asset accounts (like IDAs) are the future of asset building.* Increasingly, asset accounts such as IRA's, 401(k)s, medical savings accounts, individual training accounts and other individual savings incentives are the emerging tools for wealth-building policy in the new global, flexible economy. IDAs are an inclusive extension of this policy trend.

5. *IDAs are a good national investment and improve the national savings rate.* Economic analyses of the impact of a national IDA investment show that for every dollar invested, a five dollar return to the national economy would result in the form of new businesses, new jobs, increased earnings, higher tax receipts, and reduced welfare expenditures. At the same time, IDAs will increase core deposits at a time when many Americans are moving to other investment vehicles. And, importantly, IDAs help address the growing problem of the declining national personal savings rate.

By Mr. JOHNSON (for himself, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, Mr. ROBERTS, Mr. LEVIN, Mr. KERREY, Mr. GRASSLEY, and Mr. CRAIG):

S. 2741. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEDIATION PROGRAM LEGISLATION INTRODUCTION

Mr. JOHNSON. Mr President, I rise on the floor of the Senate today to introduce bipartisan legislation to extend a popular program which provides mediation services between agricultural producers and the various credit and United States Department of Agriculture agencies who family farmers and ranchers work with to maintain their operations.

During the 1980's farm crisis, Congress authorized federal participation in a state farm mediation program. Originally authorized in the Agriculture Credit Act of 1987, mediation programs help agricultural producers and their creditors to resolve credit disputes (and other types of disputes) in a confidential and non-adversarial setting which is outside the traditional process of litigation, appeals, bankruptcy, and foreclosure.

The mediators are neutral facilitators and they do not make decisions for the disputing parties.

Federal legislation has encouraged state involvement by providing matching grant funds to the states that participate in the mediation program. Currently, 24 states participate, including Alabama, Arkansas, Arizona, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska,

Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

Beyond the scope of agricultural credit-related mediation, the program aims to resolve disputes such as wetland determinations, grazing issues, and USDA program compliance, and other issues the Secretary of Agriculture deems appropriate.

Each year, Congress seeks to provide funding for the mediation program through the Agriculture Appropriations process. This year \$3 million has been appropriated for this program in both the House and Senate Agriculture Appropriation bills. This legislation will not change the fact that Congress must go through the Appropriations process each year to secure funding for this program.

The legislation my colleagues and I are introducing today reauthorizes the mediation program by eliminating the sunset clause (set to expire in FY 2000), clarifies that funds appropriated by Congress to the mediation program must be used for farm credit cases (including USDA direct and guaranteed loans and loans from commercial entities) and may be used for other USDA program disputes, and clarifies that mediation services can include counseling services to prepare parties to a dispute prior to mediation.

In a time when family farmers and ranchers continue to deal with low prices and suffer under more and more vertical integration, I believe we must begin to reflect on what we can do to maintain the independent family farms and ranches that our country depends on for our food supply. We live in a day and age where nearly every farm and ranch operation must secure credit in order to pay production expenditures necessary to stay in business. This mediation program is supported by both sides of the aisle and allows farmers and ranchers to settle their credit and farm program disputes in a fair way without digging themselves into legal debt.

I have worked with the lone Congressman from my home state of South Dakota in drafting this legislation and the same bill will be introduced in the House of Representatives today as well.

I urge my colleagues of the Senate to join me in supporting this bi-partisan legislation with the goal of moving it through the legislative process quickly in order to continue to provide these services to our American farmers and ranchers.

By Mr. SMITH of Oregon (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. SANTORUM, Mr. GORTON, Mrs. HUTCHISON, Mr. ALLARD, Mr. BENNETT, Mr. COVERDELL, Mr. GREGG, Mr. HELMS, Mr. THOMAS, Mr. INHOFE, Mr. MACK, Mr.

WARNER, Mr. BUNNING, Mr. LOTT, Mr. MCCONNELL, Mr. CRAPO, and Mr. ROBERTS):

S. 2742. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes; read the first time.

TAX-EXEMPT POLITICAL DISCLOSURE ACT INTRODUCTION

Mr. SMITH of Oregon. Mr. President, I rise today to introduce legislation, co-sponsored by 20 of my Senate colleagues, to bring sunshine to our campaign finance laws, to provide for full disclosure of contributions and expenditures of groups which have heretofore not been held accountable, yet have been subsidized by the American people through their tax-exempt status.

Joining me in this effort are Senators ABRAHAM, ASHCROFT, BURNS, SANTORUM, GORTON, HUTCHISON, ALLARD, BENNETT, COVERDELL, GREGG, HELMS, THOMAS, INHOFE, MACK, WARNER, BUNNING, LOTT, MCCONNELL, CRAPO, and ROBERTS.

I have long been a proponent of full disclosure, to the extent it is consistent with the First Amendment, of campaign contributions and expenditures.

If we are to rekindle the trust of the American people, not only must the political parties be held accountable, so, too, must those tax-exempt groups which engage in political activities, yet heretofore have operated outside the realm of disclosure. The public has the right to know the identity of those trying to influence our elections, and Congress must do whatever it can to make sure that organizations do not wrongly benefit from the public subsidy of tax exemption.

The bill we are introducing today, the Tax-Exempt Political Disclosure Act, expands upon the McCain-Lieberman amendment of last week which targeted a narrow list of tax-exempt organizations established under section 527 of the tax code. The so-called 527 groups covered in this bill do not make contributions to candidates or engage in express advocacy, and thus are not required to publicly disclose contributors or expenditures. Our bill contains in its entirety the provisions of the McCain-Lieberman amendment, but goes beyond the 527 groups to require tax-exempt labor and business organizations, as well, to disclose their contributors and expenditures.

Specifically, in Title I of our bill, which is identical to the McCain-Lieberman amendment, we require the subset of 527 organizations that are not already subject to the Federal Election Campaign Act to:

1. Disclose their existence to the IRS;
2. File publicly available tax returns;
3. Publicly report expenditures of over \$500; and
4. Identify those who contribute more than \$200 annually to the organization.

Title II of our bill applies to business or labor organizations that are tax-exempt under sections 501(c)(5) or 501(c)(6) of the Internal Revenue Code and that spend \$25,000 or more on the very same kinds of political activities engaged in by section 527 organizations covered by Title I of our bill. As we do with the 527 organizations, we require tax-exempt business and labor organizations to report expenditures for political activity of \$500 or more and identify those who contribute more than \$200 annually.

Importantly, this legislation will not result in disclosure of any labor or business organization's membership lists because annual dues to these tax-exempt groups are excluded from the definition of "contribution." The bill requires disclosure only of those members who choose to contribute more than \$200 annually for political purposes.

If the Senate is for disclosure of the few tax-exempt 527 organizations that may spend a couple of million dollars on issue ads, then surely we should advocate disclosure of the tax-exempt labor and business organizations that will spend twenty or forty times that amount of money on issue ads and other political activity. Our legislation will require these organizations receiving tax exempt status to emerge from the shadows and make some minimal disclosure about themselves and the source of their money.

Tax exemption is not an entitlement, and any organization wanting to avoid the ramifications of claiming such status simply may choose not to seek that status. Our bill merely says that if a group engaging in political activity wants tax exempt status, the public has a right to expect certain things in return.

Let me make clear that we are sincere in this effort, and we welcome and invite Senators MCCAIN and FEINGOLD to work with us. We are open to discussions with business and labor groups, as well, on the mechanics of the bill. We want to be flexible and will consider changes where appropriate.

The bottom line, however, is that in the end there must be meaningful disclosure if we are to have the confidence of the American people and bring integrity to the process.

By Mr. KENNEDY (for himself, Mr. DODD, and Mrs. MURRAY):

S. 2743. A bill to amend the Public Health Service Act to develop an infrastructure for creating a national voluntary reporting system to continually reduce medical errors and improve patient safety to ensure that individuals receive high quality health care; to the Committee on Health, Education, Labor, and Pensions.

THE VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT

• Mr. KENNEDY. Mr. President, between 44,000 and 98,000 patients die each

year from medical errors, making it the eighth leading cause of death in the United States. Each day, more than 250 people die because of medical errors—the equivalent of a major airplane crash every day. Estimates of the annual financial cost of preventable errors run as high as \$29 billion a year. We can do better for our citizens. We must do better.

The Voluntary Error Reduction and Improvement in Patient Safety Act of 2000, which Senator DODD and I are introducing today, will provide the federal investment and framework necessary to take the first steps to effectively treat this continuing epidemic of medical errors. Today, there errors are a stealth plague hidden deep within the world's best health care system. This legislation will support needed research in this area, and identify and reduce common mistakes.

Reducing medical errors can save lives and health care dollars, and avoid countless family tragedies. The field of anesthesia had the foresight to undertake such an effort almost 20 years ago, and today, the number of fatalities from errors in administering anesthesia has dropped by 98 percent. Our goal should be to achieve equal or even greater success in reducing other types of medical mistakes. This legislation lays the foundation to achieve this goal.

The 1999 Institute of Medicine report, *To Err is Human*, documented the compelling need for aggressive national action on the issue. The IOM report recommended the creation of two reporting systems, each with different goals. The first is a voluntary confidential reporting system to learn about medical errors and help researchers develop solutions for future error prevention and reduction. The second is a mandatory public reporting system for certain serious errors and deaths in order to inform the public and hold health care facilities responsible for their mistakes.

Our legislation today deals with the first issue, but the second issue is also critical. I believe that the public has a right-to-know about certain serious events, and public disclosure is an important tool to assure that institutions put safety on the front burner, not the back burner.

I commend the Administration for recognizing the value of mandatory reporting by recently establishing such programs in the Department of Veterans Affairs and Department of Defense health care systems. The Agency for Healthcare Research and Quality is also in the process of evaluating existing mandatory reporting systems, and the Health Care Financing Administration is planning to sponsor a mandatory reporting demonstration project for selected private hospitals. I believe our next step should be to move ahead with mandatory reporting, and the re-

sults of these studies will shed needed light on the effectiveness of different options.

The bill we introduce today would take a significant first step toward implementing and providing support for the recommendations in the IOM report.

The overwhelming majority of errors are caused by flaws in the health care system, not the outright negligence of individual doctors and nurses. Our hospitals, doctors, nurses, and other health care providers want to do the right thing. Our proposal gives the health care community the tools to identify the causes of medical errors, the resources to develop strategies to prevent them, and the encouragement to implement those solutions.

First, the Act creates a new patient safety center in the Agency for Healthcare Research and Quality. The Center for Quality Improvement and Patient Safety will improve and promote patient safety by conducting and supporting research on medical errors, administering the national medical error reporting systems created under this bill, and disseminating evidence-based practices and other error reduction and prevention strategies to health care providers, purchasers and the public.

Second, the legislation would establish national voluntary reporting and surveillance systems under AHRQ to identify, track, prevent and reduce medical errors. The National Patient Safety Reporting System will allow health care professionals, health care facilities, and patients to voluntarily report adverse events and close calls. The National Patient Safety Surveillance System would establish a surveillance system, which is modeled on a successful CDC initiative that tracks hospital-acquired infections, for health care facilities that choose to participate. Participating facilities will include a representative sample of various institutions, which will monitor, analyze, and report selected adverse events and close calls. Researchers will provide feedback to the participating facilities.

Reports submitted to both programs will be analyzed to identify systemic faults that led to the errors, and recommend solutions to prevent similar errors in the future.

In order to encourage participation, reports and analyses from both programs will be protected from discovery, and health care workers who submit reports to the programs will be protected against workplace retaliation based on their participation in the reporting systems.

In exchange for establishing this reporting system, health care facilities and professionals would be expected to voluntarily implement appropriate patient safety solutions as they are developed. In addition, in recognition of

the significant federal investments in error reduction strategies and the provision of health services, the Secretary of Health and Human Services will be required to develop a process for determining which evidence-based practices should be applied to programs under the Secretary's authority. The Secretary will take appropriate, reasonable steps to assure implementation of these practices.

Our proposal also requires the Director of the Office of Personnel Management to develop a similar process for determining which evidence-based practices should be used as purchasing standards for the Federal Employees Health Benefits Program. Plans will also be rated on how well they met these standards, and compliance ratings will be provided to federal employees and retirees during the annual enrollment period.

The bill authorizes \$50,000,000 for the Agency for Healthcare Research and Quality for FY 2001, increasing to \$200,000,000 in FY 2005, to fund error-related research and the reporting systems.

Systemic errors in the health care system put every patient at risk of injury. The measure we propose today is designed to reduce that risk as much as possible. Americans deserve the highest quality health care. This bill will raise patient safety to a high national priority, and ensure that patient safety becomes part of every citizen's expectation of high quality health care. This is essential legislation, and I look forward to working with my colleagues to expedite its passage and to develop companion legislation that establishes a mandatory reporting system.

I ask unanimous consent that the following summary, fact sheet, and letters of support be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT OF 2000: SUMMARY

According to the November 1999 Institute of Medicine report, *"To Err is Human: Building a Safer Health System,"* between 44,000 and 98,000 patients die each year as a result of mistakes. Estimates of total annual national costs for preventable errors range from \$17 to \$29 billion. This legislation amends the Public Health Service Act to establish a national non-punitive system to prevent and reduce medical errors. Provisions are designed to: (1) identify and investigate certain medical errors; (2) develop and disseminate best practices to prevent and reduce medical errors; and (3) assure implementation of evidence-based error reduction strategies.

CENTER FOR PATIENT SAFETY

Authorizes the Agency for Healthcare Research and Quality (AHRQ) to: (1) create a Center for Quality Improvement and Patient Safety to promote patient safety; (2) serve as a central publicly accessible clearinghouse for information concerning patient safety;

(3) administer the reporting systems created under this legislation; (4) conduct and fund research on the causes of and best practices to reduce medical errors; and (5) disseminate evidence-based information to guide in the development and continuous improvement of best practices.

REPORTING SYSTEMS

Creates two national voluntary, and confidential reporting systems under AHRQ: (1) a reporting system of adverse events and close calls that uses uniform reporting standards and forms; and (2) a surveillance system in which participating health care facilities agree to monitor, analyze, and report specified adverse events and close calls that occur in their institutions. Reports submitted to both programs will be protected from discovery, and analyzed to identify errors that result from faults in the health care system. Neither program will preempt existing nor preclude the later development of new reporting systems.

Health care professionals who submit reports to the reporting systems, their employer, or an appropriate regulatory agency or private accrediting body may not be discriminated against in their employment for reporting.

AUTHORIZATION LEVELS

Authorizes \$50,000,000 for AHRQ for fiscal year 2001, with gradual increases to \$200,000,000 for fiscal year 2005, to fund error-related research and the reporting systems.

APPLICATION TO FEDERAL PROGRAMS

Requires the Secretary of the Department of Health and Human Services to: (1) develop a process for determining which evidence-based best practices disseminated by AHRQ should be applied to programs under the Secretary's authority; and (2) take reasonable steps as may be appropriate to bring about the implementation of such practices. Requires the Director of the Office of Personnel Management to develop a process for determining which evidence-based best practices disseminated by AHRQ should be used as purchasing standards for the Federal Employees Health Benefits Program.

FACT SHEET: THE NEED FOR THE VOLUNTARY ERROR REDUCTION AND IMPROVEMENT OF PATIENT SAFETY ACT (VERIPSA)

In December, 1999, the Institute of Medicine issued a report, *To Err is Human: Building a Safer Health Care System*, that documents the compelling need for national action to reduce errors and improve patient safety:

Between 44,000 and 98,000 patients die each year as a result of medical errors, making medical errors the eighth leading cause of death.

Errors in the health care system result in more deaths each year than highway accidents, breast cancer or AIDS. Errors that seriously injure or otherwise harm patients are even more prevalent.

In 1993, medication errors alone are estimated to have accounted for 7,000 deaths. Two percent of patients admitted to hospitals experience an adverse event caused by medication errors, resulting in \$2 billion in national spending for additional hospital costs related to preventable medication errors for inpatients.

Total annual national costs (e.g., health care, lost wages/productivity, disability) resulting from medical errors are estimated to be between \$38 and \$50 billion, including \$17-29 billion for preventable events.

VERIPSA CAN SAVE LIVES AND REDUCE HEALTH CARE COSTS

The report found that most medical errors are the result of flaws in the health care system, rather than carelessness by health professionals, including, for example, errors that arise from misreading a physician's handwritten prescription. Many of these problems can be minimized through better systems and computerization.

Over the last two decades, a systematic effort to reduce deaths from errors in administering anesthesia has resulted in a decline from two deaths per 10,000 patients in the early 1980s to one death per 300,000 patients today.

One study found that 60 percent of preventable adverse drug events could be avoided by physician computer-entry order systems.

The experience on other industries has shown the effectiveness of concerted efforts to reduce errors. Since 1976, the death rate from airline accidents has declined 400%. Since the creation of the Occupational Safety and Health Administration in 1970, the workplace death rate has been cut in half.

The Institute of Medicine report concludes that a reduction in medical errors of 50% over the next five years is achievable and should be a minimum target for national action.

AMERICAN HEALTH QUALITY ASSOCIATION,

Washington, DC, June 15, 2000.

STATEMENT ON THE "VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT"

The American Health Quality Association (AHQA) represents the national network of Quality Improvement Organizations (QIOs), which are known as the Peer Review Organizations (PROs), for their Medicare quality improvement work. The QIOs have vast clinical and analytic expertise, work daily with providers across the country, and know how to affect systemic change and bring about measurable improvement in care. They are experts at translating the literature and research regarding best practices from "book-shelf to bedside" and teaching providers how to perform ongoing measurement of their progress.

Senator KENNEDY and Senator DODD have done a commendable job of addressing all of the various aspects of what is necessary for a national system for improving patient safety. In their "Voluntary Error Reduction and Improvement in Patient Safety Act," they direct AHRQ to establish a Center for Quality Improvement and Patient Safety to conduct research of medical errors and disseminate information on the best practices for reducing them. The bill also proposes two reporting systems that are voluntary, non-punitive, and confidential. One system asks providers to report adverse events and close calls to AHRQ using uniformed standards and forms. The other asks providers to agree to monitor specific types of adverse events as directed by AHRQ.

AHQA is pleased that AHRQ is given the authority to contract with experts in the field to work with health care providers and practitioners to identify adverse events and determine what systemic changes are necessary to prevent them for recurring. AHQA's goal in the patient safety debate is to make sure that true quality improvement is achieved. We do not support error reporting for the sake of reporting. Organizations, such as the QIOs, should be encouraged to work side by side with providers and practitioners to improve their health care delivery systems.

"The Voluntary Error Reduction and Improvement in Patient Safety Act" then goes beyond reporting and research by directing the Secretary of HHS to take the best practices disseminated by AHRQ and apply them, as may be appropriate, to programs under the Secretary's authority. The bill specifically directs the Secretary to enter into agreements with the QIOs (through their PRO work) to provide, upon request, technical assistance regarding best practices and root-cause analysis to health care providers participating in HHS funded health programs.

AHQA believes it is the appropriate next step to regime HHS to apply the most up-to-date methods for assuring patient safety to its health care programs. The QIOs stand ready to assist the Director of AHRQ and the Secretary of HHS in their efforts to help the medical community find the root cause of adverse events that are occurring and help develop strategies for preventing them in the future.

MASSACHUSETTS HOSPITAL ASSOCIATION,
Burlington, MA, June 15, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the hospitals in Massachusetts, I am writing to applaud the introduction of your legislation "The Error Reduction and Improvement in Patient Safety Act." This bill will no doubt serve as a major step toward making patient safety a national priority.

We hope that many aspects of this legislation will become law. In particular, we support your suggested process to ensure that proven practices to reduce medical errors are implemented. In addition, we also believe that your efforts to improve confidentiality protections for reporting will go a long way towards creating a safe environment that supports open dialogue about errors, their causes, and solutions.

Thanks to you and your staff, Massachusetts continues to be on the forefront of the national debate about how best to address this important issue.

Sincerely,

ANDREW DREYFUS,
Executive Vice President.

FEDERATION OF BEHAVIORAL, PSYCHOLOGICAL AND COGNITIVE SCIENCES,

Washington, DC, June 15, 2000.

Hon. EDWARD M. KENNEDY,
Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the Federation of Behavioral, Psychological and Cognitive Sciences, a coalition of 19 scientific associations. Among its scientists are human factors researchers whose work is devoted to understanding and reducing the adverse effects of medical errors. I write to endorse the "Voluntary Error Reduction and Improvement in Patient Safety Act."

This bill recognizes that human error in healthcare settings has reached epidemic proportions and will provide an infrastructure for centralized error reporting systems. Important provisions of the bill will allow healthcare providers to learn from such reporting systems by creating interdisciplinary partnerships to conduct root cause analyses across a wide range of health care settings.

Such analyses will help detect error trends and inform new lines of directed inquiry and

hypothesis-driven research to reduce errors. The bill highlights the pivotal role of human factors research in understanding human error in any context and would draw upon the success of human factors as it has been applied in many other industries such as aviation, maritime shipping, and nuclear power to improve safety.

As in these other industries, particularly as evidenced in aviation, the real value of error reporting lies in the development of useful applications of the reported data to improve safety. The "Voluntary Error Reduction and Improvement in Patient Safety Act" clearly lays out the infrastructure to promote the development of evidence-based interventions to improve safety. Further, unique features of this learning system include basic behavioral principles of positive reinforcement to stimulate voluntary reporting. Such a positive feedback loop will surely strengthen the quality of the database this bill will structure. The database will form the foundation for a bold new way of thinking about patient safety. The data and the research, in turn, will make attainable the goal we all strive for, the dramatic reduction of adverse events in health care settings.

We believe the Kennedy-Dodd bill is a very strong plan for reducing adverse events due to medical error. We also find much to praise in the Jeffords bill. So we take the unusual step of endorsing both and encourage work to meld the unique features of these two extraordinary bills into a coherent whole that will then surely receive the overwhelming support of the Congress.

Sincerely,

DAVID JOHNSON,
Executive Director.•

• Mr. FRIST. Mr. President, I am pleased to join with my colleague, the distinguished chairman of the Health, Education, Labor, and Pensions Committee (HELP), Senator JEFFORDS, in introducing today a critical piece of legislation that will take needed steps to improve the quality of health care delivered in this country. The goal of our legislation today is to improve patient safety by reducing medical errors throughout the health care system.

The Institute of Medicine Report (IOM), released last November, sparked a national debate about how safe our hospitals and health care settings actually are for patients. The scope of the problem identified in the findings were shocking. The IOM found that each year an estimated 44,000 to 98,000 hospital deaths occur as a result of preventable adverse events. This makes medical errors the 8th leading cause of death, with more deaths than vehicle accidents, breast cancer or AIDS. These errors cost our Nation \$37.6 billion to \$50 billion per year, representing 4 percent of national health expenditures.

Despite the recent IOM findings, this is not a new debate. Many experts have told us that the health care industry is a decade or more behind in utilizing new technologies to reduce medical errors. Just last year, the HELP Committee took initial steps last year to reduce medical errors through the reauthorization of the Agency for

Healthcare Research and Quality (AHRQ), revitalizing this agency as the federal agency focused on improving the quality of health care in this country. Part of the core mission of AHRQ is to further our understanding of the causes of medical errors and the best strategies we can employ to reduce these errors. The legislation authorized the Director of AHRQ to conduct and support research; to build private-public partnerships to identify the causes of preventable health care errors and patient injury in health care delivery; to develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and to disseminate such effective strategies throughout the health care industry.

The legislation we introduce today builds upon the further recommendations of the IOM report and reflects the culmination of testimony received throughout the past several months in a series of hearings held by the HELP Committee.

The central goal of this legislation is quality improvement throughout the health care system. We heard over and over throughout our hearings that we need to develop our knowledge base about the best mechanisms to reduce medical errors. This can only be achieved if we build a system where errors can be reported and understood to improve care, not to punish individuals. We need to create a "culture of safety" in which errors can be reported, and analyzed, and then change can be implemented.

I will not go into the details of this legislation, which Senator JEFFORDS has already outlined. I would simply outline the three main goals of this legislation, the creation of a national center for quality improvement and patient safety at the AHRQ, the creation of a voluntary reporting system to collect and analyze medical errors, and the establishment of strong confidentiality provisions for the information submitted under quality improvement and medical error reporting systems.

I am very supportive of the goals of this legislation and will continue to examine the best ways to reduce medical errors in our health care system. It is essential that we pass medical errors legislation this year. We will continue to seek input from patients and provider groups as we work to pass this legislation.•

Mr. DODD. Mr. President, I am pleased to join Senator KENNEDY in sponsoring the "Error Reduction and Improvement in Patient Safety Act," legislation which will establish a national system to identify, track and prevent medical errors.

Last November, the Institute of Medicine reported that between 44,000 and 98,000 deaths per year are attributable to medical errors, ranging from illegible prescriptions to amputations of the wrong limb. In other words, patients

are being harmed not because of a failure of science or medical knowledge, but because of the inability of our health care system to mitigate common human mistakes.

Most Americans feel confident that the health care they receive will make them better—or at the very least, not make them feel worse. And in the vast majority of circumstances, that confidence is deserved. The dedication, knowledge and training of our doctors, nurses, surgeons and pharmacists in this country are unparalleled. But, as the IOM report starkly notes, the quality of our health care system is showing some cracks. If we are to maintain public confidence, we must respond quickly and thoroughly to this crisis.

One thing is certain: the paradigm of individual blame that we've been operating under discourages providers from reporting mistakes—and thwarts efforts to learn from those mistakes. We have to move beyond finger-pointing and encourage the reporting and analysis of medical errors if we want to make real progress towards improving patient safety.

This legislation will do just that. It authorizes the creation of a national Center for Quality Improvement and Patient Safety to set and track national patient safety goals and conduct and fund safety research. The bill also sets up national non-punitive, voluntary, and confidential reporting systems for medical errors. By analyzing and learning from mistakes, we will be better able to determine what systems and procedures are most effective in preventing errors in the future.

Identification and analysis of errors is critical to improving the quality of health care. But we must also develop measures of accountability that ensure that the information that is generated by a national error reporting system is actually used to improve patient safety. Our bill takes those practices shown to be most effective in preventing errors and creates a mechanism for integrating those practices into federally-funded health care programs. These evidence-based "best practices" will also be used as standards for health care organizations seeking to participate in the Federal Employees Health Benefits Program.

Mr. President, the "Error Reduction and Improvement in Patient Safety Act" addresses the complex problem of medical errors in the most comprehensive manner possible—from the identification of errors, to the analysis of the errors, to the application of best practices to prevent those errors from ever occurring again. Simply put, this legislation will save lives. I look forward to working with my colleagues to enact this legislation expeditiously, because frankly, one medical error is one too many.

By Mr. ASHCROFT:

S. 2744. A bill to ensure fair play for family farms; to the Committee on the Judiciary.

THE FAIR PLAY FOR FAMILY FARMS ACT OF 2000

S. 2745. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture, Nutrition, and Forestry.

THE VALUE-ADDED DEVELOPMENT ACT FOR AMERICAN AGRICULTURE

S. 2746. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Finance.

THE FARMERS' VALUE-ADDED AGRICULTURAL INVESTMENT TAX CREDIT ACT

Mr. ASHCROFT. Mr. President, I rise today to discuss the concerns of Missouri farmers and ranchers about concentration in the agriculture sector and about individual farmers' ability to compete and to get fair prices for their commodities.

Missouri is a "farm state", so ensuring fair competition in markets is an important issue to me. The state of Missouri is ranked second in the list of states with the most number of farms—only Texas has more. Missouri's varying topography and climate makes for a very agriculturally diverse state. Farmers and ranchers produce over 40 commodities, 22 of which are ranked in the top ten among the states. Missouri is a leader in such crops as beef, soybeans, hay, and rice, as well as watermelon and concord grapes. Having diversity and the ability to change has allowed Missouri farmers to maintain their livelihood for generations. More than 88 percent of the farms in Missouri are family or individually owned, and 8 percent are partnerships. It is easy to see that Missouri is a state that values small and family farms—which are the bedrock of Missouri's rural communities.

As I have traveled around Missouri—visiting every county in the state—Missouri farmers and ranchers have repeatedly told me that increasing concentration of the processing and packing industry has resulted—and will continue to result—in a less competitive market environment and lower prices for producers.

I have been responding to these concerns, and I am taking further action today. Last year, I asked the Department of Justice to create a high-level post within the Antitrust Division to specialize in agriculture-related mergers and transactions. The Administration responded by appointing a representative for agriculture in the Department of Justice. This appointment is a step in the right direction, but producers still have multiple concerns that need to be addressed.

Today, I am introducing three bills to address Missouri and American farmers' concerns about agriculture concentration and market competi-

tion. In addition to listening to Missouri farmers on this issue, I have reviewed a resolution that was considered in the Missouri State Legislature about competition in the agricultural economy.

The Ninetieth General Assembly of Missouri called upon the 106th Congress to take an initiative on federal law governing agriculture concentration. Missouri State Concurrent Resolution 27 (S. Con. Res. 27) is a bipartisan resolution outlining what the Missouri legislature recommends the federal government should do to address the issue of concentration. The resolution passed the Missouri State Senate and was reported out of the House Agriculture Committee to the full House. In drafting the package of bills I am introducing today, I studied the recommendations and objectives in State Senator MAXWELL's Missouri resolution as well as including important provisions of my own.

Mr. President, the bill I'm introducing today—the Fair Play of Family Farms Act—does the following things:

First, this legislation adds "sunshine" to the merger process. It will give the Department of Agriculture more authority when it comes to mergers and acquisitions. This will heighten USDA's role in review of all proposed agriculture mergers so that the impact on farmers will be given more consideration, and will make these reviews public. The public will be given an opportunity to comment on the proposed merger, and the USDA will be required to do an impact analysis on producers on a regional basis. I want to ensure that if two agri-businesses merge, the impact on farmers are completely evaluated.

Second, my bill creates a permanent position for an Assistant Attorney General for Agricultural Competition. This position will not simply be appointed by the President or by the Attorney General, but the position will require Senate review and confirmation. Also, my bill provides additional staffing for this new position.

In addition, this bill provides additional funds and requires the Grain Inspection, Packers and Stockyard Administration (GIPSA) to hire more litigation attorneys, economists, and investigators to enforce the Packers and Stockyard Act. An important element of this provision is that it requires GIPSA to put more investigators out "in the field" for oversight and investigations. I want to make sure that there are not just more attorneys and economists in Washington, D.C., but that there are more people out doing investigations and oversight.

Because there has been some concerns that the Packers and Stockyards Act does not cover the entire poultry industry, this legislation also requires an analysis of why the poultry industry is not covered, and requires GAO to

offer suggestions for how the disparity between poultry and livestock can be remedied.

This bill addresses another problem I was informed about when I was out visiting Missouri farmers—and that is the issue of confidentiality clauses in contracts signed by farmers. Several farmers were concerned about confidentiality clauses in the contracts with agri-business that they were told make it illegal for farmers to share the contract with others, even their lawyers and bankers. I want to ensure that farmers are able to get the legal and financial advice they need, so this bill ensures that such confidentiality clauses do not apply to farmers' contacts with their lawyers or bankers.

The bill also creates a statutory trust for the protection of ranchers who sell on a cash basis to livestock dealers. Right now, if ranchers deliver their cattle to a dealer and then the dealer goes bankrupt, the rancher is not protected. My bill would set up a trust for the rancher, so that if the dealer goes bankrupt, the rancher would be at the front of the line to get paid. There are similar trusts already set up for when a rancher sells livestock to a packer, and this legislation extends the same protections to ranchers when they sell their livestock to dealers.

One of the recommendations from the Missouri legislature that I included in the bill allows GIPSA to seek reparations for producers when a packer is found to be engaged in predatory or unfair practices. This section specifies that when money is collected from those that are damaging producers, the money should go to the farmers, not to the federal government.

This bill will lead to a more fair playing field for Missouri farmers and ranchers. It addresses concerns of Missourians that I have visited with and incorporates the outline of the Missouri State Resolution.

Finally, I am pleased to be the Senate sponsor of two bills that have already been introduced in the other Chamber by the distinguished Representative from Missouri, Congressman JIM TALENT. I would like to commend Congressman TALENT for the work he has done to help the Missouri agriculture community. Representative TALENT's bills on value added agriculture are a positive step for Missouri and U.S. producers. Therefore, I would like to introduce these two bills in the Senate to "help put farmers back in the driver's seat."

The Value-Added Development Act for American Agriculture provides technical assistance for producers to start value-added ventures. This bill helps family farmers compete by giving farmers the opportunity to take a greater share of the profit from the processing industry. The legislation will provide technical assistance to

producers for value-added ventures, including engineering, legal services, applied research, scale production, business planning, marketing, and market development.

The funds would be provided to farmers through grants requests, which will be evaluated on the State level. It has long been my opinion that farmers know how best to farm their land, meet market demands, and make a profit. If the ideas of farmers are cultivated on a local and state level, farmers will likely have more flexibility to make wise decisions for markets in their home states and regions.

States would have the opportunity to apply for \$10 million grants to start up an Agriculture Innovation Center. The state boards will consist of the State Department of Agriculture, the largest two general farm organizations, and the four highest grossing commodity groups. The Agriculture Innovation Center will then use the funds to help farmers finance the start-up of value added ventures.

Once it is determined that the farmers' ideas for a value added venture could be beneficial, the State Agriculture Innovation Center can give the farmers assistance with plans, engineering, and design. When the farmer is actually ready to begin implementation of the value added project, the third bill I am introducing will help out.

The Farmers' Value-Added Agricultural Investment Tax Credit Act would create a tax credit for farmers who invest in producer owned value-added endeavors—even ventures that are not farmer-owned co-ops. This would provide a 50% tax credit for the producers of up to \$30,000 per year, for six years.

The three bills I am introducing today are important to the continuation of the American farmer over the next century. I know that these bills will benefit the producers of Missouri, and in turn benefit all of America.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 567

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 567, a bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that

the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 730

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 730, a bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was withdrawn as a cosponsor of S. 779, *supra*.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1262

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a co-

sponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from newable resources.

S. 1495

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2273

At the request of Mr. BRYAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2273, a bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2330

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2582, a bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization.

S. 2583

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2730

At the request of Mr. HUTCHINSON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2730, a bill to provide for the appointment of additional Federal district judges, and for other purposes.

S. 2731

At the request of Mr. FRIST, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S.J. RES. 47

At the request of Mr. SMITH of New Hampshire, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S.J. Res. 47, a joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

S. RES. 239

At the request of Mr. ROBB, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 239, a resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

AMENDMENT NO. 3430

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 3430 proposed to H.R. 4475, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3432

At the request of Mr. DOMENICI, the name of the Senator from Montana

(Mr. BURNS) was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, *supra*.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, *supra*.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, *supra*.

SENATE CONCURRENT RESOLUTION 123—EXPRESSING THE SENSE OF THE CONGRESS REGARDING MANIPULATION OF THE MASS AND INTIMIDATION OF THE INDEPENDENT PRESS IN THE RUSSIAN FEDERATION, EXPRESSING SUPPORT FOR FREEDOM OF SPEECH AND THE INDEPENDENT MEDIA IN THE RUSSIAN FEDERATION, AND CALLING ON THE PRESIDENT OF THE UNITED STATES TO EXPRESS HIS STRONG CONCERN FOR FREEDOM OF SPEECH AND THE INDEPENDENT MEDIA IN THE RUSSIAN FEDERATION

Mr. LAUTENBERG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 123

Whereas almost all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the "Press Freedom Survey 2000" reported by "Freedom House" of Washington, DC, stated that the approximately 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program "Top Secret" after it reported on alleged corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia's leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address "aggression" by the Russian press;

Whereas the Russian Federal Security Service or "FSB" is reportedly implementing a technical regulation known as "SORM-2" by which it could reroute, in real time, all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian constitution's provisions concerning the right to privacy of private communications, according to Aleksei Simonov, President of the Russian "Glasnost Defense Foundation," a nongovernmental human rights organization;

Whereas such surveillance under SORM-2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, among other transmissions;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidency in the beginning of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya to the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for "Reuters News Agency" and the "Associated Press" were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and of the press, and have reportedly constituted a violation of the Criminal Code of the Russian Federation;

Whereas in January 2000 Aleksandr Khinshtein, a reporter for the newspaper "Moskovsky Komosomlets", was ordered by the Russian Federal Security Service to enter a clinic over 100 miles from his home for a psychiatric examination after he accused top Russian officials of illegal activities, and such detainment in psychiatric wards was previously employed by the former Soviet regime to stifle dissent;

Whereas the Russian newspaper "Novaya Gazeta" was officially warned by the Russian Ministry of the Press for its printing of an interview with Aslan Maskhadov, the

elected President of the Republic of Chechnya; an entire issue of "Novaya Gazeta", including several articles alleging massive campaign finance violations by the presidential campaign of Vladimir Putin, was lost to unidentified computer "hackers"; and a journalist for "Novaya Gazeta" was savagely beaten in May of this year;

Whereas President Thomas Dine of Radio Free Europe/Radio Liberty on March 14th, 2000, condemned the Russian Government's expanding efforts to intimidate the mass media, stating that those actions threaten the chances for democracy and rule of law in Russia;

Whereas "NTV", the only national independent television station, which reaches half of Russia and is credited with professional and balanced news programs, has frequently broadcast news stories critical of Russian Government policies;

Whereas on May 11, 2000, masked officers of the Russian Federal Security Service carrying assault weapons raided the offices of "Media-Most", the corporate owner of NTV and other independent media;

Whereas the May 11th raid on Media-Most represented a failure of recourse to normal legal mechanisms and conveyed the appearance of a politically-motivated attack on Russian independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky;

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian dictatorship in Russia; and

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the pattern of Russian officials' surveillance and physical, economic, legal, and political intimidation of Russian citizens and of the Russian media that has now become apparent in Russia;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Radio Free Europe/Radio Liberty journalist Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th arrest of Vladimir Gusinsky; and

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and the political manipulation of the state-owned media in Russia are incompatible with democratic norms.

SEC. 2. TRANSMITTAL TO SECRETARY OF STATE.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State with the request that it be forwarded to the President of the Russian Federation.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a resolution on an important human rights issue in the Russian Federation: freedom of the press. This resolution was introduced in the House yesterday by Congressmen GILMAN and LANTOS and Helsinki Commission Chairman CHRIS SMITH, who share my concern for human rights around the globe.

This resolution expresses the concern of the Congress over the treatment of the Russian media by the government of Russia. This treatment has included increased intimidation, manipulation, and scare tactics. Most recently, Vladimir Gusinsky, owner of the principal independent television station in Russia, was arrested and the offices of Media Most were searched without due process.

The media in Russia, even today, is still mostly state-owned. Of the large printing and publishing houses, newspaper distribution companies, nationwide television frequencies, and the broadcasting facilities that have been privatized at all, the government still maintains an interest and some measure of control over many of them. Such control has reportedly been used for political ends in recent parliamentary and presidential elections in Russia.

It is imperative for the future of democracy in Russia to maintain a free and independent media. A free press is essential to achieving stability in Russia and a government that is accountable to the rule of law. Such manipulation and intimidation tactics that have been employed by the Russian Government in recent weeks contradict the democratic values that we hope Russia will embrace.

Mr. President, I hope my colleagues will join me in support of this resolution to express our support for press freedom in Russia and our concern over its infringement.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

WYDEN AMENDMENT NO. 3433

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 45, line 23, before the period at the end insert the following: “*Provided*, That the funds made available under this heading shall be used by the Inspector General (1) to continue to review airline customer service practices with respect to providing consumers access to the lowest available airfare, information regarding overbooking, and all other matters with respect to which airlines have entered into voluntary customer service commitments; (2) to undertake an inquiry into whether mergers in the airline industry have caused or may cause customer service to deteriorate and whether legislation should be enacted to require that customer service be a factor in the merger review process for airlines; (3) to review the reasons for increases in flight delays, with specific reference to whether infrastructure issues or procedures utilized by the airline industry and the Federal Aviation Administration are contributing to the delays; (4) to review the airline ticket distribution system, and changes in the system, including the proposed Internet joint venture known as “Orbitz” and the impact such changes may have on airline competition and consumers; (5) to review whether “Orbitz” would be, or should be, subject to Department of Transportation regulations on airline ticket computer reservation systems; and (6) to report findings and recommendations for reform resulting from these reviews and inquiries to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives by December 31, 2000, and again thereafter when the Inspector General determines it appropriate to reflect the emergence of significant additional findings and recommendations”.

VOINOVICH (AND OTHERS)
AMENDMENT NO. 3434

Mr. VOINOVICH (for himself, Mr. CLELAND, Mr. ROTH, Mr. MOYNIHAN, Mr. LAUTENBERG, and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4475, *supra*; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. FUNDING FLEXIBILITY AND HIGH SPEED RAIL CORRIDORS.

(a) ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY FUNDING.—

(1) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

“(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail fa-

cilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).”.

(2) SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

“(12) Capital costs for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation).”.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(A) in paragraph (4), by striking “or” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).”.

(b) TRANSFER OF HIGHWAY FUNDS TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Section 104(k) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

“(3) TRANSFER TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Funds made available under this title and transferred to the National Railroad Passenger Corporation or to any other publicly-owned intercity passenger rail line (including any rail line for a transportation system using magnetic levitation) shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.”; and

(3) in paragraph (4) (as redesignated by paragraph (1)), by striking “paragraphs (1) and (2)” and inserting “paragraphs (1) through (3)”.

LEAHY AMENDMENT NO. 3435

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, H.R. 4475, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE OF GRAMM-LEACH-BLILEY ACT PROVISIONS ON THE DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.

Section 510 of the Gramm-Leach-Bliley Act (15 U.S.C. 6810) is amended by striking “except—” and all that follows through the end and inserting the following: “except that sections 504 and 506 shall become effective on the date of enactment of this Act.”.

REED AMENDMENTS NOS. 3436-3437

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, H.R. 4475, *supra*, as follows:

AMENDMENT NO. 3436

On page 79, between lines 22 and 23, insert the following:

SEC. _____. (a) The total amount appropriated in title I for the Department of Transportation for the Federal Railroad Administration is increased by \$10,000,000; *Provided*, That, such additional amount shall be available for Rhode Island Rail Development.

(b) The total amount appropriated in title I for the Federal Aviation Administration under the heading “OPERATIONS” for salaries and expenses is hereby reduced by \$10,000,000.

AMENDMENT NO. 3437

On page 79, between lines 22 and 23, insert the following:

SEC. _____. Of the total amount appropriated for the Department of Transportation, \$10,000,000 shall be available for Rhode Island Rail Development.

KOHL (AND OTHERS) NO. 3438

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. ABRAHAM, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, *supra*; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was

\$1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to impose reductions on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made. The difference between the amount of funds requested by the Coast Guard for the acquisition of the Great Lakes icebreaker and buoy tender and the amount made available by the Committee on Appropriations of the Senate for those acquisitions fails to reflect the high priority afforded by the Senate to those acquisitions, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in fuel costs, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for the Great Lakes icebreaker and buoy tender replacement program;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

COLLINS (AND SCHUMER) AMENDMENT NO. 3439

Ms. COLLINS (for herself, Mr. SCHUMER, and Mr. ABRAHAM) proposed an amendment to the bill, H.R. 4475, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETRO- LEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) since 1999, gasoline prices have risen from an average of 99 cents per gallon to \$1.63 per gallon (with prices exceeding \$2.00 per gallon in some areas), causing financial hardship to Americans across the country;

(2) the Secretary of Energy has authority under existing law to fill the Strategic Petroleum Reserve through time exchanges ("swaps"), by releasing oil from the Strategic Petroleum Reserve in times of supply shortage in exchange for the infusion of more oil into the Strategic Petroleum Reserve at a later date;

(3) the Organization of Petroleum Exporting Countries ("OPEC") has created a worldwide supply shortage by choking off petroleum production through anticompetitive means;

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories; and

(5) the Secretary of Energy should implement a swap plan at times, such as the present, when prices of fuel have risen because of cutbacks in the production of crude oil.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the President determines that a release of oil from the Strategic Petroleum Reserve under swapping arrangements would not jeopardize national security, the Secretary of Energy should, as soon as is practicable, use the authority under existing law to release oil from the Strategic Petroleum Reserve in an economically feasible way by means of swapping arrangements providing for future increases in Strategic Petroleum Reserve reserves.

MCCAIN AMENDMENT NOS. 3440-3441

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3440

At the appropriate place, insert the following:

SEC. . ADDITIONAL SANCTION FOR REVENUE DI- VERSION.

Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13-95-05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

AMENDMENT NO. 3441

At the appropriate place insert the following:

SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than \$8.549 billion.

FEINGOLD AMENDMENT NO. 3442

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

At the end of page 37, line 8, add the following, and renumber subsequent sections accordingly: "Provided further, That of the funds made available under this heading, a portion shall be used to investigate, in coordination with the Federal Trade Commission: (1) unfair or deceptive practices and unfair methods of competition in the production, distribution and sale of reformulated gasoline in the Upper Midwest markets; (2) corollary changes within the production, distribution, and sale of gasoline in Upper Midwest counties not required to use reformulated fuels."

At the end of page 52, line 22, add the following new section:

"SEC. 342. With the funds provided in this Act, the Secretary may initiate an investigation into the feasibility and desirability of establishing a regional reformulated gasoline reserve in the Upper Midwest for use when prices in the United States rise sharply because of anticompetitive activity or during a supply shortage."

TORRICELLI AMENDMENTS NOS. 3443-3445

(Ordered to lie on the table.)

Mr. TORRICELLI submitted three amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3443

At the appropriate place in title III, insert the following:

SEC. 3 . PARKING SPACE FOR TRUCKS.

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3444

At the appropriate place in title III, insert the following:

SEC. 3. . PARKING SPACE FOR TRUCKS.

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

MURKOWSKI AMENDMENT NO. 3446

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. . The amount appropriated by title I for the Department of Transportation for the Federal Railroad Administration under the

heading "RAILROAD RESEARCH AND DEVELOPMENT" is hereby increased by \$6,000,000: *Provided*, That such additional amount to be available for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system: *Provided further*, That, notwithstanding any other provision of this Act, such additional amount shall remain available until expended.

DODD AMENDMENT NO. 3447

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. . From the amount appropriated in I for the Department of Transportation for the Federal Transit Administration under the heading "CAPITAL INVESTMENT GRANTS" for new fixed guideway systems, funds shall be available for the Danbury-Norwalk Rail Line Re-Electrification to re-electrify the rail line between Danbury, Connecticut, and Norwalk, Connecticut.

**ABRAHAM (AND OTHERS)
AMENDMENT NO. 3448**

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. KOHL, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds

must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was \$1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to impose reductions on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made. The difference between the amount of funds requested by the Coast Guard for the acquisition of the Great Lakes icebreaker and buoy tender and the amount made available by the Committee on Appropriations of the Senate for those acquisitions fails to reflect the high priority afforded by the Senate to those acquisitions, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in fuel costs, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for the Great Lakes icebreaker and buoy tender replacement program;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

LEVIN AMENDMENTS NOS. 3449–3450

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3449

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. _____. Of the amount appropriated in title I for the Department of Transportation for the Federal Transit Administration under the heading "CAPITAL INVESTMENT GRANTS" to carry out section 5309 of title 49, United States Code, \$250,000 shall be available to the City of Traverse City for the development of a comprehensive transportation plan for Traverse City, Michigan.

AMENDMENT NO. 3450

At the appropriate place in title III, insert the following:

SEC. 3. HIGH SPEED RAILWAY CORRIDOR, MICHIGAN.

In expending funds set aside under section 104(d)(2)(A) of title 23, United States Code, the Secretary of Transportation shall use not less than \$10,000,000 to eliminate hazards of railway-highway crossings on a high speed railway corridor in the State of Michigan.

COCHRAN AMENDMENT NO. 3451

Mr. SHELBY (for Mr. COCHRAN) proposed an amendment to the bill H.R. 4475, supra; as follows:

At the appropriate place in bill add the following new section:

SEC. _____. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto, County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancement program, if available.

BAUCUS (AND BURNS)
AMENDMENT NO. 3452

Mr. LAUTENBERG (for Mr. BAUCUS (for himself and Mr. BURNS)) proposed an amendment to the bill H.R. 4475, supra; as follows:

Section 1214 of Public Law No. 105-178, as amended, is further amended by adding a new subsection to read as follows:

(s) Notwithstanding sections 117(c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law No. 105-178:

(1) The non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

(2) The Secretary shall not delegate responsibility for carrying out the project to a State.

NICKLES AMENDMENT NO. 3453

Mr. SHELBY (for Mr. NICKLES) proposed an amendment to the bill H.R. 4475, supra; as follows:

In lieu of section 343 on page 76, insert a new section 343 as follows:

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such

a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SHELBY AMENDMENT NO. 3454

Mr. SHELBY (for himself, Mr. REID, and Mr. LEAHY) proposed an amendment to the bill H.R. 4475, supra; as follows:

At the appropriate place, insert

SEC. _____. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the "Frank R. Lautenberg Transfer Station"; *Provided*, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the "Frank R. Lautenberg Transfer Station".

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SHELBY AMENDMENTS NOS. 3455–3456

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the bill (S. 2549) to authorize appro-

priations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 3455

On page 394, line 10, insert ", in cooperation with the Director of Central Intelligence," after "The Secretary of Defense".

On page 394, line 25, insert ", in cooperation with the Director of Central Intelligence," after "The Secretary of Defense".

AMENDMENT NO. 3456

On page 596, beginning on line 3, strike "waiver is in the national security interests of the United States" and insert "waiver is vital to the national security interests of the United States and certifies such determination to Congress".

On page 597, strike line 3 and insert the following; is based.

"(C) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2001."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 15, 2000 at 9:30 a.m., in open and closed session to receive testimony on security failures at Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, June 15, 2000 at 9:30 a.m. on the nomination of Del Won to be a Federal Maritime Commission and immediately following the nomination hearing the Committee will hold an executive session on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 15 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 2557, the National Energy Security Act of 2000. The bill would protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy sources, improving energy efficiencies, and increasing domestic energy supplies,

mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 15, 2000 at 10:30 a.m. to hold a hearing (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 15, 2000, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 15, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Ms. COLLINS. Mr. President, I ask consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Thursday, June 15, at 9:30 a.m., to conduct a hearing to receive testimony on EPA's proposed Highway Diesel Fuel Sulfur Regulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 15, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States General Accounting Office March 2000 report entitled "Need to Address Management problems that Plaque the Concessions Program".

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Garry Stacy Banks, Graehl Brooks, Andrew Compton, Sarah Doner, Ethan Falatko, Kaleb Froehlich, Griffith Hazen, Jennifer Loesch, Erika Logan, Ida Olson, Carrie Pattison, Daniel Poulson, Karl Schaefermeyer, Jennafer Tryck, and Jensen Young, Alaskan students par-

ticipating in my summer intern program, be granted floor privileges in order to accompany me on my daily schedule through 30 June 2000. Only two interns will accompany me to the floor at any particular time.

RECOGNIZING THE 225TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 101, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 101) recognizing the 225th birthday of the United States Army.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ABRAHAM. Mr. President, I ask unanimous consent the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 101) was read the third time and passed.

The preamble was agreed to.

MEASURE READ FOR THE FIRST TIME—S. 2742

Mr. ABRAHAM. Mr. President, I understand that 2742 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2742) to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

Mr. ABRAHAM. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-702, appoints Richard D. Casey of South Dakota to the board of the Federal Judicial Center Foundation.

MEASURE INDEFINITELY POSTPONED—S. 2720

Mr. ABRAHAM. Mr. President, I ask unanimous consent that S. 2720 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JUNE 16, 2000 AND MONDAY, JUNE 19, 2000

Mr. ABRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I further ask on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany S. 761, the digital signatures legislation under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will immediately begin the vote on adoption of the conference report to accompany the digital signatures legislation. Following the vote and the confirmation of the judges, as under the order, I ask consent that the Senate then begin a period of morning business, with Senators speaking for up to 5 minutes each with the following exceptions: Senator CRAIG or his designee, the first hour following the vote; Senator DODD or his designee, 30 minutes; Senator GRAMS or his designee, 10 minutes; Senator MURRAY or her designee, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I also ask consent when the Senate completes its business on Friday, it stand in adjournment until 1 p.m. on Monday under the terms as outlined for Friday's reconvening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I further ask consent on Monday there be a period of morning business until 3 p.m., with the time between 1 and 2 p.m. under the control of Senator DURBIN or his designee, and the time between 2 and 3 p.m. under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY AND TUESDAY

Mr. ABRAHAM. Mr. President, as a reminder, on Monday the Senate will

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resume consideration of the Department of Defense authorization bill at 3 p.m., with Senators KENNEDY and HATCH recognized to offer their amendments regarding hate crimes. Under the order, those amendments will be debated simultaneously.

On Tuesday, Senator DODD will be recognized to offer his amendment re-

garding a Cuba commission, with up to 2 hours of debate on that amendment.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. ABRAHAM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate

stand in adjournment under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Friday, June 16, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Thursday, June 15, 2000

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

It is You, O God, who brought people out of darkness of repression and revolution into Your own wonderful light of freedom.

As You have blessed this Nation in its infancy, bless it now in its maturity.

Banish the darkness of doubt and confusion. Free us of fear and selfishness. Bring us into Your own wonderful light where we can be our very best selves, caring about others. Help us to see the unrest from our own soul as a Nation that we may be fit instruments of peace to others.

It is You, O God, who brought people out of darkness of slavery and immigration into Your own wonderful light of possibility.

As You have blessed this Nation in its early trials, bless it now in its present difficulties.

End the night of cynicism and violence. Bring us into Your own wonderful light where we can meet others and accept our differences. Help us to recognize the poverty of our own spirits that we may be real hope to others.

Once we were "not a people" but now we are God's people. Keep us bonded in this truth, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. PRYCE of Ohio. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona (Mr. HAYWORTH) come

forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will entertain one-minute at the end of legislative business.

PROVIDING FOR CONSIDERATION OF H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 525 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 525

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "except that" on page 63, line 4, through "drinking water contaminants" on line 8; page 67, lines 4 through 14. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amend-

ments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the very distinguished ranking member of the Committee on Rules; pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 525 is an open rule that provides for the consideration of the fiscal year 2001 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies.

The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Appropriations.

Under this open rule, the bill will be considered for amendment by paragraph, and Members will offer their amendments under the 5-minute rule. Priority recognition will be afforded to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI regarding unauthorized or legislative provisions of the bill, except as specified in the rule.

The rule also waives points of order against amendments for failure to comply with clause 2(e) of rule XXI since there is an emergency designation in the bill.

In an effort to provide for orderly and expedited consideration of the bill, the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes as long as the first vote in a series is 15 minutes.

Finally, the minority will have an additional opportunity to change the bill through the customary motion to recommit, with or without instructions.

Madam Speaker, the fiscal year 2001 VA-HUD appropriations bill provides another example of a carefully crafted bill that strikes a balance between fiscal discipline and social responsibility.

I want to commend the gentleman from New York (Chairman WALSH) and his subcommittee for setting priorities and making very tough decisions required to produce a thoughtful bill that meets our greatest needs. It was hard work, and it was done well.

The VA-HUD appropriations bill funds a variety of programs from veterans' benefits and housing for the poor to the space program and environmental protection. Overall, this year's bill provides \$4.9 billion more than last year in discretionary spending.

Within the confines of a limited budget allocation, the subcommittee set priorities and decided to provide a significant portion of this year's increase to veterans medical care. An extra \$1.3 billion is provided to veterans health care which will help the Federal Government repay the debt we owe to those Americans who were willing to trade their lives to protect the freedoms that we enjoy. It may be impossible to compensate these individuals for their contributions and their sacrifices, but this bill makes a good-faith effort.

Under this legislation, more than \$20 billion will be available to provide medical care and treatment for veterans through VA medical centers, nursing homes, outpatient facilities, and other institutions that make up the largest Federal health care delivery system.

This bill does not just throw more money at the VA health system. It recognizes its shortcomings and makes recommendations for improvements. For example, the bill limits the amount of resources that may be used for maintenance and operations of buildings. A GAO report shows that one in four medical dollars is spent on upkeep of facilities which demonstrates poor planning that unnecessarily zaps resources from medical care.

In addition, the bill addresses a concern about the alarming incidents of hepatitis C among veterans and directs the GAO to examine the VA's response to this awful epidemic.

This legislation also directs the Department to review its drug formulary with a goal of ensuring veterans' access to necessary medications, medical supplies prescribed to them.

In addition to taking care of our veterans, the Federal government has a

responsibility to the poor and the vulnerable in our society, especially those Americans who cannot provide the most basic necessities to themselves and their families, such as housing.

Low-income families will benefit through this bill's investment in the Housing Certificate Program which provides funding for Section 8 renewals and tenant protections. A \$1.9 billion increase will allow for renewal of all expiring Section 8 contracts as well as provide relocation assistance at the level requested by the President.

Other housing programs that help our Nation's elderly, homeless, persons with AIDS, and Native Americans will receive level funding.

In addition to addressing today's societal needs, the Federal Government has a responsibility to look to the future and protect the interests of the next generation.

The VA-HUD bill fulfills that responsibility by funding environmental protection through the EPA. Specifically, this legislation puts an emphasis on the States, particularly in the areas of clean water, safe drinking water, and clean air.

The State Revolving Fund for safe drinking water will be increased by \$5 million, the fund for clean water will be increased by \$400 million above the President's request, and State air grants will receive an increase of \$16 million over last year.

Along with our commitment to environmental protection, an investment in science and technology will secure our Nation's future strength.

The VA-HUD bill will provide an increase of \$167 million for the National Science Foundation, bringing funding for this agency to \$4.1 billion. This investment will help the agency continue its mission of developing a national policy on science and promoting basic research and education in the sciences. NASA will also see an increase of \$112 million. That will bring total funding to more than \$13.7 billion.

Through this legislation, the United States will have the resources to maintain its preeminence in space and aeronautical research and accomplishment.

Madam Speaker, despite these thoughtful investments in our Nation's priorities, we are likely to again hear our Democrat colleagues bemoan the lack of funding in this bill. But I would remind my colleagues and make clear to the American people that we are increasing funding over what we spent last year. In fact, total funding from this legislation is \$8.2 billion above last year's level.

Does every program get an increase? No. But it is irresponsible to suggest that level funding or small cuts in some programs will lead to devastation. The truth is that this legislation takes a responsible path of governance by maintaining fiscal discipline and adhering to budget limits. These con-

straints require us to take a hard look at Federal programs, reduce waste and fraud where we can, and set priorities. That is exactly the kind of oversight Congress needs to exercise if we are to be responsible stewards of the taxpayers' hard-earned money.

We must reject the simplicity of arguments that say more spending is always better and, instead, look at spending bills in the context of where our Nation's needs lie and what priorities we can fulfill within our means.

I urge all of my colleagues to vote for this open rule and support the fiscal and social responsibility the underlying legislation embodies.

Madam Speaker, I reserve the balance of my time.

□ 0915

Mr. MOAKLEY. Madam Speaker, I thank my dear friend and colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, the bill for which this rule provides consideration funds two sets of programs, the veterans programs and the housing programs. While it does a relatively good job funding most veterans programs, and I really applaud the committee, that is just the good news. The bad news is that it just does not go far enough in funding veterans medical research and State veterans homes. The bill severely underfunds housing programs to the tune of \$2.5 billion less than the President's request.

Madam Speaker, I can tell my colleagues from firsthand experience on both counts, veteran and housing, that they are very vital. They save lives, they give people hope, and they should be adequately funded. That is why I just cannot understand why my Republican colleagues are so opposed to adding this additional money to help Americans find affordable housing.

Tuesday's Washington Post editorialized this bill, saying, and I quote, "HUD reports that 5.4 million families are either paying more than half their income for housing or having to live in severely inadequate accommodations." The Post further explains that what might be an economic boom for the rich and middle classes is actually a problem for affordable housing. As the economy gets better, affordable housing gets harder and harder to obtain.

Yet my Republican colleagues are determined once again to use the budget surplus to give tax breaks for the very rich rather than to use it to help everyone else find some kind of housing. Specifically, Madam Speaker, this bill will freeze spending for low-income elderly and disabled people, it will cut home programs which help local governments expand low-income housing, it cuts capital grants for public housing, and it cuts Community Development Block Grants. In short, it does

very little to improve the plight of millions of American families that are struggling to find housing in today's very, very tough market.

That is not all, Madam Speaker. In addition to ignoring the plight of the American families, this bill could do much more to make sure American veterans get the very best medical care that we can provide. Madam Speaker, veterans of World War II, the men who risked their lives for world peace, are dying at the rate of 1,000 people a day. For many in veterans health care, it just has not been all that it has been promised to be.

Madam Speaker, World War II veterans, all American veterans, deserve the best health care we can afford them. They need their country to keep its promise. And although this bill funds veterans medical care at the President's request, it still is really not enough to meet the need of the aging veterans population. For instance, this bill freezes funding for veterans medical research, the research that makes sure our veterans hospitals attract the very best doctors and provide the very best care. It also cuts money for the construction of State veterans homes.

Madam Speaker, listen to this fact. One-third of all the homeless people living in the streets are veterans of our military. This is absolutely wrong. Today, there are 5.9 million veterans of World War II. They make up one-fourth of all our American veterans. There are 8.1 million Vietnam era veterans, 4.1 million Korean conflict veterans, 2.2 million Gulf War veterans, 3,400 World War I veterans, not to mention 5.8 million peacetime veterans. Now, Madam Speaker, that is a lot of people expecting their country to make good on the promise of good health care, and this bill does not go far enough to honor that commitment.

It also fails to fund either AmeriCorps or an EPA cleanup of the Great Lakes. It underfunds NASA. It severely underfunds, by more than \$2.5 billion, FEMA, the Federal Emergency Management Agency, our Nation's safety net in time of natural disasters. Madam Speaker, we should all cross our fingers and hope that there are no hurricanes, no floods, and no tornadoes next year, because we may not be able to pay for them. Madam Speaker, during this economic boom, during this unprecedented American prosperity, we should be looking to adequately fund these Federal programs and we have not.

In the Committee on Rules, my Republican colleagues rejected two amendments, one to increase funding for elderly housing, disabled housing, homeless housing and housing for people with AIDS, and another to restore funding for housing, NASA, and the National Science Foundation. Both amendments were defeated on a party

vote. Madam Speaker, without these amendments, the bill simply does not go far enough to help the people who really need it. I urge my colleagues to oppose this bill and oppose this rule.

Madam Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding me this time.

Let me simply say that this is one of six appropriation bills that the President has indicated he would veto, because this is one of the bills that is scaled back by a huge amount from the President's request in order to make enough room in the budget for the Republican tax package which gives 73 percent of the benefits to people who are in the richest 1 percent category of all taxpayers. They give, for instance, \$90 billion in one bill alone in tax relief to people who make over \$300,000 a year. And so because they use the money for that, they have to invent "let's pretend" games on this bill.

Previous comment was just made that this is \$4 billion over last year. Baloney. Last year's budget contained \$45 billion of accounting tricks that made last year's budget look \$45 billion smaller than it is, and \$4.2 billion of the \$4.9 billion alleged increase in this bill comes because of those budget gimmicks that hid last year's spending.

This bill is \$6.5 billion below the President's request. On veterans, it includes a welcome increase for veterans medical care, but it fails to address adequately a number of other veterans programs. It freezes funding for veterans medical and prosthetic research, it cuts grants for construction of State veterans homes and a variety of other items.

In a politically pugnacious act that is bound to cause turmoil rather than pull people together, the committee has eliminated all funding for the President's top priority, the AmeriCorps program. On housing, it does virtually nothing to improve the housing situation in this country. It appropriates no funds for the 120,000 new housing units, the vouchers proposed by the administration.

It cuts the Community Development Block Grant by \$276 million below current level. Assistance for the homeless is frozen, which will mean more homeless people will be frozen, too, come next winter. It provides \$2.5 billion less than the President requests.

On EPA, in addition to some of the other reductions in the President's budget, it totally rejects the President's proposal for \$50 million to begin a major cleanup of the Great Lakes.

The National Science Foundation. The President's request is cut by \$500 million. I will return to that in a minute.

This bill ought to be called the Tobacco Company Protection Act of the

Year 2000. There is a slippery scheme going on in this Congress. What is happening is that, first of all, the Justice Department is being denied funds in the bill that funds that agency in order to pursue suits against the tobacco companies for lying to this country for 50 years about the cancer-causing nature of tobacco. The Justice Department is provided no funds in their own bill, and then, in each of the appropriation bills coming through here, the Justice Department is forbidden from going to other agencies that would benefit from our suit to recover funds to help finance it. So the veterans department will lose millions of dollars in potential additional revenue, and Medicare will lose billions of dollars in additional potential revenue.

I never want to hear the other side prattle any more about their dedication to Medicare, because this ought to be called the Medicare Insolvency Act of 2000. The Republicans assure that the government cannot effectively proceed to sue the tobacco companies to get back some of the costs that Medicare and veterans programs have laid out because of the lying performance of the tobacco industry over the last 40 years.

What the Republicans ought to tell the tobacco companies is that they ought to go jump in the nearest lake. But this Congress does not have the guts to do that. These provisions are in these bills for one reason. Not because they are right, but because the tobacco companies are powerful, and they ought to be stripped out.

Now, I would like to return to the National Science Foundation. Every politician on this floor brags about what we are doing for the National Institutes of Health. Oh, yes, we want to get their budgets up by 15 percent, so we raise the NIH budget by 15 percent. NIH does research on all health problems in the country. But then what happens is, the committee slips a little provision in the labor-health bill which says, "Oh, yes, we have appropriated a \$3.7 billion increase, but NIH can only spend \$1 billion of it." Which means they will have fewer new research grants going out next year than this year.

And then take a look at the National Science Foundation. Economists tell us that in the past 50 years half of the United States economic productivity can be attributed to technological innovation and the science that has supported and developed it. The way science works is that organizations such as the National Science Foundation develop the basic science. And then, when they answer the key questions of nature, then that science is given to the National Institutes of Health and the National Institutes of Health do research which is more applied in nature, leading to specific cures for specific diseases. But the underlying foundation of all progress

against human disease is the National Science Foundation, and the President's budget for it is being whacked by \$500 billion.

Now, I know that the chairman of this subcommittee is a good man. And if he had enough dollars, he would put dollars in the National Science Foundation. It is not his fault that this bill is in a shambles like this. He has done the best he can, given the fact that he was given an impossible limit on what the committee could provide in the first place.

I would urge a vote against the bill, and I would also urge a vote against the rule, because the Committee on Rules made in order none of the amendments that we requested in order to try to correct this problem. They say, "Oh, the amendments had no off-sets." Our position is that virtually everything we are trying to do to increase funding for education, for health care, for science, can be financed by about a 20 to 30 percent reduction in the size of the tax gifts that the other side is planning to give to the wealthiest 2 percent of all Americans. That is the linkage. They resent it every time we raise it, but that is the truth.

Even the amendment that was offset, that would have provided tiny amounts of additional help for housing for the elderly, for the disabled, for the homeless, and for housing opportunities for people with AIDS, even that amendment, which would have provided an offset by using funding that was already approved in passage of the authorization bill that passed this House by only four dissenting votes, even that was denied.

□ 0930

So I urge rejection of this bill and I urge rejection of the rule. And, sooner or later, I urge the majority party to begin a process of working together so we can produce bipartisan appropriations bills rather than partisan political documents.

Ms. PRYCE of Ohio. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Madam Speaker, I thank my colleague for recognizing me to work with my distinguished friend and colleague, the gentlewoman from Ohio (Judge PRYCE), who has guided this rule through the House now for 2 years in a row. She does it with aplomb and grace. We appreciate her help not only today but also in the full Committee on Rules.

I would like to thank the Committee on Rules for giving us a fair and honest rule, for giving us an opportunity to bring this bill to the floor with an open rule, and to protect what should be

protected and not protect what should not be protected in the bill.

This is, as has been discussed, a very complex bill. It is always easier to bring a bill through the House with lots of extra money in it. Positive things seem to happen when we do that. But we do not have lots of extra money.

I would submit that, if we provided all the money that the President requested for this bill, our surplus would be far smaller than it is projected. And it says something about the way we have attempted to present this bill and the other bills.

We know that, no matter how much we spend, the White House will want to spend more. That is a fact. Everybody knows that. So when we get to the end of this process, if we are up here with the House bill or the conference report, the President will get us to here. So if we start here, then we maybe get a little bit higher because we know there is an unlimited thirst for more spending down there.

So do we have enough money in this bill to meet all of our needs? Barely. Will we probably spend more by the time we are finished? I suspect that we will. History would tell us that that is true.

What we tried to do was present an honest bill with honest numbers, and the House will make its judgment on this today.

What we did do, Madam Speaker, is we put in a fully funded Veterans Medical Care package, \$1.355 billion. That is what the President requested. That is what the subcommittee presented.

Now, I would remind my colleagues, Madam Speaker, last year the President wanted to level fund the Veterans Medical Care. We put in over, I believe, \$1.7 billion last year above the President's request. I think the President learned from that. Now he has realized that the veterans are a priority with the House; and he came back with, I think, an honest request, and we honored it.

So I think we have done well for veterans in this bill. I think that any Member who supports this bill, the main reason they will do so is because they want to keep our commitment to our veterans.

As my colleagues know, there are a number of other areas in this bill that we address. One of them is HUD. The President asked for a 20 percent increase in HUD funding, 20 percent equals a \$6 billion increase in HUD.

Now, my colleagues can imagine what would happen if we did that with every bureau in the Federal budget. There would be no surplus. We would be back in deficit spending. So we tried to pare that request down to meet the absolute needs of the housing and economic development aspects of this bill.

We fully funded section 8 housing. There was a request on the part of the

administration to put an additional 120,000 section 8 vouchers into this bill.

Madam Speaker, they did not even use \$2 billion worth of section 8 money last year; 247,000 section 8 vouchers went begging last year.

Now, what kind of service is that to the American public? What kind of service is that to the people who deserve and need the help of their government to provide for their housing? 247,000 section 8 vouchers unused. And they are asking for another 120,000 this year.

We will be glad to discuss those at the end of this process, but HUD needs to do a lot better job of using these billions of dollars that we are appropriating to provide for housing for those among us who have the most need.

Within the Community Development Block Grant program there was a slight reduction of \$20 million in the Block Grant program. So there will be a very tiny reduction in this Community Development Block Grant program for our cities and our entitlement communities.

EPA's operating programs have been funded, while the various State programs which assist the States in implementing Federal law have been more than fully funded.

The Clean Water SRF program that was gutted by the President's budget request has been restored to \$1.2 billion, while State and local air grants and section 13 non-point source pollution grants have been significantly increased.

Perhaps most importantly, we proposed a \$245 million expenditure, more than double last year's amount and \$85 million more than the President requested, for section 106 pollution control grants. These grants offer the States maximum flexibility to deal with the difficult TMDL issues facing the States.

One of my distinguished colleagues on the other side said that FEMA was underfunded by over \$2 billion. I would remind my colleague that there is \$2 billion in the FEMA pipeline unspent, unobligated, authorized, and appropriated. Those funds are waiting for an emergency that we all know will come, and we are ready for it. And those \$2 billion are waiting for that to happen. When it happens, FEMA will begin to pay out. And if \$2 billion is not enough, we will do an emergency supplemental, which we do every single year, at least one.

So I think \$2 billion waiting in the pipeline is sufficient to handle any emergency; and if it is not, we can provide the balance through the emergency supplemental.

Madam Speaker, there is one point regarding this bill which needs to be made. I stated at the outset that we face a tight allocation. Nevertheless, there is some talk circulating that we

had a tremendously huge increase in our allocation, over \$5 billion. I would like to try to clarify that.

The reality is that our allocation is \$78 billion in new budget authority. The reality is that CBO reported our freeze level at \$76.9 billion. We have, therefore, a net increase of just a little over \$1 billion in actual budget authority over last year.

I hasten to add that that increase has been eaten up by the VA Medical Care increase of over \$1.3 billion, and the section 8 housing vouchers, which we fully funded even though they are not spending it. We wanted to be fair; and hopefully, HUD will do a better job of getting that money out to the people who need it; and increases in National Science Foundation and NASA. NASA is increased by over \$100 million and National Science Foundation by \$167 million, very substantial increases.

Lastly, I would just like to make a point on this issue of tobacco in this bill. There has been a lot of rhetoric. We are going to hear a lot more today. I would just like to point out that this subcommittee has struggled mightily to make sure that we have the resources available to provide for our veterans' medical care, to meet the commitments that were made years and years and years ago to those men and women who put their lives on the line for their country.

Now the administration is shopping from one budget to the next to find the money to run this suit against the tobacco companies. If they want to do that, that is fine. All we are saying is do not use medical care money, do not use our veterans' medical care funds.

There is not one single veterans' organization that has come out and said, yes, it is okay to use our medical care money for this lawsuit. Not one. We are going to hear something possibly to the contrary. But listen closely. What the veterans are saying is, we have no objection to this lawsuit. Quite frankly, Madam Speaker, I do not, either. But do not use veterans' medical care, because those dollars are precious. And we can tell our colleagues in each and every area of health care what impact those losses of \$4 million to \$6 million per year as long as that suit goes on will mean to our veterans.

In conclusion, Madam Speaker, this is a good bill. Is it perfect? No. If it were, I would not have my name on it, because I do not think I have ever done anything perfect. But it is a good start. I would appreciate very much the support of both parties across the aisle. If we do not get that, I think we can pass this bill anyway. But I would like to have bipartisan support. I think we will by the time we are completed.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member, to respond to the previous speaker.

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, my distinguished friend has just indicated that we should not use veterans' money because that money is too precious and we should not use it in a tobacco suit. Well, if you do not let the Justice Department use its own money and if you do not let the agencies who are going to receive the money from that suit, you are not going to have a successful suit.

The fact is that this suit will bring in many times more dollars to the veterans' health care fund than it would ever cost to pursue that suit; and, in my judgment, if you vote against allowing that to happen, you are really voting to make the veterans' health care fund less sound than it is and to make Medicare less sound than it is.

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), the subcommittee chairman.

Mr. WALSH. Madam Speaker, I will be very brief. I just wanted to respond.

The gentleman from Wisconsin (Mr. OBEY) is correct. I think the Justice Department should use their own funds, not veterans' medical care funds. I would remind the gentleman that there is absolutely no guarantee that any of those funds will come back to the veterans.

In fact, if the administration's policies are consistent, those funds will go into the Treasury, just like the funds that are available from the Veterans Millennium Health Care Fund that plows private insurance back into the Treasury. We want those funds to go into the Veterans' Administration.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, let me point out that the amendment that we offered, the amendment that the Committee on Appropriations refused to make in order, specifically provided that the money would go in that veterans' account. If you do not believe it, ask the sponsor of the amendment. She is sitting right here.

Ms. PRYCE of Ohio. Madam Speaker, I am pleased to yield 4 minutes to my distinguished colleague, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, it is a pleasure to rise and comment on this bill. It is a pleasure, also, to recognize the efforts of our good friend, the gentleman from New York (Mr. WALSH), who faced a very difficult position in this particular subcommittee this year, because it simply was not given an allocation sufficient to do the job.

I have previously made an issue of this inadequate allocation on the floor. I have also generated a letter to the chairman of the Committee on Appropriations and to the Speaker pointing out the need to increase the allocation

to this subcommittee so that it can meet its responsibilities in the various areas. I am referring particularly to one special area, and the rest of my comments will be regarding that.

Many times I have spoken to the House and to the Nation about the importance of continuing a strong research effort in science, engineering, technology, and mathematics. Very few people in this country realize that this marvelous economic boom that we now enjoy is due largely to advancements in science and technology.

One-third of our economic growth is due just to one factor. That factor is information technology. When we add to that the improvements and increases in technology in other areas, we find well over half of our economic growth is due just to advancements in science and technology. It is absolutely essential for our country to keep ahead of this research curve if we want our economic boom to continue.

Right now, relative to other nations, our investments in science, engineering, technology, and mathematics research have been decreasing. For example, Japan's research funds, as a percent of GDP, are greater than ours and increasing faster. Germany is above us. South Korea, believe it or not, is advancing rapidly and very shortly will be spending more for research, as a percent of GDP, than the United States.

Those countries recognize that they have to do this to remain economically viable and to catch up with us.

□ 0945

Our Nation has made improvements in the last several years. I am really delighted with the budget that the gentleman from New York (Mr. WALSH) and others developed last year in this area. I am also pleased with what he has been able to do this year within his allocation. Last year the funding in the House bill was so abysmal that I offered a floor amendment. This year I do not plan to do that, because the gentleman from New York has done yeoman's service in coming to the floor with an amount for science, mathematics, and engineering research that is appropriate, given his allocation. But the point is the allocation simply was not large enough.

I want to get on the record that my lack of offering an amendment this year does not mean I am happy with this bill's scientific research budget or think it is great enough. Rather, I am convinced that given the gentleman from New York's good efforts and what he has done with the small allocation he has, I believe that, when we go to conference and deal with the Senate and negotiate with the President, the final result will be good for the Nation and good for the scientific research community. I wanted to get on the record that this is an extremely important area for our Nation and for our future, particularly our long-term future.

I hope all of us in this Congress will unite in providing sufficient funding for scientific research.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. I thank the gentleman from Massachusetts for yielding me the time.

Madam Speaker, I want to recognize the gentleman from West Virginia (Mr. MOLLOHAN) who has called this measure "a series of missed opportunities." I completely agree. These opportunities have been squandered because the priority of the Republican leadership has been to provide huge tax cuts to the wealthiest of all Americans. Dollars earmarked to tax cuts are not available to fund programs important to most Americans.

Among those opportunities squandered are \$25 million less for medical research conducted by the VA. This is some of the best research in the whole United States going after Parkinson's disease and Alzheimer's disease. This money would be cut by \$25 million. There is \$80 million less funding for the construction of State homes to provide for the growing need of long-term care for our Nation's disabled, infirm, and aging veterans; \$3 million less to maintain our national cemeteries; and \$62 million less for other important construction projects.

My Republican colleagues will say that they were constrained to provide this needed funding. Do not be misled. Squandered opportunities and available shortfalls in funding for basic programs are the consequences of the priority of the Republican leadership of this House.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. I thank the gentleman for yielding me this time.

Madam Speaker, I have the greatest both professional and personal respect and admiration for the chairman of the housing appropriation subcommittee and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN). I think they have done the best job they possibly could. But by their own words, they said they were operating under a constraint, an overly tight allocation. The gentleman from Michigan (Mr. EHLERS) came up, I have the greatest respect for him, too, and he bemoaned the fact that we have to live under this unbelievable constraint. That constraint is grounds enough for voting against the bill because it is much, much too tight in virtually every area. When we look at real cuts, we have had real cuts over the past 6 years in housing program after housing program.

But now we are dealing with the rule. What could we do within those tight allocation constraints? We could change some programs that would make

money for the government and then we could use them on programs such as housing for the elderly, for the disabled, for the homeless, for the afflicted. So we came up with some provisions that we offered to the Committee on Rules, provisions that have already passed the House of Representatives in the authorization bill, provisions that were praised by the chairman of the housing authorization subcommittee and by the chairman of the full banking and housing committee.

The gentleman from Wisconsin (Mr. OBEY), the gentleman from West Virginia (Mr. MOLLOHAN), and I said, Let's do more for the homeless, for the elderly, for the disabled, and we can pay for it within this bill with changes that are bipartisan in nature. We were rejected, maybe because we were Democrats, and that is one very, very good reason for as unanimous opposition to this rule as we can muster.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman for yielding me this time.

Madam Speaker, let me just say that the chairman of the subcommittee, the gentleman from New York, who is a friend but who yesterday missed an opportunity to vote to increase funding for veterans health care by allowing the Department of Justice to proceed with their suit against the tobacco companies which, in fact, would recover billions of dollars because the tobacco industry lied to the American people about the addictive quality of its product.

We would have been able to return that money to the Veterans' Administration in order to provide for health care for veterans in this country who are suffering. Yet, the chairman missed an opportunity to vote to increase funding for veterans health care, and those on the other side of the aisle voted against us being able to provide these needed funds. So it is disingenuous to talk this morning about how they want to try to preserve resources for veterans health care. Let the record show that the opportunity was there and he said no, as did others.

This bill, including the issue on veterans, includes the issue of housing. Unfortunately, this legislation takes us in an opposite direction from our promise for affordable and accessible housing in this Nation. It says to people who want to buy a home, the American dream, this robs thousands of Americans by cutting first-time home buyer assistance by \$65 million.

It cuts 120,000 new rental assistance vouchers that would help hardworking, low-income Americans. It cuts community development block grants by \$295 million, robbing cities large and small of the lifeblood of community projects. It has cutbacks for the most vulnerable, \$180 million in funds for local pro-

grams for the homeless. This bill undermines hardworking low- and moderate-income Americans struggling to make ends meet and it does that in order that we may provide a tax cut for the wealthiest Americans.

Ms. PRYCE of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

Mr. WALSH. I thank the gentleman for yielding me this time.

Madam Speaker, this issue of tobacco which I suspect will dominate the debate today, unfortunately, because we are spending billions of dollars to meet our commitments to veterans, the focus will tend to be on the 4 or \$5 million that the administration wants to take out of veterans medical care and spend on this lawsuit.

I have a letter here from the American Legion. I would just like to read excerpts from it.

It says:

"In the VA-HUD and independent agencies for fiscal year 2001 appropriations bill is language prohibiting the Secretary of Veterans Affairs from transferring Veterans Health Administration funds to the Department of Justice for the purpose of supporting tobacco litigation. Although we support tobacco litigation efforts as an alternative, the American Legion strongly supports the use of VHA funds for the provision of health care to veterans."

"The American Legion strongly encourages Congress to identify \$4 million in the projected surplus to be earmarked in the Department of Justice appropriations bill to pay for the VA's share of any litigation. VA funding should be used for its intended purpose, 'to care for him who shall have borne the battle.'"

Pretty clearly, the largest veterans organization in the country does not want veterans medical care funds used for a lawsuit to pay lawyers. That is another department's responsibility. These funds are precious. Let us keep them where they are.

Ms. SLAUGHTER. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, the letter that the gentleman conveniently cites was written by an organization that did not know that the DeLauro amendment yesterday would have put all of the funds recovered from that suit back into the agencies that we are talking about, Medicare and the Veterans Agency. So the gentleman can quote an irrelevant letter if he wants but the fact is that he cannot convince anyone that any veterans organization is going to oppose an action which would bring many times more dollars into the veterans health care program than it would ever cost to bring the suit in the first place.

Mr. WALSH. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH. The date of this letter is today, June 15. It is today.

Mr. OBEY. Did the gentleman from New York tell them about the amendment he voted against yesterday? I bet he did not.

Mr. WALSH. That was not the point of the letter. The point of the letter was do not use veterans medical care.

Mr. OBEY. The point of the letter is to cover their tails over there. That is the point of the letter.

Ms. PRYCE of Ohio. Madam Speaker, I yield 4 minutes to the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentlewoman for yielding me this time.

Madam Speaker, I rise in support of this rule. I thank the gentlewoman from Ohio (Ms. PRYCE) and the work of her committee on the VA-HUD appropriations bill. I commend the gentleman from New York (Mr. WALSH) for all of his hard work.

This is an excellent bill for veterans, as is the rule, because it provides an increase of \$1.3 billion for veterans medical care next year. It also matches the President's budget request for veterans medical research and for the program that funds construction of State nursing homes. And it makes sure that all veterans medical care dollars that are collected stay within the VA. The President's budget proposed returning, Madam Speaker, \$350 million in third-party payments to the Treasury. Under our bill, every dollar collected stays within the VA system.

Contrary to what we may be hearing, there is no scheme in this bill to stop this tobacco lawsuit from going forward. This bill prevents the VA from diverting veterans medical care dollars from being used to pay for this lawsuit. Whatever the merits of the lawsuit, the money should not come from veterans medical care. The money can come from any other VA account, including general operating and administrative expenses. The Secretary should cut his own budget if he knew what was in it and reduce administrative overhead and not raid the veterans medical care accounts.

This is a good bill for housing as well, especially for individuals with disabilities which has been a particular concern of members on both sides of the aisle on the committee. In the past, Congress has created a section 8 disability set-aside to earmark funds within this larger account to help individuals with disabilities find suitable housing. This year the President finally recognized the importance of this set-aside. It took a while. This bill meets his request to provide \$25 million specifically for that purpose.

Further, this bill again contains important language regarding section 811 housing for tenant-based rental assist-

ance for individuals with disabilities. Since there is an insufficient supply of available, suitable housing, this bill requires HUD to spend 75 percent of its fiscal year 2001 funds to build new housing units for individuals with disabilities.

This is a good bill, also, for protecting the environment. This bill provides an increase in funding for the Superfund hazardous waste cleanup program. The \$1.22 billion for the Superfund is an increase of \$2.5 million over the previous year's level. The Superfund program was established in 1980 to help clean up emergency hazardous materials, spills and dangerous, uncontrolled and/or abandoned waste sites. Too much money has been spent on litigation, and now we are spending more on remediation.

Also, this bill provides \$79 million for the leaking underground storage tank, or LUST program, to clean up hazardous wastes that have leaked from underground storage facilities.

□ 1000

This is \$9 million over last year's level, and \$9 million is to be used to mitigate the problems with the underground storage tanks caused by the presence of NTBE in our fuel supplies, another disaster out of the Environmental Protection Agency.

Finally, this is a good bill for scientific research, specifically for the National Science Foundation, which marks its 50th anniversary this year. With a small portion of Federal spending, this agency has had a powerful impact on national science and engineering. Every dollar invested in NSF returns many fold its worth in economic growth.

The NSF traditionally receives high marks for efficiency; less than 4 percent of that agency's budget is spent on administration and management. To meet these goals in the NSF this year, the bill provides a record \$4 billion for the National Science Foundation, a \$152 million increase over last year. This is a good rule. It is a good bill. It deserves our support.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, we spend a lot of time on this floor extolling the unprecedented economic prosperity and patting ourselves on the back for this remarkable economy, but we ignore the reality of a housing crisis that we have here in the United States. In fact, the economic prosperity has worsened the housing crisis because fewer and fewer people are able to really afford to even stay in their neighborhoods, pay the real estate taxes, find affordable housing.

If we look at the shelters, we will find that they are bulging, emergency

shelters are bulging, and these are people who are working. These are sometimes people who are making \$20,000 and even more. And this piece of legislation does virtually nothing to address that problem.

We find that nationally 13.7 million households, that is a lot of people, are living in substandard housing or paying more than half of their income on housing. In Chicago, in my city, 35,000 families are on the waiting list for the Chicago Housing Authority, for public housing; and that will take 10 years to get through that list. Madam Speaker, 28,000 families plus are waiting for section 8 rental vouchers, and the rental voucher program is closed. It will take 5 to 6 years to get through that program.

The budget cuts from this year, not just under the President's, but \$100 million from the President's requested for public housing. It cuts Hope 6, \$10 million from last year. It cuts homeless assistance funding. It cuts help for people, homeless options for people with AIDS is even. And yet there are more people that need the service.

So we are going to serve even fewer people. This is a serious problem that we are facing. We need to address it in this legislation. We are far from achieving our goals. I would oppose the rule and support the President in his pledge to veto this legislation.

Mr. MOAKLEY. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MOAKLEY) has 7¼ minutes remaining, and the gentlewoman from Ohio (Ms. PRYCE) has 3½ minutes remaining.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I have heard statements on the floor this morning that says this is a good bill for veterans. I defy any of you to go before any town meeting in this Nation and tell our veterans that this budget makes up for the contract that we made with them.

We are not, my colleagues, fulfilling our contract with our veterans. We have asked them to sacrifice during war. We asked them to sacrifice in this budget process when we had deficits, and now we continue to ask them to sacrifice when we have surpluses. That is not right.

This is not a good bill for our veterans. We are falling further and further behind each year that we have a surplus, and we do not make up for past injustices to our veterans.

This budget does represent the strongest request the administration has ever made; but serious deficiencies are in this budget. Whether we look at research, whether we look at our State

homes, and whether we look at Montgomery GI bill benefits, we simply have not fulfilled our contract where our Nation's veterans.

Let me just tell everyone about research. Yes, we have fulfilled the administration's request, but if we consider inflation and salary increases, we have fallen behind another 10 percent in this vital account.

We are 10 years after the Persian Gulf War, and we do not have either a cause or a treatment for that affliction that is affecting hundreds of thousands of our veterans. We need the research. We have the money.

Let us put this in this budget. The biggest emergency we now face in our recruiting and in our retention of military is the lack of educational benefits for our veterans. Today's Montgomery GI benefit is \$535 a month. It is not enough to pay for any bit of college that any veteran wants.

This is an emergency, I will tell my colleagues. And I have an amendment to deal with this later on in the discussion. And if we are going to make our all-volunteer force effective, we need educational assistance at a much higher level.

A whole coalition across this country agreed that this budget could afford a Montgomery GI bill increase that would basically allow the average commuter student to pay for three-fourths of his or her college education. That would mean a rise under today's prices to \$975 a month for our GIs.

We can afford this amount of money. We must make that much money available. Our budget today makes \$535 available per month for college education. This is not a recruitment tool. This is not an honor to our veterans.

Let us see this as an emergency. Let us raise the Montgomery GI bill benefit to at least the \$975 a month that a broad array of organizations has requested. Let us reject this budget. Let us honor our veterans in the way they should.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I also want to compliment my chairman and my ranking member. I serve on the Subcommittee on VA, HUD and Independent Agencies. There are a few disappointments with this bill. I have expressed them before. I will express them again this morning.

I think because of the budgetary gymnastics that the majority party has instigated here, our chairman and the leadership of this House, they have had trouble adjusting to this. They have done a good job apparently for veterans and, particularly, for medical care for veterans. They have done some other good jobs, but I am concerned that of all the people, the needy people

in this country, this particular bill does not address the empowerment zones. It is not funded at all.

This is the second year that this has happened. I want to know what is going on here where for each year we cannot fund the empowerment zone, which is supposed to be the one thing that is going to help us in these distressed communities. We did not fund, as we should have either, some of the other programs that are important in city communities.

Now, someone has to take notice of this. In this year of surpluses, we look back and we fail to try to empower people that are trying their very best to use the resources that are given to them both by government and the private sector. So it is very important that we look at community development. City CDBG plans, we did not receive the amount of money in CDBG that we should have in this day of fine monies and good surpluses.

The Community Development Block Grant Fund is being raided by so many other programs coming in; yet we did not fund it according to what was promised to us by the Speaker and some other people.

Let us look at this budget, and we know it has some very good points, but some of the flaws are very glaring; and I call our attention to them once again, and that is community development going out into the community, helping those people through the empowerment zones and through the Brownfields initiative and those kinds of things.

Mr. MOAKLEY. Madam Speaker, I yield the remaining 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Madam Speaker, the problem with this bill is that it is a let's-pretend legislative document. It is the sixth time in a row that a bill was brought to the floor which is not in shape to be signed by the President.

Then it is said, "Well, this is only the second step on the way; we will fix it down the line." I mean, what that really says is, "We will not take the responsibility to produce a responsible bill; somebody else at some other time will do it." That is a "great" message for this Congress to send out to the American people, somebody else will fix our mistakes. That is a really big confidence builder. I think we ought to be able to do better.

Secondly, with respect to the comments about veterans. I have a letter from four veterans organizations, the AMVETS, the Disabled American Veterans, Paralyzed Veterans of America and the acting deputy executive director of the VFW; and what that letter says is on behalf of Members of AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars, we are

fighting "to oppose efforts to stymie amendments by the Department of Justice to advance the lawsuit seeking to recover health costs associated with tobacco-related diseases."

It then goes on to cite the mistakes that the Congress has made in the past, the very actions which that side of the aisle are defending, and then says "From that point forward, veterans have been denied compensation for these disabilities. We urge you not to make the same mistake again." And they recognize fully that you cannot run a lawsuit unless you pay money to run the lawsuit.

Now, regardless of what the other side says, the game they have played is they have said to the Justice Department, "No, we are not going to appropriate money for you to use to pursue the tobacco suit," and you are denying them the opportunity to use money from any other agency to bring money back into those agencies. That hurts veterans beyond repair.

Madam Speaker, for the RECORD, I include the following letter:

THE INDEPENDENT BUDGET,
A BUDGET FOR VETERANS BY VETERANS,
June 13, 2000.

Hon. DAVID R. OBEY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE OBEY: On behalf of members of AMVETS, Disabled American Veterans, Paralyzed Veterans of America and Veterans of Foreign Wars of the United States, we are writing to oppose efforts to stymie attempts by the Department of Justice to advance a lawsuit seeking to recover health care costs associated with tobacco-related diseases. This matter is properly before the federal courts, where it will be decided on its merits. It is inappropriate for Congress to attempt to undermine this litigation by manipulating the resources needed to support this action.

Two years ago, much to the outrage of veterans across the country, Congress accepted a proposal by the Administration to terminate compensation for veterans with tobacco-related disabilities. This was done despite the fact that smoking had been sanctioned, subsidized, encouraged, and part of military life and culture for decades. Many in Congress refused to listen to the arguments we put forth to counter this proposal, in large part due to the temptation to use the totally unrealistic cost savings for other purposes unrelated to veterans' needs. The needs of sick and disabled veterans were cast aside as soon as potential paper savings of \$15.5 billion were transferred to help fund pork barrel highway projects in that year's transportation bill. From that point forward, veterans were denied compensation for these disabilities. We urge you not to make the same mistake again.

We also believe it is important to note that the same statute that terminated compensation benefits for disabled veterans with tobacco-related diseases (the Transportation Equity Act for the 21st Century—PL 105-178) called on the Government to address this issue by proceeding with the lawsuit to recover costs of veterans' health care for tobacco-related diseases. Section 8209 of the law (copy attached) called on the "Attorney General or the Secretary of Veterans Affairs, as appropriate, [to] take all steps necessary

to recover from tobacco companies amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans, if such treatment were authorized by law." The same section called on Congress to authorize the treatment of tobacco-related illnesses upon recovery of such amounts. Any attempt now to block the lawsuit is in direct contradiction of the sense of Congress expressed in a previously approved statute to help cover the cost of, and, provide health care for these veterans.

While the outcome of this litigation is in doubt, it does provide a possible avenue to help defray the enormous health care costs, past, present, and future, associated with tobacco-related disabilities. We urge you to resist efforts to attempt to restrict funding for the Department of Justice to continue this important litigation.

Sincerely,

DAVID E. WOODBURY,
Executive Director,
AMVETS.

GORDON H. MANSFIELD,
Executive Director,
Paralyzed Veterans
of America.

DAVID W. GOMAN,
Executive Director,
Disabled American
Veterans.

ROBERT E. WALLACE,
Acting Deputy Execu-
tive Director, Vet-
erans of Foreign
Wars of the United
States.

Mr. MOAKLEY. Madam Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an open rule, so any Member that wants to offer any amendment that complies with the rules of this House may do so under this process.

The VA/HUD bill which this rule makes in order provides an increase, an increase of \$8.2 billion over last year and adds funding to a number of important programs, including veterans medical care, veterans compensation and pensions, section 8 housing, safe drinking water, clean water, state air grants, EPA research, pollution control grants, the National Science Foundation and NASA.

Those of us who do not care for the tobacco provisions can vote to strike them. That is the beauty of this wide open rule. That is the fairness of this wide open rule.

At the same time the bill funds these priorities, it lives within the parameters of the budget resolution. This balance of fiscal and social responsibility deserves our support. I urge a yes vote on the rule and the bill.

Mrs. MALONEY of New York. Madam Speaker, here we go again.

Every year the Majority party underfunds affordable housing in the appropriations process and every year the President and Secretary Cuomo are forced to negotiate for every last family in an omnibus bill.

Unfortunately, it looks like we are headed down this road again.

The VA-HUD bill before the House is cut \$6.5 billion below the President's request and the President will rightfully veto this bill in its present form.

Madam Speaker, we are hearing a lot about "Compassionate Conservatism" in the press—but there is no compassion in this bill.

Programs under VA-HUD benefit some of our nations most needy citizens and this bill does them wrong.

This bill provides no new funds for elderly housing, for homeless assistance grants, for Housing Opportunity for People with AIDS, or for Native American block grants.

Madam Speaker, the people who benefit from these programs don't have high paying lobbyists representing them on Capitol Hill. They don't have 527 groups pushing their special interests. They are simply needy Americans who need housing assistance.

Furthermore, this bill cuts public housing anti-drug programs and capital and operating grants \$120 million below last year's level.

Madam Speaker, this country spends far too many resources on putting drug offenders behind bars. Cutting drug prevention efforts in public housing just does not make sense.

Furthermore, this bill does damage to the enforcement of our nation's environmental laws by funding the EPA at \$282 million less than last year.

Madam Speaker, I urge my colleagues to oppose this bill.

Ms. PELOSI. Madam Speaker, this bill is a bad bill because it fails to adequately fund housing assistance for impoverished working men and women and it ignores America's housing crisis. Despite the shortage of affordable housing that plagues many cities and rural communities, this bill fails to fund America's tremendous housing needs. Even worse, this bill cuts several billion dollars from last year's budget for many important affordable housing programs.

Why did the Republicans design a bill that cuts housing assistance for low-income working men and women? Why do Republicans ignore America's obvious shortage of affordable housing? Quite simply, they cut housing assistance to pay for tax breaks to the wealthiest Americans. In March, they voted \$123 billion in tax breaks for the best-off one percent of all taxpayers—those with an annual salary exceeding \$319,000. Just last week, the Republicans voted to repeal the Estate Tax—a giveaway of another \$50 billion to the wealthiest 2 percent of Americans. This GOP plan would provide about \$10 billion to America's wealthiest 400 families.

In sharp contrast, this bill denies housing assistance to Americans living in Section 8 housing and public housing, who on average earn an annual \$7,800. It denies housing assistance for senior citizens on fixed incomes. It forces working men and women to choose between housing, health care, food, and other basic needs.

This GOP budget is unlivable for us in San Francisco. Compared to President Clinton's requested budget, HUD estimates it reduces housing assistance for San Francisco by \$10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.

This GOP budget is also unlivable around the country. At the full Appropriations Committee, the Ranking Democrat, Rep. MOLLOHAN, offered an amendment to invest an additional \$1.8 billion that would provide assistance across the country. I voted for this amendment. The Committee Republicans rejected it. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build and modernize public housing; promote community economic development; provide housing and services to seniors, individuals with disabilities, and individuals with HIV/AIDS. Americans need this assistance and this bill falls short.

I oppose this Rule because it restricts our opportunities to improve the underlying bill. The GOP denied us a fair House floor vote on our amendments to increase housing assistance. Our amendments could have transferred this into a more bipartisan bill that President Clinton may have signed. Since Clinton has promised to veto the current bill, the GOP's decision ensures a veto and ensures we are wasting our time. I urge my colleagues to oppose the rule.

Ms. PRYCE of Ohio. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 182, not voting 20, as follows:

[Roll No. 278]

YEAS—232

Aderholt	Calvert	Ehlers
Archer	Camp	Ehrlich
Bachus	Canady	Emerson
Baker	Cannon	English
Ballenger	Castle	Everett
Barr	Chabot	Ewing
Barrett (NE)	Chambliss	Fletcher
Bartlett	Coble	Foley
Barton	Coburn	Fossella
Bass	Collins	Fowler
Bateman	Combest	Franks (NJ)
Bereuter	Cook	Frelinghuysen
Biggert	Cooksey	Gallegly
Bilbray	Cox	Ganske
Bilirakis	Crane	Gekas
Bliley	Cubin	Gibbons
Blunt	Cunningham	Gilchrest
Boehlert	Davis (VA)	Gillmor
Boehner	Deal	Gilman
Bonilla	DeLay	Goode
Bono	DeMint	Goodlatte
Boucher	Diaz-Balart	Goodling
Brady (TX)	Dickey	Goss
Bryant	Dooley	Graham
Burr	Doyle	Granger
Burton	Dreier	Green (WI)
Buyer	Duncan	Greenwood
Callahan	Dunn	Gutknecht

Hansen	McKeon	Sessions
Hastings (WA)	Metcalf	Shadegg
Hayes	Mica	Shaw
Hayworth	Miller (FL)	Shays
Hefley	Miller, Gary	Sherwood
Herger	Minge	Shimkus
Hill (MT)	Mollohan	Shows
Hilleary	Moran (KS)	Shuster
Hobson	Morella	Simpson
Hoekstra	Murtha	Sisisky
Holden	Myrick	Skeen
Horn	Nethercutt	Smith (MI)
Hostettler	Ney	Smith (NJ)
Hulshof	Northup	Smith (TX)
Hunter	Norwood	Souder
Hutchinson	Nussle	Spence
Hyde	Ose	Stearns
Isakson	Oxley	Stenholm
Istook	Packard	Stump
Jenkins	Paul	Sununu
Johnson (CT)	Pease	Sweeney
Johnson, Sam	Peterson (PA)	Talent
Jones (NC)	Petri	Tancred
Kanjorski	Pickering	Tanner
Kasich	Pitts	Tauzin
Kelly	Pombo	Taylor (NC)
King (NY)	Porter	Terry
Kingston	Portman	Thomas
Klink	Pryce (OH)	Thornberry
Knollenberg	Quinn	Thune
Kolbe	Radanovich	Tiahrt
Kuykendall	Ramstad	Toomey
LaHood	Regula	Trafficant
Largent	Reynolds	Upton
Latham	Riley	Vitter
LaTourette	Rogan	Walden
Lazio	Rogers	Walsh
Leach	Rohrabacher	Wamp
Lewis (CA)	Ros-Lehtinen	Watkins
Lewis (KY)	Roukema	Watts (OK)
Linder	Royce	Weldon (FL)
LoBiondo	Ryan (WI)	Weldon (PA)
Lucas (OK)	Ryun (KS)	Weller
Manzullo	Salmon	Whitfield
Martinez	Sanford	Wicker
McCollum	Saxton	Wilson
McCrery	Scarborough	Wolf
McHugh	Schaffer	Young (AK)
McInnis	Scott	
McIntosh	Sensenbrenner	

NAYS—182

Ackerman	Deutsch	Kilpatrick
Allen	Dicks	Kind (WI)
Andrews	Dingell	Kleczka
Baca	Dixon	Kucinich
Baird	Doggett	LaFalce
Baldacci	Edwards	Lampson
Baldwin	Engel	Lantos
Barcia	Eshoo	Larson
Becerra	Etheridge	Lee
Bentsen	Evans	Levin
Berkley	Farr	Lewis (GA)
Berman	Fattah	Lipinski
Berry	Filner	Lowe
Bishop	Forbes	Lucas (KY)
Blagojevich	Ford	Luther
Blumenauer	Frank (MA)	Maloney (CT)
Bonior	Frost	Maloney (NY)
Borski	Gejdenson	Markey
Boswell	Gephardt	Mascara
Boyd	Gonzalez	Matsui
Brady (PA)	Gordon	McCarthy (MO)
Brown (FL)	Green (TX)	McCarthy (NY)
Brown (OH)	Gutierrez	McDermott
Capps	Hall (OH)	McGovern
Capuano	Hall (TX)	McIntyre
Cardin	Hastings (FL)	McNulty
Carson	Hill (IN)	Meehan
Clay	Hilliard	Meek (FL)
Clayton	Hinche	Meeks (NY)
Clement	Hoefel	Menendez
Clyburn	Holt	Millender-
Condit	Hooley	McDonald
Conyers	Hoyer	Miller, George
Costello	Inslee	Mink
Coyne	Jackson (IL)	Moakley
Cramer	Jackson-Lee	Moore
Crowley	(TX)	Moran (VA)
Davis (FL)	Jefferson	Napolitano
Davis (IL)	John	Neal
DeFazio	Johnson, E. B.	Oberstar
DeGette	Jones (OH)	Obey
Delahunt	Kennedy	Olver
DeLauro	Kildee	Ortiz

Owens	Rush	Thompson (MS)
Pallone	Sabo	Tierney
Pascarell	Sanchez	Towns
Pastor	Sanders	Turner
Payne	Sandlin	Udall (CO)
Pelosi	Schakowsky	Udall (NM)
Peterson (MN)	Sherman	Velazquez
Phelps	Skelton	Waters
Pickett	Slaughter	Watt (NC)
Pomeroy	Smith (WA)	Waxman
Price (NC)	Snyder	Weiner
Rahall	Spratt	Wexler
Rangel	Stabenow	Weygand
Reyes	Stark	Wise
Rivers	Strickland	Woolsey
Rodriguez	Stupak	Wu
Roemer	Tauscher	Wynn
Rothman	Taylor (MS)	
Roybal-Allard	Thompson (CA)	

NOT VOTING—20

Abercrombie	Doolittle	Sawyer
Armey	Hinojosa	Serrano
Barrett (WI)	Houghton	Thurman
Campbell	Kaptur	Vento
Chenoweth-Hage	Lofgren	Visclosky
Cummings	McKinney	Young (FL)
Danner	Nadler	

□ 1033

Ms. RIVERS and Mr. DEUTSCH changed their vote from "yea" to "nay."

Mr. HEFLEY changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VISCLOSKEY. Madam Speaker, during the vote I was unavoidably detained with my staff concerning issues related to the FY 2001 Energy and Water Appropriations bill. Had I been present, I would have voted "aye" for rollcall vote 278.

THE JOURNAL

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The Journal was approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2614. An act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4576) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. DORGAN, and Mr. DURBIN, to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4578, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TIME LIMITS ON AMENDMENTS
OFFERED ON H.R. 4635

(Mr. REGULA asked and was given permission to address the House for 1 minute.)

Mr. REGULA. Madam Speaker, I just want to say to all of the Members, the goal of the gentleman from Washington (Mr. DICKS) and myself is to get this bill finished in a timely manner today, by 6:00 or before, because I know that many of the Members have plane reservations. We can accomplish that if everybody will cooperate. We will have to get time limits on some of the amendments, and perhaps we can address some of them with a colloquy. We will work together to accomplish the goal to finish this bill in a timely fashion.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPRO-
PRIATIONS ACT, 2001

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4578.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday June 14, 2000, the amendment by the gentleman from Mississippi (Mr. TAYLOR) had been disposed of and the bill was open for amendment from page 53 line 10 through page 53 line 22.

Pursuant to the order of the House of that day, the amendment by the gentleman from Washington (Mr. DICKS), adding a new section at the end of title I, if offered, shall begin with his initial 5-minute speech in support of the amendment. No further debate on that amendment shall be in order.

Amendments to that amendment offered by the gentleman from Washington (Mr. NETHERCUTT) or the gentleman from Utah (Mr. HANSEN), each shall be debatable for 1 hour, equally divided and controlled by the proponent and the gentleman from Washington (Mr. DICKS).

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the indulgence of both the chairman and the ranking member to allow me to speak out of turn.

The reason I would like to address the House this morning is with respect to the roadless forest initiative. My colleague and friend, the gentleman from Michigan (Mr. STUPAK), had originally looked at introducing some limitation amendments on the roadless forest initiative and as he will say shortly has decided not to introduce them. In some ways I regret that but I certainly respect his decision.

I rise in opposition to the roadless forest initiative. I represent a national forest that was once the Chequamegon and Nicolet National Forest. Like so many others, I have a concern over the effect of the roadless forest initiative on the economy of my district and the health and safety of our national forests.

I would like to make three brief quick points this morning to show the breadth of opposition in my home area to this roadless forest initiative.

First, local units of government in the State of Wisconsin in general, and in the Eighth Congressional District, oppose the roadless forest initiative. The Wisconsin Counties Association opposes it. The Counties of Vilas and Oneida and Oconto and others oppose it. They oppose it because they understand how dependent our communities and our economy is upon the national forest, recreation, and timber harvesting.

They also oppose it because they recognize that cutting off these forests to human access poses substantial fire and safety risks.

Point number two, the roadless forest initiative violates a historic compact between local units of government and the Federal Government. This national forest in northern Wisconsin was created in the 1920s. There were a series of transactions between local units of government, county forests, the private sector and the Federal Government.

On record, on the public record and in public documents, specifically these transactions were made with an understanding that access to the national forests would be maintained, in fact, explicitly that commercial access to the forests would be maintained. Yet, the roadless forest initiative, if it is implemented, would break that understanding, would break that agreement.

Very clearly, the Federal Government is on the verge of breaking its word with the people of northeastern Wisconsin and very clearly these local leaders would never, would never, have transferred county forest to the national forest if they knew that years down the line we would go back on our word.

Finally and most damning, the Forest Service employees of northern Wisconsin themselves oppose the roadless forest initiative. The very people being called upon to implement the roadless forest initiative oppose it. They have taken a formal position through Local 2165 of the National Federation of Federal Employees, they have taken a formal position against the roadless forest initiative. They understand the difficulties of enforcing it. They understand how it will do tremendous damage to our way of life and they understand how the roadless forest initiative has failed to take into account the local concerns in northern Wisconsin.

I will later place in the RECORD these resolutions demonstrating the clear opposition in northern Wisconsin to this initiative.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Wisconsin (Mr. GREEN) indicated, we were prepared to offer up to several amendments to block the roadless initiative and the road management rule. Instead, through conversations with the Chair and the ranking member, we have decided not to.

These policies and rules that are currently pending before the National Forest Service are still pending. We will have time in the months ahead to help fashion and mold hopefully something we can all live with.

Let me just take a few minutes here and explain what is going on with the roadless initiative and the road management policy.

□ 1045

These are new Forest Service policies. They are decisions affecting the national forests throughout the country. They are not found in any of the local-national forest management plans, and they are developed without a local input and without local forest officials' input.

Now, the roadless initiative on the face of it does not sound too bad, because it includes defined roadless areas. In my two national forests in Ottawa, that is 4,600 acres and in the Hiawatha National Forest, that is 7,600 acres.

We could probably agree that, in those areas that are identified, it makes some sense not to put roads; and we agree that could make some sense. But then it calls for other unroaded areas, other unroaded areas. We do not know the size of those areas. We do not know where they are located. It cannot be simply identified.

So if we cannot identify the other unroaded areas, why would we let a policy go through and we as Members of this Congress allow a policy to go through that we have no clue, no clue where these other areas are. Talk to Washington officials, they say one's local officials know. Talk to our local forest officials, and we have had hearings on this part, and they said we do not know because we do not have the guidelines. So they would let a policy go through.

Look, the proper role on roadless initiative, identify the areas; and if one wants it to be a wilderness area, that is a proper role of Congress. We should do it.

Proposals undermine other roaded areas. It limits one's access. It limits one's use. It limits one's enjoyment of the forest.

If it was the roadless initiative, we could probably live with that, but look at what else is going on at the same time. At the exact time is this thing called road management rule. The only way one can build a road in the national forest if this road management rule goes through is if there is a compelling reason for a road.

Temporary roads that we use and rely on for fire fighting, for insect control, for harvesting timber are not recognized. No more temporary roads, none whatsoever.

Who has to agree to it? Not the local foresters, but the regional forester. In Milwaukee, they are going to decide

for Michigan and Wisconsin whether or not there is going to be a road in northern Michigan regardless of what the local forestry officials say.

So it virtually bans road construction and reconstruction. So in other words, one cannot even fix up a forest road if this policy goes through, only essential classified roads, no feeder roads, no feeder roads. It does not recognize temporary roads for forest timberers.

So put the roadless initiative with this road management rule that no one knows anything about, put it together, and one has new policies, new rules that will supersede existing locally developed forest management plans in our national forest.

The results are one is going to have a national policy that says one size fits all. We lose our local control. There is no control input. Economic impact is not even recognized. For northern Wisconsin and northern Michigan and Minnesota, we rely upon our national forests, not just for timber sales, for recreation, no personal enjoyment, for hunting; but one has no input. Those economies are not even recognized as we develop these policies.

Last but not least, the new policies and rules change the established use of the forest, the access to the forest, and the activities that can be performed within the forest.

What we have here, as we have debated this bill many times in the past, legislative attempts to limit road building, to limit reconstruction of roads in our national forests. They cannot pass that. They cannot come before Congress and legislatively pass it. So they are doing this back-door approach through a rulemaking process on road management that there is no input.

One can write one's comments, but there is not a meeting anywhere in the United States where people from the local national forest did come and confront the local forest people and say here is what we need roads for. Why cannot one reconstruct this one road that goes to our lake? Because they are going to put through an administrative rule underneath the Administrative Procedures Act.

So I urge all Members to look at the roadless initiative. When one applies the road management on top of that roadless initiative, we have serious problems with what is going on in our national forests. I ask them to be vigilant and fight these policies by the National Forest Service. I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS), ranking member, for allowing the gentleman from Wisconsin (Mr. GREEN) and I to proceed outside of order.

NEW FOREST SERVICE POLICIES/RULES
(Decisions affecting National Forests; not found in Forest Management Plans; developed without local community & local forest officials input)

ROADLESS INITIATIVE
(Includes defined Roadless Areas and undefined "other unroaded" areas)
Wilderness Designation is proper role of Congress.
Proposes undetermined "other unroaded areas".
Limits access, use & enjoyment of forest.

ROAD MANAGEMENT RULE
(Only if compelling reason for a road; no "temp" roads; EIS signed by Regional Forester)
Virtually bans forest road construction & reconstruction.
Only essential classified roads (no feeder roads).
Does not recognize temporary roads for timber harvest.

NEW POLICIES/RULES THAT SUPERSEDE EXISTING LOCALLY DEVELOPED FOREST PLANS—RESULTS

National Policy—"one size-fits-all" mentality, loss of local control.
Economic Impact—not recognized, local economies depend on National Forests.
New Policies/Rules—change established uses, access & activities.

AMENDMENT OFFERED BY MR. DICKS
The CHAIRMAN. The Clerk will report copy B of the Dicks amendment.

The Clerk read as follows:
Amendment offered by Mr. DICKS:
On page 52, after line 15, add the following new section:

SEC. . Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House yesterday, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes in support of his amendment.

Mr. DICKS. Mr. Chairman, I offer an amendment which would overcome section 334 and 335 of the Interior Appropriations Act for fiscal year 2001.

My amendment seeks to overcome the funding limitation imposed in the bill under section 334 and 335 relating to the Interior-Columbia Basin Ecosystem Management Plan, known as ICBEMP, and the design, planning, and management of national monuments.

Both of these provisions are objectionable to the Clinton administration, and the committee has received a letter from the Office of Management and Budget director Jack Lew stating that the President's senior advisors would recommend a veto unless these riders are removed.

Section 334 of the bill would stop the Interior-Columbia Basin Ecosystem Management Project, ICBEMP, from going forward. The author of the provision included report language to the bill language stating concern that the Forest Service and the Bureau of Land

Management are not in compliance with the Small Business Regulatory Enforcement Flexibility Act by completing a regulatory flexibility analysis. The administration, on the other hand, believes that such an analysis is not required. This is a major issue in this debate.

Now, I understand that the author of the amendment may have concerns about the agencies complying with all laws, but I have been assured by the administration that they are, in fact, in compliance with all existing Federal laws and, therefore, object to the inclusion of this provision which would basically stop their work on this particular project.

Further, I do not know whether the author of the amendment does or does not support the Columbia Basin Project's goals, but I think it is vitally important to articulate why it should go forward and not be stopped with a rider in this Interior appropriations bill.

The Columbia Basin Project was initiated by President Clinton in 1993 to respond to landscape-scale issues, including forest and rangeland health, the listing of Snake River salmon, bull trout protection, and treaty and trust responsibilities to the Tribes in the area. It also sought to bring more certainty and stability to the communities located in the Columbia River Basin, which were impacted by these events.

What we had before were literally dozens of smaller management plans that only addressed specific areas within the basin. The goal of ICBEMP was to better assemble each individual plan into a more coordinated watershed-based program. ICBEMP has several goals. Among them is to better protect the habitat important to threatened and endangered species and also to provide a long-term plan for mining, grazing, and timber harvest, all of which are still allowed under the project.

It is not a land grab, nor does it take decisions out of the hands of local communities and local management offices. It is an important step to better manage these critical lands, and it has had several years in development and has received extensive public comments and participation.

Section 335 prevents the Secretary of the Interior or the Secretary of Agriculture from using any funds for the purpose of designing, planning, or management of Federal lands as national monuments which were designated since 1999.

This provision attempts to restrict the designation of monuments by the President under the authority of the 1906 Antiquities Act by using a back-door method: funding limitation. A prohibition on spending funds for these monuments would not change their legal status, but it would prevent any ongoing spending within the monument areas as defined by law.

I would say to all of my colleagues who had monuments declared, that the author of the amendment chose not to cover his monument, but he is covering our colleagues' monuments.

The author of the amendment included language in the Interior Appropriations report to accompany the bill which states: "Nothing in this language prevents either Secretary from managing these Federal lands under their previous management plans." But the bill language clearly states that no money shall be expended for the purpose of design, planning, or management of Federal lands as national monuments.

Once the President has acted to designate these lands, they are legally designated and would thus be subject to the spending limitation. All this provision would do is ensure that no Federal dollars by our land and resource management agencies could be spent in these areas.

A monument designation does not lock up these lands. Quite the contrary, monument status does not preclude such activities as grazing or mining.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, monument status also involves an extensive community involvement process so that programs can be established for all public uses. Hunting, fishing, hiking, canoeing are all allowed in these areas. But they would all be stopped if we could not do necessary wildlife surveys and environmental programs.

This provision would not allow any funds to be spent for law enforcement and staffing in the monument. In the areas where there are visitors' centers, they would be closed because the provision would preclude any funds from being spent to operate, maintain, or staff them.

I understand that some of the President's recent designations have been controversial. But he has had, in each instance, the complete authority to act under the jurisdiction of the 1906 Antiquities Act. If the authorizing committees, and I note the presence of the chairman of the authorizing committee, if the authorizing committee of jurisdiction wishes to reexamine the Antiquities Act or wishes to pass legislation to cancel any specific monument designation, then they should do so. But the inclusion of this provision and the other provisions are ill-advised and ensure a veto by the President.

I urge support of my amendment and hope the House agrees that these provisions should not be included in this bill.

AMENDMENT NO. 46 OFFERED BY MR. NETHERCUTT TO THE AMENDMENT OFFERED BY MR. DICKS

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment No. 46 offered by Mr. NETHERCUTT to the amendment offered by Mr. DICKS:

Strike "monuments," and insert "monuments or".

Strike "., or activities related to the Interior Columbia Basin Ecosystem Management Plan".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 14, 2000, the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to the Dicks amendment would strike the provision in the Dicks amendment concerning the Interior-Columbia Basin Ecosystem Management Project, called ICBEMP.

First and foremost, the linkage of the national monuments portion of the Dicks amendment with the Interior-Columbia Basin Management Project language in his amendment requires that they be separated. They are not the same. They are completely different. They have no relevance to each other. They have no relationship to each other. Therefore, on that point alone, my amendment should be adopted. My amendment seeks to strip the ICBEMP language from the Dicks amendments. So that is point number one, and that is the simplest way to look at this whole issue.

The second issue and the reason for removing it from the Dicks amendment is that this ICBEMP project was begun in 1993 as a scientific assessment of eastern Washington and eastern Oregon. Now, I want my colleagues and the chairman to keep this in mind, it started as a scientific assessment. We were going to take a look at the ecosystem condition of eastern Washington and eastern Oregon. The scientific findings were to be used as forest and Bureau of Land Management districts updated their land management plans.

Since 1993, this administration has grown this project to a size that encompasses Idaho, western Montana, parts of Nevada, Utah, and Wyoming.

□ 1100

Seven States, 144 million acres, are affected by what started out as an assessment informally.

Even more troubling is that it has grown to a scope that it has now be-

come a decision-making document with standards, meaning that the recommendations of the project managers will automatically amend the land use plans in the region. The seven-State region; 144 million acres.

In 1998, the House had this issue before it. It voted to keep the Columbia Basin project advisory in nature. Not a rulemaking, not a decision-making document, but advisory. That language, which I sponsored and which was adopted by the House, rejected the idea that it should be more than advisory in nature. Unfortunately, in the negotiations on this whole issue at the last minute with respect to the omnibus appropriations, that language was sacrificed by the leadership and on the insistence of the President.

Section 334 of the bill, language which I put in, requires the Forest Service and the BLM to comply with existing law. That is the second broad but important point in this whole debate. It requires this administration to follow existing law, the Small Business Regulatory Enforcement Fairness Act, prior to finalizing any interior Columbia Basin ecosystem management project record of decision.

What is happening here, and those of us in the West understand this, is that this administration has time and time again tried to rush to judgment, to have a record of decision that will have the effect of law and that will affect dramatically the land use ability and land use of the western States, the seven western States which are part of this so-called study. The Small Business Regulatory Enforcement Fairness Act passed overwhelmingly in this House, signed into law in 1996, requires agencies to do this simple task: Examine and mitigate for the impact that a proposed rule will have on small entities.

This administration knows that the small entities, the small rural communities of eastern Washington and the seven western States that I mentioned, are impacted by this outside of the power that they have to stop it. So the only resource we have is to make sure that this administration complies with the law, and that is what this amendment does. It says before a record of decision is issued, Federal agencies must comply with the law that exists, that was signed into law by this President.

I heard my friend from Washington say that he has an assurance from the administration that they do not have to comply with the law in this case; that this act does not apply to them. Only this administration would urge that the Congress ignore the obligation that this administration has to comply with the law. Only this administration would do that. So I am not persuaded by the assurance that we have been given that this law, the Small Business Regulatory Enforcement Fairness Act

does not apply. It applies, and there are court decisions that confirm that it applies. The General Accounting Office has issued a report confirming that it applies.

This plan, the ICBEMP plan, is going to amend 62 individual land use plans in the West. It is going to amend land use plans on 32 national Forest Service and BLM administrative units in this project area. It will replace three interim strategies. The project is clearly a rule, and there are court decisions that say so. Failure to comply with the Small Business Regulatory Enforcement Act is judicially reviewable by courts, and courts have invalidated agency rules on this basis, against Mr. Babbitt, Secretary of the Interior, in 1998.

Evidence is that the agencies have been wrong about this before. Over \$56 million have been spent on this project. It is not authorized. This Congress has not authorized this project. The northwest industries have indicated to me that if a regulatory flexibility analysis is not completed, as required by law, and again that is all we are trying to do is have this administration comply with the law, they will pursue litigation which will throw this whole study into turmoil. Congress has the responsibility to ensure that the project does not leave itself open to litigation, if a record of decision is issued without having completed a regulatory flexibility analysis.

This is overreaching by the administrative agencies of this government, by this administration, by the Department of the Interior, the Forest Service, and the BLM. They are trying to go around the law, and that is wrong. That is wrong for rural America, it is wrong for the States that are represented in the West, and we should not let it happen.

So this should be separated out from this amendment because it does not apply to the national monuments issue. It applies to the fairness and the obligation to small businesses to be true to the law, and this administration is lacking in that regard if it tries to go forward.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume to respond to my good friend and colleague that 7 years is hardly a rush to judgment.

I want my colleagues to hear the language of this limitation in this appropriation bill. It says right here, "None of the funds made available under this act may be used to issue a record of decision or any policy implementing the interior Columbia Basin Ecosystem Management Project not prepared pursuant to law, as set forth in chapter 6 of Title V of the United States Code."

In all my years of being on the Subcommittee on Interior of the Com-

mittee on Appropriations, the relevance of the Small Business Regulatory Enforcement Fairness Act has been somewhat questionable. But let us talk about the analysis that is done in an Environmental Impact Statement. It looks at the socioeconomic impact of the EIS.

Now, either we can get serious and decide we want to really pass legislation, and this bill. Frankly, it is fatally flawed, but these limitations are objectionable to the administration every single year because they offend the process. We do not have hearings, we do not get into great detail on these things and, frankly, and the gentleman, of course, has been here for a number of years, but that is why we have authorizing committees and that is why in most instances we should let the authorizing committees deal with these substantive issues and not deal with them in the appropriations process. I think on both sides of the aisle there has been a consensus that we should not do these limitations unless there is just absolutely no other way to deal with the problem.

Mr. Chairman, I yield 10½ minutes to the gentleman from Oregon (Mr. BLUMENAUER) in opposition to the Nethercutt amendment.

Mr. BLUMENAUER. Mr. Chairman, I thank my colleague for yielding me this time to speak against the Nethercutt amendment and in favor of the Dicks amendment.

First, as it relates to what my friend from Spokane has advanced, I think it is important to allow the Columbia Basin Ecosystem plan to proceed. If adopted by this chamber, the Nethercutt amendment would retain the anti-environmental rider, which would block the implementation of this Pacific Northwest plan for forests, watersheds and endangered species.

It is true that it has grown somewhat in terms of scope and dimension. It has done so because that is what has been dictated as in the best interests of the region that we all care about and in terms of what will make the most difference. Careful long-term planning is a help, not an impediment, to the various challenges that we face in the Pacific Northwest.

I have heard my colleague more than once on this floor talk about the problems how this has stretched out over 7 years at a cost of \$45 million. Well, adoption of this amendment, and subjecting yet another requirement to this plan, is only going to make the process more expensive and more time consuming. And, indeed, Congress itself is in no small measure a culprit. Every year that I have been here, since 1996, the Committee on Appropriations has been interfering with the orderly implementation of this review.

Now, as the gentleman from Washington (Mr. DICKS) pointed out, the extension of the Small Business Regu-

latory Enforcement Fairness Act to this study is something that has never before been required. It is vigorously disputed as to its applicability. But most important it opens up a very real possibility that we are going to block the potential Federal Government activity to improve the environmental and management activities in the Columbia River basin.

It is going to make it more likely, not less likely, that a court is going to intervene, possibly issuing a decree that could mandate management plan changes and entirely halting the production of goods and services on Federal lands in project areas throughout its deliberations, and the variety of little pieces that are involved there. It is wrong. We ought to get on with this business. It has the greatest potential of solving some very real problems that we in the Pacific Northwest face.

I would like to speak, if I could for a moment, to something that I consider even more insidious, and that is the underlying amendment that would include restrictions on the ability to have funding to implement the National Monuments Act.

This is a major policy adjustment, as has been suggested by my colleague from Washington, and it would have severe, I hope unintended, consequences. Some may applaud at the prospect of not having law enforcement on our public lands, but that is an extreme position that would not be approved by my constituents, nor I think by the constituents of at least most of us in this Chamber.

It is not going to do us any good to not be able to regulate off-road vehicles, law enforcement, mining, the grazing activities. This is categorically wrongheaded, and it is, in and of itself, why the administration will veto the bill. They would have no choice. But it is an example of the environmental extremism that we hear so often about on the other side of the aisle.

If my colleagues do not like the Antiquities Act, they should go ahead and repeal it. If they do not like what the President has done in any specific designation, they should have the courage to bring a specific bill to Congress and undo it. They do not because these are popular actions, they are things that would be supported by this Chamber, and the environmental extremists on the other side of the aisle would rather play havoc with our ability to manage public land in an orderly fashion.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman's point is right on target, as far as I am concerned. The gentleman mentioned this Small Business Regulatory Enforcement Fairness Act. According to the Department of the Interior, the House requires, under this

amendment, the Federal Government to prepare analysis, to their knowledge, that has never been prepared for any land use planned effort, no matter its scope.

As a result, the House action will unreasonably extend the duration of planning for this project, which, in part, due to requirements placed on the Federal Government by riders to every full year appropriation for Interior since 1996, has already taken 7 years to complete at considerable cost to the American taxpayer.

The thing that I worry about is that we are going to get ourselves into the same mess we did before the forest plan was put into place, and that is that a Federal judge is going to say that we have not done the right things in terms of watershed protection, that we are not protecting these fish under the Endangered Species Act. He will stop all the logging, all the mining, all the grazing, and an injunction issue. And that is the worst possible outcome.

So I am saying to the gentleman from Washington, who I do consider to be a friend and a thoughtful person, that it is time now to let this process go forward and finish this EIS and make the changes that are necessary to protect the bull trout, to protect the salmon runs on the Snake River, to make sure that we are doing the watershed protection so that we do not get the Endangered Species Act implemented in an adverse way in the gentleman's area.

But we cannot simply do nothing. We cannot just say we have no plan, no strategy. I have supported both gentlemen from Washington on the issue of the Snake River dams. But if we are not going to take out the Snake River dams, then we have to do other things to protect the habitat, to deal with hatchery problems, to deal with harvest. And protecting the habitat is a major part of this requirement in order to protect these fish.

I am going to let the gentlemen on the other side here have a chance, because I know the gentleman from Alabama is ready to go, but this amendment is offered in good constructive spirit. I think the strategy of trying to stop any change here is simply not going to work. It is going to wind up with the Endangered Species Act being applied by the Federal judges in a way none of us want, and so we have to make some hard decisions.

□ 1115

We cannot say no to everything. That is why I supported the protection of the Hanford Reach. Because if we are not going to take out the dams, at least we will protect these salmon in the Hanford Reach.

So I appreciate my colleague from Oregon (Mr. BLUMENAUER) yielding to me on this. This is something I feel very strongly about. I think the strat-

egy here of continuing to delay this is a mistaken strategy, and that is why I offered this amendment. And I appreciate speaking on it.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I would just conclude by expressing three things.

First, I would like to acknowledge the leadership of the gentleman from Washington (Mr. DICKS) in attempting to balance a very complex set of issues that we deal with in the Pacific Northwest. And oftentimes I know he must feel like he is the man in the middle. But I think he has addressed this in a direct and forthright manner.

I do not think there is anybody in the Pacific Northwest who has worked harder to reach out to try to find middle ground and to avoid the catastrophe, I think, on all sides of these controversies. If we are going to cede our ability to plan in a thoughtful and manageable fashion and have it done on a piecemeal basis via the courts, I think we ought to move forward in terms of supporting what the gentleman from Washington (Mr. DICKS) has proposed.

I want to make clear that, as far as the national monuments are concerned, my Republican colleagues have been in control here for the last 4 years, and they have been unable to fashion a compromise acceptable to the American public to go ahead and repeal this legislation. And we have been in fact left with, and I am pleased that we still have, an Antiquities Act that has been utilized by 14 Presidents over the course of the better part of this last century, since 1906, Republicans and Democrats alike.

I think it would be a tragedy for this House to use this back-door attempt to try and take away a power to have disastrous consequences on lands that belong to the American public, and they want us to exercise this sort of stewardship.

I would ask them to at least have the decency to bring forward legislation to repeal the Antiquities Act and do this in a straightforward fashion.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the gentleman and everybody on that side voted for two pieces of legislation to not repeal it but to take care of it. And what the gentleman has said and the other gentleman has said about law enforcement and other areas is just not true.

What this does, if this gets through, all that ground will stay under the management plan it now has, which allows for law enforcement, which allows for cars. It does not make any changes whatsoever.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, that is simply not what the Department of the Interior and the Forest Service say. They say that once it is designated as a monument, this amendment applies. They cannot do law enforcement, they cannot do planning, they cannot take care of the visitor. They legally changed the designation and thus would be impacted.

Mr. HANSEN. Mr. Chairman, if the gentleman will continue to yield, I would be happy if he would put in there to repeal that project. I would be very happy to have him do that. And when all else fails, read it and he will see he is wrong.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am going to say this slowly to my friends on the other side just so we keep our eye on the ball here. This requires that the agencies of the Federal Government to deal in land management comply with the law.

Talk about lawsuits. We are going to have big lawsuits if they do not comply with the law and adopt this amendment. That is what we are talking about here.

The means to do justify the end. That is what this administration seems to want to do is just say, we do not care about the law, we just want to get this done.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it has been an interesting conversation. I will stay away from the monuments, but we will talk about that later. We did vote on them on this floor. If the gentleman did not vote for it, he was not doing his duty.

I am a little disappointed that the gentleman from Washington (Mr. DICKS) opposes the Nethercutt amendment. The Nethercutt amendment does exactly what he says it does, it follows the law.

I know the gentleman from Washington (Mr. DICKS) likes to follow the law. He goes to the State of Alaska and catches all my salmon. And the best thing I want to do is have the salmon reestablished on the Columbia River so he quits raiding my fish in Alaska. I mean, especially when he takes numerous amounts of those fish that I would like to take myself.

I would like to suggest one thing. The Nethercutt amendment does exactly what is correct, following the laws that this Congress passed. But this administration has a great tendency to not to follow the law in any way, shape, or form. This is their habit. This is their MO. They care little about this Congress. We are going to do what we think is right and forget the people of America.

Now, the gentleman from Washington (Mr. NETHERCUTT) said it exactly right, the Columbia initiative was in fact a designation and a study on the Columbia River concerning mostly Oregon and Washington, Montana, Idaho, State River, Columbia River, etc.; and it is all being done by the agencies.

And my colleagues want to have a decision that goes against the laws on the books today, a decision made by an administration that does not really follow the law? They want to include this Congress in that decision on how it will affect the local economy? They want to have a decision made now so we do not have further actions by the judicial branch?

I am going to suggest, respectfully, if the Nethercutt amendment is not adopted it will end up in court and nothing will occur and no solution will be reached.

So I am suggesting that the Nethercutt amendment is the right way to go. This is what should be done and will be done if we do what is right.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in opposition to the Nethercutt amendment.

Mr. Chairman, I think this amendment is very poorly directed in a sense that if my colleagues are complaining about whether or not it is too expensive, I think this amendment only makes this process far more expensive. I think, also, the amendment is targeted at trying to declare the Basin Management Plan something that it is not, and that is that it is not a regulatory process, it is a management plan.

All of us have gone through this. We have gone through this in the Sierra Mountains, where we have known that we cannot deal with this on an individualized little watershed bill; we have got to look at the entire ecosystem.

In California we just completed with the governor and the Secretary of Interior the Cal Fed plan. Why? Because if we do not do that, it is very clear that all the pieces in and of themselves are deficient and they are deficient so we end up shutting down the water system in California, whether it is the irrigation system for our farmers, whether it is the drinking water for our cities, because the system cannot be operated in such a fashion.

In order to stave that off, we engaged in comprehensive basin management just as we are talking about on the Columbia River. Because the gentleman from Washington is right, if we stop this process, if we kill this process, then we go back to the status quo. And the status quo, it is a no-brainer for a court to put them right back into the

situation that they are in on the other side of the mountains, on the western side, where they had chaos, where they had just chaos ruling in terms of whether people lost their jobs or communities did not do well or whether the forests were harvested or not harvested.

This is a chance to get ahead of that curve. They spent \$15 million trying to get ahead of that curve. They had endless meetings with local towns and communities and political subdivisions and all of that. And the question is, can they come up with a plan so they can continue to improve this, may continue the viability of the basin.

This is no different than what we are confronting all over the West. And we are doing it so that we can escape the chaos of individualized slapping down of endangered species problems and all the rest of that. Because that is why this plan came into being, because we know what we can front down the road.

So it is very easy that if they stop this, in fact, the evidence is so clear on its face that the judge simply decides that they cannot provide the level of management to provide the kinds of protections that are necessary to the habitat, to the watersheds, to the species; and, therefore, they are back into chaos.

And it is difficult. We have been at this a number of years in California with the Cal Fed process. As difficult as it is, all parts of the puzzle recognize that, with a comprehensive management plan, they in fact are in a better place than what they would be.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I do not disagree with the fact about how complicated and difficult these are to work through. I think we would all agree on that.

But what I keep hearing is how ICBEMP is going to resolve this issue just as the Northwest Forest Plan was resolved on the West side. Is the gentleman arguing that the Northwest Forest Plan is a success and has met its goals?

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, I am arguing that what we have learned is that, absent comprehensive plans that address all facets of the various large basins, the large systems, whether it is the Sierra or the Columbia River or the California water system, absent that, what they get is they get back into chaos because the individual attempts are not sufficient to provide the level of protection. So they find themselves with the court running their systems as opposed to the political leadership and the local communities.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to say this. We have been through this. On the West side, we were enjoined by the Federal judge, no timber harvesting. Zero.

The new administration came in and held a summit in Portland, and nobody was entirely pleased with the outcome, but we got the injunctions lifted. We got some timber harvest restored. We got a \$1.2 billion-a-year plan to help the communities deal with these problems. And we moved on.

What we are talking about here with the Nethercutt amendment is going back to the way we used to do business, and that way is going to lead us to the Federal Court's injunction. And, again, he is going to hurt his own people. That is why I do not understand why he is doing this.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Because, as my colleague knows, the court is back saying the plan that has been put forward after that has been done on the Northwest Forest Plan is still not in compliance. Because the survey and management requirements that were shoved in in the dark of night by this administration says the Forest Service has been unable and may indeed be incapable of meeting. We still are not achieving the goals of that plan.

My point in this debate right here, right now, is that to use that as an example of success is not fair when it has been a failure. I agree we have got to have the science in place.

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, I think that is the case. Listen, they are going to continue to challenge us on Cal Fed from either side, from the agricultural side and from the environmental side. They will continue to challenge us on the Sierra plan. But the fact that they have a plan in place allows the judge to look at that in a much different fashion than if they have nothing in place so the judge can then tinker with the plan, but they are not back into wholesale injunctions on an eco-wide system. So that plan is serious, serious insulation from going back to where they were.

I mean, maybe time has erased our memory what was going on in the Northwest. But take ourselves back to the late 1980s and 1990s, we had total chaos.

Mr. WALDEN of Oregon. Mr. Chairman, if the gentleman will continue to yield, so what he is arguing is that, if we are going to err at all, we need to err on the side of following the law. Right?

Mr. GEORGE MILLER of California. No. The gentleman can say whatever he wants to say.

Mr. WALDEN of Oregon. But the General Accounting Office, in 1997, says that this does constitute a rule in their opinion and, therefore, this small business would follow.

Mr. GEORGE MILLER of California. Mr. Chairman, and obviously, the Department of the Interior and the Department of Agriculture seriously disagree with that. Let us not pretend that they do not.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 15 seconds to just say to my friend from California, not from the Northwest, this is not killing the process at all. We are just requiring that the agencies of the Government comply with the law.

The means do not justify the end.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), a distinguished member of the Committee on Rules.

□ 1130

Mr. HASTINGS of Washington. I thank the gentleman from Washington for yielding me this time.

Mr. Chairman, I want to congratulate my friend from Eastern Washington for all the work that he has been doing on this issue. I do enjoy working with my friend from western Washington. We have worked on a lot of issues together that is obviously important to my district. I do appreciate that very much. But on this issue, obviously there is a basic difference as to how we should approach our economy and our resources in our given area. It is an honest difference of opinion, I think.

What I find very interesting in the arguments that I have heard heretofore from my friend from western Washington and my friend from Oregon, they were saying that if we do not like this process by going through the appropriation process, we ought to use the authorizing process. I have always been a proponent of that, but I would make this point very clear. ICBEMP was never authorized. It was done at a time in 1993 when that side of the aisle controlled both houses of the Congress and for some reason they felt that they did not need to authorize this project. It was put in an appropriations bill and now we are living with the consequences of something that has grown from \$5 million now to \$56 million. It has kind of grown like Topsy and it has grown in scope, too.

Let me make a couple of points that were made by those on the other side as far as their arguments. In his opening remarks, my friend from western Washington was saying that in the planning process, the ICBEMP provides more certainty and it does not take planning out of the local jurisdictions. I would just make this observation. This ICBEMP as it has been expanded in this time period covers some 105

counties in those seven States. Not one of those counties has passed a resolution in support of ICBEMP. In fact, to the contrary, 65 of those counties have passed resolutions in opposition to ICBEMP for the very reason opposite of what the gentleman said, they are concerned that this affects their planning process.

Again, this seems to be a pattern from this administration that we will have these meetings that has been mentioned a number of times, but at the end of the day we are not going to listen to the concerns of those at the local level. That seems to be a pattern over and over and over.

What are the reasons why? I can state one of my large counties in my district, why they are concerned about the Federal Government doing this planning and governing in one area, in the northern part of my district in Okanogan County. They are concerned about how the Forest Service is addressing the issue of noxious weeds. They are not addressing the issue of noxious weeds in the forest land. That is going over into the private lands and it is putting a burden on the taxpayers in that area to fund the noxious weed board. That is just one example why they have a concern about the Federal Government taking over this planning.

Finally, I would like to as far as the resource part of it make this observation, because the Endangered Species Act has been a threat, that if we do not do this, the Endangered Species Act is going to preempt everything, and we will end up in a bad situation. I would make this observation, that unless we listen to the local people that are affected, we are going to be in worse shape than we ever possibly think we could. Because it seems to me the implicit idea or thought process of this administration is to not trust those that are elected at the local level to make decisions. I find that, frankly, wrong.

There is another example in my district where local people have worked together trying to comply with the Endangered Species Act as it is written right now through the HCP process. That was signed a couple of years ago by the Chelan and Douglas County PUDs. It still has not gone through the whole NEPA process yet, but they are very confident that if they go through that process, they can live to the letter of the law with the Endangered Species Act. I for one, by the way, think that the Endangered Species Act ought to be changed, but in the letter of the law they can. Why? Because this is local people working together to come to a solution. But ICBEMP, the way it is structured and what we have seen does not allow for that to happen.

Finally, from the regulatory standpoint here with my friend from eastern Washington's amendment. This area that we are talking about is largely an

agricultural area. There is no huge urban area like Portland, Oregon or like Tacoma or like the Bay Area in California. There is no large urban area like that. It is largely agriculture. If we do not know what the impact is going to be on the farm implement dealers or the farm chemical dealers or the food processors who are largely smaller businesses in that area, then we are not doing a service to those that are going to be affected. That is all that this amendment does, is to say, let us put everything into the mix and follow the law. After all, this is an unauthorized project. If the concern is that it goes for one more year, what is wrong with that, as long as we get it right? Because this will have a big impact on my constituents.

Finally, Mr. Chairman, I urge my colleagues to support my friend from eastern Washington's amendment. I think it is the right thing to do in order to clarify where ICBEMP is going.

Mr. NETHERCUTT. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. I thank the gentleman for yielding me this time.

Mr. Chairman, my constituents are deeply concerned about this interior Columbia Basin management plan. They see this as kind of a classical bait and switch that occurred. Basically what happened is that the Clinton administration proposed this study as a scientific assessment so that we would have a regionwide science that could be applied to the individual forests for the development and the renewal of the individual forest management plans. In the process, the administration went to the local governments and solicited their input and their participation and invited them to participate in the process. As a consequence of that, there was pretty broad support for doing this scientific assessment, because, as the gentleman from California pointed out, it was necessary for us to be able to have local forest management plans, to have regionwide science in the development of those plans.

But along the way, things changed. The administration decided that it was going to shift this from a scientific assessment to a decision-making document. What does that mean? It means that the standards and the rules and regulations that would be determined in interior Columbia Basin would be imposed on the local forests. The consequence of that is that now the individual forests cannot make individual forest management decisions. They have to comply with an increasing number of standards and rules and regulations that are on a regionwide basis. We have heard some talk out here about the success of this in a narrow regional area west of the Cascades. But, Mr. Chairman, the forests and the BLM lands that are being impacted by

interior Columbia Basin are diverse. The species of trees is diverse. The elevations are diverse. The amount of rainfall that occurs is diverse. There is little similarity in these forests except that they are all part of the Columbia River drainage.

In any event, the administration then determined that it was going to basically override the intent of Congress. Congress has said it wants forest management, land management decisions made locally by making an overriding regional decision document.

The problem today is that this Interior-Columbia Basin issue and the Reg Flex issue is kind of caught up in a bigger set of issues. Because right now we have the designation of national monuments going on, the roadless forest initiative going on, mineral and oil and gas withdrawals of the Clinton administration, proposals to breach the dams on the Snake River and ICBEMP all occurring at one time. It is no wonder that the people in this region feel like there is a war being declared on them with all these things happening.

What the gentleman from Washington's amendment is trying to do is deal with just one narrow area. That says that if ICBEMP is going to go through and it is going to be a decision-making document, then let us make sure that it complies with all the laws. If the goal of this device is to eliminate injunctions in court overriding local decisions, then it has to comply with all the law. That is what this amendment intends to do.

I urge the support of the amendment.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY) who is a valued member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, one of the more unfortunate aspects of the present majority's rule of this House over the last several years has been this propensity to attach antienvironmental riders to appropriations bills. Essentially that is what we have here today in this particular context. Seven years ago, the administration embarked upon a plan to improve environmental management in the Columbia River Basin. All of the land affected by this plan, by the way, and very importantly, is public land.

It is not private land. It is public land. It is land owned by all of the people of the country. So my constituents in New York as well as every constituent of every Member of this House has a stake in the development of this plan to manage important public resources in the Columbia River basin. That project has gone forward. It has gone forward very carefully, very intelligently, and in a very open way.

An environmental impact statement has been produced. A supplemental environmental impact statement has been produced. All of the activities

here have been based on good, sound, responsible science. The intention is to improve habitat in the Columbia River, to improve habitat for bull trout, for salmon, to improve recreational resources, to improve timber resources, and to have a comprehensive plan which will stand and which will allow people all across the spectrum, from recreational uses all across the spectrum to extracted uses to be able to use this public land in the most effective and efficient way.

Now we have this amendment to the Dicks amendment which would block implementation of this Pacific Northwest plan for forest watersheds and endangered species. It would do so by attempting to superimpose an aspect of the small business law onto the environmental law, to take one piece of a law and inappropriately attach it to a situation where it does not belong, has no standing, has no meaning and makes no sense.

Therefore alone, for that reason alone, just on the structural basis of it, the technical aspects of it, this amendment ought to be rejected. But it ought to be rejected on much more solid ground and much more important ground, and that is this, we are here discussing the future of a very important part of America. Again, I emphasize, a part owned by all of the citizens of this country, held in trust by the Federal Government, administered by the Bureau of Land Management and other agencies within the Department of the Interior.

Now, everybody has a responsibility to make sure that this works and this antienvironmental rider inappropriately attached to this bill ought to be very soundly and solidly rejected.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to say that just because someone says that it is an antienvironmental rider does not mean that it is. This is complying with the law.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN) who is from the region that is affected by this study, not from outside our region.

Mr. WALDEN of Oregon. Mr. Chairman, it is interesting to follow somebody from New York who has a district along the river much like the Columbia River, the Hudson River. There is a lot of similarity there. The difference is they do not have this kind of a planning process in place by the Federal Government, ICBEMP.

I want to talk for a moment, Mr. Chairman, about the relationship of this requirement for this rule. The GAO, the General Accounting Office general counsel wrote in July of 1997 a letter to Congress that a national forest land and resource management plan generally was considered a rule for the purposes of this Small Business Regulatory Act. Failure to comply with this

act is judicially reviewable and courts have invalidated agency rules on this basis.

All we are asking here is for this administration to follow the law. And if there is a question about whether this is legal or not, would it not be time for this administration to err on the side of following the law if there is a question? Would that not be refreshing?

Mr. Chairman, let me talk for a moment about the monument issue, because we have heard a lot about the Antiquities Act. I have a copy of the relevant statute here. Let me read from it, that "any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument or any object of an antiquity situated on the lands owned or controlled by the government of the United States."

□ 1145

That is what we are talking about, these objects, these archeological fines. It goes on to say, that the Government may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

And then it goes on to talking about archeological sites, small little objects, and we are going to protect the land around it. Ladies and gentlemen, this is not the smallest area possible to protect an archeological find, is it?

These are the areas that have been approved already, and, in fact, I want to point out a factual error because the Hanford Reach National Monument declared a week or so ago is actually 202,000 acres, not 195,000 acres. These are monument proposals all in the works right now that people are talking about, could total 149 million acres, almost 150 million acres. Ladies and gentlemen, the ICBEMP proposal covers 144 million acres.

I want to share with my colleagues the fact that that is an area, if we took all of these national monuments that are being considered by different groups and perhaps this administration into account, this is an area more than all these States combined: West Virginia, Maryland, Vermont, New Hampshire, Massachusetts, New Jersey, Hawaii, Connecticut, Delaware, Indiana, Rhode Island, and the District of Columbia combined.

This administration can do this by fiat. This is not the way to manage public lands in this country. This is a violation of the Antiquities Act. The Antiquities Act is about objects and monuments and those sorts of things. Read it. It is right here; I will share it with my colleagues.

Mr. Chairman, I support the Nethercutt amendment. We can have this science in this planning, and we can have this administration follow the law as well.

Mr. DICKS. Mr. Chairman, I yield 3½ minutes to the gentleman from Washington (Mr. INSLEE), who formerly represented this part of the area, who is a distinguished member of the House and a very strong environmentalist.

Mr. INSLEE. Mr. Chairman, as a Member of the Washington delegation, I rise in very, very vigorous opposition to the Nethercutt amendment. And I would like to share with my fellow Members why I do.

I know this area very, very well, and the Interior-Columbia Basin. It is an area my colleagues should come see. It is an area where Lewis and Clark first encountered the salmon cultures of North America, where they first came down the Snake River and they ran into the Columbia River, and guess what they found? They found an entire people who lived on salmon.

Lewis and Clark in their journals in *Undaunted Courage*, Members should read it, it is a great book, said they could walk on the backs of salmon literally across the small areas of the Columbia River when the first European arrived.

Now, today, we have at least 12 runs of salmon that are endangered. They are on the verge of going to extinction forever at our hands, at our hands, at the hand of the Federal Government, who has not to date acted in their interests to make sure that we do not take natural-use land policies on Federal land that drive them to extinction.

I am here to ask that my colleagues from across the country to come to the aid of the State of Washington to save the salmon that Lewis and Clark first discovered in the Columbia River. And I want to tell my colleagues that if this amendment were to pass, it would gut the most meaningful effort we have to date to make sure that we the Federal Government plays its role in saving these salmon.

Now what would this do, what would the study simply do? It would do what I think is common sense. It would try to have some coordination between the 62 land-use plans, the 32 forest plans that are now independently running off in their separate directions like chickens with their heads cut off. This would send us right back to those old days of agencies not acting in coordination.

I want to address specifically those. I want to address those who are very concerned about the potential of dam breaching on the Snake River, and those are legitimate concerns.

I want to tell my colleagues that the single most effective way we could send us all down this dam breaching road, is to ignore the common sense things we need to do that we hope the Forest Service and BLM will do to help restore habitat. Because I can tell my colleagues this, if we fail in our obligation to restore salmon habitat, if we fail in our obligation to change hatchery processes, if we fail in these obliga-

tions, in these responsibilities, then the potential exists that we do get into a dam breaching scenario.

Those who want to speak about dam breaching, the last thing we should do is to try to stop the Federal Government from taking common sense measures to do something about salmon.

Mr. HASTINGS of Washington. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I just simply want to make this point, because the basis of the argument of the gentleman from Washington (Mr. INSLEE) has been on the salmon, and the implication of his argument is such that only the Federal Government can make the right plans.

My question to the gentleman, since the gentleman used to represent that district that I now represent, is the gentleman aware of the Vernita Bar agreement, which is a local agreement between the local State and Federal Government that has enhanced the salmon runs? In fact, we are now seeing the benefits of that. Because I think the gentleman probably is aware that the spring chinook run coming back to the Columbia River is higher than it has ever been since they started keeping records in the mid-1950s.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to just say this does not gut anything. The Nethercutt amendment simply says comply with the law, so we do not have huge lawsuits later.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think this is a good debate.

Mr. Chairman, one of the gentlemen says that if we have a plan that gives a judge a better opportunity to look, well, look at the tuna dolphin bill, that passed the House, that passed the Senate, over 300 votes here. It was signed by the President, environmental groups supported it, animal rights groups supported it, but the gentleman from California in the other body judge-shopped to get that stopped, and that is why we are talking about this.

I have heard extremists, and I have heard anti-environmentalists to ask the Government to follow the law is not extremist. And I would like to take a look at the things that we are actually looking at in this amendment.

Californians, when they complain, they call it extremists because we do not want to follow the Antiquities Act on millions of acres without review. This is East Coast and all the colored lands in here are owned by the Government.

Now, when we turn this chart around, Mr. Chairman, this is what is in the West. When the President takes Utah and millions of acres and millions of

acres in Oregon and other areas, when the Antiquities Act was met, the average is 47 acres, then that is damaging to California and the West.

Yet we are called extremists because we want to limit that. And all we are asking, and what the gentleman from Washington (Mr. NETHERCUTT) is asking, is that for the Government to follow the law; that is not extremist. That is not anti-environmentalist.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman on tuna dolphin, the Government did not follow the law. They failed to do the studies but went ahead with the action and the judge said, no, the law says you have to do the studies, do the studies.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, the White House, violation after violation of things, look at what Secretary Babbitt has done; and we are saying that in those cases then the Government should have to follow the law, and that is the reason I support the Nethercutt amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would like to ask, my colleague from eastern Washington said talk real slow, the allegation here is following the law. What they are basing this on is a GAO report on the Tongas wilderness. This would subject a precedent that they somehow want to stretch to every land use decision. No court has ever decided this.

This was a GAO opinion from 1973. No court has ever decided it, but I find it ironic that our colleagues on the other side of the aisle are somehow holding up to such reverence a GAO report when they do not do this for mining practices, for timber practices, for abuse in the oil industry. These are all GAO reports that the majority has seen fit to avert their eyes; but here, they would subject every land use process to an opinion that devolves from this one item.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 15 seconds to just point out to the gentleman from Ohio (Mr. BLUMENAUER), he has not read the law with respect to Northwest Mining Association versus Babbitt, 5 F. Supp. 2d 9, DC District Court, 1998. That is absolutely contrary to the statement that the gentleman from Oregon (Mr. BLUMENAUER) has just made.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from Washington (Mr. NETHERCUTT) for yielding me the time.

Mr. Chairman, we really have to focus on what the gentleman from Washington (Mr. NETHERCUTT) is trying to do here. As I sat and listened to the debate last night and as I listened to it today, I find that this side of the aisle is really trying to constrain spending and keep the agencies confined to the letter of the law, while we see the other side not really seeming to care if we go overbudget or spend a lot of money.

Spending and spending seems to be their flavor and the American people are saying pay down the debt and constrain government and constrain spending. Now, this is the biggest, best example, this ICBEMP project, of a project going way overbudget. This is the poster child for the real paralysis of analysis that we find in the Federal Government of overspending, overanalyzing, overregulating and not producing anything for \$56 million, but a huge plan that covers 62 Forest Service plans, multiple States, private property and State property.

All they have done is plan for \$56 million. My colleagues, the Dicks amendment attempts to override reasonable language requiring the administration to follow the law, and that is all the Nethercutt amendment is doing. We should not have to be here, but the agencies tend to ignore the law. What the gentleman from Washington (Mr. NETHERCUTT) is doing is saying it simply is not fair as the Congress had recognized before in the Small Business Regulatory Enforcement and Fairness Act. It simply is not fair for a small business not to have the impact of government agency decisions analyzed.

The Forest Service and all of the agencies must comply to that. We should not even have to be here, except the gentleman from Washington (Mr. NETHERCUTT) is having to remind the agencies and this administration once again we simply need to follow the law. The ICBEMP decision will have major impacts on small businesses, in Idaho, Montana, Oregon and Washington; and this administration ignores its responsibility under the law. And Congress must not condone its efforts to side-step the law.

Mr. DICKS. Mr. Chairman, I yield myself 15 seconds. Mr. Chairman, I find it hard to believe that in one breath we can say we are going to delay this process now for 7 years and then complain about the fact that it has cost \$56 million to do the process.

If we stop delaying it, let them issue the Record of Decision, we can get on with this. We have looked at the socioeconomic consequence in the EIS.

THE CHAIRMAN. The Chair would advise both Members that the gentleman from Washington (Mr. DICKS) has 4 minutes remaining and the gentleman from Washington (Mr. NETHERCUTT) has 1½ minutes remaining and the right to close.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL), who survived the fires; and we are glad he is here.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding to me.

Mr. Chairman, it seems to me that the issue here is one of do we proceed on a piecemeal basis with the devastating consequences that we have had or do we proceed and look at the overall basin. All of us know that the great explorer that came out West, John Wesley Powell, when he looked at organizing governmental units in this area, said we ought to look at basins; we ought to look at watersheds. And we did not take that advice, and what we have gotten today is a piecemeal approach.

□ 1200

It has been absolutely devastating to the natural resources, to the salmon, to the watershed, to the forest.

So what we have today is an attempt, what we have today is an attempt, to continue piecemeal, to continue to go into court, to continue to try to bog and slow down the process, rather than look at the whole Columbia River Basin. That is what the issue is here today, and it is an important issue, and it is an issue.

I am from the West. There have been criticisms here from the other side turning around and saying, oh, these Easterners should not be able to talk. We ought to look at all of our basins in the West. I am willing to have the Rio Grande looked at. We are looking at the Columbia River Basin. We ought to continue to look at a sound scientific approach on our river basins.

So I would urge all of my colleagues, all of my colleagues, to reject this amendment. It is antienvironmental, it is a return to a piecemeal approach, and it is not the approach that we should be heading into in the 21st century in terms of dealing with our resources.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to say that I am interested in the gentleman from New Mexico's comments. The gentleman has come out and says he wants to breach the dams in the lower Snake River. So I do not give much credibility to the idea that this is somehow antienvironmental. It is just not.

Mr. DICKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), for a comment on the legal issue.

Mr. BLUMENAUER. Mr. Chairman, I went over and looked at the citation from my colleague from eastern Washington, and I apologize for not being conversant with it, but it seems to me quite clear that what that is, it talks about this as potentially reviewable.

The point I made is that there is no judicial determination on point that would apply this to a land use planning process, and I stand by that assertion.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say to my friend from Washington, we have had a very spirited debate here today. We have discussed this issue. The administration feels very strongly that further delay of this draft environmental impact statement is counterproductive, because what we are trying to do is to protect this habitat and make sure that we restore these salmon runs, and also to make sure there is some commodity production on the lands that the gentleman is concerned about.

What the gentleman is opening himself up to by further delaying a rational answer, a scientifically credible, legally defensible answer, is the same kind of injunction that we got on the West side which led to a total halt in all timber harvesting. So it is a high-risk strategy that I think will fail.

I must say also to my colleagues, who say do not breach the dams in the Snake River, if you are not going to do that, and I agree with you on that issue, but if you are not going to do that, then you have got to do something to protect this other habitat, so that we can restore these fish runs, so we can restore the bull trout, restore the salmon runs on the Snake River. Yes, they may be healthy on the Columbia River, but we have endangered listings on the Snake River.

One cannot stop everything and say you are addressing the problem. What government is about is coming forward with leadership, coming forward with proposals, working these things out. Our State had the forest and fish plan, we have had habitats conservation plans, where good people get together and work these things out.

I say to the gentleman, it is time to stop blocking this ICBEMP proposal, because you are undermining our ability to solve these environmental problems.

Mr. NETHERCUTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentleman's passion, but he is wrong. We are not trying to stop anything. We are trying to make this government comply with the law. Everything that has been done, the \$56 million that has been submitted on this issue, it is going to remain. We are not going to stop anything. But, doggone it, if you are from the east side of the State of Washington, and the gentleman is not, these decisions by these agencies have real consequences on our people.

So I am not persuaded by the idea that this is somehow stopping anything. It is simply saying comply with the law. That is something this administration has not done. It ought to stop right here.

We are going to use this ICBEMP project, but, doggone it, do it right. Do not rush to judgment and use any means to get to your end, and that is lock up our region, frankly, and do things that are going to hurt our people.

So this is in the best interests of our people. We are going to have litigation if we do not do this, my friend; we are going to have litigation if we do not do it.

So I am saying to my friends is, this issue is separable from the national monument issue, and all the crying about antienvironmental is just wrong. This is the most environmental thing we can do, is make sure we are not tied up in litigation on the other side of the issue.

Comply with the law, administration; do what you are supposed to do, and do not confuse this with some antienvironmental attitude. It is not. I urge my colleagues to support this amendment and do the right thing for this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) to the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 7, as follows:

[Roll No. 279]

AYES—206

Aderholt	Coburn	Goodlatte
Archer	Collins	Goodling
Armey	Combest	Goss
Bachus	Cook	Graham
Baker	Cooksey	Granger
Ballenger	Cox	Green (WI)
Barr	Crane	Greenwood
Barrett (NE)	Cubin	Gutknecht
Bartlett	Cunningham	Hansen
Barton	Davis (VA)	Hastings (WA)
Bass	Deal	Hayes
Bateman	DeLay	Hayworth
Bereuter	DeMint	Hefley
Biggert	Diaz-Balart	Herger
Bilbray	Dickey	Hill (MT)
Bilirakis	Doolittle	Hilleary
Bliley	Dreier	Hobson
Blunt	Duncan	Hoekstra
Boehlert	Dunn	Horn
Boehner	Ehlers	Hostettler
Bonilla	Ehrlich	Houghton
Bono	Emerson	Hulshof
Brady (TX)	English	Hunter
Bryant	Everett	Hutchinson
Burr	Ewing	Hyde
Burton	Fletcher	Isakson
Buyer	Foley	Istook
Callahan	Fossella	Jenkins
Calvert	Fowler	Johnson, Sam
Camp	Frelinghuysen	Jones (NC)
Canady	Galleghy	Kasich
Cannon	Ganske	King (NY)
Castle	Gekas	Kingston
Chabot	Gibbons	Knollenberg
Chambliss	Gilchrest	Kolbe
Chenoweth-Hage	Gillmor	Kuykendall
Coble	Goode	LaHood

Largent	Pitts
Latham	Pombo
LaTourette	Portman
Lewis (CA)	Pryce (OH)
Lewis (KY)	Quinn
Linder	Radanovich
Lucas (OK)	Regula
Manzullo	Reynolds
Martinez	Riley
McCollum	Rogan
McCrery	Rogers
McHugh	Rohrabacher
McInnis	Ros-Lehtinen
McIntosh	Royce
McKeon	Ryan (WI)
Metcalfe	Ryun (KS)
Mica	Salmon
Miller (FL)	Sanford
Miller, Gary	Scarborough
Moran (KS)	Schaffer
Nethercutt	Sensenbrenner
Ney	Sessions
Northup	Shadegg
Norwood	Shaw
Nussle	Sherwood
Ose	Shimkus
Oxley	Shuster
Packard	Simpson
Paul	Skeen
Pease	Smith (MI)
Peterson (PA)	Smith (TX)
Pickering	Souder

NOES—221

Abercrombie	Filner	Matsui
Ackerman	Forbes	McCarthy (MO)
Allen	Ford	McCarthy (NY)
Andrews	Frank (MA)	McDermott
Baca	Franks (NJ)	McGovern
Baird	Frost	McIntyre
Baldacci	Gejdenson	McKinney
Baldwin	Gephardt	McNulty
Barcia	Gilman	Meehan
Barrett (WI)	Gonzalez	Meek (FL)
Becerra	Gordon	Meeks (NY)
Bertsens	Green (TX)	Menendez
Berkley	Gutierrez	Millender-
Berman	Hall (OH)	McDonald
Berry	Hall (TX)	Miller, George
Bishop	Hastings (FL)	Minge
Blagojevich	Hill (IN)	Mink
Blumenauer	Hilliard	Moakley
Bonior	Hincheley	Mollohan
Borski	Hoefel	Moore
Boswell	Holden	Moran (VA)
Boucher	Holt	Morella
Boyd	Hooley	Murtha
Brady (PA)	Hoyer	Nadler
Brown (FL)	Inslee	Napolitano
Brown (OH)	Jackson (IL)	Neal
Capps	Jackson-Lee	Oberstar
Capuano	(TX)	Obey
Cardin	Jefferson	Olver
Carson	John	Ortiz
Clay	Johnson (CT)	Owens
Clayton	Johnson, E. B.	Pallone
Clement	Jones (OH)	Pascrell
Clyburn	Kanjorski	Pastor
Condit	Kaptur	Payne
Conyers	Kelly	Pelosi
Costello	Kennedy	Peterson (MN)
Coyne	Kildee	Petri
Cramer	Kilpatrick	Phelps
Crowley	Kind (WI)	Pickett
Cummings	Kleccka	Pomeroy
Davis (FL)	Klink	Porter
Davis (IL)	Kucinich	Price (NC)
DeFazio	LaFalce	Rahall
DeGette	Lampson	Ramstad
DeLauro	Lantos	Rangel
Deutsch	Larson	Reyes
Dicks	Lazio	Rivers
Dingell	Leach	Rodriguez
Dixon	Lee	Roemer
Doggett	Levin	Rothman
Dooley	Lewis (GA)	Roukema
Doyle	Lipinski	Roybal-Allard
Edwards	LoBiondo	Rush
Engel	Lowey	Sabo
Eshoo	Lucas (KY)	Sanchez
Etheridge	Luther	Sanders
Evans	Maloney (CT)	Sandlin
Farr	Maloney (NY)	Sawyer
Fattah	Markey	Saxton
	Mascara	Schakowsky

Scott	Strickland	Visclosky
Serrano	Stupak	Walsh
Shays	Tanner	Waters
Sherman	Tauscher	Watt (NC)
Shows	Taylor (MS)	Waxman
Sisisky	Thompson (CA)	Weiner
Skelton	Thompson (MS)	Wexler
Slaughter	Thurman	Weygand
Smith (NJ)	Tierney	Wise
Smith (WA)	Towns	Woolsey
Snyder	Turner	Wu
Spratt	Udall (CO)	Wynn
Stabenow	Udall (NM)	
Stark	Velazquez	

NOT VOTING—7

Campbell	Lofgren	Young (FL)
Danner	Myrick	
Hinojosa	Vento	

□ 1226

Ms. MCCARTHY of Missouri, Mrs. ROUKEMA, and Messrs. ANDREWS, PORTER, and PETRI changed their vote from “aye” to “no.”

Mr. SCARBOROUGH changed his vote from “no” to “aye.”

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN: Without objection, the gentleman is recognized for five minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on the Interior of the Committee on Appropriations.

As the gentleman is aware, the Stone Lakes National Wildlife Refuge is in my Eleventh Congressional District in California. Due to the controversy over its existence and management, the chairman has been instrumental in limiting funds from being spent on land acquisitions for the refuge. I thank the chairman for his support over the years on this issue.

Unfortunately, it has come to my attention that the U.S. Fish and Wildlife Service has intentionally ignored the direction from the Congress and commitments made to myself on this issue. The Service has been actively seeking and approving land purchases for the Stone Lakes refuge. One documented purchase used CVPIA funds, Land and Water Conservation Funds, National Fish and Wildlife Foundation Funds, Packard Foundation grant money, and Stone Lakes environmental grant money. The amounts used for these various sources totaled over \$1.9 million.

It gets better. When the Director of Fish and Wildlife Service was asked about this, she was not immediately aware of the purchase of land at Stone Lakes.

□ 1230

Apparently the regional manager initiated and approved the purchases without consulting her office. This action was in violation of congressional

direction, and violated instruction from the director that proposed purchases for this refuge be brought to her attention.

While I would like to see the purchase negated, the damage is done. The innocent landowner who sold his property was lied to and misled about the Federal Government's authority to buy his property for Stone Lakes. The Federal taxpayer is out the money and Congress has been ignored.

I have contacted the director of Fish and Wildlife, and we have met this morning. However, as the Representative of the area in question I must act to ensure that there is a consequence to this ill-advised Federal action.

Mr. Chairman, in light of the Fish and Wildlife Service's blatant disregard of the direction of Congress I ask that the gentleman work with me as this bill moves forward in conference to include the strongest language possible to prevent any funds from being spent or handled by the Department of Interior for purposes of buying land or easements for Stone Lakes, including administrative funds. I also ask that such language address the Department's escalating acceptance of non-Federal funds to carry out purchases of land and easements. The routine practice of foundations and conservation organizations giving money directly to the Department has contributed to problems at Stone Lakes. Without congressional oversight or accountability, the Department is bound to repeat history.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. REGULA. I thank my colleague for bringing the Stone Lakes situation to my attention. I am very concerned over the actions taken by the Service and the disregard of congressional intent and of the commitments made to the gentleman by the director of the Fish and Wildlife Service.

The committee held a hearing this year to address the multiple sources of funds used by the Service to establish refuges and acquire land. At the request of the committee, the General Accounting Office looked at this issue. At the hearing, the GAO reported several facts that are cause for alarm and relate to the gentleman's problem. Let me share a few of the GAO's findings with the gentleman.

One, the Fish and Wildlife Service established 23 new refuges in the 5 years from 1994 through 1998. Fifteen of those refuges were established with non-appropriated funds, donations and exchanges. Congressional approval, or even notification, is not required to establish a refuge with nonappropriated funds. After establishing refuges with donated funds, the Service routinely adds more land to those refuges with appropriated funds.

The Service has authority to acquire land for many different habitat and endangered species preservation purposes. As a result, just about any piece of undeveloped land appears to be a potential target for land acquisition by the Service.

The Service has many different sources for Federal land acquisition, appropriated funds through the Land and Water Conservation Fund and the North American Wetlands Conservation Fund, nonappropriated funds through the Migratory Bird Fund, and donations and land exchanges.

To complete the land acquisition for all the current and planned refuges will require about \$4 billion.

The Service continues to create new refuges and expand existing refuges. Six new refuges were created in 1999.

The CHAIRMAN. The time of the gentleman from California (Mr. POMBO) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, will the gentleman continue to yield?

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the Service does not consider the annual operations and maintenance requirements associated with establishing new refuges when making its decisions on refuge establishment.

I want to say to the Members, I think this really goes around the policy-making responsibility of the Congress to have this happen, and I think we need to address this issue in statute and require the Congress to have a voice in the establishment of refuges, because we end up with the cost of maintaining them.

I want to assure the gentleman that I will work with him on this issue as this legislation moves into conference with the Senate.

Mr. POMBO. I want to thank the gentleman for all of the help he has given me on this issue over the year and I look forward to working with him.

AMENDMENT OFFERED BY MR. HANSEN TO
AMENDMENT OFFERED BY MR. DICKS

Mr. HANSEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN to the amendment offered by Mr. DICKS:
Strike "planning and management of national monuments, or".

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 14, 2000, the gentleman from Utah (Mr. HANSEN) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the great conservationist Teddy Roosevelt could see, as

he went through the West, and he was very familiar with the West, that there were some things that needed protection. So he asked Congress to pass a law, and that was called the Antiquities Law that was passed in 1906.

It is kind of fun and interesting to go back and read the information regarding the Antiquities Law. As they stood on the floor and debated it, they said what is this really going to do? Between the gentleman from Texas and the other gentleman, they said it will protect the cave dwellers, or what they had there, and it should be called the cave dwellers bill.

In this particular instance, what does it say? It amazes me, Mr. Chairman, because we have passed two previous pieces of information about this, 408 to 2 this year and one the term before, but very few people even take the time to look at the law.

As Chairman John Sieberling used to say, when all else fails, read the legislation. I could not agree more with that.

When one goes to what this does, it talks about going into these pre-historic ruins and what one can and cannot do. Then in the next section it says this, the limits of which in all cases shall be confined, now keep this in mind because everyone seems to ignore this, shall be confined to the smallest area compatible to protect that site.

What sites does it talk about? It talks about archeology. The Rainbow Bridge is a great example of a monument in archeology.

It talks about historic. Where the two trains came together and we called it the Golden Spike is a great historic example of what we have.

Out of these things, and many people have argued this, they say, gee, we would not have the parks without these.

Out of the Monuments Act came the Grand Canyon, came Zion's and others, but we did not have other laws up to that point.

Now, I say that many of the presidents that my colleagues on the other side have talked about did a good job and they created these very small, unique areas. However, along comes this administration, we have another thing happen. In September of 1996, the President of the United States went to the Grand Canyon and created the Grand Staircase Escalante. He forgot to tell anybody about it. Let us say they intentionally told nobody about it.

Out of that, they did not take a small thing like the law says. They did not mention an archeological or historic or scientific thing, like the law says, but they went ahead and did 1.7 million acres.

We were very curious, why did they do that? So we subpoenaed that. We even wrote a little book. I hope somebody has read it. I doubt it, from the

arguments I have heard about this, but it is called Behind Closed Doors.

Now let me read from this book what they say. McGinty, who was the chairman of the Council of Environmental Quality, she says this, I am increasingly of the view we should just drop this Utah issue. These lands are not really in danger.

Now, I would say to my colleagues, please listen to this if they would. This is a letter we had as we subpoenaed these papers. The real remaining question is not so much what the letter says but the political consequences of designating these land as monuments, now listen, please listen, when they are not really threatened with losing wilderness status and they are probably not the areas in the country most in need of this designation.

Now listen to this. I talked about what other presidents have done. Now listen. Presidents have not used their monument designation authority in this way in the past; only for large, dramatic parcels that are threatened.

Do we risk a backlash from the bad guys? I guess I am one of those. It talks about it, but the discretion is too broad. So now we find ourselves in a situation where, where is all of this going? From that time to this time look at all of these on this map that have now come about; every one of them exceeding what the law says.

Do we designate what it is? No. Do we use the smallest acreage? No. And we find ourselves in a position where we are losing this.

I find it interesting that the Secretary of Interior, Mr. Babbitt, to the Denver School of Law said this, it would be great to get these protection issues resolved in the congressional legislative process, but if that is not possible I am prepared to go back to the President and not only ask, not only advise but implore him to use his power under the Antiquities Act and say, Mr. President, if he does he will be vindicated for generations to come.

So we have a brand new abuse, a brand new way to use it, never been used before until this President comes about.

I would ask people to realize what is happening now and all over America is for political purposes, and if they do not believe that, please read what the White House says, what the Department of Interior says. To me, in my opinion, I cannot believe that we are letting anyone do this.

Article 4, section 3 of the Constitution says the ground of America is the purview of Congress, not the purview of the President of the United States.

This act has outlived its usefulness, but as we saw from the gentleman from Oregon what we are going to see is a whole bunch of them, 25 more they are telling me. Why does somebody not just say let us put the whole West in? Let us put all western States in and

call it the Western National Monument and get it over with. It will not mean anything, but it sure will make a lot of people happy around here. Nothing will change but it may make a few people happy around here, because nothing has changed now.

Let me use the Grand Staircase as an example. We talk about protection. Do we realize under the management plan of all of these areas, which it can still do, we have more protection than we do under the Antiquities Act?

Now my friend from Washington and the gentleman from Oregon said, oh, we cannot work these lands if this happens. Here is the report, written by the Committee on Appropriations. Nothing in this language prevents either Secretary from managing these Federal lands under their previous management plan.

So what happens? They just go on as ever. They can call it that, but nothing happens. They can have police protection. They will continue to manage the plans. That is a red herring.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member, who has done a lot of work and research on the Antiquities Act.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me the time.

Mr. Chairman, this is not a static country. In the next decade, we will have 20 to 25 million new people added to our population. We will have 35 to 40 percent more commercial airline flights, God help us all. We will have about 35 million more people knocking on the doors of national parks.

If one does not think that those parks are overburdened, I invite them to visit Yellowstone or Yosemite or any other of a couple dozen national parks around the country and see how much people are crammed in.

It is in the national interest of the United States for additional areas of special value to be preserved for future generations.

Now we have heard an attack on President Clinton for abusing his power in adding 9 additional national monuments to the Nation's storehouse.

I would like to cite what the record has been since 1906. Teddy Roosevelt, and I recognize that the former Speaker of the House, Mr. Gingrich, indicated that one of his goals was to eliminate the Roosevelt legacy from the Republican Party and return it to the philosophy of William McKinley, but nonetheless, thank goodness, Teddy Roosevelt served a wonderful stint as President and he acted 18 times to put aside territory just like this.

William Howard Taft, that well-known "leftist," acted 11 times. Har-

ding, Harding, that terrible, terrible "liberal," added 8 to the national storehouse. Calvin Coolidge, that well-known "champion of activist government," added 14.

□ 1245

Herbert Hoover, that well-known enemy of rugged individualism, let us see, he added 12. Then we had Eisenhower and Nixon. We know how far left they were. Right? They added eight. Wilson added 12. FDR was the champion of them all, 23. Harry Truman, Harry Truman is the Democrat the Republicans love to quote but hate to emulate; he added seven.

So now my colleagues are beating up on President Clinton for adding nine. The fact is, out of 151 that were added to the national storehouse since 1906, nine of them have been added by this President. That is hardly out of line with the historical record for the previous occupants of that office.

There is only one I see who was literally asleep on the job when it came to having an opportunity to add protected areas to the national storehouse. That was President Bush who did a grand total of one.

So it seems to me that President Clinton is well within the historical tradition of the country in doing exactly what he has done. I would also say that, despite the fact that my good friend indicates that the Secretaries maintain the ability to manage these lands as their former status would indicate, as forests or as wilderness, or as wildlife refuges, the general counsel has said that is not true. So we do not believe it is true. At best, it is an open question.

So it seems to me that we ought to stick with the amendment of the gentleman from Washington (Mr. DICKS). What the President is trying to do is do what this Congress has not had the gumption to do, and I congratulate him for it.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I was listening with great interest to the statement of the gentleman from Wisconsin (Mr. OBEY). But if one took all the land of all the Presidents that set aside those monuments, it equals one-third of what this President has done in the past 3 years. The original intent of the Antiquities Act was not to set aside vast areas of land; it was to set aside those that are special.

I challenge anyone to show me where any of the areas this President set aside in the massive acreage that has occurred that has anything specifically special in those great borders. If it was special, that one small area should have been set aside. But this President is using this act, which was never intended to do so, to designate and to dictate the use of lands.

Under the Constitution, it says only the Congress shall have that responsibility. For this Congress and that side of the aisle and the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and the rest of my colleagues to acquiesce to the executive branch is unconstitutional. My colleagues swore right up as I did, I swore to uphold the Constitution of the United States of America. Yet, we sit in this body and allow this act to be misused by this administration and say, oh, it is to protect those lands.

By the way, there was no local input, no understanding what effect would occur economically, culturally, psychologically. It was decided downtown, in big Washington, D.C., who knows best for all. This is against the Constitution. He is not protecting what should be protected. He, in fact, is running this as a fiefdom and a kingdom.

This Congress, to my knowledge, has never accepted any one of his monuments by the Representative from that district. If one goes back and checks Truman and Roosevelt and all those others, he did it in consultation with that Representative that was duly elected by the people. I challenge the gentleman from Washington (Mr. DICKS) to show me one Congressman that supports that area as declared a monument.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), who has been a strong protector of the environment.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment. We need to reject this amendment and strike the rider.

The language needs to be stricken because its effect, to put it very bluntly, would be perverse. This language would put land in newly created national monuments in a state of limbo. The lands would remain national monuments; but the design, the planning and management necessary to fully protect the lands and to make them accessible could not be accomplished.

Who could possibly gain from keeping lands in this sort of halfway-house condition? Nobody.

Not those who want to preserve the environmental value of the lands. The prohibition in this rider would block the planning and management needed to protect the environmental and cultural values that prompted the monumental designation.

Not those who want recreational access to the lands. The prohibition in this rider would prevent the development of programs or centers to enable the public to take greater advantage of the lands.

Not even those who have mineral or other economic interests in these lands. The prohibition in this rider would prevent the development of rules

and policies that would determine how to handle their claims.

So why would anyone propose a rider that cannot help anyone concerned about national monuments and a rider that would cause this entire bill to be vetoed to boot? The reason is that the proponents of this rider want to signal their opposition to the 1906 Antiquities Act itself and with the particular monument designations that have been made this year.

But they have plenty of other ways to do that directly. The Congress could amend the Antiquities Act. The Congress could override any particular monument designation. The Congress could reject any particular management plan for a monument. Congress has all the direct authority it needs to have a full debate about lands policy.

But they do not want to do that because Congress has repeatedly shown its unwillingness to significantly alter with monument authority or designation. So, instead, we have a rider to try to do it in an indirect and inartful way through the appropriations process which could not be done through direct congressional action; namely, derail efforts to protect Federal lands through the use of the Antiquities Act. That is a misuse of the appropriations process, and it is especially misguided in this case because the direct impact of the language is so counterproductive.

So I urge my colleagues not to turn the discussions on this rider into a debate over the legitimacy of the Antiquities Act or the wisdom of any particular monument designation. If Congress wants to weigh in on these matters, it can and should do so directly. In any event, the rider leaves the act and all recent proclamations entirely intact.

This debate should be about the specific language in the rider which will leave the status of the land in an uncertain State which would hobble efforts to protect Federal lands and which would improperly take advantage of the appropriations process. It is a bad rider, and it should be stricken.

I urge a no vote on the Hansen amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman from New York (Mr. BOEHLERT) on his statement and make this point: the effect statement of the Department of Interior basically says that, if this language passes, that we have basically neutered or gutted the Antiquities Act. It makes it impossible for the President to protect these important lands.

Mr. BOEHLERT. That is exactly right, Mr. Chairman.

Mr. DICKS. Mr. Chairman, the other point I want to make is he does not just go out and do this on any land. It

has to be land that has previously been under Federal management. In most cases, they are still hunting and hiking and canoeing and other things that can be done on this land.

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct.

Mr. DICKS. Mr. Chairman, we are not instantly creating wilderness. So the gentleman is a moderate, a centrist, one of the most respected Members of this House. I think this language goes way too far. I think it will be a bad thing for, not only this President, who a lot of the people in this Chamber do not seem to like, but for the future President who may want to protect an important monument for this country.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman from Utah for yielding me this time.

Mr. Chairman, I am very much in favor of this amendment. The previous remarks that were made by the gentleman from western Washington (Mr. DICKS) and by the gentleman from New York (Mr. BOEHLERT) was that this land had to be under Federal ownership. That is exactly right.

But let me tell my colleagues about what happened in my district with the latest monument that was created. Those lands largely in the early 1940s were under private land; but because of the Second World War, the Government took them over.

Now, the Hanford Reach runs through that area. For those of my colleagues who do not know, the Hanford Reach is the last free-flowing stretch of the Columbia River. The issue, the people will talk about the Hanford Reach and say we need to protect it for spawning reasons. Well, this Congress already acted on that. In 1995, we passed a bill to prevent any dam building, any dredging, any channelling of that river. So the spawning beds are already protected. What we are talking about is the lands surrounding the river.

Now, there has been a lot of discussion on this, and there are different ideas. My idea is an idea that is proposed by a citizens committee that worked for nearly 2 years coming up with a management plan that is in opposition to a one-size-fits-all Federal plan.

What they came up with is a shared plan that involved the Federal Government, that involved the State government, involved the local government. It allowed for local decision-making for the people that live and work and recreate in that area.

But with this action of the monument, with this action of the monument, all of this work is taken away. As a matter of fact, this monument designation for the Hanford Reach is more likely, more extreme than any

bill that had been introduced addressing this issue in the time that I have been in Congress.

So I think, frankly, it is a slap in the face to those that live and work in that area. I think that the amendment of the gentleman from Utah (Mr. HANSEN) is exactly the right amendment, because what we are talking about here, as the gentleman from Alaska (Mr. YOUNG) pointed out, is an abuse of power and process by this President in designating monuments. This is a classic example of how that has happened because the people in that area came up with the plan.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition.

Mr. Chairman, this amendment and this debate is really about America's lands. It is not about the lands that any one Member of Congress controls. It is not about the lands of any one State. It is about the lands of this Nation, the great public lands that belong to all of the people of this Nation.

This summer, millions of Americans will set off with their families to visit our wilderness areas, to visit our national parks, to visit our national monuments, to visit our historical sites, one, because they want to enjoy the historical aspects, the cultural aspects of these great lands, of the tradition of our country, of the history of our country. They want to share that with their children, with their grandparents, their grandchildren. Many of them will remember when their parents took them on such a trip.

Because of the bold actions of this President, the vision of this President, of this administration, to think about the future, to think about the threat to these lands, they will be able to do that, and their children will be able to do that, and their grandchildren will be able to do that.

They will be able to visit the pinnacles of the midcoast of California whose protection is enhanced because of the enlargement of that monument. They will be able to visit the 3,000-year-old Sequoia trees that reach 300 feet into the air because this President made them a national monument. Because if we do not do this, we go back to the old management regime, if my colleagues believe what the gentleman from Utah (Mr. HANSEN) said, that everything just goes back to the way it was. The way it was, we were cutting the Sequoias. We were destroying the environment of the Sequoias.

The Sequoias, the cathedral trees, the largest of the largest were threatened by the actions around them. That is why this President took his action. This is a gift. This is a gift to our Nation, just as Yosemite was a gift to our Nation, just as Glacier was a gift to our Nation, the Grand Canyon and the Everglades.

This is a gift to our people, of having the foresight to go in, whether it was Teddy Roosevelt or Franklin Roosevelt or President Clinton, to go in and understand the threat and the need to preserve these lands, to understand that this country is filling up with people, that California is filling up with almost 35 million people, and that they want a place to go and to take their families so that they can recreate, that they can enjoy the history.

□ 1300

Because of the actions of this President in southern Oregon, parts of the Oregon Trail will be preserved so people can go there and undertake and look at the remarkable actions of the people who had the courage to set out from the Mississippi River to settle the West.

A member of my family walked that five times, bringing young people to the west from Missouri. A member of my family set out and he walked that first group, his children, as a wedding gift, because he thought they were too young to cross the country by themselves. They were 15 and 16 years old, they were married and they were going West. They ended up in Eureka, California, where this President had the foresight to protect the Headwaters Forest, the great cathedral trees of the redwoods on the North Coast, like the great cathedral trees of the Sequoias.

This amendment should be rejected because this amendment is an attack on our culture, our history, our legacy, and the great environmental assets. If my colleagues go to a foreign nation, their people will talk about our national parks, the so-called crown jewels. Talk to the businesses in these areas, and they will talk about the economic engines that wilderness areas, that monuments, and that national parks become for the business communities and for local communities.

This amendment should be rejected and America's wild lands and America's great environmental assets should be protected.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind members in the gallery that they are guests of the House, and either approval or disapproval of any statements made by the Members is against the rules of the House.

Mr. HANSEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Utah (Mr. HANSEN), and I would simply say to the House that, sadly, what the preceding speaker is telling us is that the ends justify the means. If we mean well; if we, through good intentions or perhaps a form of arrogance, say we are better than others, that our motives are more pure than the Constitution of

the United States, well, then, the law really makes no difference.

Perhaps, my colleagues, it would be good to actually listen to the words of the Constitution that we all swear to uphold, protect and defend; article 4, section 3, the second paragraph. "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

My colleagues, the history was laid out correctly by the gentleman from Utah. The Antiquities Act was designed to protect archeological treasures and, really, in the fullness of time, to jump start a national parks system. The problem we have is not the Antiquities Act, it is not living up to the Antiquities Act, not setting aside the smallest amount of land possible and ignoring the process of turning to the Congress for Congress' constitutionally mandated responsibilities.

Indeed, to see a friend from Arizona, the Secretary of the Interior, testify in front of a congressional committee and to have the Secretary of the Interior asked what his intention is regarding these lands; could he tell this committee what lands he plans to designate, and then to have the Secretary of the Interior say no, my colleagues, that is contempt of Congress. That is contempt for the Constitution. That is not love of the land.

This is not a question of preservation and conservation. We all believe in that. There are ways to do that. And whether it was Franklin Roosevelt or Theodore Roosevelt, other presidents have acted in consultation with the Congress. That is what is important. And in our drive to preserve and protect lands, let us not destroy the Constitution.

Mr. Chairman, on another note, if my friends on the left want to acquiesce here, then none of them should ever stand in the way of any president who wants to usurp his constitutional authority vis-a-vis our military.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the Hansen amendment.

I want to give my colleagues a sense of how the administration feels about the subcommittee action and why they believe that it is so dangerous.

"Although not completely clear on the face of the rider, its prohibition on managing national monuments as national monuments during FY 2001 is intended to effectively repeal the President's proclamations made since the end of FY 1999." Very cleverly written language, by the way. "This intent is made clear in the Committee report, which calls on the Secretaries of the Interior and Agriculture to continue previous management scenarios until such time as Congress ratifies the Monument declaration. As described in

the report, then, the amendment would repeal the effect of recent monument proclamations until Congress ratifies them, thus effectively nullifying the President's exercise of the authority Congress gave him in the Antiquities Act.

"The Antiquities Act has been one of the Nation's most effective protection tools, implemented by both Republican and Democratic administrations since 1906. The proposed amendment, a rider to an appropriations bill, would essentially neuter the Antiquities Act by denying the responsible Federal agencies the ability to enforce key elements of the monument proclamations made since 1999. In the Antiquities Act, Congress vested in the President the ability to act quickly to protect portions of the existing Federal estate. In this appropriations provision, added without the congressional consideration that would normally accompany the substantive modification of an authorizing statute, the subcommittee is attempting to undo much of that authority for areas designated since 1999. The amendment would effectively strip the President of his ability to protect objects of historic and scientific interest for their unique value and for the enjoyment of the American people.

"A related effect of the House amendment would be to expose national monuments designated since 1999 to abuse and resource degradation, with potentially devastating results. Management as national monuments is prohibited by the rider language, so that any action constrained or described in a monument proclamation would be disallowed if affecting it required an expenditure of funds appropriated by the FY 2001 interior bill. This suggests one of two outcomes, both unfortunate for the American people. Either the Federal agencies, unable to enforce an otherwise valid Presidential proclamation, would be forced simply to close those lands to any form of public use; or the Federal agencies, denied funding to manage these monuments, would have to abandon them to vandals, invasive species, uncontrolled resource exploitation and other harm, until Congress restored the funding needed to manage them.

"For example, the rider would prevent the BLM from stopping mining activities in these monuments on claims located after the proclamation had withdrawn the area from operation under the Mining Law. The language would also prevent the responsible agencies from managing these lands for livestock grazing, even when grazing is a use recognized in the proclamation, because such uses cannot be managed without funding.

"A similar problem arises from a lack of funding to enforce restrictions on highway vehicle use. The proclamation that established the Grand Canyon-Parashant in Arizona, for instance,

provides specifically that the BLM shall continue to issue and administer grazing leases within the portion of the monument within the Lake Mead National Recreation Area consistent with the Lake Mead National Recreation Area authorizing legislation.

"And for the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency and authorized administrative purposes.

"The House amendment makes it impossible to implement these portions of a monument proclamation that depend on funding. Thus, enactment of the rider could force BLM to remove livestock from the Grand Canyon-Parashant, and close the area to vehicle use of any sort. Alternatively, BLM would be forced to walk away from this land all together, and abandon the enforcement of OHV restrictions, the monitoring of grazing allotments, and the review and renewal of grazing permits."

So I think this amendment is wrong. I do not think we properly considered it in our committee. I think the gentleman from Utah, and others who are against the Antiquities Act, should deal with it in the authorizing committees and not here as an appropriation rider. That is why I so strongly object to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from Utah for yielding me this time, and I rise in strong support of his amendment.

My colleagues, this administration is involved in a very desperate grab of our Federal land, and I have to ask myself why does the government need all this land. The President is currently engaging in the biggest land grab since the invasion of Poland.

Now, it was pointed out by the gentleman from Arizona very succinctly that there is a strong reason why the gentleman from Utah is offering his amendment, and this is the reason why. The Constitution clearly assigns to the Congress the power to dispense with public lands.

Now, I put together a list here, Mr. Chairman, to show that the administration's abuses of the Antiquities Act is taking in about 150 million acres, that we know of, that the President intends to lock up. Now, that is what we know of. But this administration is reluctant to even tell the Congress exactly how many monuments and exactly how much land is involved.

In fact, the process that has been set up previously by the United States Congress to have these processes go in a manner so that we understand the environmental and economic impact and

how it affects people's lives, how it affects counties and States, all of this has been abused. This is all done without the benefit of the National Environmental Policy Act.

But, environmental organizations are working to declare lands, or having the President declare lands in the West, these vast national monuments, nearly 150 million acres. The Sierra Club and the Wilderness Society, among others, have announced their desire to have the President create over 50 more new monuments, with a land area of more than 150 million acres. This is an area larger in the West than that compared to West Virginia, Maryland, Vermont, New Hampshire, Massachusetts, New Jersey, Hawaii, New York, Connecticut, Delaware, Indiana, Rhode Island and the District of Columbia combined. And this is done by presidential edict.

The gentleman is absolutely right, we must support his amendment.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY), a very valued member of our subcommittee and a person who has had great experience in these areas.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding me this time.

The first point I want to make is that land cannot be "grabbed" if it is already owned. All of these lands that are being designated and have been designated as national monuments are owned by the people of the United States, held in trust by the Federal Government and managed by the Department of the Interior. The amendment that we have before us here today would prevent, interestingly enough, Federal funds from being spent on nine fairly recently designated national monuments.

Now, the designation of national monuments under the 1906 Antiquities Act, passed by the Congress, of course, allows for the protection of natural and cultural resources that are under threat or need for preservation or protection. The point has been made that 14 presidents since 1906 have used this authority. Lands designated as monuments are already owned by the American public. Fifty million Americans enjoy these monuments every year. Monument designation provides permanent protection for long-term conservation of areas that are critical to the protection of resources and enjoyment by the public.

This antienvironmental rider targets nine recent monuments that were created to protect unique national resources for all future generations to enjoy.

□ 1315

A prohibition on spending funds on these monuments does not change their legal status as monuments but

would prevent any ongoing spending within the monument areas.

Visitors would still visit these lands, but this would prevent Federal maintenance and appropriate actions taken. The Department of the Interior would not be able to provide law enforcement service to visitors or maintain roads, thereby threatening visitor safety. The Department would be unable to process grazing applications for the lands or manage hunting or other suitable uses to public enjoyment.

This would hurt local people and local economies. It would hurt them the most by preventing outfitters and guides from going into these monuments and not allowing management of suitable uses.

There is one other interesting aspect to this particular amendment that is before us now. It would prevent spending on nine monuments, but it would not prevent spending on a particular monument in the State of Utah.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, is the gentleman from New York (Mr. HINCHEY) kidding me? Is he telling me that the gentleman from Utah (Mr. HANSEN) exempted his monument?

Mr. HINCHEY. Mr. Chairman, reclaiming my time, the gentleman from Utah (Mr. HANSEN) has exempted his monument.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, so he is going to get funding for his monument?

Mr. HINCHEY. Mr. Chairman, reclaiming my time, this amendment says they cannot spend Federal funds for nine monuments, and those monuments are located in California, in Arizona, in Colorado, Oregon, Washington; but they can spend money on the monument in Utah.

The budget that we have here today would spend, in fact, \$5.3 million on a visitor center for a national monument in the State of Utah. I believe that is located in the district of the sponsor of this amendment, which would prevent spending on these nine monuments in these other States. This is an interesting feature of this particular amendment.

Now, I have always thought that cynicism is a personality trait to be avoided, but one does not have to be terribly cynical to make the observation that something very odd and unusual is going on here. It is okay to spend money on the monument in my district, but it is not okay to spend money on the monuments in people's other districts in other States. That strikes me as being very strange.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, when the President started this tirade, this

was the first one he put in was the Grand Staircase Escalante. It has been there 4 years. Money has been appropriated for it.

I would be happy, as I told the gentleman from Washington (Mr. DICKS) and anyone else, to take all of the money out. Why did they not do that? We did not ask for that 5.3 million acres. That did not come from Utah. That was from the administration. That did not come from us. If my colleagues want to strike that and put this in the amendment, I would accept that in a heartbeat. Go ahead and take it. Take the dang thing.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, we are not interested in striking funding for that monument or for the other nine that they would strike either. We believe that these national monuments, belonging to all the people of the country, deserve to be protected and that the 50 million people who visit them ought to be treated properly and fairly. My colleague would deny then that opportunity.

Mr. HANSEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is not a debate about national monuments. Every American takes pride in their national monuments. This is a debate about abuse of national monuments.

I just want to harken back to the last speaker. He would not yield time to me, but he began with a passionate debate saying we cannot lock up land that we do not already own because the law specifically says the Federal Government must already own these lands. Yes, the law says that. But I would like the gentleman to tell me, was he aware that, in fact, the President is locking up lands the Federal Government does not own?

In the State of Arizona, in the last 6 months, the President has created three new national monuments. Three. Count them. And he has done so by incorporating into those national monuments tens of thousands of acres of not Federal land but State land.

The gentleman from New York (Mr. HINCHEY) was defending the use of the law in a proper fashion. This is the use of a law in an improper fashion. In Arizona, in one monument, they locked up 53,000 acres of State land, not Federal land. In another one, they locked up another 30,000 acres of State land.

Mr. Chairman, I have here a map showing the thousands of acres of State land that was put into a national monument in violation of the Federal law.

That is precisely why this amendment is here, because this administration is abusing the law.

Indeed, here is an editorial by the leading newspaper in the State of Ari-

zona saying that preservation requires input and that they were not given that input and says, declaring monument was not done right. The paper generally supports monuments, as I think all Americans do, but not when the process is abused.

In Arizona, for example, there were no public hearings whatsoever. Now, my friend the gentleman from California (Mr. GEORGE MILLER), says this is a wonderful thing, all being done in accordance with the law and all a good idea and a compliment to this administration doing this in the proper order of business.

If that is true, should we not ask ourselves why, of the nine national monuments which have been created by this administration, eight of the nine have been created in the last 6 months only? If these needed to be created, where were they 5 years ago, 4 years ago, 6 years ago, 7 years ago?

This is about abuse of this law. Let me explain this. These are the American people's lands, and they do take pride in national monuments. But 8 months ago I personally, in a formal hearing of this United States Congress, looked Secretary Babbitt in the eye, eyeball to eyeball, and said, Mr. Secretary, the people of America and the people of Arizona have a right to input in this process. Will you provide this committee with a list of the monuments you are considering across this Nation?

Secretary Babbitt looked me and the chairman and every other member of the committee in the eye and said, no, a one-word answer, no, I will not provide you a list.

That cuts the American people out of the process. It is an abuse of the law.

I support the amendment, and I call on my colleagues to support it, as well.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in vigorous opposition to this amendment.

Presidents, Republican and Democrat, for decades have left the American people great gifts across this country; and today the U.S. House, or some therein, attempt to gut the ability to leave those gifts to the American people. And, apparently, the way they are trying to do it is to make sure there are no fingerprints on the weapon to gut the ability to protect these gifts of the American people. Let me tell my colleagues why.

We should be allowing Presidents to create national monuments. If this amendment passes, all we will create are monuments to futility, monuments where we cannot do anything to protect these gifts.

Let me tell my colleagues why that is important. In the State of Washington, 6 days ago, the President left a gift to the American people creating

the Hanford Reach Monument Area. Six days ago.

I will tell my colleagues, the people of the State of Washington want that monument. The people of the State of Washington deserve that monument. And the people of the State of Washington are going to get that monument. And let me tell my colleagues why.

This is a picture of the Hanford Reach, the last free-flowing stretch of the Columbia River. Very close to this is where Lewis and Clark first came to the Columbia River. My colleagues can see these white bluffs form a spectacular scenery over the Columbia.

Let me show my colleagues what happened when we did not have this monument. When we did not have this monument, certain practices resulted in the absolute collapse of these white cliffs; and we would have a quarter mile of, essentially, dirt collapse into the river right into this area and destroy salmon habitat and destroy spawning habitat.

We need to stop that from occurring. There was a comment by my colleague about something about the local people do not want this. Well, I have got a message for the U.S. House from the first family of people who settled this area and broke this ground.

Lloyd Wheel, a 90-year-plus former judge, who grew up with the first European family who homesteaded on this property right outside this picture, Lloyd Wheel has a message for the U.S. House: do not destroy this monument. Protect these salmon. Make sure the natural heritages are protected.

Mr. HANSEN. Mr. Chairman, I am happy to yield 2 minutes to my colleague, the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I feel strongly that managing land through unilateral executive orders establishing national monuments is wrong. It ignores the role of Congress, the role of the people who live nearer and closest to the land, and the role of local elected officials. I believe the consensus-based management accomplishes more to protect the land than hierarchical mandates.

Unilateral national monument designation avoids the compromise necessary for consensus and implementation of the whims of the current administration.

Secretary Babbitt, in a hearing earlier this year, said, "I believe that the Congressional delegation is the way to go." He continued by saying that, "In most cases, there is now legislation, not all, but most," speaking of these nine recently designated monuments. "And in the cases where we did make the designation, particularly the ones in Arizona, it was crystal clear that there was no interest in the Congress at all. In one case, there was not even a sponsor of a bill for Aqua Fria, and in

the case of the Grand Canyon, the bill that was offered before this committee reduced the existing level of protection."

If Congress concludes that the Nation's interest is best served in a manner different from what Secretary Babbitt and this administration may recommend, Secretary Babbitt apparently believes that the President should simply declare a national monument.

This amendment supports constitutional process. Congress makes decisions about the management of public lands because the Constitution gives us that responsibility. We passed FLPMA in 1976 and established that we must first have the input of the locals.

Secretary Babbitt and the administration have not done this with their monument designations. Congress, therefore, has the responsibility to curb this excess by this administration by refusing to fund these monuments.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me the time.

Mr. Chairman, I want to just speak to my colleague from Utah (Chairman HANSEN) and say to him, I understand his frustration, I have listened to his frustration around this issue, and I have respect for it. But I would urge us to continue to discuss this, as we have in the Committee on Resources, and there is legislation pending that would alter the Antiquities Act in ways that he thinks is appropriate and others do; and I would continue to be interested in having that debate.

But I think this amendment goes at it in the wrong way. It comes in through the back door; and it has the potential, as previous speakers suggested, of making only monuments in name and would be very, very counterproductive.

The other piece that I want to add to this discussion today has to do with local and specific examples in southwestern Colorado. The President just created the Canyon of the Ancients National Monument.

I will include for the RECORD a letter from the Commissioners of the County down there, who, in effect, said, "We need to move immediately and decisively to put our local input on the management of this area. The only way that we as a community can minimize the negative impacts and be in a position to reap the positive benefits is if we are organized and actively engaged in the planning management and problem solving connected with the monument from day one. If funding is blocked, we will lose this opportunity. Blocking funding will hurt the very communities that are already saddled with the impact of the monument."

Now, I might not have used those same words, but I strongly agree with

him with the need for maintaining that funding.

So, again, I appreciate the point of view of the chairman, but I think this is the wrong way to have the debate about the Antiquities Act and how it is applied.

Mr. Chairman, I include the following letters for the RECORD:

MONTEZUMA COUNTY
BOARD OF COUNTY COMMISSIONERS,
Cortez, CO, June 12, 2000.

Hon. MARK UDALL,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN UDALL: The Canyons of the Ancients National Monument in Southwest Colorado, which we spent a year working to avoid is a reality as of last Friday. The challenge now is to work together to realistically address the potential impacts on our constituents, our fiscal and economic health and the wide variety of important resources within the monument boundary. We are asking for your support in opposing budget amendments that would block funding to new National Monuments is critical for the reasons outlined below.

We need to move immediately and decisively to put our local imprint on the management of this area. We have, as a starting point, the summary of public input produced by the RAC citizen Working Group, and the resulting NCA legislative draft to guide the management planning process. We are not at all comfortable with the vague language in the Proclamation, and feel that it would be risky to let the management of this area drift on the basis of "interim guidelines" established without local involvement. We have been promised an advisory council representing the spectrum of local interests. We need to get the advisory group in place and immediately begin to engage the planning and management of this area.

With all the publicity that has and will result from the proclamation, we must be prepared and funded to deal with a wide range of immediate impacts. It is our understanding that visitation to the Grandstaircase-Escalante increased 250% upon Monument designation. The Working Group Report points to key areas of concern including the impact on services such as road maintenance, search and rescue, fire protection and law enforcement. Given the commingling of BLM and private land, we anticipate more problems with trespassing and damage to private property. The community is adamant about the protection of multiple-use, and we cannot allow the deterioration of archaeological resources to be used as a pretext for restricting these rights, privileges and activities including archaeological research. Nor can we afford to allow a lack of funds for BLM staffing to be used to justify restricting uses and areas of the Monument.

Restrictions on grazing would undermine our local ranching industry. Restrictions on oil and gas production would put at risk 30% of the County tax base. Restrictions on recreational uses would disrupt an important focal point for community pride and enjoyment. Much of the 164,000 designated acres are rugged and remote, while the more accessible Sand Canyon is already close to being over-run. Dealing with both the remote and the "loved to death" areas is going to require a major community effort involving everyone that uses and values the area. Even the economic benefits that will result will require close coordination between people in contact with visitors and the land management agencies.

The only way that we, as a community, can minimize the negative impacts and be in a position to reap the positive benefits is if we are organized and actively engaged in the planning, management and problem solving connected with this monument from day one. If funding is blocked we will lose this opportunity.

While we understand the anger and frustration which has led to efforts to block funding for National Monuments, we believe that it is far better to go to the root cause of these abuses by supporting legislation such as H.R. 1487 introduced by Congressman Hansen and S. 729 introduced by Senator Craig, which directly address a more participatory process for establishing National Monuments.

In the meantime we hope you will actively voice the concern to your colleagues and in the upcoming floor debate that blocking funding will hurt the very communities that are already saddled with the impacts of new monument designations. We appreciate your consideration. Please let us know if we can help or provide further information.

Sincerely yours,

G. EUGENE STORY, *Chairman.*

[From the Durango Herald, June 11, 2000]

CANYON OF THE ANCIENTS

MONUMENT IS ON THE MAP; NOW IT NEEDS FUNDING

On Friday, some 160,000 acres of rugged dry washes, canyons and rock formations covered with scattered sage, piñon and juniper between Cortez and the Utah state line were protected by the Clinton administration from further degradation. The land, occupied by pre-Puebloans between about 750 and 1300 A.D. and carved from lower elevation public lands controlled by the Bureau of Land Management, now will be known as the Canyons of the Ancients National Monument.

The monument designation, one of four announced across the West by Vice President Al Gore that day, occurred because increasing numbers of visitors threatened the fragile landscape and the remains of rock and wood-built pre-Puebloan structures. The monument designation should—must—provide additional federal money to properly protect its priceless contents.

While Secretary of the Interior Bruce Babbitt has promised that a locally composed board will advise the BLM on its management of Canyons of the Ancients, the president's proclamation makes positions clear on several substantive issues dear to locals and Westerners: The monument status will not give the federal government any water rights, nor change the way the state of Colorado manages wildlife on the land. Nor will it impact any rights to the land claimed by American Indians. Grazing will continue, under BLM regulations as in the past. Carbon dioxide, gas and oil production will continue, under BLM regulations as in the past. Carbon dioxide, gas and oil production will continue, but further exploration will have to a greater degree take into consideration protection of the surface's natural resources and pre-Puebloan remnants.

Mining, other than CO₂, and gas and oil extraction, is forbidden.

The monument designation does call for a transportation plan, and it's expected that off-road travel by motorized vehicles will be eliminated, and that the number of historical access roads will be significantly reduced. As a result, access to private inholdings may be more limited than they are currently.

The monument status was forced on Montezuma County, as some local critics charge

noisily. But unlike the administration's previous monument designations, especially in southern Utah, it was not a surprise and it was not done without consultation with locals. The Secretary of the Interior signaled it was coming, and urged that Congress—lead by an initiative from Sen. Ben Nighthorse Campbell and Congressman Scott McInnis—instead provide the needed protections. But that was not to be, as Campbell deemed that extremists on both sides of the issue would make legislative compromises impossible.

The specifics of the monument designation did not originate in Washington. However. The administration listened closely to local testimony in front of a stakeholder group convened a year ago to address issues surrounding the proposed monument, and Babbitt made a couple visits to the area. And, his telephone call to the Montezuma County commissioners two months ago allayed some fears as to what the monument designation would contain. In conversations with Babbitt, he was very familiar with the issues that surround the monument.

Now what's needed is a representative advisory board that applies thoughtfulness and vision in helping the BLM shape the future of the Canyons of the Ancients National Monument. And money is also needed. In Southwest Colorado last week, it was encouraging to hear McInnis say that although he was opposed to the way the acreage was designated by the administration, he would work to secure funding to implement the needed protections. With public lands budgets already limited, that extra money is critical.

New maps of the Four Corners and Colorado will soon be leaving the printers, and on them will be the state's newest monument. We're glad the Canyons of the Ancients will be there, it's stunning natural features and man-made structures to be better protected for generations to come.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, I am sure that it would be his preference that such an issue were not necessary here on the floor. But the reality is, this is the President of the United States who has necessitated this discussion for clearly abusing and misusing in a reckless fashion the law, which has been on the books for many, many years and as many Presidents previously, as has been indicated before, have used with due discretion and have used in cooperation with local entities, State jurisdictions, and certainly Members of Congress who represent the affected areas. But that is the distinction and the difference.

This President has made two fatal errors in his execution of the Antiquities Act: one is by dramatically expanding the coverage of these monuments beyond the archeological or historic focus of what a legitimate monument might constitute; and, secondly, doing so without even the consultation of Members of Congress, who have the ultimate policy-making authority and responsibility where monuments are concerned.

□ 1330

But the third thing that this President has done is used the Antiquities Act in establishing monuments in a blatantly political fashion and has consequently jeopardized the underlying purpose of the law and caused us to pay close scrutiny as we do here today.

These monuments are issued around election time where great, vast, beautiful landscapes are used as nothing more than a backdrop for politically motivated press conferences. Mr. Chairman, all of the flannel shirts and blue jeans cannot obscure the nakedness of a President bereft of the constitutional covering that we would hope any President would rely on when orchestrating public policy on behalf of the country.

That is what this amendment really tries to get at and why we must adopt it, because it brings back into some semblance of reality the original intent and scope of the Antiquities Act, that these are small acreages designed to protect and preserve truly remarkable features that the American people want to enjoy and protect. I urge its adoption. I thank the gentleman for offering it today.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in support of the Hansen amendment. Let me talk for just a minute if I can about the proposal being considered in Idaho to expand the Craters of the Moon National Monument into the Great Rift National Monument. It might surprise some of my colleagues that I am not necessarily opposed to the expansion of the Craters of the Moon into the Great Rift area. It is truly a unique geological area.

But what I am opposed to is a process by which any administration, Republican or Democrat administration, can ignore the input of local people, can ignore the input of local- and State- and Federal-elected officials and Congress can ignore its constitutional responsibility to dictate land management policies. It is the process that is a problem here.

The Secretary has been out to the State of Idaho twice. I appreciate the fact that he has called me twice when he is going out there to inform me of that. Mr. Chairman, I have requested information on the designation. Under the Antiquities Act, the requirement is that the President put the request in to the Secretary of Interior for what area ought to be designated as a national monument. I have requested the letter from the President and have not received it.

Secondly, they are supposed to use the least amount of land available to protect this area. The Secretary has not sent me the information on that. Thirdly, the area being protected is

supposed to be of some geological, scientific, or historic nature. The Secretary has not told me what the nature that he is trying to preserve of this area is. But, fourthly, the most important thing is the area is supposed to be under some threat, some imminent threat. So far, the Secretary has refused to tell me what the imminent threat is in this area.

Mr. Chairman, this is not pristine habitat or natural forests or salmon habitat or anything like that. What it is is lava rocks. It is under no threat currently, and the Secretary refuses to acknowledge that.

Earlier one of the speakers from New York said, Congress already has the authority to control this by undoing a national monument if we want to. The reality is that a former congressman tried to enact this and could not get support from his own party or the people of Idaho.

I urge the support of the Hansen amendment.

Mr. DICKS. Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we continue to have the language being employed of the extreme antienvironmentalists, people who are talking about reckless. If it were truly reckless, my colleagues would be proposing alternatives to eliminate these as monument designations. They are not, and I think that that is prima facie evidence that it is, in fact, not reckless. These are reasonable approaches and are supported by the majority of the public.

There is the notion of a land grab. As my colleague from New York pointed out, this is not a land grab. These are lands that are already owned and managed by the Federal Government. There may have been surrounded some parcels of private property as our colleague from Arizona pointed out, but they have always been surrounded by the Federal Government and that does not change it. What is changed under this antienvironmental rider is that you can no longer use Federal funds to manage them. Bear in mind they do not change the category but things that were legal earlier to use Federal money, for example, to deal with issues of vandalism or invasive species which would have been legal under the prior designation are no longer legal because they would have to be managed as monument property.

Earlier you had legal grazing activities which require money to be able to manage, but now since it is monument land and would not be designated to spend money managing a monument means that you make that impossible for grazing; for mining. This is absolutely inappropriate and would not be supported and is truly going to lead to a condition that these folks in other

contexts would be going absolutely bonkers if it were proposed. But their amendment, were it to be so unfortunate to be adopted, would put that into effect.

Last but not least, it would not allow funding for the planning and engagement of the community to make these processes work. These are efforts that the people talk about engaging the public. It would not allow money to do so. It is a bad idea. I hope that this antienvironmental rider is firmly rejected.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, previous speakers not only in this amendment but in other amendments have used the term antienvironmental extremists 11 times. Doth us think that there is a little politics here?

First of all, we feel that the President, a single individual designating land in violation of the law taking State lands and affecting private property is wrong, a single person, without going through the Congress. Even yesterday we had talk about a backlog of taking care of our national forests and fish and wildlife. Just like with the California desert plan and other things, the moneys that are going to be required to take care of these, we do not have. The only way to do it is increase taxes. We do not want to do that.

Mr. Chairman, this map indicates the property that is controlled on the East Coast by the Federal Government. If I turn this over, this is the property in color controlled on the West Coast. What is too much? In Utah, Arizona, and Nevada, 70 and 80 percent of the land is controlled by the Federal Government. In California, over half the land is controlled by the Federal Government. What is too much?

All we are doing is saying that if we want these parks to be designated or these national monuments, at least bring it before Congress. Let us have a debate. We may lose the debate. But at least bring it before us. Do not have a king with the sign of a pen designate land. That is all our position is. We think that that is a test of fairness. The test of fairness in the past with the President and with Secretary Babbitt has been a one-way street. We think that that is wrong, also.

Mr. DICKS. Mr. Chairman, I yield myself 15 seconds. Again I want to point out, we already own these lands. There is no land grab here. We are not adding anything additional here. We are creating a monument which the President has the authority to.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FARR), a distinguished member of the Committee on Appropriations.

Mr. FARR of California. I thank the gentleman from Washington for yielding me this time.

Mr. Chairman, there are only five States that are affected by this amendment. It is interesting that the author's State is not affected. Thank God for the Antiquities Act. Thank God for the action of the President to take Federal lands and upgrade their status so that they are more protected. The reason the President had to do it by executive order is because this Congress under this leadership is failing to deliver these things.

I introduced two bills in Congress on these issues that did not even get a hearing in the committee. The only member of the other party that has been supportive of all this effort is the gentleman from Ohio (Mr. REGULA). He has been the best environmentalist the Republican Party has because he is on the Committee on Appropriations and he can appropriate money. But to try to get a hearing in the other committees and try to get some substance out and get these lands protected, no way. Now they want to take them away.

Give me back my monuments. Give me back Sequoia in California. Give me back the Grand Canyon-Parashant in Arizona. Give me back Agua Fria in Arizona. Give me back the California Coastal Monument. Give me back the Pinnacles National Monument in my district. Give me back the Canyons of the Ancients in Colorado. Give me back Ironwood Forest in Arizona. Give me back Cascade-Siskiyou in Oregon. And give me back Hanford Reach in Washington. This amendment would take all those away and take it away from the public who owns that land.

This is your land, ladies and gentlemen of the United States. Defeat this amendment. Give them back to the people.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I want to make it clear that I do not oppose designating national monuments, I do not oppose the Antiquities Act, but I do oppose the abuse of power. This is not taking these lands back to the people. Quite frankly, whether or not they are national monuments or not national monuments, they belong to the people. Some Presidents such as Theodore Roosevelt have used the Antiquities Act to preserve large threatened areas. But when we look at the previous examples of that like the Grand Canyon, they were clearly being privatized and degraded. It was being debated in Congress. There was public outrage. But in the case of President Clinton's new monuments, these monuments already are Federal lands. The fact is that if they are being degraded, it is under this administration.

FDR designated previously the highest number of public lands. In four presidential terms he designated 2.5 million acres. This President has already done 4 million unilaterally. It is

clear that we need to and will continue to expand national monuments and parks. It is clear that our crown jewel parks are already in existence. And so now the question is really, are we going to adequately fund the existing parks plus as we add to this system, where will they be and what will the funding priorities be?

We heard earlier that this is about invasive species and grazing questions, but these new monuments are all in the West, where they already have at least 25 percent federally owned lands, in some cases 50 percent and in some the proposals are in States where it goes up to 60 percent. East of the Mississippi, we have lands that already have willing sellers that are clearly either culturally, naturally, or recreationally valuable for the public sector but we have willing sellers. But because the President has unilaterally designated additional lands in States where they already have 25 to 65 percent Federal lands, money will not be available for other places in the country where there are natural, cultural and recreational opportunities.

How is it fair to let a lame duck President unilaterally, in one year, exceed any other President's designation, including the two Roosevelts, who had, in FDR's case, four terms, and tie the hands of the Committee on Appropriations where we cannot meet the needs of existing parks or the demands we have in other parts of the country.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, I rise in support of this amendment. Many of these areas recently designated as national monuments are beautiful and sensitive and may well deserve protection. However, article 4, section 3 of the Constitution grants to Congress the power to make decisions respecting the property of the United States.

In these recent designations, the President has usurped and completely bypassed the authority of Congress. These new national monuments represent the worst abuses of executive power. No environmental assessments are conducted, and the public is not even allowed to comment on the merits of the designations as required. The administration is using the 1906 Antiquities Act, intended to protect small parcels of land, to set aside millions of acres. It is time for this body to reassert its authority and reject this latest presidential overreach.

□ 1345

Mr. DICKS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in strong opposition to the Hansen amendment. The President of the United States clearly has authority under the Antiquities Act. Clearly, if the majority party wants to, they could repeal that act.

They could pass it here, but they do not seem to want to do that. What they want to do is use an appropriations bill with a very cleverly drafted rider to prohibit the President from implementing these monuments.

I think it is terrible. I think the Federal government will wind up being embarrassed because we cannot do law enforcement. We cannot do planning. We cannot do anything once these monuments are designated. And try as you want to with report language, it does not nullify the effect of this amendment, which is to take away from the President the authority to name these monuments and then to have them properly implemented.

Again, I believe that these riders are wrong. We should do it only when we have had thorough debate and hearings, and we have not had that here. I would suggest to the gentleman from Utah (Mr. HANSEN) in his own committee that people want to work on this, if they want to improve the Antiquities Act, do it there, not on the Interior Appropriations bill.

Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it has been a very interesting debate that we have had here. I think it all comes down to one thing, abuse of power. I do not know of one President who has abused his power more than this gentleman has. He has done more than all of the other Presidents combined, and the interesting thing is, just what Member of Congress was consulted and which one agrees with what he has done?

Now, I always thought that the Constitution said "we the people," but when we read this thing behind closed doors, it said we cannot let this out, this has to remain secret. Now, to me, that is not the way we do things in America. What is this about?

Article IV, section 3 says, "Congress has the right of these powers of the land." It does not go to the President. The gentleman from Washington (Mr. DICKS) had some things brought up that is the biggest red herring I have ever heard. Right here in their own manual, right here in the report, nothing in this language prevents either Secretary from managing these Federal lands.

These lands will go on as they were. This idea that they will not be managed and vandalized is nonsense. Of course they will be managed. Call up the local BLM director, call up the local forest director. They will tell us they will take care of the land. There is nothing in here that says they cannot maintain those lands at this time.

A little personal shot was made at me. I am big enough to take that, saying why not put your own in there? That was done in 1996, and it was funded by this Congress. I would be more

than happy if my colleagues feel that way, why did colleagues not put an amendment in to do that, and I would have stood up and I said accept it; but my colleagues did not do that. It is more important to take a few shots, I guess.

Mr. Chairman, I would urge the people in this particular body to do their best and do what is right for America and do what is right for the West. Help us out in this and vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offer by the gentleman from Utah (Mr. HANSEN) to the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Under clause 6(f) of rule XVIII, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the underlying Dicks amendment that may follow immediately this 15-minute vote on the Hansen perfecting amendment.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 280]

AYES—187

Aderholt	Diaz-Balart	Johnson, Sam
Archer	Dickey	Jones (NC)
Armey	Dooley	King (NY)
Bachus	Doolittle	Kingston
Baker	Dreier	Knollenberg
Ballenger	Duncan	Kolbe
Barr	Dunn	LaHood
Barrett (NE)	Ehrlich	Largent
Bartlett	Emerson	Latham
Barton	Everett	LaTourette
Bateman	Ewing	Lewis (CA)
Bereuter	Fletcher	Lewis (KY)
Bilirakis	Fossella	Linder
Bliley	Fowler	Lucas (OK)
Blunt	Galleghy	Manzullo
Boehner	Gekas	Martinez
Bonilla	Gibbons	McCrery
Bono	Gillmor	McHugh
Brady (TX)	Goode	McIntosh
Bryant	Goodlatte	McKeon
Burr	Goodling	Metcalfe
Burton	Goss	Mica
Buyer	Graham	Miller (FL)
Callahan	Granger	Miller, Gary
Calvert	Green (WI)	Moran (KS)
Camp	Gutknecht	Myrick
Canady	Hall (TX)	Nethercutt
Cannon	Hansen	Ney
Chabot	Hastings (WA)	Northup
Chambliss	Hayes	Nussle
Chenoweth-Hage	Hayworth	Ortiz
Coble	Hefley	Ose
Coburn	Herger	Oxley
Collins	Hill (MT)	Packard
Combest	Hilleary	Paul
Cook	Hostettler	Pease
Cooksey	Hulshof	Peterson (MN)
Cox	Hunter	Peterson (PA)
Crane	Hutchinson	Pickering
Cubin	Hyde	Pickett
Cunningham	Isakson	Pitts
Deal	Istook	Pombo
DeLay	Jenkins	Portman
DeMint	Johnson (CT)	Pryce (OH)

Radanovich	Shuster	Thornberry
Regula	Simpson	Thune
Riley	Sisisky	Tiahrt
Rogan	Skeen	Toomey
Rogers	Smith (MI)	Trafigant
Rohrabacher	Smith (TX)	Vitter
Ros-Lehtinen	Souder	Walden
Royce	Spence	Wamp
Ryan (WI)	Stearns	Watkins
Ryun (KS)	Stenholm	Watts (OK)
Salmon	Stump	Weldon (FL)
Sanford	Sununu	Weller
Schaffer	Sweeney	Whitfield
Sensenbrenner	Talent	Wicker
Sessions	Tancred	Wilson
Shadegg	Tauzin	Wolf
Shaw	Taylor (NC)	Young (AK)
Sherwood	Terry	
Shimkus	Thomas	

NOES—234

Abercrombie	Ganske	Millender-
Ackerman	Gejdenson	McDonald
Allen	Gephardt	Miller, George
Andrews	Gilchrest	Minge
Baca	Gilman	Mink
Baird	Gonzalez	Moakley
Baldacci	Gordon	Mollohan
Baldwin	Green (TX)	Moore
Barcia	Gutierrez	Moran (VA)
Barrett (WI)	Hall (OH)	Morella
Bass	Hastings (FL)	Murtha
Bentsen	Hill (IN)	Nadler
Berkley	Hilliard	Napolitano
Berman	Hinche	Neal
Berry	Hobson	Oberstar
Biggert	Hoefel	Obey
Bilbray	Hoekstra	Oliver
Bishop	Holden	Owens
Blagojevich	Holt	Pallone
Blumenauer	Hooley	Pascarell
Boehlert	Horn	Pastor
Bonior	Houghton	Payne
Borski	Hoyer	Pelosi
Boswell	Insee	Petri
Boucher	Jackson (IL)	Phelps
Boyd	Jackson-Lee	Pomeroy
Brady (PA)	(TX)	Porter
Brown (FL)	Jefferson	Price (NC)
Brown (OH)	John	Quinn
Capps	Johnson, E. B.	Rahall
Capuano	Kanjorski	Ramstad
Cardin	Kaptur	Rangel
Carson	Kasich	Reyes
Castle	Kelly	Reynolds
Clay	Kennedy	Rivers
Clayton	Kildee	Rodriguez
Clement	Kilpatrick	Roemer
Clyburn	Kind (WI)	Rothman
Condit	Klecza	Roukema
Conyers	Klink	Roybal-Allard
Costello	Kucinich	Rush
Coyne	Kuykendall	Sabo
Cramer	LaFalce	Sanchez
Crowley	Lampson	Sanders
Cummings	Lantos	Sandlin
Davis (FL)	Larson	Sawyer
Davis (IL)	Lazio	Saxton
Davis (VA)	Leach	Scarborough
DeFazio	Lee	Schakowsky
DeGette	Levin	Scott
DeLaunt	Lewis (GA)	Serrano
DeLauro	Lipinski	Shays
Deutsch	LoBiondo	Sherman
Dicks	Lowey	Skelton
Dingell	Lucas (KY)	Slaughter
Dixon	Luther	Smith (NJ)
Doggett	Maloney (CT)	Smith (WA)
Doyle	Maloney (NY)	Snyder
Edwards	Markey	Spratt
Ehlers	Mascara	Stabenow
Engel	Matsui	Stark
English	McCarthy (MO)	Strickland
Eshoo	McCarthy (NY)	Stupak
Etheridge	McDermott	Tanner
Evans	McGovern	Tauscher
Farr	McInnis	Taylor (MS)
Fattah	McIntyre	Thompson (CA)
Filner	McKinney	Thompson (MS)
Foley	McNulty	Thurman
Forbes	Meehan	Tierney
Ford	Meek (FL)	Towns
Frank (MA)	Meeks (NY)	Turner
Frelinghuysen	Menendez	Udall (CO)
Frost		Udall (NM)

Upton	Watt (NC)	Weygand
Velazquez	Waxman	Wise
Visclosky	Weiner	Woolsey
Walsh	Weldon (PA)	Wu
Waters	Wexler	Wynn

NOT VOTING—13

Becerra	Hinojosa	Shows
Campbell	Jones (OH)	Vento
Danner	Lofgren	Young (FL)
Franks (NJ)	McCollum	
Greenwood	Norwood	

□ 1418

Messrs. BILBRAY, MINGE, GILCHREST, RUSH, REYNOLDS, and HORN changed their vote from “aye” to “no.”

Mr. BARR of Georgia changed his vote from “no” to “aye.”

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, is the next vote going to be on the underlying Dicks amendment?

The CHAIRMAN. The gentleman is correct, yes.

The question is on the amendment offered by the gentleman from Washington (Mr. Dicks).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 14, as follows:

[Roll No. 281]

AYES—243

Abercrombie	Clyburn	Ganske
Ackerman	Condit	Gejdenson
Allen	Conyers	Gephardt
Andrews	Costello	Gilchrest
Baca	Coyne	Gilman
Baird	Cramer	Gonzalez
Baldacci	Crowley	Gordon
Baldwin	Cummings	Green (TX)
Barcia	Davis (FL)	Gutierrez
Barrett (WI)	Davis (IL)	Hall (OH)
Bass	Davis (VA)	Hastings (FL)
Bentsen	DeFazio	Hill (IN)
Berkley	DeGette	Hilliard
Berman	DeLaunt	Hinche
Berry	DeLauro	Hobson
Biggert	Deutsch	Hoefel
Bilbray	Dicks	Hoekstra
Bishop	Dingell	Holden
Blagojevich	Dixon	Holt
Blumenauer	Doggett	Hooley
Boehlert	Doyle	Horn
Bonior	Edwards	Hoyer
Borski	Ehlers	Insee
Boswell	Engel	Jackson (IL)
Boucher	English	Jackson-Lee
Boyd	Eshoo	(TX)
Brady (PA)	Etheridge	John
Brown (FL)	Evans	Johnson (CT)
Brown (OH)	Farr	Johnson, E. B.
Capps	Fattah	Jones (OH)
Capuano	Filner	Kanjorski
Cardin	Foley	Kaptur
Carson	Forbes	Kasich
Castle	Ford	Kelly
Clay	Frank (MA)	Kennedy
Clayton	Frelinghuysen	Kildee
Clement	Frost	Kilpatrick

Kind (WI)	Mink
Klecza	Moakley
Klink	Moore
Kucinich	Moran (VA)
Kuykendall	Morella
LaFalce	Murtha
LaHood	Nadler
Lampson	Napolitano
Lantos	Neal
Larson	Norwood
Latham	Oberstar
LaTourette	Obey
Lazio	Oliver
Leach	Ortiz
Lee	Owens
Levin	Pallone
Lewis (CA)	Pascarell
Lewis (GA)	Pastor
Lipinski	Payne
LoBiondo	Pease
Lowey	Pelosi
Lucas (KY)	Peterson (MN)
Luther	Petri
Maloney (CT)	Phelps
Maloney (NY)	Pomeroy
Markey	Porter
Mascara	Price (NC)
Matsui	Quinn
McCarthy (MO)	Rahall
McCarthy (NY)	Ramstad
McDermott	Rangel
McGovern	Reyes
McInnis	Rivers
McIntosh	Rodriguez
McIntyre	Roemer
McKinney	Rothman
McNulty	Roukema
Meehan	Roybal-Allard
Meek (FL)	Rush
Meeks (NY)	Sabo
Menendez	Sanchez
Millender-	Sanders
McDonald	Sandlin
Miller, George	Sawyer
Minge	Saxton

NOES—177

Aderholt	Dreier	Linder
Archer	Duncan	Lucas (OK)
Armey	Dunn	Manzullo
Bachus	Ehrlich	Martinez
Baker	Emerson	McCrery
Ballenger	Everett	McHugh
Barr	Ewing	McKeon
Barrett (NE)	Fletcher	Metcalf
Bartlett	Fossella	Mica
Barton	Fowler	Miller (FL)
Bateman	Gallely	Miller, Gary
Bereuter	Gekas	Moran (KS)
Bilirakis	Gibbons	Myrick
Bliley	Gillmor	Nethercutt
Blunt	Goode	Ney
Boehner	Goodlatte	Northup
Bonilla	Goodling	Ose
Bono	Goss	Oxley
Brady (TX)	Graham	Packard
Bryant	Granger	Paul
Burr	Green (WI)	Peterson (PA)
Burton	Gutknecht	Pickering
Buyer	Hall (TX)	Pickett
Callahan	Hansen	Pitts
Calvert	Hastings (WA)	Pombo
Camp	Hayes	Portman
Canady	Hayworth	Pryce (OH)
Cannon	Hefley	Radanovich
Chabot	Herger	Regula
Chambliss	Hill (MT)	Reynolds
Chenoweth-Hage	Hilleary	Riley
Coble	Hostettler	Rogan
Coburn	Houghton	Rogers
Collins	Hulshof	Rohrabacher
Combest	Hunter	Ros-Lehtinen
Cook	Hutchinson	Royce
Cooksey	Hyde	Ryan (WI)
Cox	Isakson	Ryun (KS)
Crane	Istook	Salmon
Cubin	Jenkins	Sanford
Cunningham	Johnson, Sam	Schaffer
Deal	Jones (NC)	Sensenbrenner
DeLay	King (NY)	Sessions
DeMint	Kingston	Shadegg
Diaz-Balart	Knollenberg	Shaw
Dickey	Kolbe	Sherwood
Dooley	Largent	Shimkus
Doolittle	Lewis (KY)	Shuster

Sisisky	Talent	Vitter
Skeen	Tancredo	Walden
Smith (MI)	Tauzin	Wamp
Smith (TX)	Taylor (NC)	Watkins
Souder	Terry	Watts (OK)
Spence	Thomas	Weldon (FL)
Stearns	Thornberry	Whitfield
Stenholm	Thune	Wicker
Stump	Tiahrt	Wilson
Sununu	Toomey	Wolf
Sweeney	Trafficant	Young (AK)

NOT VOTING—14

Becerra	Hinojosa	Nussle
Campbell	Jefferson	Shows
Danner	Lofgren	Vento
Franks (NJ)	McCollum	Young (FL)
Greenwood	Mollohan	

□ 1428

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$614,343,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, up to \$4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

Page 54, line 4, insert "(increased by \$1,000,000)" after the dollar figure.

Page 85, line 7, insert "(reduced by \$1,960,000)" after the dollar figure.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. The objection is heard.

Mr. STEARNS. Mr. Chairman, let me ask the other side, would they agree to a unanimous consent agreement of 10 minutes on each side? The gentleman and I have been through this many

times and I have great respect for the other side and I can remember most of the arguments very vividly. They are very clear. I think we could limit this. Many Members want to leave at 6:00.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, now the gentleman understands we are having a separate discussion here?

Mr. STEARNS. Yes.

Mr. DICKS. We are going to treat this amendment separately from this previous discussion in terms of everything else, but on this one we will agree to 7½ minutes on each side, split it down the middle.

Mr. STEARNS. How about 10? All right. 7½ minutes is fine.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that each side have 7½ minutes on this amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Chair's understanding of the unanimous consent agreement is 7½ minutes per side on all amendments to the Stearns amendment.

The gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I heard the amendment read and I need, I believe, to withdraw and clarify because I think the Clerk read it incorrectly.

The CHAIRMAN. The gentleman may either withdraw the first amendment or ask unanimous consent to.

MODIFICATION TO AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw that, and I think the Chair has the correct amendment, which is the same thing. It is basically a 2 percent cut in the National Endowment for the Arts and the rest goes into the wildland fire management. I believe I gave it to the folks correctly.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. STEARNS:

In the first instruction strike out "\$1,000,000" and insert "\$1,960,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Florida (Mr. STEARNS) that his amendment be modified?

There was no objection.

The CHAIRMAN. The Chair will still conduct the debate in accordance with the previous unanimous consent request.

The gentleman from Florida (Mr. STEARNS) is recognized for 7½ minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Washington reserves a point of order.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is an amendment that has come up annually. Basically for my colleagues, we are taking a 2 percent reduction in the National Endowment for the Arts and we are putting this money into the wildland fire management. Let me just read where it is going to go. For necessary expenses for forest fire pre-suppression activities in the national forest system lands, and for emergency fire suppression and/or adjacent to such lands or other lands under fire protection agreement.

Of course, this would affect my home State of Florida, as well as Los Alamos in New Mexico, as well as Denver, Colorado, recently where the fires came up to this wonderful city.

My home State of Florida is facing severe drought conditions after having the second driest May in history in this State of ours. As a result, of course, Florida is battling another season of wildfires. Since January, Florida has had 3,422 fires that have burned 121,000 acres. This is a staggering amount of land. Were it not for the tireless efforts of the Department of Forestry, fire departments, and countless, countless volunteers, these numbers would be probably even higher, perhaps twice as much.

My amendment is, I think, very important. It is significant in many ways. It obviously is taking a very small amount from the National Endowment for the Arts budget and allocating it to fire fighting.

I think we can talk about getting serious about government spending. A part of this money, obviously, in the way the outlays go would go to retire the debt. So it has an added benefit.

I think many of us agree that the NEA does not shield us from any invasion or protect us from crime or other economic hardship, so basically I am here to talk about the NEA, as a program, as one of many programs that support the arts. Lots of times on the House floor we talk about the NEA as if it is the sole body that is protecting the arts, but last year there were 200 programs for the arts and humanities in this country. Last year Federal funding for the arts exceeded \$800 million. Interesting enough, before the program was created, President Kennedy stated, quote, I do not believe Federal funds should support symphonies, orchestras, or other opera companies.

So I think when we consider the funding for the arts, it has been reduced. I know that. I will hear that from the other side, but there is so much out there in terms of private support for the arts. In fact, it is over \$10

billion in private funds go for the arts. So I think just taking \$2 million to help fire fighting personnel in this country is worthwhile for us to do.

So we take a small step, reducing questionable spending that many of us feel on this side and perhaps a few on that side feel, so I believe our money would be better spent to help the fire fighters retire the debt.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Washington (Mr. DICKS) insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 7½ minutes in opposition to the amendment.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as many of us know, the National Endowment for the Arts was created in 1965. I believe that this endowment has done a tremendous amount to help foster the arts in this country. When the Endowment was created, we did not have the great range of the arts we now have. We now have performing symphonies and ballets all over this country. We have seen a tremendous growth in the arts, and I believe that one of the major reasons for that is because of the challenge grants and the other programs that the Endowment approved over the years.

The private sector looking to an entity, an arts organization getting a National Endowment for the Arts grant, is almost the Good Housekeeping Seal of Approval. Since the endowments were created, we have seen a tremendous growth in the amount of money that the private sector contributes to the arts all over this country.

A few years ago, we were funding the National Endowment at about \$170 million. It was cut back dramatically. Today we only fund it at \$98 million. In fact, we will have a bipartisan amendment after we take care of the Stearns amendment to increase the money for the endowments in a modest way.

The President has requested for each of the endowments \$150 million. A few years ago, Congress had some concerns about the quality of the grants and some of the grants that were approved by the National Endowment for the Arts. We put in very strong language saying, since they cannot approve every grant that comes in, use quality as a standard for judging and assessing these grants, and do not let an entity get a grant and then give it to a sub grantee for some other purpose.

I believe that under Jane Alexander and Mr. Ivey, Mr. Ferris at the Humanities, that we have seen managers who have seen the words from the gentleman from Ohio (Mr. REGULA) and

myself that were crafted, and have implemented it. We now have congressional Members who are on the advisory boards of the panels to give congressional input, to make sure that the American people's voice is being heard on these issues.

So I think this is an amendment that Congress has defeated over and over again. I am confident that we will again defeat it today, because I think the American people believe that the modest investment we make in the arts, and I think also in the humanities, is tremendously important in communities all over this country. We see education, education in the arts being an important item in many communities.

I can remember going with Jane Alexander to Garfield High School in the city of Seattle and seeing an after-school program where the kids were doing very good high quality work in the arts. The kids were enthused about it. It helped us, I think, in dealing with crime and also furthered their education. It gave them something to believe in.

I think that educational programs are good. Dale Chihuly, one of the world's renowned glass artists from my district in Tacoma, Washington, has an after-school program to teach kids how to create blown glass and create glass art. These kids, some of which have been juvenile delinquents, swear that this has transformed their lives. One, they have something to do after school and, two, they are working in the arts in a very creative way.

I had a chance to go up and visit them to see their work, to actually try to create glass art myself. I was not as good as the kids, but it really made an impression on me and showed that programs like this that are sponsored by the National Endowment for the Arts are truly very important to our country.

So I urge today that we will resist this amendment.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I would be delighted to yield to my friend, the gentleman from California (Mr. HORN), for any comments he wants to make.

Mr. HORN. Mr. Chairman, I want to praise the gentleman on behalf of the Arts Caucus, which is much more than 130 in this Chamber. I appreciate all he has done, both in the committee and are going to do.

I would say to my friend, the gentleman from Florida (Mr. STEARNS), the fact is we are not talking about funding the great symphonies of America. They can find the money in Los Angeles, New York, San Francisco, and Boston. We are concerned about kids that live in urban America that have never seen a symphony, never seen an opera, never seen any aspect of the arts.

Let me say, in the last 5 years there has been a complete turnaround. It is not only the people in urban America, it is where I grew up in rural America. In the 1930s, I can remember as a 6-year-old seeing this wonderful WPA symphony. That came to Hollister, California, population 3,000. It inspired me to be a musician.

Those are the communities we are talking about throughout America, and William Ivey has done just an outstanding job as administrator of the Endowment.

I would hope the gentleman would actually withdraw his amendment.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just tell my colleague, the gentleman from California (Mr. HORN), when he grew up the NEA did not exist. It started in 1965. Second of all, most of the money goes to six major cities. There are almost 150 Congressional districts that get no money.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

□ 1445

Mr. PITTS. Mr. Chairman, some people think that conservatives hate the arts. They think that, because we oppose Federal subsidies for the arts, that we are uncultured dolts who do not appreciate the finer things in life.

Let me try to correct the record, Mr. Chairman. The arts are an essential part of our culture. I love the arts. I love art in many forms. In fact, I am an amateur artist myself. I do not want this to be a show-and-tell session, but let me just illustrate. Here is a print of an oil I did last year of an area in my district called the Brandywine Valley. Here is a little sculpture that I do for volunteers who donate for people helping in my campaign. My daughter is an artist. We have a show at this present time in Lancaster County at an art gallery there. We have never received one red cent. There are millions of amateur artists out there who do not get any kind of funding.

Mr. Chairman, in fact, there is no correlation between NEA funding and the state of the arts in America. The arts are flourishing in America today. It is not because they are subsidized.

Although NEA funding has gone down as much as 40 percent in the past few years, there are more people working in the arts today than ever before. Employment in the arts is growing three and a half times faster than general employment at a time when we reduced NEA funding by millions of dollars.

In the last 5 years, attendance at artistic activities have increased by 37 percent, remember all this time when NEA funds are decreasing.

Now, the thing that outrages the taxpayers is when the NEA, and they have the pattern of doing this, funds the shock art, the outrageous art, the anti-Catholic bigotry, the pornography.

There is a play recently in New York City entitled "The Pope and the Witch," which is funded. It depicts the Pope called John Paul, II, as a heroin addicted paranoid advocating birth control and legalization of drugs. As long as this type of funding is done by NEA, we need to send them a signal and give them the modest cut of 2 percent. I support the Stearns amendment.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield the remaining time on our side to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I thank the gentleman from Washington for yielding to me.

Mr. Chairman, I would like to first say, in the Catholic lead, when it had the thing that was called "The Pope and the Witch," I would like to read from the notes here. "Please note that the NEA is not supporting the development or the production of this play. All NEA grants are by law for a specific project, and this was not included in any of their projects."

I would also like to say that, in my little small town of Hickory, North Carolina, we built an art museum. The National Endowment gave us \$1,000. One would not think that was of any great value one way or the other. But with that \$1,000 we were able to go to all the corporations and supporters in that little town, and we raised \$3 million to build an art museum.

The \$1,000 is just like the best thing one can say when some corporation wants to know, what have you done? Who are you getting it from?

I would also like to say, when we cut it \$65 million in 1995, I voted for that cut because I thought the National Endowment had gotten out of hand, and we should mandate changes; and we did mandate changes because of problems that were there. They have had no increase in 8 years now.

Let me just give my colleagues a couple of things. They have a cap on the amount of money that can go to any one State; whereas, previously New York got way out of their share of it.

The State grants program, the State set-aside, has been increased. Every State gets more money, and my colleagues would be surprised at the number of every State that participates. State grant programs and State set-asides I say have increased. Anti-obscenity requirements for grants, this is supported by the Supreme Court. They have to live by this.

No matter what anybody wants to say, they are doing what was mandated and what they deserve. There is a large

number of us that think that, in spite of what they say, art does add a great deal to the quality of life.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just point out to the gentleman from North Carolina (Mr. BALLENGER) that, if he wants the list of projects they have supported since 1980, they have a 20-year record here, from the Sorano, Mapplethorpe, I mean, to the one that the gentleman from North Carolina just mentioned. I mean, it goes on and on and on.

So the fact that the gentleman from North Carolina got \$1,000, the rest is going to six major cities.

Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 2 minutes remaining.

Mr. STEARNS. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I rise in support of this amendment. One of the most amazing characteristics of the human race is our ability to express ourselves artistically. All of us have been touched by a piece of music, a beautiful and interesting sculpture, an outstanding theatrical performance.

Art can be as enriching to the soul as nature itself. But sometimes in this job, we are forced to choose priorities. I think wildland fire management is a higher priority for the amount of money that we are talking about.

Because the arts are flourishing in America. Most people do not know that more people attend artistic events in a given year than sporting events. The private sector contributes over \$9 billion to the arts every year. Employment in the arts is growing 3.6 times faster than the general employment. Of the money that we do give to the arts from the Federal Government, 20 percent is consumed in overhead. A majority of the remaining amount is spent in New York or California.

The gentleman from North Carolina (Mr. BALLENGER) was relishing that he got \$1,000 for his district, \$1,000. It is not very much money. Very little of this money makes it out to the rest of America.

I think our Founding Fathers noted that the benefits of keeping the Government out of the arts were great. But if any of my colleagues have lost personal possessions to a fire or to a flood or to theft, they know how serious that is. Sometimes it is merely a scrap of paper with a signature on it or a canceled check or photo, something that cannot be replaced.

If we can support the wildland fire management, I think we are going to help people from losing their possessions and keep our natural heritage, the wildlife areas, from burning.

So this issue is not about the importance of our arts in our society, as

much as it is about helping protect those who stand to lose everything from wildfire.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment takes a very small step in reducing questionable spending and shifts it to a much more needed important area. I believe our money would be better spent protecting Americans than being used to promote art that is many times antireligious and, recently last month, anti-Catholic.

We hear repeatedly that the NEA has changed. It simply has not. The New York Times reported that 70 percent of its grants go to the same recipients every year, while fires are ravaging our country.

The people who believe in giving it to just six major cities are subsidizing them, and I think it is an amendment between public safety and environment.

Mr. Chairman, I urge support of the Stearns amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$424,466,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That any unobligated balances of amounts previously appropriated to the Forest Service "Construction", "Reconstruction and Construction", or "Reconstruction and Maintenance" accounts as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the "Capital Improvement and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C.

4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Depart-

ment of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105-163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$1,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$200,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made

available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101-593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 6201-3709, and shall be advanced in a lump sum as Federal financial assistance within 60 days of enactment of this Act, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County,

California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101-612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105-277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided further*, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 4601ll-61) is amended by adding at the end the following new subsection:

"(c) TRANSITION.—Until September 30, 2002, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner

consistent with the authorities exercised by the Tennessee Valley Authority, before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment."

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 66, line 16 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$67,000,000 shall not be available until October 1, 2001: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I have four amendments at the desk, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER:

Page 66, line 21, insert "(increased by \$22,000,000)" after the dollar amount.

Page 85, line 7, insert "(increased by \$15,000,000 which shall not be available until September 29, 2001)" after the dollar amount.

Page 85, line 21, insert "(increased by \$5,000,000 which shall not be available until September 29, 2001)" after the dollar amount.

Page 86, line 19, insert "(increased by \$2,000,000 which shall not be available until September 29, 2001)" after the dollar amount.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. REGULA. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer my first amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

Page 66, line 21, insert "(increased by \$22,000,000)" after the dollar amount.

Ms. SLAUGHTER. Mr. Chairman, we are calling up this amendment to give a much-needed raise to three agencies of the Federal Government that have been starved by this Congress for a number of years simply because of misperceptions and absolute downright lies about the kind of work that they have done.

I do not think any reasonable person in the United States can dispute the good work that these agencies do. As a matter of fact, in the years which we struggled just to keep it alive, we have

gotten a lot of help from the associations, the counties, the conference of mayors, major corporations in the United States who believe that creative thinking is the key to success.

This year we can afford to give to the National Endowment of Arts \$15 million more, and \$5 million more to the National Endowment for Humanities, and only 2 million more, I wish it were more, for the Museum Service, which does so much, the Museum and Library Service.

The debate over the years about these three agencies, over this government have taken such a terrible beating. Things have been said on the floor that have been, as I said earlier, misperceptions and down right wrong. But we struggle just simply to keep them alive. But we have ample proof from the response of the people throughout the United States that they not only want these agencies alive, they want these agencies to survive.

I want to make it clear this afternoon that I am offering this amendment on behalf of the Arts Caucus of the House of Representatives, which is co-chaired by the gentleman from California (Mr. HORN). This amendment is cosponsored also by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Washington (Mr. DICKS).

What we are asking is, as my colleagues know, the bill calls for a deferral of \$67 million. We would like to increase that by \$22 million for a total of \$89 million, as we said before, to give the NEA a \$15 million raise, the NEH \$5 million more, and the Library and Museum Service \$2 million more.

People cry out for it. Even our opponents on the other side have talked about how much people appreciate going to arts programs.

The National Endowment for the Arts and National Endowment for Humanities have made certain over the years that they have reached out to every nook and crannie from sea to shining sea in the United States, trying to make the little bit of money that we give them stretch to meet the needs of the growing population of the United States.

□ 1500

We know more than we used to about the development of the mind. We know more about what it is like for a child to be exposed to art at a very early age. We know a child who has studied art for 4 years in high school will do 80 points better on their SAT scores. And we know that this House should vote to support these agencies.

Mr. HORN. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank the gentlewoman for yielding to me.

We also know that we could keep more talented young people in the school system if we put resources into good programs in the arts, learning about the arts, and the humanities. It is something that every student in college, and some of our California State universities, have to take at least one course in the arts and/or music. And that is important because it broadens the mind, and it keeps the brain moving.

The arts also provide inspiration. We all know that. So we should not have to go through these annual maulings where we have to refute some new bogus charge which is utter baloney. Some earlier grants often had nothing to do with the National Endowment for the Arts.

In 1965, I happened to be on the Senate staff and the establishment of the Arts and Humanities endowments were overwhelmingly passed by the House of Representatives and the United States Senate. As far as government support of the arts in the depression, the WPA, the Works Progress Administration, put millions were put in when people were unemployed, and they brought inspiration both in murals, in symphonies, in opera.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I just want to echo what the gentleman from California (Mr. HORN) has said.

It is unbecoming for this Congress every year to debate this subject the way we do. Last night half of this group in this House went over to the Kennedy Center for a free performance of *To Kill a Mockingbird*, and this afternoon they have come back for a performance on the floor to try to kill the NEA.

I think the time has come to stop that nonsense and fund these agencies a little bit more so they can do three times more work.

Mr. DICKS. Mr. Chairman, I rise in very strong support of this amendment.

I had hoped that we could do this swiftly for our colleagues. I know many of them would like to be heading home this evening. Except for this one amendment, which we could not get agreement on, we could have had an agreement on every other amendment in this bill. But if we have to do it this way, we have to do it.

I think this issue is crucially important to our country, and I believe that the gentlewoman's amendment, which would increase the deferral by \$22 million, would then allow us to have the room necessary to vote for an increase of \$15 million for the National Endowment for the Arts, \$5 million for the National Endowment for the Humanities, and \$2 for the museums and libraries.

Now, believe me, that is not a lot of money. I do think it would send a signal that after 8 years of holding down

funding for the Endowment of the Arts that we see that Bill Ivey and his people have done a good job and that they deserve this small amount of additional money.

I want to commend the chair of the Congressional Member Organization for the Arts, the gentlewoman from New York (Ms. SLAUGHTER) and the vice chair, the gentleman from California (Mr. HORN), for their leadership on this. It is bipartisan. There are people on both sides of the aisle here that support the arts in this country.

When I go home to my State and I look at what has happened in Washington State in the arts, and it is not just in Seattle, it is Tacoma, in Bremerton, in Port Townsend, it makes me proud that that small amount of Federal money has been used all over this country to create performing arts' groups, ballets, and symphony orchestras. And, also, we have been able to get funding from the private sector because they see the government involvement, they see that Good Housekeeping Seal of Approval, and they are willing to match those monies, as the gentleman from North Carolina (Mr. BALLENGER) previously talked about.

So I think this is a solid amendment. Unfortunately, we have to offer it in three different steps. But I hope that on each of these steps everyone in this House will recognize that this is the amendment on the National Endowment for the Arts. If my colleagues support it, they support the Slaughter amendment. If they do not, then they do not. But I think there is a majority in this House. If given a chance to vote up or down on this issue in this House of Representatives, I think there is a majority here in support of the National Endowment for the Arts and for the National Endowment for the Humanities.

I regret that we are forced to offer this amendment in this convoluted fashion because the majority is so nervous about this issue. What is wrong with the arts? What is wrong with the humanities? Why are they afraid of this issue, when in every community in this country there are great examples of where the arts and humanities are helping the American people, and our museums as well?

I am very upset that we could not work out an agreement here. This is the only issue we have not been able to resolve amicably, and I hope that people will stay with us, vote for these amendments as we have to go through this process. We will clearly identify which ones are for the arts, and we appreciate the hard work of the gentlewoman from New York who is chairwoman of the arts caucus.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. This budget is very tight. We have many needs to balance

within the interior budget and the overall budget, and we must not take funds from Social Security and Medicare because we are afraid to make tough choices.

My opposition is based on budget grounds. In the past, I have helped lead the opposition to NEA on a number of grounds which, under the direction of Bill Ivey and the new guidelines passed by Congress, has corrected a number of its past problems. No longer are NEA funds so concentrated on the major cities of this country, where arts resources are already plentiful. This has also helped alleviate the cultural elitism of the past.

There has also been major progress in the area of performance artists, where the only art is in the eyes of the artist. If art is to be public funded, it needs to be more majoritarian or consensus art. If the NEA wants me, my family, the people of Indiana, and America to pay for it, it should be something appreciated by others not just the artists.

Probably Americans are most familiar with the controversies around the funding of morally offensive art by the NEA. It is unfortunate that conservatives, such as myself, do not speak up often enough about the importance of arts to the soul. A society without artistic expression would be gray, boring, and depressing. But publicly funded art should not gratuitously insult the deeply held religious beliefs of the American public.

The Reverend Donald Wildmon and Pat Trueman of the American Family Institute have performed a tireless public service in making sure Americans and Congress aware of where our tax dollars are spent. It is my belief that the new director and the new rules of the NEA help make progress on limiting morally offensive art funded by our tax dollars.

I was shaken, as others have been, by several cases where NEA funds have gone to organizations in the last few years that have either performed or provided a venue for art that attacks Christian beliefs in an aggressive calculated way. The clear goal was to cause insult and offend, not to inspire the soul or cause reflection. They are crudity designed to shock.

I decided to study the possible NEA involvement further, and this is what I discovered. And it was not enough just to argue that the funding was not for the individual projects because money can be fungible and it can be used to send tacit approval to the organizations that performed it.

There was recently a play entitled "The Pope and the Witch." It depicted the Pope, called John Paul II, as a heroin-addicted paranoid, advocating birth control and legalization of drugs.

The NEA provided funding to the Irondale Ensemble Project and provided funding for the New City, where the play was performed. But here is the

rest of the story. The \$15,000 grant to the Irondale Ensemble was for a musical theater piece of "The Murals of Rockefeller Center." The date was prior to the morally offensive anti-Catholic about the heroin-addicted Pope.

The NEA did not fund the offensive play, nor did they know such a play would later be performed by this organization. The real test is next year. Now they know this theater has stuck its finger in the eye of the American people. Now there should be no more funds.

The same is true for the theater for New York City. Their grant was to fund education programs. It was given before the disgusting, anti-Catholic play about a heroin-addicted Pope. While NEA did not know that this organization was going to provide a venue for an anti-Catholic play when their grant was given, they now know. No more funds.

The Brooklyn Museum in New York is a famous institution. It was not a surprise that NEA would have supported an arts program at that museum. After that funding was granted, the Brooklyn Museum apparently decided that their best hope for raising money was to insult Christians to gain attention. A Virgin Mary made out of dung certainly did that.

No NEA money was used for that art. NEA money to the Brooklyn Museum had been given earlier, so it was not moral support or fungible money. But now we know they will deliberately insult Christians with shock art. No more funds.

Another case raised by critics actually started in 1996. In this case, "Corpus Christi" promoted itself as a play about Christ being a homosexual who had sex with the apostles. Clearly, not something taxpayers would want to support. But once again the facts do not show that NEA supported this play.

In 1996, the Manhattan Theatre Club received a grant to develop Terrence McNally's new play "Corpus Christi." Here is the application that described this proposal. I have read it and gone through the application. Here is all that it said. "Spirituality has been one of the major themes in Terrence McNally's most recent plays at MTC. His next play, *Corpus Christi*, will be an examination of good and evil. He will use certain miracles in the life of Christ as inspiration for the story, which will have a contemporary setting."

In case my colleagues missed the part about Christ being a homosexual and having sex with his apostles, it is because it is not there. That is why Congress now requires more in-depth descriptions.

But that is not even the rest of the story. The Manhattan Theatre Club then wrote to cancel this grant and asked to transfer the funds to "Col-

lected Stories." I have reviewed the letter exchanges that clearly show the grant transfer.

Nothing then happened for 2 years. In 1998, McNally completed the disgusting shock art play, which was performed without NEA funds. Many artists today would rather use their creative powers to mock God and try to provoke outrage from people who love and honor our Creator rather than develop art.

Our anger and legitimate concern that no tax dollars provide funding, direct or indirect, or even in the form of moral support, is completely justified. But we also, especially as Christians, have a moral obligation to stick with the truth. NEA did not fund this art, directly or indirectly.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words, and I wish to engage in a colloquy with the gentlewoman from New York.

It is my understanding that in the offset for the gentlewoman's amendment, she seeks to defer until 2002 \$22 million of previously proposed funds for the Clean Coal Technology Program of the Energy Department. For 15 years, through the Clean Coal Technology Program, the Federal Government has been a solid partner, working jointly with private companies and the States to develop and demonstrate a new generation of environmentally clean technology using coal.

Companies were willing to sign agreements with the government because Congress, under the leadership of the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the gentleman from Washington (Mr. DICKS), the ranking member, and others, had the foresight to appropriate the entire Federal share of funding in advance. The companies knew the money would be available, and with that confidence they came to the table ready to commit their own funds.

In fact, for every \$1 committed by the Federal Government, \$2 have been committed by private industry and State agencies. This program is coming to a conclusion. All projects have been selected and all contracts have been negotiated. Can the gentlewoman give me her assurance that the deferral of funds called for in her amendment will in no way inhibit the Department of Energy's ability to fulfill its contractual obligations for fiscal year 2001; and, further, can the gentlewoman assure me that none of the current projects in the Clean Coal Technology Program, for which contracts have already been signed and agreed to by the government, will not be canceled as a result of the deferral of funds in the gentlewoman's amendment?

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. HOLDEN. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I am happy to respond to the gentleman's inquiry.

I have contacted the Department of Energy and been assured that deferring the additional \$22 million would not cause any significant problems and is not expected to result in the cancellation of any contracts.

In fact, the Department of Energy originally proposed deferring \$221 million and rescinding an additional \$105 million in clean coal funds. Consequently, a deferral of \$22 million should not cause any major hardship, and I urge my colleagues to take this opportunity to allocate the funding to the arts and humanities.

Mr. HOLDEN. Reclaiming my time, Mr. Chairman, I thank the gentlewoman and will support her amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but it is important to understand what this amendment is. This is the first of four amendments which, in all, will try to add \$22 million to cultural programs; \$15 million to the National Endowment for the Arts, \$5 million to the National Endowment for the Humanities, and \$2 million from museums. It is paid for out of an account which will suffer no impact if it loses that offset because that money cannot be spent.

I would remind my colleagues that the agencies that the gentlewoman from New York is trying to fund are at this point funded at a level 40 percent below where they were a decade ago.

□ 1515

I would just say, I understand the anger that persons have felt in the past when they have seen obscene art or so-called works of art that are morally offensive to large numbers of Americans, and I think that has no place in a program like this. And as you know, we have instituted many reforms to assure that, to the maximum extent possible by any human being, that will not happen again.

At this point, I guess my suggestion to any Member would be: Whoever on this floor has never made a mistake or never had their staff make a mistake, whoever there is on this floor, please feel free to go ahead and criticize this agency. Because they had a 99.9 percent record of funding projects which are perfectly acceptable to everyone.

I would remind you that even a stopped clock is right twice a day, and so there are times when even in the best of circumstances something wrong will occur.

But as one of the previous speakers pointed out, in many of those instances, the projects that were being objected to were never funded by NEA in the first place.

I would also say, I just wish that you could see one action that is taking

place in schools in my district where one song writer goes into schools and takes young people who have never had exposure to this kind of program, finds out their interests, gets them to put the words down on paper that express their feelings about those interests, and then, in turn, puts those words to music. He has produced a wonderful CD as a result of that. And it is incredible what some of those kids have been able to do.

We need more projects like that all over the country. It would be a terrible shame if we could not begin the new Challenge Program that Bill Ivy and the National Endowment is trying to bring forth.

I congratulate the gentlewoman from New York (Ms. SLAUGHTER) for her amendment, and I would ask the cooperation of the House so that she can achieve what she is trying to do in piecemeal fashion because the rule does not allow her to do it all at the same time.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words and I rise to speak in support of the amendment.

Mr. Chairman, it is another year and another debate on a modest increase in funding for the NEA and the NEH. Most of us could probably dust off last year's statement and just use that again because the issues have not changed; they are the same every year.

Every year supporters of the National Endowment for the Arts come to the floor, and we present overwhelming evidence that the NEA is a good investment for our country. We talk about the broad geographic reach of the NEA, with grants to all 50 State arts agencies as well as to the hundreds of communities across the country.

We talk about how the NEA has extended the reach of the arts into rural communities to which the arts never reached before all across the country.

We talk about the importance of NEA seed money in leveraging private support, like the \$4 million in total funding Chamber Music America was able to raise from just a \$300,000 NEA grant.

We talk about the economic benefits of the NEA, pointing to the tens of billions of dollars in economic activity generated, the millions of jobs supported, and the billions of dollars in Federal income tax generated by the arts every year.

And we talk about the numerous educational projects supported by the NEA from programs for young children to life-long learners.

Finally, we talk about the inherent value of supporting a vibrant arts community in this Nation, how the arts lift the spirits of our citizens and bring us together, how they entertain us and make us think, how they leave a lasting legacy for our children and their children to remember and celebrate.

But as I said, we bring up these arguments year after year. Of course, a few years ago we were debating whether the NEA should even exist, whether it was the proper role of Government to subsidize the arts. But we have won that fight.

Clearly, the American people support the NEA and the work it does. Clearly, the American people believe the Federal Government also has a role in promoting the arts and cultivating artists throughout the country. But in order to carry out this mandate, we must fund the NEA at a level that enables it to fulfill its mission.

Today, resources are stretched too thin to adequately fund worthy projects. The average grant size has dropped by over half since 1997 and is expected to drop even further unless we provide an increase this year.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, this agency is funded at a level 40 percent less than a decade ago. When we limit funding, we also hamper the ability of the agency to continue its work in expanding the reach of the NEA to underserved areas.

The massive cuts to the NEA enacted a number of years ago has reduced a once thriving agency to a very valuable but still shell of its former self. In these times of unparalleled prosperity, of unparalleled huge and increasing budget surpluses, it is nothing short of outrageous that we have not provided a nickel's increase for this vital and popular agency for the last several years.

I think we should return to the glory days of the Reagan and Bush administrations when the NEA received almost twice what it does today. Short of that, I urge my colleagues to support the modest increases we are talking about in these amendments.

As is pointed out, the offset provided in this particular amendment poses no danger to anything because they cannot spend that money now. The offset has no negative impact. The modest increase of \$15 million to the NEA and \$5 million to the NEH and \$2 million to museums is less than we should do, but we can do no less today.

I urge the adoption of these amendments.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if my colleagues walk through the tunnel that connects the Longworth Building and the Cannon Building with the Capitol today, they will see the difference from what happened yesterday when the walls were bare. Now the walls are hung with beautiful, live, vibrant art. Now, we cannot miss it. We cannot miss the change from nothing to what these young students have done around our country.

My favorite piece of art is the cow poking its nose through the barbed-wire fence. But that is today. Tomorrow

I will walk by, and I will see another piece of art, and it will become my favorite. Because that is what art does, it tickles us, it enthralls us, and it makes us love living. And that is what art is all about.

What an embarrassment for the House of Representatives to once again in an appropriations bill hold funding levels for the National Endowment for the Arts and for the Humanities.

As anyone who has managed a budget knows, this really means we are decreasing funds for the arts for the humanities, for the libraries. Opponents of the NEA and NEH cry fiscal discipline as if the richest Nation in the world needs to be the most culturally impoverished.

But money is not what this is all about. We know that the dollars that we invest in the NEA and in the NEH leverage matching grants and multiply many, many times over in every one of our communities.

What we are really witnessing here is an assault on free expression, a war on culture. It is a battle as old as the stockades in Puritan times, and it is absolutely wrong-headed.

The arts and humanities teach us to think. They encourage us to feel, to see in a new way, and to communicate. A world without art would be as dreary as those tunnels between the Cannon Building and the Capitol when they are without the art of the young people across our country. A world without art would be a dreary, dreary existence indeed.

I hope that all of my colleagues will support the Slaughter-Johnson-Horn amendment to increase funds for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum and Library Services. It is a small investment with a return as vast as our very imaginations.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this critical amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Arts are our cultural language. They bring our communities together and serve to define who we are as a society. Both the NEA and the NEH broaden public access to the arts and humanities for all Americans and improve the quality of our lives for our children and our families.

I spent a good deal of my career in public schools, and I have seen the positive impacts that arts has in our children's education. The arts teach our children rhythm, design, creativity, and critical thinking.

The arts have also been shown to deter delinquent behavior of at-risk youth and to help dramatically to improve academic performance, truancy

rates, and other critical skills among our children.

As the new economy demands a workforce that can think and work innovatively, arts education provides a crucial part of that skill building, skills that can begin at a very young age. For example, in a child's elementary school class trip to the museum.

In my district on the central coast of California, students have been exposed to the virtues of music, poetry, and dance as a result of our National Endowment of the Arts support.

Students from Santa Barbara, San Marcos, and Morro Bay High Schools had the opportunity to participate in the Essentially Ellington program and study the jazz music of Duke Ellington.

Students and adults have been exposed to poetry through National Poetry Month at the Lompoc Public Library, Miguelito Elementary School, the Dunn School in Los Olivos, the San Luis City County Library, and the University of California in Santa Barbara.

Thousands of my constituents have been thrilled and inspired by the Mozart Festival in San Luis Obispo, the Santa Barbara Symphony Orchestra, and the LINES Contemporary Ballet, which has performed at both Allan Hancock College in Santa Maria and CalPoly University in San Luis Obispo. These exhibits and performances have been funded and supported by NEA.

For slightly less than 36 cents a year, all Americans have access to all that the arts have to offer. It is a small price to pay for one of our Nation's richest and most effective resources.

And so I urge my colleagues, let us vote for our children and support the Slaughter-Horn-Johnson amendment to strengthen both the National Endowment for the Arts and the National Endowment for the Humanities.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since its creation in 1965, the National Endowment for the Arts has issued more than 110,000 grants; and of this total, fewer than 20 have been considered controversial.

We can match that 20 against grant recipients who received 35 of the past 46 National Book Awards, National Book Critics Circle Awards, and Pulitzer Prizes in fiction and poetry since 1990.

Thirty-five of those recipients have been NEA recipients. Match it against the grant recipients of PBS's Great Performances that were nominated for 121 Emmys and won 51 Emmys.

Imagine all of those who are recipients of NEA awards. Great performances or small, the NEA has supported hundreds of professional orchestras, dance companies, nonprofit theaters. And before that NEA support, they really did not exist. But given NEA seed money and given the credibility that they get by NEA choosing to

make an award to them, even if it be a small award, they then go out and raise substantial amounts that are in many multiples of the actual money that NEA gets. But that little seed, that credibility, makes a world of difference.

Federal funding for music, dance, theater, literature, and visual arts is not just about the quality of life; it is about investments to fulfill our human economic potential. By directing funds toward culturally diverse, educational community-oriented programs, we provide places where at-risk youth can express themselves creatively rather than destructively.

□ 1530

One witness provides a living testimony for why Congress should increase NEA's budget. Three years ago, I know I was moved by the testimony and I think all of the members of the subcommittee were moved by the testimony of a young opera singer named Denyce Graves. She testified that without the NEA, she never would have heard an opera, let alone determined that she was interested in pursuing a career as an opera singer.

Growing up in Washington, D.C., Ms. Graves was only a few miles away from the Kennedy Center but because her family could never afford Kennedy Center productions, it might as well have been a world away. It was not until Ms. Graves, as a teenager, saw her first opera at a local community theater funded in part through the NEA that she changed her whole career aspirations. She was so inspired by the music, the drama, and the passion that she decided at that moment she would become an opera singer.

Since that day, Denyce Graves has performed as Carmen at the Met and sung all over the world in major opera productions. But she has never forgotten the role that NEA had in her life. She devotes a large amount of her time working in community theater groups sponsored by the NEA. She talks to inner-city kids about the importance of arts as an alternative to violence and about how they can find constructive ways to express their passions, their fears, their desires and their dreams.

That is what this is all about, funneling people's passions into constructive things rather than destructive pursuits. Promoting the arts improves our culture and helps instill civility. Arts and the humanities can lift people up and show them a different way of looking at the world. This Congress should continue to help the young Denyce Graves of the world to achieve their dream.

Today we have a chance to increase our investment for this worthwhile program. We can vote to increase opportunities for our citizens, to enrich their lives, their communities, and improve the social fabric of our Nation.

We ought to give more Americans the chance to enjoy the arts the way Denyce Graves and countless others have had that opportunity because of the National Endowment for the Arts. The NEA, the NEH, the Museums, all that we do for the arts pays multiple-fold dividends. It is part of our quality of life and part of our social and economic progress. We ought to increase that investment today.

Mr. HOUGHTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to complicate this, because everybody has expressed themselves adequately and there has been a lot of emotion and a great deal of coverage here. I just think there are three things: One, do you believe in the arts? Secondly, do you believe in the government being in the arts? And thirdly, how much money is involved?

I do not think there is any question about the first issue. I do not think anybody who is adamantly opposed to the government being in the arts opposes the arts. I mean, it is clear that there is tremendous benefit to our society, to our children, all of the richness of our lives.

So the second thing is, should the government be in the arts? I really think it should. I will tell my colleagues why. I will give an example of a particular program that years ago was trying to start up an arts camp in Massachusetts. They could not get any money. It was unproven. They were not sure it was the right thing to do. So they finally got a 5-year grant, I think it was \$5,000 a year, from the NEA, which clearly was not enough to cover the program but it was enough to signal to the other program on the outside, this is really worthy of something because the National Endowment for the Arts of the United States is supporting this.

The end result of this is they got the money, that people, individuals, corporations and foundations supported this thing and as a result, there are 40 to 45 of these camps literally touching the lives of thousands of students. That never would have been possible had it not been for that authenticity.

The third area is how much. I do not know how much. I do not know if there should be an increase of 15 for the NEA, five for the NEH and two for the Museums or whether it should be more or less. I do know, though, the trend has been going in the wrong direction. Somehow if we believe in this, then we must reverse it, and the numbers expressed here today make a great deal of sense.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

As a proud member of the National Council of the Arts, and I saw my good friend the gentleman from North Carolina (Mr. BALLENGER) here, I cannot

help but be impressed with the thoughtfulness, the seriousness and the commitment of the Members who are making these judgments. I have seen with the gentleman from North Carolina firsthand the NEA's grant selection process. I just want to applaud them once again for successfully increasing America's access to the arts despite level funding for the last 3 years.

Unfortunately, the bill before us sorely underfunds the NEA and would inhibit the NEA from funding worthy and creative programs such as Chairman Ivey's "Challenge America" which would further arts education and outreach, particularly in underserved areas. It is so exciting to see and to talk with Chairman Ivey about what he wants to do, to go to areas where young people do not have access to the arts, to go into schools where many of our young people really cannot express themselves as well as others can without access to music, to art, to other cultural attractions. This is so very vital for their education.

In a Nation of such wealth and cultural diversity, it is a sad commentary on our priorities that year after year we must continue to fight for an agency that spends less than 40 cents per American each year and in return benefits students, teachers, artists, musicians, orchestras, theaters, dance companies and their audiences around the country.

Mr. Chairman, let us make a change this year. Now is the time to increase funding for the arts. Let us do the right thing. Let us support our young people. Let us support these programs. And let us make sure the United States of America can stand tall and be proud of our commitment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the NEA, the NEH, the Museum and Library Services and in support of the Slaughter-Johnson amendment. My colleague the gentleman from New York (Mr. HOUGHTON) said, Well, we support the arts. We support the Federal Government involvement in the arts. The question is, how much money?

Let me take a try at explaining why we should be putting more money into these organizations at this time. The National Endowment for the Arts has been treated unkindly by this body for too long. Since the early 1990s, the NEA, for example, has seen its funding reduced from \$162 million in 1995 to \$99 million in 1996, to \$97.6 million last year. So even if we adopt this amendment, the NEA budget would still fall short of the President's budget request.

To the credit of the NEA, it is continuing to do more with less. Even with the shrinking budget over the last 5 years, NEA has provided a greater number of grants to more communities

across the entire country. Unfortunately, simple math will tell us, while the number of grants has risen, the average grant amount has dropped by 45 percent. We must stop starving the National Endowment for the Arts. We have won the fight, I hope, for the existence of the NEA and the NEH and Library Services. But every year, it seems, we have to fight to raise it above starvation. Whether it is the Kennedy Center's touring company in Manalapan or the Boy Choir School or the McCarter theater, all of those in my district, or a nonprofit group in Tuscaloosa, Alabama, or in Lake Placid, New York, funding for the NEA touches all of our constituents, bringing them arts, cultural events and educational opportunities. Visual and performing arts, literature and poetry help us know ourselves as a society and help us stretch ourselves and grow as a society.

The President made a reasonable request of \$150 million for the NEA. My colleagues on the Committee on Appropriations set the NEA allocation at \$98 million. This amendment, I think, is a reasonable increase and will help raise this above starvation levels.

I urge my colleagues to vote for this opportunity for personal enrichment, for societal enrichment, for cultural enrichment.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of increased funding for the arts and humanities. I know there is a philosophical difference over whether or not there is a Federal responsibility to assist in the creation of the arts and the humanities across this Nation and whether the Federal Government should be involved in helping to expose more Americans to the benefits of those arts. But I have come to the realization that I think the Federal Government does have a role, not a primary role but it does have a role.

I also believe that increased funding for the National Endowment for the Arts is justified. There are a lot of arts groups in my district, in my part of Arizona that benefit very directly from this funding, such as dance theater performances and in-residence musical troupes that have been there in communities like Safford and Thatcher, poetry readings, photography exhibits in Tucson and other small communities around the district. These activities are a real asset to the rural towns and to the larger metropolitan areas. They are precisely the type of cultural activities that got overlooked too often without the National Endowment for the Arts.

But having said that and my support for added funding, as a member of the Committee on Appropriations, as a member of the majority and as a member of this subcommittee, I have a basic question and a basic responsi-

bility and, that is, how do we get this bill past the House of Representatives? An increase is great if it helps us to pass this bill on the floor of the House. But it does not do us much good if the majority of this body end up voting against the overall measure. So my question to the sponsors would be, do they intend to support this bill if an amendment is passed to increase the funding of the NEH and the NEA? I hope that we get this answered sometime before this debate is over.

My concern is a very practical one. If we adopt the amendment, do we gain support for the bill? It appears that we do not. But I can assure my colleagues that its passage results in a loss of support, unfortunately as far as I am concerned, but a loss of support by some Members on my side who have a very different point of view and whose view I also respect.

It is for that reason, until I have some assurance about this, that I would have to oppose this amendment. Because if we cannot get the bill through the House of Representatives, off the floor of the House and to conference with the Senate, then we all lose. We have to govern responsibly. I do not want to risk shutting down our national parks and forests over a virtual increase in funding, and I say "virtual" because this amendment does not actually allow any additional money to be spent or obligated to NEA or NEH until the last day of the fiscal year. It is in essence an advanced appropriation for the fiscal year 2002, not 2001.

So it is my hope that when this process is completed, the appropriations process is finished for this next fiscal year, we can find a consensus somewhere in what I would call the "radical center" and achieve a responsible increase in funding for the arts and humanities.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Slaughter-Johnson-Dicks amendment and really applaud them for all of their hard work on this amendment. This would add additional funding for the National Endowment for the Arts by \$15 million, the National Endowment for the Humanities by \$5 million, and the Institute of Museum and Library Services by \$2 million.

These programs help communities across the Nation develop critically important cultural resources. Through the NEA grants to local communities, support is provided for more than 7,400 K-12 arts educational programs in more than 2,600 communities all across this great Nation.

Chairman Bill Ivey has listened to the concerns of Congress and responded to them. He has initiated a series of reforms, first in how grants are given, and secondly in the arts reach program, he has reached out to all of the

States with the goal of making the contributions equal among the States.

□ 1545

The Challenge America program of NEA is hoping to bring educational programs to our public schools, to our young people in the early years, which is tremendously important. Study after study shows that children who are exposed to the arts do better in school and have higher self-esteem.

NEA, NEH and IMLS reach out to all of our communities. They provide cultural and educational opportunities to our children and families that enrich each and every one of us.

At the same time, these programs generate an enormous amount of revenue, approximately \$3.6 billion each year for our local economies across this country.

The NEA is useful to all our communities and comes at very little cost to taxpayers. Funding for the arts is much less than 1 percent of our Federal budget, and funding for these extremely beneficial programs has been frozen for several years.

In fact, funding is now 40 percent lower than it was 10 years ago. So it is time to do more for students and communities across our Nation. In my own city of New York, I cannot even imagine what it would be like without the arts.

It is such a vital and important part of the enrichment and cultural life of our city. And every single city should have arts, humanitarian programs, the humanities and library services.

This amendment reaches out to accomplish that goal. Again, one goal is to make sure that all States have equal funding. So I urge all of my colleagues to support this package.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to divide my time with the gentleman from California (Mr. CUNNINGHAM), who actually was here before me, and the gentleman consented to this. I will speak for 2½ minutes or less.

Mr. Chairman, I do rise in strong support of the Slaughter-Horn-Johnson amendment to enable an increase in funding for the National Endowment for the Arts by \$15 million, for the National Endowment of the Humanities by \$5 million, and for the Institute of Museum and Library Services by \$2 million.

We have heard over and over again, and we do agree it is critical that we support Federal funding for these programs. They serve to broaden public access to the arts in humanities for all Americans to participate in and enjoy. The value of these programs lies in their ability to nurture artistic excellence of thousands of arts organizations and artists in every corner of the country.

The NEA alone awards more than 1,000 grants to nonprofit arts organizations for projects in every State. These programs are also a great investment in our Nation's economic growth. Let us realize that the nonprofit arts industry alone generates more than \$36.8 million annually in economic activity. It supports 1.3 million jobs. It returns more than \$3.4 million to the Federal Government in income taxes.

I know that each of us in Congress can point to worthwhile projects in our districts that are aided by the NEA, the NEH, and the Institute of Museum and Library Services. In my district, Montgomery County, Maryland, the NEA funds, just as an example, the Puppet Theatre Glen Echo Park, just a few miles from the Capitol. It is a 200-seat theatre created out of a portion of an historic ballroom at Glen Echo Park.

The audience is usually made up of children accompanied by their families and teachers, representing the cultural and economic diversity of Maryland, Virginia, and the District of Columbia. An NEA grant allows the Puppet Company to keep the ticket prices low so that many young families can attend the performances.

One reads every day in the papers about those groups that travel there for the performances. And in the last five years other institutions and individuals in Maryland have received \$18.2 million from the NEH and the Maryland Humanities Council for projects that help preserve the Nation's cultural heritage, foster lifelong learning, and encourage civic involvement.

By supporting the arts and humanities, the Federal Government has an opportunity to partner with State and local communities for the betterment of our Nation. Both the arts and the humanities teach us who we were, who we are, and who we might be. Both are critical to a free and democratic society. It is important, even vital, that we support and encourage the promotion of the arts and humanities.

Mr. Chairman, I urge a yes vote on the Slaughter-Horn-Johnson amendment package.

Mr. Chairman, I yield to my colleague and friend, the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will move to strike the requisite number of words and take my own time.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague, the gentleman from New York (Ms. SLAUGHTER).

As chairperson of the Congressional Arts Caucus, she has done a remarkable job in educating her colleagues on the importance of the arts, humanities, history and literacy programs here in the United States.

This amendment would restore \$22 million of urgently needed resources to the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

These funds will be used to continue and expand upon a number of important programs at these agencies, including the arts, education programs at the National Endowment for the Arts.

Currently over 5 million American children benefit from the arts education programs, including a number of my constituents in the Bronx and in Queens.

In my district, the BCA Development Corporation, which runs the WriterCorps project, recently received \$30,000 to support the Youth Poetry Slam. The poetry program is designed to use teens' natural penchant for competition and self-expression to introduce them to the written and to the spoken word.

It has been proven over and over again that children who are exposed to the arts remain in school longer, receive better grades and stay out of trouble, and hold themselves in higher self-esteem.

Additionally, the NEA provides grants to cultural and folk institutions throughout our country to demonstrate and show respect for the diverse ethnicities that make up our great Nation.

As an example of the importance of these funds, the Thalia Spain Theatre in Sunnyside, New York, received \$10,000 to support a series of folklore shows of music and dance from Spain and Latin America. The music and dance shows included Argentine, tango and flamenco, and classic Spanish dance, as well as Mexican folklore.

I am especially pleased at the funding award for the Thalia Spanish Theatre. I have worked very hard to make sure that the arts and cultural organizations cater to nontraditional and new audiences. That is why I am pleased to thank both the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS) for once again including my language into this bill to include urban minorities under the definition of an underserved population for the purpose of awarding NEA grants.

My district, which is composed of a diverse wealth of neighborhoods throughout Queens and the Bronx, has a number of ethnic groups that add to the tapestry of New York City.

My language will open NEA funding to more local ethnic arts groups and more residents of Queens and the Bronx. It would also help fulfill the mission of the NEA to guarantee that no person is left untouched by the arts.

Once again, I want to thank the gentleman from Ohio (Chairman REGULA); the ranking member, the gentleman

from Washington (Mr. DICKS), for all their hard work to include that language.

I want to also ensure that all Americans have equal access to cultural programs. Projects targeted at urban youth will greatly help keep these young people off the streets and away from the lure of drugs and crime. The arts also help to break down barriers. They bring communities together; and they offer hope, hope to struggling communities throughout our country.

That is why the Slaughter amendment today is so important. Additionally, this amendment will increase the funding for both the National Endowment for the Humanities and the Institute for Museum and Library Services. These two agencies both have strong reputations among both Democrats and Republicans for the wonderful work in restoring the folk, oral, and written traditions of America.

The NEH has been very active in providing seed money throughout the country, and particularly in New York City, to address the issues of electronic media in the classroom. A specific grant was given last year to assist in the training of teachers in new media techniques to communicate the humanities to our children.

This type of project represents the best of the NEH and of our government working directly with local communities to advance the education of our young and train them for the future.

The NEH and the IMLS have led the way in working to build and strengthen relationships between our Nation's libraries and museums and our children's classrooms to ensure that the knowledge, creativity, and imagination of every child of our great Nation is at the fingertips of every young Einstein, Rembrandt, and Twain to come in the future.

This is an excellent amendment, and I urge all of my colleagues to support it.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentlewoman from New York (Ms. SLAUGHTER) is a champion of the arts and the NEA and the people that speak for the National Endowment of the Arts. I just happened to disagree with the manner in which they fund the arts, and I will be happy to explain.

I want to tell everyone about a little girl that escaped from Vietnam; her name was Foo Lee. She participated in the arts caucus every year which have art students from the high schools submit their work and we pay for the student to come back here, out of our own pockets. Foo Lee escaped in a boat from Vietnam, and if anyone sees the painting, we would actually get tears in our eyes, because she and her whole family escaped from Vietnam on a rickety boat, and she drew a picture of

that. We can see the pain and the anguish.

Mr. Chairman, the little girl has a fantastic talent. We found out that Foo Lee's mom stayed behind when she came to the United States. She knew that if they were captured, that they would be all put into a re-education camp, and there is nothing education about a re-education camp in Vietnam.

So the mom, who was a gynecologist, actually stayed behind so that Foo Lee and the rest of the family could come forward. It took 2 years, but we finally got Foo Lee's mom into Lindbergh Field in San Diego on Christmas Day, and that little girl is still an artist.

I want to tell everyone that there are artists like that, and there are paintings of the children in our schools that paint in the hallway here. There is a lot of very gifted children and a lot of talent there. It should be cultured.

I respectfully disagree with the way that the National Endowment for the Arts deals with taxpayer funding.

I will come into the district of the gentlewoman from New York (Ms. SLAUGHTER), and I will campaign for the arts, not for the gentlewoman. I will not raise money for the gentlewoman, but I will come in and if the gentlewoman has something here in DC or wants to raise money for the arts, I will be happy to do that.

I openly seek from private industry to give and contribute to the arts. I would make a wager that with most of the majority, I give more money to San Diego Symphony and the Escondido Arts Center than most Members give out of your own pockets.

Again, I disagree with taking it out of taxpayer dollars for the National Endowment for the Arts in this way. And we have a lady named Mrs. Bell; her husband started Taco Bell. She lives in my district. The first time I met her she told me to take the bucket of lettuce out there and go feed the chickens, Congressman. That is how nonassuming she is.

She provided a grant to start an entire music system in Encinitas Elementary School System, and I think that is what we ought to do. If we want to support tax deductions for it, private contributions, industry investing in education and the arts, as I said, I will even come to the most liberal districts; I will come to the districts. I will even come to the district of the gentleman from Vermont (Mr. SANDERS) and fight for the arts.

Mr. Chairman, I disagree with this; and I would say to those, the individuals that have the beliefs in this, I know the Members mean well in this and see it as the way to invest in the arts. Some of us disagree with that, and I hope the Members understand that as well.

Whatever pro or con of this particular amendment, the bill we feel it will be a killer to the particular bill,

and if Members want the bill to pass, then I would reject this amendment. Whether pro or against this particular bill, it may not be the case, but we feel that the bill will go down, one of the reasons for this particular amendment.

We would like to pass the bill, and I would say to my colleagues, let us support the arts, but let us not do it through taxpayer-funded messages.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words and rise today in support of the Slaughter-Johnson-Dicks amendment to increase funding for the National Endowment for the Arts.

The arts and humanities are important components of American life. The arts really bring to life the struggles and challenges many people are confronted with on a daily basis. Moreover, the arts and humanities transcend cultural race, religion, income, age and geography.

□ 1600

Whether it is at the Kennedy Center or a theater in Chicago, the arts really help to enhance the quality of life for all Americans through a breathtaking array of cultural activity.

Statistics suggest that art programs in schools and music concerts tend to stimulate students' learning and improve overall academic performance. In my congressional district in Chicago, the NEA has had a significant impact on many of our great institutions and on improving the quality of life. For example, the NEA has supported the West Side Cultural Arts Council, the Chicago Symphony Orchestra, Chicago Black Ensemble Theater Corporation, the School of Art Institute of Chicago, the Black Ensemble's Little City Program, the Museum of Contemporary Art, the Illinois Arts Alliance, and the Field Museum of Chicago, just to name a few.

For me, increasing funding for the NEA is not an option, it is actually a priority, and it is a priority because public support for the arts and humanities is the finest expression of faith in the individual's ability to think, create and express ideas.

The arts and humanities can speak of things that cannot be spoken of in any other way. They foster a sense of community by advancing the understanding of history, of culture, and of ideas. Cultural diversity is something that we talk about a great deal in this country, and it is, indeed, a source of great strength to our Nation, a source of energy, a source of creativity.

Therefore, I believe that sustaining and supporting an increase of funding for the arts and humanities must indeed be a national priority, if we are to be able to pull together and shape the Nation, based upon the culture, the tradition, the hopes, the aspirations and the contributions of all of its people.

Mr. Chairman, I urge, in a vote, urge a vote in favor of an increase.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of all the Slaughter amendments to increase funding for the National Endowment for the Arts and the Humanities and for the Institute of Museum and Library Services. I only wish they could have been considered as one, rather than have been split up as they have been.

These are very modest amendments, and, personally, I would support significantly greater increases for each of these three agencies. The reason why is very simple. These agencies are good for the third district of Massachusetts, a district that I am proud to represent. They contribute to the economic vitality and cultural vibrancy of the communities I represent.

Let me highlight a few examples for my colleagues. The Institute of Museum and Library Services has provided grant support to expand and enhance educational programs and public outreach to the Worcester Art Museum, one of the premier museums in New England, as well as to the Willard House and Clock Museum in North Grafton and the Worcester County Horticultural Society. By supporting these museums, large and small, IMLS has helped foster leadership, innovation and a lifetime of learning for these communities.

The National Endowment for the Humanities has provided grant support to the American Antiquarian Society in Worcester to conserve and acquire books and manuscripts in the Society's collection.

Let me tell you a little more about the American Antiquarian Society, one of my favorite sites in Worcester. It is a precious resource for every single American. The Society houses the largest and most accessible collection of books, pamphlets, broadsides, manuscripts, newspapers, periodicals, sheet music and graphic arts material printed from the establishment of the colonies in America through 1876. It is a unique resource for the understanding of our history and culture. The NEH has provided support to nearly every aspect of the museum's operations, including outreach to the public and to school children. It has also helped leverage additional State and private support.

Mr. Chairman, I also have 16 colleges and universities in my district, and the IMLS and the NEH have provided invaluable research grants and support for their educational and cultural work.

The National Endowment for the Arts has provided direct support to activities in Worcester and Attleboro, and with its support of the Massachusetts Cultural Council, reaches schools

and community centers throughout Central Massachusetts. These three agencies, Mr. Chairman, help the educational, community and cultural institutions in my district meet the challenges of the future.

Through their grant support, my communities can provide greater public access to the arts, the humanities, and the resources of our libraries and museums. They help these institutions incorporate and make available to the public new technologies, regardless of income.

Mr. Chairman, I urge my colleagues to support these amendments. They are modest but worthy investments in education and families and children and our cultural heritage and our future.

Mr. TANCREDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask my colleagues tonight as we debate this to substitute the word "religion" every time the word "art" has been used here. I suggest that there is a great deal, in fact, an exact comparison, between almost everything that has been said in support of the funding for the arts that could be said, but certainly would never be said on this floor, if an amendment were proposed to support religion.

As the Managing Director of Baltimore's Center Stage put it, "Art has power. It has power to sustain, to heal, to humanize, to change something in you. It is a frightening power, and also a beautiful power. And it's essential to a civilized society. Because art is so powerful, because it deals with such basic human truths, we dare not entangle it with coercive government power."

For exactly the same reason that, certainly I know my friends on this side of the aisle would stand up and rail against anyone who would suggest that we should take public money and subsidize religious experiences, for exactly the same reason I ask you to think about what you are doing when you ask people to subsidize the arts.

The arts are, in fact, as close a resemblance to religion as I can possibly think of. They are expressions of the innermost feelings in our souls, and certainly worthwhile. Think of it this way: If we subsidized religion, could we not come to the floor as the gentleman from Illinois (Mr. DAVIS) did with that beautiful and eloquent explanation of all of the wonderful things that happen in our country because we subsidize religion, all of the incredible things that go on in our own communities, the many benefits that we could bring to individuals in our own communities because we could subsidize religion.

Certainly it would be difficult to argue with the benefits of a religious experience. It is difficult to argue the fact that art is an uplifting, a wonderful thing, that we all enjoy, in our own

specific way. But just as God is in the eye and/or mind of the believer, art is in the eye and mind of the observer, and I have no more authority, no more responsibility, to compel people in this country to support religion than I do having them support the arts. And that is really the most basic, I guess, comparison that I can make; and I ask my colleagues to think about it. It is something somewhat more esoteric than the kind of debate we have been having, but I think just as germane.

Something that was written in 1779, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical." 1789. The author, of course, Thomas Jefferson, in the Bill for Religious Freedom.

What, may I ask, do you think is the difference between what he is warning us about here and what we are preparing to do with both this amendment and the funding of the arts in general? It is difficult, if not impossible, to determine a distinction, and although I understand entirely the altruistic intent on the part of the people who want to fund the arts and who want to increase the funding for the arts, I ask you to think about the basic issue that forces itself into the discussion here, and that is that when you compel people to contribute money for the propagation of opinions which one disbelieves in and abhors, it is sinful and tyrannical.

Art is in the eye of the beholder, and the minute that you fund the arts, you do exactly what they fear would happen when you fund religion, you politicize it. You will always then have people arguing about what is proper art, what is proper for public support, what kind of movie or what kind of play or what kind of books should be funded with public dollars. We will always have that because, of course, it is the nature of the business. If we fund it, we will attempt to regulate it; we will attempt to censor it. We should not censor art; we should not fund art.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate my colleague from Colorado, and I thank certainly the sponsors on this side, the gentleman from Washington (Mr. DICKS) and the gentlewoman from New York (Ms. SLAUGHTER) and others.

One great thing about our Nation, as the gentleman from Colorado (Mr. TANCREDO) knows and all of us in this Chamber knows is that there are differences that exist among us. We are tied together with some common threads, but what makes us so great is that there are people who wear different clothing, who cling to different political beliefs. Obviously there are those that harbor different political philosophies, as we see aired on this floor day in and day out.

What ties us all together really as Americans is that we all really sort of

share the same dreams and same aspirations. I have constituents of mine in the Chamber today, and I can assure the gentleman from Colorado (Mr. TANCREDI) they are good church members. They are members of Princeton Avenue Full Gospel Church back in my district, and all of them want their kids to go to a good school, and all of them want their parents to maintain their health benefits at work, to maintain a job and their health benefits.

But there are differences that exist among us that really make America what it is. The NEA and the NEH in many ways helps to foster that, sponsors those initiatives and those efforts, and I might add in my public school system, both NEA and NEH grants have done wonderful things to assist teachers and educators in passing along ideas and teaching lessons to kids who sometimes might not ordinarily get them. We have all seen the stats and the data that clearly demonstrated that kids that are exposed to arts and music early in life do better in their core subjects, the math and the science, the English and the history and the host of other core subjects that are so critical to a young person's development.

It is my hope, and I understand my friend from Colorado's passion about this issue, but the facts are the facts. We are not talking about religion here, we are talking about the arts. The Constitution speaks clearly, the founding of this country was predicated upon those seeking religious freedom.

So I would say to my colleagues on the other side of the aisle, and even some on this side of the aisle, think about all of those museums and universities and schools, think about all those nonprofit and community organizations that benefit from these grants. Think of the young people's lives that we impact and touch and improve, and think about the heritage and the ways in which we are able to bring people together, despite our differences, and how these grants and initiatives help to do just that.

Seeing the look on a young person's face when they learn about their history and learn about their heritage and how it fits into this larger national fabric is truly phenomenal, as the Speaker knows, and I would hope that my colleague from Colorado knows as well.

I would ask all of my colleagues to look beyond the rhetoric from one moment, to look beyond the political contributions for one moment, to look beyond those political constituencies that would lambast the arts and humanities, and let us support an initiative and support an amendment that in many ways helps to bolster and promote what is great about our Nation, our ideals, our democracy and our freedom.

Mr. Chairman, I thank the sponsors, and would urge support of this amendment.

Ms. DeLAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Slaughter-Horn amendment to increase the amend of funding that we provide to the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services. It allows these groups to expand and continue what is truly important work that goes on around the country in these areas.

These are agencies that are charged with bringing our history, the beauty, the wisdom, culture, into the lives of all Americans, young, old, rich, poor, urban, rural. We in the Congress have said that preserving our national heritage and making it accessible to all Americans is a goal that is worthy of our support. It is time now to make sure that these agencies have the resources that they need to achieve this mission.

□ 1615

This is about our humanity, this is about our civility. This is what defines us as a people. These are the institutions that help to capture who we are and what we are about.

Many years ago I spent 7 years as the chair of the Greater New Haven Arts Council in my city of New Haven, Connecticut, so I know firsthand how the arts not only enrich lives, but contribute to the economic growth of the community.

Federal investment in the arts is not only a means of support for the endeavor, but rather, our dollars, which represent a small fraction of an annual budget, are used to leverage private funding and fuel what is an arts industry. This industry creates job, it increases travel and tourism, it generates thousands of dollars for a State's economy.

If Members cannot be persuaded on the humanity portions of this effort and the cultural and the preservation of our heritage, gosh, I would hope Members would be turned on the issue of the economics of a vibrant arts community.

In addition, the NEA is an important partner in bringing arts education to more American youngsters. Arts education is critical. It helps to plant seeds of art appreciation. It cultivates talent that is yet to be discovered in the young minds of our kids around the country.

In partnership with State arts agency, the Endowment provides \$37 million of annual support for from kindergarten through 12th grade arts education projects in more than 2,600 communities across the country.

When we are teaching youngsters music, we teach them mathematics. It

is found and proven that the development of a musical education in fact increases the mathematical ability of youngsters today.

The National Endowment funds professional development programs for art specialists, classroom teachers, and artists. We are truly just beginning to understand the benefit of arts education and the way in which it helps to foster self-esteem for our youngsters, helps them to choose a constructive path rather than turning to violence. We need to continue to support these efforts.

We know that the arts builds our economy, it enriches our culture, it feeds the minds of adults and children. The NEA, the NEH, the Institute for Museum and Library Services, need to have an increase in their missions. It is time we gave them our support.

Let us focus in on the legacy that we want to give to future generations on who we were and what we did. Let it flower in our music, in our painting, in our buildings. Let generations to come understand who we are and what we have done.

This is an expression of our humanity. Let us not shortchange it. Let us understand that it imbues who we are and how we live our lives today.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I am opposed to the clean coal deferral because I think the program is important in terms of energy independence. We have many research projects in the clean coal program. We are going to be able to sell a lot of this technology to the Chinese because most of their power plants are fueled by coal. Yet they are growing more sensitive to clean air problems.

What this amendment does is defer \$22 million of clean coal funding so that the money would be available to do an increase in the National Endowment for the Arts. That is why all this discussion has been focused around the NEA. Without this window of money there is not anyplace to do an offset, which of course would be required for an NEA amendment.

Just so the Members understand, the vote will be on whether or not we should defer \$22 million of clean coal money which would be used for potential projects in developing clean coal technology and use that deferred money for an amendment later on.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, of course the gentleman, who has done so much on this particular issue, realizes also that the administration requested a much larger deferral; that we can defer this money until the end of the fiscal year and the testimony is that it will not have any effect whatsoever on the

programs, the substance of the programs. All the projects will go ahead, but it does make the money available for this amendment.

Mr. REGULA. The gentleman is correct.

Reclaiming my time, Mr. Chairman, the Administration did request more. I do not agree with them. I think that the Department of Energy needs to have this space, although they might feel differently, in the event that they have some projects that will fit the clean coal technology objective.

In any event, just so the Members understand this vote, and it will be the second vote this afternoon, the vote is to take \$22 million of clean coal money and make it available to do the increase that will be proposed by amendment in the National Endowment for the Arts program. That is why the debate was revolving around the NEA. So that will come.

I might say, I have been advised by the leadership, and I think a memo that went out to this effect to all the offices, that they plan to finish this bill tonight. So I think we need to keep working on it if we want to get it finished. That is the present plan from the Republican leadership. I just want to advise Members of that. I hope that once we get by these two amendments we can reach some time agreements in order to get this bill finished in a timely way.

I would urge my colleagues and the colleagues on the other side of the aisle to vote against this second vote tonight. The first vote will be on the Sterns amendment to reduce the funding for the National Endowment for the Arts. The second vote will be on this proposal to defer \$22 million of clean coal money.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I appreciate the chairman's concern about the clean coal technology research money, and have for years supported it. I would hope that in conference he can move the money around in an appropriate way.

Mr. Chairman, it is very, very important, and it is difficult within our process, but it is very important for this Congress in this session to provide some modest increase in funding for the NEA, the NEH, and our museum folks.

Mr. Chairman, let me tell the Members why. Bill Ivey, the new head of the NEA, deserves to be recognized and supported. He has earned our support. He has not only brought that agency back on track, but he has brought it in compliance with the letter of all the reforms this House has adopted, and in compliance with the spirit of those reforms.

He has gone beyond that. He has developed a new NEA program called

"Challenge America." Challenge America is to do exactly what this House said over and over again, particularly Republicans, what they wanted the NEA to do. That is to bring arts money to the service of local communities. If any Member has ever been in one of the HOT schools, stood there and listened to that fifth grader tell you what it means to go to a school that is a Higher Order of Thinking school, you would have had to become a believer.

One of the problems in America is that kids are not learning well. They are not learning to integrate logical thinking with intuitive thinking. Kids who have arts education develop better skills in those areas and do better life-long. This is not an issue. The research is overwhelming.

So for the NEA to take on Challenge America, to challenge our communities at the local level to better integrate arts into their curriculum so kids will learn better, think better, and be stronger members of our Nation, that is a very good thing. Bill Ivey is doing it.

Secondly, look at the rural communities, at least in my part of the country. They are developing tourism as the way to save the rural economies. They are developing theaters, they are developing museums in their very old houses, and in Connecticut, resuscitating the old iron industry, which built the cannons that won the Revolutionary War for us.

So these areas of our country need this kind of Challenge American money to be able to develop the economy that will compliment the farm economy and create strong rural communities. What is the NEH doing? The NEH is out there helping these small communities develop the very museum capacity, that preserves our history and strengthens our communities.

I have seen it happen. They come in with expertise far beyond what any small community could mobilize. They connect that little museum planning committee with nationwide intellect, experience, and capability in both the area of planning exhibits, communicating with kids, and developing outreach programs that make museums strong economic entities, and also part of that chain of facilities that means that tourism can compliment a rural economy to make it strong.

The NEA and the NEH are not just about some abstract cultural strength of our country, they are integral to the development of the arts, theater, music, poetry, educated children, a strong work force, and strong economies in our cities and towns.

Anyone who has been involved in economic development of the cities knows that we cannot do it without the arts. So for us to put just a little money into the NEA, which is now on the right track and reaching our local kids and local towns, a little money for the

NEH, a little money for the museum folks who are doing so much good in communities of all sizes to build institutions that will last for generations is right.

It would be simply a tragedy if we do not respond to the changes these organizations have made, and to their ability now to reach into every corner of America and help us achieve the goals we cherish: a strong cultural heritage; to value that of the past and create that of the future.

If this is not a perfect vehicle, we just have to set that aside. A lot of things are not perfect vehicles around here. But if we can save this money, pass the NEA amendment, then in conference with the Senate higher levels and the Senate NEA money, we will be able to make just a little tiny improvement in our funding for the arts, the humanities, and our museum development capability.

I think we owe this much to ourselves and to our children and the communities of America.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to be able to rise in strong support of these amendment which are offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Connecticut (Mrs. JOHNSON) who just finished speaking very eloquently, along with the gentleman from California.

These amendment provide \$15 million in addition for the NEA, \$5 million for the NEH, and \$2 million for the museum and library services. They are very modest amendments, and they have an excellent value for the dollars that are proposed.

The National Endowment for the Arts and the National Endowment for the Humanities play an important role in our society that we should not allow to be trashed in the halls of this Congress.

Since 1995, the majority party has moved every year to either eliminate or cut funding levels for the NEA and for NEH. At the \$98 million proposed appropriation for fiscal year 2001, the funding level for the NEA is 40 percent what it was only in 1995. The NEH has not fared much better. The 2001 level proposed is 33 percent below what have provided in 1995. Both are at less than half the appropriation reached during the 1980s administrations of Presidents Reagan and Bush, both Republicans.

By the proposed underfunding of the NEA, this Congress would once again shift funding away from people whose opportunities in the arts are the most limited among all Americans, and that at a time when the NEA has redesigned the program to broaden its reach to all Americans.

The Challenge America initiative that has already been described so well by the gentlewoman from Connecticut

(Mrs. JOHNSON) is aimed at making grants available to our Nation's small- and medium-sized communities. For such communities, often NEH and the NEA are the opportunity of last resort for exposure to arts and humanities in their common form.

The smaller communities in western and central Massachusetts use these funds to provide residents with theater productions, museums, local arts centers, and such.

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If Congress refuses to increase funding for NEA above fiscal year 2000 levels, this Challenge America initiative will not grow and thrive and thousands of underserved communities will continue to be denied access to the arts.

Funding for the NEA and NEH represents a minuscule percentage of the overall Federal budget and contributes enormously to the cultural life of cities and towns throughout the Nation. Surely, these programs are as deserving of a \$22 million increase in funding in the combination of these amendments as the few thousand wealthiest families in America are deserving of billions of dollars of tax give-away that the majority party pushed through this House only last week.

Mr. Chairman, I urge a yes vote on the amendments before us.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I rise today to enter into a colloquy to clarify the committee's position on an important technology program for fuel economy. I recognize that the funding levels have placed severe restrictions on the committee's ability to provide funding for many of these worthwhile programs. For example, the transportation sector within the Department of Energy is reduced by \$5 million, resulting in a reduced funding for critical research in fuel cell and hybrid technology. Despite this restrictive allocation, I am still interested in developing new technologies to improve fuel economy on our passenger cars and sport utility vehicles. While some emerging technologies such as fuel cells receive Federal funding, there are other technologies such as engine boosting that need government investing to determine if they can become a viable solution to improve fuel efficiency, performance and air quality.

Finding a technological solution is particularly important in light of concerns about rising fuel costs, continued consumer demand for SUVs, and ongoing concerns about our air quality.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Ohio.

Mr. REGULA. The gentleman is correct that our fiscal year 2001 allocation, which is \$300 million below the amount enacted for fiscal year 2000, prevented us from providing funding for new programs.

Mr. KUYKENDALL. Reclaiming my time, I proposed increasing funding for the Department of Energy's Light Truck Program by \$5.3 million over 3 years to support technology development and demonstration activities for turbochargers and other boosting devices. Data from Europe on production cars shows that turbocharging enables the downsizing of engines to improve fuel economy while maintaining the performance and power of larger engines.

The program I proposed adapts and demonstrates current boosting technologies on SUVs here in the United States, and thus helps develop other new engine boosting technologies. Ultimately, these technologies may improve fuel economy on the SUV alone by 14 to 16 percent.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Ohio.

Mr. REGULA. Developing and demonstrating energy-efficient technologies for transportation applications is an important goal. I understand the purpose of this initiative is to offer an alternative in the U.S. market and generate near-term fuel economy improvements and emission reductions.

Mr. KUYKENDALL. Again reclaiming my time, I thank the chairman for his consideration of this important effort. As this bill moves forward through the legislative process I urge him to keep this program in mind and look for ways to provide some mechanism for getting it into the fiscal year 2001 in the event that additional funds become available in the future.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Ohio.

Mr. REGULA. We will certainly be mindful of this program and give it every consideration as we move forward in the legislative process.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Slaughter-Horn-Johnson amendment which calls for increased funding for the National Endowment for the Arts. Over the past 30 years, our quality of life has been improved by the arts. Support for the arts and Federal funding for the NEA illustrates our Nation's commitment to our freedom of expression, one of the basic principles on which our Nation is founded.

Cutting funding for the arts denies our citizens this freedom, and detracts from the quality of life in our Nation as a whole.

The President's committee on the arts and humanities released the report entitled Creative America, which made several recommendations about the need to strengthen support for culture in our Nation. That report applauds our American spirit and observes that an energetic cultural life contributes to a strong democracy. This report also highlighted our Nation's unique tradition of philanthropy but also noted that the baby-boomers generation and new American corporations are not fulfilling this standard of giving. It saddens us that something as important as the arts, which has been so integral to our American heritage, is being cast aside by our younger generation as something of little value.

By eliminating funding for the arts, our Nation would be the first among cultured nations to eliminate the arts from our priorities. As chairman of our Committee on International Relations I have come to recognize the importance of the arts internationally, as they help foster a common appreciation of history and of culture that is so essential to our humanity. If we were to eliminate the NEA we would be erasing part of our civilization.

Moreover, I understand the importance of the arts on our Nation's children. Whether it is music, drama or dance, children are drawn to the arts. Many after-school programs give our young people the opportunity to express themselves in a positive venue away from the temptations of drugs and violence. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths.

However, many young people are not able to enjoy the feeling of pride that comes with performing or creating because their schools have been cutting arts programs or not offering it altogether. We need to make certain that this does not continue to happen. I am doing my part by introducing legislation to encourage the development of after-school programs in schools around the Nation that not only offer sports and academic programs but also music and arts activities.

Increasing children's access to the arts will only benefit this country as a whole. It is our responsibility to make certain that our children have access to the arts. I strongly support increased funding for the NEA, and I urge our colleagues to oppose any amendment which seeks to decrease NEA funding and support the Slaughter-Horn-Johnson amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not want to let this opportunity go by without having said a few words in favor of this amendment. I do so in the context of my great respect for the chairman of the

subcommittee, recognizing that with the allocation that was provided him he has done the best work that could possibly be done by anyone on this bill. Within the parameters he was allowed to operate, he has provided us with the best bill that could be provided within those parameters. However, I think that there is something that we all would like to do beyond that which has been done for the arts, the National Endowment for the Arts and the National Endowment for the Humanities. These are both very important entities for the American people.

It strikes me as somewhat ironic that many of the Members of the House availed themselves of a very unusual opportunity last night, and that was to go over to the Kennedy Center to see a live performance. It happened to be a performance of a great American novel, to *Kill a Mocking Bird*, a wonderful and striking story. Many people went over, and I am sure those who went did enjoy it. Now today, we find ourselves unable to provide the kind of funding that a civilized society such as ours ought to provide for the enhancement of arts and humanities within our country.

The amount of money that is being asked for in this amendment is, frankly, very modest. Nevertheless, even with that very modest amount of money, a very substantial difference can be made. I would just point to one particular program that Bill Ivey has produced within the NEA, and I think everyone would agree that he is an outstanding chairman of the National Endowment for the Arts. I refer to the Challenge America program. Now, this is a program that is designed to expand the NEA outreach initiative, and they are doing so all across the country. The NEA is reaching out into small towns and villages and counties in the most rural areas and in urban areas as well. They are providing people in those areas with opportunities to see important aspects of American and world art, aspects which they would not have the opportunity to see without this initiative.

The Challenge America program, reaching out into communities so that young people, young and old, can have the opportunity to see ballets, to see theater, to see a display of important art that is in the Smithsonian. They are taking their show on the road all across America, but that program will never see itself fulfilled, and many communities across the country will be denied the opportunity to see the kind of art that is available in our museums, as well as the great musical productions that are available and dance productions that are available, they will not be able to see them without additional funding that would go to the Challenge America program.

So for arts education, to enhance our cultural heritage, to give art programs

for youth at risk, to provide access to the arts in underserved areas and for community arts partnerships, the Challenge America program is a model and we ought to be funding it. So if we pass this amendment, if we provide this modest additional funding for the NEA and the NEH, a great many people around our country will have the opportunity to enrich their lives and enhance their experience that they would not have without it.

So, Mr. Chairman, with particular and deep respect for the work that our chairman has accomplished, I respectfully hope that the majority of the Members of this House will adopt this amendment.

Mr. POMEROY. Mr. Chairman, I rise in support of the Slaughter amendment to increase funding for arts and humanities programs.

The National Endowment of the Arts (NEA) provides important funding for developing art education opportunities allowing each of and everyone one of us to explore our creative talents. In my state of North Dakota this funding has been used to support vital programs such as the North Dakota Council on the Arts' "Traditional Arts Apprenticeship Program" and the Plains Art Museum's educational outreach program. These programs are only a few examples of the important role that the arts can play in allowing each of us, whether young or old, to express, develop and explore all our creative dimensions. I strongly believe in the importance of the arts to all Americans, especially our young children, and I support funding for the program.

Some would suggest supporting funding for the NEA as proposed in the Slaughter amendment is an attack on coal. Only a small bit of light on this argument reveals that it is utterly baseless. I am a strong supporter of the Clean Coal Technology program which provides important funding for the development of new and innovative technologies to reduce environmental impacts from the burning of coal. However, not one dollar in funding for the Clean Coal Technology Program will be reduced under this amendment. Further the amendment will in no way hinder the operations of the program.

Ms. PELOSI. Mr. Chairman, I commend the gentlewoman from New York, Ms. SLAUGHTER, for her leadership and determination for support of the arts.

Since the earliest days of our Republic there has been an appreciation for the arts in the lives of Americans. Indeed, our second President John Adams wrote to Abigail Adams in 1780:

I must study politics and war that my sons may have the liberty to study mathematics, philosophy, geography and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain.

How far we have strayed from that aspiration of our second President when the House of Representatives supports the arts by a slim margin and a meager budget.

Skimping on the arts is a false economy. The arts are their own excuse for being—to paraphrase Emerson. The arts are important to our economy creating jobs as well as ideas

and works of beauty. And the poet Shelley once wrote that "the greatest force for moral good is imagination." With the challenges facing our nation's children it is clear that we need all of the imagination they can muster. We must encourage their creativity—for itself and for the confidence it engenders in them.

Children often express themselves through the arts more effectively and sooner than through other endeavors. The confidence they find through the arts enable them to face other academic challenges more effectively. It enables them to face life's challenges with more.

Support creativity, support imagination, supports Ms. SLAUGHTER's amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I am proud today to join with so many of my colleagues to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services. Fulfilling our commitment to the arts will enrich the lives of many Americans, especially our children.

I would like to recognize the good work of the Illinois Arts Council and the Illinois Humanities Council. They provide critical leadership in the support and development of numerous arts and humanities programs that touch the lives of so many in Illinois. Among those wonderful and innovative programs in the Lira Ensemble in Chicago, the only professional performing arts company specializing in the performance, research, and preservation of Polish music, song, and dance. The Lira Ensemble and other arts and humanities programs contribute greatly to our communities. They deserve our support.

It cost each American less than 36 cents last year to support the National Endowment for the Arts. The NEA in turn awarded over \$83 million in grants nationwide and over \$1.7 million in my home state of Illinois.

Economically, support for the arts and humanities just makes sense. The arts industry contributes nearly \$37 billion into our economy and provides more than 1.3 million full-time jobs. In addition, arts education improves life skills, including self-esteem, teamwork, motivation, discipline and problem-solving that help young people compete in a challenging and ever-changing workplace.

Let's do the right thing for our communities and increase this funding now.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in strong support for increased funding for the National Endowment for the Arts (NEA) as well as additional investment in the National Endowment for the Humanities (NEH) and the Institute for Museum and Library Service (IMLS). I congratulate my colleague from New York, Ms. SLAUGHTER, for the adoption of her amendment earlier in the day which adds funding to these important programs. Further, I am astonished at the lengths the majority is going to in order to deny the will of the House.

NEA has not had a funding increase since 1992 when its budget was almost \$176 million. In fact, in the 104th Congress when I arrived, efforts were made by the Majority to eliminate the NEA. The funding level in the bill under consideration today, \$98 million, is inadequate and should be increased within the context of a balanced budget. Congresswoman SLAUGHTER'S amendment does not

make the program whole but it made a modest, much-needed increase in funding for the NEA.

We need additional funds to support grants for art education which we know is key to reducing youth violence and enhancing youth development. If we are serious about curtailing youth violence, cutting funds to an agency that is getting positive results with its youth arts project is counterproductive. Consequently, I commend Congresswoman SLAUGHTER for offering her amendment which would increase funding for the NEA by \$10 million and provide an additional \$5 million for the NEH and \$2 million for the IMLS.

In my district, NEA has successfully funded the Ailey Camp of the Kansas City Friends of Alvin Ailey, which is a national dance troupe. This 6-week dance camp has an 11-year history and has provided opportunities for more than 1,000 children. This camp provides a vehicle, through art, for children to grow and enjoy the experience of success. Beyond the dancing, they also have creative writing, personal development, antiviolenace and drug abuse programs. Statistics confirm the success of this program on behavior and learning of these at-risk children.

The NEA funds several programs at the American Jazz Museum (AJM) in Kansas City, the only museum of its kind in the country. NEA funding helps the AJM preserve and present jazz so that people from all over the city, the country, and the world learn to appreciate one of the first original American art forms.

Four years ago, the NEA and the U.S. Department of Justice took the lead in jointly funding the youth arts project so that local arts agencies and cultural institutions across the nation would be able to design smarter arts programs to reach at risk youth in their local communities.

One of the primary goals of the youth arts project is to ascertain the measurable outcomes of preventing youth violence by engaging them in community based art programs. This program has had a dramatic impact across the nation, and we must preserve adequate funding for NEA to continue it and to expand it.

We should also be requesting additional funds to expand the NEA summer seminar sessions which provide professional development opportunities to our nation's teachers who are on the front lines in our efforts to reach out to our children. Mr. Chairman, art and music education programs extend back to the Greeks who taught math with music centuries ago. Current studies reaffirm that when music such as jazz is introduced by math teachers into the classrooms, those half notes and quarter notes make math come alive for students.

Mr. Chairman, I urge my colleagues to oppose any back door attempt to undo Congresswoman SLAUGHTER's victory. It is the right thing to do substantively as well as institutionally. Please support additional funding for the NEA, NEH and IMLS to send a message that art and music in the classroom increase academic achievement, decrease delinquent behavior and contribute to reducing youth violence.

Mr. BALLENGER. Mr. Chairman, today, we have the opportunity to award the National En-

dowment of the Arts its first increase in funding in 8 years. It should be touted that the NEA we fund today is not the NEA Republicans faced when they first came into the Majority in the 105th Congress. In fact, the NEA is different because of the changes we enacted.

In January 1996, after being reduced in size by 40 percent, the agency went through major structural reorganization. After the NEA was forced to consolidate programs and reprioritizing funding, Congress enacted a number of reforms which provided the NEA with greater accountability and a more stringent grant process.

In the FY 1996 Interior Appropriations bill, we codified the elimination of the use of subgrants to third party organizations and artists. Simply, that means if an art museum in Hickory, NC, receives a grant from the NEA, the grant money can only go to the projects the museum applied for. The funding cannot in anyway go towards projects or artists not mentioned on the application.

In fiscal year 1996, Congress prohibited grants to individuals except in literature. This is important as it stopped the focus of handing artists blank checks. This also enabled more funding to go to community centers and projects which deal with a greater number of people. Again, in 1996, we placed a specific prohibition on seasonal or general operating support grants. Applicants must now apply up-front for specific project funding or support. Grant terms and conditions require that any changes in a project after a grant has been approved must be proposed in writing in advance.

Then in 1998, Congress placed a percentage cap on the amount of NEA grant funds that could be awarded to arts organizations in any one state. Also in 1998, the agency created ArtsREACH, a program designed to place more grant funds in under-represented geographic areas.

These reforms and the NEA's commitment to arts education and community outreach programs represent the new NEA, not the NEA Republicans faced in the 105th Congress.

As I have stated in my Dear Colleagues, I am one of five Members of Congress who serve on the National Council of the Arts, which is the governing board of the NEA. I've been to nearly every National Council session, and I've been impressed by the depth of change at the agency over the past two years. Grants are going to smaller organizations located in small or medium-sized communities. These are the places that are most in need and where the agency is targeting its new programs.

It has been 8 long years since the NEA has seen an increase in funding. I'm not advocating a tremendous increase, but an increase that rewards the NEA for the good job they have been doing in recent years. Vote yes on this amendment, and support the new NEA.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague from New York, Congresswoman LOUISE SLAUGHTER.

As Chairperson of the Congressional Arts Caucus, she has done a remarkable job in educating her colleagues on the importance of the arts, humanities, history and literacy programs here in the United States.

This amendment would restore \$22 million of urgently needed resources to the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services.

These funds will be used to continue and expand upon a number of important programs at these agencies, including the arts education programs at the National Endowment for the Arts.

Currently over 5 million American children benefit from the arts education programs including a number of my constituents in the Bronx.

In my district, the BCA Development Corporation, which runs the WriterCorps project, recently received \$30,000 to support the Youth Poetry Slam. The poetry program is designed to use teens' natural penchant for competition and self-expression to introduce them to the written and spoken word.

It has been proven over and over again that children who are exposed to the arts remain in school longer, receive better grades, stay out of trouble, and hold themselves in higher self-esteem.

Additionally, the NEA provides grants to cultural and folk institutions throughout our country to demonstrate and show respect for the diverse ethnicity's that make up our great nation.

As an example of the importance of these funds, the Thalia Spanish Theatre in Sunnyside, New York received \$10,000 to support a series of folklore shows of music and dance from Spain and Latin America. The music and dance shows include Argentine tango, flamenco, and classic Spanish Dance, and Mexican folklore.

I am especially pleased at the funding award for the Thalia Spanish Theatre. I have worked very hard to make sure that the arts and cultural organizations cater to non-traditional and new audiences.

That is why I am pleased that Chairman REGULA and Congressman DICKS for again including my language into this bill to include "urban minorities" under the definition of an "underserved population" for the purpose of awarding NEA grants.

My district, which is composed of a diverse swath of neighborhoods throughout Queens and the Bronx, has a number of ethnic groups that add to the tapestry of New York City.

My language will open NEA funding to more local ethnic arts groups and more residents of Queens and the Bronx. It will also help fulfill the mission of the NEA to guarantee that no person is left untouched by the arts.

So I want to thank the chairman and ranking member of all of their hard work.

I want to ensure that all Americans have equal access to cultural programs. Projects targeted at urban youth will greatly help keep these young people off the streets, and away from the lure of drugs and crime. The arts also help to break down barriers, they bring communities together, and they offer hope.

That is why Mrs. SLAUGHTER's amendment today is so important.

Additionally, this amendment will increase the funding for both the National Endowment for the Humanities and the Institute of Museum and Library Services.

These two agencies both have strong reputations among both Democrats and Republicans for their wonderful work in restoring the folk, oral and written traditions of America.

The NEH has been very active in providing seed money throughout the country, and particularly in New York City, to address the issue of electronic media in the classroom. A specific grant was given last year to assist in the training of teachers in new media techniques to communicate the humanities to our children.

This type of project represents the best of the NEH and of our government working directly with local communities to advance the education of our young and train them for the future.

The NEH and IMLS have led the way in working to build and strengthen relationships between our nation's libraries and museums and our children's classrooms to ensure that the knowledge, creativity and imagination of our great nation is at the fingertips of every young Einstein, Rembrandt, or Twain.

This is an excellent amendment and I urge all of my colleagues to support it.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Slaughter/Horn/Johnson amendment to increase funding for the National Endowments for the Arts and the Humanities and the Institute of Museum and Library Services (IMLS). The arts and culture have a lasting, positive impact on communities across the nation, yet for years these agencies have been sorely underfunded. It is critical that we give them the increases they richly deserve.

The arts are an essential part of our culture, and the new millennium provides us with the opportunity to focus on the role that the NEA and the NEH play in projects that preserve our cultural heritage and promote our creative future.

The NEH preserves our cultural heritage through its work to preserve the events and historical documents that shaped our nation. NEH projects serve to define who we are as a nation and where we come from. They allow us to pass along our ideals to the next generation.

The NEH promotes our creative future through teacher training in the arts, arts in schools outreach, and after-school arts programs. The NEA has proposed a new arts education collaboration to involve youth in the arts. Research has proven that providing youths with access to the arts leads to higher academic achievement and fewer incidences of drug abuse and violence. Kids exposed to the arts and music earlier in life do better in their core academic subjects. The arts improve both their creativity and critical thinking skills and raise their self-esteem. We are only just beginning to understand how our youths' lives are impacted through the arts.

Clearly, the arts and humanities serve as an essential and forceful vehicle to educate our citizens and help our struggling youth. They touch and enrich each of our children's lives. Yet, the United States spends the least among ten industrialized nations on the arts and humanities. Federal leadership and funding play the essential role in these efforts to make arts available in every community to every citizen.

This debate is not a debate just about arts. It is a debate about whether we are willing to

be creative in America. There is not an industry in the United States that does not depend on the arts, does not depend on the imagination, does not depend on the ability to look at things, as they say, "outside the box."

I'd like to leave you with a quote from the National Foundation on the Arts and the Humanities Act of 1965, which established the National Endowment for the Arts and the National Endowment for the Humanities.

A high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

We must ensure that these agencies have the resources they need to fulfill this mission. I encourage you to support the Slaughter/Horn/Johnson amendment and increase funding for the NEA, the NEH and the IMLS.

Mr. VENTO. Mr. Chairman, I rise today to speak once again about the importance of the arts in my district, and to show my support for an increase in funding for the National Endowment for the Arts (NEA).

We are simply not doing enough to recognize the value and importance of the NEA to our national vitality. The network of financial support for the arts in our communities is very closely linked, and weakening any link is not in our public interest. Arts organizations rely on funding from a diverse pool of resources, and the NEA is often a linchpin in helping build and preserve a strong sense of community.

As many of you are aware, Minnesota's Fourth District has one of the highest concentrations of Lao-Hmong immigrants in the nation. The Hmong have worked very hard to adjust to a new language and culture, and the arts have done an amazing job of reaching out to the Hmong community. The NEA in particular has played an important role in helping the Hmong find ways to strengthen their cultural identity and creative expression.

Recently, the Center for Hmong Arts and Talent (CHAT) in St. Paul received a grant from the NEA to run a new, multidisciplinary youth arts program. This initiative was designed to allow professional artists to engage Hmong youth in typically American arts media through visual arts, video production and literary programs. These programs, which reach kids aged 10–18 years, successfully work to increase understanding between different cultures.

Another example of the importance of NEA funding is a project by the Women's Association of Hmong and Lao (WAHL). In an effort to educate an increasingly U.S.-born Hmong population, WAHL capitalized on NEA funds to help preserve Hmong traditions such as PajNtaub story cloths. These beautiful story cloths, which depict Hmong lifestyle changes and cultural evolution, are a unique testament to the Hmong-American experience.

Again, I urge my colleagues to support an increase in funding for the NEA. We must ensure that this program remains a viable component in building valuable community arts projects nationwide.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of the Slaughter-Horn-John-

son amendment which increases funding for the National Endowment for the Arts by \$15 million, for the National Endowment for the Humanities by \$5 million, and for the Institute for Museum and Library Services by \$2 million.

Investments in our cultural institutions, like the NEA and NEH, are investments in the livability of our communities. For just 38 cents per year per American, NEA supported programs help enhance the quality of life for Americans in every community in this country. For just 68 cents per year per American, NEH supported programs preserve our heritage by keeping our historical records intact and building citizenship by providing citizens to study and understand principles and practices of American democracy. In fact, Congress established the NEH because "Democracy demands wisdom and vision in its citizens."

Adequately funding the National Endowment for the Arts, in particular, is absolutely critical to the state of Oregon, which has suffered in recent years from cutbacks at the state and local levels. Portland and other cities in Oregon have managed to make this work by using public funds to leverage as much private investment as possible. Portland arts groups manage to attain about 68% of their financial resources from the box office, which is higher than the national average of 50%. Portland companies have stepped up to the plate—doubling their investment between 1990 and 1995. The public investment, particularly the investment from the NEA, is absolutely critical to preserving these opportunities.

A commitment to culture pays many dividends—dividends that promote our economic development and our understanding of the world around us. Economically, an investment in culture helps promote tourism. People flock to cities that support the arts and humanities, benefiting hotels, convention centers, restaurants, and countless other businesses related to entertainment and tourism. In fact, the nonprofit arts industry generates \$36.8 billion annually in economic activity, supports 1.3 million jobs, and returns \$3.4 billion to the federal government in income taxes and an additional \$1.2 billion in state and local tax revenue.

An investment in culture also helps previously disenfranchised groups gain access to new cultural experiences. The NEA, for example, provides fun and educational arts programs that help students and teachers develop arts, environment, and urban planning curricula. Public funds, like those from the NEA, are also critical to keeping ticket prices low, giving lower income individuals and seniors the opportunity to attend cultural events. If ticket prices reflected the entire cost of the event, cultural events would by necessity be denied many of our citizens, especially the young and elderly.

We won't be able to meet these unrealistic budget caps by limiting spending on our Nation's cultural heritage. This approach is short-sighted and doesn't recognize the long-term economic and social benefits an investment in culture conveys to our communities and the Nation as a whole.

We have the tools, infrastructure and innovative spirit in place to make communities across the nation more livable through cultural opportunities. What we need to promote is a

National commitment to improving the livability of our communities by investing in culture. We can develop and promote that national commitment through the NEA and the NEH.

Mr. RAMSTAD. Mr. Chairman, I strongly support funding for the National Endowment for the Arts (NEA).

My state of Minnesota benefits greatly from the NEA. Federal- and state-supported arts events in Minnesota stimulate growth in business, tourism and a healthy economy.

Most importantly, though, the arts help our children perform better in all subjects at school. A Minnesota Center for Survey Research poll at the University of Minnesota found that 95% of Minnesotans believe that arts education is an essential or important component of the overall education of Minnesota's children.

I would like to share with you some of the many exciting arts activities that take place in my district. NEA funding supports arts programming and artists-in-residence programs in schools throughout my district, including Hopkins High School, Orchard Lake Elementary School in Lakeville, Zachary Lane Elementary School in Plymouth, Wayzata High School, Excelsior Elementary School and the North Hennepin Community College in Brooklyn Park.

Several other organizations in my district provide additional educational opportunities for both adults and children. Stages Theatre, Inc. in Hopkins is a theater company dedicated to giving young people a professional setting in which to develop their theater performing skills, as well as an outstanding venue for young audiences. The Bloomington Art Center, an art school and gallery, offers classes, exhibition spaces and theatrical experiences to both vocational and professional artists of all skill levels and ages. The Minnetonka Center for the Arts is a community arts education facility that employs professional artists and educators to teach the arts to people from ages three to 90. Without these and many other NEA-sponsored facilities, my constituents would have far less access to the arts.

We in Minnesota are fortunate to have a healthy and vibrant community, both artistically and economically. For the third year in a row, Minnesota was named the "Most Livable State" by Morgan Quitno Press, in large part due to our citizens' access to the arts.

Again, I ask my colleagues to support an increase in NEA funding to continue this trend of excellence in education, community development and quality of living.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Ms. SLAUGHTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS) and the amendment offered by the gentleman from New York (Ms. SLAUGHTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT, AS MODIFIED, OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 15-minute vote, followed by a 5-minute vote on the Slaughter amendment.

The vote was taken by electronic device, and there were—ayes 152, noes 256, not voting 26, as follows:

[Roll No. 282]

AYES—152

Aderholt	Dunn	McCrery
Archer	Ehrlich	McInnis
Armey	Emerson	Metcalfe
Bachus	Everett	Miller (FL)
Barr	Fletcher	Miller, Gary
Barrett (NE)	Fossella	Myrick
Bartlett	Gekas	Ney
Barton	Gibbons	Norwood
Bateman	Gilchrest	Nussle
Bilirakis	Goode	Packard
Bishop	Goodlatte	Paul
Bliley	Goodling	Pease
Blunt	Goss	Peterson (PA)
Boehner	Graham	Petri
Bonilla	Green (WI)	Pickering
Boyd	Gutknecht	Pitts
Brady (TX)	Hall (TX)	Pombo
Bryant	Hansen	Portman
Burton	Hastings (WA)	Radanovich
Buyer	Hayes	Riley
Callahan	Hayworth	Rogan
Calvert	Hefley	Rogers
Canady	Herger	Rohrabacher
Cannon	Hill (MT)	Royce
Chabot	Hilleary	Ryan (WI)
Chambliss	Hostettler	Ryun (KS)
Chenoweth-Hage	Hulshof	Salmon
Coble	Hunter	Sanford
Coburn	Hyde	Scarborough
Collins	Istook	Schaffer
Combest	Jenkins	Sensenbrenner
Condit	Johnson, Sam	Sessions
Cox	Jones (NC)	Shadegg
Crane	Kasich	Shuster
Cubin	King (NY)	Simpson
Cunningham	Kingston	Skelton
DeGette	Largent	Smith (NJ)
DeLay	Latham	Smith (TX)
DeMint	Lewis (KY)	Spence
Dickey	Linder	Stearns
Doolittle	Lucas (KY)	Stump
Dreier	Lucas (OK)	Sununu
Duncan	Manzullo	Talent

Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thurman
Tiahrt

Turner
Udall (CO)
Udall (NM)
Vitter
Walden
Wamp
Watkins
Watts (OK)

Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

NOES—256

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Blagojevich
Boehrlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gillmor
Gilman

Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Houghton
Hoyer
Hutchinson
Insee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeke (NY)
Menendez
Mica
Millender
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)

Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Pallone
Pascarell
Horn
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Tierney
Towns
Traficant
Upton
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner

Weygand
WiseWolf
WoolseyWu
Wynn

NOT VOTING—26

Becerra
Blumenauer
Boucher
Campbell
Cooksey
Costello
Danner
Engel
Greenwood

Hinojosa
Hooley
Jefferson
Klink
Lewis (GA)
Lofgren
McCollum
McIntosh
Oxley

Rangel
Serrano
Shows
Toomey
Velaquez
Vento
Wexler
Young (FL)

□ 1705

Ms. DELAURO, Mr. MENENDEZ, and Ms. ROS-LEHTINEN changed their vote from “aye” to “no.”

Mr. UDALL of New Mexico, Ms. DEGETTE, Messrs. WELDON of Florida, SHUSTER, UDALL of Colorado, BACHUS, PACKARD and BISHOP changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. SLAUGHTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 204, not voting 24, as follows:

[Roll No. 283]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Boehlt
Bonior
Borski
Boswell

Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette

Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frank (NJ)
Frelinghuysen
Frost

Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klecza
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo

Aderholt
Archer
Army
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Billakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey

Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Porter
Price (NC)
Rahall

NOES—204

Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Galleghy
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Pitts
Isakson
Istook

Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw

Sherwood
Shinkus
Shuster
Simpson
Sisisky
Skeen
Skeltton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancred
Tanner
Tauzin

NOT VOTING—24

Becerra
Blumenauer
Boucher
Campbell
Cooksey
Costello
Danner
Engel

Greenwood
Hinojosa
Hooley
Jefferson
Klink
Lofgren
McCollum
McIntosh

Oxley
Rangel
Serrano
Shows
Toomey
Velaquez
Vento
Young (FL)

□ 1721

Messrs. BERRY, TURNER, POMEROY and BISHOP changed their vote from “no” to “aye.”

Mrs. BIGGERT and Mr. BASS changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply rise to ask a question because I know the gentleman from Washington (Mr. DICKS) and a number of others are being asked a lot of questions by Members on both sides of the aisle.

As I understand it, the intention announced earlier by the leadership was for the Committee rise at 6 o'clock so that Members might catch their airplanes.

Mr. Chairman, I am not going anywhere. My plane has been canceled a long time ago.

I rise to ask a civil question, and I would like a civil response if possible. If I could just ask. My understanding is that the Chicago airport has canceled a number of planes, that Detroit is closed, that the New England area is having rapid cancellations. And so Members are simply trying to figure out what their plans are.

I would simply inquire of the gentleman, either the gentleman from Ohio (Mr. REGULA) or the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, I would simply like to ask if the leadership intends to keep the commitment which was announced to the House or whether the rumors are true that we hear that they now intend to be in until 9 o'clock.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding. I do appreciate your inquiry.

You know, we talk about this every year, it is appropriations season. All the Members are anxious about continued progress on appropriations bills.

We had ended the week last week with a colloquy in which we encouraged every Member to understand we would be working and working late each night this week, including this evening.

The floor managers of the bill have worked very hard. We worked out an agreement last night that we thought would give us good progress. We had high hopes of continuing this work and completing it by 6 o'clock today. But as we can see, we are approaching that hour, and we are not near completion.

It is the consensus of opinion that in order to maintain our schedule so that we can fulfill all of our work requirements in a timely fashion as the year proceeds that we must complete this bill before we leave this evening. That, of course, always is difficult under the 5-minute rule.

Wherever possible, the floor managers do work out time agreements. I would encourage all the Members with amendments to continue to be cooperative, as they have been, with the floor managers. And as we work our way through these, I am confident we will complete this bill this evening. And tomorrow morning when we get up early and enjoy the sunshine and look forward to the rest of our weekend back home and flights that are not bedeviled by bad conditions across the country, we all are going to feel so good that we finished this up tonight, as we will do.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Let me simply say that the problem, as has been brought to my attention by a number of Members, is that the schedule published by the leadership indicates legislative business, no votes after 6 p.m.

As I have said, my plane has long been canceled. I will be here today. I will be here tomorrow. I will be here Sunday. But I regret that the leadership has seen fit to upset the ability of each individual Member to get back to their district, planes allowing.

And so if it is the intention of the leadership to go back on the understanding that was reached last night, then I very reluctantly move that the committee do now rise.

Mr. ARMEY. Mr. Chairman, if the gentleman would hold that motion and if the gentleman would continue to yield, our agreement that we made last night was in full understanding of the need and the commitment to complete this, where the floor managers said, and I think in good faith and with all good intention, that they would do everything they could to finish by 6 o'clock.

□ 1730

Unfortunately, given their best efforts, they have not been able to

achieve that. We have not been able to achieve that. We still have a clear understanding of the need to complete the work.

Mr. Chairman, I should say to the Members that as we proceed this evening, we will as we do on all other evenings try once we get past this section of the bill to work through a series of holding votes and rolling them so that they can have a pleasant hour or two for their evening meal as we continue on the work with our commitment to complete the bill as soon as possible.

Mr. OBEY. If I could simply respond to the gentleman, I was in the meeting when the commitment was made. The gentleman was not in the meeting where we discussed the times.

I know that last night, I asked the staff of the distinguished majority leader whether they were indeed certain that they wanted to have the vote on the rule on HUD today, because I told them that it was my reading of the interior bill that with all of the amendments pending, they would not be able to finish by 6 if they followed through on that rule. We were told that the intention of the leadership was that we were leaving at 6, that the committee should do its best to be done by 6, but there was a clear understanding that the Members would be allowed to leave as scheduled at 6 o'clock.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 218, not voting 34, as follows:

[Roll No. 284]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin

Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle

Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden

Holt
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klecza
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)

Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders

Sandlin
Sawyer
Schakowsky
Sherman
Siskiy
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—218

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan

Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee
(TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)

King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pommo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers

Rohrabacher	Simpson	Tiahrt
Ros-Lehtinen	Skeen	Traficant
Roukema	Smith (NJ)	Upton
Royce	Smith (TX)	Vitter
Ryan (WI)	Souder	Walden
Ryun (KS)	Spence	Walsh
Salmon	Stearns	Wamp
Sanford	Stump	Watkins
Saxton	Sununu	Watt (NC)
Scarborough	Sweeney	Watts (OK)
Schaffer	Talent	Weldon (FL)
Sensenbrenner	Tancredo	Weldon (PA)
Sessions	Tauzin	Weller
Shadegg	Taylor (NC)	Whitfield
Shaw	Terry	Wicker
Shays	Thomas	Wilson
Sherwood	Thornberry	Wolf
Shinkus	Thune	Young (AK)

NOT VOTING—34

Becerra	Horn	Rangel
Bliley	Istook	Scott
Blumenauer	Jefferson	Serrano
Boucher	Kasich	Shows
Campbell	Klink	Shuster
Cooksey	Loftgren	Smith (MI)
Costello	Martinez	Toomey
Danner	McCollum	Velazquez
Engel	McDermott	Vento
Greenwood	McIntosh	Young (FL)
Hinojosa	Nadler	
Hooley	Oxley	

□ 1749

Messrs. TERRY, HOEKSTRA and CRANE changed their vote from "aye" to "no."

Mr. TOWNS and Mr. HILLIARD and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

Page 66, line 21, after the dollar amount insert the following: "(increased by 237,000,000)".

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROYCE. Mr. Chairman, in 1996, the President and the Congress agreed to provide no new money to the Clean Coal Technology Program. Taxpayers are footing the bill for technology to be used by private companies.

In my view, government has no business favoring certain companies with tax breaks and subsidies. The free market is there to allocate resources in the most efficient way possible. Federal involvement only serves to distort the marketplace by giving selected businesses special advantages, corporate subsidies, but other businesses that are less politically well connected at a disadvantage.

Corporate welfare has lead to the creation of what some have termed the statist businessman who has been converted from capitalist to capital lobbyist. Companies should invest their own money in research and develop-

ment activities on what they believe are promising technologies, rather than look to the Government for funding.

And private industry is much better suited to identify and target technologies that are commercially viable. The best thing government can do to promote economic growth is to get out of the way, get out of the way and let entrepreneurs and the mechanisms of the marketplace determine how the economy's resources will be directed.

Private industry can flourish without this corporate welfare. Clean Coal Technology, as it is called, is supposed to help the electric industry, but it is not even interested in the technology. According to the Congressional Research Service, based on current trends, the technology of choice for new construction will be natural gas fired plants.

In 1994, the General Accounting Office found that a number of Clean Coal Technology demonstration projects were experiencing problems and difficulties, and in a report released this March, the GAO found that the problems they identified then still continue today. Only worse, eight of the 13 remaining projects had serious delays or financial problems; six of eight are behind the schedule of completion date by 2 to 7 years; two of the eight projects are bankrupt and will never be completed.

Instead of just deferring money, we should be investigating how we can get the obligated funds back from these bankrupt projects. Congress has had a history of rescinding money from this program due to the failure of projects being completed. In fact, for the past 3 years, over \$400 million has been rescinded.

At the very least, I think we should defer the amount that President Clinton has requested to be deferred; and on top of that, we should also defer what the President wanted to rescind. And that would be the total amount of \$326 million, which is what this amendment would do.

I believe, frankly, that it should not be spent on bankrupt and mismanaged programs, and I urge adoption of the amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the point was made that the industry should make their own expenditures, and I want to point out to the Members that for every dollar of Federal money in the Clean Coal Technology program, there are two dollars of private money. This has been a partnership, but it has been a partnership where industry has carried the heavy end of it, and we have had some real successes.

I wish I could take every Member to Tampa, Florida, to visit the plant that was built under this Clean Coal Technology program. It is a greenfield

plant. The efficiency is probably almost double that of the normal plant, and the emissions are very negligible. They capture every part of a lump of coal, the sulfur, the various other components.

As I said, I was there. They are getting everything but the squeal out of that lump of coal, and they are doing it under a very efficient system. So it does work. It is an important program, because as we talk about the continued effort to clean up our air, to clean up our water, we need to have a clean coal program on stream.

Let me point out that whatever else we may think about it, we are going to be using coal for the foreseeable future as a major source of power generation. Our committees invested a lot of money in boiler technology, in addition, to the clean coal technology, because we have a plentiful supply of coal. Perhaps in actual BTUs, the coal supply of the United States is the equivalent of most of the known oil in the world today.

If we are to have energy independence, if we are to have electricity to fuel a growing economy, we need to use coal and to use coal in a clean, environmentally safe way. It requires clean coal technology.

Many of these projects are under way. I do not think it is an appropriate time to take out the money or to make it difficult for the Energy Department to continue on the Clean Coal Program.

A few weeks ago or a few days ago, we voted to bring China into the WTO. One of the compelling reasons was that China could grow the economy and become a market for United States products. China alone plans to build eight to 10 power plants a year, a year, eight to 10 a year for the next 20 years. That is 160 power plants. 75 percent of those will burn coal, because this is the fuel that they have.

If my colleagues are concerned about the environment, I think it is essential that we develop this technology. We will have a market for it in China, and not only will we have a market in the process of cleaning up the air in China, this, of course, adds to the cleaning of air in our global environment.

For those who talk about Kyoto and the Kyoto Protocol, the premise is that any impact on the environment of air emissions, wherever it occurs in the world, has a deleterious impact on all of us.

□ 1800

If we can use this technology, sell it to China, persuade them to use it in the generation of power as they expand their economy, we will be doing ourselves a favor, not only economically, but in terms of the environment.

For all of these reasons, I urge Members to vote no on this amendment. I do not think it is an appropriate time

to give up on the technology that has such an enormously bright future.

Mr. HOLDEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. There has been an awful lot of talk on this floor the last few days about our dependence on foreign energy, particularly upon foreign oil. Well, this amendment and similar amendments have come up every year since I entered the Congress in 1993, and every year Members of the Pennsylvania and West Virginia delegations take this opportunity to remind our colleagues of some very important facts.

Number one is that we have more recoverable coal in this country than the whole world has in recoverable oil. Yes, that is true. There is more recoverable coal in this country than recoverable oil in the whole world. We should be re-investing in alternative sources to use that fuel that we have available, not disinvesting.

I am honored to represent the anthracite coal fields of Pennsylvania, along with the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Pennsylvania (Mr. SHERWOOD), and we have anthracite coal that is high in Btu and low in sulfur and meets every EPA standard of the Clean Air Act.

Technology has been around for decades where we can turn waste coal and raw coal into diesel fuel and gasoline. The Germans did it during World War II, the South Africans did it during the embargo. I am sure many of my colleagues have been receiving the same complaints I have been receiving about high gas prices here in the United States. We should take this opportunity to be reinvesting in alternative ways so that we can perfect that technology so we can use our own natural resources.

Mr. Chairman, I urge my colleagues to defeat this amendment. Let us take advantage of our own natural resources and not disinvest. Let us reinvest in clean coal technology.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with all due respect to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Interior of the Committee on Appropriations, there is nothing new being developed under the Clean Coal Technology Program except for new ways to squander taxpayers' money.

The clean coal program idles environmental innovation. It duplicates initiatives already under the 1990 Clean Air Act. It has been consistently found time and time again, GAO report after GAO report, to manage inefficiently.

Mr. Chairman, the demand for clean coal is also falling in the energy market place. The Clean Coal Technology Program under the Department of

Labor has spent nearly \$2.5 billion since 1986 in grants to help private industry develop commercial technologies to burn coal in less polluting ways. What that essentially means is that we have given \$2.5 billion already to private companies for commercial technologies to make a profit on it to sell it. In other words, it is industrial policy. We are picking winners and losers in the marketplace with Federal subsidies, subsidizing the research and development end of their budget, thereby engaging in what many people call corporate welfare.

Mr. Chairman, this is also a very redundant program. We already have an innovative system for cleaning up our air in the 1990 version of the Clean Air Act. We have emissions trading. Which is a situation in which private companies already have an incentive to reduce pollution through emissions trading under this act.

This program is, plain and simple, a boondoggle. In the last 3 years, Congress has rescinded \$400 million in funding as the clean coal technology projects have proven that they cannot be completed in a timely and efficient manner, if completed at all.

In the most recent GAO report, released this March of the year 2000, the GAO found that problems identified in the mid-1990s found that a number of clean coal demonstration projects have experienced difficulties meeting costs, schedule, and performance goals. As the 2000 report finds, these problems continue today and have become worse.

Two of the eight projects studied out of the 13 are in bankruptcy. Eight more are heading to bankruptcy. This program is wasting taxpayers' money, they do not work, they are not on schedule, it is industrial policy, it is corporate welfare, it is anti-environmental, it duplicates the Clean Air Act, and, more importantly, according to the Congressional Research Service, conventional wisdom within the electricity industry based on current trends is that generating technology and fuel costs, that the technology of choice for new construction will be natural gas-fired plants.

This is a thing of the past. Why we should continue to subsidize these corporate budgets is beyond me. I urge passage of this amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would invite the gentleman to go to the Tampa Power Company and visit their plant if the gentleman thinks it does not work. It is remarkable what they have accomplished in that program. It is a greenfield plant, so they had the advantage of starting from scratch, but they are taking what is normally about a 30 percent efficiency in the use of the BTUs in a lump of coal and getting

about 60. That illustrates the value of the program, plus the fact that they can use any kind of coal because they do a pressure cooker process which extracts the sulfur and the other things that have value and it reduces emissions to almost a negligible point. So I think it illustrates it does work. I do think there is a lot of opportunity to sell this technology.

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, and I clearly respect the gentleman from Ohio (Mr. REGULA) and the leadership he has given on this issue and many others, I simply think it comes down to the point where we have the mechanism in place under the 1990 Clean Air Act to reduce emissions. Emission trading is a market-based initiative that is actually serving this public good, without having to obligate taxpayer money, without having to have the Department of Energy pick this company to give money to, thereby engaging in industrial policy.

I think that there can be merits pointed out, but the point is the demand is losing, many of these projects are inefficiently managed, the GAO report is consistently telling us these things are not well managed.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, I think this is a useful debate, and that is, of course, as the projects go on stream and succeed, they do pay back the investment of the United States government. So it becomes a kind of seed money type that will allow them to sell the bonds to make these projects work. My concern is that we are going to have an enormous demand for power as the economy of this country expands, and I think coal is going to be the fuel of choice simply because there is so much of it. We ought to figure out how to get it done in an energy-friendly way.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. RYAN) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. RYAN of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. RYAN of Wisconsin. Mr. Chairman, I think one can clearly contest the point whether coal is going to be the fuel of choice or not. I think natural gas has a good case for it. I think that around the country, according to the Department of Energy itself, natural gas usage will increase 44 percent between the year 2000 and 2020, with electricity utilities expecting to represent 60 percent of this total increase. So it comes down to a philosophy. I do not think the Federal Government should be doing this.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not have a dog in this fight. The most agriculture I have

in my district is at the swap meet. I do not have any coal fields, I do not have any natural gas, but I will tell you what my concern is. In my heart I understand the gentleman's amendment, any waste fraud and abuse we want to eliminate. But I take a look at our dependence on foreign oil, and my colleague, the gentleman from Washington (Mr. DICKS), looks at our military constraints and the problems that we have with oil reserves and those things. He does a very good job of that.

In Utah, one of the reasons we lost the fight, but in the fight with the Antiquities Act, the President made a monument of the cleanest coal in the world. And, guess what? Mr. James Riady was the recipient of that because it gave him a collective position on coal to sell to China. The President then gave China \$50 million to put a coal plant in. Where does Riady crack his coal? In China. Now we have to buy that coal back. Look at the workers that have been put out of work in Utah.

I look at the Antiquities Act also and my concern for renewable resources, or at least resources that we could use, instead of dependence on foreign resources. If they take, for example, ANWR, which is a postage stamp in a large area, but I think the President will probably under this go and try and make a national monument in ANWR, one of our largest reserves of oil in the world.

I look at another thing that we did in this House, some conservatives along with the others, the fusion-fission program, which was showing promise, we canceled that research. Natural gas is another area in which I think we ought to invest. I do not know how beneficial the clean coal is. I do know I have been to some of my colleagues' districts that have coal miners and workers, and I know how much they are hurting, and that bothers me. But do we have jobs? Corporate welfare? No.

So I would reluctantly oppose the gentleman's amendment, just because we may have some bad research in coal, but we may have some good. My concern, I think like the gentleman from Washington, is where do we get our resources when we run short in natural emergencies? We are going to have to rely on those.

I am part of the problem myself. My bill stopped offshore oil drilling off of the coast of California, because I do not want to be like Long Beach and have our beaches all polluted. So I would say to the gentleman from Ohio (Mr. REGULA), I am part of the problem as well. I understand that. But, on the other hand, we also need to be able to have resources so that this country can work.

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the fossil energy program because, contrary to

some of the arguments made on this floor, it has produced meaningful results that have benefited all Americans. Let me give the Members some examples.

Let us talk about cleaner air. Fifteen years ago the old technology that could effectively remove smog-causing nitrogen oxide pollutants from a power plant cost \$3,000 per ton of NO_x reduced. But DOE's clean coal research helped develop better lower-cost combustion technologies. Today that research has reduced pollution control costs to less than \$200 a ton, and 75 percent of the coal-burning plant capacity in this country uses these new low-polluting burners.

Let us talk about sulfur emissions, one of the pollutants associated with acid rain. Today sulfur emissions from power plants are down 70 percent since 1975, even though the use of coal has increased by more than 250 percent. Many utilities installed scrubbers to reduce sulfur pollutants, and more will likely be installed in the future. But in the 1970s, scrubbers were expensive and unreliable. Today, largely because of DOE's research, scrubbers are much more affordable and reliable, and they cost only one-fourth as much as they did in the 1970s. That alone has saved the United States ratepayers more than \$40 million a year, and more than \$40 billion since 1975.

Let us talk about the future. Until the 1990s, the only way to use coal to generate electricity was to burn it, but then came the Clean Coal Technology Program. Today, because of this program, residents can get their electricity from power plants that turn coal into a super clean gas, much like natural gas, and it burns it in a turbine. It is the forerunner of a new generation of high efficiency, virtually pollution-free power plants. It would not have been possible without the DOE research program.

The track record for fossil energy research is a good one, and when you realize that 85 percent of our energy comes from fossil fuels, it is important we have this research, because it benefits every American who turns on his light switch, or, for that matter, breathes the air.

Let us remember one thing: Coal is our most abundant source of energy. It is an energy source which no foreign nation can hold us hostage with. We should vote to keep these results coming in in the future. I urge my colleagues to vote against the Royce amendment.

□ 1815

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that the House will reject the amendment offered by the gentleman from California (Mr. ROYCE). I am sure it is meant in good will, but the fact is that it defers too

much money to next year. His amendment would defer \$237 million.

I come from a district where we have two of the largest coal operations in the United States. The Port of Los Angeles has a major coal facility. So does the Port of Long Beach. Most of that coal moves to Asia. That coal could be a lot cleaner than it is, as many residents could tell us. As the coal train comes from Colorado and Utah and travels through little towns and large towns.

So I think it is just overreach to wipe out all of the funding in this section. I agree with the gentleman from Ohio (Chairman REGULA) on this issue, and I would hope all Members of the House would also vote No on the Royce amendment. Vote down this particular amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to this amendment. I want to tell the chairman that I think he is absolutely right. The administration suggested a higher level of deferral. We gave 67. The House in its good judgment added 22, or 89; something a little higher than that if necessary might be appropriate.

But to do the whole thing, to defer the entire program I think would be a mistake. I think we have to continue this important research and work towards a cleaner coal technology. Mr. Chairman, I urge a vote on the amendment.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge my colleagues to vote against this amendment. I think the purpose of it is quite clear. They are trying to kill a fly with dynamite. I think they believe if they take away all of the money, there will not be any for the National Endowment for the Arts, the National Endowment for the Humanities, and the museums.

Frankly, the clean coal portion of this legislation is very important. I just want to urge that everybody look or search their minds here and really understand what is happening with this amendment.

I commend the gentleman from Ohio (Chairman REGULA) for saying this should not be voted for, and I join him in that. I hope that everyone will vote no.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

The Clerk will read.

The Clerk read as follows:

ENERGY RESOURCE, SUPPLY AND EFFICIENCY
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities and for fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, \$1,139,611,000, to remain available until expended, of which \$2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That \$153,500,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$120,000,000 for weatherization assistance grants and \$33,500,000 for State energy conservation grants: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

AMENDMENT NO. 28 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. SANDERS:

Page 67, line 16, after the dollar amount, insert the following: “(reduced by \$45,000,000) (increased by \$20,000,000) (increased by \$3,500,000) (increased by \$9,500,000) (increased by \$5,000,000) (increased by \$7,000,000)”.

Page 67, line 19, after the dollar amount, insert the following: “(increased by \$23,500,000)”.

Page 67, line 24, after the dollar amount, insert the following: “(increased by \$20,000,000)”.

Page 67, line 25, after the dollar amount, insert the following: “(increased by \$3,500,000)”.

Mr. SANDERS. Mr. Chairman, I want to particularly thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Wisconsin (Mr. KIND), the gentleman from New Jersey (Mr. SMITH), Mr. UDALL, the gentleman from New York (Mr. LAZIO), the gentleman from Maine (Mr. ALLEN), the gentleman from New York (Mr. QUINN), and the gentleman from Illinois (Mr. RUSH) for their support of this bipartisan amendment.

Mr. Chairman, this amendment is also supported by a very broad coalition of environmental and public interest organizations, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, Public Citizen, and U.S. Public Interest Research Group.

Mr. Chairman, this amendment addresses, among other things, the very serious national problem of millions of lower-income Americans being unable to properly weatherize their homes for the winter or for the summer. The result is that their limited incomes literally go drifting out the window of their underinsulated homes.

In addition, from an environmental point of view, this Nation wastes billions of dollars in higher than needed energy costs. That is money that is just going through the windows, through the doors, and through the roofs.

For those of us who are concerned about protecting the financial well-being of lower-income Americans and for those of us who are concerned about the environment, this is a very important amendment. This amendment increases funding for energy efficiency investments by \$45 million, including \$20 million for the highly successful weatherization assistance program.

The \$45 million offset for this amendment is the fossil fuel energy research and development program, otherwise known as power generation and large-scale technologies. This amendment would bring that program down from \$410 million, that is a lot of money, \$410 million to \$365 million.

Mr. Chairman, last year 248 Members voted in favor of an amendment to cut the fossil fuel energy research and development program by \$50 million. Unfortunately, despite our vote to cut this program that is widely regarded as corporate welfare, the conference committee not only ignored our vote, but added more than \$50 million to this controversial program.

Some of us are determined, and when it comes to corporate welfare versus the needs of millions of low-income Americans all over this country, we are going to stand up against corporate welfare.

Mr. Chairman, the energy efficient programs that this amendment supports have been enormously successful and have saved Americans some \$80 billion over the last 20 years. Yet, funding for these programs has been consistently shortchanged.

According to the Alliance to Save Energy, funding for Federal energy-efficient programs have been reduced by almost 30 percent since 1996. In other words, we are increasing funding for weatherization efforts which have been cut in recent years, which is what this amendment is about, in order to cut a dubious program which has seen significant increases in recent years; more money for low-income people to weatherize their homes, less money for a program that has gone up in recent years, which many regard as corporate welfare.

Mr. Chairman, this amendment would also increase funding for the State energy program by \$3.5 million.

That program helps homeowners, schools, hospitals, and farmers reduce energy costs.

Mr. Chairman, regarding the fossil fuel energy research and development program, let me quote from the report of the fiscal year 1997 Republican, I say it again, Republican budget resolution. I would hope my Republican friends would hear this.

“The Department of Energy has spent billions of dollars on research and development since the oil crisis of 1973 triggered this activity. Returns on this investment have not been cost-effective, particularly for applied research and development, which industry has ample incentive to undertake.

“Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.”

That is not the gentleman from Vermont (Mr. SANDERS), that is the 1997 Republican budget resolution.

Let me quote from the 1999 Congressional Budget Office report, which says, “The appropriateness of Federal government funding for such research and development is questionable. Federal programs in the fossil fuel area have a long history of funding technologies that, while interesting technically, had little chance of commercial feasibility even after years of Federal investment. As a result, much of the Federal spending has been irrelevant to solving the Nation’s energy problems.”

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, that is the CBO, 1999.

Mr. Chairman, I can well understand why some of my friends from various States are here to defend this program. I can understand that.

The reality is that unlike the weatherization program, which is well distributed to all 50 States, the lion’s share of fossil fuel research money goes to relatively few States. In fact, over 50 percent of the designated funds goes to four States, while 38 percent of that money goes to two States. This amendment is good environmental policy, it is good public policy, and I urge my colleagues to vote yes on this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Sanders amendment. Let me say that we have tried to strike a carefully balanced allocation of funds in the fossil fuel account. We have recognized that fossil fuels cover a lot of areas.

What the gentleman is attempting to do is just rearrange the chairs on the

deck in what he would consider to be a more efficient way. But I would point out, and we have this experience, we only need to drive down the street and look at gasoline prices to recognize that we need to have research into making automobiles more fuel efficient, into burning our fuel in a more efficient way also.

We are now up to importing 52 percent of our oil, and predictions are that it will rise to 64 percent by 2020. Members can imagine how subjected we will be to OPEC pricing and to the price of fuel. Of course, that reflects then in the price of consumer goods.

This country is so dependent on energy, and every dimension of our industrial economy is tied to energy use. Our lifestyle is tied to energy. What we have tried to do in this bill, in the allocation of the fossil research money, is to ensure we get the best possible use of the resources.

This is an interesting statistic: One-third of the world's population, 2 billion people, do not even have access to electricity. Of course, that again is going to cause a tripling of consumption over the next 50 years as the lesser developed nations try to expand their economy. It is a market for our clean coal technology, and it will be a market for other technologies that will be developed under the fossil program.

As has been pointed out by a speaker earlier, we have more coal in this country than the rest of the world has of recoverable oil in terms of Btus. We need to conserve our natural gas, but we also need to have the development of technology that will cause the production of natural gas to be more efficient.

That is part of the fossil research. We can get gas from deeper and more complex formations. We can get a better extraction, because we need all these energy sources. We need coal, we need gas, we need petroleum simply because, as a Nation, if we just look at the statistics and project our energy needs over the next say 40 or 50 years, they are going to be enormous.

We are the people who are laying the foundation for an adequate and efficiently produced source of energy. Whether our children and grandchildren will enjoy the same quality of life that we have, which is tied to energy consumption, clearly is being determined by the way we use these resources.

What we have tried to do on the committee, because it is our responsibility, working with the minority Member and myself and the other members of the Committee, is to say, this is the best we can do to allocate the resources in terms of energy production.

In weatherization, as the gentleman knows, we have increased it from \$135 million to \$139 million. That is a commitment on our part because most of our funding was level, but we felt that the weatherization program deserved some additional funding.

All these programs are important. I think that tonight to just simply rearrange all of these ways in which we have tried to address energy need is not the way to go.

The committee, working with the Department of Energy, has exercised what we consider to be our best judgment of the use of our Nation's resources to provide the energy needs of tomorrow and tomorrow and tomorrow, and to ensure that future generations will have the same opportunities that we have had, because they are tied very dramatically to energy.

I think that the result of this amendment will be to decrease the domestic energy supply availability. I hope that the committee, the Members of the full committee and the House will support the judgment of the Committee on the Interior.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman made the point that the committee had increased funding from \$135 to \$139 million. What the gentleman is talking about is the money that was included in the supplemental.

Mr. REGULA. For weatherization, yes.

Mr. SANDERS. But the gentleman knows that Senator LOTT has declared that supplemental dead on arrival, and what we are looking at is \$15 million less.

Mr. REGULA. There is a conference on the supplemental next week, and I think it will be addressed. But again, this is important to this Nation's future.

□ 1830

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS). As many of my colleagues are aware, the amendment before us is the latest incarnation of the gentleman's perennial crusade to hamper important energy research and development efforts.

At a time when all of our constituents have been rightfully concerned with our Nation's energy security, an area of great importance to our overall national security, I believe that a move to indiscriminately slash \$45 million from energy R&D will produce unwarranted and detrimental effects that will only exacerbate the current situation and fester throughout the summer driving season.

Let us keep in mind that the United States currently imports 54 percent of its crude oil from other countries, more than at any time in our history. If we do not take aggressive actions to alter this trend, by 2020 we could be importing 64 percent.

In a recent "dear colleague" sent out by the proponents of the Sanders

amendment, the claim is made that the intention of the amendment is to reduce our dependence on overseas oil. Now, how can this be achieved if \$45 million is being moved away from research into areas such as fuel cells and methane hydrates, both of which represent abundant energy supplies, and transferring the funds to support the purchase of caulking, weather stripping, and storm windows?

Now, this is not to say that we should not pay attention to improving energy efficiency of low-income households. We should, but not at the disproportionate expense of critical R&D efforts that will reduce our dependence on overseas oil as well as produce a whole host of other beneficial outcomes.

Let me be clear. I have been a strong supporter of efforts such as the weatherization program and LIHEAP. So my concern about this amendment does not rise out of opposition to weatherization but out of an interest to achieve appropriate funding proportionality.

Whenever one program of merit is pitted against another, it is critical for Members to move beyond the wordsmithing, smoke screens, and surface sentiment and to look to the facts of the matter. If Members take time to do a brief cost benefit analysis, they will find that supporting energy R&D efforts is the most efficient and effective investment we can make.

Consider the following: Despite the fact that the weatherization program has not been authorized since 1990, its funding level has continued to receive increases. \$128 million in fiscal year 1997; \$124 million in fiscal year 1998; \$133 million in fiscal year 1999; and \$139 million in fiscal year 2000.

While so many important and authorized programs are underfunded in this year's Interior bill, the weatherization program is slated for a \$4 million increase. On average, the program weatherizes 70,000 dwellings a year, yet it requires just 40 percent of the funds be spent on weatherization, materials and labor.

Fossil energy research and development, on the other hand, continues to do more and more with tighter budgets. Fossil energy has been essentially flat funded since fiscal year 1997 and this bill's funding levels represent a 2 percent decrease from last year's level.

In response to this trend, FE has sharpened its focus and, as a result, has heightened its efforts with regard to high efficiency projects, including efforts to develop new and more effective technologies that will help U.S. producers recover more oil from domestic fields and to develop cleaner fuels to meet future vehicle emission standards.

Without question, fossil energy is about a lot more than coal. In addition, FE R&D significantly contributes to

your State, both in terms of funding and jobs. In fiscal year 2000 alone, FE projects supported a total of 248,575 jobs, something worth considering when Members cast their vote.

Finally, I want to recognize the good work done by the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), given the current budgetary constraints. Their leadership can always be counted on and is much appreciated.

Mr. Chairman, I respectfully urge the defeat of this amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment to increase our funding and in support for critical Federal programs to promote energy efficiency, but I take somewhat of a different approach from the lead sponsor of this amendment. I want to make it clear that I support this amendment not because of the programs that it cuts, because there are some very good fossil energy research and development programs this bill funds, and if more money is found later perhaps these cuts can be restored. I support this amendment because I believe that we must make a more serious commitment to energy efficiency.

Energy efficiency, energy efficiency, energy efficiency, that should be our mantra. That must be our commitment.

The United States is the world's largest consumer of oil, and this week the price of oil surged past \$31 a barrel for the second time this year. The last time that happened many of my constituents were faced with enormous costs for home heating oil, costs that they could not meet with some tragic consequences. This time, they are faced with rapidly escalating gasoline prices, gasoline prices that have exceeded \$2.50 a gallon in some sections of the country. That is having a devastating negative impact on families.

Meanwhile, the oil-producing nations are deadlocked as to whether or not to raise their production of oil. If they do not raise production, then rising demand will quickly outstrip supply and prices will further escalate. If they do raise production, then several weeks or months down the road the American consumer will feel a little relief, but we are dependent on the OPEC nations, overly dependent, I believe, because we are one of the world's largest importers of foreign oil.

I think this amendment will provide some help where help is needed. The energy efficiency programs we fund will help us develop cleaner, more efficient technologies that allow us to do more with the same amount of energy. We add \$9.5 million to make buildings more efficient so that homeowners and businesses can heat their homes in the

winter and cool them in the summer without having heart arrest when opening their energy bills. We add \$7 million more to make transportation more efficient so Americans can go further down the road with fewer visits to the fuel pump, not to mention the fewer pollutants emitted along the way, and that is a major issue.

We add \$5 million more for efficient industrial technologies so that our businesses get the competitive edge they need in the global marketplace.

This amendment also boosts funding for the crucial weatherization program to insulate and weatherize the homes of low-income families; \$20 million will go to weatherization programs to help an additional 10,000 families, each of which could save up to \$200 worth of energy costs every year.

Now for us in Washington, \$200 a year for a family budget to save does not sound like much, but let me say to so many families that means everything. We have to be aware of that.

The amendment also boosts funding for the State energy program by \$2.5 million to help schools and hospitals and farmers and small businesses reduce their costs by becoming more energy efficient, and let me add if we can do that we provide some much needed relief on the property tax burden.

Do not forget, the money we would have sent overseas to pay for all of that oil is kept right here in the domestic economy.

Mr. Chairman, I feel this amendment is a wise investment in energy efficiency, and a wise investment in a more energy secure future. I urge my colleagues to support the Sanders-Boehlert-Kind energy efficiency amendment.

Let me close by saying, energy efficiency, energy efficiency, energy efficiency. That should be our mantra. It must be our commitment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Vermont.

Mr. SANDERS. Just to set the record straight, my good friend, the gentleman from Pennsylvania (Mr. DOYLE) a moment ago talked about the energy efficiency programs going up. That is true in recent years, but in 1995 it was budgeted at \$215 million. Today it is at \$120 million; a huge decline in funding.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to be an original sponsor of this amendment that will expand funding for the low-income weatherization program, the State energy program, and other critical energy conservation and research measures.

I commend my colleagues from both Vermont and New York, and others who have been supporting this amendment this year and in previous fiscal years, in trying to work in a bipartisan

fashion to advance the cause of energy efficiency.

I think my friend from New York stated it so well and so eloquently, that we as a country, especially with the bad weather conditions we experienced last winter and the terribly high gas prices that are sweeping the Nation but especially in the upper Midwest today, need to start developing a long-term energy efficiency program that makes sense for the consumers in this country and lessens our dependence on fossil fuel energy consumption and foreign oil production.

Just to respond to my friend from Pennsylvania, I understand his concern in regards to a system of the offsets in the program that affects his local area, but this is, I believe, the right policy direction that we should be moving in, because these energy programs are not a luxury but a necessity to many, many families across the country who cannot afford their own weatherization preparations.

I do have a parochial interest in this as well, Mr. Chairman, because the first weatherization assistance program that was set up in the Nation was established right in my congressional district in western Wisconsin back in 1974. Since that time, over half the States have developed their own weatherization or energy efficient programs, and what a marvelous result we are seeing coming from these programs.

The average family who has been able to weatherize their home under this program is realizing a 23 percent efficiency upgrade with their energy consumption needs. What that means in a nutshell is more money for these low-income families for other purposes rather than for escalating energy costs, money that could be spent on food, for instance.

In fact, just recently there was a constituent back in my hometown of La Crosse that wrote a letter in regards to the weatherization program. It was a single mother who was trying to make it on her own and trying to make ends meet and she was informed by some friends about the existence of this program. She applied and was qualified. In the letter that she wrote and I quote "I had no insulation, drafty windows, a poor chimney lining and a list of real energy zappers, much of which I was unaware. My bedroom wall had frost on the interior and my blanket would stick. Not any more. I am so fortunate to live in an area with these kinds of resources. Thank you so much for helping me and my family enjoy the American dream."

I am also pleased that this program is fiscally responsible and environmentally advanced. By diverting money from the fossil fuel energy research and development program, we are looking to the future in developing new technologies. These programs will make us less dependent on fossil fuels

and foreign oil supplies at exactly the time when we need to be less dependent on them. If erratic temperature variations that we have recently seen were not enough, we are now seeing what comes from our reliance on overseas oil, with gas prices reaching the upper Midwest beyond \$2.00 a gallon. Currently, 70 percent of our energy supply comes from fossil fuels which are non-renewable and environmentally detrimental. With cleaner, more efficient energy supplies we boost the economy and become a leader in cleaner energy.

Our Nation continues to thrive in an era of economic growth but not every American family is fortunate enough to participate in this prosperity. The weatherization program, LIHEAP, Energy Star and State energy programs are ideal tools to help our Nation's citizens who are most in need. I urge my colleagues to support this amendment, which would expand funding these vital programs.

Mrs. BIGGERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong opposition to the Sanders-Boehlert-Kind amendment. This amendment purports to benefit energy efficient programs by cutting \$45 million from the Department of Energy's fossil energy research activities. In reality, this amendment will cut energy efficiency research.

□ 1845

Today, 70 percent of the electricity generated from this country comes from fossil fuels. Our Nation's demand for electricity will continue to increase with the rapid growth of our high-tech economy. Do we really want to cut funding for research that will allow us to use nonrenewable resources more efficiently? Do we really want to cut funding for research that will further reduce the impact of fossil energy on the environment? The answer is no.

Funding for fossil energy research supports national laboratory and university efforts to improve the fuel efficiency and reduce the emission of fossil energy facilities. Although it does not fall under the budgetary category of energy efficiency, fossil energy research is in reality energy efficiency research relating to fossil fuels and fossil energy.

The United States is already benefiting from the improved efficiency and environmental protections of fossil energy research. For example, three-quarters of America's coal fire power plants use pollution boilers developed through private sector collaboration with the Department of Energy.

Future research efforts promise to reduce the release of greenhouse gases into the atmosphere by sequestering carbon. Other research could lead to the capture and use of by-products from fossil energy generation for other commercial purposes.

Scientists are attempting to construct better filters that can screen out pollutant-forming impurities from the hot gases of power plants. Let us not halt this kind of progress by cutting important fossil energy research.

I urge my colleagues to vote against the Sanders-Boehlert-Kind amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to urge my colleagues to support the Sanders-Boehlert-Kind amendment to H.R. 4578, the Interior Appropriations Act for fiscal year 2001.

The Sanders-Boehlert-Kind amendment would cut funding for the Fossil Fuel Energy Research and Development program by \$45 million and increase funding for energy efficiency programs by the same amount. Included in this increase would be an increase of \$20 million in the Weatherization Assistance Program.

The Weatherization Assistance Program provides assistance to low-income American families to improve their energy efficiency and lower their energy cost. Two-thirds of those served by this program have incomes under \$8,000 per year, and almost all of them have incomes under \$15,000 per year. Many of the beneficiaries were elderly or disabled and many are families with young children. Weatherization assistance enables those families to heat their homes in the winter and cool them in the summer.

Mr. Chairman, I recall it was just 2 years ago, I believe, that we witnessed seniors dying in Chicago. Many of them were trapped in high-rise buildings, and we could not even get assistance to them. They literally suffocated in their homes because of the heat, and they had no air conditioning. I do not think that we want to see the reoccurrence of the kinds of deaths that we saw as a result of the weather and the heat at that time.

Low-income families spend an average of \$1,100 per year on energy expenses for their homes. These expenditures comprise 14.5 percent of their annual incomes. By contrast, other families spend a mere 3.5 percent of their annual incomes on home energy expenses.

The Weatherization Assistance Program enables low-income families to save an average of \$200 per year in heating costs. These savings can be used for other basic human necessities such as food, clothing, housing, and health care.

The Fossil Fuel Energy Research and Development program funds government research on fossil fuel technologies that benefit, for the most part, the oil, gas and utility industries. This program was funded at \$34 million above and beyond the amount requested by the President, although, the

Interior Appropriations Act as a whole was funded at \$1.7 billion below the President's request.

Why are the Republicans increasing funds for this corporate welfare program? The oil, gas, and utility industries do not need this program. They sincerely can afford to do their own research.

I urge my colleagues to vote in favor of the Sanders-Boehlert-Kind amendment. Cut the corporate welfare and support funding for energy assistance for low-income Americans.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my colleagues in support of this legislation. There is a tragedy here that we are choosing between important issues that are before the country. There is no question that we have to address alternative energy and finding ways to make coal burn cleaner.

But the choice today is one that is presented to us that puts thousands and thousands of senior citizens and other Americans in harm's way, really. It puts them in a situation where, this winter, as we see high gas prices will soon be changing once again to high oil prices, in a position where they may not be able to make it through the winter.

Additionally, of all the things this Congress does, weatherization creates more energy for less money than almost every other expenditure, because when one weatherizes a house, the benefits of that weatherization do not just occur in that heating season or that cooling season, the benefits of that weatherization last for the life of the house. If that house lasts for 100 years, those benefits last for 100 years.

When we look at what we ought to be doing and what we do in this Congress, when there was a crisis in the Farm Belt, the Congress responded. First, our colleagues on the other side of the aisle chose Freedom to Farm. When that program failed, we came in with additional revenues for farmers. Our friends in California that do not have enough water, the Federal Government subsidized bringing water to those farmers. We in New England do not get a lot of those kinds of benefits.

But other senior citizens and working people, many of them very poor, do face some of the harsher winters in this country. Across this country, many citizens need the help of this weatherization program. But this not only helps the individuals, it helps our national dependence on foreign energy. Because every time one weatherizes a home, for every barrel of oil that family does not use, it is a barrel of oil we do not have to import. It helps our trade balance. It helps the families. It helps the country.

Pass this amendment. It is the right thing to do.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sanders-Boehlert-Kind amendment, which cuts corporate welfare and boosts energy efficiency programs that benefit consumers and the environment. This amendment restores \$45 million to programs that help low-income families reduce energy costs, that help States implement efficiency programs, and that foster investments in new efficiency technologies. All of these programs have been cut in recent years just as America's energy needs have been rising.

This amendment renews our commitment to energy efficiency as a cornerstone of our energy policy. The offset is the fossil fuel R&D account which has been identified as corporate welfare by consumer and taxpayer watchdogs, including the National Taxpayers Union and Citizens Against Government Waste.

On top of direct appropriations, we also subsidize the fossil fuel industry through exemption from environmental laws. For instance, America's oldest and dirtiest coal-fired power plants are still exempt from Clean Air Act emissions standards that were enacted 30 years ago. These grandfathered power plants continue to spew tons of pollution into our air, adding to smog, acid rain, mercury poisoning, and global warming. While industry profits from this exemption, the public suffers increased respiratory problems and expensive environmental cleanups.

If America is to create a sustainable and cost-effective energy policy, we must reduce our dependence on highly polluting fossil fuels. Improving energy efficiency is an important first step toward that goal.

Mr. Chairman, as we begin the summer months with the threat of brownouts and rising fuel costs, now is the time to make a commitment to energy efficiency. This amendment is a small but significant step toward a 21st century energy policy that lowers consumer costs and protects public health and the environment.

I urge my colleagues to support this amendment.

Mr. WEYGAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment. I want to thank the gentleman from Vermont (Mr. SANDERS) and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Wisconsin (Mr. KIND) for offering this.

Those of us from the Northeast, and particularly those of us in all of the colder States of this country, realize this past winter the real problems that can beset low-income and fixed-income senior citizens and people throughout our district when we saw rocketing prices when it came to home heating oil.

When it came to energy efficiency, we looked at the high cost of renovations. We realized that the people back in our districts, regardless of all the Beltway talk that we may hear here today, clearly understand that it is often beyond their means to be able to afford the energy efficiency and weatherization that they need to have to be able to heat their homes.

This problem we incurred this winter was attributed to four different issues: one they said was the production of crude oil; the second was the storage capacity in many of the communities around the country; third was the lack of alternative fuels; fourth, which is what we are discussing here tonight, the lack of energy-efficiency programs, weatherization programs to stop consumption as we have presently going of the high, high cost of energy and fuels.

Today and tonight we are offering an amendment particularly for those communities that have older architecture, older problems with regard to weatherization and alternative fuels.

Let us put back some of the money into the weatherization program that we have stripped out over the last 10 to 15 years. Let us put back the kinds of rhetoric that we have been fusing into actual dollars in terms of not only words, but deeds. Let us put back into those programs to help those seniors, those people on fixed income, the real alternatives for more energy efficiency.

Let us put back into the real problems of this government money to make sure that our senior citizens and our low-income people have weatherization programs. But I would also point out there goes more than just that.

If one takes a look at the old architecture that besets many of our older homes and our older communities, one will also find another problem. It is called lead paint. Many of the same problems with lead paint are the same problems with weatherization, the high cost of renovation.

When we talk about weatherization programs, we often couple in our communities the opportunity for renovation for lead paint as well. If we put more money into weatherization programs, we can double our effort in lead paint reduction as well.

I ask all of my colleagues to support this amendment. It does wonders in a very small way but a very efficient way to make sure that our seniors of low income have an opportunity for energy efficiency.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to stand here in support of the amendment of the gentleman from Vermont (Mr. SANDERS). Not only is it sensible at this moment, but it gives us a rare opportunity, I think, also to highlight what

has happened over the course of the last year when we have been, indeed, slow to react.

This initiative that the gentleman from Vermont (Mr. SANDERS) is offering really is part of a great legacy in this House of Representatives. The legacy was established by Silvio Conte, a Republican Member of this House. He began the low-income heating oil program that so many Americans have benefited from who live below poverty guidelines.

Now, we ask ourselves tonight, why is this amendment necessary? Last Friday, the average price for a gallon of gasoline rose to \$1.67 per gallon. Some people across this Nation are paying more than \$2 per gallon. These high prices are caused by low stocks, the results of the high prices experienced this past winter when oil dealers did not replenish their stocks.

The summer driving season is in front of us, and the price of gas is unlikely to drop while demand remains so high. As the price of oil remains high as well, stocks are unlikely to be replenished. This will result in low stocks for the winter again.

This is a dangerous cycle for all across the Nation who live below poverty guidelines. Many people in the Northeast last winter had to make the horrible choice between heating and eating. Anybody who has stood in a grocery checkout line, that is on the minds particularly of senior citizens.

□ 1900

Now, we do not want that to happen again. We can act this evening to avoid another catastrophe from occurring this winter.

The Northeast Home Heating Oil Reserve would protect low-income homeowners in the Northeast from having to choose once again between food and fuel. The Northeast Home Heating Oil Reserve is an environmentally conscious way to ensure enough fuel is on hand to combat another harsh winter.

I want to thank the gentleman from Vermont (Mr. SANDERS) for calling attention in this timely manner to an issue that is going to be in front of us once fall sets upon us. But we have a chance to act tonight, to take the initiative, to grab the high ground and to proceed with a sensible plan. I hope all the Members of this House will stand in support of the Sanders amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment perhaps from a slightly different perspective than my good friend from Vermont (Mr. SANDERS).

I really have no problem with the Energy Department's fossil energy research and development program. I do not consider it welfare. I think we need to continue to do research into fossil

energies, into alternative fuels, into the whole range of possibilities that will make our country less dependent on foreign oil and energy. But one of the components, perhaps the most important component, of our energy policy in this country should be reducing the use of energy and saving resources, and the low-income weatherization program is a demonstrated effective method of doing that.

We are faced as Members of this Congress with budget constraints. And as the chair of the subcommittee has indicated, sometimes that means we do have to rearrange the chairs on the deck and make some choices. When I make those choices, I have to keep in mind the things that my mother used to tell me. And one of those things is that a bird in hand is worth more than a lot of birds in the bush. The research may well yield some fascinating results in the future, but what we do know is that home weatherization will yield immediate results in the present and that the low-income energy weatherization program has been a vital and important success story as a means of saving energy.

So I do not have any particular beef with doing research in the long run. We need to do that. And, of course, there is going to be plenty of money in this bill to do that. But in the meantime people are freezing to death and people are without the weatherization program that would reduce the heat in their apartments, and that is a choice that I have no problem making in favor of the amendment, even though I have no particular beef with the longer-term research.

So in that context I want to encourage my colleagues to do what makes sense in the immediate future and do something that we know works. This amendment will allow us to support and finance and put our money, at least in part, in something that has been a proven success story, the weatherization program. I encourage my colleagues to support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the gentleman's amendment.

Mr. Chairman, I rise in opposition to the gentleman's amendment. Nearly 70 percent of the electricity generated in the United States today is fueled by a combination of coal, oil and natural gas. These traditional fuels are abundant, particularly coal, which accounts for 90 percent of our Nation's energy reserves.

At current rates of consumption, the United States has enough coal to last throughout the next 2 centuries, and that is just here in the United States. Coal generates nearly 40 percent of all electricity worldwide, a number that is growing as we stand here and debate this issue.

Here are the facts, Mr. Chairman. We have an abundant supply of coal. It is

responsible for over half of the energy generated in this country, and its use is going to increase here in this country and worldwide. The only question that remains is are we or are we not going to make it cleaner? Now, let me just emphasize that. We are going to use more coal in this country and worldwide. The only question that remains is are we going to make it cleaner and cleaner, which I support and every Member that represents a coal region in this Nation supports. That is why we support the Clean Coal Technology Program, because we want it to become cleaner and cleaner.

I have to say that I am surprised at how cuts to the fossil energy research budget have been framed in this debate, as if cutting these funds is some sort of a good environmental vote. Mr. Chairman, nothing could be further from the truth. In fact, as a result of Federal funding, since 1970 overall U.S. emissions of pollutants from coal-based electricity generation have been cut by a third, even as coal use has tripled. What a success story.

For those of my colleagues who have stood up and argued for the environment and argued for efficiency, I am pleased to tell them that technologies now being researched, coming out of the Clean Coal Technology Program, will produce a near zero emissions power plant with double the efficiency of today's utilities. This technology will also be exportable to developing countries as they build new power plants to meet their ever-growing needs and as we become increasingly concerned about global warming and global greenhouse issues.

Mr. Chairman, that is good for the environment and it is also very good for our economy. Do not be fooled, my colleagues. Cutting fossil energy research and development is an antienvironmental vote. I urge defeat of the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my good friend for yielding to me.

In terms of the environment, I would point out to my colleagues that my amendment is supported by the League of Conservation Voters, the Sierra Club, the Natural Resources—

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would ask the gentleman if he can make the argument substantively that cutting the Clean Coal Technology Program is good for the environment rather than just citing a number of organizations? Can he make it with me, please, right here and now?

Mr. SANDERS. If the gentleman will continue to yield, I certainly can. As the gentleman from New York (Mr. BOEHLERT) indicated earlier, when we

conserve energy we are doing something extraordinarily important for the environment.

Mr. MOLLOHAN. Well, reclaiming my time, the Clean Coal Technology Program, one of its real strengths is the conservation of the use of energy to generate electricity. As a matter of fact, the Clean Coal Technology Program has increased efficiency, as I said in my comments, while it reduces emissions.

It is good for the environment, it is good for the economy, it is an environmentally good program while it affects efficiencies.

Mr. SANDERS. I would just point out that all the environmental groups support the amendment.

Mr. MALONEY of Connecticut. Mr. Chairman, I am a strong supporter of programs that work to increase energy efficiency and affordability. I know all too well how important it is to have an energy efficient home. During the home heating crisis this past winter in my home State of Connecticut, my constituents were faced with exorbitant home heating costs.

While the amendment offered by Mr. SANDERS may make home weatherization more affordable, I must reluctantly oppose it. By using the Department of Energy's fossil energy research and development program as an offset, this amendment will take money from one energy efficiency program and give it to another. That is not good policy.

Both the Low Income Weatherization Program and the fossil energy research program work toward the goal of energy efficiency and affordability. Energy efficiency starts with the fuels we use. We must ensure that these fuels are as efficient as possible, while at the same time we must ensure that we are using efficient energy practices. This includes building energy efficient homes, driving fuel efficient cars and using clean, dependable, and efficient electricity generation technologies.

I fully support increasing resources for both programs, just not at the expense of one another. The allocation for the Department of the Interior, as reflected in this bill, is simply inadequate. I therefore must oppose Mr. SANDERS' amendment.

Mr. KUYKENDALL. Mr. Chairman, during the upcoming debate on H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for fiscal year 2001, we will be asked to consider the need to reduce funding for fossil fuel research to increase funding for weatherization, state energy programs and energy efficiency research and development. I am a strong advocate of energy efficiency technologies because this research offers us the potential to minimize our dependence on foreign oil. It also holds the key for a cleaner environment in the future by encouraging technologies that reduce emissions. It is an area that is poised to become accepted by the market, with a small investment by the federal government, and is certainly an area in which business and environmental proponents can find much common ground. I also support providing assistance to low-income individuals to meet their energy needs.

Despite my unwavering support for energy efficiencies, I find that I cannot support this

amendment. In short, the benefits to be achieved are more illusory than real and the costs incurred if this amendment passes substantial. It is worth noting that the line items funding fossil fuel research and energy conservation research have been combined. This amendment cuts the total funding for both programs, resulting in a reduction to our energy conservation efforts. At the very time we are desperately searching for ways to use energy more efficiently, we are cutting the one conservation research program that may actually bear fruit.

Second, the major premise of this amendment is that there is nothing valuable to be gained from fossil fuel research. It is this premise with which I disagree. The fact is that fossil fuels—oil, coal, natural gas—are critical to this country's energy mix, and will continue to be far into the future. The U.S. Energy Information Administration projects that demand for oil and natural gas will grow during the next two decades by 35 percent, to 24.6 million barrels today. We have made it difficult to invest in market-ready alternatives to coal, oil and gas to supply our energy needs and renewable alternatives cannot yet substitute for these resources on a broad scale. Until we do have marketable, viable alternatives, our only real solution is to invest in research and development efforts to explore, extract, and utilize fossil fuels cleanly and efficiently. This is the goal of the fossil fuel research and development program—a goal that supports environmental objectives to reduce environmental consequences and national security objectives to reduce the need for foreign oil.

Recently, the Department of Energy released a report noting the accomplishments resulting from investment in fossil fuel research. The report, titled "Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology," lists 36 specific improvements resulting from fossil fuel research. These improvements have resulted in fewer dry holes, more productive wells, smaller environmental footprints, and less harmful waste to manage. Additionally, private-public efforts like the Petroleum Technology Transfer Council (funded principally through the fossil fuel program), have provided the technological means for independent producers to reduce the environmental impact of their efforts, largely by supplying technological answers to current problems. This has been critical to help these small producers (who account for 25 percent of our domestic oil and gas supply) to comply with environmental regulations and to implement best management and industry practices.

In short, faced with a budget that has been reduced by \$300 million from fiscal year 2000, the subcommittee has had to make difficult decisions about program funding; many important programs were reduced and others flat funded. In my view, the better solution is not to starve one energy program in favor of another as this amendment seeks to do. A better use of our time is to figure out how we might reallocate our financial resources and research efforts to support and develop all of these promising technologies.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

The Clerk will read.

The Clerk read as follows:

ALTERNATIVE FUELS PRODUCTION (RESCISSION)

Of the unobligated balances under this head, \$1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the third installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,992,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$157,000,000, to remain available until expended.

AMENDMENT NO. 29 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. SANDERS: Page 69, line 10, after the dollar amount, insert the following: "(reduced by \$10,000,000) (increased by \$10,000,000)".

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is being supported by, among others, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from New York (Mr. MCHUGH), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from California (Mr. THOMPSON), the gentleman from Illinois (Mr. EVANS) and the gentleman from Maryland (Mr. WYNN). It has strong bipartisan support.

The purpose of this amendment is to provide \$10 million for the establishment of a Northeast Home Heating Oil Reserve. Stand-alone legislation that I introduced back in February, calling

for a 6.7 million barrel home heating oil reserve, garnered 98 cosponsors, including 24 Republicans and 27 Members who are not from the Northeast.

In addition, and importantly, authorizing legislation that passed the House by an overwhelming vote of 416 to 8 included language to establish a home heating oil reserve in the Northeast.

Not only does this amendment enjoy strong bipartisan support, it also has the backing of the Clinton administration. Let me just quote from a letter that I received yesterday from Secretary of Energy Bill Richardson.

"The floor amendment you intend to offer to the Interior, Related Agencies appropriations bill for fiscal year 2001 would appropriate \$10 million for the home heating oil reserve. As you are aware, the House recently passed H.R. 2884, reauthorizing the Energy Policy and Conservation Act with the added provision to create such a reserve. Your amendment, therefore, is consistent with both the President's proposal and the views expressed previously by the House and I support your amendment." That is from Bill Richardson.

Mr. Chairman, it is obvious to everyone that we are experiencing an energy crisis in this country. The price of gasoline is skyrocketing. We are feeling that all over the country. This can only mean one thing. If we do not act forcefully now, next winter we are going to have a disaster on our hands that was worse than last winter, which was a real tragedy for millions of people.

Mr. Chairman, we must make certain that the huge increases in home heating oil prices that we experienced last winter does not happen again. Not this winter, not any winter. Mr. Chairman, let me be clear that this is not just an issue that affects the northeast. A home heating oil reserve would also provide positive benefits to the entire country. Since diesel and jet fuel can be used as a substitute for heating oil, industry experts believe that if a heating oil reserve were in place, not only would the price of heating oil be reduced, but diesel and jet fuel prices would also be reduced all over the country.

Mr. Chairman, winter is not a natural disaster. We in Vermont know, and I think the rest of the country knows, that it takes place every year. Yet we continue to be unprepared for a severely cold winter. In fact, fuel oil shortages have taken place in the Northeast about once every 3 years. Most recently these shortages have occurred during the winters of 1983, 1984, 1988, 1989, 1996, 1997, 1999, and 2000. Enough is enough.

□ 1915

Mr. Chairman, the offset for this amendment is a pretty conservative one, and it is a simple one. It should

not meet much controversy. If this amendment passes, \$10 million of the \$157 million already in the bill for the Strategic Petroleum Reserve would be used for the Northeast Home Heating Oil Reserve.

So this is more of an accounting transfer than a real significant offset. We are taking money out of the Strategic Petroleum Reserve. There is \$157 million in it. We are moving \$10 million over for the Northeast Home Heating Oil Reserve.

Mr. Chairman, this is a sensible approach to protect millions of people who really were hurt last winter and in the past by skyrocketing home heating oil costs, and I would hope that we can win strong bipartisan support for it.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I can understand the concern that the gentleman from Vermont (Mr. SANDERS) has. We have the same concerns in the Midwest. We have the same concerns as a lot of places. Should build reserves for diesel fuel, for jet fuel, for ethanol, for all forms of energy?

We have the SPR. This amendment proposes to take \$10 million out of SPR. We cannot just do that arbitrarily. It has to be made up some way. The money is to operate SPR, and we cannot cripple it or that reserve will not be available if needed in the period of critical defense needs, which is the main objective. We had requests to do all kinds of programs similar to this.

Now, I would point out that heating oil has a very short shelf life. So to maintain a reserve would mean it has to be turned over in a short time, something like every 3 months. That is a very expensive proposition. It means frequent government sales or exchanges. It will take a couple million barrels to set up the reserve, which will, of course, create a heating shortfall immediately.

These things ought to go to the authorizing committee to begin with and hold some hearings. I think what we are reflecting here is the fact that we do not have a national energy policy.

I was here in the 1970s when we had critical shortages. Everybody said we have got to set up a policy. Then the shortage went away, and there is no policy. I think what the gentleman from Vermont (Mr. SANDERS) is addressing is the absence of a national energy strategy. I would suggest that he take his case to the administration because we need leadership from them on an overall policy. We cannot pick one area of the country.

It is interesting to note that in the six New England States there is not one refinery because they will not let them build a refinery. Now, it is hard to produce heating oil without a refinery. And one of the problems is that their area is impacted by the environmentalists who have made it impos-

sible to build a refinery in New England.

How many refineries does the gentleman have in New England? They are shaking their heads. I do not think they have any. And they have had some difficulty getting gas pipelines up there, too.

All I am saying is that they ought to have a policy in New England or other parts of the country that need help. Therefore, we need a national energy policy. But to try to address one instance is not going to be a long-term solution.

I understand it is proposed that this heating oil reserve be put in New York Harbor. Why not put it in New England? I think we ought to build the facilities where the need is.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, because the capacity already exists in New York Harbor and it does not make sense to build new capacity when we already have existing capacity.

Mr. REGULA. Mr. Chairman, reclaiming my time, it may be that as the home heating oil shortage continues New York State will use that capacity for themselves. And there may be other States, Pennsylvania. But I think if we are going to create these kind of facilities, we ought to put them where the people are. But I dare say that they will not get any cooperation from their area in building facilities in Vermont or New Hampshire or Connecticut.

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I would mention that New York State and Pennsylvania are also eligible to use the oil from the reserve in New York Harbor.

Mr. REGULA. Well, that is probably true. But I suspect, knowing the size of these States, that they can use the entire, what is it, 10 million-barrel capacity in New York Harbor. That would probably be used up by those States.

All we are focusing on here is that we need a long-term energy policy. And my concern is that the minute the shortage eases, and we hope it will, we will go back and nothing more will happen. This will not be a long term solution.

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I do not argue with him that we need a long-term energy process.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I would simply argue, and I make no pretense that this is going to solve all the

energy problems in New England, but I think what the experts tell us is that it will help reduce sharp increases in home heating oil prices, which will save a lot of money for senior citizens who need those savings.

Mr. REGULA. Mr. Chairman, I question this capacity for 10 million barrels. Is it empty at the present time?

Mr. SANDERS. Mr. Chairman, it is not 10 million barrels, as a matter of fact.

Mr. REGULA. Two million barrels? Is that what New York Harbor has is 2 million barrels?

Mr. SANDERS. Mr. Chairman, yes.

Mr. REGULA. Mr. Chairman, I ask the gentleman, is it empty now?

Mr. SANDERS. Mr. Chairman, it is not empty now, as I understand it, but they do have the capacity.

Mr. REGULA. Mr. Chairman, if the oil is there, if it is already in place, why are they not using it?

Mr. SANDERS. Mr. Chairman, the gentleman asked me why we did not build a new facility; and the answer is that there is excess capacity available in New York Harbor.

Mr. REGULA. Mr. Chairman, so that facility in New York Harbor is not being used to its fullest capacity?

Mr. SANDERS. Mr. Chairman, that is correct.

Mr. REGULA. Mr. Chairman, is the gentleman proposing that we purchase the home heating oil and put it in there?

Mr. SANDERS. Mr. Chairman, what we are proposing is that 2 million barrels be available to be released at the discretion of any President, the President, when heating oil prices zoom up. And what experts tell us and what we know to be the fact is that that will have an impact on those prices and in fact lower them.

Mr. REGULA. Mr. Chairman, if the gentleman will respond, I think it is important we get these facts out. What is the daily consumption in a normal winter period of home heating oil in New England, the six States that comprise New England?

Mr. SANDERS. Mr. Chairman, I do not have those facts in my pocket.

Mr. REGULA. Mr. Chairman, what I am getting at is this. Is 2 million barrels going to solve the problem?

Mr. SANDERS. Mr. Chairman, I say to the gentleman, no, it is not. But this is what it will do. What it will do is send a message that the Government is prepared to act.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I continue to yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, in fact, my friend will remember that the

one time, to the best of my knowledge, that SPR oil was threatened to be released by President Bush had a very significant impact around the time of the Gulf War in terms of lowering oil prices.

Mr. REGULA. Mr. Chairman, well, given that as a solution, why have we not, then, threatened to use SPR oil this time?

Mr. SANDERS. Mr. Chairman, many of us thought that we should, and I am one of those who thought that we should. There is wild ovation from all over the Northeast.

Mr. REGULA. Mr. Chairman, has the gentleman talked to the President? He can do it by his own action.

Mr. SANDERS. Mr. Chairman, I sat down with the President, along with many other Members of the Northeast; and that is almost a unanimous request that came out of the Northeast, release the SPR. That was our opinion, and it is my opinion today.

Mr. REGULA. Mr. Chairman, I am sure the people in Ohio would like it because gasoline has now spiked at \$2 a gallon.

Mr. SANDERS. Mr. Chairman, then I ask the gentleman to work with us, not against us.

Mr. REGULA. Mr. Chairman, I want to work with the gentleman with SPR. But I just think we need to have a coordinated plan as we do this. And I think what we are talking about here is temporary. Let us get a long-term energy policy. Let us determine if not only how to address problems with home heating oil but diesel fuel, because our industry is so dependent on that.

Mr. SANDERS. Mr. Chairman, let me rephrase. My view is let us move short term and long term, but let us move short term, as well.

Mr. REGULA. Mr. Chairman, I think I am reluctant to take \$10 million out of SPR because we need the money to operate it unless they can get the \$10 million somewhere else that will not impact on the ability to manage SPR oil, because that too is an emergency source for the entire country, I would resist the amendment.

I think if they could develop another source of financing, since apparently the facility is up and running. Do I understand it correctly, that it can handle the 2 million barrels?

Mr. SANDERS. Mr. Chairman, yes.

Mr. REGULA. And is that the full capacity of this, what is it, a tank farm?

Mr. SANDERS. Mr. Chairman, yes, it is.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. WEYGAND. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Rhode Island.

Mr. WEYGAND. Mr. Chairman, it is our understanding that there is far more capacity than the 2 million barrels of home heating oil capacity we are asking for.

This, as the gentleman from Vermont (Mr. SANDERS) said, will really give us a beginning to what we hope, as the chairman has said, would be a long-term national energy policy. But we recognize that, with the winter only about 5 months away, that if we do not get this in place now, we could encounter the same kind of problems with lack of supply.

In the Northeast, and when I say "Northeast," it is not just New England; we are talking about the Hudson River, we are talking about Bridgeport, Connecticut. What we had was a problem with getting the oil from the Gulf Coast States, the home heating oil, up to our States fast enough.

This would provide us a closer capacity in closer proximity to where the demand is, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, in a quicker way. It is a short-term response to a long-term problem, without a doubt.

Mr. REGULA. Mr. Chairman, reclaiming my time, I would ask the gentleman, how do we address the problem that if we go in the marketplace at this point, and, of course, this bill would not take effect until next year, for all practical purposes, or on October 1, and buy 2 million barrels, is that not going to in itself push the price up considerably?

Mr. WEYGAND. Mr. Chairman, not based upon the consumption that we have nationally. But certainly, what we saw this past winter in the Northeast, the consumption of 2 million barrels would go very, very quickly.

Remember, the SPR is not home heating oil. The SPR is crude. And so, for us to be able to not only trade or to move that product to refineries and then finally get it to the marketplace would take a long time.

This would be to make available almost immediately in the time of need, which is triggered only by the President, that we could get that into the market very quickly.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. WEYGAND. Mr. Chairman, if the gentleman will continue to yield, what the chairman has discussed with us this evening is the exact same conversation we had with Secretary Richardson, the President, the Secretary of Commerce, and a host of other people.

We came up with the only solution that would help us right now. We incur 150 percent that we need to have a national energy policy that includes not only production; it requires con-

servation, and it requires capacity in various parts of this country for diesel, for home heating oil, for a host of others.

Until we have that, we cannot just put our head in the sand and say to the people in the Northeast, well, we will wait for 3 or 4 years before we have this. We need to do this now, otherwise we could be in the same situation we were this past January and February, where prices spiked up 78 cents in 3 weeks. We know that in the Midwest it is happening right now with gasoline. It happens all the time.

We need to have the capacity to move in there quickly to level off the marketplace so it does not spike in that way ever again.

Mr. REGULA. Mr. Chairman, I ask the gentleman, would this oil be available to the Midwest, also?

Mr. WEYGAND. Mr. Chairman, we would hope so. But maybe we need a little bit more capacity to do so.

Actually, in the Midwest this past year, past January and February, their increases were about 10 to 25 cents a gallon, where we were seeing 78 cents a gallon, simply because our rivers were iced up, as well as we did not have the capacity. We need it.

Mr. REGULA. Mr. Chairman, I hope we can find a long-term solution. Because I have been through a couple of these in my time in Congress, and we tend to go back and forget all about it whenever the price goes down.

I hope all of my colleagues will join me and others in having a long-term energy strategy because we are an energy-dependent Nation; and if we fail to do that, we will be back with this same old problem at some future time.

Mr. WEYGAND. Mr. Chairman, if the gentleman will continue to yield, I would agree wholeheartedly. It is not only with home heating oil. It is also with regard to diesel, and it is also with regard to energy conservation and weatherization, the program we talked about earlier.

We need to have it, but we need this amendment now; and I ask my colleagues to support it.

□ 1930

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I agree absolutely with the gentleman from Ohio that this Nation has no energy policy and that is part of the reason we are in such a desperate situation. I would remind the Members that we are almost twice as dependent on imported oil now as we were during the Carter years. It is because we have been backward looking in many of our policy areas, including the tax code. I join with those who would like to see us work on a more comprehensive energy policy. Frankly I think the coal research, to be able to burn clean coal is part of that.

There are many facets to this. I would just like to put on the record, and it has probably been put on the record before so I will make it very brief, but to me it is an absolute outrage that in 1998 the Department of Energy completed and announced a 2-year study on regional storage facilities. They then buried the study because it indicated that it would be good for not only the Northeast but for the entire country if a reserve was established in the Northeast. It would be cost effective to keep a government stockpile of some heating oil in the Northeast and it would benefit not only the Northeast but other parts of the country, particularly the Midwest. I personally think that had that stockpile been established and had the President acted promptly to release some reserve, that OPEC would have been motivated to reduce its cut in production far earlier and we would not have had those months of shortage that helped send prices up.

While I am well aware that OPEC's decision was not the only factor in that constraint of supplies and that increase of prices, nonetheless it was a significant one and we were not in a position to be able to rapidly deal with it. A stockpile in the Northeast would be beneficial to the interests of the Nation as well as to the Northeast, and therefore I support this amendment and commend the gentleman from Vermont for bringing it.

Mr. SHAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Connecticut.

Mr. SHAYS. I appreciate the gentlewoman yielding. I would like to point out that on April 13, the House passed the Energy Policy and Conservation Act through fiscal year 2003. What we did in that act in section 3 is the Northeast Home Heating Oil Reserve. And then the act under section 181, subsection A, notwithstanding any other provision of this act, the Secretary may establish, maintain and operate in the Northeast a Northeast Home Heating Oil Reserve. A reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. The reserve established in this part shall contain no more than 2 million barrels of petroleum distilled.

The bottom line is we have already established this through, frankly, the good work of the gentleman from Vermont (Mr. SANDERS). It has been authorized, and we are really trying to carry out the provisions. I would like to point out to my colleagues that the Energy Department in their study in 1998 made it very clear that a 2-million barrel reserve would stabilize prices. That is the effort we are trying to do. It is not perfect, we have got problems in a whole host of different areas, but

this makes sense to move forward. It will not solve all our challenges, but it will, in fact, stabilize prices and carry out the act.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I could not agree more with the gentleman from Ohio that we need a long-term solution. But it is unlikely that this Congress is going to pass any long-term solutions. Back in 1976 when we were passing new fuel economy standards for automobiles, raising it up to an average of 27½ miles a gallon per automobile, the average automobile as of 1976 still only got 13 miles a gallon, which was the same as it was in 1930.

Now, if we had passed a law 4 or 5 years ago or if we would pass a law this year that says that the average automobile should get 40 miles to the gallon, we are not going to have many problems with oil. That is the crux of our problem. That is where we put most of the oil in our society, right into gasoline tanks. SUVs, trucks, automobiles. They are unbelievably inefficient. But we are not going to pass any fuel economy standards. So as a result, what we are seeing in the Midwest right now is another energy crisis. Prices have spiked up to \$1.80, two bucks, \$2.20, \$2.45. Why? Because there was a pipeline that went out from Texas up to the Midwest. We had a similar kind of unanticipated problem in the Northeast back during the winter. OPEC started raising prices. What was the protection for our American citizens? Nothing. Or the Strategic Petroleum Reserve which if it goes unused is nothing. And it was not used. It should have been.

So we cut a deal in the classic Austin-Boston sense that made this institution work so well for so many years. John McCormick and Sam Rayburn; Tip O'Neill and Jim Wright. We cut a deal earlier this year. For the Texans, what we said is we will give you a guarantee of \$15 a barrel for your oil, for your stripper wells, and we will have the oil purchased by the Strategic Petroleum Reserve. In return, the Texans said to those of us up in the Northeast, all of those from the oil States said to those of us up in the Northeast, "We'll give you the authorization for the construction of a regional home heating oil reserve." Austin-Boston, what makes the whole place click.

It is still hung up over in the Senate but the gentleman from Vermont is just asking quite sensibly for \$10 million, so that the Department of Energy can have the money to make it work. We have already passed it through the House. So we know that there is plenty of oil in the Strategic Petroleum Reserve. There is nothing in a regional petroleum reserve. We have already passed it through this place. So by

working together, we make sure that Texas and Oklahoma and Louisiana, the oil patch, we make sure that the Northeast, and we would make sure if the Midwest needed help that we helped them as well. Because this oil is the blood that ensures that our economy is supplied with the energy that it needs in order to function fully.

What we have seen over and over again is short-term disruptions without adequate supply of the blood of our economy to supplant that which was temporarily cut off. As a result, we have seen catastrophic economic consequences. All that the gentleman from Vermont is asking for is a very small amount of money coming out of an already large Strategic Petroleum Reserve fund which will work to ensure that when, and I am afraid this is going to happen, Mr. Chairman, when the refineries of America in response to the problems in the Midwest that are going on right now have to use more of their refining capacity to produce more gasoline over the next several months to deal with their problem now, they are not going to have enough capacity as a result that they have dedicated to providing for the home heating oil to the Northeast this coming winter.

So their problem today becomes our problem later on this year. We need a regional petroleum reserve. If we do not get one, we will have a mess on our hands in the Northeast. The Congress today has it within its power to give us the money that we need to put in place something that will protect our economy this coming winter because what is happening today to them is happening to us this coming winter. We are all part of one big economic artery system. If we do not take care of each other, then all of us ultimately are going to be harmed.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. REGULA. Will the gentleman describe the New York facility? I am a little confused. What is the capacity of this facility in New York Harbor in total barrels? He is talking about buying 2 million barrels and putting it in a reserve. But is that the maximum capacity, or is that just part of it?

Mr. MARKEY. The capacity ultimately is unlimited. We are talking about unused storage facilities all across the Northeast that could be used for these purposes. I would defer to the gentleman from Vermont for the specific figure.

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. To the best of my understanding, there is a 5.75 million barrel capacity in New York Harbor.

Mr. REGULA. Is this a tank farm?

Mr. SANDERS. Amerada Hess.

Mr. MARKEY. Yes, it is a tank farm.

Mr. SANDERS. I am not all that familiar with tank farms. And in Albany, New York, it is my understanding is another close to 3 million barrel capacity, excess capacity.

Mr. REGULA. Am I correct, then, that these facilities are essentially empty now, so they would be available to receive oil?

Mr. SANDERS. I do not know.

Mr. MARKEY. There is sufficient excess capacity in these facilities in order to accommodate the oil. We would probably wind up with the Federal Government leasing part of the facilities that are now controlled by these oil companies in order to accommodate this purpose. We would have to pay them a fee but the oil that was stored in there would then be for the use of the region, Pennsylvania, New Jersey, New York, New England.

Mr. REGULA. The \$10 million would be to have the Energy Department go into the market and buy the \$10 million worth of oil and put it into storage; is this the objective of the amendment?

Mr. MARKEY. The gentleman is correct.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words. Again I would appeal to my colleagues that when we look across the country, we find that in recent months, we have spent an enormous amount of energy, the Congress, to provide funds to fight fires in the West. We helped provide flood control for regions that are hit with floods. We worked together to relieve disasters of earthquakes.

What is clear is that there is a pending disaster in the Northeast and our colleagues in this House together can provide a very small amount of resources to make sure that a crisis does not turn deadly. This is not a complicated situation. Using resources made available by the Federal Government, using existing storage capacity, leasing that storage capacity, keeping number 2 heating oil available so that while the free marketplace may be advantaged by a short supply that in a cold snap drives up prices and profits, Government at that point is responding to a crisis that is much more expensive and that may put human lives in danger.

It is a small thing to ask for a region of the country that pays so much in taxes and that has done so much for other regions of the country. We have not turned our backs on the West with earthquakes and fires and droughts. We have not abandoned the South, not just now but for decades. It is our taxpayers that built the utilities that power

much of the South and the West. Now in this crisis we need to have some help, not a great deal of help but enough to make sure that our people are not put in danger this coming winter.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of what the gentleman from Vermont and the other Members of the body from the northeastern States are doing here today with this amendment. I want to commend the gentleman from Vermont for his very strong leadership in dealing with this and making certain that we do not let it pass by. The amendment is simple. Without busting the caps, without taking money from other programs, the amendment provides \$10 million for a Northeast home heating oil reserve. In the event of a sustained price hike, a healthy reserve can be open then to the market to drive prices back down to affordable and reasonable levels. It is something that we all should support. In fact, this body already has voted to support it and has voted for it overwhelmingly. When the reauthorization of the Strategic Petroleum Reserve legislation passed the House earlier this year, it called for the establishment of a Northeast home heating oil reserve, and that legislation passed by a vote of 416-8. This amendment deserves the same measure of support.

Mr. Chairman, the residual effects of the crisis that we in the Northeast endured last winter are being felt in ripples across the country. The cold weather and the astronomical heating bills, of course, are gone, for the moment but the ongoing shortage of crude oil in this country has rippled into high gasoline prices, and those prices are getting higher. I am hearing this week that in Chicago and other places in the Midwest, we are running into gasoline prices at the tank that are running somewhere in the \$2.50 plus range and are expected to go even higher.

□ 1945

There are many steps that we can take to comprehensively address this problem as a whole. Among other things, we should accelerate the development of alternative energy sources and demand greater fuel efficiency from every category and class of vehicles that is used in transportation. Those kinds of long-term measures take a period of time. Right now, we need a better emergency plan.

Winter will be back, and we will have done absolutely nothing, because if we do not do at least this as a starter today, we will have done absolutely nothing, because those long-term measures, which are so obvious and obviously needed for, indeed, our long term and will take a good deal of lead time to implement. So I support this

amendment, and I urge my colleagues to do the same.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. OLVER) for his strong support, but just say while my name is on the amendment, the truth of the matter is that all of the Members throughout New England in a bipartisan way have come forward to get the bill authorized in New York and elsewhere, in the Northeast and elsewhere in the country.

So this really has been a joint bipartisan effort, and I thank the gentleman, and I look forward to seeing this amendment pass.

Ms. KAPTUR. Mr. Chairman, during debate on this bill, it had been my fervent hope to offer an amendment to help America address her primary strategic vulnerability, and that is our over dependence on imported foreign oil. Nearly two-thirds of the energy that the U.S. uses is imported, most from the Middle Eastern monarchies that comprise OPEC. They yank a chain around our necks at whim.

Headlines in my local Ohio newspapers tell the story of gas prices soaring; the New York Times this week reported on rising prices coast to coast, some price hikes among the highest in U.S. history.

Yet this bill, which has within its authority the Strategic Petroleum Reserve, does absolutely nothing to remedy the current situation, nor put America on a saner path to the future.

I have been urging the Clinton Administration and the leadership of this Congress to release some of the Reserve to help dampen price hikes here at home. At the same time, my amendment would place more emphasis on promoting renewable biofuels by directing the Departments of Interior and Energy to swap some of the current oil reserves and purchase 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel as a boost to a more self-sufficient future for America. [Amendment]

Biofuels are competitively priced and hold significant promise as one major solution to move America toward energy self sufficiency. Properly administered, swaps of crude oil from the Reserve can yield funds that can then be directed toward biofuels purchases. Further, with the involvement of the Department of Agriculture the biofuels alternative can be shaped to benefit on-farm storage of biofuel inputs and yield income to rural America at a time when it is in deep recession.

Yet, I am being told I cannot offer this amendment Thursday. It has not been made in order. The basic attitude here is more of the same; more of the same. That inertia is not what made America great. Boldness made America great.

Using biofuels to plot a path for cleaner and more renewable energy sources is right for America's energy future. It is right for rural America. It is right for the environment. And it is right for America's national security.

Sadly, this amendment and others have been muzzled by the leadership of this great

institution. But the American people will not stand for inertia. At some point, those who block progress will pay the price. Rising gas prices here at home matter a great deal to the American people. Our efforts to plot a more secure energy future will not be diminished by this blocking tactic on this bill. For this primary reason, it is my intention to oppose the legislation, and use every opportunity on succeeding bills to draw the American people's attention to the do-nothing decisions this bill represents.

AMENDMENT OFFERED BY REPRESENTATIVE MARCY KAPTUR TO H.R. 4578, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF INTERIOR AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001

Page 69, Line 10: After "until expended." Add "Provided, That the Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve."

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Vermont, Mr. SANDERS to provide funding for a Northeast Home Heating Oil Reserve.

Just last winter, our nation, and particularly the Northeast United States suffered a period of extremely cold temperatures. Coupled with the skyrocketing costs of oil, many Americans received a real sticker shock when they had to pay their energy bills.

While only 12 percent of Americans heat their homes with oil, that number rises to 40 percent in NYS and 46 percent in my congressional district.

On average, my constituents who heat their homes with oil told me they saw their fuel bills double overnight. These same people ended up paying more than \$1,000 extra just to heat their homes for the winter.

I refer my colleagues to one of my constituents from the Bronx. She tends to her 93-year-old father in the Williamsbridge neighborhood. She saw her bill jump from \$246 to \$346 in one month.

Or Thomas Donohue of Woodside who saw his monthly energy bill double to \$410.00 a month during this past January.

On average, my constituents who use home heating oil witnessed an eye-popping increase of \$1,000 to heat their home for just the 3-month period of winter.

This is ludicrous.

While the wealthy could afford this increase and the poor had some of the costs borne by assistance from such worthwhile programs as the Low Income Home Energy Assistance program (LIHEAP); it was the working and middle class, seniors on a fixed income and small businesses that suffered most.

I had a small trucking company in my district tell me that they had to lay off workers because it became too expensive to operate the trucks—it was cheaper to not work at all.

And I heard from far too many seniors who informed me that they had to wear a winter coat in their apartment because they could not afford to keep their homes warm.

Due to this horrible reality, many here in Congress worked in a bipartisan manner to address this crisis.

One solution was to call for the establishment of a home heating oil reserve in the Northeast. Acting somewhat like the Strategic Petroleum Reserve, this home heating oil reserve would serve as a storage place for millions of gallons of home heating oil, that could be released to the public in times of crippling high prices—as we saw this past winter.

This would ensure that small businesses don't have to lay off workers in times of high gas costs; and that seniors do not have to wear their winter coats indoors during the cold winter months.

The President supports the idea of this reserve, as does the Secretary of Energy. The House of Representatives also overwhelmingly supported this idea, included as part of the Energy Policy and Conservation Act, on a vote of 416 to 8.

Unfortunately, the bill we debate today does not include any funding for the creation of this reserve. If created this reserve would help soften the blow of any future price swings and provide much needed assistance to millions of Americans, including many of my constituents by providing a readily available, local, low-cost energy source to make it through the toughest parts of the winter.

Anyone who has ever visited New York City in January knows that heat is not a luxury—it is a necessity. Unfortunately, I had a number of constituents who were forced to view heat as a luxury this past winter after seeing their bills double, and realizing they did not have the money to pay their heating bills.

I had constituents who wore down jackets throughout the day in their homes—this is wrong Mr. Chairman.

Today we have the opportunity to address their situation and I hope that all Members will support the Sanders amendment.

The CHAIRMAN pro tempore (Mr. PEASE.) The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from California (Mr. ROYCE);

Amendment No. 28 offered by the gentleman from Vermont (Mr. SANDERS); and

Amendment No. 29 offered by the gentleman from Vermont (Mr. SANDERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ROYCE

The CHAIRMAN pro tempore. The pending business is the demand for a

recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

Mr. REGULA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count for a quorum.

Mr. REGULA. Mr. Chairman, I withdraw my point of order that a quorum is not present.

So the amendment was rejected.

AMENDMENT NO. 28 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 28 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 29 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

Mr. REGULA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. A quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 285]

Ackerman	Bachus	Barr
Aderholt	Baird	Barrett (NE)
Allen	Baker	Barrett (WI)
Andrews	Baldacci	Bartlett
Armey	Baldwin	Bass
Baca	Ballenger	Bateman

Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Cook
Cox
Coyle
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske

Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gillman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)

McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascarell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skeen
Slaughter

Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp

Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weider
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Saxton
Schakowsky
Scott
Shays
Sherman
Sherwood
Slaughter

Smith (NJ)
Snyder
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney

Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—195

Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Pastor
Paul
Pease

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combust
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Gallegly
Ganske
Gibbons
Gilchrest

Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—47

Engel
Filmer
Green (TX)
Greenwood
Hall (OH)
Hinojosa
Hoekstra
Hooley
Jefferson
Kasich
Klink

Lazio
Leach
Lofgren
Martinez
McCollum
McDermott
McIntyre
Moran (VA)
Myrick
Nadler
Oxley

□ 2010

The CHAIRMAN. Three-hundred-sixty-two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. REGULA) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 195, not voting 47, as follows:

[Roll No. 286]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Berkley
Berman
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyle
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske

Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gillman
Gonzalez
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Reynolds

Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender
McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Reynolds

Rangel
Roemer
Roukema
Serrano
Shows

Shuster
Sisisky
Skelton
Spratt
Stark

Toomey
Velazquez
Vento
Wicker

McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-
McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps

Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabó
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stenholm

Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

Weller
Whitfield

Barr
Barton
Becerra
Bliley
Blumenauer
Boswell
Boucher
Callahan
Campbell
Clement
Cooksey
Costello
Crowley
Danner
Engel
Filner
Forbes
Ganske

Wilson
Wolf

Green (TX)
Greenwood
Hinojosa
Hooley
Jefferson
Kilpatrick
Klink
Lazio
Lofgren
Martinez
McCollum
McDermott
McIntyre
Moran (VA)
Nadler
Norwood
Oxley
Radanovich

Young (AK)
Young (FL)

NOT VOTING—52

□ 2022

Mr. ENGLISH and Mr. GEKAS changed their vote from “aye” to “no.”

Mr. MOORE and Mr. CRAMER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOGGETT. Mr. Chairman, what remedy exists under the rules if six or more Members of the House are standing in the well holding their card asking to be recorded, and a rude and unprofessional Member refuses them the right to vote, under our rules?

The CHAIRMAN. There is no remedy under the rules to reopen the quorum call.

PREFERENTIAL MOTION OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 214, not voting 52, as follows:

[Roll No. 287]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Dingell
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLaHunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goodling
Gordon
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinche
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gichrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup

NOES—214

Nussle
Ortiz
Ose
Packard
Pascarell
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancred
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)

□ 2042

Mr. BACA changed his vote from “aye” to “no.”

Mr. SHAYS changed his vote from “present” to “no.”

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would apologize to Members for failing to notice them in the Chamber attempting to record their presence until after he had announced the result of quorum call No. 285. The Chair mistakenly believed that he had embarked on a subsequent vote and that it was too late to permit Members to record their presence.

The Chair specifically apologizes to the following Members: Mr. BISHOP, Mr. SCARBOROUGH, Mr. DOGGETT, Ms. MILLENDER-McDONALD, Ms. McKINNEY, and Mr. ABERCROMBIE, and if any other Member feels similarly afflicted, if they would notify the Chair, the Chair would be happy to include them in a subsequent announcement.

□ 2045

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say the chairman has been extraordinarily even-handed and polite with all Members and has done an extraordinary job, and I regret that this happened.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. SLAUGHTER) for unanimous consent request.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman from Washington for yielding to me. Mr. Chairman, I would like to add my thanks to the chairman who has done a wonderful job today.

Mr. Chairman, I ask unanimous consent that I be allowed to offer amendments that occur on page 85, line 7 and 21 and on page 86 line 19, notwithstanding the fact that that portion of the bill has not yet been read for amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. NETHERCUTT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, I want to explain to the Members here that we are going to have something happen that, in my 24 years here, is unprecedented. We have had a good working comity with the other side. I have throughout my career tried to work effectively with the Republican side on every piece of legislation that I have ever been involved with.

But just a few hours ago, we won an amendment. The gentlewoman from New York (Ms. SLAUGHTER) won an amendment to take \$22 million out of the clean coal deferral account. She wants to then have an amendment to add this \$15 million for the National Endowment for the Arts, \$5 million for the National Endowment for the Humanities, and \$2 million for the Institute of Museums and Library Services.

I am told, and the gentleman from Washington (Mr. NETHERCUTT) has confirmed, that he is going to offer an amendment to take the \$22 million and give it to the Indian Health Service. I just wish that we were not \$507 million below the President's budget request. I think this is very unfair.

We have offered offsets on all of our amendments here today. This amendment that he is offering is not offset. We have tried to play the game by the rules. But I really regret that we are going down this road, and it is going to make it hard to cooperate on this bill.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just to respond to the gentleman from Washington (Mr. DICKS), and I understand his concern and the frustration that he feels, but let me just add if I might that there are differences on both sides as to where the priorities should be in terms of the funding. I would say that, if the gentleman from Washington (Mr. DICKS) wishes and the gentlewoman from New York (Ms. SLAUGHTER) wishes, it is very easy to ask for and have a rollooff and decide that they do not want to put these dollars that have now been taken out, have been reserved, and not put them into Indian Health Service and reserve them for the purpose for which they would like. It is a matter of simply establishing priorities.

Some people feel that if we have these dollars available now in the bill that Indian Health Service should be the first priority.

Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, we asked unanimous consent to present this amendment en bloc so that the House would have a chance to work its will, could have a vote up or down, a vote to take \$22 million of the Clean Coal deferral and give it to these other programs.

Every time the gentlewoman from New York (Ms. SLAUGHTER) stands up

to offer that amendment, the side of the gentleman from Arizona objects to it. I just think we are trying to have a spirit of comity here to work with my colleagues on getting these bills passed, and this is not the way to do it.

Mr. KOLBE. Mr. Chairman, reclaiming my time, again, the gentleman from Washington is correct. But the rules of the House do permit somebody to object from considering this en bloc, and that was done. Now we are faced with the issue of trying to decide on the priority, where do we want to place this money. The money has now been reserved, and my colleagues have an option. It does not have to go to Indian Health Service.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, why cannot we have a vote, as we did earlier, to put the money into the National Endowment for the Arts, Humanities and Museum Services, which clearly was the intent of the House when we had this prior vote.

Mr. KOLBE. Mr. Chairman, the gentleman from Washington can have that vote.

Mr. DICKS. Mr. Chairman, it happens that the Indian Health Service comes before the National Endowment.

Mr. KOLBE. That is correct.

Mr. DICKS. So the effort here by the majority, again, is to take the money now in front of it, Mr. Chairman.

Mr. KOLBE. Reclaiming my time.

Mr. DICKS. Mr. Chairman, I think I have got the time, do I not?

Mr. KOLBE. No. The gentleman from Washington yielded back the time. I have got the time.

Mr. DICKS. We are having so much fun.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I understand the frustration of the gentleman from Washington (Mr. DICKS). But the gentleman may now have the opportunity to say that this is of such priority, a highest priority, and ask the House to defeat the motion to place this money in Indian Health Service, and then it would be available.

If that does not occur, when the opportunity arises, when we get to the section about the NEA and NEH in it, the gentlewoman from New York (Ms. SLAUGHTER) or the gentleman from Washington (Mr. DICKS) can offer another amendment and take the money from another place.

Mr. DICKS. But this was not so tactical, Mr. Chairman.

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I thank the gentleman from Arizona for yielding to me. I appreciate that.

If the gentleman from Washington (Mr. NETHERCUTT) were serious about the amendment, he would have an offset. Everybody here had to have an offset today. We offered offsets. There is

no offset here. He is taking our offset, the money that we voted on, and using it for this amendment.

Mr. KOLBE. Mr. Chairman, reclaiming my time, and this will be my final comment on this, I would just say that the offset is available at this point. It is now open, and it can be considered. This body can work its will as to whether to place it here or to place it in another location.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to put these numbers in perspective so that what is happening here can become transparent.

The gentlewoman from New York (Ms. SLAUGHTER) earlier asked a unanimous consent request so that she could consider all four portions of her amendment at the same time. The Committee on Rules has granted that many times to other Members. They chose not to grant it to her. She renewed her request here on the floor. She made her intention quite known when she offered her original amendment. Her original amendment, the first of four parts, was adopted by the House. Clearly the House expressed an intention to follow through on the Slaughter amendment.

Now we are being asked to believe that the majority party is sincere in offering an amendment to put \$22 million from that source into Indian Health.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I ask the gentleman from Wisconsin, is that the exact amount of the Slaughter amendment?

Mr. OBEY. Yes.

Mr. Chairman, to put that in perspective, the majority party has brought to this floor a bill which cuts the Indian Health Service by \$507 million, and we objected to that. We objected to that in our minority views.

Now we are being asked to believe that their effort to put \$22 million from a tiny minuscule portion of the amount that they have already cut from the Indian Health Service, and we are asked to believe that that is somehow going to make a wonderful difference in the lives of Native Americans.

It is obvious from the size of the numbers that this is a transparent attempt to block our ability to fund the arts as the gentlewoman from New York (Ms. SLAUGHTER) is trying to do.

We do not want to deny Native Americans every dollar that they need. But when this amendment passes, it must be clearly understood why it is here. It is here procedurally to block us from fulfilling the clearly stated wishes of the House earlier this evening when they adopted the Slaughter amendment.

So the offering of this amendment is simply an effort by the majority party

which will be successful in denying the gentlewoman from New York (Ms. SLAUGHTER) the opportunity to complete her amendment. So it ought to be seen for what it is.

After you have done this tonight, do not go home and brag to your folks about how much you care about the arts because it is clearly transparent that you would do anything possible to deny us the ability to raise the amount of funds for that purpose.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$72,368,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation

with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,084,178,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$394,756,000 for contract medical care shall remain available for obligation until September 30, 2002: *Provided further*, That of the funds provided, up to \$17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$228,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

On page 71, line 24 after the dollar amount insert “(increased by \$22,000,000)”.

Mr. NETHERCUTT. Mr. Chairman, this amendment adds \$22 million to the Indian Health Service to provide urgently needed medical service to the American Indians and Alaska Natives and to recruit and retain essential medical personnel for the provision of these services.

As a Member who represents several Indian tribes, I have been on my reservations repeatedly to see the decrepit facilities that are currently in existence for Indian Health Services.

I happen to be very involved in the diabetes issue. Alaska Natives and American Indians are 2.8 times as likely to have diagnosed diabetes as non-Hispanic whites of similar age. Nine percent of all American Indians and Alaska Natives 20 years or older have a diagnosis of diabetes. Between 1991 and 1997, the prevalence of diabetes increased to an all major high.

Indian tribes in every single State in which Indian populations reside have terrible health problems, from dental problems to diabetes problems, to heart disease. It is an epidemic in some cases around this country. Diabetes is prevalent among Native Americans, in some cases at a rate of 65 percent of a particular tribe. It is a disgrace.

Anybody who has been on an Indian reservation, whether it is in my State or elsewhere, and looks at the Indian health care facilities is stunned to see how bad they are. This is a good expenditure of \$22 million. Goodness knows they need it. It can be used to the benefit of the Indian population, American Indians and Alaskan natives.

Mr. Chairman, I urge my colleagues that this is a good expenditure of money for an account in this bill that is woefully underfunded. The President's budget has been previously terribly underfunded for the Indian populations in this country. We owe them that. We owe them \$22 million. Let us serve the needs for diabetes and dental health care and other health care needs of our Indian population.

Mrs. MEEK of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I cannot sit in my seat and hear mendacious statements made concerning American Indians. It is mendacity. It is mendacity because the same gentleman that stood to issue this for American Indians, and there is no one here who has supported them more than I have, but it pains me to see unfairness being done. This is very unfair, Mr. Chairman. The same gentleman who has so nobly stood here tonight and spoke out for the American Indian voted for these cuts in the report that he signed on and voted upon.

This is mendacity, Mr. Chairman. It does not come out right. It is shameful. It is immoral that we should let this go. These Indians need the health care,

but did not someone know before now they needed it? Why use the mental gymnastics my colleagues are using to hide the real motive. If my colleagues want to vote down the motion for humanities and the arts, do that.

□ 2100

Be a man. Be a woman. Vote your conscience and vote it down. But don't come back with some kind of gymnastic statement to hide the real motives. This is shameful, and I will stand here and say that.

I have Indians in my district. I have fought hard for Indians, and for all minorities, and for anyone who is underserved. So it does not serve us well tonight, Mr. Chairman, and we should say shame on anybody that votes for this amendment. I think each one of you should go against it and restore what she won in a very honest way, and give the Indians what they need. There is enough money to go around for every Indian Nation.

What's wrong with that? What is wrong with my tax dollars going to help the Indian Nation? Each one of you, even if you do not have Indians in your district, you have a heart and a soul in you, I hope. And some of us have some mental capacity. And if you have it, now is the time to use it, and be sure that you give to the Indians what is due to them.

I stood on this floor once before and I said "White men speak with a forked tongue." Why should you do this? There is no reason for you to do this. I am very ashamed by this, Mr. Chairman, and I love everyone on this floor. This is wrong. Democrats, Republicans, Dixiecrats, I do not care what party you are from, you have done the wrong thing here tonight.

If you want to vote her amendment down, vote it down. But if she wins it, give it to her, and then go back and give the Indians what they deserve.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

I rise in strong opposition to this amendment. No, don't clap; I have some other things that aren't so nice to say, too.

I rise in very strong opposition to this amendment. We won fair and square a very tough vote to set aside money so we could provide some increase in funding for the NEA and the NEH and the museum services. We won by a small margin. But for the first time in a long time, this House expressed its support for increasing funding. Now, that is very significant, and we did it under very difficult circumstances, because the amendment actually didn't provide the money to the NEA, it just set money aside to be used later.

Now we find ourselves in the unfortunate situation of someone else using that money for a worthy purpose. I am

going to oppose that worthy purpose because that could have been funded in the underlying bill. And, in fact, this money is specifically available because Members on both sides of the aisle thought that it would be used to fund an increase in the National Endowment for the Arts, the National Endowment for the Humanities and the museum services.

However, one of the problems we are running into, and this is very serious, is that I cannot count on the votes of my Democrat colleagues for the bill if Republicans join you in a motion to recommit on the arts. Now, if 40 of you will come forward and tell me that if the arts money passes on the motion to recommit you'll vote for the bill, we can have NEA funding. But because I can't count on that, and I don't know, maybe by the time we get there we'll be able to do that, but for this moment I am making this bill an issue for the arts.

And I will call for a recorded vote. It will put some people on both sides of the aisle in an awkward position to choose between funding for Indian health and funding for the arts. But on the motion to recommit, I can certainly not urge my Members to vote for your motion to recommit if your Members have not signed in blood that they will vote for the bill if we get the money.

So that is just the reality, folks. Life's tough. We passed it once, we need to pass it again. We need to win this vote again, to reject this amendment, so that we can use this money for the arts as we intended to. Then you're going to have to help pass the bill. Because those who oppose the arts money won't vote for it. And if you don't, we still won't have money for the arts. So you can't have it both ways.

I have voted for many bills on this House floor because I got some key breakthrough in it. And if we get this arts money through this vote and another vote, that will be a key breakthrough. But we cannot pass the final bill without those arts supporters voting for it, warts and all. A lot of warts will come off in conference. But in conference we will get arts money if we stick to our guns. But that means voting this amendment down, voting the arts amendment up, and voting for the bill, regardless of what is in it other than the arts money.

Life's tough. If you're for the arts, you'll do it. If you're not for the arts, you'll vote for some of the amendments and not all.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

I would like to bring a little reality back to the debate. If you would follow the logic of the gentlewoman, then the only issue that we should be concerned about in this bill is the arts. We care about the arts, we care about the hu-

manities, we also care about the Native Americans, we care about America's national parks, we care about America's national forests, we care about America's energy resources, and we recognize, in contrast to you that we have an obligation on all of those fronts to meet national needs and human needs.

To follow the course suggested by the gentlewoman would have us acquiesce in the fact that only 1 month after this House posed for political holy pictures and said that they wanted to spend \$900 million on public land acquisition, they bring forth a bill that has only \$164 million to do that. Do you really believe that's sincere? Ha.

Look at the national parks and refuges; \$100 billion below last year. Take a look at the Forest Service; \$96 million below. Do you really believe we ought to go home and explain those cuts? You just had people stand here and tell us we needed more lumber for housing; you had people stand here and tell us how much you loved the land. Now you're asking us to swallow a bill with these reductions?

If you want to provide a bill which meets our responsibilities, instead of making us choose between saying no to the arts and no to Native Americans, say no to your rich friends. Be willing to sweat a little about your campaign contributions and instead say, no, we're not going to give \$200 billion in tax cuts to the 400 richest people in this country.

And don't require, as a price for passing a minimum wage bill that gives \$11 billion in benefits to the poorest workers in this society, don't require a legislative extortion which in return makes this Congress also give \$90 billion in tax relief to people who make over \$300,000 a year. If you want middle-class tax relief, yes! You want to use middle-class tax relief as a Trojan horse to reward your rich friends; sorry, count us out!

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard earlier from another Member that we were going to attempt to inject a little reality into the debate. The preceding attempt was in vain, so let me do it for us assembled here tonight.

My colleagues, there are differences of opinion honestly held. But I would caution us all not to become so obsessed with process that we fail to deal with the issue at hand. The reality is the gentleman from Washington has offered an amendment that I think is all together proper and one that we should all support because it adds greatly needed funds in an area where the need is acute: \$24 million for the—I am sorry, \$2 million—\$22 million, forgive me, I stand corrected, and I thank my colleagues for that really unprecedented bipartisan cooperation to get

the numbers right here tonight, \$22 million to help Americans who have been ravaged by a horrible disease.

That is the question. Not the other process, not the alleged road map of intrigue. This is the simple question, an up or down question on helping these Americans.

Now, something else important to remember with reference to Indian Health Service budgeting and what has been appropriated. We have, in fact, added \$30 million to that process. But this is a House where we do take into account different priorities and differences of opinion honestly held, so I will resist the temptation to go into a barn burner and just point out the facts. Twenty-two million dollars to Indian health services for the most vulnerable Americans, the most vulnerable to diabetes, the first Americans, who are too often the forgotten Americans, I think, is all together proper.

And those who want to impugn others with political intrigue can do so. And some have said in this Chamber that life is tough. But I think all of us, regardless of our party affiliation or political dispensation can stand here in good conscience and cast an "aye" vote because it is the right thing to do for the people who need the help.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, despite the fact that most of us would rather be home right now, life isn't really very tough for us. Tough is not choosing whether you're going to underfund one group or underfund another. Tough is being in the groups that are underfunded.

We have it, after all, relatively easy. The people who have it tough are the struggling artists who could use some extra funds so they can make a creative contribution, or the Indian children who are being underfunded. And what is striking about this debate is the implicit acknowledgment that the Republican Party's budget is wholly inadequate to the moral needs of a great Nation. What we have is a dispute, including an intramural Republican dispute, about who among worthy people are we going to hurt the worst.

Yes, it is a terrible situation, and people will decide differently as to who they are going to stiff. But let's be very clear. We are in this situation where we have to choose. And people have said Indian health is woefully underfunded, and if we pass the gentleman's amendment it will be woefully underfunded plus 1 percent or 2 percent. People are admitting that the Republican budget gravely underfunds Indian health. Many of us believe it underfunds a number of other things.

There's virtual unanimity in this place that we don't have enough money to go around. Why? The economy is doing well. Revenues are coming in at a greater than expected pace. The prob-

lem is we have this philosophical commitment that holds amongst some Republicans that says government is bad. The problem is that while government is bad, virtually all of the components that make up government are pretty good. And that's why you're in this bind. Everybody wants to take credits for supporting the individual components.

Clean coal research. A lot of people want to do that, and they are upset it is getting cut back.

The arts. Indian health. There are virtually no programs in this entire budget, in this entire appropriation, that anyone denounces.

We have this terrible paradox. You know what your problem is? You have a whole that is smaller than the sum of your parts. You have the entity that you despise, government; but it's made up of a lot of components that you like. So you do two things, you pass a budget that puts too little money into the pot and then we fight about trying to get these inadequate things out of the pot.

What this debate confirms is the inadequacy of the budget. And the gentlewoman from Connecticut, and I admire her courage in getting up as she did, but I have two differences with her. First of all, she says, well, a lot of warts will come out in conference.

□ 2115

Let me translate that. In the conference, thanks to the intervention of the President of the United States, pretending that the budget they are trying to operate under makes any sense at all will stop, the pretense of that grave mistake we made in 1997. And let me not be that generous. I did not make it. I voted against that budget in 1997. We have been lying about it and cheating on it and avoiding it and evading it and denouncing it ever since. But it is still there.

So what we are being told is vote for an appropriations bill which is admittedly inadequate, vote for an appropriations bill that has too little money for all of these important purposes, but vote for it if we can get a couple more nickels in the arts because in conference it will be made better.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I just want to get the record on the 1997 deal.

This administration has cut Medicare more than the 1997 budget required.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I agree. The gentlewoman has said that the President has also cut Medicare. And I will say for this purpose, a plague on both the Houses.

Yes, the President was wrong and they were wrong. And if they take

some comfort that the President was in this regard wronger than them, they are entitled to it. But they were both wrong, and some of us told them so at the time.

They collaborated in cutting Medicare to an unreasonable level, and they also collaborated in putting caps on the budget.

The gentlewoman is the one who got up and said, vote for this budget, warts and all, i.e., vote for this inadequate, underfunded budget. Because in conference we will not be bound by the pretense of what we did in 1997 made any sense. But they are still hobbled by this philosophical commitment to hating government in general, even though on program after program after program they want to improve government in the particular.

It does not work, and that is why we are in this terrible bind.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Ladies and gentlemen, time is drawing late tonight. I think we have heard a great deal of debate about the role of government and how much money we should spend and whether we are going to balance the budget or we should not balance the budget. But, quite frankly, that is what the process is.

If you look at the history of this immediate amendment, some folks on this side of the aisle voted for that amendment to cut because they really believed it should not have more money going in to coal research. And some people voted for it because they believe there should be money in coal research. That was the issue. And that issue cut a certain amount of money. And that is open for debate on whether we should add it to other things.

Now, we have had a lot of debate. We can stand here tonight and pontificate, and we can posture and we can go well into the wee hours of the morning. There are no flights out of here. It is raining outside. And we can have a great old time, just a donnybrook.

But if we want to get the job done that the American people send us here to do, we can carry on a civil debate, we can discuss the merits of it, we can vote on these issues. I think everybody knows where they are, whether they are for it or against it. I am not sure how many people are getting their minds changed in this great debate. But let us go forward, and let us get our work done. Let us carry through on what you feel strongly about and what these folks feel strongly about. Let us do our work, and I ask that we move forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise against the amendment.

Mr. Chairman, in most of my public life, I have been involved in the health care of Indians both in the Congress

and before I came here. And it is rather sad to stand here tonight and tell my colleagues the status of health care of Indians in this country.

When we compare them to all the races in the United States, the Indian people suffer a death rate that is 627 times higher from alcoholism, 533 times higher from tuberculosis, 249 percent higher from diabetes, 71 percent higher from pneumonia and influenza. It is the saddest state of health care that we have in the United States. There is no other population that compares to this.

But do my colleagues know what they should not do to people who suffer from these health care problems, to people who have a death rate that is 627 percent higher from alcoholism, 533 percent higher from tuberculosis, 249 percent higher from diabetes, and 71 percent higher from pneumonia and influenza? They should not take those people and use them as a political pawn. They should not do it. They simply should not do it.

They did not have the courage of their newfound convictions to put full funding for them in the budget or to even put this \$22 million in the budget. But here tonight, in their crusade against the arts and the humanities, they are prepared to enlist the Native Americans of this country, the grand tribes of the grand nations, and to use them for cannon fodder in their crusade against the arts.

I ask my colleagues to think about a community they might come from where they have a 627 percent higher death rate from alcoholism than everywhere else in the Nation and think about if what they would do to those people is to use them.

In a terribly cynical, cynical approach to deny the arts their money, the gentlewoman from New York (Ms. Slaughter) her amendment, and the due process in this House, I do not think we should do this.

It is tempting; it is exciting to put one over on the Democrats. We get one up. We get back to where we were. But in the end, we have used these people.

I sit on the Committee on Resources. I sat there my entire time in Congress. And when we built the great water projects of the western United States, they always had an Indian component in it, water was going to go to the Indians, Central Arizona project. Up there in the Dakotas, water is going to go to the Indians.

Do my colleagues know what? Thirty, 40, 50 years later, the Indians are still waiting for the water, folks, but the white folks all got their water. They are still waiting for the water in Arizona. They are in court. Of course, they have to go to court to get their water, they cannot get it in Congress.

Quinten Burdick, the last thing he did was come to me and said, can we strike a deal to finally give the water

to the Indians? We flooded their lands 30 years ago.

Time and again we have marched out the Indians of this country from the Indian nations and used them for political purposes. Tonight we march out the most unfortunate, those who suffer from these kinds of health care problems. And my colleagues have not found it in their heart in the last 6 years to deal with them. Budgets below the President.

The President has not done a great job, either. But let us not suggest that this is the answer. Put the politics aside. Recognize that they lost an amendment earlier today. Recognize that there may be, the bill has got a long way to go, there may be in fact money for the arts. I do not know whether there will be or not. But let us not do this to the Indian nations of this country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to point out that last year we put \$150 million for Indian health, more than the President requested. Now this year he got some religion. But in the 6 years that we have been funding the Interior bill, the amount of money committed to Indian health has been substantially more than the previous 6 years under the Democrat control.

So let us not denigrate our efforts on behalf of the Indians.

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate that. Let me say to the gentleman that that debate between him and the President, this President, or any President, between the Committee on Appropriations, and any administration is an honest debate. That is about priorities.

This is not about a priority. This is about a political trick. Fortunately, the chairman is not engaged in it. And we appreciate that.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me we have heard very sincere remarks on both sides of the aisle. I would like to suggest something that might solve this problem. And there is no reason there cannot be a new rule of the House.

One thing is that any amendment that gets a majority vote in the House and needs to be funded, I would suggest that we have a section at the end of the bill and that we permit in conference, because we know the Senate will come in with a higher mark generally on this bill, and we would work that out with them, with us and our own conferees; and they would have a mandate of the House of the majority on whether it be Indian health, arts, whatever.

It seems to me, and I have checked it with the parliamentarian and they have said, well, that could be seen as

violating the rule of legislating on an appropriations bill. We do it all the time. We go through the Committee on Rules. There is no reason, by unanimous consent, that we could not do that tonight to solve this problem.

I would suggest, Mr. Chairman, that the Chair rule on that and see if we could solve that. That would solve a lot of problems, get away from the partisan diatribes, and get to the people's feelings, which have been well expressed on both sides of the aisle.

Would the chairman rule on that if that is possible?

The CHAIRMAN. The Chair is not going to rule in anticipation of an amendment that has not been offered.

Mr. HORN. Mr. Chairman, if we write it out, will the Chair be inclined to accept it?

The CHAIRMAN. The Chair, being neither clairvoyant nor anything close, cannot rule in anticipation of something that has not happened yet.

Mr. HORN. Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will first try a unanimous consent request to deliver on the previous gentleman's intent.

I would make a unanimous consent request that we fund the arts, the additional amount which was passed in the previous vote, and that we increase funding for Indian health by the amount proposed by the gentleman from Washington (Mr. NETHERCUTT). I make that as a unanimous consent request in the spirit of the gentleman who just rose.

The CHAIRMAN. The Chair is not able to entertain that unanimous consent request because it is not in the form of an amendment.

Mr. DEFAZIO. Mr. Chairman, I would hope it would be offered as an amendment and hope that, if there is sincerity on both sides, that that is where we will end up.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman could ask the gentleman from Washington (Mr. NETHERCUTT) if he would, by unanimous consent, amend his amendment to cover both these issues, which would cover the intent of that; and the gentleman from Washington could amend his amendment.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I cannot do that. Because there is \$22 million dollars to deal with; and I made an amendment, and I want a ruling on this amendment.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, then, we would hope

that wiser heads can prevail and the ranking member and the chairman can work on this as I speak and as others speak, because I think there will be a number of speeches.

There are few Members in this House who represent more tribes than I do. And we have heard a great deal, wonderfully, in the last few moments for the first time, I think, in my career on the floor of the House about concern for the condition of the Indian people and their health and their well-being. And that is wonderful.

And I will admit that the Clinton administration has not been a tremendous advocate in these areas. And the gentleman has done a good job. But there is a different situation before us tonight.

For whatever reason, the administration is now advocating significant increases, perhaps seeing the past problems and understanding better the problems of the Indian people. I have not seen that concern reflected in either the Republican budget, which passed the House, the subcommittee budget, which passed in the Committee on Appropriations, the full committee budget, or the consideration before us here tonight.

We are talking now about 4 percent, 4 percent, I would say to the gentleman from Washington State (Mr. NETHERCUTT) of the increase proposed by the President.

How many additional doctors, doctors' visits, nurses, nurse practitioners, treatments for persistent TB, treatments for alcoholism, very expensive, how much can we pay for with a 4 percent increase? A pathetic amount. Yes, we might help a few. But the needs are greater. The needs are much greater. And I have not seen that concern before here. I am pleased to see it tonight.

□ 2130

But I am discouraged to see it being used in an attempt to thwart money for the arts, that won fair and square in a tough vote that was held for 25 minutes on the floor of the House while the whip and others on that side attempted to twist arms because a very strong political base on that side opposes the National Endowment for the Arts and the National Endowment for the Humanities. You lost the vote fair and square. It is not a lot of money in the context of this bill. We could do better than \$22 million, I believe, for the American Indian people. And we can do at least as well as the vote which prevailed by the gentlewoman from New York with great persistence.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. NETHERCUTT. I just want to assure the gentleman that I am one who increased NEH in conference last year,

and perhaps the way to handle this is to deal with it in conference when we have a chance to analyze how much money there is and is not and have a chance to work through it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Wisconsin.

Mr. OBEY. That is the same stale song we have heard from that side on every bill. What they are saying is, "This is only the second step. We know these bills are inadequate, but somebody else will make them responsible down the line." That is, in my view, a very poor recommendation to go to the public with and ask to be returned to this body.

Mr. DEFAZIO. I thank the gentleman. In reclaiming my time, this is truly a serious issue. Again, I would hope that perhaps cooler heads can prevail, and they can find other offsets in the bill. I hope we could find \$100 million for Indian health and that we could find the minimum amount that the gentlewoman already gained for the arts and humanities.

The arts and humanities are important. They are important to us as a culture, as a Nation. They are important to kids who drop out of school. They are important to people to enrich their lives.

And health is vitally important for people to be able to enjoy some of those cultural privileges of their own culture, of the culture that might be provided in the amendment by the gentlewoman from New York.

I am just bemused. I am saddened, and I am hopeful that we can somehow come to an accommodation of both needs in this bill. I think the money is there.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendments that were offered today were offered on behalf of the Arts Caucus of the House of Representatives, a bipartisan group. One of the things that helped us win this afternoon were the 25 votes of the Republican Members for which I am extraordinarily grateful. I thank my co-chair, the gentleman from California (Mr. HORN), for the hard work that he has done and the gentlewoman from Connecticut (Mrs. JOHNSON) for her tenacious fight to try to do something here. I am certainly grateful to all the people over here on my side who saw to it that we got that victory this afternoon and I thank them.

I cannot tell my colleagues how sad this makes me. I am used to not doing very well on this subject. I appreciate that there are lots of things I could come up with every year that might please the crowd. I have always tried, the 14 years I have been here, to deal with you as honestly and frankly as I can. I have been persuaded over the

years of the great benefit that these three programs do to the people of the United States.

We are asking not for us. We get to go see *To Kill a Mockingbird*. We get invited to all the good things. I am talking about all the other people out there, the people we represent, who will line up to get to a performance when a play comes to town, and who will struggle to make sure that their children are associated with the arts in school.

I appreciate again what everybody does. This is the first year, frankly, that we have been able not to just try to keep it alive. People were elected here, I understand that, to kill the NEA for some reason. It was like the Holy Grail. This little agency, when I came here I think it had \$178 million worth of budget. It is down to \$98 million. It will probably never rise again. Who knows? But it seems to loom so large in people's minds and in a way that I think is totally wrong.

The agency has transformed itself in every way the Congress has asked. Its leadership has been extraordinary. Members of the House sit on the advisory committee. There is not a single soul in this House that could not go back to their district and point with great pride what little bits of seed money that came to them from the National Endowment for the Arts made them be able to build things in their own communities of which they could be proud.

This amount of money that we have here would have done a lot for them. I do not know how many little regional theaters may go dark now because we cannot fund the arts in this country. We should understand that we fund it cheaper than any other country on the face of the Earth. I do not know how many children may not ever be able to see an artist perform.

I remember an artist who told me one day that her father and mother had scrounged up enough money to take her to see the Music Man, and that she had never seen anything like it in her life. She said to herself, "That's exactly what I want to do." She did it. She grew up, and she remembered what that meant to her as a very young person. And now Mary Steenburgen tells us that every time before she goes on stage, she reaches down to take that imaginary little girl by the hand and says, "Let's go out and do our best tonight, Mary. There may be children here."

In my own district, a young man who won the Arts Caucus program here so that he could hang some art down in the tunnel, he was 17 or so, and was severely troubled. We could not find him to tell him that he had won. He had left home. He had dropped out of school. But my staff in Rochester persisted. They finally found him. They

said, "Look. You've got to go to Washington. You've got to go for this celebration and see how they hang this picture and how it says something in the State of New York that you have been chosen." He did. We gave him an enormous good time.

The next time I saw that young man was at a meeting again trying to keep the foundation of the arts alive. He said to me, "I am now a student at Pratt. There was something about that validation of hanging in the Capitol of the United States of America that made me think, by George, I may be worth something." It completely turned him around.

I saw little children in Harlem learning to dance at the age of 3. They were so cute you could hardly believe it. You wanted to hug and squeeze them, but they were not there for that. They were there to learn discipline and to learn dance. We know what this does to the human spirit. The National Endowment for the Humanities explains to us all the time and to everybody else who we are, who we were, where we are going, where we have been, and that is important, because we do not want to be the only society, do we, that only leaves behind their Styrofoam?

I know that we are not going to win this battle here tonight. So, Mr. NETHERCUTT and Mr. REGULA, take your \$22 million, because, as I said, it has been said here before and much better than I, I do not believe this amendment was intended to help the Indians. I believe this amendment was intended to use them. So take it. I hope that it will be of some help to them. And these little agencies will limp along, and we will try again next year.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Washington.

Mr. NETHERCUTT. I thank the gentleman from Arizona for yielding.

Mr. Chairman, I will be the first to commend the gentlewoman for her wonderful speech and her wonderful remarks and her heartfelt feelings about the arts in this country. I have many of the same feelings despite what this amendment may mean to her. And I know all of us feel passionately about how to spend the taxpayer dollars. It is tough. We are in the majority. We have to make this budget fit together.

There was a comment earlier about how much money we spend on Indian health care. We are \$30 million of an increase from last year. It could be \$500 million that we need to spend. I would spend it gladly. This House has been energized by the idea that Indian health is a problem in this country.

I will respect the gentlewoman's feelings about having kids see the arts. I am a dad. I know. But I also feel passionately that as I see little Indian kids suffering, and I mean this, I have

spoken at diabetes health care conferences for Indian health in San Diego and elsewhere in this country. It is a dramatic problem. If we were all king and queens, we could wish more money everywhere. But we cannot.

So my sense is this: There is \$22 million I think that Indian health care kids and families would benefit from. That is a priority of mine. I voted for the National Endowment for the Arts allocation in this country. We are dealt the hand we are dealt. We have to make this budget fall together. We want to pay down this national debt. We want to save Social Security. Our defense condition is in trouble right now. So we cannot do it all.

This, I believe, is a better expenditure of money. When you look at the relative value, I think this is a better expenditure. That is my view. The gentleman from Wisconsin (Mr. OBEY) has a different view. The gentlewoman from New York (Ms. SLAUGHTER) has a different view. The gentleman from Washington (Mr. DICKS) feels differently. So does the gentleman from Arizona (Mr. KOLBE). God bless us. That is the way we are able to be in this House. We make judgments, and we make our best judgments. But I hate to have you all ascribe bad motives to us or trickery or fooling with the system. I really feel this is the best expenditure. That is why I offered the amendment. I reject anybody who says that there is any other motive. This is my best judgment based on the people that I represent and the needs that I see out in this country.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would just ask this of the gentleman from Washington. If it is true that his heart is so concerned about the plight of our Native Americans, then why did he not offer his amendment in committee when it would not be used as an effort to cut off the effort of the gentlewoman? And why did he then vote for a bill which cut Indian health services by over \$500 million?

Mr. NETHERCUTT. Mr. Chairman, I respect the gentleman from Wisconsin (Mr. OBEY) greatly. He is a good person, but he does not need to do this with respect to impugning my motives. When we did not have \$22 million in this account when we were voting on it in the committee. And my friend knows it. There is \$22 million sitting here. I have made my best judgment as to how it can be spent. If we would have been sitting in the committee, I probably would have put it with diabetes research. That is one of my great things. Or defense spending. Or education spending.

Mr. OBEY. Why did you vote for the cut?

Mr. NETHERCUTT. Again, I voted for a \$30 million increase from last

year. I did not vote for a cut. The President's budget has been lower for years. He comes up higher this year, and you say it is a cut.

Mr. OBEY. You voted to cut the President's budget by \$500 million. You voted for that.

Mr. KOLBE. Mr. Chairman, reclaiming my time, let me just reiterate something that I said this afternoon on the floor, and I have been, and I think some in this body know and certainly those that I have talked to in my State know that I have been a strong supporter of the arts for a number of years and I believe very passionately in it. And I believe that there is a Federal role.

I regret that we are finding ourselves in the position where we are pitting one priority against another. But the Federal budget is not limitless. There are limits. We must establish priorities. That is really what we are about doing here this evening. I believe that there will be additional dollars in the conference for the arts, but I believe that at this moment that it is not the appropriate time to do it because it will not help us pass this bill.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a debate on this floor this evening that should make us all question why we are in this place and what we care about. I cannot help but ask myself, are we to take the gentleman from Washington seriously? This is the same man who supported term limits and has now reversed himself. We are asked to believe that this is about good public policy.

Well, it is not. This is about politics. This is not about an attempt to help the Indians. This is simply to provide political cover. This amendment adds a mere \$20 million to an account that the Republicans already cut by \$200 million. Native Americans are among the most impoverished people in the United States. Thirty percent of Native Americans are living below the poverty line.

□ 2145

Native Americans suffer disproportionately high rates of diabetes, cancer, heart disease, and substance abuse. Half of the roads and bridges on Indian reservations are in a serious state of disrepair. The unemployment rate among Native Americans is over 50 percent, and one-third of Native American children do not graduate from high school.

Despite the pressing needs of our Nation's first people, the funding in this bill for the Bureau of Indian Affairs is \$320 million below the budget request submitted by the President. This bill cut funding for the housing improvement program by \$7 million below the fiscal year 2000 level and provided no

funds whatsoever for new housing construction.

The bill also cut funding for school construction, \$13 million below the fiscal year 2000 level and \$180 million below the President's request. Funding for the Indian Health Service is an appalling \$200 million below the President's request.

The American economy is extraordinarily healthy today. However, the people who live on Indian reservations are some of the poorest people in our Nation. They desperately need funding for health care, education, school construction, housing and economic development.

This amendment that we are confronted with, in light of what has already taken place in H.R. 4478 the Interior Appropriations Act, is appalling. I do not believe that any Member of this House could comfortably support this amendment and comfortably even support this bill knowing how this can be viewed by our voting public.

The results of this can only be thought of as cynical. I would ask us all to oppose the amendment.

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, my parliamentary inquiry is to inquire of the Chair whether the remarks of the previous speaker in ascribing motives to another Member are appropriate.

The CHAIRMAN. The Chair will not rule on that specific instance in the context of a parliamentary inquiry.

The Chair would announce, however, and remind Members that by directing remarks in debate to the Chair, and not one another in the second person, Members may better avoid personal tensions during the debate.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight to talk about, I guess, the issue that has plugged up the House with a great deal of rhetoric; to give my perspective on the issue of the arts and the issue of health care for Native Americans and the issue that the gentlewoman from New York (Ms. SLAUGHTER) won earlier in the day; also to say that the gentleman from Washington (Mr. NETHERCUTT) is one of the finest Americans and Members of Congress I have ever met. And he will always have my undying respect, as do most Members on both sides of the aisle. We all represent the finest that America has to offer.

The gentlewoman from New York (Ms. SLAUGHTER) offered an amendment earlier today in anticipation of raising, putting aside \$22 million for the arts, for the humanities, for the museums, of which most of us agree with.

I have voted in favor of those kinds of amendments in the past. I am fundamentally in support of that type of culture, because I think it brings to the human being the kind of thought process, creativity, sensitivity, intellectual understanding that is necessary and can only come from the arts.

Now, I voted earlier today against the gentlewoman from New York (Ms. SLAUGHTER), and I did not vote against the gentlewoman from New York (Ms. SLAUGHTER) because I was against the arts. I voted against the gentlewoman from New York (Ms. SLAUGHTER) because I also truly believe in certain environmental issues, and one of those is to understand the nature of coal or how we can improve the burning of coal through clean coal technology. That is the reason I voted against the Slaughter amendment, not because I am against the arts.

Now, we are in a democratic process where there are all kinds of things going on. We basically, though, fundamentally have an exchange of information on this House floor and somewhat a sense of tolerance for a different opinion by somebody else, and then we vote. And Oliver Wendell Holmes said about 100 years ago, the Chief Justice of the Supreme Court, that the Constitution was made for people with fundamentally differing views. And so that is what we have here.

Now, when this comes up for a vote, and if it does come up for a vote, I truly believe in the arts; I bring those kids here every year with their painting. And we have a marvelous time, and they are hung in the Capitol.

My daughter, and I am very proud, won the art purchase award for our home county, which is the highest award you can get. And she is going to college this year to major in art and music. And the joy she brings in our family and the other people in the county is marvelous.

But I also truly believe in my heart whenever there is an opportunity out there that I grab ahold of an opportunity and the gentleman from Washington (Mr. NETHERCUTT) wants \$22 million in Indian health care that was not there before, I am going to vote for that, not because I am against the arts.

The arts are beautiful. Just listen to William Blake, to see a world in the grain of sand, heaven in a wild flower, holding infinity in the palm of your hand and eternity in an hour. That was the theme for the arts caucus from the first congressional district of Maryland. And we gotten marvelous entries.

But there is desperate need in Indian health care; and so I am personally voting for that, because it just happens I have an opportunity to increase that money for health care.

There are many people on both sides of the aisle that are struggling with this vote, not for political advantage,

but for a real heart-felt sincere understanding about what is best to do at any one given moment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I doubt seriously if there are very many people in this House who do not recognize the insincerity and the cynicism that underlies this amendment. If it had been true that there was a genuine concern—

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Chairman, I am concerned about the insinuation of this. What is the direction of the Chair in terms of words being appropriate? I am trying, Mr. Chairman, if you will indulge me, and the House will, I am trying not to go to have the gentleman's words taken down, but I would like my friend from New York (Mr. HINCHEY) maybe to rethink what he says.

Mr. Chairman, is it not true there have been three opportunities to have words struck down tonight, and is it true that if I was looking for an opportunity, this might be one; but is it not also true that the gentleman from New York (Mr. HINCHEY) may want to rethink what he just said to avoid us from going there?

The CHAIRMAN. The Chair will not rule on that. The Chair would ask the gentleman to proceed in order, and the time is now controlled by the gentleman from New York (Mr. HINCHEY).

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, the gentleman from New York (Mr. HINCHEY), who I served with on the committee and have great respect for, I would ask in terms of just a good relationship here tonight that you may rethink what you had just said, because I am not sure that you meant it the way we may have heard it.

Mr. HINCHEY. Mr. Chairman, I am very interested in a good relationship. Reclaiming my time, I am very interested in maintaining good relationships. I am very interested in maintaining comity. I am very interested in maintaining respect. I am also very interested in maintaining respect for the work of our Members of the House.

And I mean no personal attack in any way on the gentleman who offered the amendment. However, I believe that there is an insincere result that comes about as a result of it. If there had been a sincere interest in addressing the obvious needs, health care needs of Native Americans, then that attempt could have been made during the full committee. The gentleman is a member of the subcommittee. It could have been made during the subcommittee; it was not.

If there had been a sincere interest in addressing the needs of Native Americans in terms of their health care, that

could have been done during the full committee by the gentleman who offered this amendment; it was not. If there had been a sincere concern for the legitimate health care needs of Native Americans, this amendment that we have now could have come before us in the context of this debate which has been going on for some time, and a great many others who have offered amendments have found offsets for those amendments.

In fact, every single amendment that came from this side of the House had an offset to it. It does not take a great deal of ingenuity to find offsets for your amendments if you sincerely wish to find them outside of attacking the work that others have done before you.

We had here earlier today an honest, sincere, heartfelt debate on an important issue. As a result of that debate, this House decided to provide 22 million additional dollars for the National Endowment for the Arts, the National Endowment for the Humanities, and for Museums around the country.

I believe that the Members of this House did so sincerely because they recognized the value of NEA, NEH, and museums. They recognized their value particularly as educational vehicles and as the harbors of culture within our society.

And I believe the Members of this House, the majority of them wanted to do everything they could within the confines of a very restricted budget, artificially so, I might add, but, nevertheless, restricted budget, to do whatever they could to enhance the arts, the humanities, and museums.

That issue was debated sincerely, aggressively, intelligently, enthusiastically; and in the final result \$22 million went for the arts, humanities, and museums.

Now, at this late hour, we have an attempt to take that victory, not only from the Members of the House who voted for it, but from all the millions of Americans who will benefit as a result of that additional funding for these worthy subjects, and to do it in a way that I believe does dishonor to this House.

It is one thing to stand here and fight for the things that you believe in. We all do that. It is another thing to do it in a way that undercuts and undermines the success of others in the context of what goes on here in these debates, and I believe that is what we are witnessing.

Yes, I think that there is an element of cynicism that comes about as a result of this action that is proposed for us to take at this moment. I think that there is an element of insincerity that reeks in this House as a result of the effort that has been placed before us which we are being asked to embrace.

And I think it would be a serious mistake for the comity that we all seek, for the good judgment that we

reach for, that the good relations that we hope to maintain, and the good results above all that we hope to achieve as a result of these debates. I would hope that the gentleman would recognize some of this and that he would withdraw the amendment.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words. I seldom, rise on the floor. It bothers me tonight that I see on both sides that we are questioning the motive of our members and hear words that are being used about our Native Americans. Yes, I am from Oklahoma, basically meaning the home of the red man; Oklahoma, the State that has 22 percent of all Native Americans in this country.

□ 2200

I grew up with the Choctaw Indians in dirt-poor poverty. I was the only non-Indian on the baseball team. I was the minority but did not know it. All the rest of them were Native Americans. I gave eulogies at several of my Native American classmates' funerals, so please do not question the motive of people.

I have witnessed alcoholism among my Native Americans and their families. I was raised with them. Do not judge the motives of people.

Yes, this budget is probably short in total dollars. There could be a lot more done. But right now as we stand before you we must make a decision on this amendment. I was not in appropriations. The amendment before us basically is whether we use \$22 million for Indian health service. As my colleague the gentleman from Oklahoma (Mr. LARGENT) said, in Oklahoma we have the smallest percentage of Indian health service funds for our Native American families.

I cannot undo the things of the past, but as I stand in front of you, I have got an adopted Native American daughter. I have three Native American grandchildren whom I would rather have in my arms tonight than being here listening to this kind of debate.

Let us not question others' integrity or whether we are sincere or not sincere. We have an amendment before us. Let us address that amendment and move forward.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for 36 years now as a lawmaker, 12 years in the Michigan legislature, 24 years here, and for 6 years in the Roman Catholic seminary where I worked with Indians, I have been working for all those years for justice for Indians.

My father, who was raised among Indians near Traverse City, Michigan, always told me that the Indians have been treated unfairly, and they were the people with the poorest health around Traverse City. Their land had

been stolen from them, all their land. I was determined when I entered the State legislature in 1964 in Michigan to do something for the Indians, and I have worked very closely with people on both sides of the aisle to do that.

Mr. Chairman, I have worked with people on both sides of the aisle to bring justice for Indians, and I have always hoped that before I shuffle off from this mortal coil to meet my judge, that I will have moved somewhere towards that justice, and I have taken some tough votes through the years to do that.

There are some people who would take money from the arts to give to the Indian Health Service, but some of those same people, and this is what troubles me, have voted for over \$200 billion worth of tax cuts. I voted against those tax cuts, and I got criticized back home for doing that, but I did it because I want to make sure we take care of the needs of those who are the most needy. I voted against those tax cuts, and I pay a political price for that. I voted for a tax raise in 1993, and almost lost my election because I voted for that tax raise, but I did because I felt there were needy people in this country.

I have made the real tough votes. Those are the tough votes. Those are the ones that you do not put in your campaign literature, "I voted for a tax increase and voted against a tax cut." Your opponent puts it in his or hers.

But those are the tough votes. That is really where you determine whether you are going to do something to help alleviate the immorality here in America, and the way we treat our Indians is immoral. If we really want to help them, we cannot be giving money to the wealthiest people and not give what is due to the neediest, the people whose land we have stolen, changed their way of life, destroyed their language in many instances. We want to give money to the super wealthy and withhold money from the poorest. That is the real moral issue here. That is the tough vote.

I voted those tough votes. When I voted in 1993, I thought I was looking at my political grave, but I was willing to do that. Those are the tough votes. These votes here really emanate from how we are willing to take care and balance the justice with the injustice in this country.

So it is really puzzling. When you find people who are giving to the super wealthy and take from the America's poorest, you find that at least puzzling. It is very puzzling to me.

I will always support justice for the Indians, in any instance and any chance I can, but I find tonight, in my 36 years in public office, one of the saddest days. When we came here in January, this was all part of a process. We raise so much money, we spend so much money. We find our priorities.

We find our priorities in tax cuts; we find our priorities in expenditures.

This is a paradox. This is contradictory, what we are doing here tonight. If you can look into your heart and say, okay, I voted against the tax cut, therefore I can without contradiction go along cutting the President's budget for IHS by \$200 million as was done. And I don't blame the gentleman from Ohio (Mr. REGULA). The gentleman from Ohio (Mr. REGULA) is one of the most decent guys in this House, and when I go to his committee to testify, the gentleman, within the limitations he has, does a great job for the Indians.

But I find this really sad. We have to look at ourselves and say how do we balance how we raise the money, how do we balance how we spend the money? The two go together, and you cannot give a \$200 billion-plus tax cut to the very wealthy, the most wealthy, and deny what is needed, the basic needs, of America's poor.

Mr. TIAHRT. Mr. Chairman, some people are having a difficult decision here, and, you know, we are often asked to establish priorities. Sometimes we are asked to decide whether we should fund an after-school program or special education. For some, that is a difficult decision. But tonight I do not think we are facing a difficult decision. We have \$22 million that we could add to Native American health care, or we could subsidize the arts, humanities and museums.

Now, this industry of the arts is a very wealthy industry. The gentleman from Michigan made a good point about how we are trying to make decisions between subsidizing the wealthy versus subsidizing a very needy cause. Well, Hollywood is full of millionaires; New York and Broadway are full of millionaires. Each year \$9 billion is spent on the arts; jobs in the arts community are growing 3.6 times faster than the regular economy; there are more Americans that attend an artistic event every year than attend sporting events; and yet we are willing to make a choice to subsidize wealthy producers, actors, artists and all of those who contribute to the arts another \$22 million.

Some do not care if we turn our backs on the Native Americans, because they want to subsidize and support some of these wealthy Americans through the arts. Somewhere, some day in America, some child may see an artistic expression if we just add another \$22 million to the industry, the \$9 billion industry, and we will do it at the expense of Native Americans' health care? For me this is not a tough decision.

For the downtrodden Native Americans, because I have seen their troubles, I have been to the reservations, I grew up with Native Americans, I played with them, I have worked with them. Four of my fraternity brothers

were Native Americans. I watched three of the four pass away because of some reason that I hope would be taken care of by additional health care. I do not know if that would meet the need, but it would be a long step towards a greater awareness in health care for the Indians.

So I think this is an easy decision tonight. I think we should support the Nethercutt amendment because it is a much higher priority than subsidizing a \$9 billion industry. Let us vote to add the \$22 million to Native American health care.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to offer my opposition to the amendment that is before us. The real tragedy in the House is that a couple of months ago our Committee on the Budget gave us, and this House approved in a partisan manner, unrealistic, not carefully thought out, 302(b) allocations, which are the bottom line numbers that each of the budget bills must now work within. Those numbers were not fair 2 or 3 months ago, and they are not fair today as we debate this most important issue, Native American health care, arts and humanities for Americans who deserve it.

I think we do this House a disservice when we are not realistic. This country is doing better than it has done in a decade, in a generation. The budget projections that were made 2 months ago are now today further off than ever. When this fiscal year closes on September 30, our Treasury will have over \$100 billion more than we thought we would have this time last year.

Why then are we going through these tasks over the last couple of weeks now, debating legislation with good priorities for American citizens, and yet we are not able to fund them? I say to Members of the House, the reason is because the allocations initially approved in a bipartisan manner a few months ago were not realistic, they were not fair, and they leave a lot of money out that will be put in at the end of this process by 10 to 12 people in both Houses, cutting out over 500 people who have been elected by people across this country to represent them and to serve in this House and to make the kinds of decisions we are making tonight.

It is unfortunate that we cannot fund properly Native American health care. They deserve it. As a minority myself, I would love to have my tax dollars go to them. The President was not right, this House is certainly not right, and we can do better by health care for Native Americans. It is unfortunate that we are not able to do that.

If we are a body elected by the people in the freest country in the world, and we are, then we have a responsibility to do what is right, and the amend-

ment before us does not do that. Yes, we should fund Native American health care, and the gentleman from Washington (Mr. NETHERCUTT) is a fine gentleman. The gentleman has offered amendments in the committee, and I have supported him a number of times.

This one is not the right thing to do. All great civilizations are known by their arts, their culture, their humanities, for hundreds of years after all of us leave. This country has not funded properly the arts and humanities in our country, so that our children can be beneficiaries of this great culture that we live in.

So do we now use a process to take away an amendment that was passed lawfully on this floor juxtapose it against an amendment we really do need, but not in this manner? I say to you, Mr. Chairman, it is the wrong way to do it and it is not proper; that as we go through the rest of the 5 or 6 months, or less than that, 3 or 4 months of this fiscal year, we will find that the budget receipts in our Treasury are larger than we thought they would be 3 months ago.

The country is doing well. Why should we have to choose between education and health care? Why should we have to choose between the arts and funding Native American health care? It is because the Republican Party wants to save hundreds of millions of dollars, nearly \$1 billion, I might add, for tax cuts that the American people have already said they do not want. They want you to fund education and housing and health care; they want you to fund the environment, roads and bridges and the like.

□ 2215

So Mr. Chairman, the amendment, though it means good, is not the right thing to do. Let us fund Native American health care. They deserve it, for all the reasons that have already been mentioned.

But at the same time, let us adequately fund the arts and humanities, so that our children and grandchildren can attest to the fact that this is a great country, and that 100 years from now they will look at this 106th Congress and say that we stood up for what was right for our country and for our children.

Vote against the Nethercutt amendment, and let us continue with the work of this Congress.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we all are talking at each other, not with each other. I think we are about ready to vote on this issue.

Let me just say sincerely, I voted with the gentlewoman from New York, and it is not because the gentlewoman from New York (Ms. SLAUGHTER) is my cousin. I think we ought to remember,

as we talk across the aisle, that we are all Americans, and sometimes we are even family.

I am ready to vote with her again, not because she is my cousin, but because it represents my district. I am representing my part of the world in this body as I swore to do under the Constitution.

The gentleman from Washington (Mr. NETHERCUTT) is representing his district. I respect him for that. I respect him now as a representative under his constitutional powers. I have a little problem with the ridiculing and the attacking of us doing what we are supposed to do under our constitutional obligations.

I do not care who the gentleman from Washington defeated to get this seat. That is not the point. He does represent his district, and I expect him to do the best he can. He has found an opportunity to aggressively represent his district. The gentlewoman from New York has aggressively represented her district. We should not be attacking them for doing that. We should be celebrating the system working.

I just ask us to remember, this is what it is all about, representing our districts, and the cumulative impact of doing that. I would be remiss without bringing up one fact, we would all rather be somewhere tonight. I would have rather been at the graduation, of my children, Patrick and Briana, this week, but we are working on an education bill, we are working on an Interior bill. We are doing what we need to do.

I apologized to my children for not being there. I need that on the RECORD, and I apologize to the Members for sneaking this in. But I need to say sincerely, we have some opportunities to work together rather than sniping. Let us accept the fact that we do what we can, we represent our districts, and let us go together, out of the fact that all of us are doing what the public in our districts mandate and what the public wants us to do.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank the gentleman for yielding to me. I believe basically that the will of the House is supreme, and what can be done by some of its committees certainly can be done by the whole body of the House.

We all know there is a rule that we cannot legislate on an appropriations bill. We get that through the Committee on Rules and it comes in here regularly when we vote the rule.

There are three traditional things we can do to get out of this situation. One is recommittal now. One is instruct the conferees. One is recommittal if the conference report comes back from the conference and does not satisfy anybody in here.

Again, I would suggest that by unanimous consent we add to the legislation, the Interior appropriations bill, that any amendment which has been adopted by a majority vote in the House will be funded in conference. I think that would solve it, because we know the Senate is bringing in a much higher figure than we are.

REQUEST FOR MODIFICATION OFFERED BY MR. HORN TO THE AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. HORN. Mr. Chairman, I ask unanimous consent for that language to be added, Mr. Chairman, out of order, out of rules, and out of everything else, to get this thing solved.

The CHAIRMAN. Is the gentleman from California suggesting an amendment to the Nethercutt amendment?

Mr. HORN. That is one way, and we could vote on it.

The CHAIRMAN. If that is the gentleman's desire, then the gentleman needs to have an amendment in writing to the Nethercutt amendment.

Mr. HORN. It is here if the Page is around.

The CHAIRMAN. The Chair understands that the unanimous consent request is a modification to the Nethercutt amendment.

The Clerk will report the proposed modification to the amendment.

The Clerk read as follows:

Modification of amendment offered by Mr. HORN:

At the end of the Nethercutt amendment add:

Any amendment which has been adopted by a majority vote in the House will be funded in conference.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman. Mr. Chairman, I just wanted the Clerk to re-read the amendment.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk reread the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. KINGSTON. Mr. Chairman, is the gentleman from California (Mr. HORN) asking for unanimous consent, or is he amending the Nethercutt amendment?

The CHAIRMAN. At this point, the gentleman from California is asking unanimous consent.

Mr. KINGSTON. Reserving the right to object, Mr. Chairman, the concern I have is that there has been an insinuation that there was some victory on the floor, and that victory has been snatched.

There was a victorious battle, but there was not a victorious war. We can win one battle in legislative bodies and then lose it in the next moment. I do not think there should be apologies or handwringing about that.

If the Nethercutt amendment passes, then that is not the end of the road. I am not a big NEA supporter, but I am going to vote for the bill and I am going to get to the resolution in committee, in conference. That is the way life is in the legislature.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I am trying to understand the status of the suggestion that was just made by the gentleman from California. Is the gentleman asking unanimous consent to offer an amendment? Is he offering an amendment?

The CHAIRMAN. The Chair's understanding was that the gentleman from California asked unanimous consent to make an amendment to the pending Nethercutt amendment. There was objection heard to that request.

Mr. OBEY. I thank the Chair.

Mr. HORN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HAYWORTH. Mr. Chairman, I object.

Mr. HORN. Mr. Chairman, I would hope we would have a tradition of at least letting debate occur on a parliamentary matter.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend, the gentleman from California (Mr. HORN). Although the objection came it my way, it did not come from my lips.

Mr. HORN. Mr. Chairman, I did not want something that will harm the Nethercutt amendment. That was put on at the desk. I simply want that language in the appropriations report at the end of where we have a lot of these things, and it seems to me that is then an instruction to the conferees, whether it be the amendment of the gentleman from Washington (Mr. NETHERCUTT) or whether it be the amendment of the gentlewoman from New York (Ms. SLAUGHTER), that as long as it had the majority of the House it would be funded in conference.

In other words, we are asking to waive a lot of things that are blocking decision-making in a rational way. We have had great passion tonight, and everybody is right as far as I am concerned on that, but we have the problem of getting into conference and solving this problem, because we do not have the money at this point.

We will have when it is in conference, so that is why I would like the unanimous consent to put that language in there. It does not affect the gentleman

from Washington (Mr. NETHERCUTT) nor the gentlewoman from New York (Ms. SLAUGHTER). We assume both will have a majority.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I would say to my friend, the gentleman from California, while I did object to the language, I did not object to the gentleman's right to speak and offer it. That is why I wanted to yield the gentleman time.

Frankly, from my standpoint, this is just what the legislative process is about. The Slaughter amendment was debated and passed. The money was laid on the table, as was the wording of the amendment. That also opens up a new avenue of danger, if you will, in terms of people coming up with ideas of how to spend that money.

I am going to support this. The gentleman can question my motives. I think people are not questioning it, they are probably already tired of my motives. If I was from New York City, I would support it. That is where 70 percent of the money goes.

But to me, Mr. Chairman, in the study of choice, it is not a good choice. I do not think the government needs to be in the NEA. We have billion dollars in a tax write-off for arts, we have millions of dollars in art purchasing, we spend millions on art education.

My dad is an artist. My daughter wants to be to be an artist. My wife is on a theater board. You can say I am against the arts because I do not support the NEA, but that is not true. I think it is a waste of money. I am satisfied to vote no against it. I voted against it in committee. I will vote against it in the conference committee.

It always gets bumped up in conference committee, it always survives. That is just the nature of it. We just have to roll with the punches. I am going to support the Nethercutt amendment.

That is only half the reason. I am also going to support it because of what he is doing. He has bumped up Indian health care services \$150 million over the time that he has been chairman of this committee. That is very significant. This year we were only able to increase it \$30 million, but this gives us an opportunity to put another \$22 million in it. It is a sound proposal.

Mr. Chairman, I think children on Indian reservations who need health care are a higher priority than elitists who want to hang out at certain art functions. I am not saying they are all artists, but I would say if the people in the NEA are poor and starving as compared to those on the Indian reservations, I do not understand what the definition of the words are.

I sat in the committees, I heard the tribes, heard the testimonies. I feel very solidly that that is where the money should go.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would make this statement. The Chair cannot

entertain a rules change order in the Committee of the Whole which is offered as a freestanding special order and not as an amendment to the pending bill.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been asked by the leadership, the gentleman from Florida (Mr. YOUNG) who I have the highest regard for, and the gentleman from Ohio (Mr. REGULA), to bring this to a close and to have a vote on the amendment. I think we should do that.

I want to say that the gentlewoman from New York (Ms. SLAUGHTER) has not been treated well here tonight on this process. I think it is very unfair.

I will ask this. We are going to have a motion to recommit in which the gentlewoman's amendment will be the central piece. I am urging the 25 Republicans who had the courage today to vote with us on this amendment, to vote for the motion to recommit. That way we can accomplish what the gentleman from California wanted. We can fund the \$22 million to help the Indians in this country who desperately need the help, and also fund the arts.

I think this is a fair compromise. I would like to see that, and I would hope that other Republicans would join with us tonight to make it more than just the 25 that joined us earlier today.

I ask for a vote on the Nethercutt amendment.

Ms. LEE. Mr. Chairman, I was sitting in my office watching this debate with a member of my staff who happens to be Native American. You cannot imagine how he feels listening to this debate on this amendment which once again sends a message to the Native American community that they really are not one of our nation's priorities. I rise to oppose this amendment because it is a slap in the face of American Indians.

My district has the largest concentration of American Indians. The 22 million dollars that is proposed for Native health care will never reach them. Not only do we underfund for services on Indian Reservations, but we fund even less to urban Indian communities. Many of these urban Indians are forced to travel long distances for hours at a time just to access the most basic health care. Many of these services they are not able to access in the inner cities or urban areas because they cannot afford to. This is a disgrace. The amendment to direct \$22 million for Indian Health Care does not even scratch the surface of the needs in Indian country.

If the Majority really wanted to do something positive for Native Americans, this budget would have taken more consideration and care to provide funding to address diabetes, to fund maternal health care, to ensure that substance abuse and mental health services are sufficiently funded to make a difference.

To think that we are going to support such measly funding when compared to the needs of Native Americans and then try for more next year? I say this! Next year, when we reconsider this funding, many Native Americans will have died from diabetes, alcoholism, heart

disease and HIV/AIDS! They can't wait till next year.

Soon we will take under consideration the Ryan White Care Act. Did you know that funding for HIV/AIDS care in many cases never reaches Indian Country.

HIV/AIDS care, that is subsidized by the Federal Government is billed to Tribes! That's right. Indians are not able to access ADAP with out being billed. HRSA funded services are billed to IHS or to Tribal Health Care programs. This is an outrage.

We all know how expensive HIV/AIDS therapies are. Yet, when it comes to the tribes, we don't give them nearly enough for those services. Those services have to come out of the IHS general budget! A budget that is already, desperately underfunded!

Last week we moved out of this house a bill for National Missile defense system that many experts say won't even work. Billions of dollars! Yet we have the audacity to cut substantially Indian Health Services, and then, try to come back and make \$22 million look like we are doing the Tribes a favor?

Native Americans suffer disproportionately high rates of diabetes, substance abuse, unemployment, and in many cases have inadequate access to quality education. Why? Because we neglect to live up to treaties between the Government and Tribes throughout the country.

If we the Members of this House had the needs of Native Americans in mind, we would not have underfunded Native Americans by over \$300 million. We would not pit Native American health care against the arts and humanities. The best thing to do at this moment is to withdraw this amendment and offer another amendment to fund Native American health care, and not at the expense of programs that will also suffer the outcomes of this budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair is counting for a quorum.

Mr. HAYWORTH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The demand for a recorded vote is withdrawn and the point of no quorum is withdrawn.

So, the amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian

Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$336,423,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That notwithstanding any provision of law governing Federal construction, \$240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing inter-agency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law,

funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$375,230,000, of which not to exceed \$47,126,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, including such funds as may be necessary to support American overseas research centers and of which \$125,000 is for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$47,900,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account, the "Repair and Restoration of Buildings" account, and the "Repair, Rehabilitation and Alteration of Facilities" account may be transferred to and merged with this account.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new

facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$61,279,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$8,903,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$13,947,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$19,924,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$6,763,000.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 84, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 2230

The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$98,000,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$100,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$14,656,000, to remain available until expended, of which \$10,259,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, \$24,307,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none

of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,021,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$6,973,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,989,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$6,288,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate for positions at level IV of the Executive Schedule, for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, \$33,161,000, of which \$1,575,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to \$1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a

matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau

of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, and 106–113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2000 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” component of the President’s Forest Plan for the Pacific Northwest, or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 316. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept,

receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national for-

ests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102 line 9 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 327. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees avail-

able to the agencies funded by this Act, shall be transferred to or used to fund personnel, training, or other administrative activities at the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 328. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 329. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 330. None of the funds appropriated by this Act shall be used to propose or issue

rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 331. Notwithstanding any other provision of law, none of the funds in this Act may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities or compliance with 25 U.S.C. 2005.

SEC. 332. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the "Service First" initiative to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 333. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed res-

toration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester of Colorado or any other officer or employee of the Colorado State Forest Service.

SEC. 334. None of the funds made available under this Act may be used to issue a record of decision or any policy implementing the Interior Columbia Basin Ecosystem Management Project not prepared pursuant to law as set forth in chapter 6 of title 5, United States Code.

SEC. 335. None of the funds provided in this Act, for the agencies funded by this Act, shall be expended for the purposes of design, planning or management of Federal Lands as National Monuments that are designated as National Monuments under the 1906 Antiquities Act, since 1999.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for "Wildland Fire Management", \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for "Wildland Fire Management", \$150,000,000, to remain available until expended, for emergency rehabilitation, suppression, and wildfire suppression: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

None of the funds made available in this Act shall be used to implement section of this Act [as added by the amendment of Representative Dicks] except for activities related to planning and management of national monuments.

Mr. NETHERCUTT. Mr. Chairman, my amendment is offered as an opportunity to have the House take a second look at the debate that occurred earlier with respect to the Interior Columbia Basin Ecosystem Management Project. We have had a chance for the House to be fully informed, Members on both sides of the aisle, with respect to the particular amendment that was debated earlier.

I have had a chance to emphasize the importance of this issue to us in the northwest and the western States; and after deliberation, I felt it was appropriate that with that additional understanding that the House would have a chance to reconsider its prior judgment with respect to my amendment, and I believe again it is an important amendment to us in the West. I think it is appropriate that it be considered by the House and I would urge the adoption of the amendment so that this bill can move forward and proceed to conference and then we can have a complete discussion of all the issues in the bill at that time.

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the Nethercutt amendment.

Mr. Chairman, we had a vote on this today. We had, I thought, a very vigorous discussion. There was an hour set aside by the House. The gentleman from Washington (Mr. NETHERCUTT) had 30 minutes. I had 30 minutes. We had a number of speakers in the House voted on this issue, and we defeated the amendment by a very substantial majority.

Now, I am somewhat surprised that this late at night we would go back to this amendment again, but apparently we are going to do that. So let me say again why what the gentleman is trying to do, I think, is wrong.

First of all, the gentleman has had an amendment every single year to either block or slow down the administration's policy for developing a scientific program to protect the aquatic habitat, to protect the watersheds of the Western Pacific Northwest on the east side of the Cascade Mountains.

This affects 7 States. This has been going on, this process has been going on, 5 years. The purpose of it is that we have in the Northwest a number of seriously endangered species on the Snake River, which is in the heart of this area. We have four or five different species of salmon that were listed under the Endangered Species Act.

The gentleman from Washington (Mr. NETHERCUTT), from eastern Washington, from the fifth district, has been a strong opponent of taking out the Snake River dams. I have joined in that effort, along with the gentleman from Washington (Mr. NETHERCUTT), and others in our delegation, but I also believe that if one is not going to take out the dams then they have to do some things to protect the habitat of

these areas in order to try to bring back these important endangered species.

The gentleman from Washington (Mr. NETHERCUTT) has offered an amendment that would block, after 5 years, the draft environmental impact statement from being implemented. That means we are not going to make any of the protections necessary. It is an environmental rider that has been used repeatedly in this particular bill. The administration is opposed to it. They have promised that this bill will be vetoed if this was in it, and we had a vote today. The vote was 221 to 206 on this issue.

So I feel that we are wasting the time of the House here, especially at 20 minutes to 11:00, and I would urge the House to again reject this amendment.

I think we had a good, fair fight earlier today. I think this amendment is unwarranted and unjustified, and I would urge the House to stay with its previous position.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment of the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 180, not voting 58, as follows:

[Roll No. 288]

AYES—197

Aderholt	Cunningham	Herger
Archer	Davis (VA)	Hill (MT)
Armey	DeLay	Hilleary
Bachus	DeMint	Hobson
Baker	Diaz-Balart	Hoekstra
Ballenger	Dickey	Hostettler
Barr	Doolittle	Houghton
Barrett (NE)	Dreier	Hulshof
Bartlett	Duncan	Hunter
Bass	Dunn	Hutchinson
Bateman	Ehlers	Hyde
Bereuter	Ehrlich	Isakson
Biggert	Emerson	Jenkins
Bilbray	English	Johnson (CT)
Bilirakis	Everett	Johnson, Sam
Blunt	Ewing	Jones (NC)
Boehlert	Fletcher	Kasich
Boehner	Foley	King (NY)
Bonilla	Fossella	Kingston
Bono	Fowler	Knollenberg
Brady (TX)	Frelinghuysen	Kolbe
Bryant	Gallegly	Kuykendall
Burr	Ganske	LaHood
Burton	Gekas	Largent
Buyer	Gibbons	Latham
Callahan	Gilchrest	LaTourette
Calvert	Gillmor	Lewis (CA)
Camp	Goode	Lewis (KY)
Canady	Goodlatte	Lucas (OK)
Cannon	Goss	Manzullo
Castle	Graham	McCrery
Chabot	Granger	McHugh
Chambliss	Green (WI)	McInnis
Chenoweth-Hage	Gutknecht	McIntosh
Coble	Hall (TX)	McKeon
Coburn	Hansen	Metcalf
Collins	Hastert	Mica
Combest	Hastings (WA)	Miller (FL)
Cox	Hayes	Moran (KS)
Crane	Hayworth	Myrick
Cubin	Hefley	Nethercutt

Ney	Royce
Northup	Ryan (WI)
Norwood	Ryun (KS)
Nussle	Salmon
Ose	Sanford
Packard	Scarborough
Paul	Schaffer
Pease	Sessions
Peterson (PA)	Shadegg
Pickering	Shaw
Pitts	Sherwood
Pombo	Shimkus
Porter	Simpson
Portman	Skeen
Pryce (OH)	Smith (MI)
Quinn	Smith (NJ)
Radanovich	Smith (TX)
Regula	Souder
Reynolds	Spence
Riley	Stearns
Rogan	Stump
Rogers	Sununu
Rohrabacher	Sweeney
Ros-Lehtinen	Talent
Roukema	Tancred

NOES—180

Abercrombie	Gordon	Oliver
Ackerman	Gutierrez	Ortiz
Allen	Hall (OH)	Pallone
Andrews	Hastings (FL)	Pascarell
Baca	Hill (IN)	Pastor
Baird	Hinchey	Pelosi
Baldacci	Hoeffel	Peterson (MN)
Baldwin	Holden	Petri
Barcia	Holt	Phelps
Barrett (WI)	Horn	Pickett
Bentsen	Hoyer	Pomeroy
Berkley	Inslee	Price (NC)
Berman	Jackson (IL)	Rahall
Berry	John	Ramstad
Blagojevich	Kanjorski	Reyes
Bonior	Kaptur	Rivers
Borski	Kelly	Rodriguez
Boswell	Kennedy	Roemer
Boyd	Kildee	Rothman
Brady (PA)	Kilpatrick	Roybal-Allard
Brown (FL)	Kind (WI)	Rush
Brown (OH)	Klecicka	Sabo
Capps	Kucinich	Sanchez
Cardin	Lampson	Sanders
Carson	Lantos	Sandlin
Condit	Larson	Sawyer
Conyers	Leach	Saxton
Coyne	Lee	Schakowsky
Cramer	Levin	Scott
Crowley	Lewis (GA)	Sensenbrenner
Cummings	Lipinski	Shays
Davis (FL)	LoBiondo	Sherman
Davis (IL)	Lowey	Sisisky
DeFazio	Lucas (KY)	Slaughter
DeGette	Luther	Smith (WA)
DeLauro	Maloney (CT)	Snyder
Deutsch	Maloney (NY)	Spratt
Dicks	Markey	Stabenow
Dingell	Mascara	Stenholm
Dixon	Matsui	Strickland
Doggett	McCarthy (MO)	Stupak
Dooley	McCarthy (NY)	Tanner
Doyle	McGovern	Tauscher
Edwards	McKinney	Taylor (MS)
Eshoo	McNulty	Thompson (CA)
Etheridge	Meehan	Thurman
Evans	Menendez	Tierney
Farr	Miller, George	Turner
Fattah	Minge	Udall (CO)
Forbes	Mink	Udall (NM)
Ford	Moakley	Visclosky
Frank (MA)	Mollohan	Waters
Franks (NJ)	Moore	Waxman
Frost	Moran (VA)	Weiner
Gejdenson	Morella	Wexler
Gephardt	Murtha	Weygand
Gilman	Napolitano	Wise
Gonzalez	Neal	Woolsey
Goodling	Oberstar	Wu
	Obey	Wynn

NOT VOTING—58

Barton	Campbell	Cook
Becerra	Capuano	Cooksey
Bishop	Clay	Costello
Bliley	Clayton	Danner
Blumenauer	Clement	Deal
Boucher	Clyburn	Engel

Filner	Lazio	Oxley
Green (TX)	Linder	Payne
Greenwood	Lofgren	Rangel
Hilliard	Martinez	Serrano
Hinojosa	McCollum	Shows
Hooley	McDermott	Shuster
Istook	McIntyre	Skelton
Jackson-Lee	Meek (FL)	Stark
(TX)	Meeks (NY)	Thompson (MS)
Jefferson	Millender-	Toomey
Johnson, E. B.	McDonald	Towns
Jones (OH)	Miller, Gary	Velazquez
Klink	Nadler	Vento
LaFalce	Owens	Watt (NC)

□ 2303

Mr. DOGGETT and Mr. KENNEDY of Rhode Island changed their vote from “aye” to “no.”

Mr. BILBRAY changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to return to title III, page 102 of the bill to offer a quick, noncontroversial amendment we have an agreement on.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 102, line 15, strike the first “or” and insert in lieu there of the world “and”.

Page 102, line 16, strike the word “at” and insert in lieu there of the world “of”.

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Chairman, I have a very simple amendment before us that clarifies a provision in the bill that pertains to the American Heritage Rivers Initiative and the Council on Environmental Quality. I have worked with all parties concerned on both sides of the aisle to ensure that this language clarifies the intent of this legislation.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, we have no objection to this amendment. I think it has been agreed to by both sides.

Mr. DICKS. We agree to the amendment on this side.

Mrs. KELLY. Reclaiming my time, I thank the gentlemen from Ohio and Washington for their support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. DEFAZIO:
Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California.

Mr. DEFAZIO. Mr. Chairman, earlier this year the House voted by an extraordinary vote of 407-1 on the National Wildlife System Improvement Act. We made it clear that wildlife conservation is the singular mission of wildlife refuges. Unfortunately, I believe that the case at the Klamath and Tule Lake wildlife refuge is otherwise. Numerous agricultural leases have been let and will continue to be let and the wildlife refuge has recently renewed the capability of farmers within the basin to use pesticides and herbicides which are considered problematic for salmon and other species.

I brought this amendment to the attention of the House in order to highlight this problem. What I would like to do is not take this amendment to a vote this evening if we could agree to go forward with a GAO report on the costs and benefits of the leasing arrangements in that basin and the impacts of the pesticide and herbicide application used by the farmers within the basin.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I told the gentleman that I would be glad to join him for this GAO investigation. I think it is a good idea.

□ 2310

Mr. REGULA. Mr. Chairman, I would certainly join my colleague in requesting a GAO report.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. DOOLITTLE:
Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act to the Forest Service may be used—

(1) to purchase a motor vehicle for the use of Forest Service personnel that is painted in

the base color identified as Federal Standard 595, color chip no. 14260, or painted in any other base color, except the color white as made available by the manufacturer; or

(2) to paint any Forest Service motor vehicle in any base color other than white.

Mr. DOOLITTLE. Mr. Chairman, this amendment would prohibit the U.S. Forest Service from using any funds, appropriate or otherwise, to be used to paint their vehicles the green color described as Federal Standard 595, Color Chip Number 14,260.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am prepared to accept this amendment. We are fully familiar with it.

Mr. DICKS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DOOLITTLE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to assess a fine or take any other law enforcement action against a person for failure to pay a fee for a vehicle pass imposed under the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note), regarding parking at trailheads and dispersed recreation sites in the National Forest System.

Mr. DEFAZIO. Mr. Chairman, I would first like to recognize that the ranking member, the gentleman from Washington (Mr. DICKS) and the chairman, the gentleman from Ohio (Mr. REGULA), have been helpful in rectifying some of the problems with the recreation fee demonstration program. Last year, the gentleman from Oregon and I and others brought to the floor the fact that people were required to purchase a multiplicity of passes, up to six or eight different forest passes, just to recreate within their own State at a cost of \$25 each.

And after a meeting convened by the chairman, the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), with the chief of the forest service and the assistant Secretary and other assorted bureaucrats, they did make the program better and simplify it; and I thank the two gentlemen for that.

But this amendment goes to another issue. There are certainly sites where fees are appropriately charged, developed, recreation sites, campgrounds, special use sites for Park Service and all of those other sorts of developed sites with high costs.

But the question that this amendment raises before this House is whether or not we should charge people to drive their car on a logging road or an old forest service road, active or abandoned or even obsolete, and park by the side of the road and go for a hike in the woods, whether there is a trail there or not.

I think there is a real question of equity, but there is an even greater question of enforcement. The Forest Service is going driving 10 miles, 15 miles, 20 miles outside some of these roads to find that someone has not paid a \$5 fee and giving them a citation.

I had a woman in my district who parked where she had customarily parked just outside of an area being told that was all right. A new ranger came on, and they gave her a citation. She said okay, it is a warning. That is fine, I will leave. And the guy says she will have to pay the fee; she did not.

She went home, 2 days later, two Forest Service law enforcement officials showed up at her house to cite her. They threatened to handcuff her and take her away. This is the citation. This is absurd, what a waste of Federal resources. There are real crimes going on in the Federal lands.

Is this what our law enforcement officers should be doing? Should we be charging people to go out into dispersed areas just to park their car on a logging road? I believe not. In fact, an evaluation that was done by the Department of Interior and the Department of Agriculture at the requests of this body finds substantial problems with this program of enforcing dispersed recreation.

They cite the extraordinary costs, the loss of law enforcement personnel from other activities, the loss of revenue because the funds, if they collect any, in terms of penalties are forfeited and go not back to the agencies and not into this program.

The courts are refusing to hear these cases. The Federal judges and magistrates are saying, we are hauling people into my court for what? For failure to may a \$5 fee to park their car on a gravel road out in the forest? This is absurd.

So I really would suggest that this amendment has great merit, to say that the extraordinary costs and the penalties that are being imposed are not merited for dispersed recreation, this is targeted, would not affect the parks, would not affect developed recreation sites, would not affect campgrounds but would merely say we are not going to charge people \$25, \$30 I guess now for the annual fee, or \$5 a

day, to park their car somewhere in a remote area of the forest, where there are no recreation facilities.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman and I have had a discussion on this, and I think the gentleman has a good point. And what I would like to suggest is that we meet with the Forest Service and try to achieve a solution that is workable that respects the rights of your constituents.

The program is the demonstration program. As my colleagues know, the President has requested that it be made permanent. It would cost the Forest Service something like \$25 million a year, that goes in to trails and signage and a lot of very positive things that are important.

If the gentleman would be willing to withdraw, I will commit to working with him and the Forest Service to try to find a reasonable solution to the problem.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that. I do note that before I would consider that, the gentlewoman from California (Mrs. CAPPS) is particularly concerned. I would like to give her opportunity to speak on the amendment and then we can consider further conversation.

Mrs. CAPPS. Mr. Chairman, I move to strike the last word, and everyone, I beg your indulgence. I know the hour is late. But, again, this year I also come to the floor to discuss the Recreational Fee Demonstration Program in our national forests.

First, I do want to thank the gentleman from Ohio (Chairman REGULA); the ranking member, the gentleman from Washington (Mr. DICKS); and their subcommittee. I deeply appreciate maintaining and preserving our Nation's public lands.

I understand that the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) do not completely agree with my views or those of my constituents on this rec fee. However, I want to commend them for responding to my concerns on this issue.

The Interior Appropriations bill does not extend or make permanent this rec fee demo program, as was earlier rumored. I understand the importance of fully funding our forests and my congressional district hopes that we can work together to do just that without resorting to what we believe to be onerous fees.

Our national parks, national forests, and other public lands are unique treasures that should be enjoyed today and preserved for future generations. We must provide full and adequate funding for the protection of these priceless resources. But I must oppose

the inclusion of the national forests in a rec fee demo program.

I have heard from thousands of my constituents who are opposed to the program which the Los Padres National Forest euphemistically calls the Adventure Pass. These citizens strongly believe, as do I, that these user fees represent double taxation. These are public lands, and we should use public funds to support them.

□ 2320

Many of my constituents have expressed fears of a trend toward the privatization of our national forests. This is simply wrong. We need to keep these forests open for all of our citizens to enjoy, to take a hike in the woods, to enjoy a sunset, and experience the incredible beauty of the natural world.

As public servants, we must remember that the people we serve are not simply customers using our public lands, but are the owners of these lands. We need to find a more equitable way to support our national forests.

Some families in my district say the imposition of the so-called adventure pass has stopped them from going to visit the Los Padres National Forest, and I do not believe that is right, Mr. Chairman.

I urge the subcommittee to reject any attempts to make this program permanent in conference. Any extension of the rec fee demo program or change in its status should be made in regular order.

I want to work with the gentleman from Ohio (Chairman REGULA), the gentleman from Washington (Mr. DICKS), and the leaders of the authorizing committees to review this program and identify alternative ways to provide the necessary funding to maintain our forests. There are many ways we can go about doing this.

Last night, the gentleman from Oregon (Mr. DEFAZIO) offered an amendment which I strongly support which would have ended the rec fee program, while still maintaining full funding for our national forests. Today he is offering another amendment, and I understand the gentleman has agreed to work with him. I also support that effort.

I have introduced bipartisan legislation, the Forest Service Immediate Relief Act, which would terminate the Recreational Fee Demonstration Program at our national forests and offset the lost revenue by eliminating one timber subsidy.

Whatever the means, we must find alternative ways to fund our national forests without unfairly taxing the very people, like those in my district, who simply want to enjoy the beauty of their backyards.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, let me make the same offer. I hope we can work out the problems, because the Forest Service is very happy with it generally and a lot of good things have happened. They used to collect fees and send them to the Treasury. At least now they keep them and the people that pay them get the benefits of it. That is what we are trying to do.

It is a demo program because we are trying to iron out the wrinkles. I know in the case of the gentleman from Oregon (Mr. DEFAZIO), we did have some success where he had multiple forests. That part we have been able to work out. Perhaps we can find some solution to the gentlewoman's problems.

Mrs. CAPPS. Mr. Chairman, reclaiming my time, I look forward to working with the gentleman.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to point out that last year we worked with the gentleman and we were able to get a Northwest Forest Pass enacted so that we could cut down on the duplicity, and I think it has made some progress. But we are glad to work with the gentleman from Oregon again this year and we would hope that we could have a quick vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT NO. 50 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. YOUNG of Alaska:

Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. . Notwithstanding 36 Code of Federal Regulations 223.80 and associated provisions of law, the Forest Service shall implement the North Prince of Wales Island (POW) Collaborative Stewardship Project (CSP) agreement pilot project for negotiated salvage permits.

POINT OF ORDER

Mr. INSLEE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman may state his point of order.

Mr. INSLEE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in part "no amendment to a general appropriation bill shall be in order if changing existing law."

Unfortunately, the amendment of the Chairman, who I have respect for, does

give affirmative direction. In effect it imposes additional duties and it does modify existing powers and duties. I have concerns about the substance of the bill in waiving competitive bidding, but, more importantly I ask the chair to rule on my point of order.

The CHAIRMAN. Does the gentleman from Alaska wish to be heard on the point of order?

Mr. YOUNG of Alaska. Yes, Mr. Chairman, I do. It is very unfortunate that the gentleman, who serves on my committee, raises the point of order. But I would like to suggest one thing. The Forest Service asked me for this amendment. It serves a point where the regulations do not allow the small sales for those that they believe should take place, especially blown down timber. The cost of putting up the sale and going through the competitive process would preclude most of these small operators, especially those in the environmental community that wanted this timber.

For the gentleman who says he is an environmentalist, I wish he had checked with the environmentalists. Apparently he did not. I think it is very unfortunate, but this is something asked for.

I will move a bill through the committee next Tuesday. The gentleman will have a chance to vote no on it, and I will beat him at that time and bring it to the floor under suspension. When that occurs, we will make this the law.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that the amendment explicitly supersedes existing law. The provision therefore constitutes legislation, and the point of order is sustained.

AMENDMENT OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON:

Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, the Forest Service, the United States Fish and Wildlife Service, or the Bureau of Indian Affairs to conduct a prescribed burn on Federal land for which the Federal agency has not implemented those portions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995, issued pursuant to law, regarding notification and cooperation with tribal, State, and local governments.

Mrs. WILSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mrs. WILSON. Mr. Chairman, this is a very simple amendment that requires Federal land management policy to be followed in the notification of State and local government for when they are going to be conducting prescribed burns. All it does is direct these land management agencies to follow the Federal policy that was signed in 1995, and they have not been doing so, and there are a lot of local governments who find out that prescribed burns have been set outside of their towns when members of the community call 911. We need to fix that.

Mr. Chairman, at this point I would like to engage in a colloquy with the chairman of the subcommittee.

As the chairman is aware, in 1995 the Secretaries of Interior and Agriculture adopted an interagency policy on wildland fire management. This policy included specific direction for their agencies to involve and inform communities concerning fire risk and the use of prescribed fire.

Mr. REGULA. Mr. Chairman will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am aware of this policy.

Mrs. WILSON. That policy has not been effectively implemented, as exemplified by the Los Alamos fire. In order to protect communities from wildland fires, it is essential that the agencies collaborate with State and local officials in communities to identify where the areas of high risk are and plan appropriate mitigation. These steps must be taken before agencies use prescribed fire in these high risk areas so that the State and local entities are informed of the risk and prepared to take action if needed.

Does the chairman agree?

Mr. REGULA. Absolutely. Yes, I agree this policy must be implemented and that the agencies have a direct responsibility to keep communities informed and involved.

Mrs. WILSON. I am sure the chairman is also aware that the Forest Service has just completed a comprehensive series of risk maps that rate forest lands nationwide for their risk of wildfire.

Mr. REGULA. Yes, I am aware of this work.

Mrs. WILSON. These maps will greatly assist in efforts to advise local communities of their proximity to high risk fire areas. I would expect, as a result of this amendment, that the agencies would use these maps to fulfill their responsibilities as laid out in the 1995 interagency policy.

Does the chairman agree that this is the purpose of the amendment?

Mr. REGULA. Absolutely, yes, I agree.

Mrs. WILSON. Communities must know if they are in high risk areas, and

the agencies have a direct obligation to let them know. I appreciate the chairman's continued support and understanding on these important issues and I thank the chairman for his time.

□ 2330

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO TO THE AMENDMENT OFFERED BY MRS. WILSON

Mr. UDALL of New Mexico. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of New Mexico to the amendment offered by Mrs. WILSON:

Strike all after "Sec. 501." And in lieu thereof insert the following:

"None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, or the Forest Service to conduct a prescribed burn of Federal land for which the Federal agency has not implemented all provisions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995."

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I have read the amendment proposed by the gentlewoman from New Mexico. Her amendment prohibits the Bureau of Land Management, the National Park Service, and the Forest Service from using these appropriations act funds for prescribed burns on Federal lands without notifying and cooperating with tribal, State and local governments. I believe this is an excellent idea.

In testimony before the Subcommittee on Forests and Forest Health, it was apparent this policy was not being followed, to the great detriment of the counties affected and the State of New Mexico.

I believe that all of the requirements of the prescribed burn policy should be followed, not just the notification requirement. There are many obligations in that policy and they are important, such as compliance with local and Federal air quality regulations governing contingency plans for possible loss of control, a public fire safety hazard analysis, or fire behavior analysis.

Mr. Chairman, in the spirit of cooperation, I would offer this perfecting amendment at this time.

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I have no problem with this perfecting amendment and I accept it.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend both of these Members from New Mexico for their concern. This is a serious problem, and we want to do as much as we can to address it in the bill.

We did put in \$15 million in emergency firefighting money, and recognize that this could be a continuing problem. We are prepared to accept the amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL) to the amendment by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 48 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer amendment No. 48.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. WELDON of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes, 15 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DICKS. Reserving the right to object, Mr. Chairman, What is the agreement again?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would tell the gentleman, the gentleman has promulgated a request for unanimous consent at 30 minutes, 15 on each side. I am not sure if that is acceptable.

Mr. DICKS. Mr. Chairman, we will agree to that, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) will control

15 minutes, and an opponent will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It assures that the integrity of a law that the U.S. Congress passed, the Indian Gaming Regulatory Act, or IGRA, is preserved and that States have the right to ensure that their concerns are fully adjudicated in the courts.

My amendment ensures that the States of Florida and Alabama have the right to have their cases fully adjudicated in the Federal courts before the Secretary of the Interior allows tribes to set up casinos in States that do not allow casino gambling.

Under IGRA, in order for Indian tribes to engage in casino gambling, tribes must have an approved tribal-State compact. However, in April of 1999, the Department of the Interior set forth a process whereby Indian tribes may bypass State governments and appeal to the Secretary of Interior to allow them to set up a casino. This is the subject of a court case.

My amendment simply states, let the case run its full course before the Secretary approves a casino operation in a place like Florida or Alabama, which do not allow casinos. Florida and Alabama have filed suit against the Department arguing that the Department does not have the authority to issue these regulations in the first place. These regulations trample on the rights of States, and what could be worse, deny the States their full day in court.

On three separate occasions the people of Florida have voted against allowing casinos in their State. Now these regulations would establish a way for the tribes to bypass the will of the people of Florida and open casinos.

This is not a bipartisan issue. My amendment is supported by the Republican governor of Florida and the Democrat attorney general. I believe and the State of Florida believes the Department of the Interior has exceeded its authority granted under IGRA by issuing a regulatory remedy on a matter that both Congress and the Supreme Court have stated should be determined by the States.

My amendment would simply ensure that the State of Florida has the right to have its case fully adjudicated prior to the Department publishing procedures which would allow Indian tribes to open casinos in Florida.

What specifically does my amendment do? My amendment says that the Department may not publish procedures prescribed under the April, 1999 regulations. Publications of these procedures would permit the tribes to open casinos. My amendment allows

the Secretary to go right up to that line, but may not cross it unless the courts have ruled in its favor.

Why is this amendment needed? Some correspondence from the Department indicates that the Secretary will not issue these procedures until the case has been decided. I am pleased to have in my possession a letter from the Secretary dated June 14 in which the Secretary says he will not publish those procedures until the courts have decided whether or not he has the right to do that.

I appreciate the Secretary's letter, which I believe is an endorsement of the language in my amendment. They say the same thing. I am nonetheless compelled to offer this amendment, however, because we will have a new administration in 6 months, and we will have most likely a new Secretary of the Interior.

The next Secretary is not bound by Secretary Babbitt's letter. The new Secretary will be bound by the legislation passed by this Congress. That is why the adoption of this amendment is needed. It will ensure that the policy I am advocating and that the Secretary supports will be followed.

I am very appreciative of the Secretary's support, and I certainly support him in this position.

To reiterate, my amendment maintains the status quo of IGRA. It ensures that tribes can still use the current Indian Gaming Regulatory Act process to engage in class 3 gaming. It preserves the right of Congress to pass laws and major policy changes. It continues incentives for tribes and States to pursue legislation to remedy differences over IGRA. It prevents the Secretary from bypassing or short-circuiting States' rights, and it protects States' rights without harming the tribes. It does exactly what the Secretary is calling to be done.

My amendment does not do the following: this amendment does not amend the Indian Gaming Regulatory Act. The Weldon amendment does not affect existing tribal-State compacts. The amendment does not limit the ability of tribes to obtain class 3 gaming as long as valid compacts are entered into by the tribes with the States pursuant to existing law.

I encourage my colleagues to vote in support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 15 minutes.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), and I will control 9 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), who is an expert on these matters.

Mr. KILDEE. Mr. Chairman, I rise in strong opposition to the Weldon amendment.

Mr. Chairman, last year Members of this body defeated this amendment offered by the gentleman from Florida (Mr. WELDON) and the gentleman from Georgia (Mr. BARR) that would have prohibited the Secretary of the Interior from issuing alternative gaming procedures that would help tribes attain gaming compacts when States refuse to negotiate with tribes in good faith.

This amendment would keep the Secretary of Interior from fulfilling a congressionally mandated obligation that requires him to develop alternative class 3 gaming procedures.

Mr. Chairman, on April 12, 1999, the Secretary published a final regulation providing for class 3 gaming procedures that allows the Secretary to mediate differences between States and Indian tribes on Indian gaming activities. The Secretary developed the regulation because of a United States Supreme Court ruling in Seminole Tribe versus Florida, which found that States could avoid compliance with the Indian Gaming Regulatory Act by asserting immunity from suit.

□ 2340

By enacting IGRA, Congress did not intend to give States the ability to forever block the compacting process by asserting immunity from suit. In fact, IGRA enables the Secretary to issue alternative procedures when the States refuse to negotiate in good faith.

The Weldon amendment would prohibit the Secretary from fulfilling his obligation under IGRA on grounds that it bypasses State authority. Nothing could be further from the truth.

The regulation gives great deference to the State's roles under IGRA. Only after the State asserts immunity from suit and refuses to negotiate would the regulation apply.

Mr. Chairman, I think it is particularly important to note that the regulation does not give tribes a right to conduct gaming, but only creates a forum where all interests, State, Federal and tribal, can be determined.

The Secretary's role would be subject to several safeguards, including oversight by the Federal courts.

In April of last year, one day after the regulation was published, the States of Florida and Alabama sued in the Federal District Court in Florida claiming the regulation was beyond the scope of the Secretary's authority under IGRA.

In May 1999, the Secretary wrote to the House and Senate Committee on Appropriations saying that he would refrain from implementing the regula-

tions until the Federal Court resolved the authority question. Just yesterday, the Secretary wrote to the gentleman from Ohio (Mr. REGULA) stating that the Department would defer from publishing the procedures until a final judgment is issued in the Florida case whether by district court or on appeal.

The Secretary's letter should have alleviated the concerns of the gentleman from Florida (Mr. WELDON) since he intended to offer an amendment that would have kept the Secretary from publishing procedures until a final judgment was issued. Despite the Secretary's letter, the gentleman from Florida (Mr. WELDON) chose to offer this amendment which would keep the Secretary from moving forward with publishing gaming procedures during the 2001 fiscal year.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the very distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise in strong opposition to my good friend, the gentleman from Florida (Mr. WELDON). I happen to be one of the last remaining sponsors of IGRA, and believe, in fact, that the bill has worked very well; the act has worked very well.

As we know, the States have to enter into compacts with the tribes that apply for gambling activity within that State. It has worked well in almost all States of the Union and, in fact, has given the American Indian tribes an opportunity to be economically advanced and has done a very good job in doing so.

Unfortunately, some of those States that have existing gambling have gotten involved in denying the tribal entities to have the right to enter into these compacts, in fact stonewalled them. As the Secretary has informed the chairman, that he is not going to issue any more regulatory actions or suggestions until the court makes that decision. So this amendment is unnecessary.

I believe, in fact, it impugns upon the sovereignty of the American Indians, which we granted them. I, for one, as an author of the original bill with Mr. Mo Udall, do take homage to the fact that we are trying to undo that act and unfortunately I understand the gentleman's desires but I think it does a disservice to the American Indians and to the act itself.

Now I will say that I am willing to go through the court process. I hope it does go through the process, and I think we will be found in favor of IGRA and the results will be the continuation where the Secretary can, in fact, force a State to do it, if they do not negotiate in good faith.

So I do rise in strong opposition to this amendment, suggesting it is unnecessary and unwarranted at this time.

Mr. WELDON of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. WELDON) for yielding me this time.

Mr. Chairman, I rise in strong support of the Weldon amendment. This common sense measure would instruct the Secretary of Interior not to publish any new onerous gaming regulations until our Federal courts have finished adjudicating cases presently pending. It is simply ludicrous to waste time and taxpayers' money on intrusive new regulations until we know the outcome of these cases. To myself and others concerned with States' rights, this premature rush to regulate is deeply troubling. I believe profoundly in the capacity of our Federal Government to do good, but it is imperative that we resist the pressure of over zealous Federal bureaucrats intent on regulating States' rights.

Additionally, at a time when we seek to maximize the efficiency and cost effectiveness of our Federal Government, why in the world do we allow the wasteful spending of taxpayers' dollars? Why would we encourage work that may ultimately be rendered moot or duplicative?

Mr. Chairman, let us leave the Federal Government out of it. States and Indian tribal governments can resolve gambling issues within State borders. They certainly do not need the help of any cabinet secretary and they should not be forced to take it.

I encourage my colleagues, please support the Weldon amendment. It is the right thing to do for States, for taxpayers, for common sense.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida (Mr. WELDON). It would undermine our responsibility as Members of Congress, our trust responsibility to the first Americans of this Nation.

For many tribes, the resources that are provided by tribal gaming are their lifeblood. It has allowed them to begin to rebuild their homes, giving their children a quality education, treating their elders with adequate health care. Yet this Congress continues to shirk the responsibility towards Native Americans, turning a deaf ear to their pleas. It is a travesty that has resulted in the crumbling of overcrowded schools that no Member in this Congress would dare send their own children to. It has resulted in deteriorating

unsafe homes that no one in this Chamber would allow their families to live in, and it has resulted in abysmal health care that would shock and outrage every single Member of this House if it was one of them or one of their constituents.

The thing that has allowed these tribal governments to provide for the things that this Congress has failed to do is tribal gaming. Two hundred years of Indian law jurisprudence have told us that this Congress and every single Member of this House has a responsibility to our first Americans, our Native Americans. This amendment is not so much about tribal gaming as it is about the trust responsibility that each of us has been sworn to uphold when we swore by the Constitution of the United States to uphold our responsibility, our trust responsibility, to our first Americans.

Mr. Chairman, I encourage all my colleagues to vote against this amendment, just as we did last year, and stand up for the first Americans of this country of ours.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to my distinguished colleague and friend, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise as part of this bipartisan opposition to the amendment offered by my friend, the gentleman from Florida (Mr. WELDON).

Mr. Chairman, here we go again. It would be especially appropriate to remember the words written in this document, in article I, section 8, where the Constitution states as follows, "the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes."

Mr. Chairman, that articulation, that enumeration, gives tribes sovereignty and sovereign immunity.

What is disturbing to hear from my good friend from Nevada earlier is the notion that somehow we should short-circuit or circumvent the process that involves the Federal Government, quite rightly, not only a body of subsequent case law but also in what this Congress has passed through the Indian Gaming Regulatory Act. And when it comes to Class III gaming IGRA was never intended to give the States absolute authority in this.

My friend from Florida admits it is before the courts right now. The process is working. I need not lecture my friends in elementary civics. We understand the separation of powers. Tonight we can reaffirm that separation, the sanctity of the judicial process and the promise already given by the appropriate authority vis-a-vis IGRA when we reject the Weldon amendment.

□ 2350

Stand for sovereignty. Stand for economic opportunity. Stand for the sepa-

ration of powers to let the courts do their work and work their will. Reject the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of his amendment.

As my friend from Arizona just pointed out, this is a bipartisan debate with some serious questions. There are some real questions about how the voters of the State fit into this process. There are real questions about how State governments fit into that process. There are real questions that really go beyond this amendment. But the amendment is narrow. It is not complex.

Our friend from Florida just gave a long list of what the amendment does not do, and we should not get confused about what the amendment does not do. We should only talk about what the amendment does do. And before I go there, I might say, of course, the amendment does not prohibit the Secretary from doing anything in these two States if the Federal Government, if the Department wins its case.

Both the gentleman from Alaska (Chairman YOUNG) and the gentleman from Michigan (Mr. KILDEE) have pointed to a letter that the Secretary sent yesterday that said he did not intend to do anything until the case was over.

Well, if the amendment is not needed because the goal has already been agreed to, at least by this Secretary and at least for the next 6 months, if the amendment is not needed, surely it does no harm. If the amendment serves no purpose because the goal of the amendment has already been achieved, surely it does no harm to let the authorities in Florida and Alabama know that their cases will proceed.

And it also sends a message to the Department of the Interior if this case is not over at the time this Secretary happens to leave, that his desire in this case would continue to be what would determine what the Department can do, that these two States would be allowed to have their day in court, that these serious issues would be fully adjudicated, and that this would be determined before we moved further.

The Secretary says that the Department will defer from publishing the procedures in the Federal Register. We have this letter that does say that, and I think it probably is only binding for the Department during the tenure of this Secretary; but again, if it is not necessary, it is certainly not harmful. It would give these States the assurance they need. There are many questions in this area that go well beyond this amendment. But this amendment deals with an important question.

I urge my colleagues to adopt this amendment today.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I appreciate my colleague from South Florida yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. The proposed gaming regulations will not force communities to accept casino-style gambling, as some of my colleagues assert.

Instead, the regulations will protect States' rights while affirming those rights which Congress clarified more than 11 years ago in the Indian Gaming Regulatory Act.

Mr. Chairman, the proposed gaming regulations will help resolve longstanding constitution disputes over Indian gaming and will only complicate the process. I urge its defeat.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in opposition to the Weldon amendment.

To those who say that it upholds the Indian Gaming Regulatory Act, I urge them to read the act. The act does not give States the ability to unilaterally deny tribes access to class 3 gaming by refusing to negotiate.

In fact, it requires States to negotiate with tribes for class 3 gaming that is otherwise available in the State. If the State fails to do so, the act provides a mechanism through the Secretary of the Interior for the tribe to have access to the kind of games that others in the State enjoy.

This matter arose in the district that I am privileged to serve, and yet the State of Florida has refused to negotiate with Florida tribes compacts for class 3 gaming. And it has done so with impunity.

It is time to give Florida tribes and those in other States a way to enforce the rights Congress affirmed more than 11 years ago in enacting the Indian Gaming Regulatory Act.

When the State of Florida asserted its sovereign immunity to a lawsuit that could have triggered secretarial procedures under the IGRA, it upset the balance Congress deliberately struck between the tribes' rights and the States' rights in the negotiating process. It also calls the constitutionality of the act to come into serious question.

I would remind my colleagues that if the IGRA is rendered unconstitutional, we go back to the Cabazon standard. If that happens, States will have absolutely no role in determining what kind of games tribes can have.

Mr. DICKS. Mr. Chairman, I yield such time as she may consume to the

gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Chairman, I am in opposition to the Weldon amendment.

Mr. Chairman, I rise to speak in opposition to the Weldon amendment, which would have a devastating impact on many Indian tribes throughout our nation.

The Weldon amendment would prohibit the Department of the Interior from implementing important regulations for mediating differences between states and Indian tribes on Indian gaming activities.

The Indian Gaming Regulatory Act requires Indian tribes to negotiate compacts with state governments for the operation of certain types of gaming facilities. In the event that states and tribes are unable to negotiate a compact, the Act gives the Department of the Interior the authority to mediate between the states and the tribes. The Department of the Interior's regulations are essential to ensure that tribes can operate gaming facilities when states refuse to negotiate compacts in good faith.

The supporters of this amendment claim that the Department of the Interior's regulations would "bypass" state authority. Nothing could be further from the truth. The regulations come into play only after a state has refused to negotiate a compact with a tribe. Furthermore, during the mediation process, the state has several opportunities to join the process and participate as a full party to the negotiations.

This amendment would encourage states to ignore their obligation to negotiate with tribes that seek to operate gaming facilities. It would permit states to refuse to negotiate gaming compacts and thereby prevent tribes from operating gaming even when other citizens and businesses in the state are permitted to do so. This unfairly discriminates against Indian tribes.

Gaming is to Indian tribes what lotteries are to state governments. Indian gaming revenues are used to fund essential government services including health care, education, law enforcement, tribal courts, economic development and infrastructure improvement. These revenues serve to promote the general welfare of the tribes and their members. Through gaming, tribal governments have been able to bring hope and opportunity to some of the country's most impoverished people.

I urge my colleagues to defeat this amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Florida (Mr. HASTINGS) has this exactly right. The Indians had this right to unilaterally engage in gaming as a result of the Cabazon tribe. This Congress came and stepped in and created a process which would involve the States to try to develop compacts for class 3 gaming and, therefore, restricted the rights of the Indian tribes.

What we have now seen is that in those States and in my own State for several years where the Indians have had that right, they have worked on that right, the States have simply refused to negotiate in good faith with those tribes.

We recognize that the States have sovereignty, and that is exactly what IGRA was designed to do, as the gentleman from Arizona said. It was designed to create a basis in which we could deal with the impasse between those tribes. That is what was attempted in this case. The States sued. We developed a sovereignty. And that is the point in which the Secretary is supposed to do it.

The States have now come along and sued as to whether or not the Secretary has any authority to do this. And this is again tampering restriction with the rights of the tribes under IGRA and under the basic rights in the Cabazon case.

I would urge that we oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) to give us some perspective on the importance of this issue.

Mr. FRANK of Massachusetts. Mr. Chairman, I could have sworn about an hour ago Members were knocking each other down in a race to the microphone to talk about how much they love the Indians. And now we have a bill, which is, as we know, despite the technicalities, aimed at retarding the Indians' ability to have gambling.

People watching C-SPAN could be forgiven if they thought they had turned to the American Movie Classics and were watching one of those bad old movies where the Indians win in the first reel and then they get ambushed by all the white guys in the second reel. We are into the second reel of a bad movie here.

Whatever happened to all this pro-Indian stuff? And it is not only a bad movie, it is a bad movie if this amendment passes with a surprise ending. Because we have a concern for Indian health which some people want to beat by giving them more Federal money.

We are saying, let us help Indian health by letting the Indians get into business and support themselves and make some money. And I think gambling has probably done more to help Indian health than the underfunded health service. So let us not have a surprise ending where the Republican House says, hey, enough of this self-sufficiency, enough of this making money on your own, let us give you a little more Federal funding.

Mr. WELDON of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to make it very, very clear that this Member supports the States having a say in this. And to imply that anybody in this

Chamber is anti-Native American I think is to me inaccurate, to say the least.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

□ 0000

Mr. SHADEGG. I thank the gentleman for yielding time.

Mr. Chairman, I suppose I should begin by pointing out that some of us believe that Indian economic development is in fact very important, but we are concerned that Indian gambling is not the best form of Indian economic development. I personally feel we ought to be doing a great deal more toward Indian economic development, and I have introduced three different pieces of legislation to do that. But I think causing the Indian reservations to be solely dependent on gambling is not necessarily prudent economic development for the Indian people nor do I believe the only thing we should be doing to assist them in economic development is to promote gambling.

I want to raise a technical point. The gentleman from Michigan (Mr. KILDEE) some time ago rose and said that in writing IGRA, this Congress clearly contemplated this situation and that in writing IGRA, this Congress specifically wrote that we would in fact allow the United States Secretary of Interior and the administration to authorize Class III gaming if a State chose not to negotiate with the tribe.

That may well be true although I think it is not in fact true, but I want to make the point that in enacting IGRA, this Congress acted unconstitutionally and indeed in this very case, in *Seminole Tribe v. Florida*, the United States Supreme Court ruled specifically that way, because in enacting IGRA, this Congress, in its attempt to advance gaming, waived the States' rights to assert their 11th amendment immunity. Under the 11th amendment to the United States constitution, States are immune from being sued. They may not be sued under the U.S. Constitution.

Notwithstanding that, the Constitution says that, this Congress tried to waive the immunity. The United States Supreme Court has already said that our attempt to do so was unconstitutional. If they said that was unconstitutional, then why would we have at the same time, having said that we waived the State's right and allowed them to be sued, we are going to create a separate procedure?

The reality is the litigation that the gentleman from Florida (Mr. WELDON) is referring to would not be going forward if the gentleman from Michigan (Mr. KILDEE) were correct. The reality is that this issue is in dispute and that the gentleman from Florida's amendment simply preserves the status quo.

I urge my colleagues to support the Weldon amendment.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 3 minutes remaining. The gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining and the right to close.

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

I want to explain to my colleagues here how I got into this issue. As most of them know, it is not common for me to come to the floor at midnight with what seems to be an obscure issue. I have a little town in my district, Kissimmee, Florida. It is right outside of Disney World. One of the tribes is looking at putting a casino there.

Now, it has been said by one of my colleagues from Florida that the State of Florida has not been negotiating in good faith with the tribe. The fact is we have had three Statewide ballot referendums in the State of Florida, and this issue has gone down in smoke three times. We all say the will of the people should be sovereign. The height of this building is the highest in the city because the founders believed the power of the people was supreme. The people of the State of Florida have spoken very, very clearly.

Now, we all talk about special interests and how we do not like special interests. As far as I am concerned, if a group of people who are interested, be they, I agree, an unfortunate and discriminated against group like the Indians somehow nonetheless want to go around the will of the people of the State of Florida and put Class III gaming in a very, very family friendly environment, I do not think that is right.

Now, if the gentleman from Michigan's comments that IGRA somehow provided for this regulatory remedy were correct, then there would be no case in court. The judge would have thrown the case out. He would have said the Secretary can proceed with this. But no, this case is being disputed because IGRA, I believe, is not sufficiently clear. My interpretation of IGRA is that the Secretary cannot do this.

All I am asking is that we as a Congress say, let this case work its way toward the courts. Let us not have a Secretary of the Interior issuing a procedure that would allow the Secretary to go around the law as intended in IGRA and let the will of the people of the State of Florida prevail. Might I also add that our previous Democratic governor, Lawton Chiles, a man whom I respect, took the same position that I am taking here today. So this is not a Democrat versus Republican issue. I believe this is an issue of letting the court work its will. This is an issue of letting the will of the Congress speak.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Arizona is recognized for 2 minutes.

Mr. KOLBE. Mr. Chairman, I think the bipartisan nature of this debate has been shown just by the speakers from my State of Arizona with three of us in the same party on opposite sides of this issue. There is clearly a lot of debate about this and fair debate, I think. I think we have heard some good discussion here tonight.

I think the gentleman from Michigan (Mr. KILDEE) laid out the very technical and kind of legalistic arguments about this. I want to answer a couple of the things that were said here tonight, but I also want to say very clearly that the effect of this legislation is to say to the Indian tribes, "There will be no gaming until this issue is settled, no gaming whatever, you won't proceed anywhere in the country."

I am going to come back to that in a second. I think it is important to understand that while many of us may have concerns about the way some of the Indian gaming has proceeded, we need to also understand that it has brought about some wonderful economic development and wonderful improvements in the lives of people on Indian reservations.

I have one small tribe in my community that has used the money that they have had from Indian gaming to improve the lives of their citizens, to improve the health care of children, the education of children. They have used some of the money to jump start economic development by allowing for the creation of a high-tech company, to fund a high-tech company to move onto the reservation to provide very skilled kinds of jobs on the Indian reservation. This is a company that would not have been able to get financing, venture capital financing if it had not been for the Indian gaming money that that tribe had. It has made a difference. It is making a difference for that tribe.

Now, there were a couple of things that have been said here I think that need to be corrected. My friend from Missouri spoke about the fact that this is a narrow and not a broad piece of legislation. He also said if the Secretary has said he will not issue the regulations, why worry about it, then? Why not just go ahead?

The answer is very clear to that, Mr. Chairman. The reason is because this legislation would preclude even States where the tribe and the governor want to go ahead, where there is no question, they would not be able to move ahead.

In answer to the last question of my friend from Arizona who spoke about the fact that the courts struck this down, they did not strike down the right of the Secretary to promulgate regulations.

Mr. Chairman, we should defeat this amendment. We should allow the process to move forward. I urge a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 205, not voting 62, as follows:

[Roll No. 289]

AYES—167

Aderholt	Goodlatte	Portman
Andrews	Goodling	Price (NC)
Archer	Goss	Quinn
Armey	Graham	Rahall
Bachus	Green (WI)	Reynolds
Ballenger	Gutknecht	Riley
Barr	Hall (TX)	Roemer
Bartlett	Hansen	Rogers
Bass	Hastings (WA)	Rothman
Bateman	Hayes	Roukema
Bereuter	Hefley	Ryan (WI)
Berkley	Herger	Ryun (KS)
Biggert	Hill (MT)	Salmon
Bilirakis	Hobson	Sanford
Blunt	Hoekstra	Saxton
Bonilla	Hostettler	Scarborough
Boswell	Hulshof	Schaffer
Brady (TX)	Hunter	Sessions
Bryant	Hutchinson	Shadegg
Burr	Hyde	Shaw
Burton	Isakson	Shays
Buyer	Istook	Shimkus
Canady	Jenkins	Sisisky
Cannon	Johnson (CT)	Smith (MI)
Castle	Johnson, Sam	Smith (NJ)
Chabot	Jones (NC)	Smith (TX)
Chambliss	Kasich	Souder
Chenoweth-Hage	Kelly	Spence
Coble	Kingston	Spratt
Collins	LaHood	Stearns
Combest	Largent	Stenholm
Cook	Lewis (KY)	Stump
Cox	LoBiondo	Sununu
Cramer	Lucas (KY)	Talent
Crane	Lucas (OK)	Tancredo
Cubin	Manzullo	Taylor (NC)
DeLay	McHugh	Terry
DeMint	McInnis	Thomas
Dickey	McIntosh	Thornberry
Doolittle	McKeon	Thune
Duncan	Mica	Tiahrt
Dunn	Miller (FL)	Traficant
Edwards	Moran (KS)	Upton
Ehlers	Myrick	Vitter
Emerson	Northup	Walsh
Everett	Norwood	Wamp
Fletcher	Obey	Watkins
Fossella	Ose	Watts (OK)
Fowler	Packard	Weldon (FL)
Franks (NJ)	Pease	Wexler
Frelinghuysen	Peterson (PA)	Weygand
Ganske	Petri	Whitfield
Gibbons	Pickering	Wicker
Gilchrest	Pitts	Wolf
Gillmor	Pombo	Young (FL)
Goode	Porter	

NOES—205

Abercrombie	Boehner	Coyne
Ackerman	Bonior	Crowley
Allen	Bono	Cummings
Baca	Borski	Cunningham
Baird	Boyd	Davis (FL)
Baker	Brady (PA)	Davis (IL)
Baldacci	Brown (FL)	Davis (VA)
Baldwin	Brown (OH)	DeFazio
Barcia	Callahan	DeGette
Barrett (NE)	Calvert	Delahunt
Barrett (WI)	Camp	DeLauro
Bentsen	Capps	Deutsch
Berman	Cardin	Diaz-Balart
Berry	Carson	Dicks
Bilbray	Clement	Dingell
Blagojevich	Condit	Dixon
Boehler	Conyers	Doggett

Dooley	Latham	Reyes
Doyle	LaTourette	Rivers
Dreier	Leach	Rodriguez
Ehrlich	Lee	Rogan
English	Levin	Rohrabacher
Eshoo	Lewis (CA)	Roybal-Allard
Evans	Lewis (GA)	Royce
Farr	Lipinski	Rush
Fattah	Lowey	Sabo
Foley	Luther	Sanchez
Forbes	Maloney (CT)	Sanders
Ford	Maloney (NY)	Sandlin
Frank (MA)	Markey	Sawyer
Frost	Mascara	Schakowsky
Gallegly	Matsui	Scott
Gejdenson	McCarthy (MO)	Sherman
Gekas	McCarthy (NY)	Sherwood
Gephardt	McCrery	Simpson
Gilman	McGovern	Skeen
Gonzalez	McKinney	Slaughter
Gordon	McNulty	Smith (WA)
Granger	Meehan	Snyder
Gutierrez	Menendez	Stabenow
Hastings (FL)	Metcalfe	Stark
Hayworth	Miller, George	Strickland
Hill (IN)	Minge	Stupak
Hilleary	Mink	Sweeney
Hinchee	Moakley	Tanner
Hoeffel	Mollohan	Tauscher
Holden	Moran (VA)	Tauzin
Holt	Morella	Taylor (MS)
Horn	Murtha	Thompson (CA)
Houghton	Napolitano	Thurman
Hoyer	Nethercutt	Tierney
Inslee	Ney	Turner
Jackson (IL)	Nussle	Udall (CO)
John	Oberstar	Udall (NM)
Kanjorski	Olver	Visclosky
Kaptur	Ortiz	Walden
Kennedy	Pallone	Waters
Kildee	Pascarell	Waxman
Kilpatrick	Pastor	Weiner
Kind (WI)	Paul	Weldon (PA)
King (NY)	Pelosi	Weller
Kleccka	Peterson (MN)	Wilson
Knollenberg	Phelps	Wise
Kolbe	Pickett	Woolsey
Kucinich	Pomeroy	Wu
Kuykendall	Pryce (OH)	Wynn
Lampson	Radanovich	Young (AK)
Lantos	Ramstad	
Larson	Regula	

NOT VOTING—62

Barton	Hall (OH)	Miller, Gary
Becerra	Hilliard	Moore
Bishop	Hinojosa	Nadler
Bliley	Hoolley	Neal
Blumenauer	Jackson-Lee	Owens
Boucher	(TX)	Oxley
Campbell	Jefferson	Payne
Capuano	Johnson, E. B.	Rangel
Clay	Jones (OH)	Ros-Lehtinen
Clayton	Klink	Sensenbrenner
Clyburn	LaFalce	Serrano
Coburn	Lazio	Shows
Cooksey	Linder	Shuster
Costello	Lofgren	Skelton
Danner	Martinez	Thompson (MS)
Deal	McCollum	Toomey
Engel	McDermott	Towns
Etheridge	McIntyre	Velazquez
Ewing	Meek (FL)	Vento
Filner	Meeks (NY)	Watt (NC)
Green (TX)	Millender	
Greenwood	McDonald	

□ 0028

Ms. PRYCE of Ohio, Mrs. THURMAN, and Mr. SWEENEY changed their vote from "aye" to "no."

Mr. SALMON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we vote, I simply want to rise to remind people why so many of us will vote against this bill on final passage.

The bill is \$1.7 billion below the President's request, and \$302 million below fiscal 2000. That applause says an awful lot about those folks and their values.

Mr. Chairman, it is \$485 million below the request for Indian affairs. It will cause major reductions in personnel for both Indian schools, hospitals, and clinics. Are the Members not clapping now? Why do they not clap at that, too?

Mr. Chairman, this bill cuts land acquisition \$736 million below the level which this House voted just a month ago and sent out their press releases about.

It includes anti-environmental riders on the Columbia Basin plan deleted earlier by the Dicks amendment, it fails to include increases for the arts approved earlier today in the Slaughter amendment, and even if it did, even if it did, \$22 million worth of good news cannot overcome \$2 billion of ignored responsibilities.

For the Forest Service, it is \$96 million below last year; it is \$100 million below last year for maintenance for parks or refuges or forests.

I have to say, I know the gentleman from Ohio. I know if he had his druthers, this bill would not look like this. But the problem is that the way this House is operating under the instructions that it is operating, good people have to bring bad legislation to this floor. We have the responsibility when that happens to vote against it until it becomes good legislation, and that is what we intend to do tonight.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill. I would just restate to my colleagues, this is a fiscally responsible appropriations bill. I would hope we could get to the vote and pass the bill.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2001".

Mr. POMEROY. Mr. Chairman, I rise tonight in opposition to H.R. 4578, the fiscal year (FY) 2001 Interior Appropriations bill. I believe this legislation falls short in protecting our natural resources and meeting the health care and education needs in Indian Country.

This legislation, which funds \$14.6 billion for our nation's natural resources, national parks, and programs for Native Americans, is 10 percent less than President Clinton's FY 2001 Budget request. Specifically, this legislation provides \$340 million less than the Administration's request for our National Park Service system. With our national parks already facing serious budget cuts and much needed infrastructure repairs, I believe it is wrong for us to shortcut this important component of our nation's aesthetic beauty.

I also believe that improving the living conditions of Native Americans must be one of our top priorities. Unfortunately, the bill before us

contains a significant shortfall in funding to meet the critical health care and school construction needs in Indian Country. The bill today is \$186 million below the President's request for the Indian Health Service and \$180 million below the President's request for school construction. With populations of Native Americans growing, and a general movement back to the reservation, Tribal governments are feeling growing pressure to meet the basic needs of their people, and are trying to stretch too few resources too far. In order to meet the current health care needs of tribes an IHS budget of \$8 billion is needed. Further, over the decades, the BIA school system have been the victim of neglect, and the price is now steep to make these schools safe and adequately equipped for today's students. Of the 185 BIA schools, most are in need of either major repairs or new construction at an estimated cost of over \$2.4 billion. Unfortunately, the bill fails to address either of these critical needs in Indian Country and we simply cannot continue down this path any longer.

Mr. Chairman, in these times of a booming economy, I believe we can do better by providing more funding for our nation's national resources and meeting the needs of Indian Country. I urge my colleagues to vote "no" on this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, on May 17, 2000 the Field Museum of Chicago unveiled the largest and most complete T-Rex skeleton ever found, Sue. Sue as she is named was found by the renowned fossil hunter Sue Henderson, who discovered the 67 million year old Tyrannosaurus Rex in 1990, where it lay buried within Cheyenne River Sioux backlands in the Black Hills of South Dakota. The Field Museum purchased Sue for \$8.1 million at auction with assistance from McDonald's Corporation, Walt Disney World Resort, the University of California System and other private donors.

Sue is an unprecedented scientific find that opened in Chicago on May 17th. It has rested in Union Station here in Washington, D.C. and is scheduled for a nationwide tour which includes Boston, Honolulu, St. Paul, Columbus, Los Angeles, Toledo, Louisville, Dallas, Seattle, Milwaukee, and other cities during the next three years. Sponsored by McDonald's Corporation as its millennium gift to the nation, the traveling exhibition will ensure that the entire nation has the opportunity to experience and to learn from this fossil.

With the fourth most important fossil collection in the world, the Field Museum is seeking federal funds to help construct a new Hall of Paleontology and Earth Science in which to install Sue and to support related exhibits, research and educational programming. The Illinois Delegation has joined in signing a letter urging support for federal funds for Sue.

Mr. HUTCHINSON. Mr. Chairman, I rise to offer my enthusiastic support for the Federal-State Partnership of the National Endowment for the Humanities. The Federal-State Partnership is a collaborative endeavor of the NEH and fifty-six state humanities councils. Its mission is to ensure that all of the nation's citizens, wherever they may live, benefit from locally designed humanities programs that are crafted with the concerns and needs of each state's citizens in mind. This partnership channels federal funds directly to the states so they

can grant money to local areas where they will have the greatest benefits.

The results that I have seen are quite impressive. The federal funds that go to the Arkansas Humanities Council are channeled to all parts of our state, impacting both large and small communities. A grant given to Deer, Arkansas illustrates this very well. Deer is a very small rural town in the hills of Newton County that received money for a program to purchase books that encourages parents and students to read together. They will also have a week-long event that celebrates the area's cultural heritage.

Mr. Chairman, I commend the chairman of the Interior Appropriations subcommittee for sustaining the funding for the Federal-State Partnership. It is my hope that in the future we can increase our commitment to programs like the Federal-State Partnership which direct funds to successful programs, like the Arkansas Humanities Council, at the state level to support community based programs and services.

Mr. LANTOS. Mr. Chairman, I rise in opposition to H.R. 4578, the FY 2001 Interior Appropriations Bill. This bill is seriously flawed. It shortchanges critically needed natural resource conservation programs and contains a number of anti-environmental legislative riders that will undermine our nation's land management and environmental protection programs.

H.R. 4578 cuts more than \$300 million from current levels in important programs which protect endangered species and preserve and maintain our national wildlife refuges, national forests, and national parks. The bill also attacks the protection of national monuments and prevents the establishment of new national wildlife refuges.

As the stewards of America's lands and environment, Congress must fulfill its obligation to future generations and ensure that our parks, wildlife refuges, forests and range lands are protected, preserved and maintained. This legislation does not do this. It does not adequately provide for the maintenance of our federal lands and historic treasures, and it cuts funding for new federal land acquisition of important natural resource lands threatened by development.

I am particularly concerned about the anti-environmental riders which have been attached to this bill. The riders affect the full range of environmental issues—from protecting our public lands to undermining our clean water laws to exposing our children to toxic chemicals. Mr. Speaker, we must oppose these backdoor riders which weaken our environmental laws which are critically important to our children and communities. We must not allow the narrow interest of those who seek special exemptions, subsidies or funding limitations to erode the quality of our public lands and our quality of life.

Mr. Chairman, this legislation also funds for our nation's critically important arts and humanities education programs to historically low levels. H.R. 4578 would fund the National Endowment for the Arts (NEA) at a level 40 percent below 1995 levels and the National Endowment for the Humanities (NEH) at a level 33 percent below 1995 levels.

In summary, Mr. Speaker, H.R. 4578 funds our critically needed natural resource con-

servation programs at insufficiently low levels. It contains legislative riders that will undermine our nation's land management and environmental protection programs. I strongly urge a NO vote against final passage of the bill.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 524, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKS. In its present, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKS moves to recommit the bill H.R. 4578 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 66, line 21, after the amount insert "(increased by \$22,000,000)".

On page 85, line 7, strike "\$98,000,000" and insert "\$113,000,000".

On page 85, line 21, strike "\$100,604,000" and insert "\$105,604,000".

On page 86, line 19, strike "\$24,307,000" and insert "\$26,307,000".

Mr. DICKS. Mr. Speaker, I will be very brief. I was proud to be a cosponsor of this amendment.

What this would do would be to take the Slaughter amendment, \$15 million for the National Endowment for the Arts, \$5 million for the National Endowment for the Humanities, and \$2 million for museum services.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, since the Arts Caucus could not present its amendment this

evening, we will give Members one chance this evening to vote for or against art and humanities. This is the very same proposal that passed today. It is a vote on art. It passed today by 207 to 204 with bipartisan support. If Members supported it today, they should support it this morning.

Mr. Speaker, these funds do not support a \$9 billion industry, as stated earlier this evening, but exist to bring beauty, truth, history, and hope to those who might have no other exposure to them. This includes the NEA programs that are presently on Indian reservations.

It is also money in the bank. The \$98 million spent last year will bring back to the Federal Treasury \$4 billion to \$5 billion this year. An investment with a return like that deserves to be increased.

I urge a yes vote on the motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. REGULA) opposed to the motion to recommit?

Mr. REGULA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Speaker, let us get on with the vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 188, not voting 63, as follows:

[Roll No. 290]

AYES—184

Abercrombie	Clement	Frank (MA)
Ackerman	Conyers	Franks (NJ)
Allen	Coyne	Frelinghuysen
Andrews	Cramer	Frost
Baca	Crowley	Gejdenson
Baird	Cummings	Gephardt
Baldacci	Davis (FL)	Gilman
Baldwin	Davis (IL)	Gonzalez
Barcia	DeFazio	Gordon
Barrett (WI)	DeGette	Gutierrez
Bass	Delahunt	Hall (TX)
Bentsen	DeLauro	Hastings (FL)
Berkley	Deutsch	Hill (IN)
Berman	Dicks	Hinchev
Bilbray	Dingell	Hoeffel
Blagojevich	Dixon	Holden
Boehert	Doggett	Holt
Bonior	Dooley	Horn
Borski	Doyle	Hoyer
Boswell	Edwards	Inslee
Boyd	Ehlers	Jackson (IL)
Brady (PA)	Eshoo	John
Brown (FL)	Etheridge	Johnson (CT)
Brown (OH)	Evans	Kanjorski
Capps	Farr	Kaptur
Cardin	Fattah	Kelly
Carson	Forbes	Kennedy
Castle	Ford	Kildee

Kilpatrick
Kind (WI)
Klecza
Kolbe
Kucinich
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McNulty
Meehan
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moore

Moran (VA)
Morella
Murtha
Napolitano
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky

Scott
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

Wamp
Watkins
Weldon (FL)
Weldon (PA)

Ballenger
Barton
Becerra
Bishop
Bliley
Blumenauer
Boucher
Campbell
Capuano
Clay
Clayton
Clyburn
Cooksey
Costello
Danner
Deal
Engel
Ewing
Filner
Ganske
Green (TX)
Greenwood

Weller
Whitfield
Wicker
Wilson

Hall (OH)
Hilliard
Hinojosa
Hooley
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
LaHood
Lazio
Linder
Lofgren
Martinez
McCollum
McDermott
McIntyre
McKinney
Meek (FL)
Meeks (NY)

Wolf
Young (AK)
Young (FL)

Millender-
McDonald
Miller, Gary
Nadler
Neal
Owens
Oxley
Payne
Rangel
Sensenbrenner
Serrano
Shows
Shuster
Skelton
Thompson (MS)
Toomey
Towns
Velazquez
Vento
Watt (NC)
Watts (OK)

Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough

Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thornberry
Thune
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—63

NAYS—172

□ 1253

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 172, not voting 59, as follows:

[Roll No. 291]

YEAS—204

NOES—188
Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas

Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood

Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Vitter
Walden
Walsh

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Burr
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle

Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gillman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hastert
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook

Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Packard
Pease
Peterson (PA)
Petri
Pickering

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chenoweth-Hage
Clement
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson

Gephardt
Gibbons
Gonzalez
Gordon
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hinchey
Hoeffel
Holt
Hostettler
Hoyer
Inslee
Jackson (IL)
John
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klecza
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Menendez
Metcalf
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Napolitano
Obey
Oliver
Ortiz

Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tiahrt
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—59

Barton
Becerra
Bishop
Bliley
Blumenauer
Boucher
Campbell
Capuano
Clay
Clayton
Clyburn

Cooksey
Costello
Danner
Danner
Deal
Engel
Ewing
Filner
Green (TX)
Greenwood
Gutierrez
Hall (OH)

Hilliard
Hinojosa
Hooley
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
Lazio

Linder	Miller, Gary	Shuster
Lofgren	Nadler	Skelton
Martinez	Neal	Thompson (MS)
McCollum	Owens	Toomey
McDermott	Oxley	Towns
McIntyre	Payne	Velazquez
Meek (FL)	Rangel	Vento
Meeks (NY)	Sensenbrenner	Watt (NC)
Millender-	Serrano	
McDonald	Shows	

□ 0109

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the distinguished gentleman from Texas (Mr. ARMEY), for the purpose of inquiring about the schedule.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, June 19, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, no recorded votes are expected before 6 p.m. We will also consider H.R. 4635, VA-HUD appropriations for fiscal year 2001 on Monday under an open rule. Members should expect to work until about 9 p.m. on VA-HUD Monday evening.

On Tuesday, June 20 and the balance of the week, the House will consider the following measures:

H.R. 4601, the Debt Reduction and Reconciliation Act of 2000;

H.R. 4201, the Noncommercial Broadcasting Freedom of Expression Act of 2000;

H.J. Res. 90, withdrawing the approval of the United States from the agreement established in the World Trade Organization;

H.R. 4516, Legislative Branch appropriations for fiscal year 2001;

H.R. 4461, Agricultural Appropriations Act for fiscal year 2001;

Departments of Commerce, Justice, State and Judiciary Appropriations Act for fiscal year 2001.

Mr. Speaker, we have just completed a very productive week in the House. I want to thank my colleagues for all their hard work. Obviously, next week we have laid out another very ambitious schedule for the House; and so I would caution my colleagues to be prepared to work late nights Monday through Thursday.

Mr. Speaker, I wish all my colleagues a good weekend back in their districts and a happy Father's Day.

Mr. HOYER. I thank the gentleman from Texas (Mr. ARMEY) for the infor-

mation. I note that the prescription drug bill is not on the calendar for next week, Mr. Leader; but I am wondering, notwithstanding that, can the gentleman confirm for us the discussions we have had that, because this is a matter of such importance to the American people, that when the bill does come up, that the minority will at a minimum have the opportunity to offer our substitute proposal that has brought this issue to the floor when it does come to the floor?

Mr. ARMEY. Mr. Speaker, let me thank the gentleman for that inquiry, and the gentleman is absolutely correct. It is an important issue. The committee expects to mark it up and prepare it for the House by Wednesday of next week.

We would hope to have it on the floor then the following week; and then, of course, the Committee on Rules will deliberate on that. And I am sorry I cannot answer at this time what rule will be reported.

I do appreciate the concern the minority has, and I will relay that on to the Committee on Rules.

Mr. HOYER. I thank the gentleman for his reply, and I understand the fact that he may not be able to predict what the Committee on Rules would do, but can the distinguished Leader, based upon what I understand are conversations that I have not participated in, but I think some have, can the Leader advise me whether or not it would be his intention to advise the Committee on Rules that the minority have the opportunity to offer its substitute on an issue of such magnitude to the American people?

Mr. ARMEY. Let me again thank the gentleman for his inquiry. I have not participated in the discussions to which the gentleman refers. I will consult with those Members of our leadership that have been involved in those discussions and then act in accordance with what I understand from those discussions.

Mr. HOYER. I thank the gentleman for his response, and, again, would hope very sincerely that on a matter of this magnitude that the House would have the opportunity of considering at least two substantive alternatives and the substantive alternative offered by the minority party as it sees fit to offer it.

Mr. ARMEY. I appreciate the gentleman's interests; and certainly I understand, having been in the minority, myself, how strongly you must feel about that.

Mr. HOYER. I thank the gentleman.

AUTHORIZING AWARD OF MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.

2722), to authorize the award of the Medal of Honor to Ed. W. Freeman, James K. Okubo, and Andrew J. Smith, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH.

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-command of a helicopter lift unit at landing zone X-Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

(2) James K. Okubo, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on October 28 and 29, and November 4, 1944, at Foret Domaniale de Champ, near Biffontaine, France, during World War II, while serving as an Army medic in the grade of Technician Fifth Grade in the medical detachment, 442d Regimental Combat Team.

(3) Andrew J. Smith, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 30, 1864, in the Battle of Honey Hill, South Carolina, during the Civil War, while serving as a corporal in the 55th Massachusetts Voluntary Infantry Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Silver Star, or other award, has been awarded.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. HEFLEY) is recognized for 1 hour.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2722 authorizes the award of the Medal of Honor to three individuals who have been recommended for the award following a review by the Secretary of the Army.

In authorizing an award S. 2722, waives the time limits established in

the law for the award of the Medal of Honor. The three cases involve extraordinary valor in combat and represent well the high standard for bravery that is the hallmark of our Nation's most cherished decoration, the Medal of Honor.

Corporal Andrew J. Smith, 55th Massachusetts Volunteer Infantry, saved the regimental colors from capture on November 30, 1864, during the Battle of Honey Hill, South Carolina, when an assault left one-half of the regiment's officers and a third of the enlisted men killed or wounded.

Technician Fifth grade, James K. Okubo, Medical Detachment 442nd Regimental Combat Team, rescued several badly wounded members of his unit while under heavy enemy fire on October 28, 29, and November 4, 1944, near Biffontaine France.

Captain Ed. W. Freeman, 229 Assault Helicopter Battalion, 1st Cavalry Division, repeatedly flew into one of the hottest and most embattled landing zones of the Vietnam War to provide essential supplies and evacuate wounded on November 14, 1965, at landing zone X-ray during the battle of the LaDrang Valley, Republic of Vietnam.

The legislation would provide the appropriate honors posthumously to three valiant Americans of very different backgrounds, engaged in three very different battles. No matter how different the men, no matter how different the tactical or technological aspects of the conflicts in which they found themselves, they each reflected the best character of the American soldier.

Mr. Speaker, I also want to note that this legislation would, if adopted by the House, permit Mr. Okubo's family to receive his medal along with other Asian-American veterans who will receive Medals of Honor in a White House Ceremony on June 21.

I urge my colleagues to join me in support of S. 2722.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for yielding.

Mr. Speaker, I rise in support of S. 2722, which is before the House today authorizing the Medal of Honor for James K. Okubo, Ed. W. Freeman, and Andrew J. Smith for the heroic actions as outlined by the gentleman from Colorado (Mr. HEFLEY).

□ 0120

These three individuals are highly deserving of this award for their conspicuous bravery under fire in the defense of our great nation.

I am particularly pleased that this legislation is the culmination of an exhaustive effort to recognize James K. Okubo for his valor during World War II. Mr. Okubo, a Japanese-American,

originally from Washington State, like hundreds of others was sent to an internment camp in California at the outset of World War II. Despite being subjected to this shameful treatment, he never wavered in his patriotism and dedication to this country.

James Okubo entered the Army and was assigned as a medic in the legendary 442nd Regimental Combat Team. In October of 1944, Technician Okubo and his unit were tasked with the rescue of the "Lost Battalion" from Texas. The "Lost Battalion" was surrounded by German forces and threatened with annihilation.

During a 2 day period of heavy machine gun fire, mortar and artillery fire, Technician Okubo provided first-aid to 25 fellow soldiers wounded in the battle. On two occasions he crawled within yards of enemy lines to evacuate wounded comrades. Later during the battle he ran 75 yards through withering machine gun fire directed at him and evacuated a seriously wounded crewman from a burning tank.

For his heroism displayed during these intense combat situations, Technician Okubo was recommended for the Medal of Honor. I think it is important to note that, Mr. Speaker, he was recommended at that time for the Medal of Honor. However, the award was downgraded with the explanation that since he was a medic, Technician Okubo was not eligible for any award higher than the Silver Star.

Sadly, Mr. Okubo passed away in 1967 without ever receiving the proper recognition he rightly deserves. However, we now have the opportunity to correct this injustice. Mr. Okubo's case has recently been reviewed, as the gentleman from Colorado (Mr. HEFLEY) indicated, by the Department of the Army under Section 1130 of Title X. After a thorough review of the facts of the case, the Army determined that Mr. Okubo in fact deserves to be awarded the Medal of Honor recommended for him for his valor during World War II.

On June 21, the President will be recognizing 12 members of Mr. Okubo's former unit, the 442nd Regimental Combat Team. These individuals have also earned the Nation's highest award, the Medal of Honor.

I strongly urge the House to join our colleagues in the Senate and pass S. 2722, so that James K. Okubo can be honored with his comrades on this momentous occasion.

Mr. Speaker, may I conclude and thank the gentleman from Colorado (Mr. HEFLEY) again personally on this floor for not only his interest, but his dedication, and thank in particular Mike Higgins and Phil Grone, Ashley Godwin and Deborah Watta for making it possible for the gentleman from Colorado (Mr. HEFLEY) and myself to appear on the floor in such an expeditious manner. They have done a terrific job with this, Mr. Speaker, and I am very

grateful. I thank the gentleman for yielding.

Mr. HEFLEY. Mr. Speaker, I thank my friend from Hawaii.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2722.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 19, 2000

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on Friday, June 9, I was unable to vote due to a family emergency, and on Rollcall Vote 251, I was unavoidably detained. Had I been present, I would have voted yea.

On Rollcall Vote Number 252, had I been present, I would have voted yea.

I make the same requests on Rollcall Vote Number 253, I would have voted aye.

I make the same requests on Rollcall Vote Number 254, I would have voted no.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of a family obligation.

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today on account of a family obligation.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today from 6 p.m. to 9 p.m. on account of a family obligation.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for June 14 on account of illness in the family.

Mr. TOOMEY (at the request of Mr. ARMEY) for today after 4:15 p.m. on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today until 7:00 p.m. on account of death in the family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under the rule, referred as follows:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Resources.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House

of the following title, which was thereupon signed by the Speaker:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

ADJOURNMENT

Mr. HEFLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes a.m.), under its previous order, the House adjourned until Monday, June 19, 2000, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2000, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 1999, and first and second quarters of 2000, pursuant to Public Law 95-384, and for miscellaneous groups in connection with official foreign travel during the second quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Bob Etheridge	1/9	1/13	China		1,120.00		(³)				1,120.00
	1/13	1/15	Hong Kong		694.00		(³)				694.00
	1/15	1/18	Taiwan		530.00		(³)				530.00
Committee total					2,344.00						2,344.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

LARRY COMBEST, Chairman, June 9, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO NIGERIA ZIMBABWE AND SOUTH AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 14, 1999

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Richard A. Gephardt	12/5	12/7	Nigeria		562.00						562.00
	12/7	12/10	Zimbabwe		717.00						717.00
	12/10	12/14	South Africa		856.00						856.00
Hon. Amo Houghton	12/10	12/14	South Africa								
Hon. Mike Castle	12/10	12/14	South Africa								
Hon. Jennifer Dunn	12/10	12/14	South Africa								
Hon. Bill Jefferson	12/10	12/14	South Africa								
Hon. Sue Kelly	12/10	12/14	South Africa								
Hon. Carolyn Kilpatrick	12/10	12/14	South Africa								
Hon. Gregory Meeks	12/10	12/14	South Africa								
Hon. Donald Payne	12/10	12/14	South Africa								
Steve Elmerdorf	12/10	12/14	South Africa								
Chet Lunner	12/10	12/14	South Africa								
Laura Nichols	12/10	12/14	South Africa								
Darrel Thompson	12/10	12/14	South Africa								
Craig Hanna	12/10	12/14	South Africa								
Brett O'Brien	12/10	12/14	South Africa								
Cassandra Butts	12/10	12/14	South Africa								
Robert Cogorno	12/10	12/14	South Africa								
Bob Van Wicklin	12/10	12/14	South Africa								
Hon. Maxine Waters	12/5	12/7	Nigeria		562.00						562.00
Hon. Jay Dickey	12/5	12/7	Nigeria		562.00						562.00
	12/7	12/10	Zimbabwe		717.00						717.00
	12/7	12/12	South Africa		340.00						340.00
Committee total					40,611.00						40,611.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Chairman, May 23, 2000.

June 15, 2000

CONGRESSIONAL RECORD—HOUSE

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO RUSSIA, EXPENDED BETWEEN APR. 15 AND APR. 22, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Theodore J. Van Der Meid	4/15	4/22	Russia		³ 1,450.00		4,706.63				
Committee total					1,450.00		4,706.63				

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Purpose: To meet with Russian National Library officials and other Russian representatives, together with the U.S. Librarian of Congress, to discuss collaborative efforts on digitization and archival access activities; to attend a Russian Leadership Conference, and to meet with various members and staff of the Russian Duma and Federation Council to discuss matters of mutual interest.

THEODORE J. VAN DER MEID, May 22, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO HAITI, EXPENDED BETWEEN MAY 19 AND MAY 22, 1999

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Cliff Etammerman	5/19	5/22	Haiti		³ 292.00						292.00
Committee total					292.00						292.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ No receipts were given.

CLIFF ETAMMERMAN, June 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO CANADA, EXPENDED BETWEEN MAY 7 AND MAY 12, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Thomas Duncan	5/7	5/12	Canada				584.68				584.68
Committee total							584.68				584.68

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS DUNCAN, June 5, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY STANDING COMMITTEE TO BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 10, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Doug Bereuter	4/8	4/10	Belgium		667.00		(³)				667.00
Hon. Tom Bliley	4/8	4/10	Belgium		667.00		(³)				667.00
Hon. Robert Borski	4/8	4/10	Belgium		667.00		(³)				667.00
Susan Olson	4/8	4/10	Belgium		667.00		(³)				667.00
Committee total					2,668.00		(³)				2,668.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

DOUG BEREUTER, Chairman, June 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ruben Hinojosa	5/5	5/7	Mexico		220.38		549.64				770.02
Committee total					220.38		549.64				770.02

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RUBEN HINOJOSA.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Phil English	5/5	5/7	Mexico		220.38						220.38
Committee total					220.38						220.38

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHIL ENGLISH.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Silvestre Reyes	5/5	5/7	Mexico		220.38						220.38
Committee total					220.38						220.38

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SILVESTRE REYES.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8153. A letter from the Associate Administrator, Tobacco Programs, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Subpart B—Regulations [Docket No. TB-99-07] (RIN: 0581-AB75) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8154. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers [Docket No. FV-00-985-2 FR] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8155. A letter from the Administrator, FSA, Department of Agriculture, transmitting the Department's final rule—Disaster Set-Aside Program—Second Installment Set-Aside (RIN: 0560-AF91) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8156. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting certification with respect to the Advanced Threat Infrared Countermeasure/Common Missile Warning System (ATIRCM/CMWS) Major Defense Acquisition Program, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8157. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; OMB Circular A-73, Audit of Federal Operations and Programs [DFARS Case 2000-D007] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8158. A letter from the Acting Director, Defense Procurement, Department of Defense,

transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Authority Relating to Utility Privatization [DFARS Case 99-D309] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8159. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Research, Development, Test, and Evaluation Budget Category Definitions [DFARS Case 2000-D401] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8160. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report on TRICARE access to Health Care; to the Committee on Armed Services.

8161. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General on the retired list of Claudia J. KENNEDY; to the Committee on Armed Services.

8162. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Supportive Housing Program-Increasing Operating Cost Percentage [Docket No. FR-4576-1-01] (RIN: 2506-AC05) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8163. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Union; Miscellaneous Technical Amendment—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8164. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

8165. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches (RIN: 0584-AC38)

received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8166. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting a copy of a manual entitled, "Caring for Women With Circumcision: A Technical Manual for Health Care Providers"; to the Committee on Commerce.

8167. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

8168. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8169. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Suggested Changes to the District of Columbia Auditor's Statutory Audit Requirements," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

8170. A letter from the Chairman, Federal Maritime Commission, transmitting the Final Annual Performance Plan For Fiscal Year 2001; to the Committee on Government Reform.

8171. A letter from the Chairman, Federal Maritime Commission, transmitting the report from the Acting Inspector General covering the activities of his office for the period of October 1, 1999—March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8172. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 050800A] received May 17, 2000, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

8173. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag, Red Grouper, and Black Grouper Management Measures [Docket No. 000120016-0135-02; I.D. 112299C] (RIN: 0648-AM70) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8174. A letter from the Deputy Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Exemption Under 18 U.S.C. 208(b)(2) (RIN: 3209-AA09) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8175. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contrast Financing—received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8176. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Revised List of User Fee Airports [T.D. 00-34] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8177. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Extension of Port Limits of Puget Sound, Washington [T.D. 00-35] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8178. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees, and Interest [T.D. 00-32] (RIN: 1515-AB76) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8179. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—General Livestock—received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8180. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice No. 2000-27] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8181. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Addition of Medical Criteria for Evaluating Down Syndrome in Adults [Regulations No. 4] (RIN: 0960-AF03) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE (for herself, Mr. DELAY, Mr. PITTS, Mr.

TRAFICANT, Mr. HALL of Texas, Mr. PAUL, and Mr. BARTLETT of Maryland):

H.R. 4669. A bill to protect America's citizen soldiers; to the Committee on Armed Services.

By Mr. TURNER:

H.R. 4670. A bill to establish an Office of Information Technology in the Executive Office of the President; to the Committee on Government Reform.

By Mr. JACKSON of Illinois:

H.R. 4671. A bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. ARMEY, Mr. BARR of Georgia, Mr. BE-REUTER, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BLUNT, Mr. CANNON, Mrs. CHENOWETH-HAGE, Mr. COOKSEY, Mr. COOK, Mr. COX, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DELAY, Mr. DEMINT, Mr. DOOLITTLE, Mr. DREIER, Mr. EHRLICH, Mr. ENGLISH, Mr. GEKAS, Mr. GIBBONS, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. HORN, Mr. HOYER, Mr. JOHN, Mrs. KELLY, Mr. KING, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. MCINTOSH, Mr. METCALF, Mrs. MORELLA, Mr. OXLEY, Mr. PETRI, Mr. ROHRBACHER, Mr. ROGAN, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHIMKUS, Mr. STUMP, Mr. TAUZIN, Mr. TERRY, Mr. TOOMEY, Mr. VITTER, and Mr. WELDON of Florida):

H.R. 4672. A bill to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself and Mr. POMEROY):

H.R. 4673. A bill to assist in the enhancement of the development and expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on International Relations.

By Mr. CAMPBELL:

H.R. 4674. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under such Act to the extent such increase does not cause the reserve ratios of the deposit insurance funds to decline, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. CLAYTON (for herself, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms.

WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, Mr. CUMMINGS, Mr. RUSH, Mr. TOWNS, Mr. FORD, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, and Mr. FATTAH):

H.R. 4675. A bill to improve the representation and accountability of county and area committees established under the Soil Conservation and Domestic Allotment Act and to ensure equitable service and improved access for farmers, ranchers, and other customers of programs of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 4676. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. LUCAS of Oklahoma, Mr. TANNER, Mr. NUSSLE, Mr. STENHOLM, Mr. MCINTYRE, Mr. POMEROY, Mr. BERRY, and Mr. DICKEY):

H.R. 4677. A bill to promote access to health care services in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CAMP, and Mr. ENGLISH):

H.R. 4678. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 4679. A bill to reauthorize appropriations from the Violent Crime Reduction Trust Fund for the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. BURR of North Carolina, Mr. PETERSON of Minnesota, Mr. BLILEY, and Mr. HALL of Texas):

H.R. 4680. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Mr. WEINER, Mr. FRANKS of New Jersey, Mr. NADLER, Mr. GILMAN, and Mr. PALLONE):

H.R. 4681. A bill to provide for the adjustment of status of certain Syrian nationals; to the Committee on the Judiciary.

By Mr. METCALF:

H.R. 4682. A bill to amend the Merchant Marine Act, 1936, to direct the Secretary of Transportation to establish a simplified formula by which application may be made for Smaller Ship Shared-Risk Financing Guarantees, and for other purposes; to the Committee on Armed Services.

By Mr. SAXTON (for himself and Ms. KAPTUR):

H.R. 4683. A bill to provide for the issuance of patents for the countries receiving trade benefits under the Generalized System of Preferences, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H.R. 4684. A bill to establish a demonstration project to provide for Medicare reimbursement for health care services provided to certain Medicare-eligible veterans in selected facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 4685. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. STARK:

H.R. 4686. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mrs. CLAYTON, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms. WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, and Mr. RUSH):

H.R. 4687. A bill to provide for the identification and discipline of members of county and area committees established under the Soil Conservation and Domestic Allotment Act, and employees of such committees, who discriminate against farmers, ranchers, and other participants in programs of the Department of Agriculture on the basis of race, sex, national origin, marital status, religion, age, or handicap; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be sub-

sequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself and Mr. POMEROY):

H.R. 4688. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture.

By Mr. WALSH (for himself, Mr. MCHUGH, Ms. SLAUGHTER, Mr. PAUL, Mr. SOUDER, Mr. QUINN, Mr. CALVERT, Mr. COOKSEY, and Mr. HILLEARY):

H.R. 4689. A bill to require Federal authorities to provide information in medical records seized from a medical practice to that practice in order to enable it to continue caring for its patients; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BURTON of Indiana, Mr. ROHR-ABACHER, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. SALMON, Mr. RADANOVICH, Mr. EHRLICH, Mr. ARMEY, and Mr. DELAY):

H. Con. Res. 354. Concurrent resolution commending Ambassador Stephen S.F. Chen for his many years of distinguished service to the Republic of China on Taiwan and for his friendship with the people of the United States; to the Committee on International Relations.

By Mr. UNDERWOOD:

H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress regarding environmental contamination and health effects emanating from the former United States military facilities in the Philippines; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. BORSKI.
H.R. 303: Mr. SUNUNU and Mr. SHIMKUS.
H.R. 353: Mr. ROMERO-BARCELO and Mr. SHIMKUS.
H.R. 363: Ms. MCKINNEY.
H.R. 638: Ms. MCKINNEY.
H.R. 742: Mr. BACA.
H.R. 797: Mrs. MORELLA, Ms. WATERS, Mr. BACA, Mr. PAYNE, and Mr. GARY MILLER of California.
H.R. 815: Mr. THUNE.
H.R. 870: Mr. LAMPSON, Mr. BRYANT, and Mr. SESSIONS.
H.R. 914: Mr. BACA.
H.R. 1017: Mr. NORWOOD.
H.R. 1108: Mr. DIAZ-BALART.
H.R. 1168: Ms. ROYBAL-ALLARD and Mr. JONES of North Carolina.
H.R. 1187: Mr. STUPAK.
H.R. 1248: Ms. RIVERS, Mr. PETERSON of Minnesota, and Mr. GREEN of Wisconsin.
H.R. 1313: Mr. ENGEL.
H.R. 1337: Mr. CHAMBLISS.
H.R. 1389: Mr. HUNTER.
H.R. 1413: Ms. DUNN.
H.R. 1560: Mr. DOOLITTLE.
H.R. 1731: Mr. CUNNINGHAM.
H.R. 1824: Mr. TANCREDI.
H.R. 1872: Mrs. EMERSON.
H.R. 2166: Mr. EVANS and Mr. GOODLING.
H.R. 2451: Mr. WATKINS.
H.R. 2538: Mr. WEYGAND, Ms. BALDWIN, and Mr. PASCRELL.
H.R. 2543: Mr. PASCRELL.

H.R. 2544: Mr. HOSTETTLER.
H.R. 2562: Mr. EHLERS.
H.R. 2573: Mr. DEFazio.
H.R. 2720: Ms. CARSON and Mr. BARTLETT of Maryland.
H.R. 2882: Mr. PAYNE.
H.R. 2900: Ms. JACKSON-LEE of Texas.
H.R. 2902: Ms. BERKLEY.
H.R. 2962: Mr. POMBO.
H.R. 2969: Mr. METCALF.
H.R. 3004: Mr. PASCRELL.
H.R. 3032: Ms. NORTON and Mr. BALDACCI.
H.R. 3083: Mr. PASCRELL.
H.R. 3100: Mr. PETERSON of Minnesota, Ms. MCKINNEY, Mr. PASCRELL, and Mr. PALLONE.
H.R. 3102: Mr. EWING.
H.R. 3142: Mr. PASCRELL.
H.R. 3192: Mr. REYES, Mr. KANJORSKI, Mr. GEKAS, Mr. BRADY of Pennsylvania, Mr. LARSON, and Mr. LEVIN.
H.R. 3193: Mr. LUCAS of Oklahoma.
H.R. 3249: Mr. WEINER.
H.R. 3433: Mr. BACA.
H.R. 3463: Mr. DINGELL, Mr. FROST, Mr. EVANS, Mr. KILDEE, Mr. NEAL of Massachusetts, and Ms. MCKINNEY.
H.R. 3466: Mr. GOODE.
H.R. 3514: Mr. SANDLIN, Ms. LEE, Mr. CONYERS, and Ms. BALDWIN.
H.R. 3518: Mr. TERRY.
H.R. 3560: Mr. HOLT and Mr. STRICKLAND.
H.R. 3580: Mr. MARTINEZ.
H.R. 3667: Mr. VISCLOSKEY.
H.R. 3669: Mr. CANADY of Florida, Mr. MCINNIS, Mr. GARY MILLER of California, Mr. PACKARD, and Mr. ROGAN.
H.R. 3679: Mr. HOSTETTLER, Mr. PICKETT, Mr. CLEMENT, Mr. SKEEN, Mrs. MEEK of Florida, Mr. BLUNT, Mrs. LOWEY, and Mr. LUCAS of Oklahoma.
H.R. 3688: Mr. KANJORSKI.
H.R. 3700: Ms. KILPATRICK, Ms. KAPTUR, Mr. PETERSON of Minnesota, Ms. PELOSI, Mr. HORN, Mr. QUINN, Mr. SISISKY, Mr. RANGEL, Mr. FRANKS of New Jersey, Mr. PICKETT, and Mr. KLINK.
H.R. 3710: Mr. MANZULLO, Ms. MCKINNEY, Mr. PICKETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, and Ms. SANCHEZ.
H.R. 3798: Ms. MCKINNEY.
H.R. 3826: Ms. BERKLEY and Mr. ROTHMAN.
H.R. 3842: Mr. CALVERT, Mr. MORAN of Virginia, Mr. TANCREDI, Mr. TERRY, Mr. WAMP, and Mr. BALLENGER.
H.R. 3850: Mr. DICKEY.
H.R. 3859: Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, and Mr. MINGE.
H.R. 3891: Mrs. MEEK of Florida.
H.R. 3905: Mr. GOODLATTE and Mr. GONZALEZ.
H.R. 4003: Mr. COLLINS, Mr. LEWIS of Georgia, and Mr. HULSHOF.
H.R. 4004: Mr. CALVERT and Mr. CUMMINGS.
H.R. 4011: Mr. PAYNE.
H.R. 4033: Ms. JACKSON-LEE of Texas and Mr. SALMON.
H.R. 4057: Ms. DEGETTE, Mr. DICKS, Mr. OLVER, Mr. WU, and Mr. WATKINS.
H.R. 4061: Mr. SMITH of Washington.
H.R. 4122: Mr. PETERSON of Minnesota.
H.R. 4157: Mr. LEWIS of California.
H.R. 4210: Mr. HUNTER.
H.R. 4211: Ms. BERKLEY.
H.R. 4258: Mr. GREEN of Texas.
H.R. 4259: Mr. BILIRAKIS, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. PEASE, Mr. LATOURETTE, and Mr. COOK.
H.R. 4270: Mr. MCHUGH and Mr. MASCARA.
H.R. 4271: Ms. RIVERS, Mr. MCCRERY, Mr. CAPUANO, and Mr. BENTSEN.
H.R. 4272: Ms. RIVERS, Mr. MCCRERY, Mr. CAPUANO, Mr. BENTSEN, and Mr. HALL of Texas.

H.R. 4273: Ms. RIVERS, Mr. McCRERY, Mr. CAPUANO, Mr. BENTSEN, Mr. HALL of Texas, and Ms. GRANGER.

H.R. 4277: Mr. HASTINGS of Florida.

H.R. 4281: Mr. DIXON and Mr. HALL of Texas.

H.R. 4308: Mr. SHAYS.

H.R. 4313: Mr. SMITH of Washington.

H.R. 4328: Mr. STEARNS and Mr. RILEY.

H.R. 4339: Mr. HOLDEN and Mr. HILL of Montana.

H.R. 4357: Mr. KUCINICH.

H.R. 4360: Ms. BROWN of Florida.

H.R. 4361: Mr. McHUGH, Ms. BROWN of Florida, Mr. GREEN of Wisconsin, and Mr. BONIOR.

H.R. 4366: Mr. RAHALL, Mr. GONZALEZ, and Mr. FROST.

H.R. 4395: Ms. DUNN.

H.R. 4418: Mr. BARTLETT of Maryland.

H.R. 4434: Mr. CROWLEY, Mr. PICKETT, Mr. DIAZ-BALART, Ms. BROWN of Florida, Mr. REYNOLDS, Mr. SAM JOHNSON of Texas, Mr. KOLBE, and Mr. SHAW.

H.R. 4442: Mr. JONES of North Carolina.

H.R. 4447: Mr. HOYER and Mr. BARTLETT of Maryland.

H.R. 4448: Mr. HOYER and Mr. BARTLETT of Maryland.

H.R. 4449: Mr. HOYER and Mr. BARTLETT of Maryland.

H.R. 4450: Mr. HOYER and Mr. BARTLETT of Maryland.

H.R. 4451: Mr. HOYER and Mr. BARTLETT of Maryland.

H.R. 4463: Mr. PICKETT.

H.R. 4483: Ms. SLAUGHTER, Mr. FROST, Mr. CROWLEY, and Mr. ABERCROMBIE.

H.R. 4492: Mr. BALDACCIO, Mr. CUMMINGS, and Mr. STUPAK.

H.R. 4493: Mrs. FOWLER.

H.R. 4502: Mrs. FOWLER, Mr. NEY, Mr. CALVERT, Mr. ISTOOK, Mr. TAYLOR of North Carolina, Mr. SMITH of Washington, Mr. SKEEN, Mr. SESSIONS, Mr. NORWOOD, and Mr. PICKERING.

H.R. 4503: Mr. ARMEY and Mr. PRICE of North Carolina.

H.R. 4508: Mr. WHITFIELD.

H.R. 4535: Mr. FROST, Mr. STUPAK, and Mr. THOMPSON of Mississippi.

H.R. 4543: Mr. BLUNT and Ms. DUNN.

H.R. 4548: Mr. STEARNS, Mr. BISHOP, Mr. HILLEARY, and Mr. BOYD.

H.R. 4574: Mr. RANGEL, Mr. GONZALEZ, and Mr. GEPHARDT.

H.R. 4592: Mr. HILLEARY and Mrs. JOHNSON of Connecticut.

H.R. 4593: Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. McKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms. WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, Mr. CUMMINGS, Mr. RUSH, Mr. TOWNS, Mr. FORD, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, and Mr. FATTAH.

H.R. 4600: Mr. LUCAS of Oklahoma, Mr. WAMP, and Mr. ARMEY.

H.R. 4605: Mr. RANGEL, Mr. FROST, and Mr. Frank of Massachusetts.

H.R. 4612: Mr. ANDREWS and Mr. ABERCROMBIE.

H.R. 4621: Mr. ISAKSON.

H.R. 4640: Mr. STUPAK and Mr. GREEN of Wisconsin.

H.R. 4652: Mr. HOUGHTON and Mr. BARRETT of Wisconsin.

H.R. 4658: Mr. BURR of North Carolina, Mrs. CLAYTON, Mr. BALLENGER, Mr. TAYLOR of

North Carolina, Mrs. MYRICK, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, and Mr. COBLE.

H.J. Res. 100: Mr. HASTINGS of Florida.

H.J. Res. 102: Mr. DUNCAN, Mr. BALLENGER, Mr. BONILLA, Mr. McCRERY, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. KASICH, Mr. PICKERING, Mr. GRAHAM, Mr. VITTER, Mr. LEWIS of Georgia, Mr. LAHOOD, Mr. CALVERT, Ms. GRANGER, Mr. HORN, Mr. JONES of North Carolina, and Mr. HOEKSTRA.

H. Con. Res. 233: Mr. MICA.

H. Con. Res. 252: Mr. WATT of North Carolina.

H. Con. Res. 275: Mr. BEREUTER and Mr. SHERMAN.

H. Con. Res. 311: Mr. CAMP and Mr. WEXLER.

H. Con. Res. 318: Mr. WEINER.

H. Con. Res. 327: Mr. WYNN, Mr. GILCHREST, Mr. DIAZ-BALART, Mr. CAPUANO, Mr. BACA, Mr. SPENCE, Mr. FORD, and Mr. ROGAN.

H. Con. Res. 345: Mr. ROYCE, Mr. OSE, Mr. ROHRBACHER, Mr. HUNTER, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. CAMPBELL, Mr. RADANOVICH, Mr. THOMAS, Mr. GALLEGLY, Mr. MCKEON, Mr. KUYKENDALL, Mr. HORN, Mr. LEWIS of California, Mr. GARY MILLER of California, Mr. CALVERT, Mrs. BONO, Mr. COX, Mr. PACKARD, Mr. BILBRAY, and Mr. CUNNINGHAM.

H. Con. Res. 352: Mr. SALMON, Mr. GILLMOR, Mr. BEREUTER, Mr. ROHRBACHER, Mr. HASTINGS of Florida, and Mr. SHERMAN.

H. Res. 146: Ms. WOOLSEY.

H. Res. 259: Mr. BEREUTER, Mr. SHERMAN, and Mr. STUPAK.

H. Res. 347: Mr. BOEHLERT.

H. Res. 420: Mr. KILDEE.

H. Res. 458: Mr. JEFFERSON, Mr. PAYNE, and Mr. BLAGOJEVICH.

H. Res. 459: Mr. DOOLITTLE.

H. Res. 493: Mr. CUMMINGS.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 10. June 14, 2000, by Mr. MOORE on House Resolution 508, was signed by the following Members: Dennis Moore, Richard A. Gephardt, Tom Sawyer, Carolyn McCarthy, Lloyd Doggett, Lynn C. Woolsey, Benjamin L. Cardin, Rush D. Holt, Cynthia A. McKinney, Joseph H. Hoeffel, Tammy Baldwin, Lucille Roybal-Allard, Bob Etheridge, Steny H. Hoyer, Nick Lampson, Dale E. Kildee, Barbara Lee, Charles A. Gonzalez, Mike Thompson, Gary A. Condit, Sanford D. Bishop, Jr., Ciro D. Rodriguez, Ellen O. Tauscher, Eva M. Clayton, Joe Baca, Juanita Millender-McDonald, Patsy T. Mink, Martin Frost, Shelley Berkley, Thomas H. Allen, Michael P. Forbes, Julia Carson, Maurice D. Hinchey, Carolyn B. Maloney, Eddie Bernice Johnson, Rosa L. DeLauro, Max Sandlin, Steven R. Rothman, Brad Sherman, Frank Mascara, Jerrold Nadler, Sheila Jackson-Lee, Anthony D. Weiner, Micahel R. McNulty, Lois Capps, Diana DeGette, William J. Coyne, Zoe Lofgren, Robert A. Borski, Gene Green, Frank Pallone, Jr., Albert Russell Wynn, Barney Frank, Jim Turner, Corrine Brown, Martin Olav Sabo, James H. Maloney, Karen McCarthy, Sherrod Brown, Robert A. Brady, Tim Holden, Tom Udall, James P. McGovern, Leonard L. Boswell, Ted Strickland, Peter A. DeFazio, Marion Berry, Jerry F. Costello, John B. Larson, Xavier Becerra, Ruben Hinojosa, Darlene Hooley, Nydia M. Velázquez, Baron P. Hill, Kay Inslee, Melvin L. Watt, Danny K. Davis, James P. Moran, John D. Dingell, Robert Menendez,

Solomon P. Ortiz, Bob Clement, Bob Filner, John W. Olver, John F. Tierney, Robert E. Andrews, Anna G. Eshoo, William (Bill) Clay, Chet Edwards, John Elias Baldacci, Bill Pascrell, Jr., Louise McIntosh Slaughter, Charles W. Stenholm, Alcee L. Hastings, David D. Phelps, Paul E. Kanjorski, Allen Boyd, Grace F. Napolitano, Robert E. (Bud) Cramer, Jr., Earl F. Hilliard, Lynn N. Rivers, Lane Evans, Bobby L. Rush, Major R. Owens, Stephanie Tubbs Jones, Edolphus Towns, David E. Price, Brian Baird, Sander M. Levin, Ken Lucas, Jose E. Serrano, Micahel E. Capuano, Neil Abercrombie, Janice D. Schakowsky, William J. Jefferson, Dennis J. Kucinich, Bernard Sanders, William D. Delahunt, Ron Kind, Fortney Pete Stark, Karen L. Thurman, Earl Blumenauer, Bill Luther, William O. Lipinski, Luis V. Guterrez, Rod R. Blagojevich, Robert E. Wise, Jr., David Wu, Robert A. Weygand, Ike Skelton, Vic Snyder, Calvin M. Dooley, David E. Bonior, David Minge, Loretta Sanchez, Bart Gordon, Jim McDermott, Jim Davis, Charles B. Rangel, John Lewis, Robert T. Matsui, John M. Spratt, Jr., James E. Clyburn, Sam Gejdenson, Joseph Crowley, Gregory W. Meeks, Nita M. Lowey, Elijah E. Cummings, Harold E. Ford, Jr., Thomas M. Barrett, Mark Udall, Martin T. Meehan, Edward J. Markey, Jesse L. Jackson, Jr., Eliot L. Engel, Peter Deutsch, Bennie G. Thompson, Maxine Waters, Michael F. Doyle, Ed Pastor, Sam Farr, Carolyn C. Kilpatrick, Gerald D. Kleczka, Robert Wexler, Silvestre Reyes, Christopher John, Debbie Stabenow, John Conyers, Jr., Patrick J. Kennedy, Julian C. Dixon, Henry A. Waxman, John S. Tanner, Tom Lantos, Nancy Pelosi, Carrie P. Meek, Robert C. Scott, Adam Smith, Bart Stupak, Marcy Kaptur, Norman D. Dicks, Earl Pomeroy, Ron Klink, James A. Barcia, Tony P. Hall, Chaka Fattah, Gary L. Ackerman, Gene Taylor, Howard L. Berman, Nick J. Rahall II, George Miller, Donald M. Payne, Norman Sisisky, John J. LaFalce, and Owen B. Pickett.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. ____

(Commerce, Justice, and State Appropriations)

OFFERED BY: Mr. FILNER

AMENDMENT No. 1: In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", before the period at the end, insert the following: *Provided further*, That, of the funds made available under this heading, \$4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c).

H.R. 4461

OFFERED BY: Mr. STUPAK

AMENDMENT No. 30: Page 53, line 9, insert "(increased by \$20,000,000)" after the dollar amount.

Page 56, line 13, insert "(reduced by \$30,000,000)" after the dollar amount.

H.R. 4578

OFFERED BY: Mr. FARR OF CALIFORNIA

AMENDMENT No. 56: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ . None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed

leghold trap or neck snare for commerce or recreation in any unit of the National Wildlife Refuge System.

H.R. 4635

OFFERED BY: MR. EVANS

AMENDMENT NO. 27: Page 9, line 8, insert after the dollar amount the following: “(increased by \$25,000,000)”.

Page 10, line 10, insert after the dollar amount the following: “(increased by \$14,000,000)”.

Page 10, line 24, insert after the dollar amount the following: “(increased by \$3,000,000)”.

Page 13, line 13, insert after the second dollar amount the following: “(increased by \$62,000,000)”.

Page 14, line 13, insert after the dollar amount the following: “(increased by \$80,000,000)”.

Page 73, line 3, insert after the dollar amount the following: “(reduced by \$184,000,000)”.

H.R. 4635

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 28: Page 9, after line 8, insert after the dollar amount the following: “(increase by \$25,000,000)”.

Page 73, line 3, insert after the dollar amount the following: “reduced by \$25,000,000)”.

H.R. 4635

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 29: Page 9, after line 8, insert after the dollar amount the following: “(increase by \$25,000,000)”.

Page 73, line 18, insert after the dollar amount the following: “reduced by \$25,000,000)”.

H.R. 4635

OFFERED BY: MR. NEY

AMENDMENT NO. 30: Under the heading “MEDICAL AND PROSTHETIC RESEARCH” of title I, page 9, line 8, insert “(increased by \$5,000,000)” after “\$20,281,587,000”.

Under the heading “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” of title III, page 59, line 6, insert “(reduced by \$5,000,000)” after “\$1,900,000,000”.

H.R. 4635

OFFERED BY: MR. PASCRELL

AMENDMENT NO. 31: In title I, in the item relating to “DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES”, after the second dollar amount insert the following: “(reduced by \$100,000) (increased by \$100,000)”.

EXTENSIONS OF REMARKS

HONORING MOUNTAIN VIEW MIDDLE SCHOOL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I rise to honor the Mountain View Middle School in Rio Rancho, NM. Mountain View was recently chosen by the U.S. Department of Education as a Blue Ribbon School and is one of only 198 schools in the United States that received this prominent award. The Rio Rancho public school system is a model of first-class learning, and Mountain View is a product of this exemplary system. It embodies all the characteristics for which all schools should strive.

It was my pleasure to meet recently with the principal of Mountain View, Kathy Pinkel, and congratulate her personally on this esteemed accomplishment. Joining me in offering congratulations was John Jennings, the mayor of Rio Rancho. On that occasion, Ms. Pinkel described the tireless labors that the faculty and staff have contributed to reach this crest of pride.

This is excellent news for the Rio Rancho community. This is one of the top education awards in the country, and I applaud all those involved in ensuring that education is a top priority in Rio Rancho. I call special attention to the faculty and staff at Mountain View—they obviously have a great passion for what they are doing, and this award is verification of their dedication. Also, community cooperation is crucial in making a school exceptional. I pay special tribute to the parents and also all the citizens of Rio Rancho who continue to be actively involved in the public school system. Such cooperation is crucial in order to make a school exceptional, and the entire Rio Rancho community can be extremely proud of this combined effort.

Blue Ribbon Schools are selected based on their effectiveness in meeting local, State, and national educational goals. Schools chosen for the award must display the qualities of excellence that are necessary to prepare young people for the challenges of the new century. Blue Ribbon status is awarded to schools that have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality educators; challenging and up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning and schools that help all students achieve high standards.

Education is one of my top priorities in Congress. A strong and diverse education is an essential building block for the youth of society, whether it is today, or 100 years from now. Mountain View Middle School has been providing students with the tools to exceed in the tasks they will encounter throughout their

lifetimes. It is imperative that we recognize and continue to support this educating process and all of those who contribute to it.

Mountain View Middle School in Rio Rancho, NM, has been a strong influence in the lives of the students they have taught and the entire community they have served. Mr. Speaker, I would like to take this time to ask my colleagues to join me in acknowledging this accomplishment. I congratulate Mountain View Middle School on its Blue Ribbon award and thank all those involved for their invaluable contribution to the State of New Mexico and to the entire Nation.

HONORING LIEUTENANT CHARLIE JORDAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. SCHAFFER. Mr. Speaker, today I honor Lieutenant Charlie Jordan on the occasion of his upcoming retirement planned for August 31, 2000. Lt. Jordan has served 29 outstanding years with the Sterling Fire Department, in Sterling Colorado.

In September 1971, the area native joined the department as a volunteer to fulfill his desire to help his community. Over the years, he learned to follow the great examples of veteran leaders, and as a result on February 5, 1988, Charlie Jordan was promoted to the rank of Lieutenant.

Additionally, Lt. Jordan has served in a leadership position since 1995 on the board of directors for the Colorado Metropolitan Arson Investigation Association. Lt. Jordan has also been active in both the Logan County Crime Stoppers and American Red Cross.

Mr. Speaker, Lt. Charlie Jordan is a shining example of an individual who has given so much to his community. As a Member of Congress, I am pleased to recognize Lt. Jordan for his outstanding contributions to the Northeastern Colorado community. He is surely an example for us all.

HONORING FIRE CHIEF AL GRAMS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Fire Chief Al Grams, of Chino Hills, California, has made to his community.

Chief Grams began his 36-year career as a firefighter with the City of Covina in 1964. He was promoted to Administrative Captain in

1974 and advanced to Battalion Chief in 1981. In 1987, the San Gabriel Fire Authority hired Chief Grams as an Administrative Chief, but he returned to the City of Covina in 1991 as a Battalion Chief. The Chino Valley Independent Fire District gained the valuable experience of Chief Grams in 1991 when he became their Division Chief of Operations. Just three years later, in 1994, he was promoted to Fire Chief.

Under his leadership, the Chino Valley Independent Fire District has witnessed a budget increase from \$11 million to \$13.5 million. The Fire District has also added new fire stations, including the status at Butterfield Ranch.

In addition to his public service, Chief Grams has sought to enrich his community by founding the Chino Valley Fire Foundation Citizens Helping In Educational Fire Safety (CHIEFS). This organization raises over \$30,000 each year to educate the community about fire and life safety. Chief Grams is also a member of the California Fire Chief's Association, Rotary, the International Fire Chief's Association, and he serves on the YMCA Board of Directors.

Chief Grams' 36-year career of fighting fires distinguishes him as a true American hero, worthy of our praise and gratitude.

CONGRATULATIONS, DARLENE L. COX

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating a highly accomplished professional, Ms. Darlene L. Cox, who has been selected to receive a 2000 Congressional Community Service Award for her outstanding civic work in the Tenth Congressional District. I have had the privilege of working with Ms. Cox on community health issues, and her selection to receive this honor is truly reflective of her hard work and commitment to excellence as president and CEO of the East Orange General Hospital.

Ms. Cox is the president and chief executive officer of Essex Valley Healthcare, Inc. East Orange General Hospital in New Jersey, a position she assumed in 1999. Under her leadership, East Orange General Hospital has emerged as a key player in the delivery of quality health care and as a major employer of the community. During the course of a successful career spanning two decades, Ms. Cox has distinguished herself as a leader in the positions of health care executive and nursing administrator. Most recently, she served as Vice President and Chief Nursing Officer at the New York Presbyterian Hospital. Prior to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that, Ms. Cox was chief nurse and administrator of Patient Care Services at the University of Medicine and Dentistry of New Jersey (UMDNJ).

While on a sabbatical from UMDNJ from 1991 to 1992, Ms. Cox served as a White House Fellow. In addition to serving as Special Assistant to the Secretary of Veterans Affairs, she also served as Executive Assistant to the President of the United States. Ms. Cox represented the University Hospitals as a witness before the House of Representatives Subcommittee of the House Government Operations Committee to discuss the impact of the AIDS crisis on the acute care environment. She has written and published several articles relating to patient care and presented a position paper on the Immigration Nursing Relief Act of 1989 to a Subcommittee of the House Judiciary Committee. Ms. Cox has held a number of prestigious academic positions. She has been the guest lecturer at various academic forums and was the keynote speaker to the Graduating Class of 1992 at Seton Hall School of Nursing in South Orange, NJ. She is a member of the North Jersey Unit of the Negro Business and Professional Women's Club, The Concerned Black Nurses of Newark, the New Jersey Hospital Association and other professional organizations. She has also participated in 100 Black Women Teen Mentoring and Health Fair projects and is the recipient of numerous professional and community service awards.

Mr. Speaker, I know my colleagues join me in congratulating Ms. Cox and extending our very best wishes for continued success.

TRIBUTE TO MYKE REID

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. CLAY. Mr. Speaker, I am happy to join the members of the Virginia Postal Workers Union, AFL-CIO in paying tribute to APWU Legislative Director, Myke Reid. Mr. Reid is a native of Portsmouth, VA, and before he became a National Officer, he served many years as an officer of his own Local and State Organization.

Mr. Reid served the Norfolk Virginia Local as Business Agent (Executive Vice President), Steward and Editor; the State of Virginia as President, Legislative Director and Washington Regional Council Chair and Secretary-Treasurer.

Currently, Mr. Reid serves as the Assistant Legislative and Political Director for the American Postal Workers Union, the largest postal union in the world. With over 350,000 members, the APWU has members in every city, town, and hamlet in the United States. Serving in his third term as an elected officer of the union, Mr. Reid works as a lobbyist for APWU, as well as a member of the union's PAC Committee. Prior to his election as the Assistant Director in 1992, Mr. Reid served nine years as Special Assistant to the President of the American Postal Workers Union for legislative and political affairs.

During his tenure at APWU, Mr. Reid has worked to secure passage of Hatch Act Re-

form, the Family and Medical Leave Act, the Federal Employees Retirement System Act, the Spouse Equity Act, the Postal Employees Safety Enhancement Act, the Veterans Employment Opportunities Act and many others. Mr. Reid has diligently worked to protect the viability of the Postal Service and oppose Postal Privatization.

Active in the community, Mr. Reid has been appointed by Democratic Governors of Virginia to the Virginia Employment Commission Advisory Board, and the Virginia Community College Board, as well as the Human Rights Commission by his mayor. He has chaired the Alexandria Democratic Committee for two terms, and the Alexander Redevelopment and Housing Authority Board, also for two terms. He has served on the Democratic National Committee's Platform Committee, and was elected as a Delegate in 1988 and 1992 to the Democratic National Conventions.

He has also served on the board of the National Consumers League, and Planned Parenthood of Metropolitan Washington and recognized on several occasion with inclusion in Marquis Who's Who and by Outstanding Young Men of America. Active as a volunteer for many political campaigns. Mr. Reid was privileged to serve as an "International Observer" during the election of former President Nelson Mandela of South Africa.

Mr. Reid has a B.A. from Norfolk State University and resides in Alexandria, Virginia.

Mr. Speaker, I join the Virginia State APWU in recognizing the very special achievements of Myke Reid, whom I have known very well since he came to Washington, DC in 1983 by virtue of my previous capacity as Chairman of the House Post Office and Civil Service Committee and currently as Ranking Member of the House Education and Work Force Committee. APWU is certainly well served to have Mr. Reid representing their Union before the Congress of the United States.

HONORING PASTOR EDWARD L. MCCREE, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. KILDEE. Mr. Speaker, I rise before you and my colleagues in the U.S. House of Representatives today on behalf of one of Pontiac, Michigan's top citizens. From June 11 through June 18, the congregation of Macedonia Missionary Baptist Church in Pontiac will gather and celebrate the work of its Pastor, Edward L. McCree, Sr., and his 27 years of commitment as Macedonia's spiritual leader.

After graduating from Ferndale High School in 1960, young Edward McCree went on to Detroit Bible College and the University of Tennessee, where he attended the American Baptist College. Edward achieved what he considered his mission to possess a thorough education, and graduated from American Baptist College in 1973. Edward was soon ordained at Cedar Grove Missionary Baptist Church in Mount Juliet, TN.

Edward returned his family to Michigan that same year, as he was chosen as Pastor of

Macedonia Baptist Church, where he has remained ever since. During these years, Pastor McCree has reached out to spread the Lord's word to thousands of people. In 1990, he preached in the National Baptist Congress of Christian Education to more than 40,000 people. He also organized a television outreach ministry which also allowed him to reach a wide audience. As Pastor of Macedonia, Pastor McCree has worked selflessly and tirelessly to help his congregation grow physically, emotionally, and spiritually. He is a counselor and confidant to the entire Macedonia family. He is a constant source of guidance to civic and community leaders, and people of all races, denominations, and walks of life. Pastor McCree has improved his church's technological equipment as well as the building itself, and organized the creation of a day care center and emergency food kitchen.

Pastor McCree is known not only throughout the Pontiac community, but throughout the country as a dynamic preacher, leader, lecturer, and community activist. He has served as State Coordinator and Administrative 1st Vice President of the Wolverine State convention, chairman of the American Baptist College Michigan Alumni Chapter, and has been recognized by "Who's Who in Black America."

Pastor McCree's influence is strongly felt in the local community as well. He has worked with the Pontiac Area Urban League, the Mayor's Advisory Committee, the Greater Pontiac Missionary Baptist District Association, and the OIC board of Oakland County.

Mr. Speaker, our community would not be the same without the presence and influence of Pastor Edward L. McCree, Sr. I know that I am a better person and a better Member of Congress because of his commitment to the Lord's work. And I know that our community is a better place in which to live because of Pastor McCree's spiritual mission. I am pleased to ask my colleagues in the 106th Congress to join in congratulating his 27 years of pastoral service.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. SANDLIN. Mr. Chairman, today we voted on H.R. 4577, the Labor, Health and Human Services, and Education bill for fiscal year 2001 (FY 2001). On behalf of the educators, administrators and students in East Texas, I would like to express my strong opposition to the education appropriations outlined in this measure. The inadequate overall

funding in H.R. 4577 completely undermines the public prioritization of education as a paramount concern in 2000.

Make no mistake—these education cuts come as no surprise. Beginning with the passage of the House budget resolution for FY 2001, my Republican colleagues have shown their true intentions with regard to education funding. As passed, the budget resolution provide \$56.8 billion for 2001 appropriations for education, training, employment, and social services—almost \$5 billion less than the level provided in the House Democratic budget and the President's budget. The conference agreement on the budget would eliminate Head Start for more than 40,000 children and their families and provide 316,000 fewer Pell Grants to low-income students by 2005.

If enacted, these cuts would have serious consequences on the future of our schools and our children. Although our children have no legislative voice, they represent our nation's future and deserve our investment in their education today. As it stands, H.R. 4577 would cut funding for reading tours, teacher quality initiatives, bilingual instruction, class size reduction, school modernization, violence prevention initiatives, afterschool services and many other vital programs.

Specifically, the House Labor-HHS-Education Appropriations bill would cut \$1 billion in targeted investments to improve teacher quality and recruit new teachers. Further, it would completely repeal last year's bipartisan commitment to hire 100,000 new teachers to reduce class size in the early grades. H.R. 4577 also would ignore our disadvantaged children by eliminating Head Start assistance to 53,000 children, cutting bilingual instruction to 143,000 students, ending college preparation assistance for 644,000 low-income middle and high school students and denying school violence prevention aid to 40 urban, suburban and rural communities.

If enacted, H.R. 4577 would be a grave disservice to our children and the future of our nation. For these reasons and more, I oppose the unsatisfactory education funding levels in this appropriations bill.

Unfortunately, underfunded education initiatives is not the only problem with this bill. Particularly offensive is the language in the bill that would prohibit the Occupational Safety and Health Administration (OSHA) from using funds to advance its ergonomics standard. Each year, our nation's workers experience almost two million work-related musculoskeletal disorders from overexertion or repetitive motion injuries due to unsatisfactory working conditions. A third of these injuries result in lost workdays and decreased worker productivity.

As a result of limiting funding to implement the ergonomics standard for the past five years, America's workers have lost approximately \$45 million in workers compensation and other related costs while failing to prevent 1.5 million disabling injuries. It is time for Congress to provide relief to the hundreds of thousands of workers who continue to suffer these painful injuries by allowing OSHA to move forward with its safety standard for work-related ergonomic hazards.

H.R. 4577 also fails to provide the requested adequate levels of funding to further workforce development by eliminating employ-

ment services assistance for over 400,000 dislocated workers. In addition, this bill cuts millions of dollars of requested funding levels for programs specifically designed to improve working conditions while providing the means to protect employment insurance, wages and pensions. As corporations continue to maximize their profits through mergers, the need for Congress to look after the health, safety and welfare of working families is now more pressing than ever.

Finally, this legislation lacks appropriate funding levels for health care and senior citizen programs. Even as my Republican colleagues bemoan the state of health care, they renege to fund the necessary programs to increase access and decrease costs. H.R. 5477 denies \$125 million requested by the President for over 250,000 Americans with long-term care needs. This bill eliminates \$36 million to ensure that 1.6 million elderly and disabled receive quality nursing care. Additionally, instead of working to ensure that retiring Americans receive their Social Security benefits in a timely manner, H.R. 5477 cuts Social Security Administrative expenses by \$156 million. The result of this cut will be increased waiting times for 26 million individuals and delayed claims for 100,000 individuals.

H.R. 5477 does not only neglect the elderly and the disabled, but it also targets children for critical health program cuts. Rather than meeting the President's request for funding for mental health treatment services, this bill cuts \$40 million from programs to care for 2,200 children with serious mental illnesses and blocks grants to 50 communities to reach individuals not currently receiving services within the mental health system. Finally, H.R. 5477 falls \$44 million short of the amount needed to adequately address substance abuse treatment for over 28,000 addicted individuals seeking treatment.

Clearly, I cannot support this bill as written. In its current form, this legislation is nothing less than an insult to the American people. It inadequately and irresponsibly allocates money to Labor, Health and Human Services, and Education. However, should this bill return from the Senate with the appropriate funding levels, I will gladly support it. I sincerely hope we can work out the problems and pass a responsible bill that responds to the needs of our children, workers, and elderly citizens.

TRIBUTE TO JOHN JACOBS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to John Jacobs. One of the most well known and respected political journalists in Northern California, Mr. Jacobs recently passed away after a lengthy battle with cancer. His friends and family will gather for a memorial service on Thursday, June 15. I ask all my colleagues to join with me today in saluting John Jacobs.

After attending Lowell High School in San Francisco, Mr. Jacobs graduated Phi Beta Kappa from UC Berkeley in 1972. He earned a master's degree in American history at the

State University of New York, Stony Brook, in 1973 and a master's degree in Journalism at UC Berkeley in 1977.

John Jacobs was recognized as a Knight Professional Journalism Fellow at Stanford University in 1984–1985 and a visiting scholar at Berkeley's Institute of Governmental Studies. It was there that he researched most of his book, "A Rage for Justice," a biography of Phil Burton.

At the beginning of his distinguished literary career, Mr. Jacobs spent a year as a general assignment reporter on the national desk for the Washington Post. He later made his mark writing for his hometown newspaper, the San Francisco Examiner. He wrote for the Examiner for 15 years before joining the Sacramento Bee in 1993 as a political editor.

In his many years in journalism, John Jacobs worked tirelessly to generate public interest in politics. He helped to define politics in Northern California while defending American democracy. Despite his criticism of ideological politics in this deeply cynical age, his belief in our system shone through. He challenged us to examine the political system from a different perspective. In doing so, he celebrated politics in a time when few others did.

John Jacobs maintained his perspective and generated his positive attitude through his love for his family. His wife (Carol Bydolf) and children (Max and Marguerite) contributed to his caring and generous personality. He refused to use his position to attack or belittle others. He will be remembered for his vigor, his optimism, and his hunger for knowledge in an arena that he truly adored.

Mr. Speaker, it is a great honor for me to pay tribute to John Jacobs, a truly outstanding member of our community. Mr. Jacobs' columns have become a part of our lives in Sacramento and the Bay Area, and his presence in Northern California will be sincerely missed. I ask all of my colleagues to join with me in celebrating his accomplishments and extending our deepest condolences to his family.

HONORING MR. STAN PILCHER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. SCHAFFER. Mr. Speaker, today I honor Mr. Stan Pilcher who is retiring after 35 years of service as an Extension Agent for Colorado State University. His years of dedication in the Washington County office have earned him numerous accolades from his colleagues.

In 1965 Mr. Pilcher graduated from the University of Arizona with a bachelor's degree in entomology and thereafter took his first position in Yuma, CO. The following year he pursued a master's degree from Colorado State University, and upon completion, began work in the Washington County Extension Office.

In northeastern Colorado he is recognized as the primary contact for developing control measures in order to prevent pest outbreaks. Specifically, Mr. Pilcher's essential work fighting against the Russian Wheat Aphid, along with developing Best Management practices for chemigation in the Colorado Clean Water

Act, and experiments for environmentally safe biological controls are commendable to the agriculture community.

I wish Mr. Stan Pilcher a very happy retirement, and graciously thank him for his example of steadfast dedication to the agriculture community.

COMMENDING CARL H. LORBEER
MIDDLE SCHOOL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend the students, teachers, parents, and support staff of Carl H. Lorbeer Middle School, the newest Blue Ribbon Award school in California's 41st Congressional District.

Carl H. Lorbeer Middle School, located in Diamond Bar, California, is part of the Pomona Unified School District. Home to 950 seventh and eighth-graders, its student body is representative of California's diverse culture. But despite the various backgrounds represented, each student is expected to contribute to a learning environment which demands high expectation. As a result, over 500 students make the honor roll each semester.

The teachers and staff of this school are committed to giving "whatever it takes" to meet the needs of their students. This goal frequently requires involving the parents and community in school activities.

This combination of high expectations for students, committed teachers and staff, and parental involvement has made Carl H. Lorbeer Middle School one of America's Blue Ribbon Schools.

TRIBUTE TO MARY L. CARROLL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a special person, Ms. Mary L. Carroll, on the occasion of her retirement from Bell Atlantic after 32½ years of loyal service.

Ms. Carroll began working for the Bell Telephone Company in New Jersey on December 9, 1967, as a telephone operator. In 1972, she was promoted to Service Assistant, a position she held until her retirement on September 17, 1999. Ms. Carroll became active in her union, the Communication Workers of America, where she held a number of key positions. She served as group leader for 9 years, secretary-treasurer for 6 years, and as president for three consecutive terms. She continues to hold that position for Local 1006. Ms. Carroll has earned an outstanding reputation for fairness, leadership, and concern for others.

Family has always been important to Ms. Carroll, who was the oldest of 12 children born to her parents John and Annie Mae of Hen-

derson, NC. She takes pride in her own children, Raymond, Valencia, and Ray and her grandchildren Jovan, Andrea, Ray Sean, and Little Raymond. In addition, she treasures her extended family at Bell Atlantic and the Communications Workers of America.

On June 16, 2000, family and friends will gather in New Jersey for a retirement celebration in honor of Ms. Carroll. Mr. Speaker, I know my colleagues join me in congratulating Ms. Carroll on a job well done and in wishing her all the best as she begins a new phase of her life.

THE BACA RANCH

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. UDALL of New Mexico. Mr. Speaker, today I would like to bring to your attention the beautiful Baca Ranch which lies in my third congressional district of New Mexico. I have worked very closely with the entire New Mexico congressional delegation: Senator PETE V. DOMENICI, Senator JEFF BINGAMAN, HEATHER WILSON, the gentle lady from the 1st District, and Representative JOE SKEEN of the 2nd District, to ensure that the Baca Ranch can become part of our citizens' patrimony. It is my hope that very soon this chamber will favorably consider and approve the acquisition of the Baca Ranch that all of us in the delegation have worked so intently for. I believe that we must preserve this natural treasure for the future generations in New Mexico and throughout our country.

New Mexico Magazine is the oldest state magazine in the United States. Every month this periodical publishes articles and items of interest that touch persons who are interested in or feel affection for the Land of Enchantment. The June 2000 issue contains a beautiful layout that includes a description and photographs of the Valles Caldera by Douglas Preston and photographer Christine Preston. The editors of New Mexico Magazine have granted me the honor of inserting the text of this article into the CONGRESSIONAL RECORD so that everyone can share in the wonder that is the Baca Ranch.

[From The New Mexico Magazine, June 2000]

BUYING THE BACA

(By Douglas Preston)

N.M. 4, the main road through the Jemez Mountains, climbs through steep canyons and ponderosa forests for many miles. As it reaches the heart of the mountains, a spectacular vista breaks out: a high meadow of incredible vastness, called the Valle Grande, ribboned with streams and ringed by 11,000-foot peaks. Those who stop to admire the view can't help but notice the barbed wire fence and "No Trespassing" signs that indicate this enticing valley and the mountains beyond lie on private property.

This is the Baca Location No. 1, a 100,000-acre ranch embedded within the Santa Fe National Forest. For more than half a century the federal government has tried to acquire this extraordinary piece of land. Last fall the Forest Service and the family that owns the property, the Dunigans, reached a

tentative agreement to transfer the property to the American people for \$101 million. All that remains is for Congress to provide the funds. If the deal goes through it will be one of the largest and most important land acquisitions in the American West in decades.

The Baca Location No. 1—also known as the Baca Land and Cattle Company—encompasses one of the legendary geological landscapes in America, known as the Valles Caldera. The Valle Grande and the mountains and valleys beyond are the remnants of a gigantic crater, called a caldera, formed by an eruption more than a million years ago. Much of what we know about volcanic caldera formation comes from decades of exploration of the Valles Caldera. It is one of the world's most intensively studied geological landscapes.

An observer standing on the site of Santa Fe 1.2 million years ago, looking westward, would have witnessed the birth of the Valles Caldera in a cataclysm of breathtaking violence. Before the eruption, our observer would have seen a grouping of interlapping volcanic peaks not unlike the Jemez Mountains today, shaped by earlier volcanic activity. (Polvadera and Chicoma Peaks in the Jemez today are remnants of these earlier volcanoes.) Contrary to popular belief, there was never a mountain anywhere near as high as Mt. Everest at the site. The highest peaks in this earlier range were probably about 12,000 feet—the same as the Jemez today.

The big blowup started out small—some faint earth tremors, the distant sound of thunder and a cauliflower of ash rising into the azure sky. Because the prevailing winds were blowing out of the southeast carrying the ash toward Utah, our Santa Fe observer would have had an excellent view. Over the days and weeks, a nascent volcano gradually built up through fresh eruptions, each bigger than the last. And then the climax came.

One or more furious explosions hurled clouds of ash 100,000 feet into the atmosphere, where they formed a gigantic mushroom cloud. The sounds of the explosions were so thunderous that they bounced off the upper atmosphere and echoed around the curve of the Earth, to be heard thousands of miles away. Like a firestorm, the eruption sucked air inward, generating gale-force winds of 75 to 100 miles an hour. The cloud created its own weather system. As it rose in the sky, lightning ripped through it, and it began dropping great columns of rain and sooty hail.

As the magma emptied out from below the Earth's surface, the underground roof of the magma chamber began to collapse. The volcano slumped in, cracking in concentric circles and triggering earthquakes. A gigantic depression formed. The pumice and ash, instead of being shot upward out of a single pipe, now began squirting out of every crack and crevice in the roof of the magma chamber. The eruption became horizontal instead of vertical. Huge avalanches of ash, glowing orange at more than a thousand degrees, raced down the mountainsides at speeds greater than 150 miles an hour, flattening thousands of trees in their path. (The cylindrical holes left by these trees would be found much later by geologists.)

When these superheated avalanches hit the Rio Grande, they vaporized the river with a fantastic roar. The ash probably dammed the river, causing it to back up into a lake. When the water finally burst through, devastating flash floods swept downstream. The spreading clouds of ash created darkness so profound that at midday you could not see the hand in front of your face. When the dust

finally settled, our observer in Sante Fe would have seen the outline of the Jemez Mountains much as they appear today, minus Redondo Peak. That mountain eerily rose up later, a blister in the earth pushed up by rising magma that never broke out to make a new volcano. The collapse of the magma chamber left a giant crater, or caldera, which soon filled with water to become a crater lake. Over the years, there were flurries of smaller eruptions, and gradually the lake bottom filled with sediments and lava flows to make a gentle floor. The lake eventually broke out and drained. Grass covered the fertile bottomlands, creating the Valle Grande and other vast grass valleys on the ranch, such as the Valle San Antonio and the Valle Toledo. Although the last eruption took place 60,000 years ago, the area remains volcanically active. Hot springs and sulfur vents scattered across the Baca attest to the presence of magma not far from the surface, seismic data indicates a large body of magma sits about 6 to 10 miles down. The Jemez will very likely erupt again.

The Valles Caldera, contrary to popular myth, is not the largest caldera in the world, or even in New Mexico. There is a larger caldera in the Mogollón Mountains, dating back 25 million years, and an even larger one in the San Juan Mountains. The Jemez eruption, for all its power, was only fair to middling in size. Geologists estimate the eruption spewed out some 300 cubic kilometers of pumice ash. This was big compared to Mount St. Helens (half a cubic kilometer) and Krakatoa (10 cubic kilometers), but smaller than the Mogollón eruption (1,000 cubic kilometers) or the San Juan (5,000 cubic kilometers.) Among geologists, however, the Valles Caldera will always hold a special place.

Human beings probably first moved into the Jemez Mountains about 12 or 13 thousand years ago. It was richly settled by Pueblo Indians in the 13th and 14th centuries, and some of the largest pueblo ruins in the country can be found there. But by the time the Spanish arrived the Pueblo Indians had largely abandoned the mountains, except for seasonal hunting, to build their pueblos along the Rio Grande. The land passed from Mexican to American ownership through the Treaty of Guadalupe Hidalgo in 1848.

Baca Location No. 1 was carved out of public land in 1860, to settle a land claim by the Cabeza de Vaca family. Comanches had run the Cabeza de Vacas off their gigantic Las Vegas land grant, and the Mexican government subsequently regranted the land to others. But the American courts found the original grant legal, and to settle it the Baca heirs were given the right to choose an equivalent amount of land elsewhere in the Southwest. No fools, their first choice was the Valles Caldera, hence the name Baca Location No. 1. (There is a Baca Location No. 2 in eastern New Mexico and other Baca locations in Colorado and Arizona.) The first survey indicated the Baca Location No. 1 comprised 99,289 acres.

While the rest of the Jemez remained public, this vast in-holding changed hands several times in the late 19th and early 20th century. In 1962, a young Texas oilman and entrepreneur from Abilene, James P. ("Pat") Dunigan, heard about the ranch and snapped it up for \$2.5 million, out from under the nose of the federal government, which had been trying to buy it from the previous owner. Dunigan was primarily interested in the Baca's potential for geothermal energy extraction and cattle grazing.

The Dunigan family spent every summer thereafter on the ranch, riding, working cat-

tle, camping and going on field trips with environmental and geological organizations. According to his son, Andrew it was these summers that changed the way Dunigan thought about the land: "The longer he owned the property," Andrew said, "the more he came to realize just what a unique natural asset it was—that its value was enhanced through conservation rather than development or resource exploitation."

As a result, Dunigan made many changes that greatly improved the health of the land. He undertook a long and expensive lawsuit against the New Mexico Timber Company to terminate its logging of the Baca, which had scarred many hillsides with roads and clear-cuts. He halted serious overgrazing by reducing the cattle load from 12,000 to 5,000 head. He also successfully fought the Public Service Company of New Mexico's ill-advised OLE plan to run high-tension transmission lines through the Jemez, which would have cut through the Cerro Toledo highlands, one of the most remote and beautiful parts of the ranch. A prescribed burn program helped maintain the balance between grasslands and forests.

Dunigan's efforts created, among other things, a superb habitat for elk. In mid-century, 107 elk from Jackson Hole and Yellowstone had been introduced in the Jemez Mountains. The elk population grew rapidly. It stands at 8,000 today, many of which summer on the Baca's 30,000 acres of grasslands.

According to his family, Dunigan often expressed his hope that the land would end up going to the American people. In late 1978 he began discussing the sale of the ranch to the federal government, but the negotiations ended when Dunigan unexpectedly died in 1980. The Dunigan family reopened discussions with the government in 1997, but they fell apart in early 1999 over issues of confidentiality.

"But there was a realization on everyone's part," says Andrew, "that we had come a long way and that this was such an important thing that it was worth putting aside our differences." This they did, and the Dunigan family and the government agreed on a price. Final negotiations are in progress, and Congress has made steps to appropriate the funding. The Baca acquisition enjoys strong support from almost every organization in the state concerned with land issues, from the Northern New Mexico Stockmen's Association to the Sierra Club. It has the backing of the New Mexico Congressional delegation from both parties, as well as the Clinton administration. Most importantly, it has the strong support of the people of northern New Mexico. This time around, it seems likely that the deal will go through.

The Baca is a magical place, one of the most extensive high-mountain grasslands in the United States. It is a land of deep fir forests shrouded in morning mists; of sweeping meadows dotted with elk and mule deer; of aspen groves that turn the hillsides gold in the fall; of high mountains echoing with the whistling cry of bald eagles; of clear streams alive with jostling trout. Mountain lions, bobcats, pine martens and black bears prowl its mountain slopes. It hosts a number of rare species, including one found only in the area, the Jemez Mountains salamander. It is also a land of hot springs, obsidian beds, Indian ruins and historic buildings—including several decaying movie sets.

The conversion of the Baca to public ownership will involve an experiment unique in the history of public land management. The Baca will become a trust wholly owned by

the federal government, called the Valles Caldera Trust. It will remain a working cattle ranch, so far as that is consistent with the preservation of wildlife, scenery and recreation. Within 15 years it is supposed to become self-sufficient financially. The exact details will be worked out by a board of trustees drawn from groups that normally hate each other: ranchers, conservationists, National Park and Forest Service employees, financial experts, game and fish managers, archaeologists, biologists and commodity industry representatives.

Denise McCaig, the Baca acquisition coordinator for the Forest Service who was instrumental in seeing the deal through, called the arrangement unique and challenging. "Having representatives from these different interests could be helpful, but it could also create difficulties. If they can come to this working toward a common objective, it will be good. But if they come to the position working from their own self-interest, they will have problems." She laughed: "Oh yeah, it will be an interesting experiment."

It has the potential, if it works, of becoming a model for cooperation among normally antagonistic groups concerning other public lands.

Over the years, many people have looked longingly over the barbed wire fence that separates N.M. 4 from the Valle Grande and wondered when they would ever have a chance to explore this splendid country. Even after the land goes into public ownership, it will be two years at least before the details of access and use can be worked out by the trustees. When that happens, this magical landscape, born in fire and violence, will finally be opened to the American public.

HONORING THE AMERICAN JAZZ MUSEUM

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today the Smithsonian Institute will honor the American Jazz Museum located in Missouri's Fifth District. The American Jazz Museum, previously known as the Kansas City Jazz Museum, is the first museum in the world devoted exclusively to jazz. The gallery showcases the often difficult plight and rare successes of one of America's first original art forms.

The museum, which opened in 1997, is housed in a modern 50,000 square foot complex at the historic 18th and Vine district in Kansas City. Once inside, visitors find interactive exhibits and song samples which tell the story of jazz and its musicians in words, pictures, and sounds. Last year, the complex was visited by more than 350,000 visitors who came from all parts of the city, county, and world to relive the golden age of Kansas City jazz in the 1920's and 1930's. In this era, legendary Kansas City musicians such as Charlie "Bird" Parker, Count Basie, and Jay McShann developed swing and spread the popularity of jazz across the land.

Not only does the museum educate those who come in from the street to learn about jazz, but it also offers 4 symposia each year

to learn about a specific jazz musician or topic. These conferences are attended by musicologists and music lovers from around the world. Past symposia have studied Parker, Miles Davis, and the recent revival of swing music. I encourage my colleagues to take a cyber tour of the museum at <http://americanjazzmuseum.com>.

In addition to educating its visitors, the museum has led to a revitalization of the historic area once home to several jazz clubs. The museum itself operates the Gem Theater to showcase today's up and coming musicians. There are now several other clubs and restaurants in the area, with a new commercial and residential complex scheduled to open within the next year. A once deserted urban neighborhood has returned to the days of peopled streets and late night music as a result of the success of the American Jazz Museum.

A grant from the National Endowment for the Arts (NEA) and the Doris Duke Foundation helped the Museum create JazzNet to establish an endowment and support organizations that preserve and present Jazz nationwide. The museum has applied for other grants for various projects including an academic analysis on the lives of jazz musicians. The study would determine working and living conditions of artists in four major cities, and the research team would identify areas in which support for jazz musicians will be most beneficial in furthering their work.

In three short years, the American Jazz Museum has become an impressive institution. It educates its visitors, entertains in its theater, analyzes the music and its musicians, and revitalized a deserted downtown area. Because of all these accomplishments, the American Jazz Museum is most deserving of special recognition from the Smithsonian Institute, and I congratulate them and wish them continuing success.

TRIBUTE TO DAN SANDEL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. BERMAN. Mr. Speaker, today we pay tribute to our friend, Dan Sandel, who will be awarded the Yitzhak Rabin Peace Award tonight by Americans for Peace Now. Dan has been chosen for this prestigious award for his many years of leadership and outstanding service in the struggle for peace in the Middle East.

Dan has not only served on the Board of Americans for Peace Now, he has served on many others including the Tel Aviv University Board and the Education for Israeli Civil Rights and Peace Board. His work to provide solutions to the Arab-Israeli conflict would certainly make the reserve officers and soldiers of the Israel Defense Forces who founded Americans for Peace Now in 1978 proud.

In addition to being a peace activist, Dan is a very successful businessman who founded Devon Industries. He not only invented and patented all of the disposable surgical equipment manufactured and distributed by Devon Industries, but he lead the company so well

that it was hailed as one of the fastest growing companies in the medical industry.

In 1994 after the devastating Northridge earthquake, Dan used his political acumen and understanding of business needs to help the Small Business Administration address the concerns of the local business community. His efforts helped effectuate a change in the law pertaining to the amount of money a business can receive for recovery from a natural disaster.

Dan is also involved with many political, community and charitable programs both in the U.S. and in Israel. The groups he has helped run the gamut from Bedouin communities in Israel to students and faculty in Malibu. He has been particularly concerned with the homeless and has even created a new program called "Fresh Start" which offers homeless people housing and jobs.

It is our distinct pleasure to ask our colleagues to join with us in saluting Dan Sandel for his outstanding achievements and to congratulate him for receiving the prestigious Yitzhak Rabin Peace Award.

IN HONOR OF MARIO DE LA TORRE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Mario De La Torre on the occasion of his retirement after forty years as a member and leader of the Laborer's International Union of North America. Mr. De La Torre's life is an example of the American dream fulfilled and he deserves recognition for his able service to his fellow workers and the San Francisco community.

Born in Mexico, Mario came to the San Francisco Bay Area as a young man. He immigrated to America in search of the opportunity that he knew would come from hard work and determination. At first he worked a series of jobs, including as a dishwasher and a cook, but he soon found his calling in the construction trades. At age twenty-three, he joined the Laborer's International Union of North America Local 261 and went to work as Laborer for various contractors.

Mario's leadership abilities soon became clear and he rose to the position of foreman. Mario served as foreman for prominent companies where his talents drew the notice of the San Francisco Housing Authority, and he was recruited to assume a leadership role with the agency.

By 1978, Mario had firmly established himself in the community and with his fellow Laborers. Well-respected by his peers, he was appointed that year as Field Representative for Local 261. He then began a second phase of his career as a leader in San Francisco's labor community.

Over the next twenty-one years, Mario held several different positions for the laborer's Local 261, serving as an Executive Board member, a Vice-President, the Business Manager, and eventually President. In all of these capacities, he executed his duties with distinction.

As is the pattern with Mr. De La Torre's life, his able work earned him the recognition of others. In 1991 he was selected for the post of Vice-President of the San Francisco Building and Construction Trades Council. In 1993, he joined the Executive Board of the Northern California District Council of Laborers and later served as Secretary/Treasurer of the Council. During this time, he also became a Trustee for the Aggregates and Concrete Association and a Delegate to the San Francisco Labor Council.

Mario is a leader within our community, serving as President of the Centro Social Obrero, as the Secretary/Treasurer of the Labor Council of Latin American Advancement, and as an Executive Board member of the Mexican-American Political Association.

Mr. Speaker, I join Mario's four sons, Mario Jr., Oscar, David, and Hugo, in wishing Mario a very happy and healthy retirement. He truly is an American hero.

HAPPY BIRTHDAY TO GOLDY S. LEWIS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. BACA. Mr. Speaker, this week Goldy S. Lewis will turn 79. I salute her, and wish her a happy birthday and best wishes. Ms. Lewis is the co-founder of Lewis Homes in my district, which now goes under the name of Lewis Operating Corp., and has been active in the real estate development industry since 1955. She is still very active in the business. As we look to providing housing, it is important that we recognize the pioneering efforts of those who have sought to further the American dream of having a place of one's own. Our community is better off, because of it.

A graduate of UCLA, Ms. Lewis has received numerous honors, including American Builder Magazine 1st Award of Distinction, 1963; West End YMCA Homer Briggs Service to Youth Award, 1990; City of Hope Spirit of Life Award, 1993; Professional Builder Magazine Builder of the Year Award, co-recipient, 1988; National Housing Conference "Housing Person of the Year" Award, 1990; Entrepreneur of the Year Award, Inland Empire, 1990; Woman of the Year, California 25th Senate District, 1989; Distinguished Chief Executive Officer (with husband, Ralph M. Lewis), California State University, San Bernardino, 1991; City of Rancho Cucamonga Ralph and Goldy Lewis Sports Center, 1988; several other parks and sports fields named for the Lewises, including Lewis Park in Claremont. She has been listed in Who's Who in America (with her husband, Ralph M. Lewis), since 1980.

I have been very impressed with the extensive civic commitment of Ms. Lewis and her family. She has served on the City National Bank Advisory Board; UCLA Graduate School of Architecture and Urban Planning Dean's Council; Ralph and Goldy Lewis Hall of Planning and Development, University of Southern California; UCLA Foundation Chancellor's Associates; National Association of Home Builders, Building Industry Association of California,

Baldy View Chapter; International Council of Shopping Centers; Urban Land Institute. She has served on the UCR Foundation Board of Trustees since January 1998, and was named (with her husband Ralph M. Lewis) Management Leaders of the Year, 1993.

In summary, it is indeed a pleasure to reflect on her many achievements, and to hope that she has many more, now that we have entered the new millennium.

TRIBUTE TO THE LATE EARL T. SHINHOSTER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. CLYBURN. Mr. Speaker, today I pay tribute to Earl T. Shinhoster who tragically lost his life last Sunday, and to offer my condolences to his wife, Ruby, and son, Michael. Earl Shinhoster was a family man and friend on a private level, and a national hero in the civil rights movement through his involvement in the National Association for the Advancement of Colored People (NAACP) on a very public level. His efforts were far reaching, and noticed across the nation, including the Sixth Congressional District of South Carolina which I represent.

Born in Savannah, Georgia, Shinhoster grew up in the eastside neighborhoods and graduated from Tomkins High School and Morehouse College in Atlanta, Georgia. His first involvement in the civil rights movement was in the 1960s as a member of the Connie Wimberly Youth Council.

Shinhoster will be fondly remembered for many achievements, but perhaps most for his 30 years of dedicated service to the NAACP. He served in many senior positions, including National Field Secretary. He also served as acting Executive Director and Chief Economic Officer from August 1994 through 1996. During this time, the NAACP went through a period of unprecedented growth going from 600,000 members to nearly 1 million. Shinhoster is also credited with helping the NAACP out of a period of considerable financial instability and internal strife. Shinhoster was a man of great ingenuity, integrity, and offered leadership to the NAACP in a time when the organization needed him most.

Aside from his service to the NAACP, Shinhoster served as the Ghana Field Director with the National Democratic Institute for International Affairs of Washington, D.C. He helped to implement the Institute's election observation process with the 1966 elections of Ghana's president and parliament. He was also instrumental in election monitoring in Nigeria and South Africa.

Mr. Speaker, on behalf of the Americans he benefited during his lifetime of service, I ask my colleagues to join me in paying tribute to a man who devoted his entire life to the cause of civil rights and the NAACP. Earl T. Shinhoster will be sadly missed, but his legacy will not be forgotten.

EXTENSIONS OF REMARKS

FLAG DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to recognize our nation's flag. June 14th marks Flag Day, and the 223rd birthday of "Old Glory." The flag symbolizes our national unity, our national endeavors, and our national aspiration. There is no better symbol of our country's values and traditions than the Flag of the United States of America. Our flag's proud Stars and Stripes have long inspired our people, and its beautiful red, white, and blue design is known around the world as a beacon of liberty and justice.

Flag Day—the anniversary of the Flag Resolution of 1777—was officially established by the Proclamation of President Woodrow Wilson on May 30th, 1916. While Flag Day was celebrated in various communities for years after Wilson's proclamation, it was not until August 3rd, 1949, that President Truman signed an Act of Congress designating June 14th of each year as National Flag Day.

The stars and stripes on the flag represent more than just the original colonies and the number of states in this nation; they represent freedom and independence for Americans. In times of war, young soldiers have died to ensure it will continue to stand for a symbol of freedom. They rush to the front of the battle line to keep it waving strongly above the heads of their fellow soldiers. Our brave Armed Forces members carry "Old Glory" with them as they fulfill their mission to defend the blessings of democracy and peace across the globe; our banner flies from public buildings as a sign of our national community; and its folds drape the tombs of our distinguished dead. The Flag is a badge of honor to all—a sign of our citizens' common purpose.

The next time we rise to pledge our allegiance to our flag, let us also be reminded of our duty as citizens to keep this nation one, where liberty and justice can be enjoyed by all.

RULE OF LAW DETERIORATING IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. TOWNS. Mr. Speaker, Newsroom.org reported on June 6 that a group of human rights and religious freedom activists in India issued a written statement saying that political leaders have failed to guarantee the rule of law for religious minorities. This is significant, Mr. Speaker, because these are Indians saying this. The statement follows a similar one from the All-India Christian Council (AICC). The AICC said that it "holds the government responsible for the lack of safety of Christians in various parts of India."

The recent statement was signed by Hasan Mansur, head of the Karnataka unit of the People's Union for Civil Liberties; Ruth

Manorama of the National Alliance of Women's Organizations; Sister Dolores Rego, who represents 10,000 Catholic nuns in India; and H. Hanumanthappa, former chairman of the National Commission for Scheduled Castes and Scheduled Tribes, among others.

The statement said that the Indian government is "incapable of guaranteeing the rule of law for protecting the right to life and security of peace-loving citizens" and "has become so anarchic as to have derailed democracy." Indian human rights activists are saying that there is effectively no democracy in India.

There have been several recent incidents. Just within the past few days a priest was murdered and five churches were bombed. A group of Christians was savagely beaten while distributing religious literature and Bibles. These are just the latest incidents of violence against Christians, a reign of terror that has been going on since Christmas 1998. In March, the Indian government murdered 35 Sikhs while President Clinton was visiting India. Remember that these Indian human rights leaders hold the government responsible for all these incidents. They were carried out by militant Hindu nationalists under the umbrella of the RSS, the parent organization of the BJP, the political party that rules India.

The Indian government has murdered over 250,000 Sikhs, according to the Politics of Genocide by Inderjit Singh Jaijee of the Movement Against State Repression. And why does a democracy need a Movement Against State Repression? India has also killed more than 20,000 Christians in Nagaland, more than 70,000 Kashmiri Muslims, and tens of thousands of Dalits, Assamese, Manipuris, Tamils, and others. It is holding about 50,000 Sikhs as political prisoners without charge or trial, as well as thousands of others.

It offends me that our government continues to funnel aid to a government that has such a complete disregard for basic human rights. We should immediately cut off American aid to India until everyone there enjoys the liberties that we expect from democratic states. India should be declared a terrorist state. And we should put the Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagaland, and all the other nations seeking their freedom. That is what we can do to ensure freedom and the rule of law in the troubled South Asian subcontinent.

Mr. Speaker, I submit the Newsroom Article of June 6 into the RECORD.

INDIAN HUMAN RIGHTS ACTIVISTS CHASTISE POLITICIANS FOR DETERIORATING RULE OF LAW

DELHI, India, 6 June 2000 (Newsroom)—Prominent Indian advocates of human rights and religious freedom accused political leaders in a written statement of failing to guarantee the rule of law for social and religious minorities and appealed to the government to uphold the rule of law and India's constitutional democracy.

The All India Christian Council last week had issued a similar statement expressing concern "about the unabated violence against Christians" taking place in the state of Gujarat and elsewhere. The council said it "holds the central government responsible for the lack of safety of Christians in various parts of India."

Among the signatories of last month's statement were Hasan Mansur, a Muslim intellectual who also heads the Karnataka unit of the People's Union of Civil Liberties, a well-known civil rights group; Ruth Manorama of the National Alliance for Women's Organizations; Sister Dolores Rego, who represents 10,000 Catholic nuns in India; and H. Hanumanthappa, former chairman of the National Commission for Scheduled Castes and Scheduled Tribes.

Indians are "deeply disturbed about the virulent, premeditated, and recurrent attacks on persons and institutions of the social, cultural, and religious minority communities being carried out in recent months by the Sangh Parivar (various Hindu groups) in different parts of the country," the advocates said. "The unending spate of propaganda unleashed against these communities is a matter of grave concern to us. We are very much distressed about the dubious manner in which the political leaders at the helm of affairs in this country today have been responding to such methodically orchestrated malicious behavior of these communal outfits."

Government at the national and state levels is so disorganized that it is "incapable of guaranteeing the rule of law for protecting the right to life and security of peace-loving citizens." It "has become so anarchic as to have derailed democracy that was built up very assiduously during the past 50 years," the group charged.

The statement comes amid continuing attacks against Christians and Muslims, as well as Dalits, the lowest group in India's caste system. Dalits typically perform the most menial tasks in Indian society and are shunned by members of upper castes.

The rights advocates expressed their shock at recent attacks on Christians and members of the so-called "untouchable" community in India. They took particular note of the murders of seven Dalits who were burned to death by members of the dominant castes in Kambalapalli village in the south Indian state of Karnataka on March 11. Eleven Dalits died in the same way last month in the north Indian state of Bihar.

"We are dismayed at the direction in which the nation is moving," the statement said: "... Social, cultural and religious minorities are the constant targets of these atrocious attacks. Recurrence of such assaults has become the order of the day. Inaction, or the lethargic response, to say the least, of the law-enforcing machinery is the maximum that the citizens are (acculturated) to expect from the governance system."

The Christian Council was especially critical of what it called "the whitewashing of communal incidents by the minority Commission" and apathy on the part of the Delhi government in putting a stop to the violence. "These are not criminal attacks, but planned, deliberate attacks on the Christian community by the elements of the Sangh Parivar," the council said. "The culture of impunity that has been perpetuated is now getting out of control."

TRIBUTE TO MICHAEL J. STACK,
JR.

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. BORSKI. Mr. Speaker, I rise today in honor of a personal friend of mine, attorney

Michael J. Stack, Jr. in recognition of his commitment to society, the community, and also the legal profession.

Mike Stack, Jr. is the son of the former Congressman, Michael Stack from the Sixth Congressional District (West Philadelphia) of Pennsylvania. He himself is the father of five children and is married to the Honorable Felice R. Stack of the Municipal Court of Philadelphia.

Like his father, Mike Stack answered the call and served in the United States Armed Services with the Infantry in WWII. Mike was recognized for his service with various awards such as: The Good Conduct Medal, WWII Victory Medal, Army of Occupation medal, the WWII Honorable Service Lapel Button, and the Marksman Badge. He was recently chosen "Distinguished Man of the Year" by the Catholic War Veterans.

Mike Stack is also a political leader in the Fifty-Eighth Ward, where he maintains the position of Democratic Ward Leader, and has done so since 1970. As long as I have known him, he has managed to adopt a traditional style of avoiding the limelight so he can have a better view of the passing parade in a ward with 30,000 registered voters. I have been proud to work with Mike in making life better for the people of the Third Congressional District.

Mr. Stack is a trial lawyer, pilot, scholar, published author, law professor, and above all a "seanachi". He functions in all of these roles with ease and a natural grace.

With all of his accomplishments, he still maintains the greatest modesty. The number of people he has assisted quietly throughout the years may never be known, but is surely massive in number.

Mr. Stack attended St. Joseph's University, graduating with a Bachelor of Science in Economics. Following that, he graduated from the University of Pennsylvania Law School. He is currently a senior member of the Law firm, Stack and Stack.

Mr. Speaker, Mr. Michael J. Stack, Jr. should be commended for answering the call of duty and serving in the United States Armed Service, and for working in the political sphere for a number of years in attempt to better the City of Philadelphia. I congratulate and highly revere Mr. Stack for all of his accomplishments and most importantly his recent naming of "Distinguished Man of the Year." I offer him my very best wishes both now and for the future.

HONORING MR. WILLIAM
DINSMORE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special man in the 10th Congressional District. Mr. William Dinsmore of Alamo, California was recently awarded the 2000 Lifetime Achievement Award by the University of California, Santa Barbara Alumni Association.

This 1968 graduate has indeed had a lifetime of achievement. From 1985 to 1995 he

served as the President and Chief Executive Officer of The Learning Company and built it into the premier brand of home and school educational computer software products in the United States. Under his leadership, The Learning Company earned more than a hundred awards for the exceptional quality of its product line for children and adults and achieved an extraordinary record of revenue and profitability growth. In 1992, The Learning Company was deemed a "company to watch" by Fortune Magazine and was honored by Forbes Magazine as one of the "best small companies in the world."

In 1995 the Learning Company was acquired by Softkey Corporation and yielded the highest price-to-sales ratio ever paid for a software company. This serves as testament to Mr. Dinsmore's success. He is currently using his skills and expertise as a private investor and advisor to select West Coast early-stage companies involved in the Internet, software, and consumer product area.

I take great pride in honoring my constituent, William Dinsmore for his lifetime achievement. His contributions to business and to education have enriched the lives of many throughout the country.

HONORING THE MASTERCARD-
CARE PARTNERSHIP SUPPORTING
GIRLS' EDUCATION IN
INDIA

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mrs. LOWEY. Mr. Speaker, we have read many accounts of the current economic revolution in India that is being driven by the technology-savvy labor force. While this movement has led to positive developments in India, there is still a serious gender-based educational divide, resulting in low literacy and education rates among women. Narrowing the divide can have a powerful impact, as noted in a recent World Bank report, Engendering Development. The study concluded that one of the best ways to fight world hunger and encourage global economic growth is to educate girls and women.

Today, Thursday, June 15, CARE, one of the world's largest relief and development organizations, holds its annual Capitol Hill event, "CARE Packages from Congress." At that event, CARE will announce that a donation from MasterCard International, which is headquartered in my Congressional district, will support the completion of a six-year project for girls' education in India. The funding will provide primary education to thousands of young women in India this year. It will support 120 formal equivalent education centers serving 300 villages in Rajasthan and Uttar Pradesh, states with the highest illiteracy rates in India. The gift is part of MasterCard's ongoing philanthropic efforts to serve youth and to improve access to education in the United States and internationally.

The project will enable 3,000 girls from the poorest areas in rural India to have access to primary education, and an estimated 25 percent of them will move on to mainstream education. Targeting girls between the ages of 6

and 14, the project plans school schedules, recruits and trains teachers, designs curricula and materials and involves the community to overcome the traditional obstacles to girls' education. With a female literacy rate of only 40 percent (compared to 64 percent for males), India has 196 million females who cannot read or write. In some rural areas, the rate for women drops to 12 percent. Currently, the school drop out rates for girls is 57 percent at the primary stage, 57 percent at the middle stage, and 74 percent at the high school stage, according to CARE statistics.

MasterCard's gift will enable CARE to provide valuable information about this alternative education program for girls to the Indian government so that it can be replicated. I congratulate CARE and MasterCard for their commitment to this very important cause.

HONORING JANET CARLSEN OF
NEWMAN, CALIFORNIA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. CONDIT. Mr. Speaker, I rise here today to recognize the recipient of the John T. Silveira Award for 2000, my good friend, Janet Carlsen.

Janet is being recognized on Saturday, June 17th by the Newman Chamber of Commerce for her unselfish commitment to the community. Janet served as a member of the Newman City Council for twelve years. She then served 10 years as the first woman Mayor of Newman. Janet has never ceased to work on behalf of those who cannot help themselves. She has served with distinction on Gustine-Newman Soroptimist International, Orestimba 50-Plus Club, Newman's Women's Club, Newman Garden Club, Orestimba High School Booster Club, Rebekah Lodge, Newman Chamber of Commerce, Gustine Chamber of Commerce, the Newman Fall Festival Committee and the Stanislaus County Commission on Aging.

In 1993, Janet was recognized for her many civic contributions when the Newman City Council declared March 2, 1993 as Janet Carlsen Day. I consider it an honor to again recognize my dear friend, Janet Carlsen, for her fine leadership and dedication to our community.

COMMENDING ROGER HOLMES—
RECIPIENT OF THE 2000 NA-
TIONAL WETLANDS AWARD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. VENTO. Mr. Speaker, I rise today to honor Mr. Roger Holmes, a friend, former Director of the Fish and Wildlife Division at the Minnesota Department of Natural Resources (MDNR), and a recipient of this year's National Wetlands Award. The sky blue water of Minnesota's ten thousand plus lakes have kept

their sparkle because folks like Roger Holmes built a lifetime career around preserving Minnesota's precious resources.

A product of Minnesota's schooling, Roger received a bachelor's degree in zoology from the University of Minnesota where he also conducted graduate study in wildlife management. For the next 41 years, Roger received an even better education from the school of hard knocks learning how to combine on the ground know-how with academic knowledge, and at the same time, apply it to the political process. From his early days as a biologist on up to Assistant Supervisor at the Minnesota Conservation Department, and to his most recent position as Director of the Fish and Wildlife Division at the MDNR, Roger remained courageous and passionate, yet in tune with the bureaucratic process. In short, he knew his way around, suffered fools poorly, and made many directors and legislators look good along the way.

I had the pleasure as a State Representative of working with Roger during his stint with the Section of Game and Fish at the MDNR to pass the landmark Minnesota Outdoor Recreation Act with State Senator Willett, and enacting new protections for Minnesota nongame species. Throughout this time, Roger was outspoken and objective, not always giving answers that we "policymakers" wanted to hear during our brain storming sessions. Although the facts may not always have been pleasant, this process and Roger Holmes' forthright intellectual responses were translated into sound policy; the good result of a true public servant and defender of the environment.

More recently, Roger was one of the state's most outspoken supporters of the Conservation and Reinvestment Act which would provide \$350 million annually to the Pittman-Robertson fund for wildlife conservation and restoration. Receiving positive feedback from Holmes and other committed MDNR employees provided a good foundation for me to enter into negotiations for this legislation. Roger Holmes will not have the pleasure of directly using these funds, but it should be noted that indirectly this program is part of the legacy that Roger has shaped. Roger has become a fixture at the MDNR, and will be sorely missed in the years to come.

Mr. Speaker, Roger Holmes deserves our utmost gratitude and admiration for all his hard work and dedication over the years. Please join me in congratulating Mr. Roger Holmes on this prestigious National Wetlands Award, and in wishing Roger, his wife Barbara, and his three children, Kristin, Brad, and Greg, all the best as they embark on a new beginning.

IN RECOGNITION OF THE 60TH AN-
NUAL AMERICAN LEGION FLAG
RAISING DAY PARADE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 60th Annual American Legion Flag Raising Day Parade cosponsored by the

American Legion and the Joint Veteran's Affairs Committee of West New York, NJ, in cooperation with the townships of North Bergen, West New York, and Guttenberg.

By honoring our veterans and our flag, the American Legion Flag Raising Day Parade expresses the enduring pride that we Americans feel in our country and our way of life; we can thank our veterans for both.

The two veterans organizations sponsoring this patriotic parade are vital to the preservation and celebration of American heritage. They understand the power and value of our history: Yesterday, they served in the armed services to preserve America; today, they serve in our communities to preserve our heritage.

It is important that we never forget our past and those who fought for our freedom and our future. That is why we remember and honor those who fought and died for our country—it is the least we can do for their sacrifice.

Today, I extend my gratitude to those who have come together to honor America's veterans, and I ask that my colleagues join me in recognizing the 60th Annual American Legion Flag Day Parade.

HONORING KATHI McDONNELL-
BISSEL FOR OUTSTANDING
SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure today to join the Milford Senior Center as they celebrate their 30th Anniversary and pay special tribute to an outstanding individual, and my dear friend, Kathi McDonnell-Bissell.

The senior community of Milford, Connecticut is indeed fortunate to have such a dedicated individual working on its behalf. As the Executive Director of this tremendous organization, Kathi has transformed the Milford Elderly Services Agency. When she first came to our community, the Elderly Services Agency was run by two full time and one part-time staff members and located in a church basement. Today, centered at the Milford Senior Center, the agency has grown into a quasi-municipal office, working with the Mayor and city officials to ensure that the ongoing needs of the elderly are a priority in the community. Kathi has been the driving force behind this incredible transformation—her unwavering commitment leaving an indelible mark on our community.

Kathi's extraordinary record of service to the residents of Milford extends beyond her work at the Senior Center. She has been an instrumental force in bringing a number of social service programs to Milford, as well as creating a city-wide network of social services. She has played an integral role in the development of the city's first food bank, furniture exchange, and emergency housing programs. Kathi also began a city-wide project to ensure that no child in the city of Milford would go to bed hungry. Her many contributions to the entire Milford community are truly invaluable.

Kathi has been recognized by numerous local, state and national organization for her tremendous work—a remarkable tribute to her outstanding commitment to public service. Perhaps more importantly, behind the myriad of awards, citations, and recognitions, one can always find the warm, nurturing character that has endeared Kathi to everyone who has had the pleasure and privilege of working with her. I cannot begin to express my thanks and appreciation for the assistance that she has given to me, my staff, my family, . . . our community.

I am honored to stand today and join the family, friends, and community members who have gathered today to pay tribute to Kathi McDonnell-Bissell. I am sure I speak for many in saying that her undaunted spirit and vision has been an inspiration to us all. The Milford community is truly indebted to her for the compassion, generosity, and commitment she has shown.

OLAYA DANCE STUDIO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to an integral part of our cultural community, the Olaya Dance Studio of Corpus Christi, Texas. They will be holding their annual recital this weekend on Saturday, June 17, and I want them to know how much we appreciate what they do.

In the Coastal Bend of South Texas, Olaya Dance Studio contributes mightily to the entertainment of the area through the dancing of children. It is, after all, children who fascinate us as well as entertain us, and teach us a little bit about ourselves.

The dancers at Olaya range in age from 3 through adult. They do a host of dances but are known particularly for Flamenco, which is Spanish classical dance, and Folklorico, traditional Mexican dances from different regions in Mexico. There are nearly 100 dancers, and Olaya Dance Studio attracts both boys and girls.

There are certain times of the year when people around Corpus Christi just cannot get enough of these talented young people. These dancers perform a valuable cultural community service. South Texans celebrate two holidays that are unique to the Southwest Border, Cinco de Mayo and the 16 de Septiembre.

Cinco de Mayo pays homage to a great Mexican battlefield victory over the French in the 19th Century. The 16 de Septiembre celebrates Mexican Independence Day. On these two holidays, and for many other holidays throughout the year, including birthdays, anniversaries or other special occasions, the Olaya dancers are in great demand. They will even go to dinners held at homes of area restaurants to perform for special events.

Olaya Dance Studio is run by Olaya Solia, a director, choreographer, and performer who is dedicated to children and educating them through dance.

I ask that my colleagues join me in commending the Olaya Dance Studio for the con-

tribution they make to the community of Corpus Christi and the Coastal Bend.

PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report to the Electronic Signatures in Commerce Act.

This legislation will revolutionize how financial services are provided by allowing business transactions to be started and finished on-line; bringing together technology and the economy.

In addition, S. 761 increases the efficiency and ease of conducting financial business.

Imagine applying for a home mortgage or a car loan on-line. S. 761 not only eliminates unnecessary paperwork, it will save consumers time when they are applying for loans, insurance policies, and other financial services. No more waiting in line, no more being put on hold on the telephone, and no more waiting for applications to be mailed to you. Just the push of a computer key and consumers are able to complete and mail their applications to their financial institutions.

Due to State restrictions, only 1 percent of all mortgage and insurance transactions nationwide occur on-line. By removing these restrictions and allowing consumers to sign contracts on-line through an electronic signature, we can increase the number of automated transactions and reduce the heavy clerical and storage costs of paper files.

I am pleased that language was added to S. 761 which established "consumer consent" provisions requiring that consumers be given a choice as to whether they want to receive legal notices and records electronically or in writing. In order to prevent fraud, consumers would also have to grant or confirm their consent electronically before they would be allowed to receive electronic notices and records.

More Americans than ever before are relying on the Internet to conduct business transactions and manage their personal finances. S. 761 will play a vital role in e-commerce and in helping the United States to maintain its role as a technology leader in the global economy.

I urge my colleagues to vote "yes" on final passage of S. 761.

IMPACT AID/TRIO

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. WATTS. Mr. Speaker, today I support two very important federal education programs: the Impact Aid program and the TRIO program.

Impact Aid is one of the oldest federal education programs, dating back to 1950. Impact Aid compensates local educational agencies (LEAs) for the substantial and continuing financial burden resulting from federal activities. These activities deprive LEAs of the ability to collect property or sales taxes from these individuals, for example members of the Armed Forces living on military bases, even though the LEAs are obligated to provide free public education to their children. Therefore, Impact Aid is a federal payment to a school district intended to make up for a loss of local tax revenue due to the presence of non-taxable federal property.

Nationwide, there are approximately 1,500 federally impacted school districts that are educating 1.3 million federal children. In Oklahoma, there are 287 Oklahoma school districts with federal property. Considering the staggering number of federally impacted children, it is abundantly clear that the federal government has an obligation to federally impacted schools.

Impact Aid is one of the only federal education programs where the funds are sent directly to the school district, and therefore, almost no bureaucracy. In addition, these funds go into the general fund, and may be used as the local school district decides. As a result, the funds are used for the education of all students, and there is no rake-off by states or the federal government to fund bureaucrats.

In addition, it is imperative that America's students not only receive a K-12 education, but also a secondary education. The TRIO programs provide services and incentives to increase students' secondary and post-secondary educational attainment. The support services offered by TRIO are primarily to low-income students, first generation college students, and disabled students. Students from low-income families are significantly less likely than other students to persist in college once enrolled and to graduate. While access has been expanded and college campuses have grown more diverse, the problem of college attrition continues to contribute to the gap in educational attainment between disadvantaged students and their classmates.

Because they offer a wide range of support services, the TRIO programs have an extensive history of success. Examples of support services include instruction in reading writing, study skills, math and other subjects; academic counseling; career options; assistance in the graduate admission and financial aid processes; and mentoring. TRIO has assisted countless numbers of students by helping them to succeed in obtaining undergraduate and graduate degrees from institutions of higher learning. A good education opens up doors of opportunity to thousands of students who otherwise would never have a chance at a productive future.

By increasing its support, the federal government can assist schools everywhere in providing a quality education to thousands of children across the country. Therefore, I urge my colleagues to join me in supporting an increase in funding for the Impact Aid and TRIO Programs. Millions of students depend on these programs for a quality education. Let's not disappoint them.

INTRODUCTION OF THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. STARK. Mr. Speaker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act, a bill to deny tax deductions for unbalanced direct-to-consumer (DTC) pharmaceutical advertising placing more emphasis on product benefits than risks or failing to meet Federal Food, Drug and Cosmetic Act requirements.

This bill will ensure that prescription drug advertisements provide the public with balanced information concerning product risks and benefits. For example, the bill requires that pharmaceutical ads utilize equivalent space and type size in print ads and equal air time in broadcast media—such as television, radio and telephone communication systems—for risks and benefit descriptions. Today, most drug advertising emphasizes product advantages while failing to clearly—if at all—explain often numerous potential disadvantages.

By denying any tax deduction for such advertising, this bill will encourage drug companies to halt these harmful practices that have been shown to increase health care expenditures, mislead the public, adversely affect physician prescribing practices and lead to unnecessary injuries and deaths. Responsibilities of the FDA and Treasury Departments are to be clearly delineated through regulation.

Since the FDA loosened its DTC advertising requirements in 1997, drug companies have doubled their advertising budgets and spent billions extolling the benefits of their products. DTC advertising increased nearly 20-fold during the 1990s. Last year, drug companies spent nearly \$2 billion advertising to consumers, with \$1.1 billion for television ads alone.

As one would expect, such advertising has a direct impact on drug expenditures. DTC advertising leads to more physician office visits, increased patient requests for expensive, brand name drugs—even where a generic drug is available—and over-prescribing of optional “lifestyle” drugs. Americans spent more than \$100 billion on prescription medicines last year—i.e., about 10 cents in every health care dollar. U.S. sales for the antihistamine Claritin, No. 1 in DTC advertising, were \$2.3 billion last year, while the well-advertised heartburn medication, Prilosec, brought-in \$3.8 billion in sales. Not surprisingly, drug spending increased at a rate of about 15%–18% last year and is on the rise.

Contributing to overall increased expenditures, drug prices continue to soar. On average, prices for the 50 most-prescribed drugs for senior citizens increased at twice the rate of inflation over the past six years—with some drug prices increasing at four times the rate of inflation. Business Week reports that the hikes in drug prices are not only tied to new “wonder pills,” but also to the drug industry’s bloated advertising budget.

Such spending is particularly troublesome since consumers receive inadequate informa-

tion about the drugs they purchase. More and more commonly, both television and print ads have become the subject of ridicule due to their inaudible or illegible short list of warnings. A recent cartoon in the Washington Post mocked the typical concluding remarks of a prescription drug TV ad: “WARNING: This drug commercial will be followed by a disclaimer that may cause nausea, disgust, and serious doubts.” A typical Washington Post newspaper ad for Prilosec highlights the drug benefits on a full-page, large print, color ad, and includes a prominent \$10 rebate offer. Yet the most important drug information—warnings, contraindications, indications, usage, precautions and adverse reactions—appear on the next page of the paper, separated by two, full columns of World News and in type size that is almost too small to be read by the naked eye. Unfortunately, such advertising has become the norm.

Although the Federal Food, Drug and Cosmetic Act and the Food and Drug Administration (FDA) regulations and guidelines currently regulate drug advertisements, pharmaceutical ads most often fail to provide the public with adequate information about potentially dangerous drug side effects. RxHealthValue is a new, independent group, representing more than 30 consumer groups, private employers, purchasers, health care providers, labor unions and academics. Last month, this organization recommended that the FDA “develop standards for full disclosure of drug risks and benefits information for all prescription drugs advertised directly to consumers.” The group also called for specifying that “fair balance” means that full disclosure of risks and side effects is given equal print or air time as the description of benefits in the same communication.

I would also like to insert in the RECORD a May 3, 2000 USA Today article providing further evidence of the need for adequate information about drug risks. According to the article, less than 1% of physicians have seen a drug label in the last year. And “in many cases, patients never even see the package insert, and when they do, the tiny typeface and medical jargon often leave them more confused than ever.” These inserts are jam-packed with important warnings and most often go unnoticed. The article reports that drug labels are complex and fail to provide patients and doctors with critical information. Consequently, many patients and doctors fail to read drug labels, leading to inappropriate prescribing, illness and even death.

The article also cites the recent withdrawals of Rezulin, Posicor, Duract and the anticipated removal of Propulsid as evidence that both patients and physicians are unaware of critical drug information. The FDA noted that after altering Rezulin’s label to recommend monthly liver function tests, less than 10% of patients had the tests. And 85% of the 270 Propulsid-related adverse side-effects reported to the FDA (including 70 deaths) occurred in patients with risk factors already listed on the drug’s label. Similarly, all but one of the 12 cases of adverse events (including four deaths) occurred among patients who took the drug for longer than the recommended ten days.

Adding importance to the need to provide accurate, balanced advertising is the fact that

the news media often misses the facts. According to a study featured in this month’s issue of the New England Journal of Medicine (NEJM), newspaper and television medical reporting is often inadequate or incomplete. The NEJM found that the media often lacks or omits critical information about drug risks, overstates the benefits, cites medical experts without mentioning their affiliation with the drug industry, and fails to provide adequate information about drugs in general. The analysis of 207 recent news stories revealed more than half as completely silent about drug risks or side effects. It is clear both patients and medical professionals need comprehensive drug warning information.

In the event that any drug company claims that changes in tax treatment will directly decrease their investment in research and/or lead to higher drug prices for consumers, I would refer to a recent study that proves how preferential their tax treatment really is today. The nonpartisan Congressional Research Service (CRS) analyzed the tax treatment of the pharmaceutical industry and found taxpayer financed credits contribute powerfully to lowering the average effective tax rate for drug companies—by nearly 40% relative to other major industries between 1990 to 1996.

There should be a responsibility attached to such preferential tax treatment and accurate, balanced advertising on matters affecting people’s lives should be an easy obligation to meet.

The need for this bill is clear. In an environment where the Institute of Medicine (IOM) reported between 48,000 to 98,000 people die every year due to medical errors—with medication errors accounting for one out of 131 outpatient deaths and one out of 854 inpatient deaths—providing medical professionals and consumers balanced information about drug risks and side effects is critical.

By denying tax deductions for unbalanced prescription drug ads, we can change pharmaceutical company behavior to ensure that their advertising includes clear, life-saving information that will better inform the American public, reduce health care expenditures and save lives. I look forward to working with my colleagues to make this a reality.

[From USA Today, May 3, 2000]

COMPLEX DRUG LABELS BURY SAFETY MESSAGE

(By Rita Rubin)

If all the information that’s supposed to be on prescription labels actually were printed there, pill bottles would have to be 2 feet high. At least.

Most people don’t have medicine cabinets the size of refrigerators. So drug labels have evolved into package inserts, those tightly folded sheets of paper covered with fine print detailing risks and benefits. In many cases, patients never even see the package insert, and when they do, the tiny typeface and medical jargon often leave them more confused than ever.

Prescribing and taking medicine has never been more complicated, and critics say patients are becoming sick or dying as a result.

Recent drug withdrawals suggest that doctors, never mind their patients, aren’t keeping up. Either they’re overlooking warnings scattered throughout inserts or they’re not even reading the leaflets.

“Less than 1% of physicians have seen a label in the last year,” cardiologist Robert

Califf, director of Duke University's Clinical Research Center, estimated at a recent Food and Drug Administration advisory committee meeting.

In less than two years, three widely prescribed drugs have been pulled from the market in part, at least, because doctors ignored the package inserts. A fourth will disappear from drugstore shelves this summer for the same reason.

FDA critics say the agency, which regulates package inserts, expects too much of the leaflets. Instead of withholding approval of potentially dangerous drugs, critics say, the agency sends them to market with inserts jam-packed with warnings.

"Should we have relatively dangerous drugs and simply warn people that they might kill or seriously injure them?" asks Thomas Moore, a health policy fellow at George Washington University in Washington, D.C. "My perception is that the top management of the FDA seems to have a more permissive view than we have historically had."

He and like-minded FDA-watchers are quick to tick off Propulsid, Rezulin, Posicor and Duract, four drugs whose inserts underwent multiple revisions as new safety concerns came to light. In each case, the manufacturer also mailed "Dear Doctor" letters to alert physicians of label changes.

Apparently, though, some doctors never saw the warnings, and patients died. The last three drugs are now off the market, and Propulsid, which is used to treat severe heartburn, will follow them by mid-August.

"FDA has an almost ritualistic belief in labeling changes, as if they have some magical property to change behavior," says Jerry Avorn, chief of the division that tracks adverse medication events at the Brigham and Women's Hospital in Boston. "There is very little data to support that belief."

The FDA's own research backs Avorn.

In a "talk paper" in January, the FDA noted that 85% of the 270 Propulsid-related adverse side effects reported to the agency—including 70 deaths—occurred in patients with risk factors already listed on the drug's label, such as congestive heart failure or use of antibiotics or antidepressants.

And after Rezulin's label was changed in late 1997 to recommend monthly liver function tests, the FDA found that far fewer than 10% of patients had the tests.

Apparently, even the agency's expert advisers don't always follow the package insert instructions.

At the recent advisory committee meeting, an FDA staff member had to remind urologists on the panel about how to treat patients with Muse, an injectable impotence treatment. Instead of sending men home with a prescription, doctors are supposed to administer the first dose in their office so they can watch for possible side effects.

FLAWED SYSTEM

In many cases, package inserts "are far from perfect," acknowledges Rachel Behrman of the FDA's medical policy office. "We are working hard to improve that."

Recognizing that patients as well as doctors need to read package inserts, the FDA hopes to make them "more user-friendly, more informative, more consistent," she says.

"If you flip through the PDR, the Physicians Desk Reference, the medication bible that reprints package inserts for nearly all prescription drugs today, some of our labels are very good, and some are not."

The older the drug, the more likely its package insert is to fall in the latter cat-

egory, she says; until recent years, comprehensiveness superceded clarity.

Still, "the best available science is often not communicated adequately to practicing doctors to shape their prescribing decisions," says Avorn, who lectures Harvard Medical School students on the subject.

Rezulin, a diabetes drug, looked so dangerous that Avorn and his colleagues advised diabetes doctors at their hospital to stop prescribing it a year before Parke-Davis, at the FDA's urging, pulled it from the market. "I'm astonished that the additional year of product life even existed," Avorn says.

Why does the FDA approve such medications and allow them to stay on the market? "There are very strong economic and political pressures when a company has spent hundreds of millions of dollars to develop a drug," Avorn says.

Wyeth-Ayerst Laboratories yanked Duract, a painkiller in the same class of drugs as ibuprofen, naproxen and others, from the market in June 1998 after reports of four deaths and eight transplants resulting from severe liver failure. According to the company, all but one of the cases occurred among patients who took the drug for more than 10 days, against the label's advice.

Just two weeks before Duract came off the market, Roche Laboratories pulled Posicor, which is used to treat high blood pressure and chest pain.

Taking Posicor with any of a number of commonly used drugs, including some heart disease treatments, could lead to potentially fatal heartbeat irregularities, the same problem that led to Propulsid's impending withdrawal.

As with Propulsid, changes to Posicor's label were designed to minimize the drug interaction risk.

"In principle, drug interactions can be addressed by appropriate labeling; however, with respect to Posicor, Roche Laboratories believes that the complexity of such prescribing information would make it too difficult to implement," the company wrote in a "Dear Doctor" letter announcing Posicor's withdrawal.

At least one drug, sorivudine for shingles, never made it to the U.S. market because of concerns about the effectiveness of label warnings. The pill was withdrawn in Japan after 15 users died in just its first month on the market. They had developed aplastic anemia, a blood disorder, after taking sorivudine with a common anti-cancer drug.

Three years later, Bristol Myers Squibb representatives argued before an FDA advisory committee that a "black box warning"—like the ones on cigarette packages—would adequately minimize sorivudine's risks.

"No one was convinced that it would work," says Raymond Woosley, chairman of pharmacology at Georgetown University in Washington, D.C., and a member of that committee, which recommended not approving sorivudine.

Because a drug already on the market, acyclovir, provided a similar benefit with far less risk, the agency followed the advisory committee's recommendation, the FDA's Behrman says. "We believed zero deaths was the only acceptable number."

RISK VS. BENEFITS

Rezulin, on the other hand, was the first drug of its class. FDA officials have said the agency sought to remove that drug from the market only after similar, safer medications became available.

"I've heard that line, but I don't buy it," Avorn says. "It's as if we don't have other medications to treat diabetes."

The risk/benefit issue arose at the FDA advisory committee meeting, where panelists recommended approval of Uprima, which would be the second impotence pill on the market.

Pre-market studies showed that the drug can trigger fainting, especially when taken with alcohol, so committee members suggested a black box warning against drinking on Uprima's label.

But panel member Thomas Graboys, who had to leave the meeting early, says he would have voted against Uprima, partly because of concerns about the label's ability to protect patients.

When the condition a drug treats isn't life-threatening, only the lowest level of risk is acceptable says Graboys, director of the Lown Cardiovascular Center at Brigham and Women's Hospital.

Much inappropriate prescribing could be eliminated if doctors actually read package inserts or looked up the drugs in their PDRs before prescribing them, Woosley says.

Instead, they rely on memory, a Herculean task when one considers that one doctor might prescribe scores of drugs. But that's what they're taught to do in medical school, Woosley says. Doctors wrote nearly 3 billion prescriptions last year; the number is expected to reach 4 billion annually by 2004.

"We've got to start by changing the way we teach people," he says. Among his students, "the kid who gets the 'A' is the one who says 'I don't know, but I'll look that up and get back to you.'"

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. CANNON. Mr. Chairman, I rise in support of Mr. SUNUNU's Amendment increasing funding for the Payment in Lieu of Taxes program for the FY2001 Interior Appropriations Bill. The government has an unpaid obligation to the towns and counties containing lands owned by the federal government, since these are areas that counties do not own and cannot tax. Without PILT, local governments would be forced to eliminate essential public services that benefit residents and visitors in their respective counties.

The federal government owns large portions of lands in many of the counties that I represent in Utah. For example, 93% of Garfield County is owned by the federal government. Our state uses a vast majority of the PILT reimbursements to support education. For FY2001, Utah plans to spend 49.5% of the state budget on K-12 education, among the highest in the nation. But even with this huge commitment, Utah ranks dead last in per student spending with an average of \$4,008 per year compared to the national average of

\$6,407. With this much of the state owned by the federal government, Utah relies heavily on this PILT funding.

I understand that it is difficult to reconcile the many needs in the Interior budget with the limited funds available, but the PILT program has not been sufficiently funded in the past. I urge you to consider the federal responsibility and the needs of Utah's students as you cast your vote on this amendment.

HONORING SACRED HEART ROMAN
CATHOLIC CHURCH OF PHOENIX-
VILLE, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, it is with great pleasure and enthusiasm that I rise to congratulate Sacred Heart Roman Catholic Church in Phoenixville, Pennsylvania on the momentous occasion of its Centennial Jubilee. This year, Rev. Msgr. John Galyo and the parishioners of the Church celebrate the 100th anniversary of their parish.

Founded by Slovak immigrants in 1900 as a place to worship in their native tongue, Sacred Heart Church quickly developed into a cohesive faith community. However, the growth of the parish, both spiritually and physically, did not come without hard work, determination, and the pride of its people.

The original wooden church was destroyed by fire in the 1920s. Through the tremendous sacrifices of its selfless parishioners, a new brick building was constructed and opened for services by 1929. It remains a house of worship to this day, giving testimony to the undying spirit of the Sacred Heart community.

Although Slovak is no longer the main language spoken by the parishioners, their pride in the Slovak heritage lives on. In fact, Sacred Heart is one of only a few remaining Slovak parishes in the Archdiocese of Philadelphia. Over the course of the century, Sacred Heart has been both a blessing and an inspiration to Southeast Pennsylvania. It emerged from humble beginnings and has clearly prevailed through the often turbulent tests of time to become a thriving and enduring spiritual family.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Msgr. Galyo and the parishioners of Sacred Heart Church as they celebrate a century of tremendous achievements. May they enjoy bountiful blessings and good fortune for many more years to come.

IN HONOR OF DIANA MARIE
FALAT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Diana Marie Falat upon her reception of the Gold Key Award at the National Scholastic Art Exhibition in Washington, DC.

EXTENSIONS OF REMARKS

Diana's ceramic pieces have won several awards in the Cleveland area, including three Gold Keys, a Silver Key, and an Honorable Mention, as well as various monetary awards. For her piece entitled "Petunia", Diana was named in the Top 25 at the Ohio Governor's art show. This weekend, Diana will be honored at the Kennedy Center for the Performing Arts National Scholastic Art Exhibition with a Gold Key award—the highest award ever achieved in art by a Berea School District student.

Diana's accomplishments are not limited to the field of art. Diana, age 18, is a recent graduate of Berea High School in Berea, Ohio where she was a member of the National Honor Society, RSVP, and the Big Sibs program. She earned a varsity letter in her senior year for girls' golf, and is an accomplished figure skater as well. For the past two years, she has also attended Cuyahoga Community College. In the fall, Diana will attend Wright State University in Dayton, Ohio, where she plans to continue her ceramics and figure skating. Diana's involvement in her school, her community, athletics, and the arts are a testament to her commitment to better herself and the world around her.

My fellow colleagues, please join me in honoring Diana Marie Falat for her many various achievements, and especially on her reception of the Gold Key award at the National Scholastic Art Exhibition at the Kennedy Center.

KOREAN SUMMITT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. HALL of Ohio. Mr. Speaker, I rise to mark the historic occasion of the summit between President Kim Dae Jung of the Republic of Korea, and Chairman Kim Jong Il of the Democratic People's Republic of Korea.

Much has been written about this unprecedented meeting between the leaders of the two Koreas; what has happened has encouraged not only Korean people, but those of us who are concerned about human rights and humanitarian matters as well. And I hope the course these leaders chart in the months ahead will be a model for other former adversaries to follow.

A reconciliation like the one that has now begun in Pyongyang holds great promise for expanding freedom and prosperity for Korean people on both sides of their border. That is something that Koreans have longed for; it is also something that many Americans are eager to see—especially the hundreds of thousands of Korean-Americans who have enriched the communities of our Nation, and the tens of thousands of active-duty military men and women, and their families.

I first met President Kim when he was living in exile in the United States. Together with many of our colleagues and former colleagues, I tried to help him with the work he was doing to promote human rights for his people. While I have not met Chairman Kim, I have worked with his people on the humanitarian projects that have been an important

focus for the DPRK in recent years. So I have a special appreciation for Koreans' and Korean-Americans' sense that this moment is a moving one.

Still, I don't think any outsider can understand how Korean people feel this week. It's hard to imagine how much those in the north and the south have suffered—from food shortages in the north, human-rights concerns in the south, and for both the pain of being torn from their families and their countrymen.

I hope that President Kim will be generous in providing the tangible necessities—food, fertilizer, medicines—that will help so many people in the north. I hope that Chairman Kim will continue to demonstrate courage and confidence in helping separated families reunite. As an American, I also hope that Chairman Kim will take the military steps needed to reassure Koreans living in the south, and U.S. troops stationed along the border, that the years ahead will be peaceful ones.

As important as the specific steps that have come out of this summit are, though, the most important long-term result will be this first step toward healing this divided nation.

Mr. Speaker, the United States has an important role to play in supporting this extraordinary peace initiative. I strongly believe we should lift economic sanctions against North Korea, as President Clinton promised to do nine months ago. I think we should accept Koreans' leadership in the decisions we make together as long-time allies. And I hope the United States will continue to respond generously to the United Nations' relief efforts, and that we will expand our relationship with North Korea's people in other ways.

I have visited many places where people are hurting. One thing I have learned is that—no matter where they live—people who survive terrible hardships have one thing in common: they remember who helped them through their difficulties, and they cannot forget who found excuses to let their friends and families die.

I have been especially proud of our country in refusing to let the political differences we have with North Korea prevent us from upholding our humanitarian tradition of responding generously to the people in need there. Now, with this summit, Koreans in the south have demonstrated to their brothers that they are not going to stand by and let them suffer. I hope the past three days will create the goodwill the leaders of these nations need to improve the lives of their people over time—and to ease the serious suffering of Koreans in the north immediately.

Both North Korea and South Korea have made tremendous progress in a very short time. It is easy to forget the economic strides South Korea has made in the past 30 years, and the diplomatic achievements North Korea has made as it re-orientes its economy away from its longstanding alliances and toward a future that is marked by better relations with other nations.

The work ahead will not be easy, but Koreans I know are some of the toughest, hardest-working people I have ever met. I am confident that, if they set themselves to this work, they will accomplish it. And I hope that our country will contribute to their success.

INTRODUCTION OF LEGISLATION
TO REAUTHORIZE THE STATE
CRIMINAL ALIEN ASSISTANCE
PROGRAM

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to reauthorize the State Criminal Alien Assistance Program. This program is a valuable one that has done much to address the costs incurred by states and localities in incarcerating illegal criminal aliens since its creation in 1994 under the Violent Crime Control and Law Enforcement Act.

The proposal I offer today is a simple one. This bill reaffirms our belief in the value of this program and strengthens our commitment to it by increasing significantly the authorized funding level over the next four years. The authorized level for this program has increased each year since 1995, when it was set at \$130 million. This year, \$340 million was authorized.

I propose today to increase the funding level for this program to \$850 million a year. This increase, I believe, acknowledges the importance of supporting programs which have proven to be successful. More importantly, I believe it aids us in meeting our responsibility at the federal level to assist states and localities in the effort to keep our communities safe. I encourage all of my colleagues to join me in supporting this initiative.

RECOGNIZING THE CONTRIBU-
TIONS OF COLONEL CARROLL F.
POLLETT

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great United States Army officer and soldier, Colonel Carroll F. Pollett, and to thank him for his contributions to the Army and the country. On Friday, June 23, 2000 Colonel Pollett will relinquish command of the Army's 3rd Signal Brigade which is stationed at Fort Hood, Texas in my district for assignment to the Joint Chiefs of Staff in Washington, DC.

Colonel Pollett began his military career in the enlisted ranks attending basic training and earning his credentials in the Signal Corps from the bottom up with such jobs as Radio Operator, Team Chief, Operations Sergeant and Platoon Sergeant. He was commissioned a Second Lieutenant in the Signal Corps following his graduation from Officer Candidate School and has commanded troops as a Signal Platoon Leader, Company Commander, and Battalion Commander before taking command of the 3rd Signal Brigade. Carroll has served in staff positions from company level to the Department of the Army and along the way found time to earn a bachelor's degree and two master's degrees. He has served at numerous posts both in the United States and Europe during times of peace and war.

Carroll is a consummate professional whose performance personifies those traits of courage, competency and commitment that our nation has come to expect from its Army officers. We are saddened that he will be leaving, but we will wish him Godspeed and good luck in his new assignment.

Let me also say that every accolade to Carroll must also be considered a tribute to his family, his wife Dayna and their two sons, Derek and Brian. As a wife and mother, Dayna has been a true partner in all of his accomplishments.

Carroll's career has reflected his deep commitment to our nation, and has been characterized by dedicated selfless service, love for soldiers and their families and a commitment to excellence. I ask Members to join me in offering our heartfelt appreciation for a job well done and best wishes for continued success to a great soldier and friend—Colonel Carroll F. Pollett.

INTRODUCTION OF LEGISLATION
TO GRANT FEDERAL CONSENT
TO THE KANSAS AND MISSOURI
METROPOLITAN CULTURE DIS-
TRICT COMPACT

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I announce my intention to introduce legislation to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact, a successful project I have worked on for over a decade.

In 1987 I sponsored enabling legislation in the Missouri House of Representatives to establish a bi-state cultural district for the Kansas City metropolitan area of five counties in Western Missouri and Eastern Kansas. This unique effort in our nation provides a secure source of local funding for metropolitan cooperation across state lines to restore historic structures and cultural facilities. Through the next seven years I worked closely with my counterparts in the Kansas State Legislature, the Mid-America Regional Council, KC Consensus, and civic leaders and elected officials to secure State and Federal approval. When the Bi-State Metropolitan Cultural District Compact was finally sent to the U.S. Congress for authorization in 1994, I appeared in Washington, D.C. in support of passage of this Compact, along with my co-sponsor, Missouri State Senator Harry Wiggins.

I am proud to seek approval of the continuation of the Kansas and Missouri Metropolitan Culture District Compact. Approval of new State and Federal legislation to extend the Compact is necessary for three reasons. First, the existing Bi-state Contract sunsets at the end of the 2001 which means the local revenue stream will end unless new legislation extends the authority. Second, the new Contract expands the cultural definition to include sports facilities important to the region. Finally, with the consolidation of the governments of the City of Kansas City, Kansas and Wyandotte County into the unified government, the

Kansas representation on the Bi-State Board was decreased by two Board Members. Consequently, Missouri currently has an advance of two votes. The new law corrects this inequity so that membership on the Board is balanced with half of the Members from each state.

Over the past four years the Greater Kansas City area has seen the successes of the original Compact. It has made possible the restoration of Union Station which is one of the Midwest's greatest historic landmarks and the largest preservation project currently underway in the United States. The restoration project has been a unique example of a bi-state, private-public, local-federal partnership. Continuation of the Compact will allow the metropolitan area to further this productive alignment for successful arts and cultural initiatives in the region, and I expect more will be done in Kansas using the revenue in the next phase of the Compact.

Mr. Speaker, I am requesting the House join me in supporting this worthwhile and successful effort in our districts by granting federal consent of the Kansas and Missouri Metropolitan Culture District Compact.

CONGRATULATING FRESNO
COMPACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Fresno Compact for being awarded a "1999 Distinguished Performance Award," by the National Alliance of Business (NAB). This award designates Fresno Compact as the number one local business-education coalition in the United States for 1999.

Fresno Compact is a broad-based coalition of leaders from business and education, whose focuses are to improve student achievement and to bring business leaders and educators together. The Compact helps coordinate such programs as the high school "employment Competency Certification" and the Chamber of Commerce's business partnership programs. It also participates in school-to-career activities of the State Center Consortium and works with the Business Education Committee.

Fresno Compact began its alliance more than ten years ago. It focuses on influencing educators to provide teaching that better prepares students for the workforce. According to NAB President Robert Jones, Fresno Compact is a "catalyst that focuses the attention of Central California business, education and political leaders on long-term, cooperative programs that are designed to raise student achievement levels and provide skills needed by local employers."

Mr. Speaker, I want to congratulate Fresno Compact for being awarded the "Local Coalition of the Year" award. I urge my colleagues to join me in wishing Fresno Compact many more years of continued success.

June 15, 2000

IN RECOGNITION OF MS. JULIE
WILLIAMSON

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. PHELPS. Mr. Speaker, today I rise to recognize one my district's finest teachers, Ms. Julie Williamson. A first grade teacher at the Pioneer School in Neoga, IL, Ms. Williamson recently received the award for "Illinois Ag in the Classroom Teacher of the Year" by the Illinois Farm Bureau. She was chosen as the recipient from a group of more than 1000 Illinois teachers.

Ms. Williamson's method of teaching allows students to learn about and appreciate the benefits of agriculture. She teaches her students where the products come from and how the products reach them in their everyday lives. She wants children to understand the connection between the farm and the table. Ms. Williamson believes that people need to understand where their food originates in order to be more appreciative of the people who supply it. Some of the activities that she brings into her classroom are: bread making, field trips to local farms and orchards, and honey-making with live bees. Ms. Williamson's next step will be to attend the U.S. Department of Agriculture National Ag in the Classroom Conference in Salt Lake City.

It is with this, Mr. Speaker, that I say congratulations to Ms. Julie Williamson on her excellent accomplishment. Due to her dedication to her students and community, it is clear that Ms. Williamson is an asset to Illinois and the educational system.

HONORING PROFESSOR MARGARET
MURNANE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. UDALL of Colorado. Mr. Speaker, today I honor one of my constituents, Margaret Murnane, who is a physicist at the University of Colorado at Boulder. This week Professor Murnane received a "genius" award from the MacArthur Foundation for her work in optical physics. She is one of just twenty-five Americans named as MacArthur fellows this year.

Professor Murnane has developed a camera-like laser that emits pulses of red light. Applications of this laser technology range from laser surgery to monitoring water content in cooking. Additionally, this laser can aid scientists visualize processes that are too fast for the human eye to detect, such as chlorophyll harvesting sunlight, which is a process in plant growth.

When she was a child, her father used to give her math puzzles to solve. Without a doubt, this practice contributed to her passion for science. This shows what a little parental involvement can do to further the development of a child's mind.

Professor Murnane's contributions to science, education and technology will have a

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large impact on our society for years to come. I am pleased to honor her today for her accomplishments.

COMMEMORATION OF THE 50TH
ANNIVERSARY OF THE START
OF THE KOREAN WAR—A
SPECIAL TRIBUTE TO THE 503D
FIELD ARTILLERY BATTALION
OF THE 2D INFANTRY DIVISION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the courageous Americans who fought and died in defense of freedom in the Korean War. On June 25th, we will commemorate the 50th anniversary of the start of that conflict—the so-called "Forgotten War"—which claimed more than 35,000 American lives.

On behalf of President Clinton, I will co-chair, with Veterans Administration Secretary Togo West, a Presidential Mission to Korea to represent the people of the United States during the anniversary commemoration ceremonies in Seoul. We will be accompanied on that mission by some of my comrades-in-arms with whom I served during my wartime tour in Korea, members of the 503d Field Artillery Battalion of the 2d Infantry Division.

The battalion landed in Korea in August 1950, arriving in time to participate in hard-fought battles that defeated the North Korean offensives against the United Nations forces on the Pusan Perimeter. When the Chinese entered the war in November with massive ground assaults against UN forces in North Korea, the 503rd and rest of the 2d Infantry Division fought their way out of encirclement by the Chinese near Kunu-ri.

The battles in North Korea exacted a terrible price—the 503d lost almost all of its equipment and nearly half of its men. But in early 1951, overcoming many obstacles, the battalion rebuilt itself into a combat-ready unit, and played a major role in the 2d Infantry Division's stubborn stand against a far stronger force during the May 1951 Chinese offensive, an action that earned the entire division a Presidential Unit Citation.

During the battalion's fifteen months in Korea, members of the 503d received nineteen Silver Stars, four Distinguished Flying Crosses, and seventy-nine Bronze Stars. The battalion suffered 512 casualties, including 150 men who died in Communist prison camps and 79 who remain listed as missing in action.

The 503d, a Black unit, lived up to its motto of "We Can Do It," serving with heroic valor in the face of relentless attacks by the enemy. In doing so, it shattered the biased and unfair negative stereotypes attached to Black fighting men and women in Korea and earlier wars.

Mr. Speaker, today I pay special tribute to my brave and loyal Brothers who served in the 503d Artillery Battalion, and join with them in saluting all of our comrades-in-arms in Korea, whom we will never forget.

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PRESIDENTIAL MISSION TO THE 50TH ANNIVERSARY COMMEMORATION MEMBERS OF THE 503D ARTILLERY BATTALION—JUNE 25, 2000

Ronald Chatters, Samuel Gilliam, Harvey Ginn, Robert Greer, Hezekiah Gregory, Walter Jackson, William Jackson, Elgin Miller, Donald Minter.

Henry Mitchell, Charles B. Rangel, Leroy Sykes, James Thompson, John Worley, Robert Lee Wyatt.

COMMENDING DR. RAMEK HUNT,
DR. GEORGE JENKINS, AND DR.
SAMPSON DAVIS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. PAYNE. Mr. Speaker, I would like to draw to the attention of my colleagues a remarkable and powerful story about three young men who have been selected as recipients of my Congressional Community Service Award. They have also received Year 2000 Essence Award for outstanding community service and have been honored by the organization 100 Black Men. Theirs is a success story rooted in their youthful friendship and nurtured over the years by mutual support and shared determination to reach their goals against all odds.

Thirteen years ago, three teenage boys from the streets of Newark, New Jersey made a pact that they would encourage, support and stand by each other until each graduated from medical school. With hard work, tenacity, and determination to overcome all obstacles, an amazing thing happened—these three friends realized their youthful goal. Their impossible dream came true. Last year, Ramek Hunt and Sampson Davis received degrees from the University of Medicine and Dentistry of New Jersey Robert Wood Johnson Medical School, and George Jenkins graduated from UMDNJ Dental School.

Growing up, Dr. Ramek Hunt lived in Orange, Newark and Plainfield, New Jersey, eventually returning to and settling in Newark. There, he attended University High School and clearly succeeded, but the path to success was often rocky. He began to focus on his future when a recruiter from Seton Hall University visited his school and spoke about careers in medicine and dentistry. George Jenkins encouraged Ramek and Sam to go with him to Seton Hall and become doctors.

Dr. George Jenkins was born in South Carolina, but has lived in Newark, New Jersey since the age of two. He first lived in the Stella Wright Housing projects and then moved to the High Park Gardens Co-op, where he still resides. Dr. Jenkins presence in the Newark community is a source of inspiration for young people who look to him as a solid role model.

Dr. Sampson Davis was born and raised in Newark, New Jersey where he excelled at academics and sports at an early age. As a young man, he reached for the stars, determined to succeed not only for himself, but for the good of the entire community.

Even today, the three friends meet together with the young people of the community and they share a new goal—to open a health clinic

in their old neighborhood. Mr. Speaker, I know my colleagues join me in commending these remarkable young men, who have set such a fine example of determination to succeed as well as dedication to community service. Let us express appreciation for their work and extend best wishes for continued success to Doctors Ramek Hunt, George Jenkins and Sampson Davis.

COLUMBIA, MISSOURI FIRE
DEPARTMENT

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. HULSHOF. Mr. Speaker, we all have probably heard the favorite saying of the former Speaker of the U.S. House, Tip O'Neill, "that all politics are local." Taking this quip to heart, the actions of William Markgraf, the Fire Chief of Columbia, Missouri, show that in this rapidly shrinking world, even strong international relations can be encouraged locally.

Recently, Chief Markgraf informed me about a remarkable relationship that he has formed with another firefighter from Moers, Germany. The story begins about 12 years ago, when a volunteer firefighter named Michael Stroinski from Moers trained and worked with the Columbia Fire Department during their Spring Fire School. Moers, which is about 15 minutes outside of Dusseldorf, has a fire department that is largely composed of volunteers and serves nearly 125,000 people. For the last twelve years, Michael has returned nearly every year to Columbia, sometimes bringing as many as six of his company-mates from Germany with him to train, work and live with members of the Columbia Fire Department. In kind, Michael has repeatedly extended a similar invitation to Chief Markgraf and others from the C.F.D., who have gratefully accepted, resulting in a vibrant exchange program between Moers and Columbia firefighters.

This July, Moers will be celebrating the 150th Anniversary of its central fire station and has invited members of the Columbia Fire Department to attend this celebration. For this reason, I would like to send my thanks and the thanks of those in this chamber to the people of Moers, Germany for the hospitality they have extended to my constituents. In addition, I would like to recognize Michael Stroinski, Captain of Moers Fire Station One, for his meritorious service to his city and the people of Columbia in the line of duty, as well as for his role in fostering a partnership and good relations between these two international communities.

Mr. Speaker, it is my hope that this anniversary celebration will be as successful as the relationship formed between Columbia and Moers, and I wish Michael and the other German firefighters many safe returns to Columbia, Missouri.

EXTENSIONS OF REMARKS

HONORING MS. BOOS' SECOND
GRADE CLASS FROM EVER-
GREEN AVENUE SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. ANDREWS. Mr. Speaker, today I commemorate a special occasion in which 38 children from Evergreen Avenue School have excelled in the classroom. Ms. Boos' second grade class is a remarkable group of young people. I wish the best of luck and continued success in school to Vanessa Adams, Natasha Barnett, Armand Brown, Roberta Burns, Adrienne Curry, Amber Darling, Brittany Feldman, Ashley Hecht, Ashley Kersey, Markie McDonald, Samantha Miller, Allen Moore, Scharron Nock, Brandon Rivera, Nicholas Schoning, David Viereck, Rashon Warrington, Jaquel Williams, Conner Wisely, Chloe Berger, Brittani Brydges, Robert Carter, Francis Connor, Shaneyce Cordy, Ashley Demarco, Thomas Hair, Hailey A. Headrick, Nicole L. Miller, Phillip Morris, Joseph Nunn, Nicole Pentz, Kelsey Serra, Renia Singleton, Angela Vincent, Amy Lynn Watson, Alexander Weiss, Darnell Whye, Analya Young.

COMMEMORATING CHESTERFIELD
MISSOURI

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. TALENT. Mr. Speaker, I rise today to commemorate the city of Chesterfield, Missouri which celebrated its birthday on the 1st of June.

Throughout its 400-year history, the area of Chesterfield, Missouri has cultivated a deep tradition and distinguished itself as one of St. Louis County's fastest growing communities. Chesterfield's most famous citizen, Frederick Bates, settled there in 1819 and served as Secretary of the new territory. This area remained a collection of rural communities influenced by German settlers throughout the 19th century and for most of the 20th century. In the 1960's, Chesterfield began aggressive development that paved the way to the prosperous city it is today. The city officially incorporated in 1988 and its economy and community continues to thrive.

Mr. Speaker, as a resident of Chesterfield, it gives me great pleasure to recognize this outstanding city and its citizens for their contributions in making our community a great place to live, work, and raise a family.

I would like to wish the city of Chesterfield a happy birthday and hope for the area's continued success in the new century.

June 15, 2000

TRIBUTE TO ANNA WANG

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. HOLT. Mr. Speaker, today I pay tribute to Anna Wang, a Supervising Librarian at the Monmouth County Library Headquarters. Mrs. Wang is retiring after 32 years of dedicated service to the library and the community. I join her family, friends, and grateful colleagues in honoring her for her talents and skills that she has shared with our community.

Mrs. Wang has worked diligently to select, process and organize the largest Chinese language collection in a public library in New Jersey. This collection, housed in the Shrewsbury, Marlboro, Holmdel, and Manalapan libraries, has been a vital resource for the people of New Jersey.

Mrs. Wang has also coordinated Chinese ethnic festivals with local schools and the Friends of the Monmouth County Library; she has arranged an exchange program with the National Central Library in Taipei, Taiwan; and she has obtained numerous dollars in federal grants for these programs. Her talents and hard-work will be sorely missed by the entire community.

Mrs. Wang is one of those truly amazing individuals who devotes all of her time to public service. In addition to her tremendous accomplishments at work, Mrs. Wang manages to serve as president of the New Jersey Chinese Book Club. She is also a columnist for the New Jersey Sino Monthly Magazine and the Global Chinese Times. And she is the author of three books.

I ask my colleagues in the House to join me in thanking Mrs. Wang for her and contributions to New Jersey, her dedication, and her hard work, and I wish her a happy productive retirement.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. VISCLOSKY. Mr. Speaker, I apologize for my absence recently from the House of Representatives on June 13, 2000.

On June 13, 2000, I was unavoidably detained at a school event for my youngest son, and unfortunately missed one recorded vote. Had I been present, I would have voted Aye for Roll Call vote 265.

June 15, 2000

HONORING HOWARD M. FEUER
FOR HIS 40 YEARS OF SERVICE
TO THE SOCIAL SECURITY AD-
MINISTRATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. CROWLEY. Mr. Speaker, I rise today to honor Howard M. Feuer for his long and distinguished career of service to the Social Security Administration. Next week, Mr. Feuer will retire after 40 years of service to the Agency.

In this era of frequent career changes, Mr. Feuer's 40 years of service should be duly noted. He is one of the most respected and experienced Area Directors in the Social Security Administration. For half of his 40 year career, Mr. Feuer has served as an Area Director. He oversees the operations of 26 field offices in Brooklyn, Queens, Nassau and Suffolk Counties in New York State, including a staff of over 800 SSA employees.

Throughout his career with Social Security, he has received many awards, including a Commissioner's Citation for his dedication to achieving the administration's goals of service to the public and value of its employees.

Howard Feuer earned a BBA and an MBA from CCNY-Baruch College. He has held many positions in both Social Security offices and the New York Regional Office. Mr. Feuer has been an innovator, embracing technological enhancements and maximizing the efficacy of his Area's resources. He has been a mentor to many of the management staff in the Region and is a recognized leader among Area Directors throughout the country. For 25 years, he has been directly involved in labor relations activities, including contract negotiations on the regional and national levels.

Howard M. Feuer is a man of incredible vision and foresight. His career has been dedicated to a level of service and efficiency that has no comparison. His commitment to the achievement of the goals of the Social Security Administration has been demonstrated in his unceasing efforts to improve the quality and productivity of his offices. Howard Feuer is now retiring from government service after a distinguished career. I know that his absence will be felt by staff nationally, regionally and locally.

Mr. Speaker, please join me in commending Howard M. Feuer. With his retirement, the American public will be losing one of its most dedicated public servants.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district on June 12, 2000, and June 13, 2000, to attend a family funeral. I missed recorded votes for H.R. 4577, making appropriations for FY 2001 Labor/Health & Human Services/Education,

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and H.R. 4079, to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

I ask that the record reflect that, had I been present, I would have voted "aye" on rollcall votes numbered 258, 260, 261, 263, 265, 266, 267, 269. I would have voted "nay" on rollcall votes numbered 259, 262, 264, 268.

EDUCATION IN MINNESOTA

HON. BOB SCHAFFER

OF COLORADO

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. SCHAFFER. Mr. Speaker, today I speak on behalf of myself and Mr. HOEKSTRA of Michigan. The Subcommittee on Oversight and Investigations of the House Education and Workforce Committee conducted an oversight field hearing Monday, June 6, 2000, in the State of Minnesota.

Among the most informative presentations made before the member participants was one delivered by Mr. John H. Scribante, a Minnesota businessman and an honorable American.

Mr. Scribante's passion for children and their need for first-rate learning opportunity was most impressive and we hereby submit for the RECORD the remarks of Mr. Scribante regarding the important topic of school reform.

Mr. Speaker, we commend the excellent observations and conclusions made by Mr. Scribante to our colleagues and submit the following for the RECORD.

EDUCATIONAL FASCISM IN MINNESOTA

(A Statement Submitted by John H. Scribante—Entrepreneur; Respectfully submitted to the U.S. House of Representatives Subcommittee on Oversight and Investigations Committee on Education and the Workforce—June 6, 2000)

STATEMENT

We're gathered here this morning at a very interesting time . . . 56 years ago today, D-Day, 2,500 Allied soldiers died in Normandy fighting Fascist Germany for the freedom for Americans to pursue liberty. This offers us a unique perspective on this monumental issue of educational change. We're poised at the beginning of the 21st century, and while the rest of the world is abandoning central labor planning, Minnesota is driving through School-to-Work programs for central control of its economy against the will of the people.

Consider that in just over 200 years, this country became the Greatest Nation on Earth. We've had more Nobel Prize recipients than any other industrialized nation. We've sent men into outer space and brought them back alive, and our science and technologies are copied worldwide. Those who accomplished these incredible feats were the product of an education system that emphasized academics, not life-long job training.

I've been to Eastern Europe, I've seen the life destroying results of governments trying to plan the economy and control education, and I've spoken to people who have been subject to their central controls. This is not what America was founded on . . . and be-

sides; it has been proven not to work. Those of you who have sworn to uphold the United States Constitution will be hard pressed to support such a system of tyranny.

Today in Minnesota, the best interests of children have become secondary to the interests of bureaucrats, un-elected non-profits, and economic forecasts. In many districts, children are already being required to choose a "career cluster" by the end of 8th grade that will determine their secondary school curriculum. This system is a radical shift towards government central planning.

We don't know what we will learn tomorrow. We can be sure that at any particular time, we are overlooking valuable information and opportunities. Our knowledge is incomplete and resources are, undoubtedly being misdirected. We have a 225-year proven method for discovering and correcting these errors called Capitalism. Entrepreneurs search out instances where resources are being underutilized and redirect them to those that produce profits . . . nothing else approaches its power to stimulate discovery. Since we don't know today what we may learn tomorrow about educational methods and knowledge, we need entrepreneurship in education.

History has proven, time and time again, that where competition does not exist, mediocrity thrives. Nowhere is this truer than in many of America's public schools.

If you must have government-funded education, at least leave the private schools and home schools alone to compete for ideas and innovation.

BUSINESSES HAVE BEEN DUPED

Businessmen and women are being told that they can and should become partners in the education of our children. With tax funded incentives, subsidies, reimbursements, and free training . . . how can these businesses resist?

According to the Minnesota School to Work publication called Making Connections, page 11: the SCANS report instructs business to "look outside your company and change your view of your responsibilities for human resource development. Your old responsibilities were to select the best available applicants and to retain those you hired. Your new responsibilities must be to improve the way you organize work and to develop the human resources in your community, your firm, and your nation."

The Minnesota STW program seeks 100% employer compliance and further provides a "Work-Based Learning Coordinator" to "help" me in my "responsibilities" of complying with this lunacy. Who is running my business anyway? I've got all the capital at risk . . . Just leave me out of this mess.

This experiment may be very attractive in the short run . . . but business will pay in the long run in higher taxes to fund these programs, in less educated people and a loss of economic freedom. Productive labor is their goal, not an educated populace. This will be the end of a free America.

My company needs entrepreneurial minds and intellectual capital. People who can think, read, write, and add. I interview many young people who are products of Minnesota schools, and they cannot solve simple conversion equations. Who is training students for what I need? What is wrong with teaching people how to think? I don't need work skills . . . I need people who can think of great ideas and be willing to put their knowledge to the test!

Why is it that the government vigilantly looks for predatory pricing, anticompetitive, and monopolistic behavior in the private sector, and yet it is the greatest offender?

To quote Ralph Moore "The REAL credit in life should go to those who get into the ARENA—if they fail, they at least fail while DARING TO BE GREAT. Their place in life will never be with those COLD AND TIMID SOULS who know neither victory nor defeat."

In a free market economy, consumers ultimately determine what is produced. What school or government bureaucrat could have predicted ten years ago how many webmasters we would need today? From the information I've seen from the Department of Labor's SCANS reports, they're planning on teaching manure spreading, car washing, working the fryer at the diner and how to take a message off an answering machine.

In St. Cloud, MN, the STW program has already put a company out of business and severed off the arm of a 17-year-old student running a machine on a STW assignment.

School-to-work is a dangerous shift in education policy in America. It moves public education's mission from the transfer of academic knowledge to simply training children for specific jobs. And most tragically, the job for which it will train will have little or nothing to do with that child's dreams, goals, or ambitions.

Parents, however in this three way partnership with business and the State may be troubled knowing that their children are the pawns that the educational system trains to meet the needs of industry.

The economic goals of bureaucrats should never be promoted over the virtue and importance of knowledge. School to work transition issues would disappear if schools focused on strengthening core curricula, setting high expectations, and improving discipline and forgetting about retrying failed ideas.

THE RESULT

The sad truth is, in exchange for federal lump change, the state of Minnesota sold out its commitment to high academic standards and agreed to follow national standards based on moral relativism, politically correct group thinking, and getting kids out of the classroom to work in local businesses, beginning in kindergarten.

Our state threw out a system of education that worked brilliantly for most all Minnesota youngsters. It worked brilliantly, that is, until approximately 35 years ago when Minnesota public education started flirting with the progressive, trendy movement away from high academic standards. Under the Profile of Learning, high academic standards are practically banned from the classroom.

In 1993, the Minnesota legislature repealed 230 education statutes, thus creating a structural vacuum to make way for the new Federal Goals 2000 system already in the works. This left Minnesota without tried and true standards.

There are no longer any course requirements for any child in Minnesota. No 4 years of English, no 4 years of history, no 3 years of math, or a year of geography, or years of science. Most public schools don't have a copy of the Declaration of Independence or the Constitution and few even mention them in classes.

This system is really nothing new. Tyranny has always waited in the wings, ready to step to center stage at the first hint of apathy towards freedom.

For over 230 years we've enjoyed the finest freedom and prosperity the world has ever known. Yet we were warned by Edmund Burke that, "The eternal price of liberty is vigilance." As a people we've been asleep at

the switch, and now our entire nation, not just Minnesota, has signed on to this crazy new system of totalitarianism, where everyone is under government's control, from cradle to grave.

"This system has been tried around the world, across the centuries. But it is radically new for those of us used to freedom. This new system has more to do with fascism than freedom.

"Now we need to work to eliminate the entire STW & Goals 2000 system, while there is time. As Sir Winston Churchill wrote to convince the British to join in the fight against Nazi Germany.

"If you will not fight for the right—when you can easily win without bloodshed, if you will not fight when your victory will be sure—and not too costly, you may come to the moment when you will have to fight—with all the odds against you—and only a precarious chance of survival. There may be even a worst case. You may have to fight—when there is no hope of victory, because it is better to perish than to live as slaves."

THE 102ND ANNIVERSARY OF THE U.S. NAVY HOSPITAL CORPS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. ORTIZ. Mr. Speaker, the tradition of Naval enlisted medical personnel goes back to the navy of the 13 Colonies in the Revolutionary War, before they even declared independence. These medical sailors were known by many designations: first the Loblolly Boys, whose job it was to sound the bell for daily sick call aboard ship, and to spread the floor of the sickbay with sand so that the ship's surgeon would not slip on the blood there.

Later they were known as the Surgeons' Stewards, the Apothecaries, and the Baymen. Then, on June 17, 1898, in the midst of the Spanish-American War, Congress authorized The Hospital Corps of the United States Navy. They were and still are the only "Corps" in the U.S. military composed entirely of enlisted members. Since that founding, Navy Corpsmen have had the responsibility and the honor of caring for the Fleet and the Marines.

The first corpsman to earn a Medal of Honor was serving with the Marines in China when the U.S. took part in the intervention there to end the Boxer Rebellion at the turn of the last century.

Between the turn of that century and the onset of World War I, corpsmen sailed around the globe with President Teddy Roosevelt's Great White Fleet, landed in Nicaragua with the Marines, and a second corpsman earned the Medal of Honor in San Diego Harbor a few years later, aiding his shipmates when the *USS Bennington's* boiler exploded.

Corpsmen took care of navy shore parties during the Moro Uprising in the Philippine Islands and hit the beach with the Marines during the seizure of Vera Cruz, Mexico, in 1914. In both of these actions corpsmen were again honored by Congress. Corpsmen took care of the Marines when they landed in Santo Domingo, and then in Haiti for the first time.

Then in the "Great War," the "War to End All Wars," corpsmen were with the fleet, hunt-

ing U-boats in the first Battle of the Atlantic. They earned two more Medals of Honor in that war, serving with their Marines in the barbed wire and poison gas hell of the trenches and forests of France.

Between the World Wars, corpsmen went ashore with the Marines in Nicaragua a second time. Then at Pearl Harbor several corpsmen, still tending to their shipmates' wounds, were and still are entombed within the *USS Arizona*. And as the globe tore itself apart during World War II, they were serving with the fleet in Pacific actions against the Imperial Japanese Navy and with the Atlantic Fleet again combating the German U-boat menace. They were aboard hospital ships, on medevac planes, and manning hospitals and clinics around the world. And they were in every landing on every invasion beach from North Africa to Normandy, and from Guadalcanal to Japan.

During the battle for the island of Iwo Jima a corpsman helped raise the Stars and Stripes atop Mt. Suribachi and was then immortalized along with his Marines in the statue that is now the Marine Corps Memorial just across the Potomac River in Arlington. And after Iwo Jima and the last major battle of the war, on the island of Okinawa, seven more Medals of Honor were hung 'round the necks of corpsmen.

Corpsmen were again in action as the Cold War turned hot on the Korean Peninsula. They served alongside their Marines, from the early bleak days inside the Pusan Perimeter to the Inchon Landings, up to the frozen Chosin Reservoir, and back down to the stalemated trench warfare along what became the DMZ. And they earned five of the seven Medals of Honor awarded to the Navy during those three bitter years.

Corpsmen were aboard the *USS Nautilus* when she surfaced at the North Pole, and they accompanied their Marines ashore in Lebanon for the first time and then to the Dominican Republic. They were aboard the hospital ships off the coast of Vietnam. While ashore there, again in action with the Marines in the sweltering jungles and rice paddies, corpsmen earned their 19th, 20th, and 21st Medals of Honor.

Corpsmen were with their Marines hitting the beach in Grenada, and then going ashore in Lebanon for the second time. Over a dozen corpsmen were killed there at the Beirut Airport by the terrorist truck bombing of the Marine barracks. They sailed aboard the hospital ships and served again with their Marines in the invasion of Panama, and in Desert Shield/Desert Storm aboard the ships of the Fleet, manning hospital ships in the Persian Gulf and ashore staffing Navy forward fleet hospitals, and on the front lines in Saudi Arabia, Kuwait, and Iraq.

Just in the last decade they've accompanied their Marines ashore in Haiti yet again, and for famine relief in Somalia. They've cared for Haitian refugees in Guantanamo Bay, Cuba, and for Kurdish refugees in Guam. They've carried on their healing traditions with the fleet hospitals in the bitter conflict in the former Yugoslavia, and gone at a moment's notice with the Marines to evacuate American and allied nationals from countless hot spots around the globe. They've held their heads high as

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they helped to safeguard health and heal injury and disease throughout the Fleet, with the Fleet's Marines, for all their families, for military retirees, and in hundreds of isolated duty stations flung across the globe, even to the South Pole.

Just two years ago, Congress awarded another corpsman the Medal of Honor, this one belatedly, for his actions in Vietnam. It was the 22nd such honor awarded to Corpsmen, who've won more Medals of Honor than any other rating in the military. This is even more remarkable for the fact that all of these Congressional honors were earned while helping others, and that in so doing they never fired a weapon except in defense of their patients. And of the 22 men so honored, 10 gave their lives in earning that honor, sacrificing their lives to save others.

Saturday is the Hospital Corps' 102nd Anniversary. And after more than a century, the sons and daughters of corpsmen, and the grandchildren of corpsmen, are now serving their country as Corpsmen, carrying on the long, proud, honored tradition of their forebears.

And as they celebrate this landmark in time, they do so in camaraderie with their teammates in healing, the Navy's dental technicians, nurses, doctors, dentists, and administrators, scientists, and clinicians of the Medical Service Corps, with their partners throughout military medicine, and with all those they've cared for. They look back in pride at the good they've accomplished and remember fondly all those who've made them what they are, establishing these traditions of helping and of serving, whenever and wherever help and service are needed, sacrificing much—and too frequently sacrificing all—to do so. And finally,

EXTENSIONS OF REMARKS

they look eagerly ahead to a future full of challenges unimagined, and more opportunities to do what they do best: to care for those who need them.

And so, Happy 102nd Birthday, United States Navy Hospital Corps!

PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNA- TURES IN GLOBAL AND NA- TIONAL COMMERCE ACT

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SESSIONS. Mr. Speaker, I would like to take a moment to clarify a provision contained within S. 761, the Electronic Signatures in Global and National Commerce Act. Mr. Speaker, the final conference agreements strikes title III of the House bill (H.R. 1714) with respect to electronic records, signatures or agreements covered under the federal securities laws because the title I provisions of the conference agreement are intended to encompass the title III provisions. The reference in section 101(a) of the conference agreement to "any transaction in or affecting interstate or foreign commerce" is intended to include electronic records, signatures, and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures, and agreements used in financial planning, income tax preparation, and investments. Therefore, the conference agreement does not need

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to single out or treat differently electronic records, signatures and agreements regulated by federal securities laws in a separate title.

IN HONOR OF 70 X 7 EVAN- GELISTIC MINISTRY'S UPCOMING TRIP TO LATVIA

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, today I recognize the 70 X 7 Evangelistic Ministry's upcoming trip to the former Soviet Republic of Latvia.

The 70 X 7 Evangelistic Ministry was founded by Rev. Gregg W. Anderson, who lives in Highland Heights, in Kentucky's Fourth Congressional District. Next month, Reverend Anderson will make his eighth missionary visit to Latvia. Reverend Anderson and his team will spend 2 weeks (July 11–27) ministering to people in Latvia's prisons and missions and providing humanitarian aid to the prison system.

Today I commend Reverend Anderson and his team for their commitment to helping those in need. I also commend Dr. iur. Viltold Zahars, the Head of the Latvian Prison Administration. Without his cooperation, these humanitarian trips of goodwill would not be possible.

I ask you to join me in commending these fine people, and wishing the 70 X 7 Evangelistic Ministry a safe and productive journey.

SENATE—Friday, June 16, 2000

The Senate met at 9:31 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, the best of all fathers and the source of inspiration for what it means to be a father, we approach Father's Day on Sunday with a prayer that You will not only bless the fathers of our land but will call all of us to a renewed commitment to the awesome responsibilities You have entrusted to all fathers. May this be a day for the beginning of a great father movement in our Nation. More than a day for parties and gifts, we pray for a day when fathers accept the calling to become the spiritual, moral, and patriotic leaders of their families. Many fathers have abdicated this calling and are AWOL from the duty of being role models and the molders of character. The statistics of fatherless families in America are staggering. No less alarming are the number of families where fathers leave to their wives the total responsibility for forming strong spiritual development and the character traits of faithfulness, trustworthiness, caring, integrity, and citizenship. O Heavenly Father, draw the fathers of our land to Yourself and then inspire us with the realization that the destiny of our children and our society is dependent on God-loving, family-oriented, value-guided fathers who will teach their children about You, exemplify character strength, and show what it means to be morally accountable. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Michigan is recognized.

SCHEDULE

Mr. ABRAHAM. Mr. President, I will begin with a brief statement on behalf of the majority leader. Today the Senate will immediately begin a vote on the conference report to accompany the digital signatures legislation. Following the vote, the Senate will be in a period of morning business with Senator CRAIG in control of the first hour.

For the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill on Monday at 3 p.m. By previous consent, Senators HATCH and KENNEDY will be recognized to offer their amendments regarding hate crimes. Those amendments will be debated simultaneously, with any votes ordered to take place on Tuesday at 3:15 p.m.

I thank my colleagues for their attention.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report accompanying S. 761, which the clerk will report.

The legislative clerk read as follows:

The conference report on S. 761, an act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

Mr. BURNS. Mr. President, I commend Senator ABRAHAM, Senator MCCAIN, and Chairman BLILEY for their hard work in the conference on the digital signatures bill, which grants online contracts and other transactions the same legal force as those conducted with pen-and-ink. I should add that Senator LEAHY and Senator WYDEN made significant positive contributions to the bill. I am an original cosponsor of this legislation and I am very pleased with the conference report before the Senate today.

Yesterday, the House of Representatives voted overwhelmingly in favor of the conference report by a vote of 426-4. I urge my colleagues to support the conference report, which is a bipartisan product that will allow businesses to take advantage of the speed and efficiency of the Internet while also protecting consumers. I have no doubt that the passage of this legislation will help to make sure that electronic commerce can meet its full potential.

The issue of online authentication is one of the most important issues to the

development of electronic commerce. Electronic commerce holds great promise, in particular, for states like my home state of Montana, where businesses and consumers have to deal with vast distances. E-commerce is expected to continue its upward surge to about \$1.6 trillion by 2003, up from \$500 billion last year. The explosion of information technology has created opportunities undreamed of by previous generations. In Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

This bill allows for consumers to enter into binding contracts over the Internet and eliminates the need to engage in needless, burdensome exchanges of paper documents. This bill will create a uniform system where contracts have the same validity across all 50 states.

The bill is also technology-neutral and does not impose government mandates on what formats or software businesses or consumers choose to use to conduct online commerce.

Numerous consumer safeguards are included in the conference report, including the requirement that consumers confirm that they are able to read the format that companies use for online contracts. Also, safeguards are contained in the bill that will still require that critical notices such as insurance cancellation and mortgage foreclosure notices be sent on paper. Furthermore, consumers still have the right to receive any documents on paper if they so choose.

The passage of the digital signatures bill is a critical step in ensuring the continued growth of the Internet-driven economy. This legislation grants additional choice and convenience to consumers and will also translate into more efficient products and services.

Mr. President, I remind my colleagues of the work of Senator ABRAHAM and Senator MCCAIN, Chairman BLILEY in the other body, Senator LEAHY, and Senator WYDEN who had quite a lot to do with this. Of course, it came out of the Subcommittee on Communications. This is just one more of the digital dozen we set our goals to pass during this Congress.

So far, we are up around the eighth or ninth bill out of that digital dozen that will probably lend greater credence to the Internet and the way we use it as a tool in business and in our personal lives. I thank those Senators who were instrumental in passing this legislation. I congratulate them and I yield the floor.

CONSUMER CONSENT PROVISIONS

Mr. MCCAIN. Mr. President, I want to engage in a colloquy with the Senator from Michigan, who is the original sponsor of the electronic signatures legislation, to discuss the consumer consent provisions in the conference report.

Mr. ABRAHAM. Mr. President, I welcome the chance to participate in a colloquy about the consent provisions in the conference report.

Mr. MCCAIN. Is it the Senator's understanding that pursuant to subsection 101(c)(1)(C)(ii) of the conference report a consumer's affirmative consent to the receipt of electronic records needs to "reasonably demonstrate" that the consumer will be able to access the various forms of electronic records to which the consent applies?

Mr. ABRAHAM. Yes. The conference report requires a "reasonable demonstration" that the consumer will be able to access the electronic records to which the consent applies. By means of this provision, the conferees sought to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Mr. MCCAIN. I agree. The conferees did not intend that the "reasonable demonstration" requirement would burden either consumers or the person providing the electronic record. In fact, the conferees expect that a "reasonable demonstration" could be satisfied in many ways. Does the Senator agree with me that the conferees intend that the reasonable demonstration requirement is satisfied if the consumer confirmed in an e-mail response to the provider of the electronic records that he or she can access information in the specified formats?

Mr. ABRAHAM. Yes. An e-mail response from a consumer that confirmed that the consumer can access electronic records in the specified formats would satisfy the "reasonable demonstration" requirement.

Mr. MCCAIN. Does the Senator also agree with me that the "reasonable demonstration" requirement would be satisfied, for instance, if the consumer responds affirmatively to an electronic query asking if he or she can access the electronic information or if the affirmative consent language includes the consumer's acknowledgement that he or she can access the electronic information in the designated format?

Mr. ABRAHAM. Yes. A consumer's acknowledgment or affirmative response to such a query would satisfy the "reasonable demonstration" requirement.

Mr. MCCAIN. Would the "reasonable demonstration requirement" be satisfied if it is shown that the consumer actually accesses records in the relevant electronic format?

Mr. ABRAHAM. Yes. The requirement is satisfied if it is shown that the

consumer actually accesses electronic records in the relevant format.

Mr. MCCAIN. Mr. President, I appreciate my colleague's willingness to participate in this colloquy to clarify the clear intent of the conference with respect to this provision.

LEGISLATIVE SCOPE

Mr. GRAMM. Mr. President, I would like to engage in a colloquy with the gentleman from Michigan, Senator ABRAHAM, who is the original sponsor of the legislation on electronic signatures, to discuss the scope of the legislation.

Mr. ABRAHAM. Mr. President, I would welcome the chance to participate in a colloquy about the scope of the electronic signature legislation.

Mr. GRAMM. Is it the understanding of the Senator from Michigan that the act is not intended to restrict the scope or availability of any other federal statute, regulation and other rule of law (whether currently in effect or becoming effective in the future) that requires, authorizes or otherwise allows for the use of electronic signatures or electronic records, to the extent such federal statute, regulation, or other rule of law is consistent with the provisions of the act? Any such other statute, regulation or other rule of law will continue to be fully and independently effective. Rather, this act is intended to operate as a uniform national baseline permitting electronic signatures and electronic records to be used with respect to certain activities notwithstanding other inconsistent statutes, regulations or other rules of law. Am I correct in my statement regarding the intent of this legislation?

Mr. ABRAHAM. Yes, the Senator, the chairman of the Banking Committee, is correct. This act is intended to facilitate e-commerce and to provide legal certainty for electronic signatures, contracts and records where such certainty does not exist today. It is not in any way intended to limit the effectiveness of any other statute, regulation or other rule of law which permits the use of electronic records, electronic delivery, and electronic signatures, and which is otherwise consistent with the provisions of the act.

Mr. GRAMM. As to its coverage, does the Senator agree that this act is intended to operate very broadly to permit the use of electronic signatures and electronic records in all business, consumer and commercial contexts? This breadth is accomplished through the use of the term "transaction," which is defined broadly to include any action or set of actions relating to the conduct of business, consumer or commercial affairs between two or more persons. For example, a unilateral action or set of actions by one of the parties to the underlying transaction, or by any other person with any interest in the underlying transaction, or a response by one party to the other's ac-

tion, all are covered by the act. In this regard, it is the nature of the activity, rather than the number of persons or the identity or status of the person or entity involved in the activity, that determines the applicability of the act. Have I stated the matter correctly?

Mr. ABRAHAM. Yes, this act applies to all actions or sets of actions related to the underlying business, consumer, or commercial relationship which is based on the nature of the activity and not the number of persons involved in the activity. The act is also intended to cover the related activities of those persons or entities who are counterparties to, or otherwise involved in or related to, the covered activity.

Mr. GRAMM. It is my understanding that this act, for example, covers any activity that would qualify as a financial activity, an activity incidental to a financial activity, or a complementary activity, under section 4(k) of the Bank Holding Company Act of 1956, as amended, whether or not such activity is conducted by, or subject to any limitations or requirements applicable to, a financial holding company.

In addition, it would cover all activities relating to employee benefit plans or any other type of tax-favored plan, annuity or account such as an IRA, a 403(b) annuity, or an education savings program, including all related tax and other required filings and reports. Is this correct?

Mr. ABRAHAM. Yes, and as a result, the act would apply to such activities as the execution of a prototype plan adoption agreement by an employer, the execution of an IRA application by an individual, and the waiver of a qualified joint and survivor annuity by a plan participant's spouse and the designation of any beneficiary in connection with any retirement, pension, or deferred compensation plan, IRA, qualified State tuition program, insurance or annuity contract, or agreement to transfer ownership upon the death of a party to a transaction.

Mr. GRAMM. Mr. President, I appreciate my colleague's willingness to participate in this colloquy to clarify the clear intent of the conference with respect to the scope of this act.

Mr. ABRAHAM. Mr. President, because the differences between the House and Senate passed bills required much careful contemplation on the part of the Conferees that may not be apparent in the final text of the Conference Report, and because the Conference did not produce an official interpretive statement regarding the Conference Report, as the primary author of S. 761, I have prepared an explanatory document that should serve as a guide to the intent behind the following provisions of S. 761.

Mr. President, I ask unanimous consent that a section-by-section explanation of S. 761 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF S. 761,
THE "ELECTRONIC SIGNATURE IN
GLOBAL AND NATIONAL COMMERCE
ACT"

SHORT TITLE

Senate bill

Section 1 establishes the short title of the bill as the "Millennium Digital Commerce Act."

House amendment

Section 1 establishes the short title of the bill as the "Electronic Signature in Global and National Commerce Act."

Conference substitute

The conference report adopts the House provision.

ELECTRONIC RECORDS AND SIGNATURES IN
COMMERCE

GENERAL RULE OF VALIDITY

Senate bill

Section 5(a) of the Senate bill sets forth the general rules that apply to electronic commercial transactions affecting interstate commerce. This section provides that in any commercial transaction affecting interstate commerce a contract may not be denied legal effect or enforceability solely because an electronic signature or record was used in its formation.

Section 5(b) authorizes parties to a contract to adopt or otherwise agree on the terms and conditions on which they will use and accept electronic signatures and electronic records in commercial transactions affecting interstate commerce.

House amendment

Section 101(a) of the House amendment establishes a general rule that, with respect to any contract or agreement affecting interstate commerce, notwithstanding any statute, regulation or other rule of law, the legal effect, validity, and enforceability of such contract or agreement shall not be denied on the ground that: (1) the contract or agreement is not in writing if the contract or agreement is an electronic record; and (2) the contract or agreement is not signed or affirmed by written signature if the contract or agreement is signed or affirmed by an electronic signature.

Section 101(b) provides that with respect to contracts or agreements affecting interstate commerce, the parties to such contracts or agreements may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties. Further, the legal effect, validity, or enforceability for such contracts or agreements shall not be denied because of the type or method of electronic record or electronic signature selected by the parties.

Nothing in section 101(b) requires a party to enter into any contract or agreement utilizing electronic signatures or electronic records. Rather, it gives the parties the option to enter freely into online contracts and agreements.

Conference Substitute

The House recedes to the Senate with an amendment.

The general rule provides that notwithstanding any statute, regulation, or other rule of law (other than titles one and two) with respect to any transaction in or affecting interstate or foreign commerce: (1) a signature, contract, or other record relating to

such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

Section 101(a) establishes a basic federal rule of non-discrimination with respect to the use of electronic signatures and electronic records, including electronic contracts. Subject to the Act's consumer consent requirement (§101(c)) and specific exceptions (§103), this federal rule of non-discrimination means that a State generally cannot refuse to allow parties to use electronic signatures and electronic records in lieu of paper records and handwritten signatures. This federal rule also means that if two parties agree with one another, electronically or otherwise, on the terms and conditions on which they will accept and use electronic signatures and electronic records in their dealings with one another and the parties could have entered into a comparable agreement regarding the use of signatures and records in the paper world, the State cannot refuse to give effect to the parties' agreement.

The term "solely" in section 101(a)(1) and 101(a)(2) is intended to prevent challenges to the legal effect, validity, or enforceability of an electronic signature, contract, or other record that are based on objections to the "electronic" quality of such signature, contract, or other record. In addition, Section 101 should not be interpreted to permit a challenge based on the combination of a signature, contract, or other record being in electronic form (Section 101(a)(1)) and having an electronic signature or electronic record used in its formation (Section 101(a)(2); in this sense, solely truly means "solely or in part").

The conferees agreed to strike title III of the House bill (HR 1714) with respect to electronic records, signatures or agreements covered under the federal securities laws because the title I provisions of the conference agreement are intended to encompass the House title III provisions. The reference in section 101(a) of the conference agreement to "any transaction in or affecting interstate or foreign commerce" is intended to include electronic records, signatures and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures and agreements used in financial planning, income tax preparation, and investments. Therefore, the conference agreement did not need to single out or treat differently electronic records, signatures and agreements regulated by federal securities laws in a separate title.

In section 101(b), the conference report makes clear that title I of the conference substitute does not (1) limit, alter, or otherwise affect any requirements imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than requirements that contracts or other records be written, signed, or in non-electronic form; or (2) require any person, with respect to a record other than a contract, to agree to use or accept electronic records or electronic signatures.

Section 101(c) specifies consumer protections in e-commerce. If a statute, regulation, or other rule of law requires that a record relating to a transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, an

electronic record may be substituted if (1) the consumer affirmatively consents to receive an electronic record and has not withdrawn such consent, (2) the consumer, prior to consenting, is provided with a clear and conspicuous statement informing the consumer of rights or options to have the record provided or made available on paper, and the right of the consumer to withdraw the consent to electronic records and of any conditions, consequences (which may include termination of the parties' relationships), or fees in the event of withdrawal of consent. Further, the consumer is informed of whether the consent applies only to the initial transaction or to identified categories of records that follow the initial transaction. Disclosure must also be made describing the procedures the consumer must use to withdraw consent and to update information needed to contact the consumer electronically. The consumer must also be informed of how after the consent, the consumer may, upon request, obtain a paper copy of electronic records, and whether any fee will be charged for such copy.

Section 101(c) honors the provisions of underlying law (except as to the specifics of writing and consent requirements); the Act does not create new requirements for electronic commerce but simply allows disclosures or other items to be delivered electronically instead of on paper. This means that if a consumer protection statute requires delivery of a paper copy of a disclosure or item to a consumer, then the consent and disclosure requirements of subsection (c)(1)(A-D) must be satisfied. Otherwise, subsection (c) does not disturb existing law.

Section 101(c)(1) refers to writings that are required to be delivered to consumers by some other law, such as the Truth-in-Lending Act. The reference to consumers is intentional: subsection (c) only applies to laws that are specifically intended for the protection of consumers. When a statute applies to consumers as well as to non-consumers, subsection (c)(1) should not apply. In this way, the subsection preserves those special consumer protection statutes enacted throughout this Nation without creating artificial constructs that do not exist under current law. At no time in the future should these "consent" provisions of 101(c), which are intended to protect consumers (as defined in this legislation), be permitted to migrate through interpretation so as to apply to business-to-business transactions.

Pursuant to subsection (c)(1)(C)(i), the consumer must be provided, prior to consenting, with a clear and conspicuous statement describing the hardware and software requirements to access and retain electronic records.

Subsection (c)(1)(C)(ii) requires that the consumer's consent be electronic or that it be confirmed electronically, in a manner that reasonably demonstrates that the consumer will be able to access the various forms of electronic records to which the consent applies. The requirement of a reasonable demonstration is not intended to be burdensome on consumers or the person providing the electronic record, and could be accomplished in many ways. For example, the 'reasonable demonstration' requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mailed response to the provider of the electronic records that he or she can access information in the attachments. Similarly, the

'reasonable demonstration' requirement is satisfied if it is shown that in response to such an e-mail the consumer actually accesses records in the relevant electronic format. The purpose of the reasonable demonstration provision is to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Subsection (c)(1)(D) requires that after the consent of a consumer, if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record must provide the consumer with a statement of the revised hardware and software requirements for access to and retention of the electronic records, and the right to withdraw consent without the imposition of any fees for such withdrawal, and the right to withdraw without the imposition of any condition or consequence that was not disclosed.

Subsection (c)(2) includes a savings clause making clear that nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law. Further, subsection (c)(2) provides that if a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

Section 101(c)(3) makes clear that an electronic contract or electronic signature cannot be deemed ineffective, invalid, or unenforceable merely because the party contracting with a consumer failed to meet the requirements of the consent to electronic records provision.

Compliance with the consent provisions of section 101(c) is intended to address the effectiveness of the provision of information in electronic form, not the validity or enforceability of the underlying contractual relationship or agreement between the parties. In other words, a technical violation of the consent provisions cannot in and of itself invalidate an electronic contract or prevent it from being legally enforced. Rather, the validity and enforceability of the electronic contract is evaluated under existing substantive contract law, that is, by determining whether the violation of the consent provisions resulted in a consumer failing to receive information necessary to the enforcement of the contract or some provision thereof. For example, if it turns out that the manner in which a consumer consented did not 'reasonably demonstrate' that she could access the electronic form of the information at a later date, but at the time of executing the contract she was able to view its terms and conditions before signing, the contract could still be valid and enforceable despite the technical violation of the electronic consent provision.

Subsection (c)(4) provides that withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent

shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

Subsection (c)(5) makes clear that this subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

Subsection (c)(6) provides that an oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

It should be noted that Section 101(c)(6) does not preclude the consumer from using her voice to sign or approve that record. Proper voice signatures can be very effective in confirming a person's informed intent to be legally obligated. Therefore, the consumer could conceivably use an oral or voice signature to sign a text record that was required to be given to her "in writing". Moreover, the person who originated the text record could authenticate it with a voice signature as well. The spoken words of the signature might be something like "I Jane Consumer hereby sign and agree to this loan document and notice of interest charges."

By way of clarification, the intent of this clause is to disqualify only oral communications that are not authorized under applicable law and are not created or stored in a digital format. This paragraph is not intended to create an impediment to voice-based technologies, which are certain to be an important component of the emerging mobile-commerce market. Today, a system that creates a digital file by means of the use of voice, as opposed to a keyboard, mouse or similar device, is capable of creating an electronic record, despite the fact that it began its existence as an oral communication.

Section 101(d) addresses statutory and regulatory record retention requirements. It states that when a statute, regulation, or other rule of law requires that a record, including a contract, be retained that requirement is satisfied by the retention of an electronic record, if two criteria are met. First, the electronic record must accurately reflect the information set forth in the contract or record required to be retained. Second, that electronic record must remain accessible to all parties who by law are entitled to access the record for the period set out in that law. Moreover, the electronic record must be in a form capable of accurate reproduction for later reference. The reproduction may be by way of transmission, printing or any other method of reproducing records.

With respect to Section 101(d)(1)(B), this subsection only requires retained records to remain accessible to persons entitled to access them by statute. The subsection does not require the business to provide direct access to its facilities nor does it require the business to update electronic formats as technology changes—the records must, however, be capable of being accurately reproduced at the time that reference to them is required by law.

Section 101(e) addresses statutory and regulatory requirements that certain records, including contracts, be in writing. The statute of frauds writing requirement exemplifies one such legal requirement. The section states that an electronic record or contract

may be denied legal effect and enforceability under section 101(a) of this Act, if such an electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties entitled to retain that contract or record. This provision is intended to reach two qualities of "a writing" in the non-electronic world. The first such quality of "a writing" is that it can be retained, e.g., a contract can be filed. The second such quality of "a writing" is that it can be reproduced, e.g., a contract can be copied.

With respect to Section 101(e), the actual inability of a party to reproduce a record at a particular point in time does not invoke this subsection. The subsection merely requires that if a statute requires a contract to be in writing, then the contract should be capable of being retained and accurately reproduced for later reference by those entitled to retain it. Thus if a customer enters into an electronic contract which was capable of being retained or reproduced, but the customer chooses to use a device such as a Palm Pilot or cellular phone that does not have a printer or a disk drive allowing the customer to make a copy of the contract at that particular time, this section is not invoked. The record was in a form that was capable of being retained and reproduced by the customer had it chosen to use a device allowing retention and reproduction.

Subsection (f) clarifies that nothing in title I affects the proximity requirement of any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

Subsection (g) provides that if a statute, regulation, or other rule of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record. This subsection permits notaries public and other authorized officers to perform their functions electronically, provided that all other requirements of applicable law are satisfied. This subsection removes any requirement of a stamp, seal, or similar embossing device as it may apply to the performance of these functions by electronic means.

It is my intent that no requirement for the use of a stamp, seal, or similar device shall preclude the use of an electronic signature for these purposes.

Subsection (h) provides legal effect, validity and enforceability to contracts and record relating to a transaction in or affecting interstate or foreign commerce that were formed, created or delivered by one or more electronic agents.

Subsection (i) makes clear that the provisions of title I and II cover the business of insurance.

Subsection (j) provides protection from liability for an insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature if: (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures.

AUTHORITY TO ALTER OR SUPERSEDE GENERAL
RULE

Senate bill

Section 5(g) of the Senate bill provides that section 5 does not apply to any State in which the Uniform Electronic Transaction Act is in effect.

House amendment

Section 102(a) of the House amendment provides that a State statute, regulation or other rule of law enacted or adopted after the date of enactment of H.R. 1714 may modify, limit, or supersede the provisions of section 101 (except as provided in section 102(b)) if that State action: (1) is an adoption or enactment of the UETA as reported by the NCCUSL or specifies alternative procedures or requirements recognizing the legal effect, validity and enforceability of electronic signatures; and (2) for statutes enacted or adopted after the date of enactment of this Act, makes specific reference to the provisions of section 101.

Section 102(b) provides that no State statute, regulation, or rule of law (including those pertaining to insurance), regardless of date of enactment, that modifies, limits, or supersedes section 101 shall be effective to the extent that such statute, regulation, or rule of law: (1) discriminates in favor of or against a specific technology, method, or technique; (2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic signatures and electronic records; (3) is based on procedures or requirements that are not specific and that are not publicly available; and (4) is otherwise inconsistent with the provisions of section 101.

Section 103(c) provides that a State may, by statute, regulation or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2) consent to the provision or availability of such notice solely as an electronic record.

Conference substitute

The conference report adopts a substitute provision. Section 102 of the conference report provides a conditioned process for States to enact their own statutes, regulations or other rules of law dealing with the use and acceptance of electronic signatures and records and thus opt-out of the federal regime. The preemptive effects of this Act apply to both existing and future statutes, regulations, or other rules of law enacted or adopted by a State. Thus, a State could not argue that section 101 does not preempt its statutes, regulations, or other rules of law because they were enacted or adopted prior to the enactment of this Act.

Section 102(a) provides that a State statute, regulation or other rule of law may modify, limit, or supersede the provisions of section 101 only if that State action: (1) constitutes an adoption or enactment of the Uniform Electronic Transactions Act (UETA) as reported and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1999; or (2) specifies alternative procedures or requirements (or both) for the use or acceptance of electronic signatures or electronic records for establishing the legal effect, validity and enforceability of contracts or records.

It is intended that any State that enacts or adopts UETA in its State to remove itself

from Federal preemption pursuant to subsection (a)(1) shall be required to enact or adopt UETA as that document was reported and recommended for enactment by NCCUSL.

Subsection (a)(1) places a limitation on a State that attempts to avoid Federal preemption by enacting or adopting a clean UETA. Section 3(b)(4) of UETA, as reported and recommended for enactment by NCCUSL, allows a State to exclude the application of that State's enactment or adoption of UETA for any 'other laws, if any, identified by State.' This provision provides a potential loophole for a State to prevent the use or acceptance of electronic signatures or electronic records in that State. To remedy this, subsection (a)(1) requires that any exception utilized by a State under section 3(b)(4) of UETA shall be preempted if it is inconsistent with title I or II, or would not be permitted under subsection (a)(2)(ii) (technology neutrality). Requirements for certified mail or return receipt would not be inconsistent with title I or II, however, note that an electronic equivalent would be permitted.

As stated above, subsection (a)(2) is designed to cover any attempt by a State to escape Federal preemption by enacting or adopting specific alternative procedures or requirements for the use or acceptance of electronic signatures or records except a strict enactment or adoption of UETA (which would be covered by subsection (a)(1)). States that enact UETA in the manner specified in (a)(1) may supercede the provisions of section 101 with respect to State law. Thus, regulatory agencies within a state which complies with (a)(1) would interpret UETA, not section 101 of the federal act.

Further, some States are enacting or adopting a strict, unamended version of UETA as well as enacting or adopting a companion or separate law that contains further provisions relating to the use or acceptance of electronic signatures or electronic records. Under this Act, such action by the State would prompt both subsection (a)(1) (for the strict enactment or adoption of UETA) and subsection (a)(2) (for the other companion or separate legislation).

Subsection (a)(2) contains two important conditions that limit the extent to which a state could utilize it to opt-out of the federal regime. Specifically, when interpreting section 101, alternative procedures or requirements: (1) must be consistent with this title and title II; and (2) shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic signatures or records. It is not intended that the singular use of technology or technological specification in subsection (a)(2)(A)(ii) allows a State to set more than one technology at the expense of other technologies in order to meet this standard, unless only one form of the technology exists, in which case this act is not intended to preclude a technological solution. Further, inclusion of the 'or accord greater legal status or effect to' is intended to prevent a state from giving a leg-up or impose an additional burden on one technology or technical specification that is not applicable to all others, and is not intended to prevent a state or its subdivisions from developing, establishing, using or certifying a certificate authority system.

In addition, subsection (a)(2)(B) requires that a State that utilizes subsection (a)(2) to

escape federal preemption must make a specific reference to this Act in any statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act. This provision is intended, in part, to make it easier to track action by the various States under this subsection for purposes of research.

Section 102(b) provides a specific exclusion to the technology neutrality provisions contained in subsection (a)(2)(A)(ii) for procurement by a state, or any agency or instrumentality thereof.

Section 102(c) makes clear that subsection (a) cannot be used by a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of UETA. Any attempt by a State to use 8(b)(2) to violate the spirit of this Act should be treated as effort to circumvent and thus be void.

SPECIFIC EXCLUSIONS

Senate bill

Section 5(d) of the Senate bill excludes from the application of this section any statute, regulation or other rule of law governing: (1) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A; (2) premarital agreements, marriage, adoption, divorce, or other matters of family law; (3) documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically; (4) residential landlord-tenant relationships; and (5) the Uniform Health-Care Decisions Act as in effect in a State.

House amendment

Section 103(a) of the House amendment excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and -206 and Articles 2 and 2A; (4) any requirement by a Federal regulatory agency or self-regulatory agency that records be filed or maintained in a specified standard or standards (except that nothing relieves any Federal regulatory agency of its obligation under the Government Paperwork Elimination Act, title XVII of Public Law 105-277); (5) the Uniform Anatomical Gift Act; or (6) the Uniform Health-Care Decisions Act.

Section 103(b) excludes from the application of section 101: (1) any contract, agreement or record between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce; (2) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (3) any notice concerning: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

Conference substitute

The conference report adopts a substitute provision.

Section 103(a) excludes from the application of section 101 any contract, agreement

or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1-107 and 1-206 and Articles 2 and 2A.

Section 103(b) excludes from the application of section 101: (1) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (2) any notice of: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

The exclusion pertaining to utility services applies to essential consumer services including water, heat and power. This provision does not apply to notices for other broadly used important consumer services, such as telephone, cable television, and Internet access services, etc. Electronic cancellation or termination notices may be used in association with those other services, assuming all of the other elements of Section 101 are met. To clarify further, with respect to Section 103(b), the statement that "the provisions of section 101 shall not apply to" the listed items means only that Section 101 may not be relied upon to allow an electronic record or electronic signature to suffice. Section 103(b) does not prohibit use of electronic records or signatures, however. Whether such can be used is left to other law.

Section 103(c)(1) directs the Secretary of Commerce, acting through the Assistant Secretary for Communication and Information, to review the operation of the exclusions in subsections (a) and (b) over a period of three years to determine if such exclusions are necessary for the protection of consumers. The Assistant Secretary shall submit the findings of this review to Congress within three years of the date of enactment of this Act.

Section 103(c)(2) provides that a Federal regulatory agency, with respect to matter within its jurisdiction, may extend, after proper notice and comment and publishing a finding that one or more of exceptions in subsections (a) or (b) are no longer necessary for the protection of consumers and eliminating such exceptions will not materially increase the risk of harm to consumers, the application of section 101 to such exceptions.

APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS

Senate bill

The Senate bill contained no provision affecting the authority of Federal regulatory agencies.

House amendment

The House amendment provided in Section 103 that the authority of Federal regulatory agencies would be preserved over records filed or maintained in a specific standard or standards.

Conference substitute

The conference report adopts a substitute provision.

Section 104(a) provides that subject to section 104(a)(2), a Federal regulatory agency, a self-regulatory organization, or State regulatory agency may specify standards or for-

mat for the filing of records with that agency or organization, including requiring paper filings or records. While the conference report preserves such authority to such agencies or organizations, it is intended that use of such authority is rarely exercised. Section 104(b)(1) provides that subject to section 104(b)(2) and section 104(c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through (1) the issuance of regulations pursuant to a statute; or (2) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency).

The conference report provides for more limited Federal and State interpretative authority over other functions related to records. This Act grants no additional or new rulemaking authority to any Federal or State agency. The conference report provides that if Federal or State regulators possessed specific rulemaking authority under their organic statutes, they could use that rulemaking authority to interpret section 101 subject to strict conditions. Those conditions include determinations that such regulation, order or guidance: (1) is consistent with section 101; and (2) does not add to the requirements of the section. Additionally, the conference report requires that any Federal agency show conclusively that: (a) there is a substantial justification for the regulation and the regulation is necessary to protect an important public interest; (b) the methods used to carry out that purpose are the least restrictive alternative consistent with that purpose; (c) the methods are substantially equivalent to the requirements imposed or records that are not electronic records; and (d) such methods will not impose new costs on the acceptance and use of electronic records. The conference report requires strict technological neutrality of any Federal or State regulation, order or guidance. Absent such technological neutrality, any such regulation, order or guidance is void.

The conference report is designed to prevent Federal and State Regulators from undermining the broad purpose of this Act, to facilitate electronic commerce and electronic record keeping. To ensure that the purposes of this Act are upheld, Federal and State regulatory authority is strictly circumscribed. It is expected that Courts reviewing administrative actions will be rigorous in seeing that the purpose of this Act, to ensure the widest use and dissemination of electronic commerce and records are not undermined.

Subsection (b)(3)(A) provides authority to a Federal or State regulatory agency to interpret section 101(d) in a manner to specify specific performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Subsection (b)(3) extends this authority to override the technology neutrality provision contained in subsection (b)(2)(C)(iii) but only if doing so (1) serves an important governmental objective; and (2) is substantially related to the achievement of that objective. Further, subsection (b)(3)(A) does not allow a Federal or State regulatory agency to require the use of a particular type of software or hardware in order to comply with 101(d).

Subsection (b)(3)(B) provides authority to a Federal or State regulatory agency to inter-

pret section 101(d) to require retention of paper records but only if (1) there is a compelling government interest relating to law enforcement or national security for imposing such requirement, and (2) imposing such requirement is essential to attaining such interest. It is important to note that the test in subsection (b)(3)(B) is higher and more stringent than in subsection (b)(3)(A). This is intentional as it is an effort to impose an extremely high barrier before a Federal or State regulatory agency will revert back to requiring paper records. However, this does not diminish the test contained subsection (b)(3)(A). It, too, is intended to be an extremely high barrier for a Federal or State regulatory agency to meet before the technology neutrality provision is violated. It is intended that use of either of these tests will be necessary in only a very, very few instances. It is expected that Federal and State agencies take all action and exhaust all other avenues before exercising authority granted in paragraph (3).

Subsection (b)(4) exempts procurement by a Federal or State government, or any agency or instrumentality thereof from the technology neutral requirements of subsection (b)(2)(C)(iii).

Subsection (c)(1) makes clear that nothing in subsection (b), except subsection (b)(3)(B), allows a Federal or State regulatory agency to impose or reimpose any requirement that a record be in paper form.

Subsection (c)(2) makes clear that nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act.

Subsection (d)(1) provides authority to a Federal or State regulatory agency to exempt without condition a specified category or type of record from the consent provisions in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers. It is intended that the test under subsection (d)(1) not be read too limiting. There are vast numbers of instances when section 101(c) may not be appropriate or necessary and should be exempted by the appropriate regulator.

Subsection (d)(2) requires the Securities and Exchange Commission, within 30 days after date of enactment, to issue a regulation or order pursuant to subsection (d)(1) exempting from the consent provision any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Section 104(e) provides that the Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid or unenforceable solely because an electronic records or electronic signature was used in its formation or authorization.

The Federal Communications Commission (FCC) has been very slow, even reticent, to clearly authorize the use of an Internet letter of agency for a consumer to conduct a preferred carrier change. As a result of the Commission's repeated failure to act on this matter, the conference report provides specific direction to the Commission to recognize Internet letters of agency for a preferred carrier change.

STUDIES

Senate bill

Section 7 of the Senate bill directs each Federal agency shall, not later than 6 months after the date of enactment of this Act, to provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

Section 7(b) requires a report to Congress by The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

7(c) provides that the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

7(d) If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

House amendment

Section 104 of the House amendment directs the Secretary of Commerce (the Secretary), acting through the Assistant Secretary for Communications and Information, to conduct an inquiry regarding any State statute, regulation, or rule of law enacted or adopted after enactment on the extent to which such statute, regulation, or rule of law complies with section 102(b). Section 104(b) requires the Secretary to submit the report described in paragraph (a) at the conclusion of the five year period.

Section 104(c) requires the Secretary, within eighteen months after the date of enactment, to conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with the delivery of written records by the United States Postal Service and private express mail services. The Secretary shall submit a report to Congress regarding the results of such inquiry at the conclusion of the eighteen month period.

Conference substitute

The conference adopts a substitute provision. Specifically, the conference report re-

tains subsection 7(a) of the Senate amendment and redesignates it as section 104(a) of the conference report. Further, the conference report includes a new subsection (b) that requires the Secretary of Commerce and the Federal Trade Commission, within one year after date of enactment, to submit a report to the Congress analyzing: (1) the benefits provided to consumers by the consumer access test of the consent provision (section 101(c)(1)(C)(ii)); (2) any burdens imposed on electronic commerce by the provision, whether the benefits outweigh the burdens; (3) whether the absence of such procedure would increase consumer fraud; and (4) any suggestions for revising the provision. In conducting the evaluation, the Secretary of Commerce and FTC shall solicit the comments of the public, consumer representatives, and electronic commerce businesses.

DEFINITIONS

Senate bill

Section 4 sets forth the definitions of terms used in the bill: 'electronic;' 'electronic agent;' 'electronic record;' 'electronic signature;' 'governmental agency;' 'record;' 'transaction;' and 'Uniform Electronic Transaction Act.'

House amendment

Section 104 of the House amendment defines the following terms: 'electronic record;' 'electronic signature;' 'electronic;' 'electronic agent;' 'record;' 'Federal regulatory agency;' and 'self-regulatory agency.'

Conference substitute

The conference report adopts a substitute provision adopting definitions for the following terms: 'consumer;' 'electronic;' 'electronic agent;' 'electronic record;' 'electronic signature;' 'Federal regulatory agency;' 'information;' 'person;' 'record;' and 'transaction.'

To clarify further the definition of "consumer," the definition is intended to be consistent with traditional interpretations of such definitions. This means that the party dealing with the consumer may rely on the consumer's intended use for the product or service as indicated when the transaction is entered into. Thus if an individual indicates at the time of the transaction that the online purchase of a heater is primarily for personal family or household use, then that individual is a consumer; the fact that the individual may later dedicate the actual use of the heater to the individual's business is not relevant. The opposite is also true: if an individual indicates that the intended use is primarily for business purposes, then that individual is not a consumer even if the individual later uses the heater primarily for personal or family purposes.

EFFECTIVE DATES

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report creates a general delayed effective date for the bill, and creates specific delayed effective dates for certain provisions of the bill. Subsection (a) establishes that, except as provided in subsections (b), the provisions of the bill are effective October 1, 2000. Subsection (b) delays the effective date of the records retention provision until March 1, 2001 unless an agency has initiated, announced, proposed but not completed an action under subsection 104(b)(3), in which case it would be extended until

June 1, 2001. Subsection (b)(2) delays the effective date of this Act by one year with regards to any transaction involving a loan guarantee or loan guarantee commitment made by the United States Government. The one year delay was granted to permit the federal government time to institute safeguards necessary to protect taxpayers from risk of default on loans guaranteed by the federal government.

Subsection (d) delays the effective date of section 101(c) for any records provided or made available to a consumer pursuant to title IV of the High Education Act of 1965 until the Secretary of Education publishes revised promissory notes under section 432(m) of such Act or one year after the date of enactment, whichever is earlier.

TRANSFERABLE RECORDS

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report adopts a new provision in recognition of the need to establish a uniform national standard for the creation, recognition, and enforcement of electronic negotiable instruments. The development of a fully-electronic system of negotiable instruments such as promissory notes is one that will produce significant reductions in transaction costs. This provision, which is based in part on Section 16 of the Uniform Electronic Transactions Act, sets forth a criteria-based approach to the recognition of electronic negotiable instruments, referred to as 'transferable records' in this section and in UETA. It is intended that this approach create a legal framework within which companies can develop new technologies that fulfill all of the essential requirements of negotiability in an electronic environment, and in a manner that protects the interests of consumers.

The conference report notes that the official Comments to section 16 of UETA, as adopted by the National Conference of Commissioners on Uniform State Laws, provide a valuable explanation of the origins and purposes of this section, as well as the meaning of particular provisions.

The conference report notes that, pursuant to sections 3(c) and 7(d) of the UETA, an electronic signature satisfies any signature requirement under Section 16 of the UETA. It is intended that an electronic signature shall satisfy any signature requirement under this provision, as well. The conference report further notes that the reference in section 201(a)(1)(C) to loans secured by real property includes all forms of real property, including single-family and multi-family housing.

TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE

Senate bill

Section 6 of the Senate bill sets out the principles that the United States Government should follow, to the extent practicable, in its international negotiations on electronic commerce as a means to facilitate cross-border electronic transactions.

Section 6 lists the principles as follows: (1) advocates the removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996. Paragraph (2) permits

that parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Paragraph (3) permits parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Paragraph (4) adopts a nondiscriminatory approach to electronic signatures.

House amendment

Section 201(a) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to conduct an annual inquiry identifying: (1) any domestic or foreign impediments to commerce in electronic signature products and services and the manner and extent to which such impediments inhibit the development of interstate and foreign commerce; (2) constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products and services; and (3) the degree to which other nations and international organizations are complying with the principles in section 201(b)(2).

Under subsection (a)(2), the Secretary is required to report to Congress the findings of each inquiry 90 days after completion of such inquiry.

Section 201(b) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with designated principles. In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures, including those resulting from the inquiries required pursuant to subsection (a).

The designated principles are as follows: free-markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic signatures and electronic records; neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures; parties to a transaction should be allowed to establish requirements regarding the use of electronic records and electronic signatures acceptable to the parties; parties to a transaction should be permitted to determine the appropriate authentication technologies and implementation for their transactions with the assurance that the technology and implementation will be recognized and enforced; the parties should have the opportunity to prove in court that their authentication approaches and transactions are valid; electronic records and signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability because they are not in writing; de jure or de facto imposition of electronic signature and electronic record standards on the private sector through foreign adoption of regulations or policies should be avoided; paper-based obstacles to electronic transactions should be removed.

Section 201(c) requires the Secretary of Commerce to consult with users and providers of electronic signatures and products and other interested parties in carrying out actions under this section.

Section 201(d) clarifies that nothing requires the Secretary or Assistant Secretary to take any action that would adversely affect the privacy of consumers.

Section 201(e) provides that the definitions in section 104 apply to this title.

Conference substitute

The House recedes to the Senate with an amendment. Section 301(a)(1) directs the Secretary of Commerce to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with the set principles listed in subsection (a)(2). In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures.

Section 301(a)(2) lists the principles as follows: (1) Removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996; (2) Parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Parties to a commercial transaction should be able to choose the appropriate authentication technologies and implementation models for their transactions. Unnecessary regulation of commercial transactions distorts the development and efficient operation of markets, including electronic markets. Moreover, the rapid development of the electronic marketplace is resulting in new business models and technological innovations. This is an evolving process. Therefore, government attempts to regulate may impede the development of newer alternative technologies; (3) Parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Parties should have the opportunity to prove in court that the authentication methods that they select are valid and reliable; and (4) Adoption of a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

Section 301(c) directs the Secretary to consult with users and providers of electronic signature products and services and other interested parties. Section 301(d) applies the definitions of 'electronic signature' and 'electronic record' in section 107 to this title.

Increasingly, online transactions are not just interstate but international in nature and this creates a clear need for international recognition of electronic signatures and records that will not create barriers to international trade. Title III directs the Secretary of Commerce to take an active role in bilateral and multilateral talks to promote the use and acceptance of electronic signatures and electronic records worldwide. It is intended that the Secretary promote the principles contained in this Act internationally. However, it is possible that some foreign nations may choose to adopt their own approach to the use and acceptance of electronic signatures and electronic records. In such cases, the Secretary should encourage those nations to provide legal recognition to contracts and transactions that may fall outside of the scope of the national law and encourage those nations to recognize the rights of parties to establish their own terms and conditions for the use and acceptance of electronic signatures and electronic records.

There is particular concern about international developments that seek to favor specific technologies of processes for generating electronic signatures and electronic records. Failure to recognize multiple technologies may create potential barriers to trade and stunt the development of new and innovative technologies.

Unfortunately, international developments on recognizing electronic signatures are troubling. The German Digital Signature Law of July 1997 runs counter to many of the widely accepted principles of electronic signature law in the United States. For example, the German law provides legal recognition only to signatures generated using digital signature technology, establishes licensing for certificate authorities, and sets a substantial role for the government in establishing technical standards. Further, a position paper on international recognition of electronic signatures released by the German government (International Legal Recognition of Digital Signatures, August 28, 1998) seeks to apply these principles internationally. This policy statement reemphasizes the principle that uniform security standards are necessary for all uses of digital signatures regardless of their use, supports mutual recognition of digital signatures only to those nations which have a similar regulatory structure for certification authority, and fails to provide legal effect to electronic signatures generated by other technologies.

The European Community is considering a framework for the use and acceptance of electronic signatures for its member countries. 'Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community Framework for electronic signatures' lays out the European Community's approach to electronic signature legislation. Of particular interest is Article 7, International Aspects, which recognizes the legal validity of digital certificates issued in a non-European Community country. While international recognition of electronic signatures is important, there is concern that this approach will not recognize non-certificate based electronic signatures, such as those based on biometric technologies. The conference report notes that negotiations with the European Union on electronic signatures is a top priority.

COMMISSION ON CHILD ONLINE PROTECTION

AUTHORITY TO ACCEPT GIFTS

Senate bill

The Senate bill contains no similar provision.

House amendment

The House amendment contains no similar provision.

Conference substitute

The conference report adopts a provision to amend section 1405 of the Child Online Protection Act by adding a new subsection (h), which allows the Commission on Online Child Protection to accept, use and dispose of gifts, bequests or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

Mr. WARNER. Mr. President, I want to offer my strong support for the Electronic Signatures in Global and National Commerce Act. This legislation removes legal barriers to electronic commerce by establishing important legal standards for electronic contracts and signatures.

With the passage of this important legislation, businesses will have the legal certainty that they require and consumers will have the assurance of safety and security that they need. The measure represents a balanced approach. It ensures that protections in the digital world equal those in the paper world.

Mr. President, E-commerce offers tremendous benefits for businesses and consumers in terms of efficiency, choice, convenience, and lower costs. The measure will ensure the continued expansion of electronic commerce, the roots and future of which lie in Virginia. It will take electronic business-to-business and business-to-consumer commerce to the next level.

Mr. BENNETT. Mr. President, I rise to praise the hard work, commitment and diligence of Senator SPENCER ABRAHAM of Michigan. He navigated truly treacherous legislative and political waters to bring this legislation to shore. Were it not for his steadfast guidance of this legislation, there would be no E-Sign bill before us today. From the outset, Senator ABRAHAM had the vision and initiative to call to life a law which will allow American consumers and businesses to do transactions over the Internet with a greater confidence in their legal rights and responsibilities. And let me say this to my colleague, Senator ABRAHAM, this bill is much like the Internet in that almost instantaneously all kinds of people will come out of the woodwork to claim credit for your great achievement. Savor it, because those of us who worked by your side know well that the credit lies with you.

Throughout the conference I kept one goal in mind. We must make every effort to have a digital signature be equal to a paper signature both in the ease of use and in the eyes of the law. And while we did not fully succeed in that regard, this legislation is clearly a worthwhile step in the right direction and I intend to support its passage.

Mr. President, let me take one more moment to express, generally, some of my concerns about provisions that were added in the name of providing greater consumer protection and which were outside of the scope of the bills passed in the House and the Senate. I fear that the lack of clarity of several terms and phrases which were added in the conference and which are strewn throughout the bill will create the opportunity for misunderstandings and lawsuits. Greater consultation among the conferees could have resolved these issues, because I know that we all share the same hopes for the success of this legislation. I sincerely hope that my concerns about the use of these terms is misplaced and that they will not come back to haunt us.

Finally, Mr. President, pursuant to the Government Paperwork Elimination Act passed by the previous Congress, the Office of Management and Budget has adopted regulations to permit individuals to obtain, submit and sign government forms electronically. These regulations direct Federal agencies to recognize that different security approaches offer varying levels of assurance in an electronic environment

and that deciding which to use in an application depends first upon finding a balance between the risks associated with the loss, misuse or compromise of the information, and the benefits, costs and effort associated with deploying and managing the increasingly secure methods to mitigate those risks.

The OMB regulations recognize that among the various technical approaches, in an ascending level of assurance, are (1) "shared secrets" methods (e.g., personal identification numbers or passwords), (2) digitized signatures or biometric means of identification, such as fingerprints, retinal patterns and voice recognition, and (3) cryptographic digital signatures, which provide the greatest assurance. Combinations of approaches (e.g., digital signatures with bio-metrics) are also possible and may provide even higher levels of assurance. The technical competence and experience of the service provider should be of paramount concern as we step into this brave new world. A positive first step in this regard is the General Services Administration's development of the ACES, or Access Certification for Electronic Services, Program for all federal agencies.

Mr. President, in developing this legislation, we recognized that certain technologies are more secure than others and that consumers and businesses must, just as the government, select and weigh which technology is most appropriate for their particular needs taking into account the importance of the transaction and its corresponding need for assurance.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays on the conference report accompanying S. 761.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. CAMPBELL), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) would each vote "aye."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), the Senator from

Vermont (Mr. LEAHY), and the Senator from Virginia (Mr. ROBB) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) would each vote "aye."

The PRESIDING OFFICER (Mr. HAGEL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—87

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Breaux	Hagel	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kennedy	Smith (NH)
Coverdell	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Voinovich
Edwards	Lincoln	Wellstone
Enzi	Lott	Wyden

NOT VOTING—13

Boxer	Harkin	Robb
Bunning	Hatch	Thomas
Campbell	Inhofe	Warner
Conrad	Leahy	
Dorgan	McConnell	

The conference report was agreed to.

Mr. LOTT. Mr. President, today the Senate has taken a momentous step in promoting and facilitating the growth of electronic commerce with the passage of the conference report to S. 761—the Electronic Signatures in Global and National Commerce Act.

It was a long and difficult road to get to this point, following the bill's introduction in the Senate last March by my colleague and champion of E-signatures, Senator ABRAHAM. Many roadblocks had to be overcome along the way. In the end, many compromises were agreed to. This bill could have been done months ago; however, some wanted to make this a partisan issue. I am personally very pleased though that the sustained efforts of Congress resulted in a conference report supported by a meaningful majority of conferees, and by a majority of the business world.

S. 761 will establish legal certainty and validity for electronic signatures and electronic records. When engaging in business online, consumers and companies should feel secure and confident that their contracts and agreements will be honored. This bill recognizes and addresses those real needs now,

rather than waiting for all 50 States to adopt uniform laws. S. 761 will provide the basic foundation, or the rules of the road, for the future of electronic commerce in America. It will foster the continued expansion of electronic commerce. More importantly, it will empower consumers to take part in a vibrant segment of our economy. It will afford consumers from all across America the real opportunity, if they so choose, to take advantage of electronic commerce. This, to me, is the crux of this legislation. The ability of our citizens in all 50 States to improve the quality of their lives. S. 761 provides that ability.

Some have expressed concern that this measure places a higher standard and unnecessary burdens on the on-line world than those in effect for the off-line world. I hope it does not. I believe a good-faith effort was made to provide the flexibility necessary for those with that great entrepreneurial spirit and imaginative ability to advance the Internet and electronic commerce. If, over time, bureaucracy does indeed impede the bill's intent, I expect that Congress will again assume responsibility and take corrective action.

The participation of several Members of Congress was integral to this bill's enactment. They include the chairmen of both the House and Senate Commerce Committees, Chairman BLLEY and Chairman MCCAIN, Chairman GRAMM of the Senate Banking Committee, and Chairman HATCH of the Senate Judiciary Committee. I extend my thanks to them and to all of the members of the conference for their attentiveness and commitment to this important issue.

I also want to take a few moments to express my special appreciation to my colleague and good friend, Senator ABRAHAM. Senator ABRAHAM recognized early on the extreme importance of electronic signatures. It was his initiative that led to the 105th Congress' enactment of the Government Paperwork Elimination Act, a significant first step toward the eventual broad use and acceptance of electronic signatures. Senator ABRAHAM's continued stewardship, vision, and tireless efforts have led to the next logical step of now affording secure and accessible opportunities in electronic commerce for the private sector and millions of consumers. I believe no other Senator worked as hard on, or knows as much about, this issue as Senator ABRAHAM. Without his hard work, keen judgment, and persistence, I do not believe we would be voting on this conference report today. Senator ABRAHAM is to be commended for his leadership in this area, and I look forward to working with him on other important technology issues facing Congress.

It goes without saying that Congress could not operate without the dedicated efforts of staff. I want to identify

those Senate staffers who worked hard to prepare this legislation for consideration: Renee Bennett, Moses Boyd, Jeanne Bumpus, Cesar Conda, Robert Cresanti, Makan Delrahim, Geoff Gray, Martin Gruenberg, Carole Grunberg, Dave Hoppe, Jack Howard, Jim Hippe, Kevin Kolevar, Chase Hutto, Jim Hyland, Julie Katzman, Maureen McLaughlin, Paul Margie, Mike Rawson, Dena Ellis Rockkind, Lisa Rosenberg and Jim Sartucci, as well as my former Congressional Fellow, Steven Apicella. I thank them all.

Electronic signatures is an innovative technology whose time has come. S. 761 will remove barriers to their use in a timely and useful manner. S. 761 will make it easier for millions of Americans to use electronic commerce. S. 761 will help stimulate our nation's economy. And S. 761 will preserve America's leadership in the global marketplace. I am proud that the 106th Congress has taken this action.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank my colleagues on both sides of the aisle for their work on the legislation which has just passed. This is an extraordinarily important bill which will essentially open up opportunities in e-commerce that have previously not been existent for Americans. It will be a tremendous incentive to our economy. I express to all my colleagues my appreciation for their hard work on the legislation. It is a significant accomplishment for the Congress.

The PRESIDING OFFICER. The Senator from Nevada.

LEAVE OF ABSENCE

Mr. REID. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that he be permitted to be absent from the service of the Senate today, Friday, June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BEVERLY B. MARTIN, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

NOMINATION OF JAY A. GARCIA-GREGORY, OF PUERTO RICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

NOMINATION OF LAURA TAYLOR SWAIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will now

go into executive session and proceed to the nominations of Beverly B. Martin, of Georgia; Jay A. Garcia-Gregory, of Puerto Rico; and Laura Taylor Swain, of New York, which the clerk will report.

The legislative clerk read the nominations of Beverly B. Martin, of Georgia, to be U.S. District Judge for the Northern District of Georgia; Jay A. Garcia-Gregory, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico; and Laura Taylor Swain, of New York, to be U.S. District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed, the motions to reconsider are laid upon the table, and the President will immediately be notified of the Senate's actions.

The nominations were considered and confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I have reserved an hour of that time. I know there are other Senators who wish to speak. I will not use the whole hour. I would like to change the order. My colleague from Montana has a couple of minutes on an issue. My colleague from Minnesota wishes to speak for 10 minutes. Then I would assume my hour. We will not take all that hour. The Senator from Washington has comments she wants to make during this period of time. I ask unanimous consent that it follow in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE DAIRY INDUSTRY

Mr. GRAMS. Mr. President, I will take a few minutes this morning to talk about an industry that is very important to the State of Minnesota, and that is our dairy industry.

June is National Dairy Month, and I come to the floor today to pay tribute to the family farmers who rise early every morning to supply fresh milk to our Nation. We as consumers assume there will always be dairy products in our grocery stores, without considering the hard work that is a daily requirement to get them there.

I grew up on a dairy farm myself, and I can remember those early morning

milking before going to school and again, of course, when I got home. I don't take for granted the hard work required of dairy farmers to make a living. Unfortunately, for Minnesota dairy producers, it is becoming harder and harder just to make a living. The dairy compact in New England, which sets a price floor for that region, is spurring overproduction that is spilling over into the Midwest and is depressing the price received by Minnesota farmers.

Previously, I have come to the floor to address the false claims that dairy compacts somehow are necessary to ensure a consistent supply of milk to certain areas of the country, and also the assertion that dairy compacts save small family farms. Today, I want to turn to the claim that the overproduction that results from dairy compacts does not impact producers in noncompact regions of the country.

It is basic economics that if you want more of a particular commodity produced, then you should subsidize its production. And it follows that if you want more milk produced, you set a floor price for it, and the volume of production will predictably expand. This may initially sound somewhat harmless, but the overproduction from dairy compact States has to go somewhere. It is currently going into noncompact markets for milk, cheese, butter, and powder, and that is mainly the Midwest. Dairy producers within the Northeast Compact currently receive a floor price of \$16.94 per hundredweight for beverage milk, and you could never run enough "Got Milk?" commercials to increase beverage consumption in the Northeast Compact region sufficient to offset the excess production that results from this minimum price. So the consequence is that the excess flows into the markets traditionally served by noncompact producers—or, basically, dairy farmers in the Midwest—driving down the prices that our dairy farmers receive because of the oversupply of milk.

To provide some context, upper Midwest dairy farmers largely produce for cheese markets. Approximately 86 percent of the milk produced in the Midwest goes into the production of cheese. I come from a State that has a comparatively small population and, thus, only a small portion of the milk produced by dairy farmers in Minnesota is consumed as a beverage. Our dairy farmers' livelihood depends on the income they receive in the cheese markets. The current price they receive is being, again, driven down, depressed by the influx of milk coming in from New England, again, because of the compact and the floor price for milk there that results from an artificially high compact price.

Following implementation of the compact back in 1997, New England milk production and milk powder pro-

duction has increased rapidly in response to these higher prices—just, again, basic economics. New England milk production actually rose more than three times the rate of growth in production in the United States as a whole. So dairy farmers in New England were producing milk at a rate three times faster in growth than the rest of the country. This increased production in New England, combined with falling milk consumption in the region due to the higher consumer prices—again, basic economics; you drive the price up, you get less purchases—set in place by the compact, again, resulted in regional surpluses that have been converted to milk powder.

In fact, in the first year of the compact, New England powder production soared by 43 percent, which accounted for most of the increase in U.S. powder production during that year. The combination of increased production and lower milk consumption in the compact States due to higher prices, again, has created milk surpluses. That drives down milk prices for farmers outside of the New England compact. So it is directly hurting farmers in the Midwest. It also floods national markets with nonbeverage dairy products that compete with dairy products produced outside of the compact region.

A January 1999 University of Missouri study found that higher milk production and less milk consumption in an expanded Northeast Dairy Compact and a new Southern Compact would cost farmers outside of those compact States a minimum of \$310 million a year. So the dairy farmers who are having a hard time making a living right now would find their milk checks down \$310 million a year.

A May 1999 University of Wisconsin study found that the cost to farmers outside of the Northeast and proposed Southern Compact States would be at least \$340 million a year. Again, these are tough times for Minnesota dairy farmers, and they cannot afford to lose that kind of income over and above what the compact States are already taking away from them. As I have said before, compacts are a zero-sum game, and all the income benefits that the large producers in New England derive come out of the pockets of consumers—low-income consumers, of course, are hit the hardest—and also producers in the noncompact regions. The mailbox price—actual income farmers get for their milk—was \$1.87 per hundredweight higher in December of 1999 in the compact region than in Minnesota.

The expansion of the compacts to the southern region of the country would put the cartels in half of the States, exponentially magnifying what happened in New England, making the problem worse than what it is today. New England has only 3 percent of the U.S. milk production, and the proposed

Northeast and Southern Compacts would cover nearly 40 percent of U.S. milk production. The thought of how this unprecedented expansion of the cartel would affect producers in my State and how it would affect the prices consumers pay only increases my resolve to fight compact expansion and work for revocation of the current compact. It would be a tremendous cost to taxpayers in the form of higher costs for school lunch programs and other food nutrition programs. It could also lead to higher Government storage costs and maybe even another round of a dairy buyout program—a cost that could run into the millions, if not billions, of dollars.

If you are concerned about returning some sanity to our dairy markets, then I ask you to join me as a cosponsor of the Dairy Fairness Act, S. 916, which repeals the Northeast Dairy Compact. Compact supporters can't win in an honest debate on the floor, so we are continually subjected to the end-of-the-session arm-twisting going on in conferences to keep this cartel alive. That is how the compact got started in the first place, when the 1996 farm bill was held hostage in committee until the compact was added.

We need to work for a national dairy policy that is fair to all producers, not one that artificially expands production in one portion of the country, which directly impacts the price received in other areas of the country. Again, the notion that compacts don't adversely impact producers outside the region is another dairy myth that must be put to rest if our country is to move toward a national dairy policy, again, that is fair to all producers.

As we celebrate National Dairy Month, I hope Congress will gain new resolve to create a dairy policy that is not based on "robbing Peter to pay Paul," which is what is done when you cut through the rhetoric. It is the fundamental principle undergirding the concept of dairy compacts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

CONSEQUENCES OF CLIMATE CHANGE

Mr. MURKOWSKI. Mr. President, I take this opportunity to alert my colleagues of the growing concern that we all have relative to climate change and the developing technology associated with that change.

This week the U.S. Global Change Research Program issued a revealing and rather startling new report on the consequences of climate change. This report affects a number of things. But the most significant portion of the report is the estimated effects of climate change on various regions of the country and various sectors of our economy. It is very important—agriculture, water resources, and so forth.

At the heart of this report are some "potential scenarios" of climate change over the next 100 years predicted by two climate models: Computers models that were state of the art 3 years ago when the report began. These "scenarios" of climate change were then used to drive other models for vegetation, river flow, and agriculture. Each of these models had its own set of assumptions and limitations. The end result was a 600-page report that paints a rather grim picture of 21st century climate predictions.

Some in the environmental community in favor of the Kyoto Protocol are now using this report and shouting from the rooftops. They think this study means we should go forward with drastic measures to limit greenhouse gases.

But I want to caution my colleagues to look beyond the rhetoric and to look to the science that underlies this assessment. What they are going to find is rather startling. The realization factually is that we are only just now beginning to conduct the kind of scientific research that will allow us to determine impacts of climate change.

My point is obvious. These models were based on technology 3 years ago. Technologies change. Interpretations change. But the basis for the evaluation and generalization is based on old information.

For example, a reasonable test of a climate model is whether or not it actually and accurately stimulates today's climate. The fact is that it doesn't. We found from the National Assessment's own science web site a comparison of rainfall predicted by two climate models that measure actual rainfall. The area reflects twice what the model predicts. More than twice as much rainfall is actually observed as opposed to what the model suggests.

The emotional concern is coming from the model. Where you actually get 10 inches of rain, the model predicts that you actually get 20 inches, or more. Similarly, in the areas where the model predicts less than half as much rainfall as is actually observed, you actually get 10 inches of rain. The model predicts that you would get 5, or less.

So the model is absolutely under question and under scrutiny and doesn't represent reality.

The amount of rain or snow falling within a river basin determines the river flow. We all know that determines the amount of water for irrigation of crops, the health of fish species, the generation of hydroelectric power, and the water available for human use.

Depending on what the climate models say, you can imagine some very different impacts because the models are off by 50 or 100 percent in either direction. You can see it is going to change. The estimate of impacts from climate change on these sensitive areas could also change.

Even with all of this, the assessment has been a very useful exercise because it shows the difficulty of estimating regional impacts of climate change. It highlights the need for additional scientific research; namely, improved climate models; and it reminds us of the potential risk of climate change.

For just a moment I want to shift the talk about how our energy policy will determine future emissions of greenhouse gases. As you might imagine, further emissions will be extremely sensitive in the energy choices we make. We now have an excellent opportunity to address our environmental concerns at the same time that we address our growing dependence on foreign oil.

Yesterday, we conducted a hearing on the Republican energy strategy in S. 2557, the National Energy Security Act of 2000. It includes a balanced portfolio of energy options that, amazingly enough, would produce fewer greenhouse gases than the current administration plan. Let me repeat that. This legislation contains a methodology to generate fewer greenhouse gases than the administration's current energy plan. That is not surprising because the administration's plan would increase our dependence on foreign oil to nearly 66 percent by the year 2020.

We would advocate increased use of natural gas for a wide range of energy needs. We also provide tax incentives for renewables, such as wind and biomass, and make the relicensing process for nuclear and hydro power plants much easier. But to achieve these goals, we will need some changes in the existing energy policies.

We need incentives to increase domestic production of oil and gas, particularly on Federal lands where this administration has simply refused to allow oil and gas exploration. About 64 percent of the overthrust belt has been determined to be over limits.

In my State of Alaska, where you are very likely to have a large discovery in a small sliver of the Arctic, about 1.5 million acres out of 19 million acres has been put off limits.

We need incentives and R&D funds to develop and promote clean fossil fuel technology.

We need to use more natural gas for end-use appliances and distributed generation of electricity through fuel cells and microturbines in homes and businesses.

We need to eliminate barriers to our best sources of nonemitting power generation; namely, nuclear and hydro.

And we need to encourage and support renewable energy technologies.

Based on some simple calculations by my Energy and Natural Resource Committee staff, we estimate that such a balanced energy plan could reduce our emissions by 11 percent, compared to the administration's plan, by the year 2020. We could do this without eco-

nomie cost and without sacrificing our quality of life or our competitive situation with little economic pain.

Our staff is working to refine these calculations further. But the details really do not matter much. Simply put, if we use more nuclear, more hydro, and more natural gas, we emit fewer greenhouse gases and we reduce our dependence on foreign oil in the year 2020 from 68 percent, as projected under the administration's plan, to less than 50 percent under the Republican plan. Clearly, that is a step in the right direction.

With further R&D funding for climate-friendly energy technology, such as that proposed in our climate change bill, S. 882, we can do better. A balanced energy portfolio simply makes good sense for our economy, for our environment, and for our national security. We have proposed legislation that will take us there.

Let me close by noting that it seems ironic this administration has wasted no opportunity to talk about the dire predictions of climate change. Yet the Republican energy plan offers a cleaner, more secure energy future.

The risk of human-induced climate change is a risk we should responsibly address. We should address it based on sound science, and not emotion, as is often the case around here. A balanced, technology-driven energy strategy offers the means to do so.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nebraska.

Mr. HAGEL. Mr. President, on June 12, the administration's National Assessment Coordinating Office, established under the authority of the Office of the President, released the first National Assessment on Climate Change. This report entitled "Climate Change Impacts on the United States," is a political document. It is not a mainstream science document. It has not been peer-reviewed.

The National Assessment attempts to predict in detail climate changes region-by-region within the United States over 100 years. Yes, region by region for 100 years. The charade of this effort is criticized by the Environmental Protection Agency's web page. This morning I checked the EPA's web page for its comments on computer climate model. It states:

Virtually all published estimates of how climate could change in the United States are the result of computer models. . . . These complicated models . . . are still not accurate enough to provide reliable forecasts on how the climate may change; and the several models often yield contradictory results . . . Scientists are unable to say whether particular regions will receive more or less rainfall; and for many regions they are unable to even state whether a wetter or drier climate is more likely.

This is from this morning's web page.

The National Assessment does not highlight the large amount of uncertainty in long-term climate forecasting. It was released in draft form

even though two of the five sectoral studies are incomplete and still out in draft form for comment. The regional studies—which the EPA itself has warned are impossible to honestly conclude—are also incomplete. One might suspect that the priority was placed on releasing the report for a political time-table rather than for a scientific time-table.

It uses two foreign computer models: The Canadian Centre model and Britain's "Hadley Centre" model. These are considered among the most extreme of all climate models available.

As mentioned in an opinion piece Wednesday, June 14 in the New York Times entitled "Warming Earth, Heated Rhetoric" by Gregg Easterbrook, senior editor of The New Republic:

One [model] predicts a catastrophic drought that kills off all trees in the American Southeast; the other forecasts increased rainfall and forest expansion in the Southeast.

One of the country's most respected climate scientists, Dr. John Christy of the University of Alabama in Huntsville has also been critical. Dr. Christy is the country's premier specialist on satellite measurements of atmospheric temperatures.

In a June 9 Associated Press story, Dr. Christy commented on a pre-release version of the National Assessment he had obtained. He stated,

I read the Executive Summary and the following sections through page 9—"Looking at America's Climate." I stopped at that point thinking, "This must be some kind of joke." It seemed to me that this document was written by a committee of Greenpeace, Ted Turner, AL GORE and Stephen King.

I saw no attempt at scientific objectivity. This document is an evangelistic statement about a coming apocalypse, not a scientific statement about the evolution of a complicated system with significant uncertainties. As it is, the document will be easily dismissed by anyone with access to information about the uncertainties of the issue.

The National Assessment declares that there is a direct connection between increased global temperatures and increases in man-made greenhouse gases like carbon dioxide. While there are many disagreements in the scientific community, there is a consensus that it is impossible to make that connection.

Has the world been warming? Yes, the world has been warming for 11,000 years, since the end of the last major ice age. In the last 100 years, global temperatures have increased by about one degree.

Is this warming due to man-made greenhouse gas emissions? Let me quote from Dr. Marsh, a researcher at the Argonne National Laboratory, New York Times, Sept. 8, 1999:

Carbon dioxide is a minor greenhouse gas that contributes only about 3% of the greenhouse effect, and man-made sources represent some 3% to 4% of carbon dioxide emissions, the rest being from natural sources.

The major greenhouse gas is water vapor. . . . if all the carbon dioxide in the atmos-

phere were to vanish magically, it would lead to a one degree centigrade decrease in global temperatures.

These are the comments of a researcher at a U.S. Government national laboratory.

Even the possible current moderate warming is not well understood. Ground temperatures have risen slightly in the past two decades. But more accurate—and truly global—satellite temperature measurements have shown no warming in the 20 years those measurements have been available. In fact, they have shown a slight cooling.

Is there fluctuation in the climate? Of course. Ice cores sampling has shown wide fluctuations in the global climate long before the emergency of man, much less the industrial age. Are current fluctuations man made? The simple answer is that we do not know.

What do we know and what do we need to do to do more? We need more scientific research, honest scientific research. We need more technological development. We need to involve both the private and public sectors in working on this issue.

Senator MURKOWSKI, Senator CRAIG, Senator BYRD, and I have all introduced legislation that would do exactly that. But most of all, we need to restore a bipartisan, commonsense, science-based, market-driven approach to this important issue. We do not need more precooked political nonsense, political tracts, masquerading as unbiased science.

I yield the floor.

Mr. CRAIG. Mr. President, earlier this week the Administration released, with much media fanfare, a draft document known as the climate change "National Assessment" that purports to assess "the potential consequences of climate variability and change" in the United States. I have received several media requests for comments on this document.

The document is of considerable length, Mr. President—approximately 600 pages. Frankly, because of its length and the short time I've had to review it, I have been able to give it only a quick review.

My preliminary conclusion is that the National Assessment could provide a useful contribution to the climate change debate if it stimulates more serious national interest in advancing climate science.

What is clear to me, even after only a quick read, is that the National Assessment was produced in a style and method that is somewhat akin to writing good science fiction. The authors begin with a few baseline assumption, then apply a vivid imagination to extrapolate outcomes based on those assumptions.

The literary application of science concepts makes the story intriguing to read, especially for readers with a scientific bent.

But the National Assessment is not the only current document that talks about climate change science. The "Pathways Report" published last Fall by the National Research Council of the National Academy of Sciences, is also a stimulating read. But it takes an entirely different approach.

One way you can tell that the National Assessment and Pathways Report are different in style is from the selection of punctuation. The National Assessment uses lots of exclamation points. Perhaps, that is one of the reasons why this document has gotten pretty good media attention already. The Pathways Report uses mostly question marks.

The National Assessment takes a single, linear approach to the climate change question. It simply extrapolates continued worldwide growth in carbon dioxide emissions throughout the 21st century, and assumes that growth will correlate to steadily rising temperatures around the world. The implications of those increases in temperature and carbon dioxide concentrations supply the creative images that the National Assessment's authors offer up.

The Pathways Report is dry by comparison. It is short on creative literature and long on technical issue framing—not particularly suitable for catchy media headlines, which may explain why many newspapers showed little interest in its existence or import.

But its critical and thorough scientific analysis of the current states of our climate change knowledge is what makes the Pathways Report so important to policy makers.

Now, if you are like me and you find out that America's National Research Council has just published the most comprehensive report in history on the state of climate science—you don't want to read all 550 pages! You want to cut to the chase and read the report's bottom line conclusion! And the last thing you want is a report that provides more questions than answers.

But the Pathways Report authors are brutally honest. To best explain the current state of climate science they had no choice but to lay out a whole series of potentially show-stopping questions. Now, none of these questions asks "Is global warming for real?" No, in fact, once you begin to ponder the Pathway questions you realize that the climate change issue cannot be resolved with any simple thumbs up or thumbs down.

Here are some of the scientific questions that the Pathways Report focuses on:

How much do we know about the earth's capacity to assimilate natural and man-made greenhouse gas emissions? Do we need to learn more? What, in particular, do we know about the

oceans' capacity to absorb carbon dioxide? How much of this absorption occurs naturally? What can be done to increase ocean assimilation of carbon dioxide?

And these are just the opening round of questions.

What is the effect of the oceans on our climate? What is the state of our understanding of ocean cycles and of other changes in ocean temperature and salinity, and of how those changes, in turn, affect climate? How do we evaluate the natural variability of the climate, including such phenomena as El Niño and the North Atlantic oscillation? Can we improve our understanding here?

Mr. President, let me stop for a moment and reflect on a recent trip I made to Woods Hole, Massachusetts with the Senator from New Hampshire, BOB SMITH, and our colleague from Rhode Island, LINCOLN CHAFEE. We spent a day at the Woods Hole Oceanographic Institute exploring these questions with over 30 scientists. It was a real eye-opening experience.

Dr. Berrien Moore, who coordinated the publication of the Pathways Report, helped lead a discussion on where science and public policy intersect. Dr. Bob Weller and Dr. Ray Schmitt along with several other prominent ocean scientists of the Woods Hole Oceanographic Institute, gave us progress reports and fascinating explanations of their work and its relevance to climate science.

For example, Mr. President, did you realize that for each one degree change in the temperature of just the top three meters of ocean water, there is a corresponding one degree change in the temperature of the atmosphere above the surface of that water all the way to outer space? Did you know, Mr. President, that 80 percent or more of our climate variation is influenced by the oceans?

Two themes came through clearly in those discussions, Mr. President:

There are significant gaps in scientific understanding of the way oceans and the atmosphere interact to affect climate; and

Scientists need more data, especially from the oceans to better understand and predict possible changes.

Mr. President, it was humbling to get a glimpse of how much we don't know.

Now let me continue with the rest of the questions the Pathways Report urges us to consider.

How accurately can we predict climate trends whose recurrences are measured in years? In decades? In centuries? In millennia? Are we capable of plotting the effects, and counter effects, of these complexly interwoven trends on each other? Do we even have the capability to observe these trends and counter-trends accurately? Do we have the computational ability to integrate all these trends and counter trends into one big equation?

How much carbon dioxide in the atmosphere emanates from the oceans? Does this amount vary from place to place and time to time? Does such variation matter?

Those are just some of the questions that we policymakers cannot answer ourselves. But we need answers—and to get them, we will have to support the scientists on a more serious level than we have to date.

But there are more questions, Mr. President. These next ones we should be thinking about ourselves and discussing with scientists and with all of our concerned constituents.

Should U.S. policymaking on climate change rely primarily upon climate modeling performed by others outside the U.S.? Or should the U.S. have the capability to marshal data and scientific conclusions independent of foreign countries who may or may not share our domestic policy concerns?

Again, Mr. President, let me pause for a moment and refer to the recent National Research Council's Climate Research Committee's report entitled "Capacity of U.S. Climate Modeling to Support Climate Change Assessment Activities."

First, let me thank Dr. Maurice Blackmon from the National Center for Atmospheric Research, for his patience with me and my staff. He has helped us have a balanced appreciation for these issues. That report provides valuable guidance on this subject. On page 5 of that report, the NRC's Climate Research Committee states:

Although collaboration and free and open information and data exchange with foreign modeling centers are critical, it is inappropriate for the United States to rely heavily upon foreign centers to provide high-end modeling capabilities. There are a number of reasons for this including the following:

* * * * *

2. Decisions that might substantially affect the U.S. economy might be made based upon . . . simulations . . . produced by countries with different priorities than those of the United States.

Mr. President, the National Assessment depended on the use of foreign computer models only. The authors of that document are completely up-front about that fact, and I commend them for their honesty. However, for the reasons contained in the NRC's modeling report, I am uncomfortable relying on the conclusions in the National Assessment.

The pace of science is dynamic and unpredictable. For example, just last month Science magazine reported on some intriguing experiments undertaken in the Indian Ocean. Those experiments raised the prospect that certain assumptions about aerosols incorporated in the Canadian and British climate models that underlie the National Assessment were fundamentally flawed. This means that the warming predictions from even these models are probably way too high.

Dr. Neal Lane, a White House spokesman, acknowledged this at Senator McCain's hearing on May 17 and feels it may be several years before this can be resolved. Unfortunately, the National Assessment's vivid scenarios were sent to the printer before this new discovery became public.

This seems to give us as policymakers only two choices: Either disregard the National Assessment and all the hard work that went into it, or redo it with the assumptions corrected, this time using U.S. models.

Mr. President, when we make tough, historic policy decisions around here on everything from multilateral defense strategies, to global trade, to international farm output, we use our own intelligence and analysis, we don't simply rely on the technical work of other countries which may not see the world through the American prism.

With continued regard to America's climate modeling capability, Mr. President, I must ask—What are our national objectives? Do we have a national strategy in place to achieve those objectives? Is the strategy integrated and coordinated across all relevant agencies? Are NASA and DOE and NOAA and the National Center for Atmospheric Research, all building the same model using a common blueprint?

Do we have adequate computational resources to fully exploit our evolving modeling capability? Do we have enough human talent dedicated to these tasks?

What is our confidence level in the integrity of all observational data used to validate climate models? Are our measurements "close enough for government work"?

How can we be sure that the scientists are even measuring the right climate variables? Are there any important climate variables that are inadequately measured, or not measured at all?

Do we build climate observing requirements into existing, ongoing operational programs? At sea? In the atmosphere? In space? Should we do more? How many ships at sea are measuring water temperature and salinity? How many weather balloons and satellites are measuring and transmitting data?

Oceanographers I've visited tell me that they don't know the temperature or salinity of the ocean in most spots around the world today, much less ten or a hundred or a thousand years ago.

Do we need a discretely funded activity for the development and implementation of climate-specific observational programs? Where are we on the technology to monitor relevant national and global data? Is it developed? Is it fully deployed? Will other countries fully support this?

Have we assessed the capability and potential of U.S. and North American carbon sequestration, including carbon

sequestration through crops, forests, soils, oceans, and wetlands?

How do we ensure that the science that informs U.S. policy making is objective and complete? Do scientists have unfettered access to each other's completed work, especially when that work is funded by the government? Is the process of peer review adequate to assure all viewpoints are examined?

Regardless of politics, we in Congress share one tough job with our friends at the other end of Pennsylvania Avenue. Science must drive policy and not vice versa. I don't know how else to make sure that happens other than to guarantee that the science gets put out on the table and is subject to public discussion and public scrutiny.

The American people have never been afraid of the truth. We'll deal with that. What we can't hack is being kept in the dark or being lied to by our own government.

The National Research Council's Pathways and Climate Modeling Reports raise some profoundly important questions. Our best policy decisions could turn on the answers to any of them. We owe to our constituents and to future generations to seek answers and not hide from whatever turns up.

The United States with its abundant resources, technological superiority, and economic power is in a unique position to provide leadership in scientific research that can lead to a more complete understanding of the natural and human influences currently at work in our oceans and atmosphere.

What is needed, Mr. President, is a national commitment embodied in a government framework that provides a "blue print" for responsible action based on consensus. Chairman MURKOWSKI and I have been working on that legislative "blue print."

Taken together, our bills provide that "blue print" for consensus. While S. 882, Chairman MURKOWSKI's bill, appropriately focuses on our nation's enormous technological abilities, S. 1776, the bill I introduced last October constructs a complementary framework that ensures:

A critical analysis, evaluation, and integration of all scientific, technological, and economic facts;

A "blue print" for coordinated action that is both practical and conscientious so that the government will not neglect an issue or back us into less than optimum policy choices;

The advancement of climate science by integrating and focusing it on core questions;

Immediate actions that reduce greenhouse gas emissions in ways we will appreciate;

The encouragement of technology development;

No unnecessary burdens on citizens that can be caused by the government prematurely picking winners and losers; and

Process for consensus for future government actions.

Without consensus, Mr. President, our nation will languish in political stalemate, causing us to fall behind other nations in key technological areas.

Some insist that we sharply reduce our reliance on carbon as an energy source. Again, cost impact estimates vary widely—from little economic impact to belief that such action will mortally wound our economy. Yet, there has been no serious effort to systematically and critically analyze this issue by our government.

The National Assessment does not provide it. S. 1776 does.

Another area of concern expressed in National Research Council Reports, and mentioned prominently in recent NAS testimony before the Senate's Energy and Natural Resources Committee, is the lack of governmental structure with the primary mission of coordinating climate programs.

S. 1776 directly addresses this concern by providing a structure for coordination of all government action on climate change.

This is merely one approach to this very complicated problem. We in Congress need feedback from experienced leaders in science, economics, and government to help us design the optimum structure for coordinating climate change policy.

It has been ten years, Mr. President, since Congress enacted the Global Change Research Act of 1990. We have learned much since then. Much of the sensation generated by the National Assessment, stems from the vivid worst case scenarios described in that document.

Let's not be provoked into rash action by these scenarios. Even the co-chairman of the National Assessment, cautions that:

We're not making a specific prediction about what the future will be like. It would be farcical to try to do that.

Indeed, the National Research Council recently testified before the Senate that the "jury is still out" on whether Human influence is even a significant factor in climate change.

Instead, let's roll up our sleeves and pursue the more methodical approach:

Answer the core science questions;

Pursue the economic analyses;

Take immediate, risk-free actions that reduce greenhouse gas emissions.

The NRC, based on its study of the successes and failures of the U.S. Global Climate Research Program established by the 1990 act, has provided Congress with excellent recommendations and pathways for future action. It would be irresponsible to ignore them.

Moreover, it has also been almost 8 years since the Senate ratified the Framework Convention on Climate Change in 1992. We cannot, nor should we, roll back our ratification of the

Framework Convention. Instead, we should ensure that the United States is thoroughly and conscientiously responding to the Framework Convention commitments. Our "blue print" does precisely that.

For example, the Framework Convention says take flexible action now. So does S. 1776. The Framework Convention says explore and integrate the science. So does S. 1776. The Framework Convention says climate change measures must be cost-effective. Every measure in S. 1776 stands on its own two feet.

The Framework Convention says steps to mitigate climate change are effective if based on relevant science, technology, and economics, and continually evaluated. S. 1776 spells out how U.S. policy will—by law—be based on a combination of science, technology, and economics . . . and the President must reevaluate each of these factors each year.

Mr. President, our legislation provides a framework for national consensus. Stalemate on the climate change issue should no longer be tolerated. We have the vehicle to move forward. We should do so expeditiously, and with the constructive support of the administration.

I anxiously await the response to my April 3rd letter to the Chairman of the White House Climate Change Task Force, where I described how we could get there. I ask unanimous consent that the April 3rd letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 3, 2000.

ROGER S. BALLENTINE,

Chairman, White House Climate Change Task Force, The White House, Washington, DC.

DEAR MR. BALLENTINE: Thank you for your recent letter commenting on the two separate pieces of legislation that my friend and colleague, Senator Murkowski and I have introduced on the subject of climate change. Senator Murkowski and I have been working together on this legislation for a year now. We are both sponsors of both bills. I welcome the opening you give us to work with the Administration as well.

Your letter was particularly helpful for two reasons. First, it helped me appreciate how much the Administration agrees with us. Secondly, it gives me a chance to clarify how portions of S. 1776 work to complement, not contradict (as your letter implies), so much of what the Administration is already doing.

First, we agree (and see that we agree) on, in your words, "emphasis on promoting the research, development and diffusion of technologies to reduce or sequester the greenhouse gases. . . ." Secondly, we both want to "improve voluntary reporting of greenhouse gas emissions."

Now let's turn to the many additional points on which we agree, even though your letter reflects a few gaps in appreciating that agreement. Along those lines, you urge that it be made clear that our legislation is

not "intended as a substitute for more comprehensive action." Thank you for the opportunity to reassure the Administration that it is not. Here is that reassurance in detail.

To begin, you listed nine bulleted Administration initiatives, repeating in each instance that our legislation "is no substitute for" those Administrative initiatives. I agree. Neither S. 1776 nor S. 1777 (my companion tax incentive bill), is, nor is intended to be, a substitute for any of the nine initiatives. If I had intended to substitute my legislation for any of the nine, you would see provisions in my legislation repealing or preempting those initiatives that I meant to substitute with mine. You do not, because I did not set out to do so. Let's take a closer look at each of those nine bullets to help you appreciate how close we are:

1. *Ongoing federal efforts to accelerate the research, development, and deployment of efficient technologies and renewable energy—*

My bills only enhance those ongoing efforts. With regard to federally funded R&D, we provide for some extra quality assurance by calling for periodic independent critical evaluations of ongoing projects so Congress and the Executive Branch can be confident that deployment of finite R&D and demonstration resources is current, optimum, and fully accountable to the taxpayers.

2. *The President's proposed package of tax incentives—*

Nothing in my tax incentive bill, S. 1777, contradicts anything in the President's package. My proposal to permanently extend the R&D tax credit for projects addressing climate change, and my provision providing a graduated scale of tax credits for achieving increasingly challenging energy efficiency benchmarks over a series of time periods would complement the President's ideas in the short-term and long-term.

Further, I call on Treasury and Energy to collaborate on a set of meaningful tax incentives to directly spur voluntary actions by ordinary citizens, and indirectly by entities that are tax exempt such as municipal power agencies, universities, and others.

3. *The President's proposal to spur development of bioenergy and bioproducts that can benefit farmers and rural areas, reduce reliance on foreign oil, cut air pollution, and reduce greenhouse gas emissions—*

This program first surfaced, of course, in an article by Senator Dick Lugar in *Foreign Affairs* magazine over a year ago. It is embodied in his bill which recently passed the Senate without dissent. Actually, in the early drafting stages I contemplated adding the text of the Lugar legislation to my bill, but did not do so out of deference to Senator Lugar whose strategy was to move his bill separately. Instead, in public speeches leading up to its approval by the full Senate I helped promote his legislation as a stand-alone proposition. Let's both hope that the House takes it up quickly and sends it to the President for enactment!

4. *An initiative to encourage open competitive markets and promote the export of American clean energy technologies into the multi-billion dollar market of developing transition countries around the world—*

Again, we are in harmony. My bill takes the Administration's proposal a few steps further with an entire title on technology transfer. Projects that replace older machinery in other countries with more advanced energy-efficient technologies will qualify for a suite of export incentives. These will undoubtedly be deployed in developing coun-

tries because the bill is crafted in a way to target these projects where local hosts do not have the economic clout to finance them on their own.

5. *The ongoing Vision 21 Power Plant program to develop coal-fired power plants that would be about twice as efficient as current plants—*

My approach to achieve this objective is by way of tax incentive. S. 1777 spurs continuing efficiency breakthroughs by offering incentives to reach increasingly challenging efficiency benchmarks—achievable in the short-term, improving in the long-term.

6. *Nuclear energy plant optimization—advanced technologies that can help ensure the longer term reliability and efficiency of existing nuclear power plants—*

While my bills do not specify nuclear power projects for short- or long-term promotion, I am confident that nuclear power will benefit from my legislation. First, the current and future Presidents are called upon to recommend to Congress legislation to respond to climate change. Any comprehensive execution of this provision would have to address the role of nuclear power. However, if a President should overlook nuclear in the mandated report and recommendation to Congress, I offer a back-up. My bill also includes a statutory requirement for the General Accounting Office to identify statutory or administrative barriers to reducing greenhouse gas emissions. If any exist with regard to nuclear power, I would expect GAO to find them and highlight them, along with all others.

I considered folding into S. 1776 the most important step toward securing long-term reliability of nuclear power's contribution, namely, nuclear waste legislation. I did not do so because of the President's repeated vetoes. My goal from the beginning remains unchanged: to find consensus, not division, on climate change.

On a separate complementary track, as a member of the Senate Appropriations Committee I have strongly supported DOE's Nuclear Energy Plant Optimization program and Nuclear Energy Research Initiative.

7. *Law to give businesses protection against being penalized down the road when they take real, tangible actions today to reduce their greenhouse gas emissions—*

Unlike some other proposals, my legislation actually accomplishes this in hard currency immediately when such actions are taken. My tax incentives, all of which are available for the year in which the qualifying investments are made, are all predicated on reporting the reductions achieved by those investments under Section 1605(b) of EPAct, as amended by S. 1776.

8. *Help states and local communities undertake efforts to encourage innovation and reduce greenhouse gases—*

With the same stated purpose, but in contrast to the Clean Air Partnership Fund's top-down approach, S. 1776 explicitly preserves state-initiated climate change responses by protecting them from future federal preemption. It works as follows. If a state has a program that has as one of its effects the reduction (or sequestration) of greenhouse gas emissions, it remains in effect despite future federal enactments to the contrary. The only exception: when a future Congress recites in future legislation the specific section number in my bill as either (1) being repealed outright, or (2) as not applying to the specific state program. I have been assured that this provision passes Con-

stitutional muster. I am confident that future Congresses will look long and hard before deliberately and conspicuously tampering with states' rights and climate change programs.

9. *Diplomatic effort to complete the unfinished business of the Kyoto Protocol—*

While our perspectives on this bullet in your letter to me do not match, my legislation is silent on the subject. Again, this is because my primary objective was to explore policies on which consensus with the President and others is possible. Let's not let our differing perspectives get in the way of policies we can and do agree on.

However, as an aside, I do believe that both an international and domestic consensus on Kyoto is achievable and, in fact, emerging. As months and years pass since Vice President Gore personally negotiated its terms and the President signed it, several governments have distanced themselves from—or, in Norway's case—impaled itself on Kyoto. A sure way to resolve the issue once and for all here in the United States is for the President to submit the Treaty for Senate ratification. Sweeping in scope as my legislation is, however, treaty ratification would not be germane to my bill.

Finally, in the same spirit of sharpening our mutual understanding, let's focus on an area where you seem to see even more agreement between us than I do. Interpreting our legislation as reflecting "a shift in the terms of the debate from whether there is a problem to what actions we can take to address it," you take it one step further by quoting Texaco: "protracted debate about the adequacy of the science is something [we need] to move beyond."

On the question of the adequacy of the science, I side with the National Research Council of the National Academy of Sciences. In the March 30, 2000 hearing before the Senate Energy Committee, Dr. Elbert W. (Joe) Friday, speaking for the National Academy, stated plainly: "the jury is still out." What portion of the warming signal is attributable to anthropogenic effects and what to natural variability he declined to speculate on, except to explicitly refuse to say that Mankind's contribution is primary. Nor did he, speaking on behalf of the science community, indicate that any proposed suite of climate change response policies would appreciably alter global temperature trends. Instead, he focused the Committee's attention on the milestone Pathways Report published just last Fall by the National Academy of Sciences.

The fundamental gaps in climate science underscored in that report are the foci of the science title of S. 1776. Having worked closely with leading U.S. climate scientists on these issues, I am now convinced that the United States (and, therefore the world) has the potential capability to solve these riddles. However, resources and hard work will be required to do so. The science community has consensus: climate science has a long way to go. Instead of pretending that we have learned everything we need to learn as many advocates on both sides of the climate change issue do for quite different reasons, I advocate aggressive exploration and resolution of these uncertainties.

In the meantime, my bill does stand for the proposition that we needn't wait for that resolution to take immediate, no regrets, steps to reduce greenhouse gas emissions. Additionally (and perhaps, even more importantly), I set out the elements to put into place an inter-branch process by which all relevant information—science, economics,

and technology—can be marshaled to guide conscientious, contemporary public policy in a fast-changing world.

Should it turn out that sacrifice by American citizens—even the stark sacrifices such as those portended by Kyoto—are warranted, we must have confidence that all the information is in, integrated, and understood, not only by elected officials, but also by the people we are privileged to serve.

I look forward to getting together soon to explore ways for real progress—consensus action—this year.

Sincerely,

LARRY E. CRAIG,
U.S. Senator.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, and that when Senator KENNEDY speaks, that he also be given 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Will the Senator yield for a unanimous consent request?

Mrs. MURRAY. Absolutely.

Mr. CRAIG. The Senator has been very patient. I appreciate that.

MEASURE PLACED ON CALENDAR—S. 2742

Mr. CRAIG. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2742) to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

Mr. CRAIG. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

The Senator from Washington.

HANFORD REACH

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about a challenge the people of Washington State face. It is an environmental challenge, a legal challenge, and a moral challenge. That challenge is to rescue a symbol of the Pacific Northwest.

That challenge is to recover our wild Pacific salmon.

As anyone who lives in Washington State can tell you, the salmon of our region are more than a symbol. They are part of our culture, our heritage, our recreation, and our economy.

Unfortunately, the salmon that were once so abundant in our rivers and

along our shores are now in danger. In fact, today several species of salmon are threatened with extinction.

When it comes to saving salmon, solutions are not easy to find.

There are so many different viewpoints to consider. Everyone from recreational and commercial fishermen to Native Americans and conservationists, to State, local, and Federal officials, along with private property owners have a role to play in helping us meet this challenge.

In my time here in the Senate, I have always worked to bring people together, and to find solutions that help us meet this challenge while still keeping our economy strong.

Today, I have come to the floor to share with my colleagues and the American people some progress we have recently made in meeting this challenge.

I am proud to report that just last week, we took a major step forward to save wild salmon. Seven days ago, the President designated a vital salmon spawning ground—known as the Hanford Reach—as a national monument.

I was proud to stand on the banks of the Columbia River, beside the Vice President, when this historic announcement was made. It was a dream come true. For a long time, many of us have dreamed of preserving the Reach. There are few places in the world like it.

For me and my family, as for many families throughout the region, the Columbia and Snake Rivers hold deep personal meaning.

My grandfather settled in the Tri-Cities in 1916. My dad grew up there. He watched his hometown become the home of a secret factory—a factory now known as the Hanford Nuclear Reservation, a factory that would give America the tools to win World War II.

When my dad came back from his military service in the Pacific theater, he was injured, and he had lost a lot of friends in combat. He wasn't the same. And the place he came back to wasn't the same either.

He knew that his hometown—perhaps more than any other—contributed to winning the war by producing the weapon that ended World War II. And he took a lot of pride in that fact.

In my own life, I have spent a lot of time in the Tri-Cities. Growing up, I remember during my summer vacation getting in our car and driving to the Tri-Cities to see my Grandma—watching the hydros and swimming in the river with my six brothers and sisters.

When I was in college, I spent a great summer working at Sacajawea State Park at the confluence of the Snake and Columbia Rivers. I came to respect the history of the area, and the people who lived in the community.

The first time I floated down the Hanford Reach of the Columbia River, I was with my daughter, Sara. We were

so impressed with the beautiful landscape, the fish and the wildlife, and the reminders of the vibrant Native American culture that abounds along the Hanford Reach.

As we floated along, we saw the reactors, and I told her about the role the Tri-Cities played in helping America win World War II and about her grandfather's part in that important piece of history. We were both deeply affected by that day on the river, and it is a memory I cherish.

When I started fighting to protect the Hanford Reach, my dad told me he thought it was great that I was working to give something back to a community that had given so much to our family and to our country. So last Friday, when Vice President GORE announced the designation of the Hanford Reach of the Columbia River as a national monument, the toughest part of that day for me was that I had lost my father a few years ago and he was not there to see it happen.

The national monument designation doesn't just enable us to remember our past, it allows us to capture our future—in large part by saving wild salmon.

The Hanford Reach spans only 51 miles of the Columbia River's 1,200 miles, but it spawns 80% of the wild fall Chinook produced in the entire Columbia Basin.

Thanks to the designation, this vital breeding ground has been protected.

The designation also preserves the unique history of this area.

Generations of Americans will be able to learn about the sacrifices that the people of the Tri-Cities made to help America win World War II, and generations more will be able to learn about the long Native American history along the Columbia River.

In addition, the designation will ensure that families can use the river for recreation for years into the future.

This is the right thing to do. And doing the right thing also means keeping your promises.

The people of the Tri-Cities have been given too many broken promises. I do not intend to be another link in that chain.

The designation is not the end of the process, but the beginning.

As I told the people of the Tri-Cities last week, I will continue to work with local leaders to ensure that their voices are heard. Working together—with an open dialogue—we can reach the best solution.

Over the years, a lot of people helped make the designation possible.

Mr. President, I want the CONGRESSIONAL RECORD to forever reflect the tireless work of people like Rick Leamont, Rich Steele, Bob Wilson, Laura Smith, Mike Lilga, Jim Watts, and Dave Goeke.

I thank the person who worked side-by-side with me in the House as we developed legislative solutions for how to

protect the Reach, Congressman NORM DICKS, and also JAY INSLEE, who has worked hard on this issue.

I also thank the members of my advisory committee, the tribes, and so many members of my staff who spent countless hours to save this valuable resource.

I thank Governor Gary Locke for his leadership.

I thank Secretary Babbitt for recognizing the unique value of the Hanford Reach, and Secretary Richardson for his help over the years on this and other issues related to Hanford.

Of course, we owe a debt of thanks to the President and the Vice President.

Over the years, we have asked much of the Columbia River, and it has always given generously. It has given us affordable energy, turned a desert into a farming oasis, and provided a highway for international commerce.

It is amazing how so very few times in our lives we are given the opportunity to truly give something to future generations. That is what we are doing with the designation of the Hanford Reach as a National Monument.

Today, I take a moment to thank a person who deserves a tremendous amount of credit for the progress we have made in the Pacific Northwest.

Time and again the Vice President has demonstrated his commitment to protecting our Nation's natural resources while ensuring that we have the strongest economy in our Nation's history.

He helped us develop habitat conservation plans that allow us to conserve our environment while providing stability to our economy. He made our salmon treaty with Canada a priority for the U.S. Government, and for the past two years he has led the fight to save struggling salmon runs.

To meet the challenges that we will undoubtedly face in the coming years, we will need a strong partnership at every level—from the folks on the ground to local, State, and Federal officials. There is no person—no one—who is better qualified to provide the leadership to bring us together and to help us solve our toughest problems than AL GORE. The people of Washington State are grateful for his leadership and appreciate the gift that this designation is to future generations.

Before I close, I believe it is important to address one final point on this subject. I understand Governor Bush plans to visit my State on Monday. I expect he will be impressed by what he sees, and he is always welcome in Washington. I am glad he is making the trip because, unlike President Clinton and Vice President GORE, I do not believe Governor Bush has spent much time there.

Governor Bush, the people of Washington want to know three things:

First, will you make a commitment to protect the Hanford Reach National Monument?

Will you commit to saving salmon?

And most importantly, what is your plan for saving salmon?

When you come to Washington State, Governor Bush, those are the questions people will be asking.

Quite frankly, Mr. President, when it comes to the Hanford Reach, I believe that the Governor needs to know that those in Washington State who are close to him opposed Federal protection of the Hanford Reach—a designation that will save the last free-flowing stretch of the Columbia River—and the best salmon spawning ground we have.

I believe the voters of Washington State deserve to know what Governor Bush's intentions are.

And on the issue of preserving salmon on the Snake River, I have heard Governor Bush articulate what he won't do, but I have yet to hear what he would do to protect our region's economy while restoring wild salmon runs.

His spokespeople attacked the Vice President on his latest visit to Washington State when the Vice President indicated his personal interest in helping the region solve the tricky issues related to salmon restoration. Bush's people offered no plan, they just attacked the Vice President for having one.

The people of Washington want to hear plans for saving salmon—not just attacks, but credible, responsible plans.

Let me be clear: When it comes to helping the people of Washington State meet environmental challenges, just saying “no” doesn't cut it. The people of my State deserve to know what the President would do to save salmon.

When the Vice President was in Washington State recently he met this challenge head-on. He very clearly committed to saving salmon. He said that extinction was not an option. And he indicated that in his administration, he would call a summit to bring together diverse views so we can work together to save salmon.

He faced the issue in a thoughtful, responsible way.

In fact, many of my constituents came up to me after the Vice President spoke to tell me how impressed they were with the Vice President's understanding of the issue and his commitment to protecting our natural resources, and to thank me for his leadership on this critical challenge.

Mr. President, the ball is clearly in Governor Bush's court, and it is time for him to provide his own answers and vision.

When Governor Bush enters the State of Washington, residents will be listening for his commitment to the Hanford Reach National Monument, listening for his commitment to saving salmon, and listening for his plan to save salmon.

The people of my State care about this issue. They deserve to hear specific answers.

I suggest that if Governor Bush leaves Washington State without addressing the concerns of Washington State voters on the issue of salmon recovery, it would suggest that his trip was more about politics and photo-ops than addressing the concerns of Washington State voters.

I urge Governor Bush to respect the concerns of the people of my State, to address their concerns and to answer their questions.

I pledge to work with the next President to implement a plan that will save salmon while keeping our economy sound.

My hope is for a President who is willing to work with me and the other citizens of Washington State in a constructive fashion to address the complex issues related to recovering the once might runs of wild salmon on the Snake and Columbia Rivers.

I believe the people of Washington State deserve nothing less.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend our colleague from the State of Washington. This is kind of a “Washington hour.” We not only have my colleague who just spoke, but the Presiding Officer from the State of Washington. I commend her for her thoughtful comments. While I represent the State of Connecticut that is 3,000 miles away, we, too, believe it is in our interest to see that the wonderful wilderness areas and wild salmon of the Pacific Northwest be preserved and saved. I commend her for her efforts. She is not only representing her State well, she is representing my State well when she speaks on this issue.

Mrs. MURRAY. I thank the Senator.

GUN VIOLENCE

Mr. DODD. Mr. President, a number of weeks ago, the distinguished minority leader, Senator DASCHLE, and others thought it might be worthwhile on a daily basis to remind our colleagues of the human tragedy that occurs every day in this country as a result of gun violence.

We all remember very vividly the astounding events that occurred in Littleton, CO, at Columbine High School when we watched some 13 people lose their lives in that tragedy. It is hard to believe that that could occur; 13 people gunned down in a high school. Yet as the Democratic leader and others have pointed out, regrettably, every single day in this country we suffer the same results as we did at Columbine High School—not in one setting, thank God. Across the country, on average, 12 or 13 people die every day in the United States as a result of gun violence.

I am not going to stand here and suggest to you there is a simple piece of

legislation that is going to resolve the issue. There are a lot of reasons we see this continued violence in our country. But certainly, responsible, thoughtful gun control legislation could make a significant contribution. We have already seen that in States and jurisdictions that require waiting periods, require some notification ahead of time as to who would be the purchaser of these weapons.

There was a decision made a number of weeks ago that it might be worthwhile to make the case—and we talk in abstractions so often here—and to start talking about those people who lost their lives a year ago on this very day, June 16, 1999. On that date, we didn't have the average of 12 or 13; we lost 3 people in the United States on June 16. There was one in Chicago, one in St. Paul, and one in Newark, NJ. That was a day on which the numbers were way down from what the average death toll is.

I also point out that the names we have only come from the 100 largest cities in the United States. Cities with populations of less than 12,000 are not included in these numbers. In those 100 cities, on June 16 last year, it was a far better day than most. Every one of the victims was a unique human being. Many other gun violence victims in other cities on that day didn't necessarily die, but some did in smaller towns.

In the name of all of those who have died across the Nation a year ago today, and those who, regrettably, will lose their lives today in too many places across our country, I want to read the following names listed by the Conference of Mayors who were killed by gunfire 1 year ago in our country: Manuel Marcano, 18, Chicago; Antoine Watson, 19, of St. Paul, MN; an unidentified female in Newark, NJ.

I know all Americans regret the loss of those lives. I hope that someday the national average will be something such as that, or even less, as a result of sensible, thoughtful proposals we might make to reduce the level of violence in our country.

U.S.-CUBA RELATIONS

Mr. DODD. Mr. President, next Tuesday morning I will offer an amendment that is not a radical idea, not something that ought to evoke much debate or dissension but the kind of proposal that might even carry by a voice vote under normal circumstances. Because of the nature of the subject matter, it has become controversial, and I regret that. It was my hope that the Senate would vote today on the Dodd amendment, which is currently pending to the Defense authorization bill. Unfortunately, that vote was put off until next week.

Having said that, I want to take a few minutes to discuss this proposal

and explain why I believe it makes sense to go forward to establish a bipartisan commission to review U.S.-Cuban policy.

The amendment I will be offering provides for the establishment of a bipartisan 12-member commission to review United States policy with regard to Cuba and to make recommendations for the changes that might be necessary to bring that policy into the 21st century.

On Wednesday of this week, the President of South Korea, Kim Dae-jung, and the North Korean leader, Kim Chong-il, signed a broad agreement to work for peace and unity on the Korean peninsula. Needless to say, the level of hostility that has existed between these two governments for more than half of a century has been extremely high. These two countries fought a bloody and costly war in which hundreds of thousands of Koreans lost their lives. More than 35,000 of our own fellow service men and women in this country lost their lives as well. Yet these two leaders have been able to bring themselves to meet and discuss the future of their peoples and the possibility of reunification at some point down the road.

The Clinton administration, to its credit, has announced that, as a result of these efforts, it will soon lift economic sanctions against North Korea, paving the way for American companies to trade and invest and for American citizens to travel. I support the administration's decision and applaud them for moving forward in such an expeditious manner to complement the efforts of the North and South Korean leaders.

Similarly, despite the fact that more than 50,000 American men and women in uniform lost their lives during the Vietnam conflict, the United States and Vietnam have full diplomatic and trade relations today. In large measure, this is due to our colleagues and veterans, Senators MCCAIN, KERREY, and others in this Chamber.

Even though we have a number of serious disagreements with the People's Republic of China, we are not imposing unilateral economic sanctions against that country; quite the opposite. I predict that the Senate of the United States, very shortly, will follow the House of Representatives and vote to support permanent normal trade relations with China, which will pave the way for China to join the World Trade Organization.

My point is this: Across the globe, we are seeing efforts to normalize relations, to reconcile old grievances—the Middle East, the Korean peninsula, the Balkans, Northern Ireland. There isn't a place I can think of where people are not trying to resolve the differences that have existed for far too long.

The question I will pose by offering the amendment on Tuesday is: Isn't it

about time we at least think about doing the same in our own hemisphere, when it comes to a nation that is 90 miles off our shore, less distance than from here to Hagerstown, MD, or Richmond, VA?

The reaction to my amendment would suggest that there is still strong resistance to doing in our own hemisphere what we are promoting elsewhere around the globe. The amendment I will offer would simply establish a 12-member commission to review U.S. policy, to make recommendations on how it might be changed or if it ought to be changed. I am not even suggesting that the commission would come back with changes. In fact, they may come back with quite the opposite result.

This proposal is not new or revolutionary. The Senate has authorized establishment of commissions to review many subjects—the Central America Commission, the Kissinger Commission, Social Security, Terrorist Threats, and many other subject matters. Our colleague from Virginia, Senator JOHN WARNER, first proposed this idea of a bipartisan commission on the subject of Cuba in a letter to President Clinton more than 1 and a half years ago. One quarter of the Senate joined him in urging the President to take the politics out of United States-Cuba policy and to look to the wisdom of some of our best and brightest foreign policy experts to make recommendations on what we should do with respect to this issue.

I personally urged Secretary Albright to recommend that the President move forward with this proposal. Regrettably, she believed that the timing was not right for doing so. I was saddened by that decision. I disagreed with the Secretary then, and I believe that a year and a half later the arguments are even more compelling for establishing such a commission today.

We are about to change administrations. What better time to use the interval between the current one and the next one to take a fresh look at Cuba-related issues and be ready to make recommendations in the spring of the coming year as to what makes sense with regard to Cuban-U.S. relations?

We recently entered a new millennium. Yet U.S.-Cuban policy is still locked in the old shibboleth of the last one. It is a policy that is 40 years old. We have seen changes in South Africa. The Soviet Union doesn't exist any longer. Eastern European countries have managed to find reform and democracy. We now welcome Yasir Arafat to the White House, and the prospects of peace in the Middle East have never loomed more large. We are watching reconciliation on the Korean peninsula. The Balkans are trying to resolve their difficulties. Northern Ireland is, hopefully, putting to bed years of hostility. Can we not at least find

the opportunity to get this issue of Cuba-United States relations out of politics and have a bipartisan commission make recommendations from which we might consider some different ways of approaching what has been a 40-year-old policy?

I should have said at the very outset of my remarks—and I apologize for not doing so because it needs to be said—that I carry, nor does anyone who supports this commission, any grief for Fidel Castro or the dictatorship in Cuba. The conditions these people have to live in are deplorable—the hardships, the denial of human rights, the economic deprivation. I hold great respect for the Cuban exile community in this country. They have come to be great Americans and have contributed significantly to the economic well-being of our country. They have made contributions as public servants and as patriots—men and women in uniform. But too often this issue has been dominated by how we deal with one individual.

There are 11 million people living 90 miles off our shores. We need to think about the post-Castro period as well. How can we create a softer landing? How can we try to at least frame issues that will allow for a transition there and avoid the potential conflict in civil strife that could occur on the island of Cuba?

I hope that the Cuban American Foundation will support the idea of a bipartisan commission—a commission that would incorporate and include people of different points of view to try to come up with some common ground on which they could recommend to a new administration and to this Congress or the next Congress.

This proposal is not some radical or fringe idea. It is strongly supported by the mainstream of our foreign policy establishment. People such as Dr. Henry Kissinger and Bill Rodgers support this effort. I appreciate their willingness to say so. I suspect they would be willing to serve as commissioners if they were asked to.

In light of the systemic changes that have transformed the globe over the last 40 years, I believe a fundamental rethinking of the U.S.-Cuban policy is in order. In fact, such a rethinking is long overdue and it is very much in our national interest to do it at this juncture.

The pending amendment that we offered on Tuesday deals with the problem by broaching anything relating to Cuba in an election year or any year for that matter.

The sad reality is that the only way we are going to get this dispassionate review of our current policy and sensible recommendations with respect to how that policy should change is by bringing together a commission of respected outside experts to advise the executive and the legislative branches on future policy options.

I said a moment ago that some 11 million people live less than 100 miles from our shores. We owe it to the American people to seriously analyze the consequences to the United States of a major civil upheaval on the island of Cuba and to devise a policy that minimizes the possibility of such an event occurring.

Does anyone believe for one moment that a sea of humanity would not stream from the island toward U.S. shores if civil conflict erupts there?

Two years have passed since Pope John Paul II made a historic visit to Cuba that called upon that country to open up to the world and for the world to open up to Cuba.

Even after such an unprecedented event, the centerpiece of our policy remains the same—an embargo which seeks to restrict trade, travel, and a low flow of information to Cuba and thereby strangle Cuba economically.

This hard-line stance continues to hold sway in Washington today in large measure because successive administrations have been hamstrung by domestic political considerations and have been fearful of provoking the ire of those who are obsessed with the island of Cuba and its personification in the person of Fidel Castro.

We have just entered a new millennium. Surely it is time to break with the policy that is largely centered on the fate of one individual and replace it with one that is more future oriented—one that focuses on the other 11 million individuals who also reside on the island of Cuba, and on the millions of Cuban-Americans. Many of them believe we ought to think differently today. They do not speak out on the issue but would welcome the opportunity to see a commission created which would give us a chance to look at other policy options.

The time has come to have a reasoned conversation regarding Cuba and U.S. policy, and about the effectiveness of our policy. I think the establishment of a bipartisan commission would be the starting point for just such a conversation and just such a debate. Hopefully, the end point of that conversation would be the development of a national consensus around a new Cuba policy—one that is compatible with America's values and beliefs, one that truly serves our own national interests.

I hope my colleagues will agree with this analysis. If so, I urge them to support this amendment when it is voted on next Tuesday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We are under a time agreement?

The PRESIDING OFFICER. Under the previous order, the Senator has 15 minutes.

HATE CRIMES PREVENTION ACT AMENDMENT

Mr. KENNEDY. Mr. President, at an appropriate time, I intend to offer the Hate Crimes Prevention Act as an amendment to the Department of Defense Authorization Act. It is essential for the Senate to deal with this important issue.

Hate crimes are modern day lynchings, and this is the time and the United States Senate is the place to take a stand against them. We must firmly and unequivocally say “no” to those who injure or murder because of hate. Every day that Congress fails to act, people across the Nation continue to be victimized by acts of bigotry based on race, religion, sexual orientation, gender, or disability.

Hate crimes are a national disgrace and an attack on everything this country stands for. These crimes send a poisonous message that minorities are second class citizens with fewer rights. And, sadly, the number of hate crimes continues to rise.

70,000 hate crime offenses have been reported in the United States since 1991. In 1991 there were 4,500 hate crimes; 7,500 in 1993; 7,900 in 1995, and over 8,000 in 1997. There were 7,700 hate crimes reported in 1998, and although the numbers dropped slightly, the number and severity of offenses increased in the categories of religion, sexual orientation, and disability.

This is a serious and persistent problem—an epidemic that must be stopped.

All of us are aware of the most highly-publicized hate crimes, especially the brutal murders of James Byrd in Jasper, Texas, and Matthew Shepard in Laramie, Wyoming. But these two killings are just the tip of the iceberg. Many other gruesome acts of hatred have occurred this year:

On January 28 in Boston, a group of high school teenagers sexually assaulted and attacked a 16-year-old high school student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes and pointing at their own genitals, while shouting “Do you like this? Do you like this? Is this what you like?” When the girl resisted, officials said, a teenage boy who was with the group pulled a knife on the girl, held it to her throat and threatened to slash her if she didn't obey her attackers. The girl was left unconscious from the beating.

Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, assault and battery, and indecent assault and battery.

On February 6 Tuscon, Arizona, a 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and punched and stabbed him with a large knife. Witnesses heard the perpetrator using vicious anti-gay epithets. The victim was treated at a local hospital and survived. The attack spurred an anti-hate rally on the campus a few days later, drawing over 1,000 people.

March 1 in Wilkesburg, Pennsylvania, a black man was charged with a hate crime after going on a shooting rampage killing three white men and leaving two others critically wounded. Prior to the attack, he told a black woman that he wouldn't hurt her because he was "out to get all white people." The perpetrator was shouting racial epithets at white maintenance workers, and shot only white men on his rampage. Authorities found anti-white and anti-Jewish writings in his home.

On April 29 in Pittsburgh, Pennsylvania, Richard Scott Baumhammers, 34, a white man was charged with murder and hate crimes in a shooting rampage targeting minorities that left five people dead and one critically wounded. The first victim was a Jewish neighbor who was shot half a dozen times before her house was set on fire. The perpetrator then went from shopping mall to shopping mall, shooting and killing two Asian Americans at a Chinese restaurant, an African American at a karate school, and a man from India at an Indian grocery. He also fired shots at two synagogues, and the word "Jew" and two swastikas were painted in red on one of the buildings. According to press reports, attorney of the accused is raising an insanity defense.

On June 4 in Rapid City, South Dakota, press reports indicate that police are baffled by a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek that have occurred over the course of 14 months. Law enforcement officials initially thought that the severely intoxicated men had drowned by accident. But local Native Americans believe an "Indian-hater" is waiting for the victims to become drunk and then dragging, rolling or pushing them into the water. These incidents come on the heels of a March 2000 report from the U.S. Civil Rights Commission that shows that racial tensions in South Dakota are high, and that Native Americans in the state feel that the justice they received is unfair.

The most brutal and shocking hate crimes continue to make national headlines. Yet this list highlights just a few of the many hate crimes that af-

flict communities throughout the nation. This problem cannot and should not be ignored.

We know that hate groups have increased in number in recent years. A study by the Southern Poverty Law Center reported last year that 474 hate groups exist nationwide. Clearly, the Internet has given them a larger megaphone. In earlier years, hate groups would spread their messages of hate by using bulletin boards, newsletters, cable television, and occasional rallies. Now, the Internet gives them a vastly increased audience that can be reached with little effort. Hate sites have proliferated at distressing rates, and recruitment by hate groups has increased substantially. No minority is safe. African-Americans, Hispanics, Jews, gays, lesbians, Arab-Americans, Native Americans—all are targeted by these hate groups, which hide behind the first amendment as they spread their hateful messages. Unless we find better antidotes to the poison of high-tech hate, the problem of hate crimes in our free society will become increasingly severe.

The federal government has a special role in protecting civil rights and preventing discrimination. We need to take two major steps. We need to strengthen current federal laws against hate crimes based on race, religion or national origin. We also need to add gender, sexual orientation, and disability to the types of hate crimes where federal prosecution is available.

Our goal is to make the Justice Department a full partner with state and local governments in investigating and prosecuting these vicious crimes. We must find a way to act on this important issue and now is the time to do it. The silence of Congress on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress continues to be A.W.O.L. in the national battle against hate crimes.

Recent incidents of hate crimes have shocked the conscience of the country. It is clear that tolerance in America faces a serious challenge. We cannot hide behind the nation's record economic prosperity or its tremendous technological advances, when issues that go to the heart of the nation's founding ideals and basic values are at stake. When bigotry exists in America, we have to root it out.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close the glaring gaps. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Federal participation in civil rights prosecutions is nothing new. In fact, it is Federalism 101. Federal involvement in the prosecution of racial

bigotry dates back to the Reconstruction Era following the Civil War. These fundamental civil rights laws were updated in the 1960's, but now they are no longer adequate to meet the current challenge. Civil rights is still the unfinished business of America, and action we propose is in the best tradition of responsible federal legislation.

Our amendment addresses two serious deficiencies in the principal federal hate crimes statute, 18 U.S.C. §245, which currently applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, in these cases, the statutes requires the government to prove that the defendant committed an offense not only because of the victims race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" listed in the statute. These activities are:

- (1) Enrolling in or attending a public school or public college;
- (2) Participating in a service or activity provided by a state or local government;
- (3) Applying for employment or actually working;
- (4) Service on a jury in a state or local court;
- (5) Traveling in interstate commerce; or using a facility in interstate commerce; or
- (6) enjoying the goods or services of certain places of public accommodation.

In other words, even in these types of hate crimes, the prosecution must prove that in addition to the bigotry, the attack was also made because the victim was engaged in one of these six specific activities. Too often, federal prosecutions are not possible, because this additional burden of proof is too great.

Second, the federal statute provides no coverage at all for hate crimes based on the victim's sexual orientation, gender, or disability. In the Matthew Shepard case in Wyoming, for example, no federal prosecution was possible because of this unacceptable gap in federal law.

Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation adds new provisions to Title 18 to remedy each of these limitations.

In cases involving racial, religious, or ethnic violence, the amendment prohibits the intentional infliction of bodily injury, without regard to the victim's participation in one of the six "federally protected activities."

In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the amendment prohibits the intentional infliction of bodily injury whenever the act has a connection to interstate commerce.

In addition, when state and local officials request federal assistance, our amendment authorizes the federal government to lend its personnel and its technical resources to local officials, and to award grants of up to \$100,000 to assist in the local investigation and prosecution of hate crimes. These provisions will permit the federal government to work in partnership with state and local officials in all aspects of the investigation and prosecution of hate crimes.

This amendment has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, the National Gay and Lesbian Task Force, the National Organization for Women's Legal Defense and Education Fund, the National Coalition Against Domestic Violence, and the Consortium for Citizens with Disabilities Rights Task Force.

This hate crimes amendment is not a full answer, but it will send a strong signal from the President and Congress that violence against individuals because of their membership in certain groups will not be tolerated, and that the federal government will now be a full partner in meeting this threat in the years ahead. It is time to stop abdicating our federal responsibility and start doing more to win this all-important battle against hate crimes. If we fail, America is not America.

Mr. President, to review for the Senate quickly, this chart indicates the number of incidents, by bias motivation: Red being the race ethnicity and national origin, green being religion, blue being sexual orientation, and yellow being disability.

As you can see from these numbers, they have been virtually flat over the period of these last couple of years. We have seen the increased numbers that have taken place on the basis of sexual orientation and increased numbers with regard to disability. The fact is, in examining these cases, particularly in 1997 and 1998, we find that the incidence of violence has intensified dramatically and the viciousness in manifestations of hatred has increased significantly, reflecting itself in these acts of violence against individuals.

One of our great leaders in this cause was our former colleague, Paul Simon of Illinois, who was a strong advocate on this legislation many years ago. We settled at that time for just collecting information. Prior to a few years ago, we did not have accurate information. Now we have the accurate information and it cries out for action. There is no justification for delay, given that we have the information and we do know the cases that are taking place. We do

not have to just rely on the various ad hoc cases that all of us read about, tragically almost every single day. We have accumulated these instances. We know from the direct testimony and comments from local law enforcement officials of the value and help and assistance that can be provided and that is needed in the prosecution of these cases.

I will take the time of the Senate on Monday to go through a greater description of exactly what we are doing and what we are not doing; the limitations that we have placed upon the prosecution. We will have a chance to review for the Senate what the other amendment, the Hatch amendment that will be before the Senate will do, what it will do and also what it will not do. We will have that opportunity on Tuesday next in the middle of the afternoon. It is imperative to take a vote on whether we are going to be serious here, with the Federal Government participating with States and local communities, trying to do something about the odious aspects of hate crimes.

Finally, as we know, these incidents of crime are not just acts against individuals. These acts really impact and affect a whole community because they are based on such bigotry and hatred and reflect that kind of hatred and viciousness, that the whole community is tainted by these kinds of activities. It cries out for appropriate involvement by the Federal Government to be a partner with local and State law enforcement officials. That is what this legislation does. Nothing more, nothing less. It is a partnership using the full force of the National Government to address these crimes.

My friend from Oregon is on the floor. He has been involved in this issue for a very long period of time. He has been indispensable as we have tried to move this legislation in the Senate. He has a long record in this area in the House of Representatives and in the Senate. I value his counsel and strong support. It is a pleasure to see Senator WYDEN on the floor to speak on this issue this morning.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator from Massachusetts leaves the floor, I want to make clear that, in all the years of Senator KENNEDY's championing the cause of civil rights, we have looked to him for his leadership. I believe this is a particularly important cause he champions today at a particularly important time. I hope my colleagues will reflect carefully on what Senator KENNEDY has said today. He will be leading us in the debate on this issue next week. I am honored to be working with him.

As Senator KENNEDY said so eloquently, this is about one proposition

and one proposition alone, and that is we are seeking to deter violent crime borne out of prejudice and hatred. So often we hear discussions about preferences for individuals, advantages that might in some way be bestowed with respect to civil rights statutes. That is not what this legislation does at all.

This legislation is about deterring violence, deterring crime, deterring these extraordinary acts of violence that, in my view, stain our national greatness. We are not going to be able to remove that stain completely. We are not going to be able to stop individuals from having hateful and prejudicial thoughts. Clearly, we can put the Federal Government in a position to be a stronger, more effective partner with local law enforcement officials in fighting this scourge that has affected so many of our communities.

This is not a time for further study. This is not a time to say the Federal Government's response should only be to collect statistics. This is a time for the Federal Government to work in partnership with State and local law enforcement officials so that we have the strongest, most effective, most coherent mobilization against these acts of violence and prejudice that we possibly can muster.

Our bipartisan amendment, led by Senator KENNEDY, does three things: It removes the restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion, or national origin.

Second, it will assure that crimes targeted against victims because of disability, gender, or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce.

Third, it requires the Attorney General to certify in writing that he or she has reasonable cause to believe that the crime was motivated by bias and that, in fact, the Federal Government had been in close consultation with State and local law enforcement officials and that they did not have any objection to Federal help or that they had asked for Federal assistance.

This is not a question of the Federal Government coming in and saying: We are going to call all the shots, and preempt the local jurisdictions. In fact, we want to support those local jurisdictions. We have 28 States in this country that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation. We have a substantial number of States in this country that lack the legal authority to address these issues that are so important to the fundamental values of this country.

We are not saying that every single crime in America is a hate crime. We certainly know that all crimes are

tragic, and we grieve for the families, but not all crimes are based on hate. A hate crime is one where the perpetrator intentionally chooses the victim because of who the victim is. It is our view that a hate crime affects not only the victim, but if it goes unaddressed, it cheapens all of us. It makes our country a little bit less special because it demeans an entire community, it demeans all of us in our Nation.

This is not providing special protection to certain groups. It makes sure we stand up for the rights of those individuals who are singled out solely for reasons borne out of hatred and prejudice and we not allow those in our country who do wish to harm these individuals to perpetrate these brutal acts with no response from our communities.

Some argue that hate crime laws threaten free speech. In the law we are hoping the Senate will adopt, it does not punish beliefs or thoughts. We are not punishing those in this legislation; we are punishing violent acts. I know of no Member of the Senate who is pro-violence. I do not think there is a single Member of the Senate who wants to be on the cause or in support of violent acts. Here we draw the line in the sand and we say we are not going to get in the way of people's thoughts and beliefs, lawful expression of one's deeply held religious views, but we are saying that causing or attempting to cause bodily injury is not speech protected by the first amendment.

I am very hopeful that in the next few days the Senate will support this legislation. We are not federalizing criminal activity that is better left to the States. I mentioned the fact that so many States in our country lack these laws, and we have gone beyond the time to just study this and collect further statistics. If one looks at what happened in the brutal instance of Matthew Shepard and the horrific murder of James Byrd, Jr., it is awfully hard to say as you look at those brutal acts: We ought to study things a little bit more and collect some statistics before the Federal Government, in effect, acts to be a better partner with State and local authorities in addressing these issues.

It is time to correct the deficiencies in current law. A crime motivated by race, religion, or ethnic origin can be prosecuted by Federal authorities because it occurred on a public sidewalk but not if it took place in a private parking lot across the street. This is just one example of the gaps and the deficiencies in the current hate crimes statute.

When we vote on this issue, there will be support from Senators on both sides of the aisle. I commend my friend and colleague from Oregon, Senator GORDON SMITH, who has stood with me again and again on this issue.

When we vote on this, it seems to me, this will be nothing short of a ref-

erendum in the Senate on whether this body is going to continue to tolerate violent acts born of prejudice.

As I mentioned, I do not know of any Senator who is in favor of violence. Violent acts, born of prejudice—acts that we all know are wrong—are taking place in too many communities in our country. They are a stain on our national greatness.

The evidence is in, and it is clear. It is time, through Federal legislation, to send a strong and unequivocal message that we will not look the other way in the face of these crimes, that they will not be tolerated, that the full force of Federal law enforcement will be brought, and will be brought in conjunction with State and local authorities, to ensure that these violent acts are prosecuted and we have taken every step to deter them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the amendment Senator KENNEDY will offer on Monday, of which I am pleased to be a cosponsor.

One of the things we try to do in this Chamber, as lawmakers, is to adopt laws that express and encode our values as a society, to, in some sense, put into law our aspirations for the kind of people we want to be.

Clearly, one of the bedrock values, one of the fundamental values, of America is equality—equality of treatment before the law, equality of opportunity but, beyond that, a broader notion of tolerance in our society. It is part of what brought generations of immigrants to this country—the idea that they would be judged on their personal merit, not on anything related to their personal status or characteristics.

Tolerance has been a hallmark of American society. I said before, when I talked about the law, that law sometimes tries to express the aspirations we have for ourselves. Sometimes, obviously, we do not achieve those aspirations and we are intolerant toward one another. Then the law has not only the opportunity but the obligation to step in and to try to create incentives or deterrence toward the worst forms of intolerance, even hatred. That is what this amendment is about.

Clearly, over the decades our Nation has built a strong and proud history of protecting the civil rights of Americans who are subject to racial, reli-

gious, gender-based, or disability-based discrimination in the workplace, in housing, in life.

In more recent times, there are a group of us here in the Chamber who have worked to try to extend some of those protections to cover bias, discrimination based on sexual orientation.

It seems to me this amendment and the law on which it builds are also right and proper because they take Federal criminal jurisdiction and extend it to the prosecution and punishment of those who are accused of having caused bodily injury or death based on an animus, a personal animus, a hatred that comes from feelings about the victim's race, religion, nationality, gender, disability, or sexual orientation. In other words, this is another way for our society to express our disdain, to put it mildly, at acts of violence committed based on a person's race, religion, nationality, gender, disability, or sexual orientation.

It is also a way, as is traditionally the province of criminal law, not just to speak to the common moral consensus of our society about what is right and what is wrong because that is what the law is all about, but hopefully by pushing those who are proven to have committed the wrongs, to deter others in the future from committing those same acts that society generally finds abhorrent.

Current law expresses this but in a way that is limited. It permits Federal prosecutions of hate crimes resulting from death or bodily injury if two conditions are met: First, the crime must be motivated by the victim's race, religion, national origin, or color; second, the perpetrator must have intended to prevent the victim from exercising a federally protected right such as voting or traveling interstate. Of course, I support this law and the goals that it embraces: The Federal prosecution of people who inflict serious harm on others because of the color of the victim's skin, the sound of the victim's voice, a foreign accent, or the particular place in which the victim worships God. In short, these are crimes committed because the victim is different in some way from the perpetrator. Such crimes, I conclude, should be federally prosecuted.

As we have had U.S. attorneys invoking these laws, carrying them out, we have discovered some shortcomings and some ways in which we can make them better, which is to say, ways in which we can more fully express some of the principles I talked about at the outset: equality, tolerance, doing everything we can to stop the most abhorrent acts of violence against people based on their characteristics. I think we ought to add to the list of prohibited bases of these crimes, crimes committed against someone because of gender, because of sexual orientation,

and because of disability. That is what is provided in the amendment the senior Senator from Massachusetts will offer on Monday and of which I am proud to be a cosponsor.

I suppose some people may hear these categories that I have mentioned and say: People commit crimes based on that basis? The fact is, they do. Sometimes they become quite visible and notorious. Crimes such as that committed against Matthew Shepard, who was killed because he was a gay man, are no less despicable and, of course, therefore no less deserving of Federal protection and prosecution than are those committed against others based on a characteristic, a status of the person, that are currently included in the Federal law. Adding these categories—gender, sexual orientation, disability—seems to me to be an appropriate extension of the basic concept of equal protection under the law. As the law now stands, it also imposes a requirement, a bar to prosecution relating to race, color, religion, and national origin that we ought to change, which is that the law is only triggered if the victim is prevented from exercising a specifically enumerated federally protected activity.

There are obviously crimes that are committed based on hatred that are triggered in cases other than the simple prevention of the exercise of a federally protected activity, thus, the provision of this amendment that would eliminate this obstacle and, therefore, broaden the ability of Federal prosecutors to pursue crimes motivated by racial or religious hatred.

The amendment that will be introduced on Monday also includes new language requiring the Justice Department, prior to indicting a defendant in a hate crime based on the categories I have enumerated, including those added under this amendment, a prosecutor of the Justice Department will have to, prior to the indictment, certify either that the State is not going to prosecute a hate crime, therefore avoiding both an overlap and the opportunity for prosecution by those in law enforcement closest to the crime, the alleged crime, and will also have to certify that the State requested or does not object to Justice Department prosecution or that the State has completed prosecution. It seems that you wouldn't have to say that, but just to be sure to avoid a kind of double exposure, double prosecution, that certification should satisfy the concerns some of my colleagues may have who may fear that Federal prosecutors will interfere with State efforts to bring perpetrators of hate crimes to justice. In other words, the State is given the first opportunity and the superior opportunity to prosecute these cases. Only if the State does not will Federal prosecutors be able to proceed.

At a time when so much else is going on here in the Capitol with the high

profile issues of this session—the Patients' Bill of Rights, whether we are going to give Medicare coverage or other coverage for prescription drug benefits for seniors, campaign finance reform—this amendment brings us back to America's first principles of equality and tolerance and challenges each of us to think about the appropriate and constructive role that the law can play, understanding that the law can't control the hearts of people in this country.

Ultimately, we have to count on people's own sense of judgment and tolerance and, hopefully, the effect that other forces in their lives will have on them to make them fair and tolerant, such as their families, their schools, their religions, their faith. But here is the law to say in the cases when all of those other sources of good judgment and values in society fail to stifle the hatred that sometimes does live in people's hearts and souls, to say that this is unacceptable in America and to attach to that statement the sanction of law, hoping that we thereby express the higher aspirations we have for this great country of ours as it continues over the generations to try to realize the noble ideals expressed by our founders in the Declaration and the Constitution, but also to put clearly into the force of law the punishment that comes with law when one goes so far over the line to commit an act of violence based on hatred, hoping thereby that we will deter such heinous acts from occurring again in the future.

I hope my colleagues over the weekend will have a chance to take a look at this amendment, will come to the floor and talk about it, and perhaps question those of us who have proposed it. Then I hope a strong bipartisan majority will support it when it comes to a vote next Tuesday.

I thank the distinguished Chair. I yield the floor.

BRIDGING THE DIGITAL DIVIDE

Mr. KERRY. Mr. President, I would like to take a few minutes to discuss an issue of considerable importance, one I feel very strongly about and one that I think the Senate should address before the end of this Congressional session, and that is Mr. President, the issue of the digital divide. The digital divide is one of the key issues the Congress is currently facing—and will continue to face—in the foreseeable future. Right now we are wrestling with how to best encourage growth in this new economy, but at the same time, how to ensure that growth is evenly spread, that everyone in our society has an opportunity to participate in this new economy and reap its economic rewards.

Mr. President, these are amazing times in which we live and the new economy is responsible for much of this

nation's unprecedented prosperity: the stock market is soaring to unimaginable heights. IPO's are occurring at a record pace and creating literally thousands of millionaires in this country. The innovations of the new technologies are astounding: You can order a Saturn online and the very next day a new car shows up in your drive-way. Each day 25,000 new E-BAY subscribers sign up for the world's largest auction. The NetSchools program provides every child with a kid-proof laptop PC that is connected to teachers and classmates using wireless infrared technology and has had tremendous results improving academic achievement, attendance, and parental involvement in extremely disadvantaged communities. A surgeon in Boston can direct a doctor in the Berkshires to do a biopsy by using telemedicine equipment. These innovations and hundreds more like them are changing how we live.

The wealth creation—for those on the right side of the divide—generated by this New Economy is breathtaking, Mr. President: College students go from the dorm room to the board room as high tech moguls, like Jerry Yang and Michael Dell. Starting salaries for high tech jobs even for students coming out of college can range from \$70,000–\$100,000—even more with stock options. Pick up the San Jose Mercury News job section each day and—literally—you will find advertisements for upwards of 10,000 high tech and information technology jobs. Silicon Valley has created more than 275,000 new jobs since 1992—and median family income has soared to \$87,000 per year—the third highest in the country.

But as we all know Mr. President, the new economy has not evenly spread its wealth to all Americans and income disparity in this nation continues to grow. One of the greatest challenges we currently face is to connect those not participating in the new economy with the skills, resources, and support necessary for them to do so. A January 2000 study by the Center on Budget and Policy Priorities and the Economic Policy Institute found that in two-thirds of the states, the gap in incomes between the top 20 percent of families and the bottom 20 percent of families grew between the late 1980s and the late 1990s. In three-fourths of the states, income gaps between the top fifth and middle fifth of families grew over the last decade. By contrast, inequality declined significantly in only three states. Clearly Mr. President, the digital divide and the economic divide are closely interrelated and must be responded to as such.

Mr. President, the new economy is more than the latest and greatest innovations in information technology and the highest-flying Internet companies. It is a knowledge economy, with a large share of the workforce employed in office jobs requiring some level of

higher education. It is a global economy—the sum of U.S. imports and exports rose from 11 percent of gross domestic product in 1970 to 25 percent in 1997. This emerging economy is driven by innovation in every arena from traditional manufacturing to health care, and even farming and fishing.

The new economy is powerful and exciting, but the digital divide is real and cannot afford to be ignored. Let me describe to you what this divide looks like.

The Digital Divide:

61.6% of those with college degrees now use the Internet, while only 6.6% of those with an elementary school education or less use the Internet.

At the highest incomes (\$75,000+), the White/Black divide for computer ownership decreased by 76.2% between 1994 and 1998.

Whites are more likely to have access to the Internet from home, than Blacks or Hispanics have from any location.

Black and Hispanic households are two-fifths as likely to have home Internet access as White households.

Forty-four million American adults, roughly 22 percent, do not have the reading and writing skills necessary for functioning in everyday life. And an estimated 87 percent of documents on the Internet are in English. Yet at least 32 million Americans speak a language other than English and they are—again and again—left behind on the Internet.

Those with a college degree or higher are over eight times more likely to have a computer at home than the least educated and nearly sixteen times more likely to have home Internet access.

The “digital divide” for Internet use between those at the highest and lowest education levels widened by 25% from 1997 to 1998.

Those with college degrees or higher are ten times more likely to have Internet access at work as persons with only some high school education.

Mr. President technology is changing our world. Technology is changing our lives, how we work, and how we learn. But this is not just a new economy, it is our economy. And ours is not a newly divided society. Mr. President, this country has always been a society of haves and have nots, and so although we must respond to the unique challenges presented by the changing economy and the changing world of work, we must also understand that bridging the digital divide is about more than just computers and the Internet. In order to meet the challenge of bridging the digital divide we must assist the have nots with basic necessities, like a good public education system, a safe and clean place to live, and adequate health care. We must recognize what I hear from business leaders, teachers, students, parents—everyone—the biggest technology issue in the United

States today is education. And we need to make that connection.

Originally when we talked about technology and education—the earlier days of our awareness that there was a growing digital divide—we were focused on wiring schools and outfitting them with equipment. Now, thanks in large part to the success of the E-Rate program, which we worked hard on in the Commerce Committee and which we pushed through to passage, now technology and education is about so much more. In just a few years most of our schools have gotten on-line. And now the focus is on training teachers to effectively use the technology, to integrate technology into the classroom, and to improve parental involvement through technology.

What we can do and what we must do Mr. President, is work to harness technology to grow our economy and enlarge the winner's circle. What we can do and what we must do is work to communicate this single reality: to keep the economic growth moving ahead, we need to work together to ensure that we have a workforce and a generation of young people capable of working with the best technology and the very best ideas to raise living standards and expand the economy—and that is why we must close the digital divide.

The digital divide goes far beyond technology to encompass basic human needs. Mr. President, if we can ensure that there is a computer in every classroom—for every student—the technology will not be effectively used, learning will continue to be challenged if the child does not have a safe and secure home to go to at the end of the day. If a child attends a school that is falling apart, does it matter how many computers are in the classroom and whether or not the school is wired? If a child lives in a dangerous and violent community—a reality for far too many of this nation's young people—the fear of bullets and gangs is certain to triumph over the desire to conquer new technologies. If a child goes hungry, if school is the only place that can be counted on for a good meal, that child cannot focus on computing and learning.

Mr. President, these are the issues of the digital divide: adequate and affordable housing, safe and secure school buildings, adequate health care, qualified teachers, an increased minimum wage, strong communities, and affordable day care. We must understand that in order to seize upon this brilliant moment of technological advance and move our entire nation forward, we must address these basic needs. We must shore up the foundation, Mr. President and provide all our citizens with opportunity as we march forward in the digital age.

I ask my colleagues to ponder this for a moment: change is nothing new,

technology is nothing new, the challenge is the same as it's ever been. But we can use these new technologies to extend opportunity to more Americans than ever before—or, if we're not careful, we could allow technology to heighten economic inequality and sharpen social divisions. By the same token, we can accelerate the most powerful engine of growth and prosperity the world has ever known—or allow that engine to stall. As every economics textbook will tell you, new technologies will continue to drive economic growth—but only if they continue to spread to all sectors of our economy and civic life. And that's the challenge that faces this Congress and this nation.

Mr. President, we have a real opportunity here—and I urge my colleagues to seize it—to close the divisions within our society that have always existed and also to close the digital divide.

FAMILY OPPORTUNITY ACT OF 2000

Mr. ROCKEFELLER. Mr. President, recently my colleagues, Senators GRASSLEY, KENNEDY, JEFFORDS, and HARKIN introduced The Family Opportunity Act of 2000. I have proudly signed on to this important piece of legislation which will help hundreds of thousands of American families who have children with disabilities get access to Medicaid as well as obtain much needed support and information.

The Family Opportunity Act is modeled after last year's successful Work Incentives Improvement Act, which assures adults with disabilities can return to work and not risk losing their health care coverage. This new Act would create a state option to allow middle-income parents who have a child with special health needs to keep working, while having an option to buy in to Medicaid coverage for their child.

In my own state of West Virginia, over 50,000 children are known to have a disability. I have heard personally from many of these families, who remind me about their daily struggles of sacrificing time, energy, and finances to provide the best environment for their child. In the past, this has meant that parents often refuse jobs, pay raises and overtime just to keep their incomes low enough so that they can qualify for services under Medicaid for their children with special health care needs.

Medicaid coverage is so crucial to the child because many private plans do not offer essential services such as occupational, physical and speech therapy, mental health services, home and community-based services, and durable medical equipment such as walkers and wheelchairs, which if uncovered, can be financially devastating to a family. Under the Family Opportunity Act, families would be required to first take

employer-sponsored health coverage if available. The option to buy in to Medicaid would be used as a supplement to existing private insurance or as stand alone coverage if employer-based coverage were not an option.

In addition to creating Medicaid buy-in options for families, the Family Opportunity Act proposes the establishment of Family to Family Health Information Centers. These Centers, staffed by both parents and professionals would be available to help families identify and access appropriate health care for their children with special needs, as well as answer questions on filling out the necessary paperwork to establish health care coverage.

The Family Opportunity Act promises to promote early intervention, ensures medically necessary services, offers support, and will help restore family stability. I applaud my colleagues for proposing this important legislation, but even more important, I give a standing ovation to the dedicated families who give so greatly of themselves to care for their children.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 15, 2000, the Federal debt stood at \$5,644,606,868,488.81 (Five trillion, six hundred forty-four billion, six hundred and six million, eight hundred and sixty-eight thousand, four hundred eighty-eight dollars and eighty-one cents).

Last year, June 16, 1999, the Federal debt stood at \$5,579,687,718,133.89 (Five trillion, five hundred seventy-nine billion, six hundred eighty-seven million, seven hundred eighteen thousand, one hundred and thirty-three dollars and eighty-nine cents).

Five years ago, June 16, 1995, the Federal debt stood at \$4,893,073,000,000 (Four trillion, eight hundred ninety-three billion, seventy-three million, seven hundred eighteen thousand, one hundred and thirty-three dollars and eighty-nine cents).

Ten years ago, June 16, 1990, the Federal debt stood at \$3,121,688,000,000 (Three trillion, one hundred twenty-one billion, six hundred eighty-eight million).

ADDITIONAL STATEMENTS

HONORS FOR AN ARKANSAS STUDENT

• Mrs. LINCOLN. Mr. President, I rise today to pay tribute and to recognize a fellow Arkansan, Blake Rutherford, for his accomplishments at Middlebury College in Vermont. Blake is a native of Little Rock, attended Little Rock Central High School, and will be graduating from Middlebury College with a degree in Political Science in August

2000. This fine young man is the first student ever chosen at Middlebury College to give the Student Commencement Address. This is a well deserved honor for Blake Rutherford and I whole heartily congratulate him on his achievements. I ask that the text of his speech be included following my remarks.

BLAKE RUTHERFORD'S COMMENCEMENT SPEECH

Today, we are fortunate to experience one of the great accomplishments in life. Like thousands throughout America, we are gathered at the beginning of a new millennium, a unique time in our nation and in our world. But unlike thousands we have come together in a very special place—nestled between the Adirondacks and the Green Mountains—a place where we worked hard, played hard, made lifelong friends, and have spent some of the best years of our lives. Paraphrasing the legendary Bob Hope, "Middlebury: Thanks for the Memories."

I want to take this opportunity to congratulate the Class of 2000—individually and collectively—for your achievements. I also want to thank the Board of Trustees, the administration, faculty, and staff for providing us the very best. And I especially want to thank our parents and families for paying for it.

At our centennial celebration one hundred years ago, the Middlebury Register characterized it as the "day of days for the undergraduate." Today, a century later, is most certainly our day of days and one that we will celebrate and remember forever with great pride, for as Emerson noted, "The reward of a thing well done, is to have done it."

Middlebury College began in 1800 under the direction of President Jeremiah Atwater in a small building with only seven students. As we see almost 200 hundred years later, more than 2000 students larger, under the direction of President John McCardell, much has changed.

Built for only \$8,000, Painter Hall, constructed between 1814 and 1816, is currently the oldest building on campus. Although it stands the same today, the environment and the atmosphere around it do not.

Admittance into Middlebury in 1815 used to consist of a forty-minute oral examination in Latin, Greek and arithmetic. Remembering back four years ago, I could only wish the process was as simple.

But today, thanks to the efforts of many, Middlebury is blessed with a stronger, more diverse student body than it has ever had.

We have seen the number of applicants to Middlebury grow steadily over the past four years.

We have seen the number of minorities on campus grow over the past four years.

Most importantly, we have seen Middlebury's reputation grow and spread all over the United States and to dozens of countries across the world.

Our accomplishment and our experiences have taught us a lot about ourselves and about Middlebury College. As we strive to promote a more diverse environment, we find ourselves struggling to come to terms with many difficult questions and issues. In answering these, let us turn to the lessons taught to us by three prominent Middlebury graduates.

Roswell Field graduated from Middlebury College in 1822. Upon his departure from the College, he became a lawyer, and is most famous for arguing to the Supreme Court on behalf of a slave named Dred Scott. Al-

though the Court did not rule in his favor, his case has taught us that intolerance and bigotry cannot and should not be permitted against any group, at any level.

Alexander Twilight received his Middlebury diploma in 1823, and in turn became the first African-American to receive a college degree. Today, several minority students will walk across this stage as members of the class of 2000. No doubt, Mr. Twilight would be encouraged.

Ron Brown graduated from Middlebury in 1962. Upon his arrival here, which at the time was almost all white, one campus fraternity objected, saying they only permitted "White, Christian" members. Brown and other members of his fraternity chose to fight. In time our local chapter was expelled, but because of his efforts, Middlebury, more importantly, made it college policy that no exclusionary chapters would exist on campus.

Ron Brown had an exemplary professional career serving as Secretary of Commerce until his death in a tragic plane crash in 1996. Jesse Jackson once said of him, "He learned to be a bridge between the cultures." I hope we all can remember that lesson here today. A lesson, no doubt, Ron Brown learned at Middlebury College.

We've come a long way since these individuals were here, but we still have a long way to go.

I am a son of the South. I came a far distance to go to school here. Acceptance to Middlebury was my own impossible dream.

I graduated from Little Rock Central High School where 43 years ago nine African-American students were denied admittance prompting a constitutional crisis our nation had not seen since the Civil War.

While much progress has been made, today in parts of the Mississippi Delta region of our own country—just a couple of hours from my home—there is poverty at its very worst.

Several years ago the late Senator Everett Dirksen of Illinois was speaking at a ceremony at the Gettysburg Battlefield where he said, "Men died here and men are sleeping here who fought under a July sun that the nation might endure: united, free, tolerant, and devoted to equality. The task was unfinished. It is never quite finished."

He was right. It is never quite finished.

With our Middlebury foundation, we're now going to embark on a world full of many wonderful opportunities and also of many grave problems. If we can remember two important lessons, our lives and certainly our world will be a much better place. First, the future can always be better than the present. And second, we have a responsibility to ensure that that is the case. It is a responsibility we have to ourselves, to our communities, to Middlebury and most importantly to those who are not as fortunate to be here, among us, today.

This afternoon we leave Middlebury with a greater knowledge of various academic fields, the world and ourselves. We also leave Middlebury young and energetic, bound closer to one another more than we probably ever will be through our friendships, our relationships, and our experiences. And with that we now have the opportunity to help and serve others.

Robert Kennedy said, "This world demands the qualities of youth: not a time of life but a state of mind, a temper of will, a quality of the imagination, a predominance of courage over timidity, of the appetite of adventure over the love of ease."

Today, we make history as the first graduating class of Middlebury's third century. It is an accomplishment that I'm sure makes

our families, our friends, and those close and important to us very proud as well. So let us always remember this day, May 21, 2000 as our day of days—our historic day. And very soon will all embark on separate journeys and begin a new and exciting chapter in our lives.

In doing so, let us not forget the famous words of Tennyson who wrote, "That which we are, we are, one equal temper of heroic hearts, made weak by time and fate, but strong in will, to strive, to seek, to find, and not to yield."

And for the class of 2000, the world now awaits and the best is yet to be.

Good Luck and Congratulations.●

TRIBUTE TO EZRA KOCH

● Mr. SMITH of Oregon. Mr. President, ever since the days of the Oregon Trail, my state has been blessed with citizens dedicated to the spirit of "neighbor helping neighbor." In every community in Oregon you can find men and women who give their time, effort, and money to making that community a better place in which to live, work, and raise a family. That is precisely what Ezra Koch has done in the community of McMinnville, and I am proud to pay tribute to him today.

After over half a century of service as one of McMinnville's and Yamhill County's most respected businessmen, Ezra is retiring as President of City Sanitary and Recycling. A native Canadian, who immigrated to Oregon nearly eight years ago, Ezra and his family have truly lived the American dream.

Under Ezra's leadership, City Sanitary and Recycling, and its parent company KE Enterprises, has become one of Oregon's leading sanitary companies—leading the effort to increase recycling long before it became a national cause. Ezra was the driving force behind the creation of the Oregon Refuse and Recycling Association, and served as president of the National Solid Waste Management Association.

Ezra's love of his community can truly be seen in his volunteer and philanthropic efforts. The list of organizations and causes that have benefitted from his leadership and generosity include Linfield College, the McMinnville School District, Rotary International, the McMinnville Chamber of Commerce, and the United Way.

Ezra credits his family with inspiring the values he has lived throughout his life. And his words are ones we should all take to heart. "Even though we were a big family with poverty everywhere, we never lacked for enough to eat and share with others. A great tradition was born in our family of sharing what we have with those that are less fortunate, and that continues today."

I salute Ezra Koch for all he has done to strengthen the Oregon tradition of neighbor helping neighbor, and I wish him many more years of health and happiness.●

FOUR BEARS BRIDGE

● Mr. DORGAN. Mr. President, I commend the leadership of the Appropriations Committee, and particularly subcommittee Chairman SHELBY and Senator LAUTENBERG for their work on the Transportation appropriations bill that the Senate passed yesterday. However, I am gravely concerned about the omission of an item included in the President's budget request for Three Affiliated Tribes on the Fort Berthold Indian Reservation in North Dakota. The President included \$5 million for the design and preliminary engineering of the Four Bears Bridge on Fort Berthold Reservation. This bill makes no reference to this funding request. I am concerned that this will provide the federal government with yet another excuse for not replacing a bridge that is clearly its responsibility to replace.

This bridge, originally constructed in 1934 on another part of the reservation, was erected at its current site by the U.S. Army Corps of Engineers in 1952 during construction of the Garrison Dam. Because the Garrison Dam project created a permanent flood in the form of Lake Sakakawea on the Fort Berthold Reservation, the bridge became necessary to connect the west and the east sides of the Reservation.

Mr. President, Senator CAMPBELL, chairman of the Indian Affairs Committee, shares my concerns that the Four Bears Bridge was not included in the bill as requested by the Administration. The reason that this bridge is necessary is because the federal government created a lake bisecting the Reservation. Now there's a situation on Fort Berthold where emergency vehicles, school buses, police and general local traffic are forced to cross a bridge that is only 22 feet wide. This kind of a bridge was built for the small cars of the 1930s—not for the large vehicles common today. It is also important to note that this bridge is one of the few crossing points along the Missouri River in North Dakota, making it a vital connection for all traffic—including large truck traffic—moving across the state.

Mr. INOUE. I, too, am concerned about the situation on the Fort Berthold Reservation. In the Indian Affairs Committee, my colleagues and I struggle with how to meet the many responsibilities that the federal government has to Indian tribes across the nation. There is a mounting crisis in Indian country in a range of areas and transportation is among the critical needs of tribes. Including the Four Bears Bridge in this bill as requested by the President is vital to addressing the emergency needs on the Fort Berthold Reservation.

Mr. CONRAD. Mr. President, this is clearly a Federal responsibility. A Federal project created Lake Sakakawea and flooded a significant portion of the reservation, thus creating the need for

this bridge. In 1992, Congress accepted the recommendations of the Joint Tribal Advisory Commission, which studied the impact of the Garrison Reservoir, created by the Pick-Sloan Missouri River Project, on the Three Affiliated Tribes. The Commission found that the Three Affiliated Tribes are entitled to replacement of infrastructure lost by the creation of the Garrison Dam and Lake Sakakawea. The Federal Government has a responsibility to the Three Affiliated Tribes to play a major role in providing for the infrastructure necessitated by the permanent flood created by this project.

Mr. President, will the Chairman of the Subcommittee also support funding this bridge as recommended by President Clinton?

Mr. SHELBY. I recognize that the Four Bears Bridge is an important priority for my colleagues and I will work with Senator DORGAN, Senator CONRAD, Indian Affairs Committee Chairman CAMPBELL and Indian Affairs Committee Vice Chairman INOUE to identify funding for the bridge in the Transportation appropriations bill when it goes to conference.●

TRIBUTE TO THE SAVANNAH STATE UNIVERSITY BASEBALL TEAM

● Mr. CLELAND. Mr. President, I rise today to pay tribute to the most successful college baseball regular season in history. This year, the Savannah State University, SSU, Tigers set a new National Collegiate Athletic Association record for the most consecutive wins—an incredible 46. Led by their coach, Jamie Rigdon, a former Savannah State graduate, the Tigers played with all their heart despite the knowledge that they would not be able to participate in NCAA Regional Playoffs because they are in the process of moving from NCAA Division II to Division I.

The historic season began with twelve straight victories over their fellow Division II rivals. In February, the Tigers defeated Florida A&M in what would become the first of many Division I opponents to meet their match in Savannah State. As the season wore on, the Tigers kept playing hard each and every day and, on March 19 they were rewarded for their efforts with an amazing 34th consecutive victory, thereby breaking the NCAA record. However, Savannah State's celebration was cut short when it learned that a Division III school in Ohio reported that it won 40 consecutive games the season before but had failed to notify the NCAA's official record keepers. While the media and officials debated which team held the record, the Tigers kept winning. In the end, the Savannah State University baseball team had won an astonishing 46 consecutive game, shattering every record in the

books and laying indisputable claim to the most successful regular season in college baseball history.

In addition to their consecutive win streak, the Tigers compiled many impressive statistics this year. For example, each SSU starter batted over .330 for the season, the starters fielding average was .947, and the team's earned run average was an incredible 2.30 for the entire season.

I recognize each Tiger player from the record setting team: Brett Higgins, captain; Torrie Pinkins; Derron Street; Jarvis Johnson; Robert Settle; Rod-erick Ricks; Marcus Griffin; Mike Eusebio; Lamar Leverett; Marcus Johnson; Richard Castillo; Guy Thigpen; Chris Cesario; Charles Brown; Isaiah Brown; James Runkle; Jeremy Batayias; J.J. Stevens; James Greig; and Shantwone Dent.

Savannah State University President, Carlton E. Brown, spoke highly of the student athletes saying that, "the members of the Savannah State University baseball team are not just extraordinary athletes, they are exceptional students and model citizens. Even without the prospect of post-season play, the team put its heart and soul into each game. The team exemplifies the Savannah State University motto, which is 'You can get anywhere from here.'" I agree with President Brown that these young men can get anywhere with their education from Savannah State just as they went from the baseball diamond and into the record books. While I do not doubt that the Tigers could have been very successful in the playoffs, I hope their tremendous season is simply one remarkable achievement in a life where they make history, on and off the field.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9238. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement; to the Committee on Armed Services.

EC-9239. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to danger pay; to the Committee on Foreign Relations.

EC-9240. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-9241. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license to Sweden; to the Committee on Foreign Relations.

EC-9242. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of export licenses relative to Norway, Sweden, Greece, and Turkey; to the Committee on Foreign Relations.

EC-9243. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC-9244. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom; to the Committee on Foreign Relations.

EC-9245. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the Federation of Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC-9246. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC-9247. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC-9248. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the Republic of Korea; to the Committee on Foreign Relations.

EC-9249. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of

the transmittal of the certification of the proposed issuance of an export license relative to the Republic of Korea; to the Committee on Foreign Relations.

EC-9250. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Kazakhstan; to the Committee on Foreign Relations.

EC-9251. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC-9252. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada; to the Committee on Foreign Relations.

EC-9253. A communication from the Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR Part 170, Distribution of Fiscal Year 2000 Indian Reservation Roads Funds" (RIN1076-AD99) received on June 12, 2000; to the Committee on Indian Affairs.

EC-9254. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act" (RIN1117-AA52) received on May 15, 2000; to the Committee on the Judiciary.

EC-9255. A communication from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Federal Tort Claims Act" (RIN1120-AA94) received on June 5, 2000; to the Committee on the Judiciary.

EC-9256. A communication from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Civil Contempt of Court Commitments" (RIN1120-AA94) received on June 5, 2000; to the Committee on the Judiciary.

EC-9257. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Help Supply Services" (RIN3245-AE17) received on June 14, 2000; to the Committee on Small Business.

EC-9258. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations; Size Standards and the North American Industry Classification System" (RIN3245-AE07) received on June 14, 2000; to the Committee on Small Business.

EC-9259. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "NAFTA Procurement Threshold" (DFARS Case 2000-D011) received on June 5, 2000; to the Committee on Armed Services.

EC-9260. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Transactions Other Than Contracts,

Grants, or Cooperative Agreements for Prototype Projects" (RIN0790-AG79) received on June 1, 2000; to the Committee on Armed Services.

EC-9261. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects" (RIN0790-AG79) received on June 1, 2000; to the Committee on Armed Services.

EC-9262. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Waiver of Cost Accounting Standards" (DFARS Case 2000-D012) received on June 5, 2000; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2046: A bill to reauthorize the Next Generation Internet Act, and for other purposes (Rept. No. 106-310).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. L. CHAFEE (for himself, Mr. KOHL, Mr. GRAHAM, and Mrs. LINCOLN):

S. 2747. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

By Mr. MACK (for himself and Mr. TORRICELLI):

S. 2748. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. L. CHAFFEE (for himself, Mr. KOHL, Mr. GRAHAM, and Mrs. LINCOLN):

S. 2747. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

CHILD SUPPORT FAIRNESS AND TAX REFUND INTERCEPTION ACT OF 2000

Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators KOHL, GRAHAM, and LINCOLN in introducing the Child Support Fairness and Tax Refund Interception Act of 2000.

The Child Support Fairness and Tax Refund Interception Act of 2000 closes a

loophole in current federal statute by expanding the eligibility of one of the most effective means of enforcing child support orders—that of intercepting the federal tax refunds of parents who are delinquent in paying their court-ordered financial support for their children.

Under current law, eligibility for the federal tax refund offset program is limited to cases involving minors, parents on public assistance, or adult children who are disabled. Custodial parents of adult, non-disabled children are not assisted under the IRS tax refund intercept program, and in many cases, they must work multiple jobs in order to make ends meet. Some of these parents have gone into debt to put their college-age children through school.

The legislation we are introducing today will address this inequity by expanding the eligibility of the federal tax refund offset program to cover parents of all children, regardless of whether the child is disabled or a minor. This legislation will not create a cause of action for a custodial parent to seek additional child support. It will merely assist the custodial parent in recovering debt that is owed for a level of child support that was determined by a court.

Improving our child support enforcement programs is an issue that should be of concern to us all as it remains a serious problem in the United States. According to the most recent Government statistics, there are approximately twelve million active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the \$13.7 billion owed in 1998, only \$6.9 billion has been collected. It is important to note that this data does not include reporting from many states, including California, New York, Florida, and Illinois. In 1998, only 23 percent of children entitled to child support through our public system received some form of payment, despite Federal and State efforts. Similar shortfalls in previous years bring the combined delinquency total to approximately \$47 billion. We can fix this injustice in our Federal tax refund offset program by helping some of our most needy constituents receive the financial assistance they are owed.

While the administration has been somewhat successful in using tax refunds as a tool to collect child support payments, more needs to be done. The IRS tax refund interception program has only collected one-third of tardy child support payments. The Child Support Fairness and Tax Refund Interception Act of 2000 will remove the current barrier to fulfilling an individual's obligation to pay child support, while helping to provide for the future of our Nation's children.

I urge my colleagues to join me in supporting this important legislation, and I ask unanimous consent that the legislation be printed in the RECORD.

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Fairness and Tax Refund Interception Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Enforcing child support orders remains a serious problem in the United States. There are approximately 12,000,000 active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the \$13,700,000,000 owed in calendar year 1998 pursuant to such orders, \$6,900,000,000, or 51 percent, has been collected. However, this data does not include reporting from many States, including California, New York, Florida, and Illinois. Similar shortfalls in past years have brought the combined total of child support owed to \$47,400,000,000 by the end of fiscal year 1997.

(2) It is an injustice for the Federal Government to issue tax refunds to a deadbeat spouse while a custodial parent has to work 2 or 3 jobs to account for the shortfall in providing for their children.

(3) The Internal Revenue Service (IRS) program to intercept the tax refunds of parents who owe child support arrears has been successful in collecting more than 1/3 of such arrears.

(4) The Congress has periodically expanded eligibility for the IRS tax refund intercept program. Initially, the program was limited to intercepting Federal tax refunds owed to parents on public assistance. In 1984, Congress expanded the program to cover refunds owed to parents not on public assistance. Finally, the Omnibus Budget Reconciliation Act of 1990 made the program permanent and expanded the program to cover refunds owed to parents of adult children who are disabled.

(5) The injustice to the custodial parent is the same regardless of whether the child is disabled, non-disabled, a minor, or an adult, so long as the child support obligation is provided for by a court or administrative order. It is common for parents to help their adult children finance a college education, a wedding, or a first home. Some parents cannot afford to do that because they are recovering from debt they incurred to cover expenses that would have been covered if they had been paid the child support owed to them in a timely manner.

(6) This Act would address this injustice by expanding the program to cover parents of all adult children, regardless of whether the child is disabled.

(7) This Act does not create a cause of action for a custodial parent to seek additional child support. This Act merely helps the custodial parent recover debt they are owed for a level of child support that was set by a court after both sides had the opportunity to present their arguments about the proper amount of child support.

SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

Mr. KOHL. Mr. President, I rise today to introduce legislation, the Child Support Fairness and Tax Refund Interception Act, with my colleague from Rhode Island, Senator CHAFEE, as well as Senators GRAHAM and LINCOLN. This legislation is designed to increase child support collections across the country by allowing more parents to secure overdue support payments through the tax refund offset program.

Child support enforcement is an issue that I care a great deal about. Every day, far too many children in this country go without the resources they need to learn and grow in healthy, nurturing environments. Working to improve the lives and futures of these children in need should count amount our highest priorities, and we can do just that by improving our system of child support enforcement.

This legislation that we are introducing today proposes one such improvement by seeking to expand the use of an important enforcement tool. As my colleagues may know, under current law, custodial parents are eligible to use the tax refund offset program if their child support cases involve minors, adult disabled children, or parents on public assistance. The offset program has played a key role in securing overdue support payments. In fact, along with wage withholding, the offset program counts as one of the most effective tools that custodial parents owed support have at their disposal. For the 1998 tax year, the federal government collected a record \$1.3 billion in overdue support through the tax offset program, an 18 percent increase over the previous year and a 99 percent increase since 1992. These collections yielded benefits to approximately 1.4 million families.

Yet despite these admirable gains, under current law, the benefits of the tax refund offset program are not available to other custodial parents, those who have adult children, who are rightfully owed past-due support. Our legislation would address this issue by allowing all parents who are owed overdue court-ordered support to be eligible for the offset program, regardless of whether their child is disabled or a minor. We believe that this straightforward change will both increase child support collections and help ease the burdens of many custodial parents. It will assist those parents who may have worked multiple jobs and struggled to provide for their children but who may still have difficulty recovering child support debt owed to them without the assistance of the offset program.

Our Nation's unacceptably low rate of child support enforcement is a national crisis. Our public system collects only 23 percent of its caseload,

and over \$47 billion in overdue support is owed to our nation's children. Clearly, we must do all we can to address this very serious problem.

I urge my colleagues to join with Senators CHAFEE, GRAHAM, LINCOLN, and myself in supporting this important legislation. It will expand one effective tool in the enforcement arsenal and help increase the resources available to families in need.

By Mr. MACK (for himself and Mr. TORRICELLI):

S. 2748. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

THE RUSSIAN-AMERICAN TRUST AND COOPERATION ACT OF 2000

• Mr. MACK. Mr. President, I rise today to offer a common sense piece of legislation that would prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that Russia has ceased all operations and permanently closed its intelligence facility at Lourdes, Cuba. Currently the Government of the Russian Federation maintains a signals intelligence facility in Lourdes, Cuba from which it conducts intelligence activities directed against the United States. The Secretary of Defense has reported that the Russian Federation leases the Lourdes facility for an estimated \$100 to \$300 million every year. This is several hundred million dollars flowing to support a brutal tyrant for the purpose of supporting espionage.

Mr. President, the United States should prohibit debt rescheduling and forgiveness for a country that is conducting espionage activities against America, while infusing Castro's despotic government with between \$100 million and \$300 million per year.

I am pleased to have my colleague from New Jersey as a cosponsor of this legislation and I look forward to working with my colleagues to quickly pass this important bill. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian-American Trust and Cooperation Act of 2000".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the Russian Federation maintains an agreement with the Government of Cuba which allows Russia to operate an intelligence facility at Lourdes, Cuba.

(2) The Secretary of Defense has formally expressed concerns to the Congress regarding the espionage complex at Lourdes, Cuba, and its use as a base for intelligence activities directed against the United States.

(3) The Secretary of Defense, referring to a 1998 Defense Intelligence Agency assessment, has reported that the Russian Federation leases the Lourdes facility for an estimated \$100,000,000 to \$300,000,000 a year.

(4) It has been reported that the Lourdes facility is the largest such complex operated by the Russian Federation and its intelligence service outside the region of the former Soviet Union.

(5) The Lourdes facility is reported to cover a 28 square-mile area with over 1,500 Russian engineers, technicians, and military personnel working at the base.

(6) Experts familiar with the Lourdes facility have reportedly confirmed that the base has multiple groups of tracking dishes and its own satellite system, with some groups used to intercept telephone calls, faxes, and computer communications, in general, and with other groups used to cover targeted telephones and devices.

(7) News sources have reported that the predecessor regime to the Government of the Russian Federation had obtained sensitive information about United States military operations during Operation Desert Storm through the Lourdes facility.

(8) Academic studies assessing the threat the Lourdes espionage station poses to the United States cite official United States sources affirming that the Lourdes facility is being used to collect personal information about United States citizens in the private and government sectors, and offers the means to engage in cyberwarfare against the United States.

(9) It has been reported that the operational significance of the Lourdes facility has grown dramatically since February 7, 1996, when then Russian President, Boris Yeltsin, issued an order demanding that the Russian intelligence community increase its gathering of United States and other Western economic and trade secrets.

(10) It has been reported that the Government of the Russian Federation is estimated to have spent in excess of \$3,000,000,000 in the operation and modernization of the Lourdes facility.

(11) Former United States Government officials have been quoted confirming reports about the Russian Federation's expansion and upgrade of the Lourdes facility.

(12) It was reported in December 1999 that a high-ranking Russian military delegation headed by Deputy Chief of the General Staff Colonel-General Valentin Korabelnikov visited Cuba to discuss the continuing Russian operation of the Lourdes facility.

SEC. 3. PROHIBITION ON BILATERAL DEBT RESCHEDULING AND FORGIVENESS FOR THE RUSSIAN FEDERATION.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President—

(1) shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Government of the Russian Federation, and

(2) shall instruct the United States representative to the Paris Club of official creditors to use the voice and vote of the

United States to oppose rescheduling or forgiveness of any outstanding bilateral debt owed by the Government of the Russian Federation,

until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

(b) WAIVER.—

(1) IN GENERAL.—The President may waive the application of subsection (a)(1) if, not less than 10 days before the waiver is to take effect, the President determines and certifies in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to the national interests of the United States.

(2) ADDITIONAL REQUIREMENT.—If the President waives the application of subsection (a)(1) pursuant to paragraph (1), the President shall include in the written certification under paragraph (1) a detailed description of the facts that support the determination to waive the application of subsection (a)(1).

(3) SUBMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, the written certification under paragraph (1), or appropriate parts thereof, may be submitted in classified form.

(c) PERIODIC REPORTS.—The President shall, every 180 days after the transmission of the written certification under subsection (b)(1), prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains a description of the extent to which the requirements of subparagraphs (A) and (B) of subsection (b)(1) are being met.

SEC. 4. REPORT ON THE CLOSING OF THE INTELLIGENCE FACILITY AT LOURDES, CUBA.

Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until the President makes a certification under section 3, the President shall submit to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a report (with a classified annex) detailing—

(1) the actions taken by the Government of the Russian Federation to terminate its presence and activities at the intelligence facility at Lourdes, Cuba; and

(2) the efforts by each appropriate Federal department or agency to verify the actions described in paragraph (1).●

ADDITIONAL COSPONSORS

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1668, a bill to amend title VII of the

Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2018

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2396

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2420

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment

of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2617

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2745

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2745, a bill to provide for grants to assist value-added agricultural businesses.

S. 2746

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2746, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property.

S. RES. 254

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. L. CHAFFEE), the Senator

from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month".

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Thursday, June 29, 2000, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing to conduct oversight on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basic Ecosystem Management Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, July 12, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of na-

tional forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, July 26, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JUNE 19, 2000

The PRESIDING OFFICER. Acting in my role as the Senator from Kansas, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:34 p.m., adjourned until Monday, June 19, 2000, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 2000:

DEPARTMENT OF THE TREASURY

RUTH MARTHA THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE LINDA LEE ROBERTSON, RESIGNED.

FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. HOBBS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TOME H. WALTERS, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DONALD L. KERRICK, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN B. NATHMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL G. GAFFNEY II, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL D. HASKINS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 2000:

THE JUDICIARY

BEVERLY B. MARTIN, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

JAY A. GARCIA-GREGORY, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

LAURA TAYLOR SWAIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 16, 2000, withdrawing from further Senate consideration the following nomination:

FEDERAL HOUSING FINANCE BOARD

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007 (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON OCTOBER 29, 1999.

SENATE—Monday, June 19, 2000

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of power and providence, we begin this week of work in the Senate with Your assurance: "I will not leave nor forsake you. Be strong and of good courage."—Joshua 1:5-6.

You have chosen to be our God and elected us to be Your servants. You are the sovereign Lord of this Nation and have designated our country to be a land of righteousness, justice, and freedom. Your glory fills this historic Chamber.

Through Your grace, You never give up on us. With Your judgment, You hold us accountable to the absolutes of Your Ten Commandments. In Your mercy, You forgive us when we fail. By Your Spirit, You give us strength and courage.

You also call us to maintain unity in the midst of differing solutions to the problems that the Senators must address together. Guide their discussions and debates this week. When debate has ended and votes have been counted, enable the Senators to press on to the work ahead with unity. We pray this in our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. with Senators DURBIN and THOMAS in control of the time.

Following morning business, the Senate will resume consideration of the Department of Defense authorization bill. By previous consent, at 3 p.m. Senators HATCH and KENNEDY will be recognized to offer their amendments regarding hate crimes. Those amendments will be debated simultaneously during today's session.

When the Senate convenes on Tuesday, Senator DODD will offer his amendment to the Defense authorization bill regarding a Cuba commission.

Those votes, along with the vote on the Murray amendment regarding abortions, are scheduled to occur in a stacked series on Tuesday at 3:15 p.m.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the Democratic side under my control has morning business for the next hour, until 2 p.m. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I thank the President very much.

COLOMBIAN DRUG TRADE

Mr. DURBIN. Mr. President, I come to the floor today having arrived back in the country in the early morning hours from a trip which I took to Colombia this weekend with Senator JACK REED of Rhode Island. I had never been to this country before. In fact, I had never been to South America. But I have come to understand, as most Americans do, that what is happening in that country thousands of miles away has a direct impact on the quality of life in America.

Senator REED and I spent a little over 2 days there in intense meetings with the President of Colombia, the Secretary of Defense, and the head of the national police. We met with human rights groups.

It is hard to imagine, but yesterday we were in the southern reaches of Colombia in a province known as Putumayo, which is the major cocaine-producing section of South America in Colombia.

It was a whirlwind visit but one that I think is timely, because there is a request by the Clinton administration to appropriate over \$1 billion for what is known as "Plan Colombia." Plan Colombia is an effort by the President of Colombia, Andres Pastrana, to try to take the control of his country away from the guerrillas and the right-wing terrorists, and try to put an end to the narcotrafficking.

The narcotrafficking out of Colombia is primarily cocaine, but it includes heroin. It is now estimated that Colombia supplies 85 to 95 percent of the world's supply of cocaine. How does

that affect America? I think we all know very well how it affects America.

In my home State of Illinois, the prison population has dramatically increased over the last few years at great cost to the taxpayers in an effort to reduce drug crime in the streets of my State. That story is repeated over and over in States across the Nation.

So what is happening in the jungles of Colombia in the cultivation of cocaine has a direct impact on the quality of life in America. That is why President Pastrana has called for a coordinated effort by the United States and the European powers as well to bring his country under control and to end the narcotrafficking. It hits quite a resounding note with most Americans.

You would not imagine what it was like yesterday flying over the jungles of Colombia to look down from a Blackhawk helicopter as a Colombian general pointed out to me all of the coca fields that were under cultivation in the jungle.

If you take a step back, we now have the capacity by satellite to take photographs of Colombia, and we can actually pick out where the cocaine fields are located by satellite imagery. When they produce these maps, which I saw over the weekend, you can see provinces such as Putumayo that are virtually covered with cocaine production.

What is the cocaine production worth to the locals? Some estimate that a given hectare, or 2.2 acres roughly, can produce some 8.6 kilograms of cocaine during the course of a year. That involves about six harvests. A kilogram is a little over 2 pounds. So you are producing about 17 pounds of cocaine on each 1 of these hectares.

What is it worth to the local farmer? He receives about \$900 for each kilogram. As you multiply it out, you realize it is a profitable undertaking for many.

Then if you want to understand the true value of the cocaine economics, consider that as it moves up the chain, it becomes more and more expensive. The guerrilla who takes the cocaine out of the fields from the landowner and the farmer is going to turn around and turn it into coca paste, a rough paste. It is now going to increase the value from \$900 up to over \$1,000.

The next move is to the trafficker who converts it into the white powder, and that will triple the value of it to some \$3,000 for 2 pounds.

Now it is headed to the clandestine airstrip where it is going to be shipped to the United States, and in that process maybe go through Mexico, wherever it might be, on its way to the

United States. Now it is up from \$3,000 to \$7,500 for 2 pounds. Then it arrives on the streets of Washington, DC, where it can sell for \$60,000—2 pounds of cocaine.

When you look at the economics, you can understand why, starting with the peasant farmer and moving up through the chains of guerrillas, traffickers, and exporters, there is so much money to be made that they are willing to take the risk.

The World Bank estimated last week that the drug trade in Colombia generates some \$1 billion a year in revenue to the guerrillas. These are not people living off the land, as we understand guerrillas. These are the folks who are in the narcobusiness big time, and with this money they can afford to literally create towns, which they have done in some of the remote parts of Colombia.

The standing joke, I guess, in Colombia is that if you want to know how well the drug lords are doing, take a look at how sophisticated the discotheque is that they have just created. In one of the towns, one of the most remote jungle areas of Colombia, they created a city and a discotheque with the most sophisticated sound equipment in the world. It was raided, taken over, and closed down. But it shows you the capacity with the money they have.

The question before the United States is, What can we do to address this cultivation of cocaine, as well as the emergence of the guerrilla groups, as well as the right wing terrorist groups who have made extortion and kidnapping and narcodrug trafficking a matter of course in this Nation?

We try to develop these counternarcotic battalions in Colombia that will attack the guerrillas, and go after them and their narcotrafficking. I visited this camp known as Tres Esquinas yesterday and saw 2,000 young Colombians who are being trained to be better soldiers and will be able to fight.

We have a debate going on as to whether we will send them helicopters. It is a big investment. The Blackhawk helicopter, I am told, runs around \$10 million, \$11 million, \$12 million per helicopter. The so-called Huey helicopters, the older models, are slower, slightly smaller, and less expensive. But they don't believe it is up to the task they need to do in Colombia. We will debate sending the helicopters to support those troops to go after the guerrillas supporting this narcotrafficking that sends cocaine to the United States.

We are in this and we are in it big time. I came back from a meeting over the weekend, with the impression that we have to sit down at several levels and say these are the things on which we should insist. First, accountability from the Colombians. Any dollars sent by the United States need to be spent for good cause to put an end to this

drug trafficking. We need to ask and demand of the Colombian military that they bring in more reform so that they end corruption. Historically, the Colombian army, in many cases, has been in league with the people who are either on the guerrilla side or the right-wing terrorist side. That is changing. I am glad to see it is changing. The new general in charge, General Tapias, is bringing reform. It is a move in the right direction.

The so-called Leahy amendment, named after Senator PAT LEAHY of Vermont, says no money goes to Colombia unless their army shows progress on human rights. I think we should insist on that as part of any discussion.

In addition, we have to accept the reality that no plan is going to work in Colombia unless it starts with the peasant farmer who is trying to grow something on his land to feed his family. Growing the coca plant and selling it is profitable. We need to talk about alternative agriculture if this is going to work. We talked about the vast expanse of Colombia and that challenge. That has to be part of the program.

In addition, we need to discuss how we eliminate these coca plants. Now we are spraying them. It is called fumigation. This herbicide that is sprayed is roughly comparable to one that we are familiar with in America known as Roundup. It is a basic chemical. Once it hits the leaves of the coca plants, it destroys them. I met yesterday with some of the pilots who are on contract with the United States to destroy these coca plants. It is incredible that they can take the satellite imagery which tells them where the coca fields are, convert it through the global positioning system into exact coordinates so they can fly at night and spray this herbicide on the coca plants, killing them, by spraying within 12 inches. That is the accuracy of the spraying, even taking into consideration wind drift. They are fast at work trying to do this. Imagine a strip of land that is some 300 miles long and 3 miles wide. That is what we are talking about in this one province, the square mileage of coca cultivation, how much spraying has to be done to kill the plants. Sometimes we have to come back the next year and do it again. The farmer tries to get around it again.

There is a lot to be done, a lot of investment to be made. Clearly, from our point of view in the United States, this is something we should take seriously. When we think of the impact of narcotics and drugs on America and what it means to the safety of each one of us in our homes and neighborhoods and communities, the fact that those who are drug addicts, desperate to buy this drug, will do virtually anything, commit any crime, in order to come up with the resources to feed their habit, we can understand why that drug com-

ing out of Colombia has a direct impact on the United States.

Let me talk for a moment about the other side of the equation. It would be naive to believe that this is just a supply side problem, that if we eliminate the supply of cocaine and heroin that America will see an end to drug crimes. We know better. We know there are alternative drugs currently being developed in America, American-grown products that are competing with the traditional drugs. Methamphetamine was started in Mexico, went to California, and now has swept the country. In the rural areas of Illinois, in the small town farming areas of Illinois, they are discovering these methamphetamine labs that can be built with items that are purchased at a local hardware store and can be developed into a drug which is very addictive and destructive.

It is important as we look at the narcotics problem in America to establish that it is not only interdiction and elimination of supply we need to address, but also demand. That takes a lot of effort and a myriad of approaches which have been promulgated by this Senate, the House, and so many different agencies.

We should take into consideration the limited opportunity for drug addicts in this country to have access to rehabilitation. In other words, if you were a drug addict in this country and decided you were sick and tired of this life and wanted to change and wanted to eliminate your addiction, would you be able to turn someplace for help? Too many times, the answer is no. There is no drug rehab available. The addict stays on the street. He might have had a conversion at one point and wanted to change his life and found there was nowhere to turn.

Let me give an illustration. In my home State of Illinois, in 1987, about 500 people were imprisoned in our State prisons for the possession of a thimble full of cocaine, a tiny amount of cocaine; today in the State of Illinois for possession of the same amount of cocaine, about a thimble full, we have 9,000 prisoners. In 13 years, it went from 500 prisoners to 9,000. It costs roughly \$30,000 a year to incarcerate someone in Illinois prisons. We are spending on an annual basis just for those 9,000 prisoners—out of a total prison population of 45,000—we are spending about \$270 million a year in the State of Illinois. That story is repeated in every State in the Nation.

When we talk about \$1 billion to Colombia for the interdiction of drugs, and it seems like an overwhelming amount, put it in the context of what the drugs are doing in America. Remember, too, as I said earlier, it is not only the supply side; it is the demand side. In my State of Illinois, a person incarcerated for a drug crime serves about 9 months in prison and then they

are out again. Half the people in our prison population are released during the course of a year. Those who think we will put them away and throw away the key ought to take a closer look at the statistics. Half the people in prisons are coming out each year. Who are they when they come out? We know when they went in they were criminals. In the case of addicts, we know they came into prison with the drug addiction which led to a crime, which might have led to a theft or something worse, a violent crime, and they went into prison for the average 9-month incarceration. We also know in my State of Illinois, it is very rare, if ever, that the person in the Illinois prison system has any opportunity for drug rehab while he is in prison. So he comes in an addict and he leaves an addict. In the meantime, though, he has joined some fraternities of gang members and veteran criminals who told him how to be a better criminal when he goes back on the street.

That is very shortsighted. What have we achieved? We have brought an addict in and released an addict 9 months later to go out and commit another crime. We have to look not only to the supply side of the equation and interdiction, but also the demand side: How do we start reducing demand in this country for these drugs so we can have a more peaceful and just society?

I am happy I took the weekend to be in Colombia and to learn first hand some of the things we are facing. I certainly hope my colleagues will avail themselves of an opportunity to learn of things that we should be considering as part of a plan with Colombia and as part of our effort to reduce this narcotics dependence in the United States.

LITHUANIAN INDEPENDENCE

Mr. DURBIN. Mr. President, I am also concerned about another issue which has become very timely. It is related to recent statements by officials in Russia concerning Russia's view of the Baltic countries. I have a personal interest in this. My mother was born in Lithuania, an immigrant to the United States. Over the course of my public career, I have journeyed to the Baltic countries on several occasions and have witnessed the miracle of independence and democracy coming to Lithuania, Latvia, and Estonia. This was something that many of us had prayed for but never believed would happen in our lifetime; that the Soviet empire would come down and that these three countries, which had been subjugated to the Russians and Soviets in the early forties, would have a chance for their own independence and democracy.

In fact, I was able to be there on the day of the first democratic election in Lithuania. My mother was alive at the time, and she and I took great pride

that the Lithuanian people had maintained their courage and dignity throughout the years of Soviet occupation and now would be given a chance to have their own country again.

I have met with the leaders of these countries. I am particularly close to the President of Lithuania, Valdas Adamkus. The story of Mr. Adamkus is amazing. He fought the Nazis in World War II and then fought the Soviets and finally decided he had to escape and came to the United States where he went to school and settled in Chicago, became an engineer, went to work for the Environmental Protection Agency, spent a lifetime of civil service, receiving awards from Presidents for his service to our country, and then at the time of his retirement announced that he was going to move back to Lithuania at the age of 70 and run for President. When Mr. Adamkus came to me and suggested that, I thought, well, it is a wonderful dream; surely, it is not going to happen. And he won, much to the surprise of everyone. He is currently the President of Lithuania; he is very popular. He believes, as I do, that the freedom in Lithuania, Latvia, and Estonia is something that we in the West must carefully guard.

Those of us who for 50 years protested the Soviet takeover of these countries cannot ignore the fact they are still in a very vulnerable position. Not one of these countries has a standing army or anything like a missile arsenal or anything like a national defense. Yet they look across the borders to their neighbors in Russia and Belarus and see very highly armed situations—and in many cases very threatening.

That is why the recent statements by Vladimir Putin, the new President in Russia, are so troubling. According to the Washington Post on June 15, Russian President Vladimir Putin made a statement in which he said that fulfilling the aspirations of Estonia, Latvia, and Lithuania for NATO membership would be a reckless act that removed a key buffer zone and posed a major strategic challenge to Moscow that could, in his words, "destabilize" Europe.

The Russian Foreign Ministry issued a statement on June 9 of this year that claimed that Lithuania's forceable annexation in 1940 was voluntary.

This is an outrageous rewrite of history. The Soviets were legendary for their rewrites. They would rewrite history and decide that they, in fact, had developed an airplane first, an automobile first, all these affirmations, and Stalin was, in fact, a benevolent leader and was not a ruthless dictator. All of these revisions were used to scoff at the West.

We thought that the end of the Russian empire would be the end of revisionist history. Unfortunately, Mr. Putin and his leadership in Moscow are

starting to turn back to the same old ways. By the statements that they have made, they have said, if we went forward with allowing the Baltic States into NATO, it would be an explicit threat to the sovereignty of Russia. And they also go on to say it could destabilize Europe.

Such a threat by the Russian Federation against security in Europe cannot go unchallenged, and that is why I come to the Senate floor today. It is incredible that the Russian President would continue to call the Baltic countries "buffer States" that would presumably have no say in their own security in the future and could once again be subjugated with impunity. To suggest that the Baltic nations are somehow pawns to be moved back and forth across the board by leaders in Russia is totally unacceptable. It is unbelievable that the Russian Foreign Ministry could forget the secret Molotov-Ribbentrop pact that carved up Eastern Europe between Hitler and Stalin, that moment in time when the Nazis and Communists in Russia were in alliance, in league with one another, and through respective foreign ministers basically gave away countries.

At that moment in time, the Baltic States were annexed into the Soviet Union against their will, and for more than 50 years we in the United States protested that. It was the so-called Captive Nations Day we celebrated on Capitol Hill and across America to remember that those Baltic States and so many other countries were brought into the Soviet empire against their will. Somehow, Mr. Putin in this new century is suggesting that we did not understand history; the Baltic nations really wanted to be part of the Soviet Union. That is a ridiculous statement, and it defies history and defies the facts that everyone knows. It is beyond belief that the Russian Foreign Minister would claim that the Red Army troops occupying the Baltic countries in June of 1940 were not the reason that these countries so-called "joined" the Soviet Union. Listen to the statement by the Russian Foreign Minister.

The August 3, 1940 decision of USSR Supreme Soviet to admit Lithuania into the Soviet Union was preceded by corresponding appeals from the highest representative bodies of the Baltic States.

Therefore it would be wrong to interpret Lithuania's admission to the USSR as a result of the latter's unilateral actions. All assertions that Lithuanian was "occupied" and "annexed" by the Soviet Union and related claims of any kind of neglect, political, historical and legal realities therefore are groundless.

This is the statement by the Russian Foreign Minister.

Let me tell you, he not only ignores the history of 1940 which is very clear, but he ignores the fact that in 1991 the Russian Foreign Ministry entered into a treaty with Lithuania in which Russia explicitly admitted that the 1940

Soviet annexation violated Lithuanian sovereignty and that Lithuania, they said, at the time was free to pursue its own security agreements and arrangements. So in 1991, in those enlightened moments as the Soviet empire came down and Russia became a new State with democratic elections, they entered into a treaty with Lithuania and acknowledged the reality that Lithuania was forcibly annexed into the Soviet Union. They said in 1991 Lithuania had the right, as the Baltic States do, to pursue their security arrangements.

Now, when Lithuania, Latvia, and Estonia talk about membership in NATO, the Russian Foreign Minister and Russian President Putin come forward and say unacceptably, it would destabilize Europe; it would eliminate the so-called "buffer States." They still view these countries as vassals, as pawns to be used. They will not acknowledge the sovereignty which should be acknowledged of these countries.

These disturbing statements show clearly why the Baltic countries must be admitted to NATO; that is, to show Russia and any neighboring country that it must give up its territorial ambitions against NATO membership for the Baltic countries, and it would make it critically clear that the West would never again accept "buffer State" subjugation of them. The idea that the three tiny Baltic States could threaten the enormous and powerful Russian Federation is laughable. If Russia has no design on the Baltic States, it has nothing to fear from their membership in NATO.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, I have spoken about the drug problems in America and this issue of foreign policy. But there is another issue which is a continuing concern across America. It is the fact that this Senate and Congress have failed to act on the problem in America of gun violence. It has been a little over a year since the Columbine tragedy, but still the leadership in this Congress refuses to enact sensible gun safety legislation.

Most will recall that a little over a year ago, we passed in this Chamber, with the tie breaking vote of Vice President GORE, legislation which would allow us to do background checks on people who buy guns at gun shows. If you go to buy a gun here in America, they are going to ask some questions: Do you have a history of committing a crime; a history of violent mental illness; are you old enough to own a gun? That is part of the Brady law. And with that law, we stopped some 500,000 people from buying guns in America who were, in fact, people with a criminal record or a history of violent and mental illness, or children. We stopped it—half a million of them—

but there is a big loophole there. If you go to the so-called gun shows which we have in Illinois and States such as Texas and all over the country, these gun bazaars and flea markets do not have any background checks. You do not have to be John Dillinger and the greatest criminal mind to understand if you need a gun, do not go to a gun dealer, go to a gun show. No questions are asked; you can buy it on the spot.

We passed a law. We said we have to close this loophole. If we really want to keep guns out of the hands of people who will misuse them, we need a background check at gun shows. That was part of our bill.

The second part of the bill related to a provision with which Senator KOHL from Wisconsin came forward. It said if you sell a handgun in America, it should have a child safety protection device, or so-called trigger lock. You have seen them. They look like little padlocks. You put them over the trigger so if a child gets his hands on a gun, he or she will not be able to pull the trigger and harm anyone.

Is this important? It is critically important. We read every day in the newspapers about kids being harmed, killing their playmates, and terrible things occurring when they find a handgun. It is naive for any gun owner to believe if they have a gun in the house, they can successfully hide a gun. Children are always going to find Christmas gifts and guns. We have to acknowledge that as parents. If they find Christmas gifts, it is disappointing. If they find guns, it can be tragic.

Those who say they will not have a gun in their house if they have little kids may not have peace of mind if they know their playmates' parents own guns and do not have a trigger lock on them.

We said as a matter of standard safety in America, we want every handgun to be sold with a trigger lock. Is it an inconvenience for the gun owner? Yes, let's concede that fact. Do we face inconveniences every day bringing safety to our country and to our lives? Of course we do. Have you gone through an airport lately? Did you have to put that purse or that briefcase on the conveyor belt? Did you go through the metal detector? It is inconvenient, isn't it? It slowed you down, didn't it? We all do it because we do not want terrorists on airplanes and we want to fly safely.

So the idea of a trigger lock on a handgun I do not believe is a major obstacle to gun ownership or using a gun safely and legally. That was the second part of the bill that passed and went over to the House of Representatives.

The third part is one that is hardly arguable, and that is, we ban the domestic manufacture of high-capacity ammunition clips in this country, clips that can hold up to 100 or more bullets.

The belief was nobody needed them. The only people who would need those would be the military or police. The average person has no need for them.

I said time and again that if a person needs an assault weapon or some sort of automatic weapon with a 100-round clip to shoot a deer, they ought to stick to fishing. Sadly, there are people who found if you could not manufacture these high-capacity ammo clips in the United States, you could import them from overseas. The third part of our gun safety legislation said we are going to stop the importation of high-capacity ammo clips which are designed to kill people. They have nothing to do with legitimate sports or hunting.

Three provisions: Background checks at gun shows, trigger locks on handguns when they are sold, and no more importation of high-capacity ammo clips. Do those sound like radical ideas to you? They do not to me. They sound like a commonsense effort to keep guns out of the hands of people who would misuse them.

We barely passed the bill. The National Rifle Association, the gun lobby, opposed it. The bill received 49 votes for, 49 votes against. Vice President AL GORE sat in that chair, as he is entitled under the Constitution, and cast the tie-breaking vote—50-49. The bill went to the House of Representatives—this is after Columbine—and with all this determination, we said: We are finally going to do something to respond to gun violence.

Of course, when it went over to the House of Representatives, the gun lobby, the National Rifle Association, piled it on, and the bill was decimated. There is nothing in it that looks like what I described. Then it went to conference. We are supposed to work out differences between the House and the Senate in conference. They have sat on it for a year, and every day in America, 12 or 13 children are killed by guns. The same number of kids who died at Columbine die each day, not in one place but all across America. They are kids who commit suicide. They are kids who are gang bangers shooting up innocent people. They are kids who are playing with their playmates.

The gun tragedy continues in America, and this Congress refuses to do anything. Many of us come to the floor of the Senate on a regular basis as a reminder to our colleagues in Congress that this issue will not go away because gun violence is not going away, and we need to do something to make America safer.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, the Democratic leadership in the Senate who supports this gun safety legislation will read some names into the RECORD of those who lost their lives to gun violence in the past year and will continue to do so every day

the Senate is in session. In the name of those who have died and their families, we will continue this fight.

The following are the names of just some of the people killed by gunfire 1 year ago on the dates that I mention. On June 19, 1999, these were the gun victims in just some of the States and some of the cities across America:

Milton Coleman, 58, Gary, IN; Darnell Green, 28, Gary, IN; Ronald Hari, 25, Chicago, IL; David Jackson, 23, St. Louis, MO; Andre Johnson, 24, Detroit, MI; Eien Johnson, 19, Detroit, MI; Nakia Johnson, 22, Philadelphia, PA; Lewis Lackey, 47, Baltimore, MD; Malcolm Mitchell, Gary, IN; Mann Murphy, 76, Detroit, MI; Robert Rodriguez, 31, Houston TX; Donnell Roland, 20, Kansas City, MO; Denise Wojciechowski, 33, Chicago, IL; an unidentified male, 36, Long Beach, CA; another unidentified male, 53, Nashville, TN; another unidentified male, 19, Newark, NJ.

In addition, since the Senate was not in session on June 17 or June 18, I ask unanimous consent that the names of those who were killed by gunfire last year on June 17 and June 18 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 17

Donald R. Gaudin, Pine Bluff, AR; Phillip Martello, 18, New Orleans, LA; Lee Martindale, 14, St. Louis, MO; Marcus D. Miller, 18, Chicago, IL; Larry Mitchell, 19, Dallas, TX; Raymond Reed, 71, Charleston, SC; Molly Roberts, 15, Houston, TX; Norberto Rodriguez, 26, San Antonio, TX; Philip M. Spears, 51, Houston, TX; and Tony Williams, 19, Chicago, IL.

JUNE 18

Warren Cunningham, 33, Charlotte, NC; Barron Howe, 31, Washington, DC; Daniel Metcalf, 31, Washington, DC; Tony Muse, Detroit, MI; Adam W. Newton, 36, Oklahoma City, OK; Nysia Reese, 15, Philadelphia, PA; Jeffrey Rhoads, 37, York, PA; Courtney Robinson, 20, Dallas, TX; Debra Rogers, 45, Dallas, TX; and Damian Santos, 20, Bridgeport, CT.

Mr. DURBIN. Mr. President, the reason these names are being read is to share with my colleagues in the Senate the fact that this is not just another issue. The issue of gun safety and gun violence in America is an ongoing tragedy, a tragedy which we will read about in tomorrow morning's paper and the next morning's paper and every day thereafter until we in this country come forward with a sensible gun safety policy to keep guns out of the hands of those who misuse them.

I have seen the National Rifle Association, Mr. Heston, and all of his claims about second amendment rights to the ownership of guns. I believe people have a right to own guns, so long as they do so safely and legally, but I do not believe there is a single right under our Constitution—not one—that does not carry with it a responsibility.

There is a responsibility on the part of gun owners across America to buy their guns in a way that will keep guns out of the hands of those who would misuse them and to store their guns in a way so they are safely away from children who would use guns and hurt themselves and others, and not to demand guns in America that have no legitimate sport, hunting, or self-defense purpose.

Most Americans agree with what I have just said. I think it is a majority opinion in this country. It is clearly not the feeling of the Republican leadership in the Senate and the House of Representatives. They have continued to bottle up this legislation which would move us closer to the day when we have a safer society and when families and communities across America can breathe a sigh of relief that the crime statistics and gun statistics about which we read are continuing to go down and not up.

SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, the last item I want to address today is relative to a suggestion by the Vice President of the United States to create what is known as a Medicare lockbox. There have been many suggestions made during the course of this Presidential campaign about Social Security and Medicare. It is no surprise. There are hardly any programs in Washington, DC, that affect so many people and affect the quality of life of so many families across America. I am proud to be a member of the Democratic Party which, under Franklin Roosevelt, created Social Security.

We took a group of Americans—our parents and grandparents, the seniors in America, who were literally one of the most impoverished classes in our society—and said: With Social Security, we will create for you a safety net. With this safety net, when you go into retirement in your senior years, you are going to have some peace of mind that you will not be destitute and poor and have to depend on your children for your livelihood.

Social Security has worked. It has now become a very bipartisan program—and it should. Democrats, Republicans, and Independents alike understand that this safety net for seniors and for disabled people in our country really makes America a better place.

In the 1960s, President Lyndon Johnson—another Democrat—came up with the idea of Medicare. It was not a new one. President Truman had proposed some version of it earlier, and others had talked about it. President Johnson, with his legislative skill, was able to pass Medicare.

In Medicare, we said we would create for America a health insurance program for the elderly. This again was

considered socialistic, radical, by its critics. They said America does not need this, that everything will be just fine.

Yet we see what has happened since we introduced and passed the Medicare program. Seniors are living longer. They are more independent. They are healthier. They are active. They are leading great lives because of the combination of Social Security and Medicare.

Many of us want to take care that in the midst of any Presidential debate about these two programs, we do not go on any risky escapade that could endanger the life of these programs. There are too many people who depend on them; and not just the seniors, but their children who expect Social Security and Medicare to be there.

George W. Bush, the Governor of Texas, and soon to be the Republican nominee for President, has proposed changing the Social Security system so that there could be a private investment factor so that individuals could direct the investment of some of their Social Security funds into private investments.

On its face, a lot of people who own stocks and mutual funds across America would say: Goodness, that gives me a chance to increase the amount of money I can put into these types of investments. Perhaps if the stock market continues to do well, I will profit from it. It is a surface reaction you might expect that is positive among some American families. But the real issue is, how would we come up with the same level of protection in Social Security if we started taking money out and letting people direct it as they care to in their own private investments?

The basic benefits on which many elderly depend for almost all of their retirement income could be cut by as much as 40 percent. How can that be, if George Bush is only talking about a few percentage points of investment?

Social Security is a pay-as-you-go program. The amount of money we collect in the payroll taxes goes out to pay today's seniors. When I become a senior citizen, eligible for Social Security—if I live that long—I will be paid by the current wage earners in the payroll tax that is collected from them.

It is a pay-as-you-go system. If at any point in time you want to remove some 2 percent, or whatever the number might be, of the money that workers are paying into Social Security, it has a direct impact on today's seniors because they do not have the pool of money coming in to sustain today's Social Security needs.

So when there is a proposal made to cut back the amount of contribution by individuals to give them 2 percent of whatever it might be for their own self-directed investment, the obvious question is, Who will pay it? Who will pick up the difference?

The basic Social Security benefit is pretty modest across America, but it is important. For workers with a history of average earnings who retired in 1999 at age 62—most people retire before they reach the age of 62, incidentally—their monthly benefit is \$825. For the lower earner, the benefit is \$501 a month. Despite these modest amounts, Social Security is the major source of retirement income—50 percent or more—for 63 percent of the older population.

The whole point of having Social Security is to provide workers with a predictable retirement benefit.

Mr. Bush's plan affects these basic retirement benefits in two ways.

First, the program has a long-term deficit of about 2 percent of payroll. The deficit isn't Governor Bush's creation, by any means. It confronts anybody attempting to reform the system. But Governor Bush's proposal makes the problem worse by pledging not to add any new money to the Social Security system.

Vice President GORE has said, let's take the surplus and pay down the national debt by paying off the internal debt of Social Security and Medicare. We collect \$1 billion in taxes a day from businesses, families, and individuals to pay interest on our national debt.

I think the most responsible thing we can do, in a time of surplus, is to take the extra dollars and reduce that debt and reduce the interest we pay and our children will pay for things we did many years ago. I know that is conservative. It isn't as flashy as proposing tax cuts. But I think it is sound. We do not know if these surpluses will be there forever, but as long as they are here, let us pay down the debt of this country. That is the position of President Clinton, Vice President GORE, and the Democratic side of the aisle.

On the other side, from Republican Governor Bush, and many Republican leaders, we are told, no, no, no, take this surplus, as it exists, give tax cuts to certain people, and change the Social Security system, and do not address the fundamental concern about this \$6 trillion national debt we continue to finance on a daily basis to the tune of \$1 billion a day in Federal tax collections.

I hope during the course of this debate on reforming Social Security, whether the proposal is from the Democrats or the Republicans, that families across America will look long and hard at whether these proposals are in fact honest, whether they use real numbers, whether they really affect the future of America in a positive way and can continue this economic growth we have seen, and whether they are in fact the kinds of things which reflect the values of this country.

When we take a look at some of the proposals coming from the candidates

in the Presidential race, particularly on Governor Bush's part, I do not think they meet that test.

I am going to close now because I see my colleague from Arkansas has come to the floor.

Mr. President, I yield the floor to Senator LINCOLN.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

THE OLDER AMERICANS ACT AND THE SOCIAL SERVICES BLOCK GRANT

Mrs. LINCOLN. Mr. President, today I rise to call attention to the needs of our Nation's seniors. Although Social Security, Medicare reform and prescription drugs make daily headlines in newspapers across the country and are the topic of Congressional and Presidential debates, there are two other important programs for seniors which do not receive the media attention they deserve. These two programs are the Older Americans Act and the Social Services Block Grant.

As a member of the Senate Special Committee on Aging and a Senator representing the State with the highest poverty rate among seniors, I want to reinforce to my colleagues in the Senate the importance of these two programs, which are lifelines to low-income, homebound and frail seniors.

First, we need to reauthorize the Older Americans Act. It is our country's main vehicle for providing a wide range of social services and nutrition programs to older men and women. Unfortunately, the Older Americans Act has not been reauthorized since 1995—absolutely inexcusable—making this the sixth year without a reauthorization of such a vital program for our Nation's senior. Because this year marks the 35th anniversary of the Older Americans Act, Congress has a unique and timely opportunity to improve the Older Americans Act.

If we don't act, we will be sending the wrong message to our Nation's seniors. We would be telling them that they are not a priority in this Nation. This is absolutely the wrong message to be sending to those who helped create this incredible prosperity in our Nation. I say to my colleagues, we can do better. We must do better.

The South not only has some of the highest poverty rates among seniors, but the South is the home of the majority of seniors in the country. Here are some statistics that might surprise you: Florida, West Virginia and Arkansas rank among the top five States nationally with the highest percentage of seniors over the age of 55; through 2020, the South will see an 81 percent increase in its population of persons age 65 to 84 years of age; and for people age 85 and over, that increase in the South will be 134 percent—phenomenal in terms of what we will see in the South

with elderly individuals dependent on programs that the Older Americans Act provides—and over half of all elderly African Americans live in the South.

Based on these compelling statistics and the pending "age wave" that is coming to the South, the time to act is now. We must update the formula used to calculate Older Americans Act funds so Southern states receive their fair share of the funds. Currently, 85 percent of Older Americans Act funds are distributed to States based on 1985 numbers. This is neither fair to southern States nor is it good public policy to be using such outdated information. Without a formula update, States like Arkansas, and other southern States, with greater numbers of seniors will continue to be expected to do too much with absolutely too little.

Each year Title III funding provides seniors around the country with hot, nutritious meals in senior centers and other congregate settings. In addition, millions of meals are delivered each year to homebound men and women who rely on this program not only for nutrition, but for companionship and human contact which volunteers provide when they visit the person each day. I have made those rounds with constituents, delivering meals on wheels to our seniors in rural areas. It means so much to have someone bring a nutritious meal and to visit.

For many seniors, the only human contact they have each day is with the person who delivers their meals. During extreme weather conditions, home-delivered meal volunteers are able to check on seniors and make sure they are not ill or suffering from extreme heat or cold.

In Arkansas, we deliver 2 million home meals a year to the elderly and provide another 2 million congregate meals. However, many seniors are still unable to receive meals. About 1,300 frail, homebound elderly men and women are on waiting lists for home-delivered meals. This number only represents a fraction of low-income seniors who need meals but can't get them, because those living in rural areas that are not served by programs like Meals on Wheels are not counted for waiting lists.

Here is a story which was sent to me by an Area Agency on Aging caseworker from Fulton County, AR. She writes about a couple by the name of John and Reba.

John and Reba live in a mobile home near Salem, Arkansas. They started receiving home delivered meals in October 1999. Both of them are physically handicapped and are barely able to get around. John is on oxygen and has severe heart problems. Reba has heart problems and arthritis.

At the time they began receiving meals they were physically and financially burdened and didn't know how they would buy food for the next meal. Reba said getting the meals had relieved them from a great burden. She said they can hardly wait each day

to get their meals. They really look forward to seeing the volunteer and the van coming to their trailer.

Here is another story about an Arkansas senior. Mr. Black is 71 years old and lives alone in an old farmhouse in an isolated, rural area in Van Buren County. In the winter you can feel the wind blow through the house and in the summer the heat is unbearable. Mr. Black does not have any immediate family to check on him. He only has a microwave to cook in. He lives on a fixed income and has no transportation to get into town to purchase groceries on a regular basis.

Mr. Black said this about the home delivered meals he receives, "They help me out a lot. The meals are better than the food I can buy. I can't buy much on a fixed income." Mr. Black has told his case manager on more than one occasion that he does not know what he would do without the meals. It is a real hardship on him if he misses his home delivered meals. One week he missed all of his home delivered meals because of doctors appointments and it was very difficult for him to buy food and prepare meals that week. He just went without.

The Title V senior employment program is one of the best kept secrets in the country. Through this funding mechanism, older Americans who want to work can go to a senior employment agency in their community and learn of available job opportunities.

No matter what type of training seniors need to fill these jobs, training is made available to them. For example, if seniors need training to work in a modern office environment, they learn how to surf the internet, use computers and send faxes. Nationally, over 61,000 seniors a year are employed through senior programs.

Some of Arkansas's finest employment programs for seniors are operated by Green Thumb and other outstanding Area Agencies on Aging. I have met many older workers and listened to them talk with enthusiasm about their jobs. I only hope that when I'm 75, 80, or 85 I will have half of their energy and zest for life!

The senior employment program is a win-win proposition for both sides. Low-income seniors who need additional income to supplement their Social Security checks have an opportunity to find a job placement and any necessary training through a Title V contractor. This not only generates additional income for seniors but a sense of purpose and a chance to stay engaged in their community and make a contribution—something we all want to feel, and that is needed.

The community and employers benefit by hiring honest, loyal and dependable persons who are committed to showing up for work every day and doing a good job. Especially in booming economic times when the job mar-

ket is tight, seniors can fill jobs that employers otherwise might not be able to fill. The senior employment program makes good economic sense. It also provides for the workers: the quality and guidance of seniors who exemplify a tremendous work ethic and bring a lot to the workplace.

Here is a remarkable story of a woman from Texarkana, AR, whose life was transformed by the Green Thumb program. Olla Mae Germany came to the Green Thumb program at the age of 65. She had been a victim of domestic violence. She had never worked, could barely read and had walked to the interview. She told the coordinator that she was "dumb, stupid, ugly, ignorant, and no one cared about her." During that meeting she also shared her hopes for the future—she wanted to learn to read, achieve a GED, gain clerical and computer skills, and get a job.

Ms. Germany was assigned to the Literacy Council in Texarkana. Her job entailed clerical duties and literacy training. After receiving her first pay check, Ms. Germany told her boss that she bought a new outfit for work and had her hair styled professionally for the first time in her life. She was especially pleased that the people in her office noticed her appearance and told her she looked pretty. With increased self-esteem she became more confident in her abilities. Only 24 weeks after her Green Thumb enrollment, Ms. Germany learned to read and significantly improved her office skills. She began making public speeches on behalf of the local literacy council.

Today, Ms. Germany continues to work toward self-sufficiency. She has a new job with a Texarkana agency that promotes neighborhood revitalization and economic development. She is learning new technology skills. She is also studying for her GED. Recently, Ms. Germany was able to buy her very first car, thanks to the money she has earned from her jobs. With new marketable skills, a confident self-image and dependable transportation, Ms. Germany is well on her way toward achieving her goals for a brighter future and making a contribution to her community.

I know Democrats and Republicans on the Special Committee on Aging disagree over the allocation of Title V monies. I think groups like Green Thumb have proven their ability to train and place older workers successfully in the community and I urge my colleagues to allow the national Title V grantees to continue receiving a majority of Title V funds.

The reauthorization of the Older Americans Act will also include a new authorization for the National Family Caregivers Act. I am an original cosponsor of this bill in the Senate because I believe that our country needs to find a better way to support family members who serve as caregivers. No

one wants to leave their home just because they are aging and/or disabled. The inclusion of a National Family Caregivers Act is forward thinking and family friendly. Baby boomers need support to care for their family members and it is high time that we provide Federal leadership in this area of home care.

Finally, the other program I will focus on is the Social Services Block Grant, better known by its acronym SSBG. States use SSBG funds to support programs for both at-risk children and seniors. In Arkansas, a significant portion of SSBG funds are used to support and operate senior centers, to provide Meals on Wheels for frail, home-bound elderly, and to provide transportation for seniors, especially those living in rural areas.

Over the past five years, Congress has cut SSBG funds by \$1 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. We are operating under a consent agreement with the Republican side.

Mrs. LINCOLN. Perhaps the chairman of the Aging Committee will allow me 5 additional minutes.

Mr. GRASSLEY. I ask unanimous consent that we extend for our side as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican side will have 5 additional minutes, and the Democratic side will have 5 additional minutes.

Mrs. LINCOLN. This year alone, the Senate Labor-HHS Subcommittee on Appropriations cut SSBG by \$1.1 billion. This translates into a cut of nearly two-thirds. Arkansas will lose over \$11 million in FY 2001. This draconian cut comes on the heels of a \$134 million cut in FY 2000 in which Arkansas lost \$1.3 million.

What does this dramatic funding loss mean to senior services in my home state? Because Arkansas spends a majority of its SSBG funds on senior services, 40 senior centers around the state may have to shut down or dramatically reduce operating hours. In addition to providing social activities and hot, nutritious meals to seniors, senior centers also provide seniors with rides to the doctor's office, the pharmacy and grocery stores. As one Area Agency on Aging administrator in Malvern, Arkansas wrote to me, "for many of our seniors, the senior center is their lifeline. It provides them with a reason to get up in the morning."

I would like to read to you what a social services case manager sent me about an aging client in northwest Arkansas.

When Delbert was in his early 50's he suffered a stroke that left him with paralysis on the left side and confined to a wheelchair. He

has no children and his only family support comes from a sister and brother-in-law in Atlanta, Georgia. They help him with money management. Case managers and case workers with the Area Agency on Aging helped him find a personal care assistant on a temporary basis through the state's Supplemental Personal Care Program.

In the meantime, Delbert applied for and awaited approval from the Alternatives Program for Adults with Physical Disabilities, a state Medicaid program. Once approval came, he received funding and assistance in having his bathroom retrofitted to be handicapped accessible.

He was also provided with personal care and housekeeping assistance. Delbert also began to receive home delivered meals. Last October, Delbert celebrated his 65th birthday. Because he was confined to a wheelchair and very isolated and lonely, his doctor prescribed socialization and exercise to combat his depression. Now, every Tuesday and Thursday Delbert rides in a handicap accessible van to the Benton County Senior Services Center where he participates in an exercise program.

He now enjoys his newfound friends and enjoys games and other activities at the senior center. Thanks to these aging and disability support services, Delbert lives with dignity and independence. Without this assistance he would, no doubt, have spent the past few years in a long-term care facility at enormous cost to the public.

If SSBG gets cut severely this year, millions of Meals on Wheels to homebound seniors may not be delivered next year to people who rely on them. States are already scaling back congregate and home delivered meal programs because of last year's Federal funding cuts. Although Congress increased Older Americans Act funds for home delivered meals by 31% last year, it simultaneously cut the Social Services Block Grant and the USDA Nutrition Program for the Elderly, which resulted in a net loss of \$300,000 in Federal funds to Arkansas. Unless we act, this year's cuts will be even greater.

To put the cost of home delivered meals in perspective, the cost of providing home delivered meals to a senior for one year costs about as much as one day's stay in the hospital for one person. I don't know about you, but I think that is pretty affordable.

The irony of the situation is that these draconian cuts to SSBG come at a time when our budget is experiencing unprecedented surpluses. That is why I respectfully disagree with some of my colleagues who support these crippling SSBG funding cuts. They argue that Governors can offset these cuts with tobacco settlement money or TANF funds, but I think this is unrealistic. Governors are spending most of their tobacco settlement funds on health related initiatives and smoking prevention programs.

I supported an amendment during last year's Labor/HHS/Education appropriations process to restore funding to the SSBG, although it did not pass. Recently I cosponsored legislation by Senators GRAHAM and JEFFORDS to restore SSBG funding. When I was in the

House of Representatives and voted for welfare reform, an agreement was made between Congress and the states to decrease SSBG from \$2.8 billion to \$2.4 billion until welfare reform was firmly established. In FY 03, Congress was to restore funding to the \$2.8 billion level. Clearly, Congress has not operated in good faith in honoring this agreement.

I believe that the Older Americans Act and the Social Services Block Grant are vital safety nets for our nation's seniors. I hope the Senate will do the right thing by passing a pro-senior Older Americans Act and restore funds to the Social Services Block Grant.

I don't know about my colleagues, but I do know there is not a day that goes by that I don't think of the contribution of an elderly person in my life.

I would like to close by reading a quote by Senator Hubert Humphrey that you may be familiar with:

It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the disabled.

I think we have a wonderful opportunity to help the young, the old, the sick, the needy and the disabled by restoring the cuts to the Social Services Block Grant and reauthorizing the Older Americans Act.

Let's get to work!

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa is recognized.

THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, I have come to the floor to speak as a member of the Judiciary Committee, but I will back up the Senator from Arkansas on one very key point that I hope can happen in this Congress. I urge, as she has done, that a bill to reauthorize the Older Americans Act come to the floor of the Senate because it has been so long since that law has been reauthorized on a permanent basis. I understand it has been reauthorized on a year-to-year basis, but not on a permanent basis as it ought to be, or at least for a multiyear basis. So I urge that action to be taken at this particular time.

INTERNET MEDICAL PRIVACY

Mr. GRASSLEY. Mr. President, I come to the floor to speak on the subject of technology. The message on technology is very simple. Technology is moving fast, but somehow Congress does not pass laws that keep up with the technology. I wish to state the proposition that, from the standpoint of the right to privacy, our laws cannot be left behind. Every day, more and

more Americans are waking up to what technology can do to improve their lives. Thanks to the hard work of the American people in the technology sector, we live in an amazing time. Congress didn't bring about this revolution, and Congress should not do anything to impede the rapid changes taking place in technology.

However, one of the main threats to the growth of electronic commerce is the risk of a massive erosion of privacy. While the Internet offers tremendous benefits, it also comes with the potential for harm. If we lack confidence that our privacy will be protected online, we won't take full advantage of what the Internet has to offer. The Judiciary Committee is now considering a bill to protect the privacy of Internet users. I want to focus on one particular issue, and that is maintaining privacy of personal health information obtained by web sites.

I happen to believe, as a matter of basic principle, that information about my health is very personal, and nobody else should know that without my permission. So I am pleased to join my colleague from New Jersey, Senator TORRICELLI, in cosponsoring an amendment on this issue before the Judiciary Committee. I think it will be up this week, on Thursday.

The amendment Senator TORRICELLI and I plan to sponsor will give citizens a chance to control any health information that they might provide while surfing the web. None of that will be passed on to others without their explicit permission. Our amendment simply provides that a commercial web site operator must obtain permission from a person before sending health information to another entity. In addition, it would require that individuals be told to whom their medical information will be released if permission is given.

I know to people watching this sounds like a pretty simple, common-sense thing, that there would be no dispute and it ought to be part of the laws of our country under our Constitution that personal information not be sold or used by anybody else without the personal permission of the person who that medical information is about. It sounds pretty simple that it ought to be part of our law. It appears to be such common sense that maybe we should not even have to deal with that; it is just common sense that nobody else should profit from your personal information without telling you about it and without your permission.

It is only fair—it seems to myself and to Senator TORRICELLI—to put that burden on the web site operator and not on the consumer. Medical information can be highly personal, and consumers face serious risk if it becomes a public commodity that can be bought and sold without the individual's consent. If that is allowed, then we are all at risk.

As far as your own personal information being a public commodity that can be sold—outside the fact that it shouldn't be done without your permission, not only to protect your privacy but you ought to know about the information being disseminated and to whom it is going, it is also the fact that personal health information, if it is a commodity, is under your personal, private property rights, and they ought to be protected just as personal property rights are protected under our Constitution.

The Department of Health and Human Services is working on regulations to finalize medical privacy rules this summer. I understand that for the most part those rules would set up a mechanism so individuals would have to opt into the procedure of giving permission for their medical information to be disseminated—opting in meaning that you have to actually say, I give permission for my medical information to be used in such and such a way, as opposed to kind of an opt-out situation where your personal medical information will be disseminated unless you say it can't be disseminated. From that standpoint, the Department of Health and Human Services rules, which they say will actually come out this way, will be in agreement with the goals of our amendment. I see the need to allow the process in the Department of Health and Human Services to finish.

The current draft of our amendment explicitly will not interfere with those rules and the rulemaking process now going on, and it also does not apply to entities subject to those proposed rules, such as health plans and providers.

Our amendment gets at those commercial health web sites to which the protections of Health and Human Services rules will not apply. But having said that, our amendment is pending.

Having made clear that our amendment does not interfere with the Department of Health and Human Services rulemaking now going on, I want to put President Clinton on notice, if it turns out that the final Health and Human Services rules are inadequate from the standpoint of protecting the personal privacy of health information of individuals, having this amendment in the bill as a placeholder will provide those of us in Congress who are concerned about this issue of privacy of medical health information a vehicle to strengthen the HHS rules legislatively in the future if necessary. There should be ample time for that because realistically we all know that more work will have to be done on Internet privacy before final enactment.

Senator TORRICELLI and I are open to ideas on how to improve the amendment. But let me make clear that I am adamant on the point that people should have a basic right to control their medical information, and to con-

trol it from the standpoint of making a separate individual decision as to whether that information can be disseminated—not from the opposite point of view that if they fail to say it can't be used it can be legally disseminated. I believe that very strongly.

We all know there are special interests out there that do not agree with us. I happen to think they are wrong. I look forward to having this issue aired fully in the committee. We should protect citizens' most confidential information from those who misuse it. I suppose there is a lot of confidential information other than just medical information about an individual that we ought to be concerned about. But I can't think of anything more personal or that could be more destructive to the individual than medical information.

We should also arm our citizens to make a thoughtful and informed decision on how their health information will be used—even educating them about the possibility that because they use the Internet certain health information about them can be disseminated. I am not so sure that we don't take the use of the Internet and technology so much for granted today that we often don't think about what we are doing and what we are putting into it about ourselves, and who might be making use of that. It is important for us to be informed about the possibilities. Once we have done that, I think the American people can be assured that they can go online without having surrendered their privacy rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

SECURITY BREACHES AT NATIONAL LABS

Mr. KYL. Mr. President, one of the reasons we have time today is to discuss the breach of security at the National Laboratories. I want to address that subject for a moment this afternoon.

We are all aware of what happened in the last couple of weeks regarding the lost computer disks at the Los Alamos National Lab, and the news that those disks have now been found. But the questions remain about what happened to them during the time they were gone—whether or not they were copied and whether or not in any event our National Laboratories are, in fact, secure.

Let me go back in time to about a year ago when we were debating the Defense authorization bill of last year. One of the portions of that bill was an amendment that I offered, along with Senators DOMENICI and MURKOWSKI, to create a new semiautonomous agency at the Department of Energy, the Department of Energy Reorganization

Act. That was in response to the recommendation of one of the President's own commissions, a group called the President's Forward Intelligence Advisory Board, or the so-called PFIAB Act.

Former Senator Rudman chaired the President's Foreign Intelligence Advisory Board and made some recommendations concerning the creation of this semiautonomous agency in response to the effect of the theft of some of our most sensitive nuclear secrets from the Los Alamos Lab a few years ago.

We discovered that the Chinese Government had possession of what were, in effect, the blueprints for some of our Nation's most sophisticated nuclear weapons ever built. We didn't know how those blueprints were obtained by the Chinese Government, but we believe they had to have been obtained from the Los Alamos nuclear lab. We determined that we needed to make some changes in security practices at the laboratory.

It was believed that a scientist there by the name of Wen Ho Lee had taken charge of these documents and had somehow gotten them to someone representing the Chinese Government—a matter that has not yet been proven. We wanted to get to the bottom of it, and to make sure there would never again be a security breach at our National Laboratories.

By way of background, these National Laboratories, two of them—Lawrence Livermore and Los Alamos—are technically run by the University of California at Berkeley. But they do their weapons work under the auspices of the Department of Energy.

The PFIAB reports found that the culture of the laboratories to promote good science and develop all of these new technologies relating to nuclear weapons was such that it would be very difficult to reform from within, for either the Department of Energy or the laboratories themselves to put into place the security measures necessary to protect these secrets.

As a result, the Foreign Intelligence Advisory Board recommended the creation of an autonomous agency, totally separate and apart from the Department of Energy, under which this work is done, or, at a minimum, the creation of a semiautonomous agency within the Department of Energy for this weapons work to be done. Some called it a stovepipe; in other words, an organization within the Department of Energy that was totally enclosed, that would be run by an Under Secretary, and would be very much focused on security at the labs.

The Secretary of Energy, Bill Richardson, didn't like this idea. He wanted to remain in charge. On the debate just about a year ago, my colleagues on both the Democrat and Republican sides of the aisle concluded that the

President's own Foreign Intelligence Advisory Board was correct, that we should create a semiautonomous agency and take that out of the Secretary's direct control. The Secretary was so much opposed, he tried to get the President to veto the bill over that, because we passed it in the Senate and the House of Representatives passed it. It became part of the Defense authorization bill for last year. The President signed the bill, and it became the law.

The Secretary continued to fight it, maintaining he should maintain the jurisdiction over this nuclear weapons program, that he could do the job. As a result, the President did not send up the name of this Under Secretary to head this new, semiautonomous agency, and Secretary Richardson did not implement the new law. He did virtually nothing to see that the new law was put into place. He kept maintaining that he was in charge and that so long as there was not an Under Secretary, he would still personally be in charge.

In fact, he testified last October before the Congress that he would remain in charge until a new person was put in charge. He specifically said: The buck stops with me. He said: The President has asked me to remain in charge until there is a new Under Secretary, and the President will hold me accountable, and I intend to be held accountable.

Senator FITZGERALD asked him a specific question as he said: The buck stops with me. Senator FITZGERALD asked the Secretary: If, God forbid, there should be a security breach at one of the laboratories, you would assume full responsibility, is that correct? And Secretary Richardson said: Yes, I will assume full responsibility.

Now, that was then and this is now. We know there was not an Under Secretary appointed, that Secretary Richardson continued to maintain control over the situation, to take the responsibility for it, to assure the American people that our weapons labs were safe and secure. In fact, he said last year: I can assure the American people that our nuclear laboratories are safe and secure. Because he was in charge.

But what we now know is this past April and May, or presumably during that period, sometime in April, at the Los Alamos Nuclear Laboratory, two hard drive disks containing some very sensitive information relating to both U.S. and other countries' nuclear weapons were taken from the vault, from a portion of Division X of the nuclear program at Los Alamos. They were missing. They were missing for several weeks. They were believed to have been found in the last few days behind a copy machine in Division X. But the FBI has not yet disclosed its findings with respect to how the disks were removed, how they were returned, and what might have happened to them in the interim.

The Secretary said he believes an employee was trying to cover up the fact that he had the disks and that there is no evidence they have been copied. The fact is there is no evidence either way. It is very difficult for the FBI to determine whether or not these hard drive disks were, in fact, copied. We may know more about that in the next several days. Whether they were, whether someone also has that sensitive information or not, there was still a significant security breach and lapse at the laboratories, revealing that they are still not safe and secure; there are still problems. We have to figure out what to do about it.

What would happen if that information had been obtained by someone else? In addition to telling that person or country a lot about our nuclear weapons and how they work, it would have provided an opportunity for them to understand how we intended to dismantle or disable a nuclear weapon because these disks were in the possession of the team we have put in charge of disarming a terrorist nuclear weapon. There is a special kit prepared, and these disks are part of that kit. If we find that there is a nuclear device somewhere in the country, these experts will immediately take that kit to the site and begin to try to dismantle the weapon. The hard drives contain information which is helpful to them in determining how to dismantle the weapon. Obviously, if you have that, you have some ideas about how to prevent the dismantling and how to boobytrap it if you are a terrorist. It is an important piece of information.

What happened from the time Secretary Richardson maintained he was in charge until now?

Finally, last month, the President sent up the name of Gen. John Gordon to become the Under Secretary and head up this agency. But the Senate still hadn't confirmed General Gordon until last month. Why? Because Democrats were still trying to change the underlying law, at Secretary Richardson's request.

A member of the Senate minority had held up the confirmation vote on General Gordon for several weeks, almost a month, trying to get us to make changes in the law that were acceptable to Secretary Richardson. It wasn't until the embarrassment of last week that they finally agreed to have a vote. Of course, when we took the vote, his confirmation was approved 97-0. Presumably, he is on the job as of today. I have a great deal of confidence in General Gordon, if Secretary Richardson will allow him to do his job. That remains the question.

I summarize in the following way: It is clear we still have problems at our national labs. It is clear that General Gordon and his new semiautonomous agency needs to be allowed to get to the bottom of the situation and to put

into place protections that will prevent further security breaches at our national labs.

I believe Secretary Richardson should step down from his position for two reasons. First, it was his choice to maintain personal responsibility over this for the last year. We afforded him the opportunity to put somebody else in charge. At one point I said to him: Mr. Secretary, cooperate with us. Let's get an Under Secretary nominated and put into place and let that expert run this semiautonomous agency and give him the responsibility for this. Secretary Richardson, in effect, said: No, I will remain personally responsible because I want to do it my way.

Because he wanted to take personal responsibility, contrary to the law that had been then signed by the President, and because he said he would accept full responsibility, it seems to me we should now take him at his word and allow him to assume full responsibility by taking the blame, rather than passing it on to other people.

The second reason he should step down is that I don't have confidence in him allowing General Gordon to do the job even now. He has "dual-hatted" several employees in the Department of Energy, asking that current people be allowed to fill positions we created under this new law, positions we intended to be part of this separate, semiautonomous agency, not employees of the Department of Energy who would wear two hats—their regular Department of Energy hat and fulfill the responsibilities under this new law.

We don't think you can do both. Secretary Richardson didn't want to have separate employees. He wants to use his own employees under his control, and therefore he has been dual-hatting these employees. To this day, I don't know whether he will allow separate employees to be hired, whether he will allow General Gordon to bring his own team, or allow him to do the job as he sees fit, or whether Secretary Richardson will continue to maintain the fixation for personal control of the situation. I have no confidence in that. I call for him to step down and allow General Gordon to do the job. That is what the law provides. That is why the President signed the law. I think the American people want to know that our nuclear weapons laboratories will be secure. This is the only way they will be secure.

Finally, I heard a colleague on television yesterday say, back in his day, President Bush issued a regulation which changed some of the security procedures at the laboratories, as if somehow that had something to do with what has recently occurred. The point is this: If Secretary Richardson was in charge, then he had the full authority to change anything he didn't like, including any directives President Bush may have put into place. But Secretary Richardson's bent is to blame

other people rather than accept the responsibility himself. So if he thought there was something wrong with the way President Bush did it, he could have corrected it since. Remember, he was in charge.

My purpose here is not just to point the finger at Secretary Richardson for political purposes but to say that until he steps aside, I don't have any confidence the situation is going to get any better because he has had a year now to correct the situation, and all he has found time to do is to criticize others when he himself had accepted the responsibility.

I am hoping, A, that the FBI will in the next few days get to the bottom of it, tell us exactly what occurred, and hopefully be able to assure us that no secrets have gone to an unauthorized party; B, that the people responsible for the breach in security will be found and will be properly punished; and, C, that General Gordon will be allowed to do his job, as Senator Rudman's commission, the President's advisory commission, and the Congress hoped when we passed the legislation creating his position and this new semiautonomous agency.

The American people deserve to know that our most important nuclear secrets can be kept safe and secure. Especially with the terrorist threat that confronts this country, we need to know we can disarm a terrorist nuclear weapon if we should ever be faced with that particular kind of threat. We need to know our ability to do it has not been compromised.

For that reason, I hope that the Secretary will step down, that General Gordon will be able to do his job, and that from now on our nuclear laboratories can operate in a way that protects the vital information they have been able to develop over these many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

LEGISLATIVE AND EXECUTIVE RELATIONS

Mr. THOMAS. Mr. President, I thank particularly the Senator from Arizona for his very thorough and accurate description of where we are and where we have been in terms of our nuclear security, in terms specifically of the Los Alamos matter, and more importantly, of course, where we are in terms of

overall security, which has to be one of the most important things this Government has to do. The Senator is probably one of the more knowledgeable Members in terms of the military, in terms of intelligence, so I appreciate that very much.

Unfortunately, we have been through this now several times, the matter of having a system upon which we could rely for the security of our nuclear arsenal and secure military information. And even though this is a very trying thing we are involved in now, really the overall system is what is worrisome. If we are having these kinds of difficulties at Los Alamos—there are a number of places in this country where, of course, we are required to have security—and if we have that notion that there is no more security there than there has proven to be, then we have to wonder, of course, about the other facilities in this country which require the same kind of security.

I believe, as the Senator mentioned, the real issue is that we went through this before, not very many months ago. I happen to be on the Energy Committee in which we listened to this a great many times; we listened to the Wen Ho Lee question, and we heard from the Secretary that now we were going to take care of this issue and now you could rest assured we would have security.

The fact is we do not. The fact is that apparently there are some very simple kinds of things that could be done that would have alleviated this problem. It is difficult to understand that in a place such as Los Alamos, where you have secure storage for this kind of information, as someone said, you have less security than Wal-Mart in terms of checking in and out. That is really very scary.

So my point is that we really have to take a long look at the system. As the Senator pointed out, Congress established a while back a semiautonomous unit that was to have responsibility for nuclear security. The Secretary did not approve of that. The President, despite the fact that he signed it, did not approve it either, and therefore it was never inaugurated; it was never put into place. That raises another issue, of course, that is equally troubling to me, and that is that this administration has sort of had the notion that, if we don't agree with what the Congress has done, we simply won't do it, or, if we want to do something the Congress doesn't agree with, we will go ahead and do it.

That is really troublesome to me in that one of the real benefits of freedom, one of the real benefits of the operation of this country over the years, has been the division of power, the constitutional division among the legislative, the executive, and the judiciary. It is so vital, and we need to retain it. We find increasing evidence of the fact

that some of it, of course, is in the closing chapters of this administration, but they are determined that if they don't happen to like what the Congress has done or can do something that Congress will not accept, they go ahead and do it. This is not right. This is really very scary.

We have, as you all know, a great many young people who come to visit the Senate, come to visit their Capitol, and I am delighted that they do. People want to see all the buildings, and they want to see the people who are currently filling these offices and in the White House. But the fact is that the Constitution is really the basis for our freedom. That is what other countries do not have, a Constitution and a rule of law to carry it out.

So when we threaten the division of power, then it really is worrisome, and I think we have the great responsibility to make sure that that does not in fact happen. In this instance, I think we have had a pretty patent rejection of the things the Congress has done and put into law and that have not, indeed, been implemented.

There are a number of important matters, of course, that are before us as we enter into what are almost the closing months of this Congress. We have accomplished a number of things that are very useful; we have some tax reform, some welfare reform; we have done some things for the military, to strengthen it. There are a number of items, of course, yet to be done.

One of them, of course, that is imperative is the passage of appropriations, all of which have to be done before the end of September, which is the end of the fiscal year. One of the scary things for the Congress, I believe, again, with this sort of contest sometimes with the executive branch, is if we do not finish these things in time, the President would threaten, of course, as he did before, to shut down the Government and blame the Congress for doing that and use the leverage for the budget to be quite different from what the Congress would like it to be. Therefore, we need to move forward.

I was in Wyoming this weekend, as I am nearly every weekend. There is a good deal of concern about regulatory reform, the idea that, first of all, we have probably excessive regulation in many places. One of the most current examples, I believe, might be in the area of the price of gasoline where, without much consideration of where we were going and its result, we have had more regulations to control diesel fuel and gasoline, which is at least a part of the reason that gas prices are as high as they are, the lack of a policy in energy. We have allowed ourselves to become overly dependent on OPEC and the rest of the world by limiting or restricting, through regulation, our access to energy that could be produced in the United States so at least we

were not 60-percent dependent, as we soon will be, on overseas production.

Those are the things with which we ought to be dealing in terms of excessive regulation.

One of the ways to fix that is to have a system whereby once the laws are passed by the legislature and are implemented by the executive branch through regulation, those regulations should come back to the legislative body to ensure the thrust of the legislation is reflected in the regulations.

This happens in most States. Most State legislators have an opportunity to look at the regulations once they have been drafted to ensure it reflects the intent of the legislation.

We passed a law in 1996 to do that. Unfortunately, it has not worked. We have had 12,000 regulations. Very few have come back because they have to go through OMB to be scanned out, first of all. I believe there has been some effort to change five of them, but none of have been changed because the system does not work.

I introduced a bill 3 weeks ago that will give us an opportunity to look at the regulations and accept the responsibility that a legislature has to oversee the implementation of regulations to ensure the laws are carried out properly.

We have a responsibility for energy policy. I mentioned that. This administration does not have an energy policy. We have not dealt with the question of how to encourage and, indeed, should we encourage the production of domestic petroleum. We have great petroleum reserves in the West and in ANWR. Better ways of exploring and producing resources that are more protective of the environment are being developed. Yet we do not have a policy to do that. We find ourselves at the mercy of OPEC.

We have to deal with the question of coal production. There are ways in which we can use that resource and make it more environmentally friendly. We have to recognize that is a main source of electric production as we find ourselves using more and more electricity and our generating capacity is not growing, partly because of a lack of an energy policy. Interestingly enough, the problem we are having with security also is in the Energy Department. So the Senator's suggestion that perhaps we have some changes there may apply to some other issues as well.

Many of us are very interested in public land management. In the West, in my State, 50 percent of the State belongs to the Federal Government. In most States in the West, it is even higher than that. Nevada is nearly 90 percent federally owned.

The people who live there need a way with which to deal with the question of public land management. I happen to be chairman of the Subcommittee on National Parks. Clearly, the goal is to

maintain those resources. They are great natural resources. They are national treasures.

At the same time, as we maintain those facilities and resources they ought to be available to their owners—the taxpayers—to visit. This administration is seeking to limit access in a number of ways, such as a nationwide rule automatically designating 40 million acres roadless. I have no objection to looking at roadless areas. We have roadless areas, and we ought to manage those. It ought to be done on the basis of forest plans for each individual forest instead of one plan.

I see the Forest Service is proud of all the meetings they have been having to have input. I attended some of those meetings. The fact is, people have very little information available to them when they go to the meetings and cannot respond. Sometimes they are not asked to respond but only to listen to a broad description of where it is going. There was great discussion in the House about the Antiquities Act which is an old law. Theodore Roosevelt used it years ago. Most of us have no problem with the concept that the President can, through Executive order, change their lands and change their designation. This is limitless and has been used more over the last few months by this administration than at any time in memory without involvement of the local people.

All these things go together. Now we are faced with a proposition to take \$1 billion a year to acquire more Federal land without any recognition of the fact that the States in the West are already heavily federally owned.

These are some issues about which we need to be talking. My friend on the other side of the aisle in the previous hour was talking about Social Security. He was very critical of the idea of allowing Social Security payers to take a portion of their Social Security and invest it in equities in the marketplace so that the return will be four or five times what it is now.

Unfortunately, for young people, such as these pages, when they make their first dollars, 12.5 percent of it will be put into Social Security. If things do not change, there is very little chance they will have any benefits for them.

How do we change that? Raise taxes? I do not think people are interested in that. We can reduce benefits; I do not think many are interested in that.

One alternative is to take those dollars now invested under law in Government securities and return 1 percent on investment and allow 2 percent of the 12 percent to be invested in personal accounts. The account belongs to the payer and will be invested on their behalf as they direct, whether it is in equities, bonds, or a combination of the two. If they should be unfortunate enough to pass away before they ever

get the benefits, it will go to their estate.

There is great criticism about that on the other side of the aisle without a good alternative as to how we are going to provide benefits for young Social Security payers as they enter into the program. I should mention, one of the safety factors is that no one over 50 or 55 will be impacted or affected. Their Social Security will not change.

These are a few of the things with which we ought to be dealing.

Tax relief: We seem to be greatly concerned about what we do with excess money that will appear in this year's budget. Certainly, there are some things we ought to do. One of them, of course, is to adequately fund Government programs. I understand people have different ideas about that, but we can do that and there would still be substantial excess dollars available.

The next priority is to make sure Social Security is there and those Social Security dollars are not spent for operations, which is something we have done over years, until the last couple of years. That ought to be set aside so it does not happen. We ought to be dealing with Medicare making sure those dollars are set aside as well and not spent for operations so those benefits will be available.

Frankly—and I realize there are different views and that is what the Senate is about—but there are those generally on that side of the aisle whose idea—and it is legitimate—is that the Federal Government ought to be spending more, doing more; the Federal Government ought to undertake to solve all these problems. I do not happen to agree with that. I happen to think we ought to have a limited Federal Government; that, indeed, we ought to do those things the Federal Government ought to be doing, but it should not be involved in all of our lives. That is what the private sector is for. That is what local governments are for. That is what State governments are for.

Of course, that is the philosophical argument with which we are all faced. One of the elements of that is tax relief. We have passed one tax relief bill this year. We passed the marriage penalty tax which is more of a fairness issue than anything. It deals with the fact that a man and woman, earning a certain amount of money, unmarried pay a certain amount in taxes. These two same people get married, earning the same amount of money and pay more income taxes. It is wrong. We passed a bill in both Houses. Now we need to make sure the President signs it.

The estate tax is another one that takes away over 50 percent of an estate above a certain level.

We ought to make that more fair. Tax relief is certainly one of the things that we ought to be doing, that we

ought to be talking about. Unfortunately, what we are faced with now is that we find ourselves in a position where I think many in the body are more interested in creating issues than they are in finding solutions. We find the same issues being brought up time after time after time. For example, my friend again talked about gun control this morning. He talked about additional laws, when the fact is, clearly, what is really important is the enforcement of the laws that we have now.

In the Colorado incident, there were 22 laws broken. Do we need more laws? Probably not. What we need to do is enforce them. The General Accounting Office did an audit of the effectiveness of the national instant criminal background check. As of September of 1999, the ATF headquarters staff had screened 70,000 denials and concluded that only 22,000 had merit. Only 1 percent of those denials were ever pursued as to if the person trying to buy a gun was, in fact, legally allowed to. Clearly, that issue has been talked about here. It basically has been resolved.

We keep talking about the Patients' Bill of Rights. We passed it in both Houses. The question now is whether, when you need an appeal from your HMO, you go to the court or physicians in an appeal position, whether you want to take a year and a half to go to court, or whether you want an automatic and quick response from professionals in the medical profession who say: Yes, do it. That is where we are.

You hear in the media that the Senate defeated the Patients' Bill of Rights. That is not true. The Patients' Bill of Rights has been passed by this Congress in both Houses. We need now to put it together. Indeed, it is in conference.

We find ourselves debating education. We find ourselves having to pull away from the elementary and secondary education bill in which the Federal Government participates—not heavily. The Federal Government's role in funding elementary and secondary education is about 7 percent of the total expenditure. But the argument is whether the decisions are made in Washington as to how that 7 percent is used before it is sent down to the school districts or whether we send down the 7 percent and let the States and the school districts decide, which is what our position is on this side.

I spoke at a graduation a couple weeks ago in Chugwater, WY. The graduating class was 12. You can see that is a pretty small school. The things they need in Chugwater, WY, are quite different than what you need in Pittsburgh or Philadelphia or Washington, DC. So if you are going to really be able to help all different kinds of schools and have the flexibility to do that, clearly, you have to transport those decisions to State and local government.

These are some of the things in which we find ourselves involved. I am hopeful we can move forward. I do not expect everyone to agree. Certainly, that is not why we are here. But we ought to have a system where, No. 1, after we have dealt with an issue, we can move on to the next issue, and not have it continuously brought up as nongermane amendments, which is happening all the time. We ought to be able to say, we have a system where we can participate. But we have a system that can hold everything up, which is being used now in not allowing us to move forward as we should.

As you can imagine, it gets just a little bit nerve-racking from time to time when you think of all the things that we could be doing, and need to be doing, but find it difficult to do.

Finally, there is something, it seems to me, that would be most helpful if we could do it a little more. We are talking now about the reregulation of electricity, trying to make it competitive so there would be better opportunity for people to choose their supplier, so there would be a better opportunity for people to invest in generation, and do all those things. But we really have not decided where we want to go and where we want to be.

One of the things that seems to be difficult for us to do in governance is, first of all, to decide what we want to accomplish and then talk about how we get there. It sounds like a fairly simple routine, but it is not really happening. It would be good if we could do that, if we could say, for example, in terms of the Patients' Bill of Rights: All right, what do we want the result to be? What is our goal? What do we want to accomplish? and see if we could not define that, and then make the rules, make the regulations, pass the laws that would implement that decision. But instead, if we do not have that clearly defined, it seems that we continue to go around and around.

I am sometimes reminded by children of Alice in Wonderland. She fell through the hole in the Earth and was lost, and she talked to people to try to get some directions. None of them were very useful. She finally came to the Cheshire cat who was sitting up in a tree at a fork in the road.

She said: Mr. Cat, which road should I take?

He said: Where do you want to go?

She said: I don't know.

He said: Then it doesn't make any difference which road you take.

That is kind of where we are in some of the things we do. In any event, we are going to make some progress. I hope that we move forward and get our appropriations finished. I hope we can do something on national security. We need to have a system that works to decide what it is we want to accomplish, how we best accomplish that, and put it into place.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT TO S. 2549

Mr. THOMAS. Madam President, I have a unanimous consent request. I ask unanimous consent that notwithstanding the current unanimous consent agreement, Senator HATCH be recognized at 4 p.m. to offer his amendment regarding hate crimes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. THOMAS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith of New Hampshire amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

Mr. WARNER. Madam President, if my recollection serves me, the senior Senator from Massachusetts was to offer an amendment which would be the subject of debate for some period of time. That would be followed by the senior Senator from Utah, Mr. HATCH, who likewise will offer an amendment that would be the subject of debate. I see my distinguished colleague. I yield to him for any clarification he wishes to make of my statement.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am here in part today to offer Senator KENNEDY's amendment on his behalf and to speak in support of it. If the good Senator from Virginia is ready and wishes to do that, we could perhaps go through some of the cleared amendments on the authorization bill. I am

happy to do it either way, to join with him in offering those amendments now for a few minutes and then to introduce the Kennedy amendment, if he would like.

The PRESIDING OFFICER. The Chair wishes to inform both Senators that the unanimous consent request was modified a brief time ago to provide for the Senator from Utah to offer his amendment at 4 o'clock.

Mr. WARNER. Madam President, I am glad to be informed of that.

The PRESIDING OFFICER. It did not affect the positioning of the amendment of the Senator from Massachusetts, which the Chair believes is to be offered first.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At this time, Senator LEVIN and I will act on some cleared amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, so we keep this clear, there is a unanimous consent agreement that is currently in place, as modified, so that immediately following the introduction of the Kennedy amendment and Senators speaking thereon, at 4 o'clock Senator HATCH would then introduce his amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Madam President, I ask unanimous consent that we maintain that unanimous consent agreement in place without modification, exempt that prior to my offering the Kennedy amendment, it be in order for the Senator from Virginia to proceed with the cleared amendments, as he has indicated. I further ask unanimous consent that immediately following my introduction of the Kennedy amendment and speaking thereon, the Senator from Minnesota be recognized to speak in support of the Kennedy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 3458

(Purpose: To clarify the duty of the Department of Veterans Affairs to assist claimants for benefits)

Mr. WARNER. Madam President, on behalf of Senator MCCAIN, I offer an amendment that would clarify that the Secretary of Veterans Affairs must assist claimants in developing claims for VA benefits.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCain, proposes an amendment numbered 3458.

The amendment is as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

“§ 5107 Assistance to claimants; benefit of the doubt; burden of proof

“(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

“(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

“(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

“§ 5107 Assistance to claimants; benefit of the doubt; burden of proof.”

Mr. LEVIN. Madam President, this amendment has been cleared. We support it.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3458) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3459

(Purpose: To authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or otherwise commemorate, certain individuals)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DODD, proposes an amendment numbered 3459.

The amendment is as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking “the unmarked graves of”; and

(2) by adding at the end the following:

“(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.”

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

Mr. LEVIN. Madam President, this amendment would authorize the Secretary of Veterans Affairs to furnish headstones or markers for certain individuals. I believe the amendment has been cleared on both sides.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3459) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3460

(Purpose: To add \$30,000,000 for the Navy for the procurement of Gun Mount modifications; and to offset the increase by reducing by \$30,000,000 the amount authorized to be appropriated for the Navy for procurement for aircraft (\$13,100,000 from the amount for the block modification upgrade program for P-3 aircraft, \$9,000,000 from the amount for the H-1 series to reclaim and convert aircraft from the aerospace maintenance and regeneration center, and \$7,900,000 from the amount for procurement of SH-60R aircraft)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WARNER, proposes an amendment numbered 3460.

The amendment is as follows:

On page 17, line 7, strike “\$1,479,950,000” and insert “\$1,509,950,000”.

On page 17, line 5, strike "\$8,745,958,000" and insert "\$8,715,958,000".

Mr. LEVIN. This amendment authorizes modifications for gun mounts for surface ships.

Mr. WARNER. This amendment has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3460) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3461

(Purpose: To provide, with an offset, \$8,000,000 for research, development, test, and evaluation for the Air Force for Electronic Warfare Development (PE604270F) for the Precision Location and Identification Program (PLAID))

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself and Mr. COVERDELL, proposes an amendment numbered 3461.

The amendment is as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$8,000,000.

(2) Of the amount authorized to be appropriated by section 201(3), as increased by paragraph (1), the amount available for Electronic Warfare Development (PE604270F) is hereby increased by \$8,000,000, with the amount of such increase available for the Precision Location and Identification Program (PLAID).

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by \$8,000,000, with the amount of the reduction applied to Electronic Warfare Development (PE604270A).

Mr. LEVIN. Madam President, this amendment would add \$8 million for research, development, test, and evaluation for the Air Force for Electronic Warfare Development for the Precision Location and Identification Program. I believe the amendment has been cleared by the other side.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3461) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3462

(Purpose: To add \$30,000,000 for the Navy for the procurement of CIWS MODS for block 1B modifications; and to offset the increase by reducing by \$30,000,000 the amount authorized to be appropriated for the Navy for procurement for the block modification upgrade program for the P-3 aircraft)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3462.

The amendment is as follows:

On page 17, line 7, strike "\$1,479,950,000" and insert "\$1,509,950,000".

On page 17, line 5, strike "\$8,745,958,000" and insert "\$8,715,958,000".

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3462) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3463

(Purpose: To require a report on submarine rescue support vessels)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3463.

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

Mr. LEVIN. Madam President, this amendment requires the Secretary of the Navy to submit a report on the submarine rescue support vessels. I believe it has been cleared by the other side.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3463) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3464

(Purpose: To require a GAO-convened independent study of the OMB Circular A-76 process)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3464.

The amendment is as follows:

On page 303, between lines 6 and 7, insert the following:

SEC. 814. STUDY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76 PROCESS.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study rules, and the administration of the rules, governing the selection of sources for the performance of commercial or industrial functions for the Federal Government from between public and private sector sources, including public-private competitions pursuant to the Office of Management and Budget Circular A-76. The Comptroller General shall be the chairman of the panel.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the Office of Management and Budget Circular A-76 process to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of federal labor organizations not represented on the panel.

(d) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary

to carry out a meaningful study of administration of the rules described in subsection (a), including the Office of Management and Budget Circular A-76 process. Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(e) **REPORT.**—The Comptroller General shall submit a report on the results of the study to Congress.

(f) **DEFINITION.**—In this section, the term “federal labor organization” has the meaning given the term “labor organization” in section 7103(a)(4) of title 5, United States Code.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3464) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3465

(Purpose: To authorize a land conveyance, Los Angeles Air Force Base, California)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, proposes an amendment numbered 3465.

The amendment is as follows:

On page 543, strike line 20 and insert the following:

Part III—Air Force Conveyances

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) **CONSIDERATION.**—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) **LEASEBACK AUTHORITY.**—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the fa-

cility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) **APPRAISAL OF PROPERTY.**—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) **EXEMPTION.**—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Part IV—Defense Agencies Conveyances

Mr. WARNER. Madam President, I would like to highlight the work of Congressman STEVE KUYKENDALL concerning this important amendment to the National Defense Authorization Act for Fiscal Year 2001. His tireless efforts over the past several months ensured this legislation was not only included in the chairman's mark during the House Armed Services Committee markup of H.R. 4205, but also that it remained unchanged during the debate on the House floor. Although I am confident that we could have resolved this issue in conference, there is always some risk when the House and Senate do not have identical legislation provisions. As a thorough legislator unwilling to take this risk, Mr. KUYKENDALL immediately sought my assistance after the House had acted on the bill to include the proposal in the Senate's defense authorization legislation. By ensuring that the land-for-building swap language is included in both the House and Senate authorization bills, Mr. KUYKENDALL has guaranteed that this innovative solution will appear in the final defense authorization legislation sent to the President for signature. I was glad to work with my colleague from the house to include his language in our bill, and appreciate Senator FEINSTEIN's support on this effort.

Mr. LEVIN. Madam President, this amendment would authorize the Secretary of the Air Force to convey a fair market value of approximately 110

acres at the Los Angeles Air Force Base. I believe this amendment has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3465) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3466

(Purpose: To provide an additional amount of \$92,000,000 for the procurement of remanufactured AV-8B aircraft for the Navy; and to offset the increase by reducing the amount provided for the procurement of UC-35 aircraft for the Navy by \$33,400,000, by reducing the amount provided for the procurement of automatic flight control systems for EA-6B aircraft by \$17,700,000, and by reducing the amount provided for engineering change proposal 583 for FA-18 aircraft for the Navy by \$40,900,000)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 3466.

The amendment is as follows

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) \$318,646,000 is available for the procurement of remanufactured AV-8B aircraft;

(2) \$15,200,000 is available for the procurement of UC-35 aircraft;

(3) \$3,300,000 is available for the procurement of automatic flight control systems for EA-6B aircraft; and

(4) \$46,000,000 is available for engineering change proposal 583 for FA-18 aircraft.

Mr. WARNER. This amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3466) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3467

(Purpose: To make available, with an offset, \$5,000,000 for research, development, test, and evaluation for the Navy for the Information Technology Center and Human Resource Enterprise Strategy)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3467.

The amendment is as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) AVAILABILITY OF INCREASED AMOUNT.—(1) Of the amount authorized to be appropriated by section 201(2), for research, development, test, and evaluation for the Navy, \$5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes specified in that paragraph are in addition to any other amounts made available under this Act for such purposes.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount available for Marine Corps Assault Vehicles (PE603611M) is hereby reduced by \$5,000,000.

Mr. LEVIN. Madam President, this amendment adds \$5 million to the authorization of the Navy's Information Technology Center. I believe this amendment has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3467) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3468

(Purpose: To increase the authorization of appropriations for the Marine Corps for procurement by \$2,000,000 for night vision (M203 tilting brackets), by \$2,000,000 for 5/4T truck high mobility multipurpose wheeled vehicles (including \$1,500,000 for recruiter vehicles), and by \$6,000,000 for the mobile electronic warfare support system; and to offset the total amount of the increase by reducing the authorization of appropriations for the Army for other procurement for the family of medium tactical vehicles by \$10,000,000)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3468.

The amendment is as follows:

On page 17, line 13, strike "\$1,181,035,000" and insert "\$1,191,035,000".

On page 16, line 22, strike "\$4,068,570,000" and insert "\$4,058,570,000".

Mr. WARNER. This amendment would increase Marine Corps procurement accounts \$10 million for various items. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3468) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3469 TO AMENDMENT NO. 3383

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 3469.

The amendment is as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

(d) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide is hereby decreased by \$5,000,000, with the amount of such decrease applied to computing systems and communications technology (PE602301E).

Mr. LEVIN. Madam President, this is a technical amendment to amendment No. 3383. I believe this has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3469) to amendment No. 3383 was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3470

(Purpose: To modify the management and per diem requirements for members subject to lengthy or numerous deployments; and to authorize extensions of TRICARE managed care support contacts)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON and Mr. CLELAND, proposes an amendment numbered 3470.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—Section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 637) is amended in the text of section 991 of title 10, United States Code, set forth in such section 586(a)—

(1) in subsection (a), by striking "an officer in the grade of general or admiral" in the

second sentence and inserting "the designated component commander for the member's armed force"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or homeport, as the case may" before the period at the end;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

"(A) is not the member's permanent training site; and

"(B) is—

"(i) at least 100 miles from the member's permanent residence; or

"(ii) a lesser distance from the member's permanent residence that, under the circumstances applicable to the member's travel, is a distance that requires at least three hours of travel to traverse.";

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "or"; and

(iii) by adding at the end the following:

"(C) unavailable solely because of—

"(i) a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

"(ii) a disciplinary action taken against the member.";

(b) ASSOCIATED PER DIEM ALLOWANCE.—Section 586(b) of that Act (113 Stat. 638) is amended in the text of section 435 of title 37, United States Code, set forth in such section 586(b)—

(1) in subsection (a), by striking "251 days or more out of the preceding 365 days" and inserting "501 or more days out of the preceding 730 days"; and

(2) in subsection (b), by striking "prescribed under paragraph (3)" and inserting "prescribed under paragraph (4)".

(c) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (1)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and

(2) shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government.

Mr. WARNER. Madam President, this amendment would modify the management and per diem requirements for the military service members subject to lengthy deployments and to authorize extensions of TRICARE management care support contracts. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3470) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3471

(Purpose: To require reports on the progress of the Federal Government in developing information assurance strategies)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SCHUMER and Mr. BENNETT, proposes an amendment numbered 3471.

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The protection of our Nation's critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation's critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation's critical infrastructure will continue to grow as foreign governments, terrorist groups, and cyber-criminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation's critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD-63) identifies 12 areas critical to the functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and comply with strategies intended to enhance the Nation's ability to protect its critical infrastructure.

(6) PDD-63 requires lead Federal agencies to work with their counterparts in the private sector to create early warning information sharing systems and other cyber-security strategies.

(7) PDD-63 further requires that key Federal agencies develop their own internal in-

formation assurance plans, and that these plans be fully operational not later than May 2003.

(b) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD-63). The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on the roles and responsibilities of the Department of Defense in defending against attacks on critical infrastructure and critical information-based systems. The report shall include the following:

(A) A description of the current role of the Department of Defense in implementing Presidential Decision Directive No. 63 (PDD-63).

(B) A description of the manner in which the Department is integrating its various capabilities and assets (including the Army Land Information Warfare Activity (LIWA), the Joint Task Force on Computer Network Defense (JTF-CND), and the National Communications System) into an indications and warning architecture.

(C) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare programs by potentially hostile foreign national governments and sub-national groups.

(D) A definitions of the terms "nationally significant cyber event" and "cyber reconstitution".

(E) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(F) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

Mr. LEVIN. This amendment provides for reports on the progress of the Federal Government in developing information assurance strategies. I believe this has also been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3471) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3472

(Purpose: To reform Government information security by strengthening information security practices throughout the Federal Government)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMPSON, for himself, Mr. LIEBERMAN, Mr. AKAKA, Mr. CLELAND, Mr. HELMS, Mr. VOINOVICH, Mr. ABRAHAM, and Ms. COLLINS, proposes an amendment numbered 3472.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. THOMPSON. Madam President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the committee's ranking minority member. This amendment deals with the important issue of information security at the Department of Defense and other Federal agencies. The amendment is essentially the same as S. 993, a bill reported by our committee this past April.

Senator LIEBERMAN and I introduced the original S. 993 last November as the result of the considerable time spent by the Governmental Affairs Committee last Congress examining the state of Federal government information systems. Numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures of government information systems which highlighted our nation's vulnerability to computer attacks—from international and domestic terrorists to crime rings to everyday hackers.

Report after report, agency after agency, we learned that our nation's underlying information infrastructure is riddled with vulnerabilities which represent severe security flaws and risks to our national security, public safety and personal privacy.

In fact, GAO believes the problems in the government's information technology systems to be so severe that it has put government-wide information security on its list of "high-risk" government programs—programs which are most vulnerable to waste, fraud, abuse and mismanagement.

For example, GAO told us:

That unknown and unauthorized individuals were gaining access to highly sensitive unclassified information at the Department of Defense;

That weaknesses in IRS computer security controls continue to place IRS systems and taxpayer data "at serious risk to both internal and external attack";

That "pervasive, serious weaknesses jeopardize State Department operations";

That "many NASA mission-critical systems face serious risks";

That flight safety is jeopardized by weak computer security practices at FAA; and

That, based on the most recent review of the government's 24 largest agencies, computer security weaknesses place critical government operations, such as national defense, tax

collection, law enforcement and benefit distribution, at risk.

At our hearings, we learned from the Director of Central Intelligence, George Tenet, that information warfare or cyberterrorism has the potential to deal a crippling blow to our national security if strong measures are not taken to counter it. Potential threats range from national intelligence and military organizations, terrorists, criminals, industrial competitors, hackers, and disgruntled or disloyal insiders.

Director Tenet stated that several countries, including Russia and China, have government-sponsored information warfare programs with both offensive and defensive applications. These countries see information warfare as a way of leveling the playing field against a stronger military power, such as the U.S.

We learned from the Director of the National Security Agency, General Minihan, that severe deficiencies exist in our ability to respond to a coordinated attack on our national infrastructure and information systems.

We heard from agents of the Social Security Administration's Office of Inspector General who described how computer crimes were committed by SSA employees. This demonstrated the danger of the "inside threat" to agencies that do not adequately monitor and limit access to computer information by their own employees.

And finally, we heard from reformed hacker, Kevin Mitnick, and learned of his ability to crack into systems without ever touching a computer. He told us that, even if we did everything else right, without strong personnel security, nothing is safe. He described how he successfully tricked the employees of a multi-national company into giving him pass codes to the company's security access devices. He said "The human side of computer security is easily exploited and constantly overlooked."

And, yet, even with evidence from all of these various experts on how information systems should be managed to prevent against attacks, year after year, we continue to receive reports detailing significant security breaches at Federal agencies.

The one thing that came through loud and clear is that at the core of the government problems is the absence of effective management. GAO told us "Poor security program planning and management continue to be fundamental problems . . . What needs to emerge is a coordinated and comprehensive management strategy."

To identify potential management solutions, we asked GAO to study the management practices of organizations known for their superior security programs. When GAO looked at eight organizations—most of which were private companies—GAO found that these

organizations implemented information security policies on an ongoing basis through a coordinated management framework.

Agencies clearly must do more than establish programs and set management goals—agencies and the people responsible for managing information systems in those agencies must be held accountable for their actions.

That is what Senator LIEBERMAN and I intend with this amendment. The primary objective of the amendment is to address the management challenges associated with operating in the current interdependent computing environment. It will provide a coordinated and comprehensive management approach to protecting information.

For example, the bill would:

Vest overall government accountability within the highest levels of the Executive Branch [Deputy Director for Management at the Office of Management and Budget];

Create specific management rules for agency heads, such as requiring agency-wide security programs;

Require agencies to have an annual independent evaluation of their information security programs and practices;

Focus on the importance of training programs and government-wide incident response handling.

Our amendment reflects changes made to S. 993 based on comments received from our colleagues in the Senate and working with the Department of Defense and others in the intelligence community, the Office of Management and Budget, the agency Inspectors General, and industry.

We urge support of our amendment and believe that, through continued vigorous oversight, we will drive the Federal government to focus on improving its computer security deficiencies. I look forward to working with my colleagues to ensure that government information technology systems are secure and that the information within those systems is protected from further attacks.

Mr. LIEBERMAN. Madam President, I want to thank Chairman WARNER and Ranking Member LEVIN for their foresight in accepting the amended text of S. 993, the Government Information Security Act, which was unanimously reported out of the Government Affairs Committee.

We are now far enough into the digital age to understand both its promise and its pitfalls. Our booming economy is driven in large part by the dot.com entrepreneurs who are providing goods and services faster and more cost-effectively than ever before in our history. But we are also experiencing threats to our privacy, to the integrity of our digitized information, and even to our ability to use our computers freely.

We know there will be trade-offs for the benefits government will reap in

the digital age. But, I offer this sincere warning now: information security cannot be one of them. With this amendment, we would lay the groundwork for securing much of the government's electronic information. Above all else, protecting the integrity, the availability and the confidentiality of information stored on federal computers is central to serving taxpayers in the digital age. And we must be vigilant about it.

Like the rest of the nation, the government is ever more dependent on automated information systems to store information and perform tasks. At hearings before the Government Affairs Committee last Congress, however, witnesses testified that such increased reliance has not been met by an equivalent strengthening of the security of those systems. It is chilling to think of less than perfect security in the context, for example, of tax and wage information the Internet Revenue Service maintains, troop movements monitored by the Defense Department, or public health threats analyzed by the Centers of Disease Control. Without proper security, government's dependence on computers would expose to exploitation all of this information—and much more.

Indeed, some of this information may be in jeopardy right now. A series of General Accounting Office (GAO) studies found government computer security so lax that GAO put the entire apparatus on its list of "high risk" government programs. GAO reported in September 1998 that inadequate controls over information systems at the Veterans Administration exposed many of its service delivery and management systems to disruption or misuse. In May 1998, the GAO gained unauthorized access to State Department networks, enabling the GAO, had it tried, to modify, delete or download data and shut down services. In May 1999, GAO reported that one of its test teams gained access to mission critical computer systems at NASA, which would have allowed the team to control spacecraft or alter scientific data returned from space.

Our problem is not simply a technical one. It is also a cultural one. The federal government can purchase and implement the most advanced security programs it can afford but unless top government officials acknowledge that our future depends on information security, those programs will be meaningless. But even high-level attention to and responsibility for security will mean little unless everyone and anyone who uses a computer—which, these days, must include practically every government worker—does their part to ensure the security of the system on which they work. This amendment, therefore, focuses on good management practices to ensure secure government information systems.

Had this amendment been in place earlier this year when the "Love Bug" and successive, mutating viruses wreaked havoc on the world's computers, government would have been better prepared to withstand the attack. I hope that government employees would have been more aware of the need to upgrade their systems' security software to ensure that such "worms," as they are called, were barred from the system. And this amendment's training provisions would have helped to ensure that employees were versed in the dangers of opening attachments from unknown senders.

The cornerstone of this amendment is the plan each agency must develop to protect sensitive federal information systems. Agency chief information officers (CIOs) would be responsible for developing and implementing the security programs, which must undergo annual evaluations and be subject to the approval of the Office of Management and Budget (OMB).

Because we need to change our cultural attitudes toward information security, the OMB also would be responsible for establishing government-wide policies promoting security as a central part of each agency's operation. And we intend to hold agency heads accountable for implementing those policies. This amendment requires high-level accountability for the management of agency systems beginning with the Director of OMB and agency heads. Each agency's plan must reflect an understanding that computer security is an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as the system is about to go online.

This amendment establishes an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of agencies' policies and procedures. This would be accomplished through reviews of agency budgets, program performance and financial management. And the amendment requires an independent, annual evaluation of all information security practices and programs to be conducted by the agency's Inspector General, GAO or an independent external auditor. I hope that the IGs will use their limited resources wisely and use their discretion in targeting those areas of their agencies' programs which require the most attention. In addition, I hope that agency heads will work with their IGs, especially when it comes to sharing information on potential threats to agencies' systems.

Our amendment requires that agencies report unauthorized intrusions into government systems. GSA currently has a program for reporting and responding to such incidents. The amendment requires agencies to use this reporting and monitoring system.

The amendment requires that the national security and classified systems

adhere to the same management structure as every other government system under our bill. This means they must develop a plan addressing security upgrades, although the plan need not be approved by OMB. To address particular concerns raised by the defense and intelligence communities, the amendment allows the heads of agencies with national security and classified systems to designate their own independent evaluators in the interest of protecting sensitive information and system vulnerabilities. And the Secretary of Defense, the Director of Central Intelligence, and other agency heads, as designated by the President, may develop their own procedures for detecting, reporting and responding to security incidents.

Finally, President Clinton has proposed a very creative idea known as the Federal Cyber Service designed to strengthen the government's cadre of information security professionals. Our amendment authorizes this program and gives agencies the flexibility they need to implement it. The program includes scholarships in exchange for government service, retraining computer information specialists and, as part of our campaign to influence cultural behavior, proposals to promote cyber-security awareness among Federal workers and high school and secondary school students.

Since Senator THOMPSON and I introduced S. 993 last November, we have worked closely with the Administration, the Department of Defense, the National Security Agency, the Department of Energy, the CIO Council, the Inspector General community, and interested parties outside government. We have made changes to address the concerns that have been raised and I am very pleased that the administration strongly supports the provisions.

Witnesses testifying at the Governmental Affairs Committee hearing on S. 993 were also very supportive of the bill. Jack Brock, Director of GAO's Governmentwide and Defense Information Systems Group in the Accounting and Information Management Division testified that "the bill, in fact, incorporates the basic tenets of good security management found in our report on security practices of leading organizations. . . ." He also said that "the key to this process is recognizing that information security is not a technical matter of locking down systems, but rather a management problem. . . . Thus, it is highly appropriate that S. 993 requires a risk management approach that incorporates these elements."

Roberta Gross, the Inspector General at the National Aeronautics and Space Administration testified that ". . . S. 993 is a very positive step in highlighting the importance of centralized oversight and coordination in responding to risks and threats to IT [informa-

tion technology] security." S. 993 ". . . importantly recognizes that IT security is one of the most important issues in shaping future Federal planning and investment . . . the Act makes it clear that each agency must be far more vigilant and involved than current practices."

Another witness, James Adams, Chief Executive Officer of Defense, a security consulting firm, testified that S. 993 is ". . . thoughtful and badly needed legislation . . ." which ". . . takes a crucial step forward." Ken Watson of Cisco Systems noted that S. 993 is consistent with what industry has already been encouraging, that is that ". . . security must be promoted as an integral component of each agency's business operations, and information technology security training is essential. . . ."

Mr. President, it is my hope that, if enacted, this amendment will improve our computer security to the point where the operations of government in the digital age are performed with the privacy and well-being of the American public in mind. Again, I am pleased the leadership of the Armed Services Committee has accepted this amendment because, in the digital age, there is no such thing as moving too quickly.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3472) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I believe we will proceed in accordance with the order.

Madam President, I rise this afternoon—14 days since the Senate first turned to consideration of the Fiscal Year 2001 Defense Authorization Bill—to, once again, emphasize the importance of the Senate passing this critical legislation. Our troops deployed around the world, many in harm's way, their families here at home, and all those who have answered the call to duty before them are waiting on the Senate to act.

Since June 6 when the Senate first began consideration of the Defense Authorization bill we have had productive debate and dialogue. The Senate has spent four days debating and voting on this legislation, and the Committee has done a great deal of work during the "down time"—when the Senate was considering various appropriations bills—in clearing many of the amendments that are in order on the authorization bill. We now have a Unanimous Consent agreement for the next day and a half to deal with several pending amendments. In my view, there is perhaps an additional day's worth of debate and votes on the remaining amendments which we believe will be

offered to this bill. I urge my colleagues to work with the Committee on any remaining amendments so that we can pass this bill in the Senate and send a strong signal of support to our troops.

Mr. President, I think it is useful to remind my colleagues of the amount of hard work that goes into the annual defense authorization bill. This year alone, the Armed Services Committee has conducted 50 hearings related to the defense budget, and spent four days—15 hours—in marking up the bill which is before the Senate.

This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of the Armed Forces and their families. It is a fair bill. It provides a \$4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women all of whom make great sacrifices for our country and many of whom are in harm's way on a daily basis by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. The Senate has passed a defense authorization bill each and everyone of those years. In fact, the Senate has passed a defense authorization bill each year since 1961—since the beginning of the current authorization process. This year, the House passed its version of the defense authorization bill by an overwhelming vote of 353–63. It is now the Senate's duty to fulfill its responsibilities on this important legislation.

But our responsibility to consider and pass the annual defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world.

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam

War in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I would like to take a moment to make my colleagues well aware of the impact of NOT passing The National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included legislation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

No extension of TRICARE benefits to active duty family members in remote locations;

No elimination of health care co-pays for active duty family members in TRICARE Prime;

No Thrift Savings Plan for military personnel;

No stipend for military families to eliminate their need to rely on food stamps (McCain amendment);

No five year pilot program to permit the Army to test several innovative approaches to recruiting; and

No transit pass benefit for Defense Department commuters in the Washington area.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including:

Special pay for health professionals in critically short wartime specialties;

Special pay for nuclear-qualified officers who extend their service commitment;

Aviation officer retention bonus;

Nuclear accession bonus;

Nuclear career annual incentive bonus;

Selected Reserve enlistment bonus;

Selected Reserve re-enlistment bonus;

Special pay for service members assigned to high priority reserve units;

Selected Reserve affiliation bonus;

Ready Reserve enlistment and re-enlistment bonuses;

Loan repayment program for health professionals who serve in the Selected Reserve;

Nurse officer candidate accession program;

Accession bonus for registered nurses;

Incentive pay for nurse anesthetists; Re-enlistment bonus for active duty personnel;

Enlistment bonus for critical active duty specialties; and

Army enlistment bonuses and the extension of this bonus to the other services.

And, Mr. President, without this bill, the Congress will not meet its commitment to our military retirees and their families to provide a comprehensive lifetime health care benefit, including full pharmacy services. Without this bill, military health care system benefits will continue to be denied to retirees and their dependents who reach age 65 and become Medicare eligible. Military beneficiaries will lose the earned military health care benefit that this bill finally restores to them.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemembers and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared.

Without this bill, efforts by the committee to continue to ensure that the DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction or mass disruption would not be implemented. Efforts that would not go forward without this bill include:

Establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism;

Fully deploying 32 WMD–CST (formerly RAID) teams by the end of fiscal year 2001;

Establishing an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and

Creating an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without the defense authorization bill:

Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH-60 "Blackhawk" helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorization as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, "Example is the best General Order." The Senate needs to take charge, move out, and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and to demonstrate to the men and women in uniform, their families and those who have gone before them, our current and continuing support and commitment to them on behalf of a grateful nation.

MILITARY INSTALLATIONS

Mr. COVERDELL. First, I would like to thank Senator WARNER and Senator LEVIN for their continued leadership on the Senate Armed Services Committee. Your efforts have helped reverse fourteen consecutive years of real decline in defense spending—a decline that has affected all aspects of our military, from morale to readiness. Our troops and our Nation are grateful for your leadership in stopping this decline.

I would like to take a moment to engage the chairman in a colloquy on one particular area within this bill—military construction.

Mr. WARNER. I thank the Senator for his kind words and would be glad to indulge him in a colloquy on this subject.

Mr. COVERDELL. Of course, we are all appreciative of what the committee has done for our bases across the Nation. As the chairman knows, Georgia has a proud military tradition. Currently it is home to thirteen military installations representing all branches of our military and housing some of our armed service's most vital missions. As is the case at military installations across the country most of the bases in Georgia are in need of new infrastructure.

Through my travels to Georgia's bases, I was struck in particular with the condition of the buildings at Fort

Stewart in Hinesville, Georgia, home of the 3rd Infantry Division. As the chairman and ranking member know, the 3rd I.D. is the heavy division of the Army's Contingency Corps. It is ready to go at a moment's notice and is part of our Army's "tip of the spear" force.

Despite this crucial mission, it is my understanding that Fort Stewart is the only major FORSCOM installation that still performs corps functions in World War II wooden buildings.

Mr. WARNER. The Senator is correct.

Mr. COVERDELL. It is clear to me that Fort Stewart needs more military construction dollars. However, I also understand that the committee and the Pentagon have certain parameters within they work to determine military construction dollars. I understand that one of the reasons Fort Stewart is not gaining authorization for military construction projects is that the projects I requested were not in the Pentagon's FYDP and that the committee uses the FYDP as its guide for authorizing military construction dollars. Is that correct?

Mr. WARNER. The Senator from Georgia is correct. We see many projects that need funding. However, in distributing scarce resources we must work with the Pentagon's priorities. While base commanders may have different views of what their bases need, if those priorities do not correspond with the Pentagon's priorities then it is different for us to assess the military value of the various projects.

Mr. COVERDELL. I thank the chairman. I have relayed similar views to Fort Stewart and will work with our other Georgia bases to ensure that they understand this process. I would like to ask the chairman how the committee views the situation at Fort Stewart.

Mr. WARNER. We agree that Fort Stewart needs new construction dollars and worked very hard this year to do what we could to help. We are committed to Fort Stewart's future and look forward to working with you, the base and the Pentagon to help it in the future.

Mr. COVERDELL. I thank the chairman for his remarks and look forward to working with him on this matter in the future.

Mr. CLELAND. I would like to join my distinguished colleague, the senior Senator from Georgia, Senator COVERDELL, in highlighting the critical needs of Fort Stewart in Georgia. I would also like to note my appreciation for the remarks of Chairman WARNER and his recognition of Fort Stewart.

I too would like to highlight the importance of Fort Stewart. Since its birth in 1940, Fort Stewart has seen a flurry of activity. Its original mission began as an anti-aircraft artillery training center and later evolved into a helicopter training facility, and is now

home to 3rd Infantry Division. Fort Stewart has shown its importance during the Korean war, Vietnam war, the Persian Gulf war, and even during the Cuban missile crisis. Through the years, Fort Stewart has adapted to the changing landscape of our military missions. Despite this glorious history, Fort Stewart needs our attention. Fort Stewart has important military construction needs to provide the critical infrastructure to fulfill its mission. It is my hope that through increased attention from the Department of the Army, the Pentagon, and the Congress, Fort Stewart's needs can be addressed. I thank my colleagues for engaging in this colloquy regarding such a vital facility.

AMENDMENT NO. 3473

(Purpose: To enhance Federal enforcement of hate crimes and for other purposes)

Mr. LEVIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself and Senator KENNEDY, proposes an amendment numbered 3473.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. Madam President, the Kennedy proposal has two major provisions. First, it strengthens current law as it relates to hate crimes based on race, religion and nation origin. Second, it broadens the definition of hate crimes to include gender, sexual orientation, and disability.

The two major provisions in the Kennedy amendment address specific loopholes in our current federal civil rights statute. Under current law, the federal government is limited in its ability to intervene in case unless it can be proved that the victim was engaged in one of six narrowly defined "federally protected activities," such as enrolling in a public school, participating in a state or local program or activity, applying for or enjoying employment, serving as a juror, traveling in or using interstate commerce, and enjoying certain places of public accommodation.

The other unduly severe limitation under current law is this: federal prosecution is limited to those crimes motivated by race, color, religion and national origin and does not allow for federal intervention in crimes motivated by a person's sexual orientation, gender, or disability.

The Senate has the ability and the responsibility to pass the Kennedy amendment and send a clear message that America is an all-inclusive nation—one that does not tolerate acts of

violence based on bigotry and discrimination.

Hate crimes are a special threat in a society founded on "liberty and justice for all." Too many acts of violence and bigotry in the last years have put our nation's commitment to diversity in jeopardy. When Matthew Shepard, a gay student was severely beaten and left for dead or James Byrd, Jr. was dragged to death behind a pick-up truck, it was not only destructive for the victims and their families, but damaging to the victims' communities, and to our American ideals.

When a member of the Aryan Nations walked into a Jewish Community Center day school and fired more than 70 rounds from his Uzi submachine gun, then killed a Filipino-American federal worker because he was considered a "target of opportunity," it not only affected the families of the victims but all those who share the traits of the targeted individuals.

In a united voice, we must not only condemn these acts of violence that terrorize Americans every day, but act against them. America's agenda will remain unfinished so long as incidents like those occur and statistics like the following threaten our people. According to the FBI Uniform Crime Reports, at least one hate crime occurs each hour. These are often acts of violence, not threats, verbal-abuse or hate speech, but criminal offenses.

In 1998, there were 7,755 incidents involving 9,722 victims. Of those incidents, approximately 56 percent were motivated by racial bias; 18 percent by religious bias; 16 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias, disability and multiple biases, and prejudices and hate.

In my own home state of Michigan, according to the State Police, there were 578 hate crimes in the same year. According to Donald Cohen, director of Michigan's Anti-Defamation League, racist, anti-gay and anti-Semitic activity is on the rise. In October of 1998, Cohen, who monitors hate crimes for his organization said "I can say I have seen more hate-group material circulated . . . in the last few months than I have seen in the prior two years."

As a result, civil rights and law enforcement officials, who were concerned about the rise of hate crimes in Michigan moved to counter them by founding the Michigan Alliance Against Hate Crimes. The Alliance is a statewide coalition working to provide support to victims of hate crimes and to identify, combat and eliminate such crimes.

The group was already in place last September, when this crime was committed in Grand Rapids, Michigan: a 30-year-old white man, Charles Raab, beat unconscious an African-American man, Willie Jarrett, ran him over with

a car three times and dragged him with the car for 80 feet, before he dislodged the victim and fled the scene. Witnesses said that during the scene, the attacker used racial slurs to describe his victim—who suffered wounds to his back, hands, chest, and shoulders, and had half of his ear torn off.

The Michigan Alliance Against Hate Crimes immediately assembled a "rapid response team" and worked with the local prosecutor to charge Raab, the attacker, under the Ethnic Intimidation Act—Michigan's hate crime law. In the end, Raab pleaded guilty to the charges against him and was sentenced to seven to twenty-five years in prison for the attack.

The city of Grand Rapids, along with the Michigan Alliance Against Hate Crimes, made sure that the perpetrator of this heinous hate crime was prosecuted to the extent of the law. Unfortunately, not all hate crimes are prosecuted so successfully. There are several states without such Alliances and hate crimes are not prosecuted with success either because state or local authorities do not have adequate resources or personnel; state and local authorities aren't as incensed as they should be or decline to act for other reasons.

In some cases, state or local authorities simply don't have jurisdiction to prosecute hate crime cases: 42 states have hate crime statutes but only 21 cover sexual orientation and disability and 22 cover gender. Michigan's Ethnic Intimidation Act, for example, is limited to crimes incited by a person's race, color, religion, gender or national origin, and does not include crimes motivated by a person's sexual orientation or disability.

The FBI Statistics show that the number of reported hate crimes based on sexual orientation is third only to those based on racial bias and religious bias.

My home state of Michigan has had its share of hate crimes based on sexual orientation. Last summer, an 18-year-old boy leaving a gay nightclub in Grand Rapids, Michigan was met by an attacker who was waiting outside the club in a car. The assailant jumped the young man and slashed his face with a razor blade hospitalizing him for over a week. His face is permanently scarred.

A few weeks ago in Detroit, a gay man was buying cigarettes at a gas station late at night and a car full of men pulled up, accosted him and asked if he was gay. When he just walked away the men became infuriated and beat him badly, shattering his skull and putting him in a coma for several days. The assailants have not been arrested.

A gay man driving in Royal Oak, Michigan was allegedly harassed and intimidated by four other motorists in a nearby car. The assailants were screaming anti-gay epithets and succeeded in running him off the road and

destroying his car. The assailants then screamed at the man, spit on him, and kicked in his window.

The police officer investigating the case allegedly asked multiple questions about the driver's sexual orientation and sexual activity rather than the details of the accident. The four assailants were never charged and despite the fact that witnesses and crime specialists reconstructed the scene as told by the driver, the driver was convicted of reckless driving. Local media and community leaders were outraged and called it a miscarriage of justice.

This and other such stories are examples of crimes that not only affect the fundamental rights of the victim, but deprive that victim of a sense of security and self worth. These crimes are just as damaging as those motivated by race or religion, but state authorities are limited in their ability to respond because Michigan's hate crimes statute is inadequate.

Congress has the opportunity to take action against these and other hate crimes, which go unprosecuted at the state level, with the passage of the Kennedy hate crimes amendment. This amendment would expand the federal definition of hate crimes to include crime motivated by a person's sexual orientation, gender or disability adding to the current list of attacks motivated by race, color, religion or national origin.

The Kennedy amendment would also broaden the federal government's authority to prosecute any hate crime based on race, color, religion or national origin. Currently, federal prosecution of hate crimes is limited and U.S. attorneys have had difficulties prosecuting cases—that state authorities are unwilling or unable to prosecute—because of the need to prove that the victim of a hate crime was also targeted because of his participation in one of six specified federally protected activities. The statute's severe restrictions has prevented the federal government from prosecuting perpetrators of some of the most egregious hate crimes.

For example, in recent years a jury acquitted three white supremacists who had assaulted African-Americans. After the trial, some of the jurors revealed that they felt racial animus had been established but did not believe there was sufficient evidence to show that the defendants intended to prevent the victims from engaging in a narrowly defined federally protected activity that the statute had provided.

The Kennedy amendment will not make every hate crime a federal crime. Almost all hate crimes will remain the primary responsibility of state and local law enforcement agencies. For these cases, broadening federal authority will permit joint federal-state investigations and may be useful to state and local authorities who will be able

to rely on investigatory and prosecutorial assistance from the Department of Justice. The Kennedy amendment makes grants of up to \$100,000 available to state and local law enforcement agencies who have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

For the few hate crimes that the Justice Department does act to make federal crimes, the Department will be required to use its authority sparingly, as is required with the existing authority to prosecute crimes motivated by racial or religious hatred. Prior to federally indicting someone, the Justice Department must certify and there is reasonable cause to believe that the crime was motivated by bias and the U.S. attorney has consulted with the state or local law enforcement officials and determined one of the following situations is present, under the Kennedy amendment, to show we are not creating under this amendment a situation where the Federal Government is going to be prosecuting every hate crime. There are still restrictions built in here to rely more heavily on State and local law enforcement. If one of the following situations is present, then the U.S. attorney, under certain circumstances at least, would be authorized to proceed:

No. 1, the state does not have jurisdiction or does not intend to exercise jurisdiction;

No. 2, the state has requested that the federal government assume jurisdiction;

No. 3, the state does not object to the federal government assuming jurisdiction;

No. 4, or the state has completed prosecution and the verdict or sentence obtained under state law left demonstratively unvindicated the federal interest in eradicating bias-motivated violence.

In addition, for crimes based on the three new categories—gender, sexual orientation, and disability, and in some instances, for crimes based on religion and national origin—the Kennedy amendment provides that the Federal Government must prove an interstate commerce connection showing that:

No. 1, the defendant or the victim traveled across state lines;

No. 2, the defendant or the victim used a channel, facility, or instrumentality of commerce;

No. 3, the defendant used a firearm, explosive, incendiary device or other weapon that has traveled in commerce, or

No. 4, the conduct interferes with commercial or other economic activity in which the victim is engaged at the time of conduct.

Stated simply, the Kennedy hate crimes amendment will allow for more effective and just prosecutions of hate crimes. The alternative, the Hatch proposal, which will be before the Senate,

neither addresses the problems with existing law—that the victim must be engaged in a narrowly specified federally protected activity; nor does it address the limited definition of a hate crime—which excludes sexual orientation, disability, and gender.

More than 175 law enforcement, civil rights, civic and religious groups as well as 22 State Attorneys General support the Kennedy amendment, and the role it gives the federal government to prosecute individuals who have committed violent acts resulting from racist, anti-Semitic or homophobic motives. This legislation is also supported by the Justice Department, and is compliant with the recent Supreme Court decision *United States v. Morrison*. In a June 13, 2000 letter to Senator KENNEDY, the Justice Department stated clearly that the amendment “would be constitutional under governing Supreme Court precedents”

Passage of this amendment will send the message that we are a country that treasures equality and tolerance. We will not condone the hate crimes that have plagued our nation and have had such a devastating impact on the families of Matthew Shepard, James Byrd, Jr. and too many others. I hope my colleagues will support the Kennedy amendment. This amendment will bring us closer to the time when all Americans have equal opportunities, and perpetrators of hate crimes receive swift and vigorous prosecution.

I believe there is a unanimous consent order relative to the next speaker, but before the Senator from Minnesota speaks, I see the Senator from Oregon on the floor and I want to express my gratitude to him for the article that was in this morning's paper. It was an extremely beautifully written, heartfelt article. I hope every Member of this body has an opportunity to read it. I know the Senator from Oregon is too modest to do so. Therefore, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 2000]

NATIONALLY: WHY HATE CRIMES ARE DIFFERENT

(By Gordon H. Smith)

On June 7, 1998, James Byrd Jr. was dragged to death along a dusty Texas road. On Oct. 12, 1998, Matthew Shepard was beaten and left to die on a lonely Wyoming fence. They were murdered not for their property, but for who they were—one black, the other gay.

Their brutal murders shocked the nation and spurred a national debate over what can be done to prevent further hate crimes and to ensure that perpetrators of such crimes are brought to justice.

The Senate soon will consider the Hate Crimes Prevention Act of 2000. This act would authorize federal law enforcement officers to aid and assist state and local police in the pursuit and prosecution of hate crimes—even if state lines have not been crossed.

The act is controversial. Some believe that all crime is hateful, and that by providing federal resources for hate crimes we would be telling the victims of crimes committed for other motives that they are not as important. I believe, however, that hate crimes are different. While perpetrated upon an individual, the violence is directed at a community.

The most controversial element in this legislation is that in addition to categories of race, religion, gender and disability, it contains a category for sexual orientation. Many in the Senate will oppose the legislation because they feel that to legislate protections for gays and lesbians is to legitimize homosexuality.

I once shared that feeling, but no longer. One needn't agree with all the goals of the gay community to help it achieve fair treatment within our society. It is possible, for example, to oppose gay marriage on religious and policy grounds but to protect gays and lesbians against violence on the same grounds. There is a biblical example and a present duty to protect anyone in the public square who would be stoned by the sanctimonious or the politically powerful.

As a member of the Senate Foreign Relations Committee, I have spoken against hate crimes of many kinds and in many lands. For that reason, I cannot be silent at home. I cannot forget the testimony given at a recent hearing by Elie Wiesel:

“To hate is to deny the other person's humanity. It is to see in ‘the other’ a reason to inspire not pride but disdain, not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than ‘the other,’ and thus superior to ‘the other.’ The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.”

I often have told those who attempt to wield the sword of morality against others that if they want to talk about sin, go with me to church, but if they want to talk about policy, go with me to the Senate. That is the separation of church and state.

At times, the law can and should be a teacher—and this is one of them. Yes, in many ways, passage of the Hate Crimes Prevention Act would be nothing more than a symbol. But it is a symbol that can be filled with substance by changing hearts and minds and by better protecting all our citizens, be they disabled, female, black or gay. They are Americans all.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is to be recognized.

Mr. WELLSTONE. Madam President, I say to my colleague, I will be very brief on this amendment. I will try to take less than 10 minutes because Senator SMITH has taken a major leadership role. I know Senator HATCH will be speaking, and I am sure my colleague from Oregon will want to be here for that debate. The only reason I am taking this time right now is I won't be able to stay beyond the next 10 or 15 minutes. I will be brief. Then the country will have a chance to hear from the Senator from Oregon. I have not read the piece, but I thank the Senator very much for his leadership.

I am not a lawyer, but I want to try to briefly summarize what this bill is about. Senator LEVIN always does a

more masterful job of that than I can. Then I will talk about why I think this piece of legislation is so important for Minnesota and people in the country.

When it comes to hate crimes based on race, religion, or national origin, this legislation essentially moves beyond the very restrictive language we have right now where we can't prosecute people who have committed violent crimes against someone unless that person was involved in some kind of federally protected activity. That is way too narrow a definition. We want to be in a position as a nation where the Federal Government can prosecute, for example, those who murdered James Byrd. It is that simple.

We don't want to have such narrowly restrictive laws and language—and this is where the amendment of the Senator from Utah doesn't do us any good at all—we don't want to have such a narrow definition that we can't prosecute people when they murder a James Byrd. I think it is that simple.

Secondly, we further define the hate crime legislation applied to gender, disability, and sexual orientation when there is an interstate commerce nexus. And in this particular case what we want to make sure of is that as a national community, as the Senate, as the House of Representatives, we care deeply when a Matthew Shepard is murdered, and, indeed, the Federal Government can play a role, and those who commit such a murder because of someone's sexual orientation will be prosecuted, that they will pay the price.

I know there have been some arguments made against this legislation. I am sure my colleague from Oregon will take up those arguments and deal with them in more depth, but as to the argument that somehow this takes on freedom of speech, we are not talking about freedom of speech. We are not talking about somebody in the pulpit saying whatever they want to say about people because of their sexual orientation, as much as I would be in disagreement with what I think would be prejudice or, I would argue, ignorance. But we are talking about an action; we are talking about when there is an act of violence perpetrated against someone because of their sexual orientation. I am not talking about speech. I am talking about violent action.

I believe strongly in this amendment and am proud to support it because I think hate crimes are very special. I came to the human rights rally in Washington, DC—it seems as though it was yesterday; maybe it was a couple months ago—I wanted to speak, and I had an opportunity to introduce Judy and Dennis Shepard. That was, for me, a much greater honor than actually giving a long speech or speaking at all. I wanted to introduce them. I have seen them at so many gatherings where

they have been willing, as the parents of Matthew Shepard, who was murdered because of his sexual orientation, to go around the country and support other people and speak out and try to do everything they can in memory of their son, to make sure that this never happens again. I guess we cannot make sure it never happens again, but we can do everything possible to make sure that it never happens again.

That is what this hate crimes amendment is all about—basically, what happens when there is an act of violence against someone because of the color of their skin or their religion. I am sensitive to this. My father was a Jewish immigrant born in the Ukraine, lived in Russia, fled persecution, and came to the United States of America because of religious persecution. When you have this kind of violence against someone because of their religion or their national origin or their gender or their disability or their race or their sexual orientation, it is terrorism because what you are saying to a whole lot of other people is it could happen to you, too. That is the purpose of a lot of these crimes. You are saying to other people who are gay and lesbian, you are saying to other people because of their religion, sometimes you are saying to other people because they are white—not that long ago I think it was in Pittsburgh we saw people murdered just because of the color of their skin; they were white—what you are saying with these kinds of hate crimes is: other people, you could be next.

What you are doing is you are creating a whole second class of citizens who have to live their lives in terror. What you are doing is dehumanizing people. That is what these hate crimes are about.

Now, we should have a high threshold—I am not a lawyer, but we should have a high threshold. We want to make sure that truly these are hate crimes. And believe me, that will have to be proven in our court system. But, colleagues, in all due respect, you have an amendment here that does a good job of getting beyond the very narrow definition so that, indeed, we have a definition of a hate crime that applies to the murder of a James Byrd; we have a definition of a hate crime that applies to the murder of a Matthew Shepard, and I don't know how Senators can vote against it. It is long past time that we passed such a law. We must and I hope we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of OREGON. Madam President, I wish to say what is in my heart and why I as a Republican stand here in support of a Kennedy amendment on hate crimes.

On June 7, 1998, when James Byrd, Jr., was dragged to death on a dusty Texas road, something happened to me.

I was horrified beyond my ability to express it.

On October 12, 1998, when Matthew Shepard was beaten to death on a Wyoming prairie, hung to a fence to die, something happened to me. I, again, had no ability to express the outrage and horror that I felt of such conduct and wondered: What is it in the heart of humankind that could perpetrate such an action upon a fellow human being?

These were people who were murdered not for their property. They were murdered because of who they were. One was a black man and the other was a gay man. I think much of America felt the shock and revulsion that I did. Many of us began to look around and ask: What can I do in my sphere of influence? How can I help to see that this never happens again in my country?

So I was attracted to the whole issue of hate crimes. This is a very controversial thing with many Senators. It is controversial because, frankly, of one clause. It is controversial because it includes a new category: "... or sexual orientation." And many of my friends in the Senate believe that disqualifies it from consideration. But it seems to me that our duty as public officials is to help Americans help human beings however we find them; no matter what we may believe their sins are because all of us are sinful.

Many will say that to legislate favorably towards a gay man is to legitimize homosexuality for our society. I used to have that feeling myself, but I do not any longer. I truly believe it is possible to object to a gay marriage and yet come to the defense of a gay person when it comes to violence. And I believe we have a duty to show up to work in the Federal Government when it comes to the issue of hate crimes. Some people believe that, well, all crime is hateful; don't designate some types of crime. But I tell you that I have come to realize that hate crimes are different in this respect. Hate crimes are visited upon one person, but they are really directed at an entire community—in one case, a black man in the African American community, and in the other case, a gay man in the gay and lesbian community. We need to help, and I believe the Kennedy amendment actually helps.

Some see this as controversial because they will stand behind the argument of States rights; that we cannot defend these people at the Federal level because there are State officials and local officials where most police actions and prosecutions occur; that we should leave that to them. I had that feeling until I was visited by a group of conservative Republican law enforcement officers from Wyoming who said, in the case of Matthew Shepard: It would have helped a great deal had the Federal Government shown up with resources and support to help in the prosecution of this horrible tragedy.

The Kennedy amendment allows this to happen, and I support it for that reason, because I believe we need to show up to work.

As a member of the Foreign Relations Committee, I have spoken all over the globe against hate crimes of all kinds. Because of that, I cannot in good conscience remain silent about hate crimes in my own country. It is time to speak out, and it is time to vote on something that will actually make a difference.

In my Subcommittee on European Affairs, I recently held a hearing on the issue of antisemitism. One of the most remarkable witnesses I have ever listened to in the Senate came to testify in that hearing. He is the Nobel Laureate Elie Wiesel. I will never forget what he said to our committee that day. He said:

To hate is to deny the other person's humanity. It is to see in "the other" a reason to inspire not pride, but disdain; not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than "the other," and thus superior to "the other." The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.

I am afraid there are some like that not just in Nazi Germany about which he was speaking, there are some like that today in Bosnia, in Yugoslavia, Kosovo, in Africa. There are haters still, and there are haters in our own country as well. We are trying to say, once and for all, that when it comes to hate and hate crimes that are directed at these minority communities who live among us as Americans: Your Federal Government cares, too. The Federal Government will show up to work. The Federal Government will try to use the law as well to teach the American people that there is no room for hate, and if you commit a hate crime, we will come after you with the full force of the law at the local, the State, and the Federal level, because while many will say this is just symbolism, I grant you it is in part, but it is symbolism that can be made substance if we change some hearts and minds. In that sense, the law can be a teacher.

That is why I support the Kennedy amendment, because I think we need to change some hearts and minds, as well as some laws, so that the Federal Government can show up to work.

I am going to do something I do not suppose is commonly done here, but I want to speak using a Scripture. I do this because I need to reach out, not to change the minds necessarily of some in my own political base who are the conservative Christians. They are my friends, and many of their views are views I hold. But on this issue, I believe we can care enough to change some hearts and minds. I believe that the God of Christianity, the God whom I worship, said on this Earth that by this shall all men know that ye are my

disciples—if you have love one for another. He showed that in a remarkable episode, and I want to share it. I share it with my friends in the Christian community because we need to remember this story when we think somehow that we should not help a community because of what we think their sins may be.

This is the story. It comes from the 8th Chapter of John:

Jesus went unto the mount of Olives.

And early in the morning he came again into the temple, and all the people came unto him; and he sat down, and taught them.

And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst,

They say unto him, Master, this woman was taken in adultery, in the very act.

Now Moses in the law commanded us, that such should be stoned: but what sayest thou?

This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground, as though he heard them not.

So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her.

And again he stooped down, and wrote on the ground.

And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst.

When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? hath no man condemned thee?

She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more.

This happened in a public square. This was a wonderful example of mercy and compassion. It was a wonderful occasion in which, in my view, the greatest of all stood up against violence, violence that was later visited upon Him with hatred.

I point out that if you care about the American family and you perceive homosexuality as a threat to that family institution, remember that adultery, if you want to talk about sins, is a far greater threat to the American family than homosexuality.

What I say to fellow Christians everywhere is, it is time to help. It is time to remember a story and an example. It is time to say to the gay community: I do not agree with you on everything, but I can help you on many things. And particularly when it comes to violence, particularly when it comes to dragging a man to death, particularly when it comes to seeing someone beaten to death on a fence, I would be ashamed if we did not act as the Federal Government to say: We can show up to work, we can help, we can teach, we can change hearts and minds, and we can turn the symbolism into substance by letting Federal authorities bring resources and help make a difference.

I know I may not be in large numbers on my side of the aisle, but I hope they

will consider what I have just said. All of the excuses that will be offered today—are we prosecuting people for their thoughts? No, we are prosecuting people for their actions that kill people.

Some will say: There are limitations in the bill so that every hate crime is not a Federal crime. There are limitations that will trigger the Federal response. We will defer to the States.

Some will say: What business is it of ours to put hate crimes on the Defense authorization bill? Some of the most horrible hate crimes I have read about have occurred within the military. It is our business to put it here if that is what it takes to pass it here.

Some will say: Isn't every act of domestic violence or rape a hate crime? I say, it may well be. It may trigger Federal involvement. But just because it includes sexual orientation does not make those victims less American.

Some will say: The Kennedy amendment is not constitutional. I believe it is constitutional. I believe it is OK to say we will help Americans—how we find them—whether they are black, whether they are disabled, or whether they are gay.

So my remarks today, Madam President, are about having a bigger heart and making the Federal law big enough to include communities that are the most vulnerable among us.

I thank the Chair and yield the floor. The PRESIDING OFFICER. Under the previous order, the hour of 4 o'clock having arrived, the Senator from Utah is recognized to offer his amendment.

AMENDMENT NO. 3474

(Purpose: To authorize a comprehensive study and to provide assistance to State and local law enforcement)

Mr. HATCH. Madam President, our Nation's recent history has been marred by some horrific crimes committed because the victim was a member of a particular class or group. The beating death of Matthew Shepard in Laramie, WY, and then the dragging death of James Byrd, Jr. in Jasper TX. These two spring readily to mind. I firmly believe that such hate-motivated violence is to be abhorred and that the Senate must raise its voice and lead on this issue.

During the last 30 years, Congress has been the engine of progress in protecting civil rights and in driving us as a society increasingly closer to the goal of equal rights for all under the law.

Historians will conclude, I have little doubt, that many of America's greatest strides in civil rights progress took place just before this present moment on history's grand timeline: Congress protected Americans from employment discrimination on the basis of race, sex, color, religion and national origin with the passage of the Civil Rights Act of 1964; Congress protected Americans from gender-based discrimination

in rates of pay for equal work with the Equal Pay Act of 1963, and from age discrimination with the passage of the Age Discrimination in Employment Act of 1967; Congress extended protections to immigration status with the Immigration Reform and Control Act in 1986, and to the disabled with the passage of the Americans with Disabilities Act in 1990. And the list goes on and on.

Yet despite our best efforts, discrimination continues to persist in so many forms in this country, but most sadly in the rudimentary and malicious form of violence against individuals because of their membership in a particular class or group. Let me state, unequivocally, that this is America's fight. As much as we condemn all crime, crimes manifesting an animus for someone's race, religion or other characteristics can be more sinister than other crimes.

A crime committed not just to harm an individual, but out of the motive of sending a message of malice to an entire community—oftentimes a community that has historically been the subject of discrimination—is appropriately punished more harshly, or in a different manner, than other crimes.

This is in keeping with the longstanding principle of criminal justice—as recognized by the Supreme Court in its unanimous 1993 decision in *Wisconsin versus Mitchell* upholding Wisconsin's sentencing enhancement for crimes of animus—that the worse a criminal defendant's motive, the worse the crime.

Moreover, crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest; and, ultimately, they are downright un-American.

The melting pot of America is the most successful multiethnic, multiracial, and multifair country in all recorded history. This is something to ponder as we consider the atrocities so routinely sanctioned in other countries—like Serbia or Rwanda—committed against persons entirely on the basis of their racial, ethnic or religious identity.

I am resolute in my view that the Federal Government can play a valuable role in responding to crimes of malice and hate. One example here is my sponsorship of the Hate Crime Statistics Act of 1990, a law which instituted a data collection system to assess the extent of hate crime activity, and which now has thousands of voluntary law enforcement agency participants.

Another, more recent example, is the passage in 1996 of the Church Arson Protection Act, which, among other things, criminalized the destruction of any church, synagogue, mosque or other place of religious worship be-

cause of the race, color, or ethnic characteristics of an individual associated with that property.

To be sure, however, any Federal response—to be a meaningful one—must abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress's enumerated powers that are routinely enforced by the courts.

This is more true today than it would have been even a mere decade ago, given the significant revival by the U.S. Supreme Court of the federalism doctrine in a string of decisions beginning in 1992. Those decisions must make us particularly vigilant in respecting the courts' restrictions on Congress's powers to legislate under section 5 of the 14th amendment, and under the commerce clause.

We therefore need to arrive at a Federal response to this matter that is not only as effective as possible, but that carefully navigates the rocky shoals of these court decisions. To that end, I have prepared an approach that I believe will be not only an effective one, but one that would avoid altogether the constitutional risks that attach to other possible Federal Responses that have been raised.

Indeed, Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that States and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional. This is worth repeating. Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that States and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional.

There are two principal components to my approach:

First my amendment creates a meaningful partnership between the Federal Government and the States in combating hate crime by establishing within the Justice Department a grant program to assist State and local authorities in investigating and prosecuting hate crimes.

Much of the cited justification given by those who advocate broad Federal jurisdiction over these hate-motivated crimes is a lack of adequate resources at the State and local level. Accordingly, before we take the step of making a Federal offense of every crime motivated by a hatred of someone's membership in a particular class or group, it is imperative that we equip States and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

Second, my approach undertakes a comprehensive analysis of the raw data that has been collected pursuant to the

28 U.S.C. 534, the law requiring the collection of data on these crimes—a bill that I worked very hard to pass. The Federal Government has been collecting this data for years, but we have yet to analyze it. A comparison of the records of different jurisdictions—some with hate crimes, others without—to determine whether there is, in fact, a problem in certain States' prosecution of hate crimes also is provided for in my amendment.

Before we make all hate crimes Federal offenses, I believe we should provide assistance to the States and analyze whether our assumptions about what the States are doing, or are not doing, are valid.

It is no answer for the Senate to sit by silently while these crimes are being committed. The ugly, bigoted, and violent underside of some in our country that is reflected by the commission of hate crimes must be combated at all levels of government.

For supporters of the Kennedy amendment, Federal leadership necessitates Federal control. I do not subscribe to this view, especially when it comes to this problem. Thus, I oppose Senator KENNEDY's amendment. It proposes that to combat hate crimes Congress should enact a new tier of far-reaching Federal criminal legislation. That approach strays from the foundations of our constitutional structure—namely, the first principles of federalism that for more than two centuries have vested States with primary responsibility for prosecuting crimes committed within their boundaries.

As important as this issue is, there is little evidence that a broad federalization of hate crimes is warranted. Indeed, it may be that national enforcement of hate crimes could decrease if States are told the Federal Government has assumed primary responsibility over hate crime enforcement.

In addition, serious constitutional questions exist regarding the Kennedy hate crimes amendment. First, the Kennedy amendment, if adopted, would not be a valid exercise of congressional authority under section 5 of the 14th amendment. The Supreme Court has made clear in recent years that legislation enacted by Congress pursuant to section 5 of the 14th amendment may only criminalize action taken by a State. Just last month, the Supreme Court in the recent *United States v. Morrison* case re-emphasized the State-action requirement that limits Congress' authority to enact legislation under the 14th amendment. The Court stated:

Foremost among these limitations [on Congressional power] is the time-honored principle that the Fourteenth Amendment, by its very terms, prohibits only state action. The principle has become firmly embedded in our constitutional law that the action inhibited by the . . . Fourteenth Amendment is only such action as may fairly be said to be that of the States. That

Amendment erects no shield against merely private conduct, however, discriminatory or wrongful.

The Kennedy amendment, however, seeks to prohibit private conduct—crimes of violence committed by private individuals against minorities, religious practitioners, women, homosexuals, or the disabled. It therefore is very similar to the provision of the Violence Against Women Act—a bill I worked very hard to pass, called the Biden-Hatch Act—that sought to prohibit crimes of violence committed by private individuals against women. The Supreme Court in *Morrison* held that that provision of the Violence Against Women Act was not a valid exercise of congressional power under section 5 of the 14th amendment.

To be sure, Congress can regulate purely private conduct under its commerce clause authority. But the Kennedy amendment likely would not be a valid exercise of congressional authority under the commerce clause either. The Supreme Court's 1995 decision in *United States v. Lopez*, and especially its recent *Morrison* decision, set forth the scope of Congress' commerce clause power. The *Morrison* opinion, in particular, changed the legal landscape regarding congressional power in relation to the States. Thus, legislation that was perfectly fine only 2 months ago now raises serious constitutional questions. The Kennedy amendment is not consistent with *Lopez* and *Morrison*.

Both *Lopez* and *Morrison* require that the conduct regulated by Congress pursuant to its commerce clause power be "some sort of economic endeavor." The Court has held that a statute that is "a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise, however broadly one might define those terms," does not meet constitutional muster. Here, the conduct sought to be regulated—hate crimes—is in no sense economic or commercial, but instead, by its very terms, is non-economic and criminal in nature, just like the conduct Congress sought to regulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes that were held to be unconstitutional in *Lopez* and *Morrison*.

In light of the *Morrison* decision, the Kennedy amendment makes an effort to require a direct link to interstate commerce before the Federal government can prosecute a hate crime based on sexual orientation, gender, or disability. It permits Federal hate crimes prosecution in four broad circumstances: No. 1, where the hate crime occurred in relation to interstate travel by the defendant or the victim; No. 2, where the defendant used a "channel, facility or instrumentality" of interstate commerce to commit the hate crime; No. 3, where the defendant committed the hate crime by using a firearm or other weapon that has trav-

eled in interstate commerce; and No. 4, where the hate crime interferes with commercial or economic activity of the victim. None of these circumstances provides an appropriate interstate nexus that would make the legislation constitutional.

First, the interstate travel requirement of the Kennedy amendment's first circumstance where Federal prosecution would be appropriate does nothing to change the criminal, non-economic nature of the hate crime.

The requirement of the second circumstance, that the defendant commit the hate crime by using a channel, facility or instrumentality of interstate commerce, may provide a interstate nexus, but it is unclear precisely what hate crimes that would encompass: hijacking a plane or blowing up a rail line in connection with a hate crime?

The third circumstance's requirement that the defendant have used a weapon that traveled in interstate commerce would blow a hole in the commerce clause; Congress could then federalize essentially all State crimes where a firearm or other weapon is used; for example, most homicides.

Finally, the fourth circumstance's requirement that the victim be working and that the hate crime interfere with his or her work is analogous to the reasoning the Court rejected in *Morrison*; that is, that violence against women harms our national economy. In the case of the Kennedy hate crimes amendment, the argument would be that hate crimes harm our national economy and therefore they have a nexus to interstate commerce. The Court in *Morrison* and in *Lopez* rejected those "costs of crime" and "national productivity" arguments because "they would permit Congress to regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce." Finally, the Kennedy amendment's catch-all provision, that the Federal government may prosecute a hate crime only if the crime "otherwise affects interstate or foreign commerce," not only merely restates the constitutional test, it misstates the constitutional test. To be constitutional, the conduct must "substantially affect" interstate commerce.

In addition to its constitutional problems, the Kennedy amendment has other deficiencies. The amendment provides that where the hate crime is a murder, the perpetrator "shall be imprisoned for any term of years or for life." It does not authorize the death penalty for even the most heinous hate crimes. Accordingly, the horrific dragging death of James Byrd, Jr. on a back road in Jasper, TX, for example, under the Kennedy amendment, would provide only for a life sentence. In the Byrd case, however, State prosecutors tried the case as a capital case and ob-

tained death sentences for the defendants. The Kennedy amendment, then, which purports to provide Federal leadership in the prosecution of hate crimes, would not even provide for the ultimate sentence permitted under duly enacted Texas law.

When we asked the Justice Department what type of proof they had that the States are not doing the job, they promised to provide us evidence. I haven't seen it yet.

That was quite a while ago. There may be, in the eyes of some, and in my eyes, a great reason to try to make Senator KENNEDY's amendment constitutional, and that is what I tried to do in my amendment in order to do something about this if the States are not doing the job. But to this day, I have not had any information indicating that they are not doing the job. And in the Byrd case, they certainly have. In the Shepard case, they certainly have, just to mention a couple of them.

I feel as deeply about hate crimes as Senator KENNEDY or anybody else in this Chamber. But I want to abide by the Constitution. I recall Justice Scalia's admonition that there should be a presumption that Congress want to enact constitutional legislation, but because of some of the things we are doing, maybe that presumption is unjustified.

Supporters of the Kennedy amendment have claimed that it will create a partnership with State and local law enforcement. They have delicately described the legislation as being deferential to State and local authorities as to when the Justice Department will exercise jurisdiction over a particular hate crime. This is hogwash. The amendment does not defer to State or local authorities at all. It would leave the Justice Department free to insert itself in a local hate crime prosecution at the beginning, middle or end of the prosecution, even after the local prosecutor has obtained a guilty verdict. Even if the Justice Department does not formally insert itself into the particular case, it nevertheless will be empowered by the legislation to exert enormous pressure on local prosecutors regarding the manner in which they handle the case—from charging decisions the plea bargaining decisions to sentencing decisions. The Kennedy hate crimes amendment, pure and simple, would expand federal jurisdiction and federalize what currently are State crimes.

By contrast, my amendment would address the issue of hate crimes in a responsible, constitutional way—by assisting States and local authorities in their efforts to investigate and prosecute hate crimes. It provides for a study of this issue to see if there really are States and local governments out there who, for whatever reason, are not investigating and prosecuting hate

crimes. And, it would provide resources to State and local governments that are trying to combat hate crimes but lack the resources to do so.

In summary, we must lead—but lead responsibly—recognizing that we live in a country of governments of shared and divided responsibilities. In confronting a world of prejudice greater than any of us can now imagine, President Abraham Lincoln said to Congress in 1862 that the “dogmas of the quiet past” were “inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew.”

In that very spirit, I encourage this body to question the dogma that federal leadership must include federal control, and I encourage this body to act anew by supporting a proposal that seeks to stem hate-motivated crime, while at the same time respecting the primacy states traditionally have enjoyed under our Constitution in prosecuting crimes committed within their boundaries.

Ultimately, I believe the approach I have set forth is a principled way to accommodate our twin aims—our well-intentioned desire to investigate, prosecute, and, hopefully, end these vicious crimes; and our unequivocal duty to respect the constitutional boundaries governing any legislative action we take.

My proposal should unite all of us on the one point about which we should most fervently agree—that the Senate must speak firmly and meaningfully in denouncing as wrong in all respects those actions we have increasingly come to know as hate crimes. Our continued progress in fighting to protect Americans’ civil rights demands no less.

Madam President, what the Hatch amendment does in comparison to the Kennedy amendment—and look, like I say, I feel as deeply about this as Senator KENNEDY does, and I respect him for how he feels, and I also respect Senator SMITH from Oregon and the distinguished Senator from Illinois. We are all trying to do the same thing, and that is make sure that hate crimes are prosecuted in our society today. I am very concerned about it, but I am also concerned about meeting the requisites of the Constitution as well. I believe my amendment would do that. I believe it would do it in a far more responsible way than the way the Kennedy amendment does.

What the Hatch amendment does is provide for a comprehensive study so we can find out once and for all—we have the Hate Crimes Statistics Act giving us the statistics; it is something that I helped to do years ago along with Senator KENNEDY. That study would help us to find out just what is happening in our society and whether or not the State and local governments

are inadequate or incapable or unwilling to investigate and prosecute hate crimes.

Two, we would provide for an inter-governmental assistance program. We provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or the prosecution of crimes that, one, constitute a crime of violence; two, are a felony under relevant State law; and three, are motivated by animus against the victim by reason of the victim’s membership in a particular class or group.

My amendment would provide for Federal grants. We authorize the Attorney General, in cases where special circumstances exist, to make grants of up to \$100,000 to States and local entities to assist in the investigation and prosecution of hate crimes. We require grant recipients to certify that the State or local entity lack the resources necessary to investigate or prosecute such crimes. And, we require that the Attorney General shall approve or disapprove grant applications within 10 days of receiving the application. We provide that the Attorney General shall report to Congress on the effectiveness of the program and conduct an audit to assure that the grants awarded are used properly.

What we do not do is we do not create a new Federal crime. We do not give the Justice Department jurisdiction over crimes that are motivated because of a person’s membership in a particular class or group; that is, the Hatch amendment does not Federalize crimes motivated because of a person’s race, gender, religion, sexual orientation, or disability.

To enact such a broad federalization of hate-motivated crimes would raise serious constitutional concerns. In addition, the Kennedy amendment would federalize all rapes and sexual assaults and, in so doing, would severely burden Federal law enforcement agencies, Federal prosecutors, and Federal courts. My amendment does not authorize Federal interference with State and local investigations and prosecutions. It is not our job to second-guess the investigation and prosecution and sentencing decisions of State and local authorities in cases involving hate crimes. As such, my amendment recognizes the significant efforts of State and local law enforcement in investigating and prosecuting all violent crimes, including hate crimes.

In other words, my amendment would provide the analysis, study, and data to determine whether or not the States are failing or refusing to combat these horrible crimes. It provides the Government assistance to be able to help the State and local people do their job in these areas. Of course, we provide various other kinds of assistance that could be helpful in this matter.

Madam President, I have taken enough time. Parliamentary inquiry. Is

it time to send the amendment to the desk?

The PRESIDING OFFICER. The Senator can send his amendment to the desk.

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3474.

Mr. HATCH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. —. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;
 (ii) type of crime committed; and
 (iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2001 and 2002 to carry out this section.

Mr. HATCH. Madam President, I respect my colleagues. I think we are all here to try to get at the same problem. I respect Senator KENNEDY for his sincere effort to try to do what is right with regard to civil rights matters generally, and with regard to hate crimes in particular.

I feel very much the same way. This is a great country. It is the greatest in the world. We ought to set an example. We ought to do the things that really need to be done. But I think we have to have the facts before we act. I don't

think we should federalize crimes. I think this amendment is too broad.

We are approaching this in two different ways. I hope we can somehow or other get together to solve this matter in a way that will make sense—that respects the principles of federalism, that respects the States in their efforts to combat hate crimes. Right now, we are not sure there are any States or local jurisdictions out there that are failing or refusing to investigate and prosecute hate crimes. You can cite the James Byrd and Matthew Shepard cases as two illustrations where State authorities have done a tremendous job in prosecuting horrific, hate-motivated crimes.

I don't think anybody should have to suffer from hate crime activity. I think my amendment does not go as far as Senator KENNEDY's, but I think it will certainly handle the problem in a way that respects federalism, respects the Constitution, and respects the nine decisions of the Supreme Court over the last 8 years that have reinforced the principle of federalism. In the end, I think my amendment will do what all of us here on the floor would like to see done—promote the investigation and prosecution of hate crimes—in a way that is constitutionally sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me say at the outset to my colleague and friend, the Senator from Utah, Mr. HATCH, that it was my honor to serve on the Judiciary Committee when he was chairman and I was a member of that committee. I hope someday to return. It is an interesting and exciting assignment. Occasionally we even agreed. They were rare moments, but there were those moments. I never, at any moment in time, lost any respect for the Senator from Utah and the values he espouses. I believe he is a person of good faith who will genuinely try to find a common ground. I sincerely hope he will.

I listened to his explanation of his amendment on this issue, and I really think it comes down to a classic debate, which has been on the floor of this Senate many times in its history, when we were discussing whether or not African Americans were to become full citizens of the United States with all of their rights and responsibilities. There were those on the floor who said: It is not a Federal issue; let the States decide; the Federal Government should not get involved in this.

There have been issues involving religious persecution—whether it is people of the Senator's faith, or my faith, or many others. There have been those who said this is a State-and-local matter to decide, it should not be a Federal issue.

The same thing was true when it came to elevating women in America

from their status in the Constitution—which we revere, but a Constitution which, frankly, did not give the women the right to vote when it was initially drafted. When the debate came on about the rights of women, it was usually couched in terms of federalism: Should the Federal Government get involved in this; or, this is a State issue.

We can remember the hot debates over the equal rights amendment and all that entailed. The same thing has been true throughout history, the way I read it—whether we are talking about blacks, women, or people of a certain faith, or whether we are talking about people who have certain disabilities. We have always come down to this debate: Is this issue any business of the Federal Government?

I respectfully disagree with my colleague and friend, the Senator from Utah. I think when it comes to hate crimes, this is an issue for the Nation to solve. To leave it to individual States to make the decisions is in fact to subject some Americans to less protection than others when it comes to being victims of hate crimes.

Mr. HATCH. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. Madam President, I haven't said this isn't an issue for the Federal Government. I think it may be. But the point is, we ought to get the facts, and we ought to find out if State and local authorities are failing or refusing to investigate and prosecute hate crimes. We ought first to find out whether State and local authorities are, in fact, denying individuals the equal protection of the laws. So far, the Justice Department has produced precious little evidence to the Judiciary Committee that would indicate that State and local authorities are abdicating their responsibility to combat hate-motivated crimes. And we asked for the Justice Department to get us this information, if there is any, a long time ago.

Yet we have had actually nine decisions by the Supreme Court over the last 8 years reinforcing the principle of federalism—the principle that State governments and the federal government have distinct areas of responsibility. It is true that these Court decisions are, in many instances, 5-4 decisions, which shows again how important the Supreme Court really is in all of our lives.

I am a proud cosponsor of the Violence Against Women Act. I remember the passion when we passed it. There were real concerns whether it would be upheld by the Supreme Court. Part of it was not upheld by the Supreme Court, the part that I was concerned about. But up to that point, I thought there was a chance.

But with the Morrison decision, I don't think there is a chance that the Kennedy amendment, as it currently is written, will survive a constitutional

challenge. And I think that we ought to at least make an attempt to abide by the Constitution, if nothing else. This is not a matter of States rights. I think there may be a role for the Federal Government. But right now, let's at least get the facts. In the process, we can lend assistance, both financial and otherwise, to the States to help them with these serious problems.

I am very grateful for my distinguished colleague and his respectful remarks. They mean a lot to me because I happen to believe he is one of the most articulate Members of this body. I believe he is very sincere. It is true that we agree on much more than just a few things.

But I just want to make it clear that my amendment offers a different approach—an approach that I think is constitutional, that will get us there without going through another 2 or 3 years and then having it overruled as unconstitutional and having to start all over again. I know that the amendment I have offered is constitutional. I know we can implement it from day one, without any fear that it will be struck down by the Supreme Court as violative of the Constitution. And I know it will make an impact and really do something about hate crimes, rather than just make political points on the floor.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Utah.

Let me say first how proud I am to cosponsor the legislation that has been introduced by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from the State of Oregon, Mr. SMITH. It is bipartisan legislation. Senator CARL LEVIN of Michigan is also one of the lead sponsors of it as well.

The difference, as I understand it, between the proposal of the Senator from Utah and the proposal of Senators KENNEDY and SMITH really comes down to one basic point. As I understand it, the Senator from Utah is looking to, first, provide grants to States and localities so they can prosecute these crimes when they are found deserving; and, second, to study the issue to determine whether or not there is a need for Federal legislation.

As I understand the amendment before us by Senators KENNEDY and SMITH, it basically creates a Federal cause of action, expanding on what we now have in current law in terms of hate crimes, and expanding the categories of activities that would be covered by this hate crime legislation.

I say to the Senator from Utah, if he is on the floor, I believe the Senator from Massachusetts will provide ample evidence of the need for this legislation. I believe the statistics are not only there but they are overwhelming in terms of the reason he is introducing this amendment and why we need this national cause of action.

Second, during the course of my remarks I would like to address squarely the issue raised by the Senator from Utah, an issue that has been raised by the Supreme Court. It is, frankly, whether or not we have the authority to create this cause of action.

The Senator uses recent Supreme Court decisions relating to the commerce clause. When it came to the Violence Against Women Act, it is my understanding the Supreme Court ruled that they could not find the necessary connection between the Violence Against Women Act and the commerce clause to justify Federal activity in this area.

If the Senator from Utah will follow this debate, I think he will find that the Senator from Massachusetts and the Senator from Oregon are taking a different approach. They are using the 13th amendment as a basis for this legislation. They also establish an option of the commerce clause. But they are grounding it on a 13th amendment principle of law and Federal jurisdiction, which our Department of Justice agrees would overcome the arguments that have been raised in the Supreme Court under its current composition of overextension of the commerce clause.

I hope as the Senator from Utah reflects on this debate, the information provided by the Senator from Massachusetts, and the new constitutional approach to this, that he may reconsider offering this amendment. As good as it is to study the problem further and to provide additional funds, it doesn't address the bottom line; that is, to make sure there will at least be the option of a Federal cause of action in every jurisdiction in America.

I would be happy to yield to the Senator from Utah for a question.

Mr. HATCH. I thank my colleague.

If I could comment, I believe the distinguished Senator from Massachusetts can show that there are hate crimes in our society. I think that he will have a difficult time, however, showing that that State and local prosecutors are unwilling to investigate and prosecute hate-motivated crimes. That is why I asked the Justice Department to provide to us data and information on the specific instances where State and local authorities failed or refused to investigate and prosecute hate crimes.

Years ago, under the leadership of Senator KENNEDY and myself, the Senate passed the Hate Crime Statistics Act to collect data on the incidence of hate crimes. We have statistics. I am sure there are hate crimes, but I am not sure there is any evidence to show that these hate crimes are not being prosecuted in the respective States. I'm just not sure. That is one reason I think we should cautiously approach this, rather than approach it in a way that I believe would be unconstitutional.

I thank my colleague.

Mr. DURBIN. If the Senator will look closely at the Kennedy-Smith amendment, he will find before the Federal cause of action can be initiated—as I understand it, but I defer to either of the major sponsors—before there can be a Federal indictment under this proposed hate crime, the Department of Justice must certify two things: First, reasonable cause to believe that the crime was motivated by bias; second, addressing the very issue raised by the Senator from Utah, the U.S. attorney has to certify that he has consulted with State or local law enforcement officials and determined one of the following situations is present, and he lists four situations.

First, the State does not have jurisdiction or does not intend to exercise jurisdiction; second, the State has requested that the Justice Department assume jurisdiction; third, the State doesn't object to the Justice Department assuming jurisdiction; or fourth, the State has completed prosecution and the Justice Department wants to initiate a subsequent prosecution.

When the Senator from Utah suggests that the Kennedy-Smith amendment will necessitate Federal control, I think, frankly, that when you look at the certification required by the Federal Government before the action can be undertaken, we clearly have a situation where the State has either no jurisdiction, or has invited the Justice Department to initiate the prosecution, or they have completed their prosecution.

In this amendment, the first option is clearly being given to the States. If they have the authority and exercise it, clearly they will not be preempted by this Federal cause of action, as I understand it. If that is the case, I think it addresses the major concern raised by the Senator from Utah.

Why do we need this new law? We have a 30-year-old Federal statute which says when it comes to hate crimes, we have to find a specific federally protected activity. Congress, in the past, tried to "prophesize," if you will, the types of activities that might be involved in a hate crime. We came up with six activities: Enrolling in or attending a public school or private college; No. 2, participating in a service or action provided by State or local government; No. 3, applying for employment or actually working; No. 4, service on a jury in State or Federal court; No. 5, traveling in interstate commerce or using a facility of interstate commerce; and No. 6, enjoying the goods and services of certain places of public accommodation.

We have said over the years if this activity is involved and there is evidence of a hate crime, then the Federal prosecutors can step in.

I believe—and I don't want to put words in their mouths—Senators KENNEDY and SMITH have said we have

found too many cases arising which do not fall within the four corners of these six federally protected activities. Therefore, they are offering an amendment which gives Federal prosecutors more opportunity to consider the possibility of prosecution.

I am wearing a button today that says "Remember Matthew." Matthew, of course, is Matthew Shepard. Two years ago, Matthew Shepard, an openly gay college student in Wyoming, was brutally beaten. He was burned, he was tied to a wooden fence in a remote area, and left to die in freezing temperatures from exposure.

Despite this heinous act which we all read about, no Federal prosecution was even possible under the Shepard case. The existing State crime law and federally protected activities that are defined in it did not include what happened to Matthew Shepard. The current Federal statute does not include hate crimes based on a victim's sexual orientation, gender, or disability. The Kennedy-Smith amendment, which I am cosponsoring, corrects that very grievous omission.

I think the Senator from Utah would concede that when we are talking about hate crimes, we should certainly include crimes based on sexual orientation, gender, or disability. The Matthew Shepard case would not have been included, as I understand it. That is why the Kennedy-Smith amendment is so important.

Mr. HATCH. If the Senator will yield, I am having a little bit of difficulty, so I ask how the 13th amendment applies. As I read the 13th amendment, it says, in section 1:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

In section 2:

Congress shall have power to enforce this article by appropriate legislation.

How does the Kennedy amendment qualify under the 13th amendment? As I made clear, it doesn't qualify under the 14th amendment because of the arguments I made, pure Supreme Court arguments, that are recent in decision.

I missed something on the 13th amendment because that is the amendment that abolished slavery.

Mr. DURBIN. Let me reply.

Mr. HATCH. Please tell me. This is a sincere question.

Mr. DURBIN. I am happy to defer to the sponsors of the amendment to respond and yield time if they desire.

The information I have been given is this: Under the 13th amendment, Congress may prohibit hate crimes based on actual or perceived race, color, religion, or national origin, pursuant to that amendment. Under the 13th amendment, Congress has the authority not only to prevent the "actual imposition of slavery or involuntary ser-

vitute" but to ensure that none of the "badges and incidents" of slavery or involuntary servitude exist in the United States.

What the Justice Department and what the sponsors of this amendment have concluded is that the 13th amendment gives the appropriate Federal jurisdiction and nexus to pursue this matter under the question of whether or not this is a badge or incident of that form of discrimination.

I don't want to go any further. I am sure the Senator from Massachusetts will explain this in more detail, but this 13th amendment nexus, I think, overcomes the concern of the Senator from Utah about the interpretations recently handed down.

Mr. HATCH. I don't mean to keep interrupting, but as I read that, I can see if what the Senator is after is a hate crime of keeping somebody involuntarily in servitude, but I don't know of many of those today. I am sure that may happen. We are talking about all kinds of hate crimes that certainly don't fit within the 13th amendment. If that is the way we are going to get at it, I think that is a very poor way of getting at a resolution for a hate crime problem.

Reading again, section 1:

Neither slavery—

And I don't know of many instances of slavery in this day and age; in fact, I don't know of any, but there may be some. But we can get them constitutionally, right now, if they do that —

nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Section 2:

Congress shall have power to enforce this article by appropriate legislation.

If there is such a thing, if there is such a hate crime today as slavery, or involuntary servitude not required because of a due conviction, then we have the absolute power today, federally, to go in and prosecute under the Constitution itself under the 13th amendment.

Maybe I am missing something, or maybe I just haven't thought it through or I am too tired. I can't see how the 13th amendment provides a nexus whereby the Kennedy amendment becomes constitutional. It doesn't. In some ways, I wish the Kennedy amendment were constitutional. I worked hard back in those days to pass the Violence Against Women Act. I am working hard right now to pass it again in a form that is constitutional. We thought it was constitutional. I have to say, I had my qualms about it and my qualms proved to be accurate.

Today, we know what the Court has said. It has been the principle debate in this country since the beginning. The Court has said that Congress' power in relation to the States is limited. They are 5-4 decisions that are valid and are

constitutional. For us to fly in the face of those just because we want to federalize hate crime activity, is, I think, constitutionally improper. That is what worries me.

These Supreme Court cases outlining the limits of congressional power under the principle of federalism are quite recent decisions. They are not old-time decisions that have been disqualified or overly criticized. They are decisions that basically advise us of the law right now.

I just wanted to make that point because I am concerned: How do you make the Kennedy amendment constitutional? I don't think you can under current law.

Now let's face it. If another Court comes in and reverses the nine major federalism decisions that the Supreme Court has handed down in the last few years, and ignores the principle of stare decisis and ignores the principle of federalism, I suppose that at that point you could enact the Kennedy legislation with impunity. But right now, I don't see how you do it if we, as Members of Congress, are trying to exert our influence and our obligation and our oath to uphold the Constitution of the United States.

I am sorry to interrupt.

Mr. DURBIN. I am happy to yield to the Senator from Utah. Let me say parenthetically I think there is more value to this dialog and exchange than many monologs we hear on the Senate floor.

I thank the Senator for his interest and staying to question me, and I am sure we will question him during the course of this debate.

I know there are other Members seeking recognition at this point. I will try to wrap up.

I do not want to in any way misrepresent the amendment that is been offered by Senators KENNEDY and SMITH. I think the statements I have made to date are accurate. The Local Law Enforcement Enhancement Act that is before us, the Kennedy-Smith amendment, was drafted carefully and modified to assure its constitutionality under current Supreme Court precedents, as has been referred to by the Senator from Utah. It has been reexamined in light of the Morrison decision. Moreover, the Department of Justice and constitutional scholars have examined this bill and have confidently determined that the Local Law Enforcement Act will stand up to constitutional scrutiny.

Congress may prohibit hate based on race, color, religion, or national origin pursuant to its power to enforce the 13th amendment to the U.S. Constitution because under the 13th amendment Congress has the authority not only to prevent the actual imposition of slavery or involuntary servitude but to ensure that none of the "badges and incidents" of slavery or involuntary

servitude exists in the United States, which goes to the very point of the Senator from Utah. He reads the 13th amendment and says this goes far beyond prohibiting slavery. But I might say the Supreme Court, in interpreting congressional authority under the 13th amendment, said it could reach beyond the simple question of prohibiting slavery or involuntary servitude. By using the language "badges and incidents," it opened up the opportunity for Congress to consider this authority and for this amendment to be introduced.

None of the Supreme Court's recent Federalism decisions casts doubt on Congress' powers under the 13th amendment to eliminate the badges and incidents of slavery. *United States v. Morrison* involved legislation that was found to exceed Congress' powers under the 14th amendment. The Court in *Morrison*, for example, found Congress lacked the power to enact the civil remedy of the Violence Against Women Act pursuant to the 14th amendment because the amendment's equal protection guarantee extends only to "state action." The Senator from Utah, who was one of the proponents of this and deserves high praise for it, makes this point in his opening statement on his amendment.

Since the Violence Against Women Act was interpreted by this Court to go beyond State action—that is, Government action—the Court struck it down. We are trying our best to reinstate it, but that is the standard.

The 13th amendment, however, not the 14th amendment, which they used to strike down the Violence Against Women Act, plainly reaches private conduct as well as Government conduct, and Congress thus is authorized to prohibit private action that constitutes a badge, incident, or relic of slavery.

Moreover, this hate crimes amendment would not only apply except where there is an explicit and discrete connection between the prescribed conduct and interstate or foreign commerce, a connection that the Government would be required to allege and prove in each case. This is consistent with *Morrison*. Like the prohibition of gun possession in the statute at issue in the *Lopez* case, the Violence Against Women Act civil remedy required no proof of connection between the specific conduct prohibited and interstate commerce. This amendment requires that a nexus exist between the prohibited conduct and interstate or foreign commerce.

Madam President, there are many who believe that a hate crime prevention statute is unnecessary. I don't put the Senator from Utah in that category. He has made it clear he is opposed to hate crimes, and I trust his word. I believe he is genuine when he says it. The question is, Who will have the power to enforce it? If the Senate

neither has the authority nor wants the authority, if the State does not want to prosecute a hate crime, and yet it has been committed and truly there is a victim, the Kennedy-Smith amendment says we will create the opportunity for a Federal cause of action.

We are not forcing the Federal cause of action, but only in the instance where the State either doesn't have authority or has not exercised the authority or in fact defers to the Federal Government or in fact has completed its prosecution and left open the opportunity for such a Federal cause of action.

I wish we did not even have to debate hate crimes legislation. Alan Bruce of my staff has been a person I have turned to many times on issues of this magnitude on this subject. He was the one who gave me this button to wear in the Chamber and can remember Matthew Shepard. It is a grim reminder that there are still people in America who will not accept tolerance as the norm, and if we think it is rare, we only have to go to our new technology of the Internet to find the hate being spewed on so many web sites, efforts by small-minded people in this democratic society to turn our anger against our brothers and sisters who live in America, who happen to be a different color, of a different sexual orientation, a different religion, a different gender. This amendment really tries to address it and say that America as a nation will make it clear that we will not tolerate this sort of hateful, spiteful conduct when it results in violence against one of our brothers and sisters.

How many times have we read these harrowing details: Jasper, TX, with James Byrd, Jr., 2 years ago dragged to his death when he was hooked by a chain to the back of a pickup truck. They literally found this African-American's body in pieces.

The brutal hate-motivated deaths of James Byrd and Mathew Shepard received national attention. Since their deaths, our Nation has thought long and hard about whether this is an America we can tolerate. I think it is not.

Madam President, I bring your attention to two crimes in my own State of Illinois just in the last year.

April 5, 1999: Naoki Kamijima, 48 years old, a Japanese American shopowner was shot to death in Crystal Lake, IL, right outside of Chicago. The gunman was allegedly searching stores for employees of certain ethnic groups before finding and shooting Mr. Kamijima. Reportedly, the gunman said to employees he left behind after questioning them on their ethnic background, "This is your lucky day." Hours later, Mr. Kamijima was shot dead, leaving a wife and two teenage children. His crime? He was an Asian-American. A Korean neighbor of the gunman said he used to chase her car

when she drove through the neighborhood.

On the Fourth of July, 1999, a time of celebration across America, a shadow was cast over Illinois. Benjamin Smith, an individual associated with a racist, antisemitic organization, killed an African-American man, Ricky Birdsong, the former basketball coach at Northwestern University. Then he went on, this same Benjamin Smith, to wound six Orthodox Jews in Chicago. I met the father of one of the young boys whose son was terrorized that night. His life will never be the same. His only crime in the eyes of Benjamin Smith? He did not practice the right religion. Then Benjamin Smith went on to kill a Korean student in Bloomington, IN.

Sadly, these incidents are only the tip of the iceberg. There are so many other incidents of hate violence in my State and around the Nation. Since 1991, 70,000 hate crime offenses have been reported in our country. Launching a comprehensive Government analysis of currently available hate crime data would likely be time consuming and not bring us any closer to solving the real problem of hate violence in this Nation.

Mr. President, the Local Law Enforcement Act offers a sensible approach to help deter this kind of discriminatory violence. This legislation has bipartisan support: Senator GORDON SMITH, Senator TED KENNEDY, Senator CARL LEVIN, and so many others. It is supported by law enforcement, civil rights and civic groups, and religious organizations. I am proud to cosponsor this legislation. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Louisiana.

Mr. BREAUX. Mr. President, I start by commending the distinguished chairman of the Judiciary Committee for his important observations about this legislation; also, to commend the principal sponsors of this legislation, Senator KENNEDY and Senator SMITH, for bringing this matter to the attention of our colleagues and seeking our support for this legislation.

I do not think this is that complicated an issue, quite frankly. I do not think the issues are so complex that they call for an extended psychological discourse on the makeup of the American population. Quite frankly, the issues are fairly simple. America stands for the constitutional principle that all men and women are created equal and that we are all guaranteed the rights of life, liberty, and the pursuit of happiness regardless of who we are or where we are from or what we think, what our political views are, or what is the essence of our makeup as a human being. That is a right that is guaranteed to all Americans in the Constitution. I think no one really questions that.

That principle does not mean everyone in America has to agree with everybody else. In fact, I think that, far from it, we are a nation that certainly encourages diversity of thinking, differences among competing ideas, and differences among the respected beliefs of all the people who make up our great Nation.

That constitutional principle does not even mean that we have to like each other. Certainly there are instances when Catholics do not like Protestants, and Protestants do not like Jews, and Jews do not like Muslims, and Cajun Americans may have differences with British Americans. For that reason alone they do not particularly care for each other; they do not like each other; they do not want to associate with each other. That also is their constitutional right, I suggest, in this country to take that opinion of people with whom they disagree. But our constitutional principles do, in fact, guarantee clearly that we as Americans cannot do violence or do harm to other people in our country, especially when that violence or harm is based solely on whom these other people might be.

To do violence solely because of someone's religious beliefs, their personal ideas, or concepts about what is right and what is wrong, or because of their religion or where they are from is especially repugnant to all of us as Americans. You do not have to like everybody, but you certainly cannot harm anybody, and especially you cannot harm anybody solely for whom they happen to be or who they are.

This legislation then is aimed at adding crimes that are motivated by a bias against people solely because of their gender or solely because of their sexual preference or perhaps because of some disability they might have. I, therefore, think this legislation which the authors bring to the Senate is appropriate and should be supported. It will send a clear message throughout this country that these types of activities in this country will not be tolerated.

Again, in America, our right to not embrace or befriend someone with whom we do not want to be associated, for whatever reason, is guaranteed. But what is also guaranteed is their right under the Constitution of the United States to be protected against violence and harm that others might do unto them solely because of who they are.

As Americans, we certainly should be proud of our multicultural and multi-ethnic heritage. We are a diverse nation and when we look at other nations that are having problems because of their heritage or their diversity, we can be proud in this country that we, in fact, are a different nation than many others. Therefore, this legislation sends a strong and clear message that domestic terrorism and violence against people in our country based

merely on who they are or what they believe is something that deserves national protection, and Federal legislation is, in fact, important.

A hate crime against any American is a crime against all Americans, and this legislation saying that is a Federal right upon which we will insist is appropriate and proper and deserves our support.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon to speak for this legislation and commend Senator KENNEDY for his sponsorship, along with my colleagues, of this legislation. Senator KENNEDY has long been an advocate for a society in which individuals reach out not with hate but with fellowship. I am pleased to see other supporters, like Senator SMITH, who are also in the vanguard of this great effort.

This afternoon we are here because of the murders of James Byrd and Matthew Shepard and others—because these acts of violence tear at the very fabric of our society.

Unfortunately, over the past 2 years, we have seen far too many cases of these types of crimes of violence, motivated strictly by prejudice and hatred of people, not because of their character but because of some perception of their failings in the eyes of others.

In my own State of Rhode Island, in May 1998 a group of seven to ten men stomped and battered a Cranston bartender and an acquaintance as they were coming out of a Providence night club, while laughing and screaming anti-gay epithets. The waiter suffered fractured bones in his jaw, head and collarbone, cracked ribs, and a puncture wound to his chest caused by a broken bottle. The acquaintance suffered a fractured eye socket and bruises.

According to Providence, Rhode Island city officials, the number of hate crimes reported in Providence has grown in recent years. In 1998, 25 such crimes were reported, and, last year, 32 were reported.

In February 1999, in an incident which took place in Pawtucket, Rhode Island, two men were walking home with a female friend from a church function and were assaulted by a third man. While yelling obscenities and anti-homosexual slurs, the third man hit one of the men over the head with a full wine bottle, and then jumped on top of him and punched him repeatedly in the face and head. He then threw him up against a brick wall and continued to hit him while yelling anti-gay epithets.

In California, three men pled guilty to racial terrorism for burning a swastika outside a Latino couple's residence.

In Florida, a Puerto Rican man was allegedly beaten by three white men who yelled racial slurs.

In Ohio, a 23-year-old Hispanic male was gunned down by three assailants. Police reported it as a racially motivated incident. The list goes on and on.

This amendment would simply extend the current definition of Federal hate crimes to include crimes committed on the basis of someone's gender, sexual orientation, or disability. It would allow the Federal Government to prosecute an alleged perpetrator who commits a violent crime against someone just because that person is gay, blind, or female.

This amendment basically brings our civil rights statutes in line with the most recent definition of hate crimes promulgated by this Congress.

This amendment also eliminates the restrictions that have prevented Federal involvement in many cases in which individuals were killed or injured because of bias or prejudice.

It also supports State and local efforts to prosecute hate crimes by providing Federal aid to local law enforcement officials. In particular, it authorizes the Justice Department to issue grants of up to \$100,000 to State, local, and Indian law enforcement agencies that have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

This amendment does not federalize all violent hate crimes. It provides for Federal involvement only in the most serious incidents of bodily injury or death, and only after consultation with State and local officials, a policy that is explicitly reflected in a memorandum of understanding entered into by the Department of Justice with the National Association of District Attorneys last July.

Finally, the Department of Justice has reviewed this amendment and believes it does meet the constitutional standards recently articulated in Supreme Court cases. For crimes based on gender, sexual orientation, disability, religion, and national origin, the amendment has been carefully drafted to apply only to violent conduct in cases that have an "explicit connection with or effect on interstate commerce."

This amendment has attracted broad bipartisan support from 42 Senators, 191 Members of the House of Representatives, 22 State attorneys general, and more than 175 law enforcement, civil rights, and religious organizations. This demonstrates the huge support (for strengthening Federal hate crimes legislation, support) which cuts across party lines and which reaffirms a fundamental belief and tenet of our country: That people should be able to be individuals, to be themselves without fear of being attacked for their individuality, for their personhood, for their very essence.

These hate crimes are very real offenses. They combine uncontrolled bigotry with vicious acts. These crimes

not only inflict personal wounds, they wreak havoc on the emotional well-being of people throughout this country, because they attack a person's identity as well as his or her body. Although bodies heal, the scars left by these attacks on the minds of the victims are deep and often endure for many years.

There is no better way for us to reaffirm our commitment to the most basic of American values: the dignity of the individual and the right of that individual to be himself or herself. We can do that by voting in favor of this amendment. I believe it is our duty. I am pleased to join this great debate and lend my support to this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to support the Hate Crimes Prevention Act. I applaud Senators KENNEDY and SMITH of Oregon, and others for providing us an amendment on the Department of Defense authorization bill which will be of great assistance in the prosecution of hate crimes.

This legislation will provide the Federal Government a needed tool to combat the destructive impact of hate crimes on our society. The amendment also recognizes that hate crimes are not just limited to crimes committed because of race, color, religion, or national origin, but are also directed at individuals because of their gender, sexual orientation, or disability.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Hate crimes not only target individuals but are also directed to send a message to the community as a whole. The adoption of this amendment would help our State and local authorities in pursuing and prosecuting the perpetrators of hate crimes.

Many States, including the State of Vermont, have already passed strong hate crimes laws. I applaud them for their endeavor. An important principle of this amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these crimes.

Under this amendment, Federal prosecutions would still be subject to the current provision of law that requires the Attorney General or another senior official of the Justice Department to certify that a Federal prosecution is necessary to secure substantial justice. Such a requirement under current law has ensured that the States are the primary adjudicators of the perpetrators of hate crimes, not the Federal Government. Additionally, Federal authorities will consult with the State and local law enforcement officials before initiating an investigation or prosecution. Both of these are important provisions to ensure that we are not infringing on the rights of States to prosecute these crimes.

Senate adoption of this amendment will be an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. I urge my colleagues to take a strong stand against hate crimes by supporting this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Has the Senator from Vermont completed his statement?

Mr. JEFFORDS. Yes. I have yielded the floor.

Mr. REID. Mr. President, in Las Vegas a gay man was shot to death because he was gay. In Reno, someone went to a city park with the specific purpose to find someone who was gay, found him, and killed him. These types of incidents have happened not once, not twice, but numerous times in Nevada, and thousands of times around this country.

I only mention two of the occasions where someone's son, someone's brother was killed. They were human beings. These people were killed not because of wanting to steal from them, not because of wanting to do anything other than to kill them because of who they were. They were killed because someone hated them.

Mr. President, I rise today in support of the Local Law Enforcement Act of 2000. I am an original cosponsor of the freestanding legislation authored by the senior Senator from Massachusetts, Mr. KENNEDY. I commend Senator KENNEDY for his tireless efforts to ensure that the Senate consider and pass this important and much-needed measure. This is important legislation, and I am very happy that we are now at a point where this legislation can be debated in the Senate.

Hate crimes legislation is needed because, according to the FBI, nearly 60,000 hate crimes incidents have been reported in the last 8 years. In 1998, the latest year for which FBI figures are available, nearly 8,000 hate crimes incidents were reported. But these figures are more frightening when we ponder how many hate crimes are not reported to law enforcement authorities.

Unfortunately, the Federal statutes currently used to prosecute hate-based violence need to be updated. That is what Senator KENNEDY is doing. These Federal laws, many of which were passed during the Reconstruction era as a response to widespread violence against former slaves, do not cover incidents of hate-based crimes based upon a person's sexual orientation, gender, or disability. In 1998, again, the last year for which statistics are available, there were 1,260 hate crimes incidents based on sexual orientation reported to law enforcement. Many more took place. These are only the ones that were reported. This figure, which represents about 16 percent of all hate crimes reported in 1998, demonstrates

that current law must be changed to include sexual orientation under the definition of hate crimes.

I have listened to the debate on the floor today. I think we all have some remembrance of the terrible series of events which occurred in Jasper, TX, a couple years ago. On June 7, the country paused to remember the second anniversary of James Byrd, Jr.'s horrific death, when he was dragged along a rural back road in Texas. This man was just walking along the road when certain people, because of the color of his skin, grabbed him, beat him, and if that wasn't enough, they tied him, while he was still alive, to the back of their pickup and dragged him until he died.

Due to the race-based nature of the Byrd murder, Federal authorities were able to offer significant assistance, including Federal dollars, to aid in the investigation and prosecution of that case to ensure that justice was served.

Unfortunately, the same cannot be said about another case that has already been talked about here on the floor today; the case of Matthew Shepard. He was a very small man. In spite of his small size, two men, assisted by one or both of their girlfriends, took this man from a bar because he was gay, and, among other things, tied him to a fencepost and killed him.

This was gruesome. It was a terrible beating and murder of this student from the University of Wyoming. But, what makes this case even more disturbing is that Wyoming authorities did not have enough money to prosecute the case. They did, of course, but in order to finalize the prosecution of that case, they had to lay off five of their law enforcement employees. The local authorities could not get any Federal resources because current hate crimes legislation does not extend to victims of hate crimes based upon sexual orientation.

If there were no other reason in the world that we pass this legislation than the Matthew Shepard case, we should do it. I have great respect for those people in Wyoming who went to great sacrifice to prosecute that case.

The hate crimes legislation being offered to the Defense Authorization bill is a sensible approach to combat these crimes based upon hate. The measure would extend basic hate crimes protections to all Americans, in all communities, by adding real or perceived sexual orientation, gender, or disability categories to be covered.

The amendment would also remove limitations under current law which require that victims of hate crimes be engaged in a federally protected activity.

There may be those who are listening to this debate and wondering why we need to protect those people who are handicapped or disabled? We need only

look back at some of the genocide of the Second World War and recognize that Hitler was totally opposed to anyone who was not, in his opinion, quite right. He went after people who had disabilities.

So there are people, as sad as it may seem, who not only are hateful of people who are of a different color, a different religion, a different sexual orientation, but also someone who does not have all their physical or mental capacities.

We must give law enforcement the tools they need to combat this kind of violence, to help ensure that every American can live in an environment free of terror brought on by hatred and violence.

As Senator KENNEDY will say, this amendment has been carefully drafted and modified to assure its constitutionality under current Supreme Court precedents and has been reexamined in light of the recent Morrison decision which invalidated the civil rights remedy in the Violence Against Women Act. I appreciate the work done by Senator KENNEDY and the Judiciary Committee for taking such a close look at this legislation.

I have shared with my colleagues two incidents in Nevada. There are many, many others. There are incidents in all 50 States and the District of Columbia of people who have been kidnaped, beaten, raped, and murdered as a result of their sexual orientation. Court records reveal that in each of these cases, with rare exception, there is hate that spews out of these people's mouths before the act takes place, derogatory names and slurs as they are taking people to their deaths, brutal sadistic murders.

These victims are someone's son, someone's daughter, someone's brother, someone's sister, someone's loved one. People should not be killed because they are different; they should not be killed because someone has a certain, misguided standard of how someone else should be. People should not be killed because of hate.

We live in America, the land of freedom and opportunity. We should make sure we stand for morality based upon people's accomplishments, not because of their race, color, creed, or sexual orientation.

I extend my congratulations to Senator KENNEDY for the work he has done. I hope these two men, Senators HATCH and KENNEDY, who have worked so closely on legislation over the years, will see that this important aspect of the law which needs to be revised is revised in such a way that we can all hold our heads high and say: When these crimes take place in the future, authorities in States such as Wyoming will not have to lay off five law enforcement officers to prosecute the crime.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for addressing this issue on this Monday afternoon. We generally, on Monday afternoons as well as on Friday afternoons, have less heavy matters before our body.

This afternoon we have had a very impressive series of statements that have urged us to take the action on tomorrow to move ahead and pass strong hate crimes legislation. I listened earlier to a number of our colleagues. I thought there were many excellent statements, which I am hopeful our Members will have a chance to review in the early morning in the CONGRESSIONAL RECORD. These statements have been absolutely superb. We have had a wide variety of different Members from different backgrounds and experiences, different political viewpoints, speak on this issue. That is the way it should be because we are talking about a matter of fundamental importance for our society and our country. We are talking about what our country is really about, what steps we are prepared to take to make America, America.

We have shown that over a period of time, certainly since the end of the Civil War, this Congress has taken steps to guarantee the protection of constitutional rights, going back to 1866. In the more modern time, we enacted civil rights legislation in the early 1960s, after the extraordinary presence of Dr. King who awakened the conscience of our Nation in the latter part of the 1950s and early part of the 1960s. We went ahead and took action in 1964 on what was known as the Public Accommodation Act. We were asked: Will the kinds of enforcement mechanisms stand up under constitutional challenge? And they did.

Then, in 1965, we took action in order to preserve the right to vote for our citizens. Now it seems almost extraordinary that a large number of Americans were denied the right to vote. At that time, it was debated for some time. We took strong steps to ensure that America was going to be America in terms of the right to vote. In 1968, we had our Fair Housing Act to make sure that citizens whose skin was a different color were not going to be denied the opportunity to purchase homes. We took action in 1968 to protect that right. It wasn't very effective. We had to come back and revisit that again in 1988. Still, the progress went on. In 1988, we passed legislation to protect the rights of the disabled in our society. We had made some progress with what is known as Title VII over time, but the Americans with Disabilities Act was the legislation that established protections. We were saying to the American people—and the American people supported it—that

if individuals have a disability, they should not be discriminated against in our society.

This is what we are talking about. We are talking about forms of discrimination. Discrimination is rooted in the basic emotion of hatred, of distrust, and of bigotry. We have seen it manifested in race relations in our country. Hatred, distrust and bigotry have also been reflected in other ways: on the basis of religion, national origin, sexual orientation, gender, and disability. We freed ourselves from discrimination based on national origin with the 1965 Immigration Act. The Immigration Act had certain rules for those who came from the Asian Pacific Island triangle. We only permitted less than 150 Asians to come onto our shores prior to 1965. Then we also had what was called the national origin quota system which discriminated against people who came from a number of the European countries. All of this is part of our national history.

One of the amazing and important aspects of the progress that America has made in recent time is in trying to free us from the stains of discrimination. We are talking not only about those who have been discriminated against but those who have perpetrated the discrimination.

We are talking about a continuum of this Nation attempting to define what America ought to be—a nation free from the forms of discrimination and hatred and bigotry. That is what distinguishes hate crimes from other criminal activities. Crimes based upon hatred and bigotry wound not only the individual, but they also wound and scar an entire community.

Hate crimes occur on a daily basis in the United States of America. Numerous hate crime incidents have been mentioned by our colleagues and illustrated time and again. According to FBI statistics, nearly one hate crime is committed every hour.

My colleagues and I want to take action that will move this country forward and free us from those acts of hatred that divide us.

We can't solve all of these problems, but there is no reason, when we have violence in our society, that those who are charged with protecting the Constitution of the United States ought to be standing on the sidelines when violence based upon discrimination is taking place in the United States of America. Why should we limit ourselves—those who have a responsibility—from helping and assisting those who are involved in local enforcement and State law enforcement, particularly when we are talking about these hate crimes against women in our society?

An individual was charged in Yosemite this past year with the murder of four women. He told the police investigators he had fantasized about killing women for three decades. A gay, homeless man in Richmond, VA, was found

with a severed head and left at the top of a footbridge in James River Park near a popular gay meeting place. In Crystal Lake, IL, a Japanese American shopowner was shot to death outside of Chicago, based upon the fact of discrimination against Asians. Three synagogues in Sacramento, in July of 1999, were destroyed by arson on the basis of anti-Semitism.

These things are happening today. With all due respect to my friend and colleague from Utah, his legislation is basically to have a further study about whether these kinds of activities are taking place. This amendment that he has, on page 1, talks about studies, the collection of data, the data to be collected. Then it shows the number of relevant offenses, the percentage of offenses prosecuted. It continues on with the identification of trends. Then it has provisions for grants to local communities, and eligibility, and grants of \$100,000.

We have had the FBI doing the study for the last 10 years. We have the figures that the FBI has produced. The one thing that the FBI has testified to, and is very clear about in their studies, is they believe it is vastly underestimating the amount of hate crimes that are taking place, because in so many instances there isn't the local training or prioritizing of hate crimes by local communities and State communities in order to collect the information or data on this.

So we do know that this is happening today. It is happening in increasing numbers. The reports that we do have basically underestimate the amount of action and activity that is taking place, and the States themselves—some of them—have taken action. But very few, if any, have taken the kind of comprehensive action we are talking about.

There are enormous gaps in the activities of the States in the kinds of protections they are providing. Others have talked about it, and I am glad to get into the various kinds of protections that we are talking about here, the reasons for this legislation. Again, I say, this is our opportunity—and tomorrow—to say whether we are going to be serious about taking action in this area of bigotry and hatred that is focused on particular groups in our society. We have been willing to take action in the past. We were willing to do it in the past. I have mentioned six or eight instances when this Congress thought there was such a compelling reason for us to take the action that we went ahead and took that action in order to try to do something about discrimination in our society.

We have the same issue in a different form before the Senate now. In the early 1960s, we had discrimination against blacks because we were not going to permit them to vote. We passed legislation and then imple-

menting legislation. We said we were not going to protect discrimination and bigotry, discriminating against blacks in the areas of housing. We did the same regarding the disabled on the Americans With Disabilities Act. We made progress on discrimination against women in our society, and we have made progress as well in terms of understanding the various challenges on freeing ourselves from some forms of discrimination on the basis of sexual orientation—although we have made very little in that area.

The question is not the issue on sexual orientation. It is about violence against individual Americans. That is what it is about when you come down to it. It is violence based on bigotry. You can read long books about the origins of hatred and the origins of bigotry and the origins of prejudice and how they develop against individuals or individual groups. Many of them are different in the way that they did develop. But there is no difference about what is there basically when it is expressed in terms of violence. It is still violence against those individuals, and that is what we are attempting to address.

I will put in the RECORD the various justifications, in terms of the constitutional issues. We can get into those and debate and discuss those in the course of the evening. We believe we are on sound basis for that. We have spent a great deal of time in assuring that the legislation was going to meet the challenges of Supreme Court decisions. I believe that we do. I respect those who believe we have not. But we are talking about taking action and doing it now.

There are all kinds of reasons in this body why not to take action. But if we want to try to have an important response to the problems of hate crimes in our society, this is the way to do it. It is a bipartisan effort, and it has been since the development of our initial efforts under the leadership of Senator Simon and others a number of years ago, with just the collection of material. It has been, since that time, basically bipartisan, and it is on this measure now. It is whether we in the Senate are going to say that we have enough of the Matthew Shepard cases, that we have enough of the kind of vicious murdering on the basis of race, that we have enough prejudice and discrimination and expression of violence against Jewish individuals in our society, and we have had enough in terms of the violence against those who have a different sexual orientation. That is what the issue is, no more and no less.

I want to take a few moments, and if others want to address the Senate, I will obviously permit them to do so. I want to give the assurances to our colleagues about how this particular legislation has been fashioned and has been shaped. It is targeted, it is limited, it is responsive in terms of its constitu-

tional standing and how it basically complements the work of the States, which are attempting to try to deal with those issues, and how it is positive in terms of helping those States, and how, in many circumstances—for example, in a number of the rapes or aggravated sexual assaults, because criminal penalties under State laws are actually more severe than under Federal laws, the prosecution quite clearly would fall in those circumstances.

As has been pointed out, in all the hate crimes prosecutions, the Federal authorities consult with the State and local enforcement officials before initiating an investigation or prosecution. The Federal jurisdiction allows the States to take advantage of the Department of Justice resources and personnel. Even if the State authorities ultimately bring the case, the Federal jurisdiction also allows the Attorney General to authorize the State prosecutor to bring a case based on Federal law, when that should be important or necessary.

In cases where the States have adequate resources to investigate and prosecute a case and it appears determined to do so, the Federal Government will not file its own case. As has been the case under existing law, prosecutions under expanded case law would occur primarily in four situations: where the State does not have jurisdiction or the State prosecutors decline to act; or, after consultation between Federal and local authorities there is a consensus that a Federal prosecution is preferable because of the higher penalties and procedural advantages due to the complexity of the case; third, the state does not object to the Justice Department assuming jurisdiction; or fourth, that the State prosecution does not achieve a just result and the evidence warrants a subsequent Federal prosecution.

Those are very limiting factors because they effectively give the States veto rights over Federal jurisdiction. We are talking about having an extremely effective remedy, one that will be in the interest of justice but one that is carefully sharpened in terms of its scope to make sure that we maintain local involvement and consider local priorities.

The point is made that the Federal Hate Crimes Act would, in many cases, continue to overlap State jurisdiction. People have opposed this proposal for that reason. Violent crimes, whether motivated by discriminatory animus or not are generally covered under State law, and such an overlap is common. For example, there is overlapping Federal jurisdiction in cases of many homicides, in bank robberies, in kidnappings, in fraud, and other crimes.

We have been willing to do it in other circumstances, and I believe that we must have overlapping jurisdiction for violent crimes based on animus and hatred as well. We must take meaningful

steps to do something about it. Clearly, I think we have an important responsibility to act.

The importance of the amendment is to provide a backstop to State and local enforcement by allowing a Federal prosecution, if it is necessary, to achieve an effective just result and to permit Federal authorities to assist in local investigations.

As has been mentioned, every Federal prosecutor would have to prove motivation beyond a reasonable doubt in all cases. The prosecution would present evidence that indicated that a motivating factor in the defendant's conduct was bias against a particular group. That is a question for the jury to decide. Obviously, the prosecutor must convince the jury that the crime was based upon bias in order to secure a conviction.

I withhold and yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened carefully to the comments of my colleague. He knows I have great respect for him in regard to civil rights matters. I have great commendation for him. I feel deeply, as he does. However, there is no use kidding about it. I think we ought to be prudent in the approach that we take. I think we ought to be constitutionally sound as well.

In all of the comments of my dear friend, he still hasn't answered this basic question, which is: Can those who are pushing this very broad legislation that would federalize all hate crimes—and all crimes are hate crimes, by the way. I believe that is, if not wholly true, certainly substantially true—but can those who want to enact this broad legislation federalizing all hate-motivated crimes tell me the number of instances, if any, in which State or local authorities have refused or failed to investigate and prosecute hate crimes? If there are any cases in which State or local authorities have refused or failed to investigate and prosecute a hate crime, was it because the State or the local jurisdiction was unwilling, for whatever reason, to bring the prosecution?

These questions haven't been answered. We asked them at the hearings, and the Justice Department couldn't answer them. In fact, Deputy Attorney General Holder testified that States and localities should be responsible for prosecuting the overwhelming majority of hate crimes. He said:

State and local officials are on the front lines and do an enormous job in investigating and prosecuting hate crimes that occur in their communities. In fact, most hate crimes are investigated and prosecuted at the State level.

That is the Deputy Attorney General of the United States of America.

We have never denied that hate crimes are occurring. Nobody can deny

that. I want to get rid of them as much as anybody—certainly as much as the distinguished Senator from Massachusetts.

But we have yet to hear of specific instances where States have failed or refused to prosecute. We have heard lots of horrific stories about hate crimes from Senators KENNEDY, REID, and DURBIN. But I think they have neglected to finish the story.

In each case, the Shepard case and the Byrd case, for example—heinous crimes, no question about it—that should never have occurred; that should have been prosecuted; and were prosecuted. The State prosecutors investigated those cases. They prosecuted the defendants. In the Byrd case, the prosecutors even obtained the death penalty, something that could not be obtained if the Kennedy amendment had been passed and the Federal Government had brought the case. Think about that. I think some crimes are so heinous that the death penalty should be imposed. Certainly the Byrd case, where racists chained James Byrd to a truck and dragged him to death on a back road in Jasper, Texas, warranted the death penalty. But in all of those cases, there ought to be absolute proof of guilt. The crime ought to be so heinous that it justifies the penalty, and there should be no substantial evidence of discrimination. In the Byrd case and the Shepard case, the defendants were fully prosecuted to the fullest extent of the law.

The question is not whether hate crimes are occurring. They are. We have them in our society—the greatest society in the world. We have some hate crimes. They are occurring. We all know it. They are occurring, and they are horrific and are to be abhorred. The question, though, is whether the States are adequately fighting these hate crimes, or whether we need to make a Federal case out of every hate-motivated crime.

My amendment calls for an analysis of that question. If my amendment passes and causes an analysis of that question, and we conclude that hate crimes are not being prosecuted by the State and local prosecutors, my gosh, I think then we are justified to federalize, if we can do it constitutionally, many of these crimes.

A prudent thing, in my view in light of the constitutional questions that are raised by the Kennedy amendment, would be to do the analysis first.

But my amendment does more than that. My amendment provides funds to assist State and local authorities in investigating and prosecuting hate-motivated crimes. My amendment provides resources and materials to be able to help States and localities with hate crimes. We are not ignoring the problems that exist.

Deputy Attorney General Eric Holder conceded in his testimony before our

committee, and he acknowledged that an analysis of the hate crimes statistics that have been collected needs to be conducted to determine whether State and local authorities are failing to combat hate crimes. Eric Holder testified that the statistics we have are, to use his term, “inadequate.” In his testimony, Deputy Attorney General Holder repeatedly argued that the Justice Department should be permitted to involve itself in local hate crime cases where local authorities are “unable or unwilling to prosecute the case.” Holder admitted in his testimony that there are “not very many” instances—later in his testimony, he said, “rare instances”—where local jurisdictions, for whatever reason, are unwilling to proceed in cases that the Justice Department “thinks should be prosecuted.”

At the hearing, I asked Deputy Attorney General Holder if he could identify “any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.” I asked him a specific question, to give me any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.

I went further and I asked him, “So the question is, can you give me specific instances where the States have failed in their duty to investigate and prosecute hate crimes.” Deputy Attorney General Holder responded with only a handful of specific instances—and they were not instances where the State or local authorities refused to act but instances where the Justice Department felt that it would have tried the case differently or sought a harsher sentence, or where the Justice Department was not pleased with the verdict that State prosecutors obtained. The few cases Holder identified generally were not cases where State officials abdicated their responsibility to investigate and prosecute hate-motivated crimes.

I have to believe there may be some such cases, but the ones Mr. Holder identified were not persuasive. They did not show any widespread pattern of State and local authorities refusing or failing to investigate and prosecute hate crimes. I am happy to receive them from my distinguished friend from Massachusetts, and I am sure he may be able to cite some. Are there so many of them that we justify federalizing all hate crimes and dipping the Federal nose into everything that is done on the State and local levels? I don't know—in my mind, the case for doing so has not yet been made.

Deputy Attorney General Holder also testified that no hate crimes legislation is worthwhile if it is invalidated as unconstitutional. It would be one thing if we were talking about a Supreme Court case that was decided 100

years ago. We are talking about a case, however, the Morrison case, that was decided one month ago and invalidates exactly what Senator KENNEDY is doing today. If we find out that States are refusing to prosecute hate crimes, then we would be justified under the 14th amendment in enacting legislation directed at State officials or people acting under color of law who are denying victims of hate crimes the equal protection of the laws. If that were shown, then we would be justified, especially if such conduct were pervasive, or especially if there were a considerable number of cases where State officials were denying the equal protection of the laws by refusing to prosecute crimes committed against certain groups or classes of people. The supporters of the Kennedy amendment, I have to believe, will be able to come up with one, or two, or maybe three cases where State officials denied the equal protection of the laws in this manner. But even if then can, would that justify federalizing all hate crimes?

Mr. President, 95 percent of all criminal activity is prosecuted in State and local jurisdictions—95 percent. There are good reasons for that. Frankly, they do every bit as good a job as Federal prosecutors do.

But if you put in “gender,” as Senator KENNEDY does in his amendment, then every rape or assault becomes a Federal crime. I can just hear some of the very radical groups demanding that U.S. attorneys in Federal court bring cases in every rape case because every rape, in my opinion, is a hate crime. However, there is no evidence that the States are not handling those sorts of cases properly. They may be in a better position to handle them well. It may be that the federal government needs to provide enough money, so that as a backup, the DNA postconviction and even preconviction DNA testing can be conducted and we can see that justice is done.

I am not unwilling to consider doing that. In fact, I am considering doing just that. I take no second seat to any Senator in this Chamber in the desire to get rid of hate crimes. But I do think you have to be wise and you can't just emotionally do it because you want to federalize things and you want to get control of them, when, in fact, the State and local governments are doing a fairly decent job. If they are not, that is another matter. I want to see the statistics. That is one reason I want a study, an analysis of these matters, so that we can know.

Senator KENNEDY and I fought on this very floor for the Hate Crimes Statistics Act. I have taken a lot of abuse through the years for having done so by some on the conservative side, and by some on the liberal side for not doing more. We have the statistics. We have a pretty good idea that these crimes are being committed. We just

haven't got an analysis, nor do we have the facts, on whether the States are doing an adequate job of combating these crimes. And why should we go blundering ahead, federalizing all these crimes, when we are not really sure that the State and local governments are not doing a good job. In fact, the evidence I have seen appears to show that the States are taking their responsibilities in this area seriously.

My amendment does a lot. It calls for a study to determine whether these hate-motivated crimes are not being prosecuted at the State level in the manner that they should be. There are those in our body who even fight against that. I am talking about the Congress as a whole. I hope there is nobody in the Senate who would fight against that. We should do an analysis and a study. We should know. We have the statistics.

I do want to clear up one thing. The Department of Justice did send up a handful of cases in which the Department felt the result in hate crime litigation was inadequate. But the very few cases they identified in no way justify this type of expansive legislation. That is what I am concerned about.

Now, if we find that the States are refusing to do their jobs, that is another matter. We would be justified under the equal protection clause of the 14th amendment to enact remedial legislation prohibiting the States from denying our citizens the equal protection of the laws by refusing or failing to combat hate crimes.

Supporters of the Kennedy amendment argue that their amendment is limited because the Justice Department could exercise jurisdiction only in four instances. Supporters of the Kennedy amendment call these instances “exceptions”—as in the Justice Department will not exercise jurisdiction over State prosecutions of hate crimes, “except” when one of the four circumstances outlined in the amendment is present. But these so-called “exceptions” to the exercise of federal jurisdiction are exceptions that swallow the rule.

The Kennedy amendment raises serious constitutional decisions or questions. The amendment is not consistent with the Supreme Court's decisions in *United States v. Lopez* and *United States v. Morrison*, just decided last month. The amendment attempts to federalize crimes committed because of the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability.

Last month's Supreme Court decision in *United States v. Morrison* changed the legal landscape with regard to congressional power vis-a-vis the States. In light of the Morrison decision, we first should take adequate steps to ensure that legislation is constitutional. And where serious constitutional ques-

tions are raised, we should responsibly pursue less intrusive alternatives. In the case of hate crimes legislation, we should at least determine whether a broad federalization of these crimes is needed, and whether a broad federalization of these crimes would be constitutional in light of Morrison. What may have been constitutional in our minds pre-Morrison may not be constitutional today.

I was the primary cosponsor of the Violence Against Women Act. It may never have come up had Senator BIDEN and I not pushed it as hard as we did. I believed it was constitutional at the time, or I wouldn't have done it. But it clearly was stricken as unconstitutional by the Supreme Court.

As the father of three daughters and a great number of granddaughters, I certainly want women protected in our society. If the State and local governments are not doing that, I will find some way. I think perhaps Senator KENNEDY, I, and others of good faith can find some way of making sure that these wrongs are righted.

But Congress has a duty to make sure that legislation it enacts is constitutional. Justice Scalia, as I stated earlier, recently criticized Congress for failing to consider whether legislation is constitutional before enacting it. Here is what he said:

My court is fond of saying that acts of Congress come to the court with the presumption of constitutionality. But if Congress is going to take the attitude that it will do anything it can get away with, and let the Supreme Court worry about the Constitution [let the Supreme Court worry] perhaps the presumption is unwarranted.

He is saying that we have a constitutional obligation to live within the constraints of the Constitution. Although Morrison was a 5-4 decision, as many important decisions are, it is the supreme law of this land. And the Kennedy approach is unconstitutional.

It is unconstitutional because under the 14th amendment it seeks to criminalize purely private conduct. In the Morrison case, the Supreme Court reaffirmed that legislation enacted by Congress under the 14th Amendment may only criminalize State action, not individual action. So it really is unconstitutional from that standpoint, from the standpoint of the 14th Amendment.

In addition, the Kennedy amendment is unconstitutional under the commerce clause. In Morrison, the Supreme Court emphasized that the conduct regulated by Congress under the commerce clause must be “some sort of economic endeavor. Here, the conduct sought to be regulated—the commission of hate crimes—is in no sense economic or commercial, but instead is non-economic and criminal in nature. Accordingly, it is just like the non-economic conduct Congress sought to regulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes held to be unconstitutional in *Lopez* and *Morrison*.

In an effort to be constitutional, the Kennedy amendment provides that federal jurisdiction can only be exercised in four circumstances where there is some sort of link to interstate commerce. These circumstances, however, probably do not make the amendment constitutional.

First, the interstate travel circumstance set forth in the Kennedy amendment arguably may provide an interstate nexus, but it does nothing to change the criminal, generally non-economic nature of a hate crime. The same can be said for the other circumstances set forth in the Kennedy amendment authorizing the exercise of federal jurisdiction. The second circumstance's requirement, that the crime be committed by using a "channel, facility or instrumentality of interstate" commerce, also may provide a interstate nexus, but it is unclear precisely what hate crimes that would encompass: hijacking a plane or blowing up a rail line in connection with a hate crime? Such occurrences, if happening at all, surely are so infrequent as to make the Kennedy amendment unnecessary. And I might add, in these cases they have been prosecuted by state and local officials who have the right and power to do so. So there seems little or no reason to want the Kennedy amendment on that basis. But without some economic activity, it still makes you wonder.

The third circumstance's requirement that the defendant have used a weapon that traveled in interstate commerce would eviscerate the limits on commerce clause authority the Court stressed in *Lopez* and *Morrison*. If using a weapon that happened to have traveled in interstate commerce to commit a hate crime provides a sufficient interstate nexus authorizing congressional action federalizing hate crimes, then by the same logic Congress could federalize essentially all State crimes where a firearm or other weapon is used. And that would include most homicides had assault cases.

The fourth circumstance's requirement that the victim be working and that the hate crime interfere with such working is analogous to the reasoning the Court rejected in *Morrison*. In *Morrison*, the Court rejected the argument that gender-motivated violence substantially affects interstate commerce. It can only be presumed that the Court would similarly conclude that violence motivated by disability, sexual orientation or gender—again—does not substantially affect interstate commerce. The Court in *Morrison* and in *Lopez* rejected these "costs of crime" and "national productivity" arguments because they would permit Congress to regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce.

Finally, the Kennedy amendment's catch-all provision—that federal pros-

ecution is permitted where the hate crime "otherwise affects interstate or foreign commerce"—not only merely restates the constitutional test, it restates it wrongly. Under *Lopez* and *Morrison*, the conduct sought to be regulated under the commerce clause must "substantially affect" interstate commerce. The Kennedy amendment provides for a much lower standard.

With regard to the first amendment, the Kennedy amendment also has the potential to have a chilling effect on constitutionally protected speech. Under the amendment, the Federal Government could obtain a criminal conviction on the basis of evidence of speech that had no role in the chain of events that led to any alleged violent act proscribed by the statute. Evidence that a person holds racist or other bigoted views that are unrelated to the underlying crime cannot form the basis for a prosecution—otherwise the statute would be unconstitutional under the first amendment.

The Kennedy hate crimes amendment is also bad policy. It would place significant burdens on federal law enforcement and Federal courts, undermine State sentencing regimes, and unduly interfere with State prosecution of violent crime.

The Kennedy amendment prohibits hate crimes based upon the victims gender. I mentioned this earlier. Accordingly, the amendment, on its face, could effectively federalize all rapes and sexual assaults. Not only would such a statute likely be unconstitutional, it also would be bad policy. Seizing the authority to investigate and prosecute all incidents of rape and sexual assault from the States could impose a huge burden on Federal law enforcement agencies, Federal prosecutors, and the federal judiciary.

I know that the Supreme Court is very concerned about the proliferation of federal crimes, as are all Federal courts in our country. They think we federalize far too many laws when, in fact, the States are doing a good job in prosecuting those crimes. And there is little or no reason for us to intrude that much on State laws when they are doing a good job.

Authorities in Jasper, TX, secured a death penalty against the murderers of James Byrd, Jr., without either State or Federal hate crimes legislation. In contrast, the Kennedy amendment does not provide for the death penalty, even in the case of the most heinous hate crimes. Under the Kennedy amendment, then, a State could prosecute the same criminal acts more harshly than under the Kennedy hate crimes amendment. As a result, the Kennedy amendment would provide a lesser deterrent against hate-based criminal conduct.

If there was ever a case justifying the death penalty, it certainly was the case of James Byrd, Jr. But then again it makes my point. The State and local

prosecutors were fully capable of taking care of this matter. And why should we intrude the Federal Government's unwanted nose under the tent in this matter when the States are perfectly capable of taking care of these matters.

The Kennedy amendment also would unduly interfere with state prosecutions of hate crimes. Contrary to claims by supporters of the Kennedy amendment, the amendment would not defer to State or local authorities at all. The amendment leaves the Justice Department free to insert itself in a local prosecution at the beginning, middle or end of the prosecution, and even after the local prosecutor has obtained a guilty verdict.

Even if State or local authorities inform the federal government that they intend to prosecute the case and object to Federal interference, the Justice Department, nevertheless, is empowered by the amendment to exert enormous pressure on local prosecutors regarding the manner in which they handle the case, from charging decisions to plea bargaining decisions to sentencing decisions. In essence, the federal government can always exercise jurisdiction under the Kennedy amendment. And in so doing, the Kennedy amendment works an unwarranted expansion of federal authority to prosecute defendants—even when a competent State prosecution is available.

In my view, hate crimes can be more sinister than non-hate crimes. A crime committed not only to harm an individual, but out of the motive of sending a message of hatred to an entire community—often a community that historically has been the subject of prejudice or discrimination—is appropriately punished more harshly or in a different manner than other crimes.

In *Wisconsin versus Mitchell*, the Supreme Court essentially agreed that the motive behind the crime can make the crime more sinister and more worthy of harsher punishment. In that case, the Court upheld the State of Wisconsin's sentencing enhancement for hate crimes.

There is a limited role for the federal government to play in combating hate crime. The federal government can assist State and local authorities in investigating and prosecuting hate crimes. In addition, the Hate Crimes Statistics Act of 1990, which I sponsored, provides for the nationwide collection of data regarding hate crimes.

Because I believe there is a federal role to play, I have introduced legislation, held hearings, and am offering this amendment today. The Federal government has a responsibility to help States and local governments solve our country's problem of hate-motivated crime.

But for a federal response to be meaningful, it must abide by the limitations imposed on Congress by the

constitution, as interpreted by the Supreme Court. This is especially true today in light of the Supreme Court's decisions in *Lopez* and *Morrison*, which emphasized that there are limits on congressional power. The *Morrison* case was decided just last month and changed the legal landscape regarding congressional power in relation to the States.

We should be concerned, as the Supreme Court is, about the proliferation of companion Federal crimes in areas where State criminal statutes are sufficient. The Kennedy amendment would vastly expand the power and jurisdiction of the Federal Government to intervene in local law enforcement matters.

Repeatedly, supporters of the Kennedy amendment have argued the State and local authorities are either "unable or unwilling" to investigate the prosecute hate crimes. Let's examine this rationale closely.

First, the argument that State and local authorities are unable to get serious about hate crimes: I do not dispute that in certain cases the resources of local jurisdictions may be inadequate. We can solve that. But that cannot mean that we therefore should federalize these crimes. That soft-headed logic would lead us to argue that because State and local resources are inadequate to, for example, educate our young people in some parts of the country, then the Federal Government should conduct a nationwide takeover of elementary and secondary education. That, of course, would be the wrong solution. The right solution to a problem involving inadequate resources at the local level is to try to provide some Federal assistance where requested and where needed. That is what my amendment does.

If it is not enough money, then let's beef up the money. That is what my amendment does. It provides the monetary means whereby we can assist the States if they do not have the money to investigate and prosecute hate-motivated crimes. With regard to postconviction DNA evidence, it may mean we have to do more from a Federal Government standpoint.

Second, I have even more difficulty stomaching the second argument put forth by supporters of the Kennedy amendment, that State and local authorities are unwilling to get serious about hate crimes. I admit that I am not certain what the supporters of the Kennedy amendment mean when they say "unwilling." I assume that we all understand and appreciate that in numerous cases State and local officials are unwilling to go forward because the evidence does not warrant going forward. Supporters of the Kennedy amendment cannot possibly mean to cover all of these cases. So what do they mean? A subset of these cases? Does the Federal Government intend to

review every case where local officials fail to go forward, second guess their judgments, and then pick and chose on which of those cases they want to proceed? The true answer is that no one knows what supporters of the Kennedy amendment mean when they claim that States are "unwilling" to deal with hate crimes.

If we want to act responsibly and sensibly, we ought to do what I suggest in my amendment—(1) conduct a comprehensive analysis of whether there, in fact, is unwillingness at the local level in the handling of crimes motivates against persons because of their membership in a particular class or group and (2) provide some grant monies to States who may lack resources.

The amendment I have offered does not go as far as legislation I have offered in the past, but this is not because I do not believe that hate crimes are not a problem. Rather, it is because the Supreme Court has ruled as recently as a month ago in this area, and I do not think we can ignore that. The recent decision in *Morrison* requires that we step back and prudently assess whether legislation like the Kennedy amendment would pass constitutional muster, and I think more than an overwhelming case can be made that it does not.

Let's assume that if this amendment is ultimately adopted, and 2 or 3 years from now the Supreme Court decides the case based upon that amendment, and I am right and the Kennedy amendment is overturned, that means we are 3 more years down the line unable to do anything about hate crimes in our society when, if we do the appropriate analysis and get the information and do not walk in there emotionally, and try to give the State and local governments the monetary support and the other types of support we describe in our amendment, we could start tomorrow combating hate crimes at the federal level. The day my amendment is passed doing something about hate crimes, that will really be substantial and will work. It is a throw of the dice if we adopt the Kennedy amendment and that becomes law because I do not believe it can be possibly upheld by the Supreme Court in light of current constitutional law.

My amendment is very limited and does not raise the constitutional questions raised by the Kennedy amendment. At the same time, it provides for Federal assistance to State and local authorities in combating hate crimes.

With regard to both amendments, I find no fault at all—in fact, I commend my distinguished colleague from Massachusetts, my friend from Oregon, and others who are pushing the Kennedy amendment because they believe something has to be done about hate crimes in our society. I find no fault with that. In fact, I admire them for doing that. I find no fault with people trying to

write laws, but I do believe we can be 3 years down the line and lose all that time in making headway against hate criminal activity in our society.

Where, if we do it right today and do it in a constitutionally sound way, as my amendment does, then we will have truly accomplished something. Perhaps we can get together and find some way of doing this so it brings everybody together; I would like to see all civil rights bills, all bills that involve equal protection under the laws pass unanimously, if we can. I want to work to that end.

I pledge to work with my colleagues from Massachusetts, Oregon, Vermont, and others in this body in trying to get us there. We are all after the same thing, and that is to have a better society so that people realize there are laws by which they have to live, that there are moral laws by which they should live, and that people realize this society has been a great society and will continue to be, the more we are concerned about our fellow men and women and equality under the law.

We differ on the ways to get there at this point. Maybe we can get together and find some way of resolving the differences. I find no fault with my colleagues, other than that I think *Morrison* is so clear, and it was decided only a month ago. I do find fault in that sense, to push an amendment probably is unconstitutional.

I find no fault with the motivations behind those supporting the Kennedy amendment. In fact, I am very proud of my colleagues for wanting to do something in this area, to make a difference in our society and help our society be even better. I commend them and thank them for their efforts in that regard, but I do think we ought to do it in a constitutional way. I do think we ought to do it in a thoughtful way. I do think we ought to do it in an analytical way. I do think we ought to do it in a way that will bring people together, not split them apart. And I do think we ought to do it in a way that will help State and local prosecutors, rather than Federal prosecutors, to handle these cases in manners that are proper and acceptable in our society. I do think it ought to be done in a way that does not burden our Federal courts with a plethora of cases, in addition to the drug cases burdening our courts today, when State and local governments are totally capable of taking care of it, perhaps with some monetary assistance from the Federal Government.

I look forward to finding a way whereby Senator LEAHY and I and others can get together to resolve these problems of postconviction DNA testing because regardless of where one stands on the death penalty, for or against it, that is not the issue. The issue is justice, and that is what the issue is here as well.

Does anyone in this body think I like opposing this amendment? I don't think so. I have stood up on too many of these matters for them to think that. But defending the Constitution is more important to me than "feeling good" about things or just "feeling emotional" about things. I do feel emotionally about hate crimes. I do want to stamp them out. I do want to get rid of them. I want to start now, not 3 years from now when we have to start all over again because the Court rules that the Kennedy amendment is unconstitutional.

I have taken enough time. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on tomorrow we will have the opportunity to choose between the proposal of the Senator from Utah and the amendment Senator SMITH and I are recommending to our colleagues.

When it is all said and done, as I mentioned earlier, the proposal that has been put forward by my friend and colleague from Utah is basically to conduct a study about the problems and frequency of hate crimes, permits up to \$5 million in authorization, and permits the Justice Department to provide grants for prosecution. That is really the extent of the amendment of the Senator from Utah.

He has outlined his reasons for supporting that particular approach. I heard him say earlier he believes that it is really going to solve the problem and that it is going to really deal with the issue of hate crimes. Of course, I do not believe that to be the case.

We reviewed this issue on a number of different occasions in the Judiciary Committee. I understand his position. I respect it, although I do have some difficulties in being persuaded by it this evening.

For example, he basically has not questioned the existing limited hate crimes legislation that is on the books, 18 U.S.C. §245, dealing with the issue of race, color, religion, and national origin in our society, even though it is restricted in its application. He did not say we ought to eliminate that situation. He did not really refer to eliminating current hate crimes law.

The fact is, we have very limited hate crimes legislation on the books. Current law is restricted, as the Justice Department testified before the Judiciary Committee, in ways that virtually deny accountability for the serious hate crimes that are committed by individuals on the basis of race, color, religion, or national origin in our society. Specifically, it requires the federal government to prove that the victim was engaged in a federally protected activity during the commission of the crime. We are trying to address this deficiency and to expand current law to include gender, disability, and sexual orientation.

Those of us who will favor our position tomorrow believe the ultimate guarantor of the right for privacy, liberty, and individual safety and security in our society is the Constitution of the United States. That is where the repository for protecting our rights and our liberties is enshrined. It is enshrined in the Constitution, as interpreted by the Supreme Court. But ultimately we are the ones who help define the extent of the Constitution's protection.

When we find that we have inadequate protection for citizens because of sexual orientation, or gender, or race, that challenge cries out for us to take action.

My good friend from Utah does not mind federalizing class action suits to bring them into the Federal court. He does not mind federalizing property issues in the takings legislation, to bring those into Federal court. For computer fraud, he does not mind bringing those crimes in Federal courts. But do not bring in Federal power to do something about hate crimes. I find that absolutely extraordinary.

Why are we putting great protection for property rights and computer fraud and class actions into Federal court, giving them preference over doing something about the problems of hate crimes in our society that even Senator HATCH admits are taking place? We see from the data collected by the FBI and various studies that hate crimes are taking place. That is a fact. Look at the statistics that have been collected over the last few years, from 1995 through 1998. We see what is happening with regard to race, religion, national origin, ethnic background, sexual orientation, and disability. As we have heard from the FBI and the Justice Department, they believe the FBI statistics vastly underestimate what is happening in our society.

The fact is, hate crimes are unlike any other crimes. Listening to the discussion of those who are opposed to our amendment, one would think these crimes were similar to pick-pocketing cases, misdemeanors, or traffic violations.

The kind of impact that hate crimes have in terms of not only the individual but the community is well understood. It should be well understood by communities and individuals. I do not have to take the time to quote what the American Psychological Society says about the enduring kind of burden that individuals undergo when they have been the victims of hate crimes over the course of their lifetime, even in contrast to other crimes of violence against individuals. It has a different flavor, and it has an impact on the victim, the family and the community. Hate crimes are an outrageous reflection of bigotry and hatred based on bias that cannot be tolerated in our society.

We have an opportunity to take some moderate steps to do something about it—to untie the hands of the Department of Justice. That is what tomorrow's vote is about. We have the constitutional authorities on our side, including the Justice Department, and others.

I will include the list of distinguished constitutional authorities that are supporting our positions.

Mr. President, I ask unanimous consent that the U.S. Department of Justice letter dated June 13, 2000, on the constitutionality of the Local Law Enforcement Enhancement Act of 2000 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 13, 2000.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: This letter responds to your request for our views on the constitutionality of a proposed legislative amendment entitled the "Local Law Enforcement Enhancement Act of 2000." Section 7(a) of the bill would amend title 18 of the United States Code to create a new §249, which would establish two criminal prohibitions called "hate crime acts." First, proposed §249(a)(1) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of fire, a firearm, or an explosive or incendiary device, "because of the actual or perceived race, color, religion, or national origin of any person." Second, proposed §249(a)(2) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of fire, a firearm, or an explosive or incendiary device, "because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person," §249(a)(2)(A), but only if the conduct occurs in at least one of a series of defined "circumstances" that have an explicit connection with or effect on interstate or foreign commerce, §249(a)(2)(B).

In light of *United States v. Morrison*, 120 S. Ct. 1740 (2000), and other recent Supreme Court decisions, defendants might challenge the constitutionality of their convictions under §249 on the ground that Congress lacks power to enact the proposed statute. We believe, for the reasons set forth below, that the statute would be constitutional under governing Supreme Court precedents. We consider in turn the two proposed new crimes that would be created in §249.

1. PROPOSED 18 U.S.C. §249(A)(1)

Congress may prohibit the first category of hate crime acts that would be proscribed—actual or attempted violence directed at persons "because of the[ir] actual or perceived race, color, religion, or national origin," §249(a)(1)—pursuant to its power to enforce the Thirteenth Amendment to the United States Constitution. Section 1 of that amendment provides, in relevant part, "[n]either slavery nor involuntary servitude . . . shall exist within the United States." Section 2 provides, "Congress shall have power to enforce this article by appropriate legislation."

Under the Thirteenth Amendment, Congress has the authority not only to prevent

the “actual imposition of slavery or involuntary servitude,” but to ensure that none of the “badges and incidents” of slavery or involuntary servitude exists in the United States, *Griffin v. Breckinridge*, 403 U.S. 88, 105 (1971); see *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 440–43 (1968) (discussing Congress’s power to eliminate the “badges,” “incidents,” and “relic[s]” of slavery). “Congress has the power under the Thirteenth Amendment rationally to determine what the badges and incidents of slavery, and the authority to translate that determination into effective legislation.” *Griffin*, 403 U.S. at 105 (quoting *Jones*, 392 U.S. at 440); see also *Civil Rights Cases*, 109 U.S. 3, 21 (1883) (“Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery, with all its badges and incidents”). In so legislating, Congress may impose liability not only for state action, but for “varieties of private conduct,” as well. *Griffin*, 403 U.S. at 105.

Section 2(10) of the bill’s findings provides, in relevant part, that “eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude,” and that “[s]lavery and involuntary servitude were enforced . . . through widespread public and private violence directed at persons because of their race.” So long as Congress may rationally reach such determinations—and we believe Congress plainly could—the prohibition of racially motivated violence would be a permissible exercise of Congress’s broad authority to enforce the Thirteenth Amendment.

That the bill would prohibit violence against not only African Americans but also persons of other races does not alter our conclusion. While it is true that the institution of slavery in the United States, the abolition of which was the primary impetus for the Thirteenth Amendment, primarily involved the subjugation of African Americans, it is well-established by Supreme Court precedent that Congress’s authority to abolish the badges and incidents of slavery extends “to legisla[tion] in regard to ‘every race and individual.’” *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 288 n.18 (1976) (quoting *Hodges v. United States*, 203 U.S. 1, 16–17 (1906), and citing *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 441 n.78 (1968)). In *McDonald*, for example, the Supreme Court held that 42 U.S.C. § 1981, a Reconstruction-era statute that was enacted pursuant to, and contemporaneously with, the Thirteenth Amendment, prohibits racial discrimination in the making and enforcement of contracts against all persons, including whites.—See *McDonald*, 427 U.S. at 286–96.

The question whether Congress may prohibit violence against persons because of their actual or perceived religion or national origin is more complex, but there is a substantial basis to conclude that the Thirteenth Amendment grants Congress that authority, at a minimum, with respect to some religions and national origins. In *Saint Francis College v. Al-Khazraii*, 481 U.S. 604, 613 (1987), the Court held that the prohibition of discrimination in § 1981 extends to discrimination against Arabs, as Congress intended to protect “identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics.” Similarly, the Court in *Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617–18 (1987), held that Jews can state a claim under 42 U.S.C. § 1982, another Reconstruction-era antidiscrimination statute enacted pursuant to, and contemporaneously

with, the Thirteenth Amendment. In construing the reach of these two Reconstruction-era statutes, the Supreme Court found that Congress intended those statutes to extend to groups like “Arabs” and “Jews” because those groups “were among the peoples [at the time the statutes were adopted] considered to be distinct races.” *Id.*; see also *Saint Francis College*, 481 U.S. at 610–13. We thus believe that Congress would have authority under the Thirteenth Amendment to extend the prohibitions of proposed § 249(a)(1) to violence that is based on a victim’s religion or national origin, at least to the extent the violence is directed at members of those religions or national origins that would have been considered races at the time of the adoption of the Thirteenth Amendment.

None of the Court’s recent federalism decisions casts doubt on Congress’s powers under the Thirteenth Amendment to eliminate the badges and incidents of slavery. Both *Boerne v. Flores*, 521 U.S. 507 (1997), and *United States v. Morrison*, 120 S. Ct. 1740 (2000), involved legislation that was found to exceed Congress’s powers under the Fourteenth Amendment. The Court in *Morrison*, for example, found that Congress lacked the power to enact the civil remedy of the Violence Against Women Act (“VAWA”), 42 U.S.C. § 13981, pursuant to the Fourteenth Amendment because that amendment’s equal protection guarantee extends only to “state action,” and the private remedy there was not, in the Court’s view, sufficiently directed at such “state action.” 120 S. Ct. at 1756, 1758. The Thirteenth Amendment, however, plainly reaches private conduct as well as government conduct, and Congress thus is authorized to prohibit private action that constitutes a badge, incident or relic of slavery. See *Griffin*, 403 U.S. at 105; *Jones*, 392 U.S. at 440–43. Enactment of the proposed § 249(a)(1) therefore would be within Congress’s Thirteenth Amendment power.

2. PROPOSED 18 U.S.C. § 249(A)(2)

Congress may prohibit the second category of hate crime acts that would be proscribed—certain instances of actual or attempted violence directed at persons “because of the[ir] actual or perceived religion, national origin, gender, sexual orientation, or disability,” § 249(a)(1)(A)—pursuant to its power under the Commerce Clause of the Constitution, art. I, § 8, cl. 3.

The Court in *Morrison* emphasized that “even under our modern, expansive interpretation of the Commerce Clause, Congress’ regulatory authority is not without effective bounds.” 120 S. Ct. at 1748; See also *United States v. Lopez*, 514 U.S. 549, 557–61 (1995). Consistent with the Court’s emphasis, the prohibitions of proposed § 249(a)(2) (in contrast to the provisions of proposed § 249(a)(1), discussed above), would not apply *except where* there is an explicit and discrete connection between the proscribed conduct and interstate or foreign commerce, a connection that the government would be required to allege and prove in each case.

In *Lopez*, the Court considered Congress’s power to enact a statute prohibiting the possession of firearms within 1000 feet of a school. Conviction for a violation of that statute required no proof of a jurisdictional nexus between the gun, or the gun possession, and interstate commerce. The statute included no findings from which the Court could find that the possession of guns near schools substantially affected interstate commerce and, in the Court’s view, the possession of a gun was not an economic activity itself. Under these circumstances, the Court held that the statute exceeded

Congress’s power to regulate interstate commerce because the prohibited conduct could not be said to “substantially affect” interstate commerce. Proposed § 249(a)(2), by contrast to the statute invalidated in *Lopez*, would require pleading and proof of a specific jurisdictional nexus to interstate commerce for each and every offense.

In *Morrison*, the Court applied its holding in *Lopez* to find unconstitutional the civil remedy provided in VA WA, 42 U.S.C. § 13981. Like the prohibition of gun possession in the statute at issue in *Lopez*, the VA WA civil remedy required no pleading or proof of a connection between the specific conduct prohibited by the statute and interstate commerce. Although the VA WA statute was supported by extensive congressional findings of the relationship between violence against women and the national economy, the Court was troubled that accepting this as a basis for legislation under the Commerce Clause would permit Congress to regulate anything, thus obliterating the “distinction between what is truly national and what is truly local.” *Morrison*, 120 S. Ct. at 1754 (citing *Lopez*, 514 U.S. at 568). By contrast, the requirement in proposed § 249(a)(2) of proof in each case of a specific nexus between interstate commerce and the proscribed conduct would ensure that only conduct that falls within the Commerce power, and thus is “truly national,” would be within the reach of that statutory provision.

The Court in *Morrison* emphasized, as it did in *Lopez*, 514 U.S. at 561–62, that the statute the Court was invalidating did not include an “express jurisdictional element,” 120 S. Ct. at 1751, and compared this unfavorably to the criminal provision of VA WA, 18 U.S.C. § 2261(a)(1), which does include such a jurisdictional nexus. See *id.* at 1752 n.5. The Court indicated that the presence of such a jurisdictional nexus. See *id.* at 1752 n.5. The Court indicated that the presence of such a jurisdictional nexus would go far towards meeting its constitutional concerns:

“The second consideration that we found important in analyzing [the statute in *Lopez*] was that the statute contained ‘no express jurisdictional element which might limit its reach to a discrete set of firearm possessions that additionally have an explicit connection with or effect on interstate commerce.’ [514 U.S.] at 562. Such a jurisdictional element may establish that the enactment is in pursuance of Congress’ regulation of interstate commerce.”

Id. at 1750–51; see also *id.* at 1751–52 (“Although *Lopez* makes clear that such a jurisdictional element would lend support to the argument that [the provision at issue in *Morrison*] is sufficiently tied to interstate commerce, Congress elected to cast [the provision’s] remedy over a wider, and more purely intrastate, body of violent crime.”)

While the Court in *Morrison* stated that Congress may not “regulate noneconomic, violent criminal conduct based solely on that conduct’s aggregate effect on interstate commerce,” *id.* at 1754, the proposed regulation of violent conduct in § 249(a)(2) would *not* be based “solely on that conduct’s aggregate effect on interstate commerce,” but would instead be based on a specific and discrete connection between each instance of prohibited conduct and interstate or foreign commerce. Specifically, with respect to violence because of the actual or perceived religion, national origin, gender, sexual orientation or disability of the victim, proposed § 249(a)(2) would require the government to prove one or more specific jurisdictional commerce “elements” beyond a reasonable

doubt. This additional jurisdictional requirement would reflect Congress's intent that §249(a)(2) reach only a "discrete set of [violent acts] that additionally have an explicit connection with or effect on interstate commerce," 120 S. Ct. at 1751 (quoting *Lopez*, 514 U.S. at 562), and would fundamentally distinguish this statute from those that the Court invalidated in *Lopez* and in *Morrison*. Absent such a jurisdictional element, there exists the risk that "a few random instances of interstate effects could be used to justify regulation of a multitude of intrastate transactions with no interstate effects." *United States v. Harrington*, 108 F.3d 1460, 1467 (D.C. Cir. 1997). By contrast, in the context of a statute with an interstate jurisdictional element (such as in proposed §249(a)(2)(B)), "each case stands alone on its evidence that a concrete and specific effect does exist."

The jurisdictional elements in §249(a)(2)(B) would ensure that each conviction under §249(a)(2) would involve conduct that Congress has the power to regulate under the Commerce Clause. In *Morrison*, the Court reiterated its observation in *Lopez* that there are "three broad categories of activity that Congress may regulate under its commerce power." 120 S. Ct. at 1749 (quoting *Lopez*, 514 U.S. at 558):

"First, Congress may regulate the use of the channels of interstate commerce. . . . Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities. . . . Finally, Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, . . . i.e., those activities that substantially affect interstate commerce."—*Id.* (quoting *Lopez*, 514 U.S. at 558–59).

Proposed §249(a)(2)(B)(i) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the conduct "occurs in the course of, or as the result of, the travel of the defendant or the victim (a) across state lines or national borders, or (b) using a channel, facility, or instrumentality of interstate or foreign commerce." A conviction based on such proof would be within Congress's powers to "regulate the use of the channels of interstate commerce," and to "regulate and protect . . . persons or things in interstate commerce." Proposed §249(a)(2)(B)(ii) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the defendant "uses a channel, facility or instrumentality of interstate or foreign commerce in connection with the conduct"—such as sending a bomb to the victim via common carrier—and would fall within the power of Congress to "regulate the use of the channels of interstate commerce" and "to regulate and protect the instrumentalities of interstate commerce."

Proposed §249(a)(2)(B)(iii) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the defendant "employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce in connection with the conduct." Such a provision addresses harms that are, in a constitutionally important sense, facilitated by the unencumbered movement of weapons across state and national borders, and is similar to several other federal statutes in which Congress has prohibited persons from using or possessing weapons and other articles that have at one time or another trav-

eled in interstate or foreign commerce. The courts of appeals uniformly have upheld the constitutionality of such statutes. And, in *Lopez* itself, the Supreme Court cited to the jurisdictional element in the statute at issue in *United States v. Bass*, 404 U.S. 336 (1971), as an example of a provision that "would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce." 514 U.S. at 561. In *Bass*, 404 U.S. at 350–51, and in *Scarborough v. United States*, 431 U.S. 563 (1977), the Court construed that statutory element to permit conviction upon proof that a felon had received or possessed a firearm that had at some time passed in interstate commerce.

Proposed §249(a)(2)(B)(iv)(I) would apply only where the government proves that the violent conduct "interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct." This is one specific manner in which the violent conduct can affect interstate or foreign commerce. This jurisdictional element also is an exercise of Congress's power to regulate "persons or things in interstate commerce." *Morrison*, 120 S. Ct. at 1749 (quoting *Lopez*, 514 U.S. at 558). As Justice Kennedy (joined by Justice O'Connor) wrote in *Lopez*, 514 U.S. at 574, "Congress can regulate in the commercial sphere on the assumption that we have a single market and a unified purpose to build a stable national economy."

Finally, proposed §249(a)(2)(B)(iv)(II) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the conduct "otherwise affects interstate or foreign commerce." Such "affects commerce" language has long been regarded as the appropriate means for Congress to invoke the full extent of its authority. *See, e.g., Jones v. United States*, 120 S. Ct. 1904 (2000), No. 99–5739, slip op. at 5 (May 22, 2000) ("the statutory term 'affecting . . . commerce,' . . . when unqualified, signal[s] Congress' intent to invoke its full authority under the Commerce Clause"); *Allied-Bruce Terminix Cos. v. Dobson*, 513 U.S. 265, 273 (1995) ("The phrase—'affecting commerce'—normally signals Congress's intent to exercise its Commerce Clause powers to the full."). Of course, that this element goes to the extent of Congress's constitutional power does not mean that it is unlimited. Interpretation of the "affecting . . . commerce" provision would be addressed on a case-by-case basis, within the limits established by the Court's doctrine. There likely will be cases where there is some question whether a particular type or quantum of proof is adequate to show the "explicit" and "concrete" effect on interstate and foreign commerce that the element requires. *See* Hamilton, 108 F.3d at 1464, 1467 (citing *Lopez*, 514 U.S. at 562, 567). But on its face this element is, by its nature, within Congress's Commerce Clause power.

In sum, because §249(a)(2) would prohibit violent conduct in a "discrete set" of cases, 120 S. Ct. at 1751 (quoting *Lopez*, 514 U.S. at 562), where that conduct has an "explicit connection with or effect on" interstate or foreign commerce, *id.*, it would satisfy the constitutional standards articulated in the Court's recent decisions.

The office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Mr. KENNEDY. I was startled to hear my friend and colleague suggest that when they asked the Justice Depart-

ment which States took no action in the Federal Government prosecution, he said there was not any. He did not read his response from the Justice Department because I have in my hand the response from the Justice Department that lists their response. I am not going to take the time tonight to go all the way through, but they have been listed. He ought to ask his staff for that because it has been sent to the Judiciary Committee, of which he is the chairman.

Included in the Justice Department's response are cases showing instances where the Department has pursued cases Federally when the State cannot respond as effectively as the Federal Government. For example, when State penalties are less severe than Federal penalties or where there are differences in applicable criminal procedure.

The idea that there really aren't times when States are unable to prosecute a case just does not hold water, because the cases are out there and have been supplied by the Justice Department.

Furthermore, this chart shows what is happening across the country in the various States. Eight States have absolutely no hate crimes statutes, 22 States have criminal statutes for disability bias crimes, 21 States plus the District of Columbia have criminal statutes for sexual orientation bias crimes, and 20 States identify gender bias crimes.

But, if you are in any of these States shown on this chart which are colored gray, including many in the Northeast, as well as out in the West, and you are involved in the beating or battering of an individual American because of their sexual orientation, there are no hate crimes statutes under which to prosecute the perpetrator.

The States shown in yellow on the chart have no hate crimes statutes at all. As I said, the States shown in gray have no protection at all for crimes committed because of a person's sexual orientation. Many of those States that have hate crimes laws are inadequate because they do not include all of the categories, including sexual orientation, gender and disability.

We have one particular State, Utah, where a judge found the hate crime law to be incomplete because it specified no classes of victims—the State included itself as having a hate crimes law. The judge was forced to dismiss the felony charges against two defendants who allegedly beat and terrorized people in a downtown city. The case was effectively dismissed because the state hate crime law was so vaguely drafted that it failed to provide any of the protections that other state hate crimes law do that clearly define classes of people who are protected by race, religion, national origin, ethnic background, gender, sexual orientation, or disability.

The reality in the United States today is that either we believe we have some responsibility to protect our fellow Americans from these kinds of extraordinary actions based upon bigotry and prejudice or we don't.

We have taken action in the past. We have done it when the action was based upon bigotry and prejudice and denial of the right to vote. We have taken action when prejudice and bigotry have denied people public accommodation. We have taken action against bigotry and prejudice when people have been denied housing. We have taken action against bigotry and prejudice toward people with disabilities.

Now we are asking the Senate to take action when there is violence against American citizens based upon prejudice and bigotry. That is why this vote tomorrow is so important. That is what the issue is about. It is very basic and fundamental, and it is enormously important.

It is part of a continuing process of the march towards a fairer and more just America. We have been trying to free ourselves from the stains of discrimination on the basis of race. We are making progress in terms of religion, national origin, and ethnic background. We are doing it with regard to gender, disability, and sexual orientation.

What we are doing with this legislation is saying, at least in these areas, protect American citizens from prejudice and discrimination and violence that is being directed towards them. Let us make that a priority; let all Americans know that we are not going to fight prejudice and discrimination with one hand tied behind our backs. The Federal Government should have both hands involved in trying to protect our citizens from this form of discrimination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I don't disagree with the Senator that hate crimes are occurring, but they are being prosecuted by State and local officials. That is the point. Many of the cases—and there aren't a lot of cases that the Justice Department has provided—are cases where the Justice Department felt there should have been a greater remedy and there should have been greater sentencing. But they are not in large measure cases where State refused or failed to prosecute the perpetrators of these horrendous crimes.

The fact is, there are not a lot of cases that can be produced, and the Justice Department has not been able to produce them. I don't disagree that hate crimes are occurring and we should stamp them out, but they are being prosecuted by State and local officials to the fullest extent of the law. The Federal Government may disagree on how they prosecute sometimes, but

the fact is, they are being prosecuted. No one has shown, certainly not the Justice Department, that these truly horrific crimes are not being prosecuted, let alone on a large scale. The fact is, they are being prosecuted.

The cases identified by the Justice Department, a handful of cases, were in large measure cases where State officials, investigators, and prosecutors got verdicts and sentences. In other words, they were brought and verdicts and sentences were obtained. The Federal Government would have tried the cases differently or might have sought a higher or more harsh sentence. But they are not cases where the State refused to prosecute a hate crime.

My colleague is right: We should do everything in our power to stop hate crimes in our society. But no one to this date has been able to show that there is a widespread, endemic failure at the State level to prosecute these crimes. There is no real evidence that the States are being slovenly in their duties. That is one reason why I think it is very important that we objectively analyze these matters. We will have more time to debate this, hopefully a little more time tomorrow.

Finally, when Mr. Holder, the Deputy Attorney General, appeared before the committee, he could not cite one case, not a single case. After a month of research, the Justice Department came up with a handful of cases. That was it. Not because they weren't prosecuted at the State level, they were. They just differed with the way they were prosecuted. That is not good enough. These are some of the things that bother me.

I am willing to work with the distinguished Senator from Massachusetts and the distinguished Senator from Oregon and others who want to do something. If the amendment I am offering is not good enough, I am willing to work to see if we can find something that will bring us together and do a better job, certainly, to stamp out any type of hate criminal activity. But I am very loathe to federalize all crimes so that the Federal Government can second-guess State and local prosecutors every time a criminal activity occurs. I think one could say in many respects all crimes are hate crimes, even though they are not categorized as such now. They are prosecuted, and that is the important thing.

Mr. President, I will ask unanimous consent, unless there is anyone else who desires to speak.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned, the cases were provided by the Justice Department.

Let me give you one case, *U.S. v. Kila*, 1994, a Federal jury in Fort Worth, Texas acquitted three white supremacists of Federal civil rights charges arising from unprovoked as-

saults upon African Americans, including one incident where the defendants knocked a man unconscious as he stood near a bus stop. For several hours, the defendants walked throughout the town accosting every African American they met, ordering them to leave whatever place or area they were in. Some of these encounters consisted of verbal harassment; in others, Black victims were shoved on the streets, their hats knocked off. Throughout their movements through the city, the subjects were using racial epithets and talking about white supremacy.

The subjects' parade of racial hate erupted into serious violence with the assault on Ali—that is the name of the individual—at the bus stop, an assault which knocked him unconscious. According to witnesses, Ali was punched in the face after he fell to the ground, and kicked in the head. He was transported by ambulance to the hospital, having sustained head injuries. He did not have medical insurance. When the doctors asked him to remain for further tests, he left against their wishes.

The Federal Government became involved in the case when State officials went to the U.S. Attorney's Office asking for Federal assistance. The State could only proceed on misdemeanors, and in their judgment, the conduct warranted felony treatment, treatment available under Federal law. Some of the jurors revealed after the trial that although the assaults were clearly motivated by racial animus, there was no apparent intent to deprive the victims of the right to participate in any federally protected activity.

It is this federally protected activity barrier under current law that is unduly restrictive, and must be amended.

The Government's proof that the defendants went out looking for African Americans to assault was insufficient to satisfy the statutory requirements and effectively the case was dropped.

I could go back as far as 1982. Maybe in some cases defendants get tried for a misdemeanor, as they did in a Western State case I mentioned previously, but they are not getting prosecuted with the full weight of the law. That is what we are talking about. In the 1982 case that I referred to, two white men chased a man of Asian descent from a night club in Detroit and beat him to death. The Department of Justice prosecuted the perpetrators under existing hate crimes laws, but both defendants were acquitted—despite substantial evidence to establish their animus based on the victim's national origin. Although the Justice Department had no direct evidence of the basis for the jurors' decision, the Government's need to prove the defendants' intent to interfere with the victim's engagement in a federally protected right—the use of a place of public accommodation, was the weak link in the prosecution.

These defendants committed murder on the basis of hate. Do we need more

cases? I am glad to stay here and go through a whole pile of them. These are examples of what we are talking about. This is what is taking place. The question is whether we are going to do something about it. That is the issue that will be presented to this body tomorrow.

I will take a moment to read into the RECORD the letter from Judy Shepard addressed to the members of the Judiciary Committee:

Thank you for your hard work and commitment to combating hate violence in America. I appreciate the opportunity to testify before your committee last year. As the mother of a hate crime victim, I applaud your interest in trying to address this serious problem that has torn at the very fabric of our nation. However, I do have concerns with your bill (S. 1406) as currently written, and I would like to take this opportunity to discuss them with you.

As I am sure you remember from our visit last fall, two men murdered my son Matthew in Laramie, Wyoming in October 1998 because he was gay. Though your amendment is well intentioned, it fails to address hate crimes based on sexual orientation, nor does it include disability or gender. The time has long passed for halfway measures to address this devastating violence. While I appreciate your efforts, the appropriate and necessary response is the Smith-Kennedy measure (S. 622), and I strongly urge you to support this approach.

Though forty states and the District of Columbia have enacted hate crime statutes, most states do not provide authority for bias crime prosecutions based on sexual orientation, gender, or disability. Including the District of Columbia, only 22 states now include sexual orientation-based crimes in their hate crime statutes, 21 include coverage of gender-based crimes, and 22 include coverage for disability-based crimes.

There is currently no law that allows federal assistance for localities investigating and prosecuting hate crimes based on sexual orientation. As a result, though Matt's killers were brought to justice, the Laramie law enforcement officials told me, as I know they told you last year, that they were forced to furlough five employees to be able to afford to bring the case. The Smith-Kennedy amendment would add sexual orientation, gender and disability to current law, while your amendment would not. I urge you to support the Smith-Kennedy amendment, which is more comprehensive and inclusive.

I know that legislation cannot erase the hate or pain or bring back my son, but I believe that passage of this legislation is an essential step in the healing process and will help allow the federal government to assist in the investigation and prosecution of future hate crimes.

Again, I respect your commitment to making America a more understanding and just country where hate crimes are no longer tolerated. But I urge you to promptly address my concerns that are shared by so many others, so our nation can be safe for all people, including gay people like my son Matthew.

Sincerely,

JUDY SHEPARD.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I don't mean to prolong this, but in the handful of cases they don't like what hap-

pened. In that case, I may agree with the Senator that there should have been a verdict against the defendants, but a jury in the United States found otherwise. That doesn't mean we should federalize all hate crimes. That is what I am concerned about.

I will just put forth my offer to work with the Senator to see if we can find some way of bringing everybody together in a way that will not intrude the Federal Government into all the local and State prosecutions in this country, which certainly the Senator's amendment would do. That is what I am concerned about. We will chat overnight and talk about it and see what we can do.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, today we recognize the date upon which slavery finally came to an end in the United States, June 19, 1865, also known as "Juneteenth Independence Day." It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Mr. President, throughout the Nation, we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate "Juneteenth Independence Day."

Lerone Bennett, editor, writer and lecturer recently reflected on the life

and times of Dr. Woodson. In an article he wrote earlier this year for Johnson's Publications, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly echoed in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999.

Truth lived in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty-four years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr. and many others, let us rededicate ourselves to continuing the struggle on Civil Rights and to human rights.

MULTI-YEAR PROCUREMENT FOR THE F/A-18 E/F SUPER HORNET

Mr. ASHCROFT. Mr. President, I want to announce my unqualified support for the recent signing of the Multi-Year Procurement contract on Boeing's F/A-18 E/F Super Hornet. This is a good day for U.S. national defense, the Navy, the American taxpayers, and the city of St. Louis.

This announcement secures the production of the Super Hornet, which is in St. Louis, for the next 5 years. Valued at \$8.9 billion for a total of 222 aircraft over 5 years, this contract will ensure that the Navy will have these planes and, in addition, U.S. taxpayers will save over \$700 million. It is definitely a "win-win" situation.

The U.S. Navy's award winning Super Hornet Program continues to be recognized throughout the Department of Defense and industry as the standard by which all other tactical aviation programs should be evaluated. Since the program's inception, the Super Hornet has met or exceeded all cost, weight and schedule goals and requirements.

The Boeing Corporation, which is the prime contractor, in partnership with the Navy has introduced a 21st Century strike fighter that will ensure the Navy's carrier airwing is more than able to defeat today's threat and the projected threats of the first 30 years of this century. A balanced approach to survivability, revolutionary methods of design and manufacture, and a very cost-conscious approach to achieving and maintaining multi-mission superiority over the threat has given the Navy a new tactical aircraft that supports Navy budget realities.

Mr. President, in addition to affordability, comparable performance, enhanced range, carrier bring back, more weapons stations, future growth and

better survivability were major consideration for the next generation of carrier-based strike fighters. The Super Hornet has met the muster in every category.

The Navy has not been shy about its support for this project, and I wholeheartedly agree with my good friend Admiral Jay Johnson, the Chief of Naval Operations, who recently stated: "The F/A-18E/F Super Hornet is the cornerstone of the future of Naval aviation. . . . It will provide twice the sorties, a third the combat losses and forty percent greater range. We can't wait to get it to the fleet!"

This contract is also a testimony to the excellent job the workers of St. Louis do every day. Without their dedication and commitment to quality, the Super Hornet would not be able to win such an important contract.

In conclusion, I thank the people who made this contract a reality—namely the people of St. Louis, the Boeing Corporation, the U.S. Navy, and my fellow Senators who joined me in my support of this wonderful project.

HOURS OF SERVICE PROVISIONS IN H.R. 4475

Mr. CLELAND. Mr. President, I rise today to address the Hours of Service provision in H.R. 4475, the Department of Transportation appropriations bill. As directed by Congress, the Department of Transportation, and most recently the new Federal Motor Carrier Safety Administration (FMCSA), set out to examine the hours of service standard for motor carrier drivers that had been in effect since the 1930s.

As I stated in the Surface Transportation Subcommittee's hearing in September 1999, I am concerned about fatigued drivers on the road. The fatigue related accident I profiled at this hearing occurred August 31, 1999 in Atlanta, and resulted in deadly consequences for the drivers of the truck. The accident occurred in the early morning hours and thankfully, no other automobiles were directly involved. However, daily commuters felt the effects during morning and afternoon rush hours, and the tragedy and frustration from incidents such as this accident resulted in Congress directing DOT to examine hours of service regulations.

Admittedly, I have concerns about the effects of the proposed rule, but I do not believe that the appropriations bill is the proper vehicle through which to express concerns. I would like to remind my colleagues that the DOT has only issued a proposed rule. DOT is still accepting comments on this rule through October 31, 2000—an extension of the original date—and continues to hold hearings on the issue throughout the country. I believe these hearings have brought, and will continue to bring, potential problems to the attention of DOT officials. For example, dur-

ing emergencies, utility drivers must restore service to customers. How do these rules apply to such drivers in these special situations?

Congress directed DOT to evaluate the hours of service rules. Is this the best proposal? I am not convinced so, but I do believe DOT should be able to move forward with the prescribed process. The American driving public deserves the continuation of the hours of service reform process. The truck drivers want this collaborative process to continue. As this point, why should the Senate attempt to short-circuit the efforts of the FMCSA to reform the hours of service rule as directed by Congress?

I do not support the prohibition on moving forward with the hours of service process, and I urge the conferees on H.R. 4475 to remove the hours of service provision from the final bill. Let's work together in thoroughly considering the best way to ensure the safety of automobile and truck drivers traveling America's roads.

ADDITIONAL STATEMENTS

NONCOMMISSIONED OFFICER OF THE YEAR AWARD

• Mr. MURKOWSKI. Mr. President, it is with great honor today that I rise to recognize one of the finest men in the Alaska Army National Guard, Sergeant Edwin D. Irizarry. Sergeant Irizarry's hard work and dedication to the Army National Guard in Alaska have earned him the title of the "Noncommissioned Officer of the Year." Mr. President, this is no small award. It is only awarded to those who show outstanding leadership and extraordinary accomplishments in their duty. Sergeant Irizarry epitomizes the commitment and unselfish honor of the men and women in Alaska's Army National Guard.

This is a great honor for Alaska. The commitment to be in the Guard requires an individual to work hard and sacrifice their own personal time to protect the very communities where they live. Sergeant Irizarry lives and works in Ketchikan, with his wife and family. Ketchikan is a beautiful town in southeast Alaska where I was fortunate to have been raised. I know the terrain that the Guard uses is no walk in the park. Mountains and a channel of water hug the town in this great place. To be stationed in Ketchikan one must learn to adapt to the fast changing climate and diverse environment that exists in this region. Ketchikan and Alaska are truly indebted to the many fine soldiers like Sergeant Irizarry who protect and assist in communities throughout the last frontier.

Sergeant Irizarry serves as role model and inspiration to the over 300,000 men and women in our country's

National Guard. Without the talent and support given to our armed forces by the National Guard and individuals like Sergeant Irizarry, our country would not be where it is today. I take great pride in congratulating Sergeant Irizarry for his Guard career and for being an example for all of us to follow.●

PRIVATE RELIEF BILL FOR MARINA KHALINA

● Mr. WYDEN. Mr. President, I ask that the following letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, June 16, 2000.
Senator TOM DASCHLE
Minority Leader,
Washington, DC.

DEAR MR. LEADER: Two weeks ago, my private relief bill for Marina Khalina, S. 150, was scheduled to come to the floor, but other members objected to this bill coming to the floor before their private relief bills came to the floor.

I agreed to let my bill be sent back to the Judiciary Committee so that it and the other private relief bills could be cleared for the floor together on June 15, 2000.

Now, I have been informed that the Immigration and Naturalization Service (INS) somehow misplaced Ms. Khalina's fingerprints and that her relief bill cannot be passed by the full Senate until a new fingerprint record for Ms. Khalina can be processed by the INS. Senate action on her bill should not be delayed because of INS incompetence in losing her fingerprints.

Since I am concerned that Ms. Khalina will miss her opportunity for justice should these bills go forward without S. 150, I am notifying you that I would object to a unanimous consent request to move any private relief bills unless S. 150 is included with the package.

I ask unanimous consent that my remarks be included in the record pursuant to the leaders request that such objections be made public.

Sincerely,

RON WYDEN.●

TRIBUTE TO BILL FRAIN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the outstanding leadership of PSNH President and CEO Bill Frain. The core qualities of a great leader—vision and values—are often overlooked in the hustle of today's corporate society. PSNH President and CEO Bill Frain is one leader whose accomplishments and dedication to both his vision and values have gained him the respect and admiration of individuals across the state.

After years of service to PSNH and its surrounding communities in the great state of New Hampshire, Bill Frain is retiring from the company. It has been both a great honor and a distinct pleasure to work with Bill over the years, and I salute him for his unwavering dedication to New Hampshire, its citizens and its economy.

Bill often quotes the adage, "Storms make oaks take deeper roots." Through his navigational skills and constant perseverance, Bill brought PSNH to a level where it is currently one of the most respected companies in the state and that earned him the honor of being named "Business Leader of the Decade" by Business New Hampshire Magazine.

Bill is often described by his peers as a strong leader who is able to motivate those around him to continued success. Over the years, I have seen first-hand his ability to inspire, and I applaud his talents and dedication to New Hampshire.

I wish Bill much happiness as he embarks on this new journey in life, as he will be missed. I want to leave Bill with a poem by Robert Frost, as I know that he has many more miles to travel and endeavors to conquer.

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

Bill, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

RECOGNITION OF MRS. SUSAN WARGO

● Mr. REID. Mr. President, I have the pleasure to stand today and celebrate the career of a very fine public school teacher. She is Mrs. Susan Wargo, a third grade school teacher at Franklin Sherman Elementary School in Fairfax County, Virginia. She is retiring this year, after teaching school for 28 years. She and her husband Mike, will be relocating to Aiken, South Carolina.

I know about Mrs. Wargo because she teaches my granddaughter, Mattie Barringer. Mattie loves Mrs. Wargo, and it's not hard to figure out why. She has captured Mattie's imagination and won her heart. Mattie has learned ancient history, economics, math, and literature from Mrs. Wargo, but she could have learned those things from anybody. Mrs. Wargo's lasting contribution to Mattie's education is the atmosphere she created in her classroom. She embraced her students, made them feel comfortable, taught them how to learn, and got them to accomplish great things—more than they ever thought they were capable of doing. Mrs. Wargo is that amazing teacher that we all can remember: the one that cared about us, that took an interest in us, that rooted for us, and made us passionate to learn.

I had a teacher like Mrs. Wargo when I was a young boy—her name was Mrs. Pickard and I am glad my granddaughter was lucky enough to have such a teacher so early in her education. Teachers like Mrs. Wargo immeasurably enrich our lives. My daughter

Lana—Mattie's mother—tells me that when talking about Mattie in a parent-teacher conference, Mrs. Wargo's voice seemed to break just slightly with emotion as she spoke passionately about Mattie's talents and potential. My daughter came away from that conference amazed at this great teacher.

It is hard to express these feelings we have about great teachers. Mattie did a much better job than I have done here in a recent letter to Mrs. Wargo. She wrote: "When I came to this school, you made me feel special. You always make me feel good about myself. I'll miss you."

With those words, I am delighted to pay tribute to Mrs. Wargo, and to her colleagues like her who serve in the public schools. Mrs. Wargo, my family thanks you for your many gifts to Mattie. We want you to know that the good you have done so far in your life has been noticed, and much appreciated.●

TRIBUTE TO LT. GEN. MICHAEL C. SHORT, USAF

● Mr. SHELBY. Mr. President, today, I recognize the outstanding service to our Nation of Lieutenant General Michael C. Short. Lt. General Short will retire on July 1, 2000, after an outstanding career in the United States Air Force. During a 35 year career, General Short distinguished himself as a fighter pilot, warfighter, and trusted leader.

Throughout his career, General Short commanded at all levels, both overseas and in the continental United States. A 1965 graduate of the U.S. Air Force Academy, he is a command pilot with more than 4,600 flying hours in fighter aircraft, including 276 combat missions in Southeast Asia. His impressive list of accomplishments include command of the 4th Aircraft Generation Squadron, 334th Tactical Fighter Squadron, 4450th Tactical Group, 355th Tactical Training Wing, 67th Tactical Reconnaissance Wing and the 4404th Composite Wing.

During his last assignment, General Short commanded the Allied Air Forces Southern Europe, Stabilization Forces Air Component, and Kosovo Forces Air Component, Naples, Italy, and the 16th Air Force and 16th Air and Space Expeditionary Task Force, U.S. Air Forces in Europe, Aviano Air Base, Italy. As commander of these forces, he was the air principal subordinate commander and the joint and combined forces air component commander for the North Atlantic Treaty Organization's (NATO) Southern Region. He also was responsible for the planning and employment of NATO's air forces in the Mediterranean area of operations from Gibraltar to Eastern Turkey and air operations throughout the Balkans. General Short led the 16th Air

Force during what was, without question, the most demanding period in its history—a time when it fulfilled a NATO mission of peace enforcement in Bosnia-Herzegovina and later, participated in a NATO-led air war, which removed Slobodan Milosevic's Serbian military and police forces from Kosovo.

A consummate professional, General Mike Short's performance of duty during the past thirty-five years of service personify those traits of courage, competency and integrity that we expect from our military officers. His career reflects a deep commitment to our country, to dedicated and selfless service, and to excellence. On behalf of the United States Senate and the people of this great Nation, I commend him for his exemplary service and offer heartfelt appreciation for a job well done. We wish him and his family Godspeed and all the best in their future endeavors.●

RETIREMENT OF JAMES STALDER

● Mr. SANTORUM. Mr. President, I rise today to recognize James Stalder as he retires as Managing Partner from the Pittsburgh office of Pricewaterhouse-Coopers LLP. He initially joined the firm in Pittsburgh, Pennsylvania before transferring to the National Headquarters in New York, where he served as Director of Tax Research and Technical Services for the Ohio Valley Area. In 1988, he was appointed Managing partner of the Price Waterhouse office. Since July 1998, Mr. Stalder has been Managing Partner of the PricewaterhouseCoopers LLP office.

Upon retiring, Mr. Stalder will commence a deanship at Duquesne University in Pittsburgh. He will assume the position of Dean of the A.J. Palumbo Undergraduate School of Business and the John F. Donahue Graduate School of Business. Judging by Mr. Stalder's proven leadership, it is clear that he will be a great asset to Duquesne.

Mr. Stalder has served as President of the Pennsylvania Institute of Certified Public Accountants and as a member of the Council of the American Institute of Public Accountants. He is also a Life Trustee of Carnegie-Mellon University where he has been a member of the faculty of the Graduate School of Industrial Administration since 1981. A graduate of The Pennsylvania State University, he also serves as a member of the University's Smeal College of Business Administration Board of Trustees. Moreover, Mr. Stalder was instrumental in the creation of the Pennsylvania Tax Blueprint Project, which is developing micro simulation economic impact models to enable the Governor and legislators in Pennsylvania to measure and intelligently debate alternative tax reform proposals. In addition, Mr. Stalder has served as Chairman of the

Greater Pittsburgh Chamber of Commerce and in many other leadership roles in similar organizations. I commend Mr. Stalder for his demonstrated service to leadership in these organizations.

Mr. Stalder has received numerous awards for outstanding service to his community. Among these is the Distinguished Public Service Award, the top award presented to an individual by the Pennsylvania Institute of Certified Public Accountants, which "honors CPAs who have truly made a difference through active participation in public service.

Mr. Stalder will be an excellent addition to the administration at Duquesne. Throughout his professional life, he has worked with some of the leading multi-national corporations in the world. He will be able to offer his extensive expertise in tax accounting and related fields, as well as the skills of negotiating and deal making.

James Stalder is a role model not only to the residents of Pittsburgh but to the entire Commonwealth of Pennsylvania. I wish him the best as he takes on new challenges.●

THE SITUATION IN ZIMBABWE

● Mr. MCCAIN. Mr. President, in assessing the situation in Zimbabwe today, permit me to quote a long-time supporter of that country's ruling party in reference to that party: "If I give my name, they might hear and come for me at night." Such is the pervasive level of fear that has permeated Zimbabwe over the past several months and threatens that country with a degree of political instability not seen since white-minority rule gave way to the creation of the Republic of Zimbabwe. The increasingly autocratic regime of Robert Mugabe, threatened by the growth of a viable democratic opposition, is responding the way dictatorial regimes the world over generally do, with violence aimed at subverting the will of the people.

Permit me to quote from the June 3 issue of *The Economist* for a sense of what is going on inside Zimbabwe today:

Intimidation is rampant in the countryside. . . Peasants are told that their votes are not secret and that they will suffer if they do not give them to the ruling party. People suspected of supporting opposition parties have been threatened, beaten and in some cases killed. Rural clinics and hospitals have been ordered to refuse treatment to opposition supporters. Teachers in the countryside have been singled out for attack, dragged from their classrooms and beaten in front of their students. Some female teachers have been stripped naked. More than 260 rural schools have been closed by the violence.

As chairman of the International Republican Institute, which has maintained a presence in Zimbabwe along with its counterpart National Democratic Institute, I am appalled at devel-

opments in that southern African country. Parliamentary elections, widely expected to result in a resounding victory for the opposition Movement for Democratic Change and thus threaten the ruling Zimbabwe African National Union-Patriotic Front's 20-year hold on power, are being systematically undermined by the kind of campaign violence and intimidation that has been all too common in other countries that resisted the path of democratization. That is unfortunate, for Zimbabwe, like other strife-torn countries of Africa, has the potential to provide its people a far better quality of life than can ever enjoy under one-party rule.

Those parliamentary elections, Mr. President, as with the defeat of the constitutional referendum in February, would have provided ample evidence that the majority of Zimbabweans are tired of corruption, vast unemployment, 60 percent inflation, and the fuel and energy shortages that have become a part of life in a once wealthy nation. The recent decision by the International Republican Institute to withdraw its election observers, however, as well as the United Nation's withdrawal of its election coordinator, should be seen for what it is: a very clear warning sign that President Mugabe has no intention of permitting free and fair elections, and fully intends to continue his campaign of exacerbating ethnic divisions in Zimbabwe for his personal benefit. That President Mugabe refuses to even accredit U.S. Embassy personnel to act as observers is a stinging and unfortunate rebuke to the international community. The recent jailing of an opposition activist with whom I had the privilege of meeting in my office only two months ago not only augurs ill for the future of Zimbabwe, but hurts me deeply for the promise this fine woman showed in that meeting.

The deterioration of the political situation in Zimbabwe is the direct result of the unwillingness of President Mugabe to countenance any level of political opposition that threatens his hold on power. And make no mistake, that some ruling party members have come under attack by the opposition does not place both sides on an equal moral footing. On the contrary, Amnesty International and other foreign observers have been very clear that the government and its supporters are responsible for the violence that has wracked a country that had enjoyed 20 years of peace, flawed though it was by the socialist policies of Mr. Mugabe. The 30 or so deaths and hundreds of injuries that have occurred may, I fear, be only a precursor to greater violence should the Movement for Democratic Change continue to attempt to mount a credible campaign against one-party rule.

Mr. President, some may look at the seizure of white-owned farms by black

squatters openly and vociferously encouraged by President Mugabe, and the murder of some of those farmers, through the prism of the former era of colonial and white-minority rule. That would be a tragic mistake. The deteriorating situation in Zimbabwe is directly tied to President Mugabe's autocratic rule and desperate attempt to hold back the tides of history, which appear to favor democracy. Mugabe's rejection of South African President Thabo Mbeki's efforts at brokering a quasi-reasonable resolution of the land-reform issue was further evidence of his growing penchant for petty tyranny as a substitute for enlightened government.

It is imperative that the United States, the European Community and, most importantly, the Organization of African Unity act forcefully in pressuring Mugabe to reverse his current dictatorial policies and allow for the conduct of free and fair elections. His failure to do so should be widely condemned. What ails Zimbabwe is not racial tension, but the age-old problem of a dictator who fails to read the writing on the walls. As with others before him, he will find, I suspect, that his world will become more and more confined, more and more restrictive and his actions more and more desperate. At a time when Sub-Saharan Africa has become synonymous with civil strife and the international community debates the ongoing wars in Sierra Leone and Congo, while conflict continues in Angola and ethnic violence continues in and around Rwanda and Burundi, Zimbabwe should have been a beacon of political stability and economic development. Instead, it descends into the darkness of tyranny. It is hopefully not too late to reverse the situation there, but the signs are not encouraging.●

MESSAGE FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2750. A bill to direct the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Environment and Public Works.

By Mr. REID:

S. 2751. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON:

S. 2752. To amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea; read the first time.

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2753. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the medicare program, to enhance the preventative benefits covered under such program, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 124. A concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; to the Committee on Energy and Natural Resources.

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. REID. Mr. President, I rise today to introduce the California Trail Interpretive Act.

The nineteenth century westward emigration on the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical era in the settlement of the West. This influx of settlers contributed to the development of lands in the western United States by Americans and immigrants and to the prevention of colonization of the west coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and many documented their amazing experiences in detailed journals. Under the National Trails System Act, the Secretary of Interior may establish interpretation centers to document and celebrate pioneer trails such as the California National Historic Trail. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. President, recognition and interpretation of the pioneer experience on the Trail is appropriate in light of Americans' strong interest in understanding our history and heritage. Those who pursue Western Americana, and thousands do, will find physical evidence of the documented hardships facing the original pioneers. One pioneer journal bemoaned the death of an elderly lady traveling west with her family. Her grave and its marker are in evidence in the Beowawe Cemetery near the trail river crossing known as Gravely Ford for those searching for historical confirmation. And, if the present-day explorers choose to walk part of the California Trail, they may do so at this place. To the east of this river crossing is around five miles of undisturbed trail that leads down from what is known as "Emigrant Pass".

This Act authorizes the planning, construction and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County, the City of Elko, and Bureau of Land Management.

This interpretive center will be located near the city of Elko, in northeastern Nevada. The location is the junction of the California Trail and the Hastings Cutoff. The ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route; precious time wasted that kept them from crossing the deadly Sierra Nevada before winter struck in 1846.

This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of Pioneer trails in the West in the development of the United States.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

Thank you, Mr. President, I yield the floor

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Trail Interpretive Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CALIFORNIA TRAIL.—The term "California Trail" means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term "Center" means the California Trail Interpretive Center established under section 4(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 4. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary

may establish an interpretation center to be known as the "California Trail Interpretive Center", near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106-99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this Act; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this Act, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of \$3,000,000;

(B) Elko County, Nevada, in the amount of \$1,000,000; and

(C) the city of Elko, Nevada, in the amount of \$2,000,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$12,000,000.

By Mr. REID:

S. 2750. A bill to direct the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Agriculture, and the Sec-

retary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Environment and Public Works.

LAS VEGAS WASH WETLAND RESTORATION AND LAKE MEAD WATER QUALITY IMPROVEMENT ACT OF 2000

Mr. REID. Mr. President, I am pleased to introduce today the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Act of 2000. This bill is important for Nevada's families and for the environment, because water is our most precious natural resource.

My bill is the product of a visionary, locally-led initiative designed to develop and implement a plan that would enhance and protect water quality in the Las Vegas basin.

Importantly, my bill would safeguard southern Nevada's water supply and improve the unique desert wetlands environment of the Las Vegas Wash.

I would like to review some of the history that contributed to the development of this bill.

In 1998, in response to a recommendation by a citizens' water quality advisory committee, the Las Vegas Wash Coordination Committee was formed to develop a comprehensive Adaptive Management Plan (AMP) for the Las Vegas Wash ecosystem.

The AMP, which was developed by the Las Vegas Wash Coordinating Committee over the past two years and approved early this year by the Southern Nevada Water Authority, represents a vision for how local, State, and Federal stakeholders can work together to achieve shared water quality and ecosystem restoration goals in the Las Vegas basin.

First and foremost, the AMP is a locally-driven strategy. The stakeholder working group, coordinated by the Southern Nevada Water Authority and comprised of 28 groups, contributed their varied perspectives and good ideas to the development of this plan.

A draft of the AMP was published for public comment in October 1999. In January 2000, the Southern Nevada Water Authority finalized and approved the AMP.

Chief among the recommendations in the AMP was the call for development of a partnership consisting of local, State, Federal agencies with interests in the Las Vegas Wash ecosystem.

I view this plan as a Nevada solution to a tremendous local challenge of accelerated erosion and deteriorating water quality.

I commend the local, State, and Federal stakeholders that helped create the AMP for their hard work, cooperation, and dedication to improving Southern Nevada's environment for Nevada's families today and for future generations.

The Federal government, by virtue of its land ownership in Nevada and responsibilities at Lake Mead, has an obligation to help make the plan work.

In addition, the Federal government is uniquely responsible for the perchlorate contamination which contributes to the groundwater contamination that pollutes Las Vegas Wash run-off.

My bill directs the relevant Federal agencies to participate in efforts to restore Las Vegas Wash and protect Lake Mead's water quality. These agencies include: the Environmental Protection Agency, the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the Natural Resources Conservation Service, the Fish and Wildlife Service, and the Army Corps of Engineers.

I hope that the Senate will move quickly to consider and pass this bill so that Federal agencies can become full partners in the effort to rehabilitate and conserve the Las Vegas Wash desert ecosystem and to improve water quality in southern Nevada's most heavily used watershed.

By Mr. REID:

S. 2751. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

WASHOE TRIBE LAND CONVEYANCE LEGISLATION

Mr. REID. Mr. President, I rise today to introduce the Washoe Tribe Lake Tahoe Access Act.

In 1997, I helped convene a Presidential Forum at Lake Tahoe to discuss the future of the Lake Tahoe Basin. Together with President Clinton, Federal, State, and local government leaders, we addressed the protection of the extraordinary natural, recreational, and ecological resources of the Lake Tahoe region. Goals and an action plan developed during the Lake Tahoe Forum were codified as the "Presidential Forum Deliverables." These Deliverables included supporting the traditional and customary use of the Lake Tahoe Basin by the Washoe Tribe. Perhaps, most importantly, the Deliverables include a provision designed to provide the Washoe Tribe access to the shore of Lake Tahoe for cultural purposes.

Mr. President, the ancestral homeland of the Washoe Tribe of Nevada and California included an area of over 10,000 square miles in and around Lake Tahoe. The purpose of this Act is to ensure that the members of the Washoe Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe including spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification

of tribal and family bonds as was envisioned by the parties involved in the Lake Tahoe Presidential Forum.

Mr. President, this Act will convey 24.3 acres from the Secretary of Agriculture to the Secretary of the Interior to be held in trust for the Washoe Tribe. This is land located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada. The land in question would be conveyed with the expectation that it would be used for traditional and customary uses and stewardship conservation of the Washoe Tribe and will not permit any commercial use. In the unlikely event this land were used for any commercial development purpose, title to the land will revert to the Secretary of Agriculture. It is my sincere hope that Congress will pass this bill thereby making the Presidential Deliverables of the Lake Tahoe forum a reality by ensuring that the Washoe Tribe once again enjoy access to Lake Tahoe.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the

Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation of the Tribe and not permit any commercial use (including commercial development, residential development, gaming, sale of timber, or mineral extraction); and

(B) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

ADDITIONAL COSPONSORS

S. 486

At the request of Mr. ASHCROFT, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as cosponsor of S. 827, to establish drawback for imports of N-cyclohexyl-2-benzothiazolesulfenamide based on exports of N-tert-Butyl-2-benzothiazolesulfenamide.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and

Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1291

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medical program for such children.

S. 2282

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2282, a bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2528

At the request of Mr. COLLINS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S.

2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2619

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2619, a bill to provide for drug-free prisons.

S. 2639

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2742

At the request of Mr. SMITH of Oregon, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 311

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 311, a resolution to express the sense of the Senate regarding Federal procurement opportunities for women-owned small business.

AMENDMENT NO. 3172

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of Amendment No. 3172 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 124—EXPRESSING THE SENSE OF THE CONGRESS WITH REGARD TO IRAQ'S FAILURE TO RELEASE PRISONERS OF WAR FROM KUWAIT AND NINE OTHER NATIONS IN VIOLATION OF INTERNATIONAL AGREEMENTS

Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

Whereas in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed those files on to Iraq, the United Nations, and the Arab League;

Whereas numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

Whereas eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

Whereas official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

Whereas in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolutions 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

Whereas United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait;

Whereas United Nations Security Council Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

Whereas the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

Whereas immediately following the cease-fire in March 1991, Iraq repatriated 5,722 Kuwaiti prisoners of war under the aegis of the ICRC and freed 500 Kuwaitis held by rebels in southern Iraq;

Whereas Iraq has hindered and blocked efforts of the Tripartite Commission, the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

Whereas Iraq has denied the ICRC access to Iraqi prisons in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

Whereas Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress—

(A) acknowledges that there remain 605 prisoners of war unaccounted for in Iraq, although Kuwait was liberated from Iraq's brutal invasion and occupation on February 26, 1991;

(B) condemns and denounces the Iraqi Government's refusal to comply with international human rights instruments to which it is a party;

(C) urges Iraq immediately to disclose the names and whereabouts of those who are still alive among the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(D) insists that Iraq immediately allow humanitarian organizations such as the International Committee of the Red Cross to visit the living prisoners and to recover the remains of those who have died while in captivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) actively and urgently work with the international community and the Government of Kuwait, in accordance with United Nations Security Council Resolutions 686 and 687, to secure the release of Kuwaiti prisoners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(B) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupation of Kuwait, and to rejoin the community of nations with a humane gesture of good will and decency.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

LEVIN (AND OTHERS) AMENDMENT NO. 3457

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. JEFFORDS, Mrs. MURRAY, Ms. SNOWE, Mr. MOYNIHAN, Mr. LEAHY, Mr. ROCKEFELLER, Mr. ROBB, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill (S. 2536) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

Sec. 7. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use \$100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible

for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

• Mr. LEVIN. Mr. President, I rise today to introduce an amendment to the Senate Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill that seeks to provide much needed assistance to our nation's apple and potato farmers. In the past three years, due to weather related disasters, disease and the dumping of Chinese apply juice concentrate, our nation's apple producers have lost over three-quarters of a billion dollars in revenue. Likewise, potato producers in much of the country have struggled to overcome adverse weather conditions which have reduced the value of or, in some cases, destroyed their crops. This has left many growers on the brink of financial disaster.

In the past two years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. However, apple and potato producers received little, if any, of that assistance. The \$115 million in assistance we are proposing will help these producers, and ensure that apple and potato growers will be able to provide the United States and the world with a quality product that is second to none.

Mr. President I am proud to introduce this legislation that will directly assist our nation's apple and potato

growers, and I urge all Senators to support me in this matter.●

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

MCCAIN AMENDMENT NO. 3458

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year of the Armed Forces, and for other purposes, as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

“§5107 Assistance to claimants; benefit of the doubt; burden of proof

“(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

“(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

“(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

“5107 Assistance to claimants; benefit of the doubt; burden of proof.”

DODD AMENDMENT NO. 3459

Mr. LEVIN (for Mr. DODD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking “the unmarked graves of”; and

(2) by adding at the end the following:

“(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.”.

(b) **APPLICABILITY.**—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

WARNER AMENDMENT NO. 3460

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike “\$1,479,950,000” and insert “\$1,509,950,000”.

On page 17, line 5, strike “\$8,745,958,000” and insert “\$8,715,958,000”.

CLELAND (AND COVERDELL) AMENDMENT NO. 3461

Mr. LEVIN (for Mr. CLELAND (for himself, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

(a) **INCREASE IN AMOUNT.**—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$8,000,000.

(2) Of the amount authorized to be appropriated by section 201(3), as increased by paragraph (1), the amount available for Electronic Warfare Development (PE604270F) is hereby increased by \$8,000,000, with the amount of such increase available for the Precision Location and Identification Program (PLAID).

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by \$8,000,000, with the amount of the reduction applied to Electronic Warfare Development (PE604270A).

WARNER AMENDMENT NO. 3642

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike “\$1,479,950,000” and insert “\$1,509,950,000”.

On page 17, line 5, strike “\$8,745,958,000” and insert “\$8,715,958,000”.

LANDRIEU AMENDMENT NO. 3463

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) **REQUIREMENT.**—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) **CONTENT.**—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

WARNER AMENDMENT NO. 3464

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 303, between lines 6 and 7, insert the following:

SEC. 814. STUDY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76 PROGRESS.

(a) **GAO-CONVENED PANEL.**—The Comptroller General shall convene a panel of experts to study rules, and the administration of the rules, governing the selection of sources for the performance of commercial or industrial functions for the Federal Government from between public and private sector sources, including public-private competitions pursuant to the Office of Management and Budget Circular A-76. The Comptroller General shall be the chairman of the panel.

(b) **COMPOSITION OF PANEL.**—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(c) **PARTICIPATION BY OTHER INTERESTED PARTIES.**—The Comptroller General shall ensure that the opportunity to submit information and views on the Office of Management and Budget Circular A-76 process to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of federal labor organizations not represented on the panel.

(d) **INFORMATION FROM AGENCIES.**—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a), including the Office of Management and Budget Circular A-76 process. Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(e) **REPORT.**—The Comptroller General shall submit a report on the results of the study to Congress.

(f) **DEFINITION.**—In this section, the term “federal labor organization” has the meaning given the term “labor organization” in section 7103(a)(4) of title 5, United States Code.

FEINSTEIN AMENDMENT NO. 3465

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, strike line 20 and insert the following:

Part III—Air Force Conveyances

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) **CONSIDERATION.**—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) **LEASEBACK AUTHORITY.**—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) **APPRAISAL OF PROPERTY.**—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining

whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) **EXEMPTION.**—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Part IV—Defense Agencies Conveyances

SANTORUM AMENDMENT NO. 3466

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) \$318,646,000 is available for the procurement of remanufactured AV-8B aircraft;

(2) \$15,200,000 is available for the procurement of UC-35 aircraft;

(3) \$3,300,000 is available for the procurement of automatic flight control systems for EA-6B aircraft; and

(4) \$46,000,000 is available for engineering change proposal 583 for FA-18 aircraft.

LANDRIEU AMENDMENT NO. 3467

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) **AVAILABILITY OF INCREASED AMOUNT.**—(1) Of the amount authorized to be appropriated by section 201(2), for research, development, test, and evaluation for the Navy, \$5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes specified in that paragraph are in addition to any other amounts made available under this Act for such purposes.

(b) **OFFSET.**—Of the amount authorized to be appropriated by section 201(2), the amount available for Marine Corps Assault Vehicles (PE603611M) is hereby reduced by \$5,000,000.

WARNER AMENDMENT NO. 3468

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 13, strike “\$1,181,035,000” and insert “\$1,191,035,000”.

On page 16, line 22, strike “\$4,068,570,000” and insert “\$4,058,570,000”.

KENNEDY AMENDMENT NO. 3469

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to amendment No. 3383 previously proposed to the bill, S. 2549, supra; as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

(d) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide is hereby decreased by \$5,000,000, with the amount of such decrease applied to computing systems and communications technology (PE602301E).

WARNER (AND OTHERS) AMENDMENT NO. 3470

Mr. WARNER (for himself, Mr. HUTCHINSON, and Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) **MANAGEMENT OF DEPLOYMENTS OF MEMBERS.**—Section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 637) is amended in the text of section 991 of title 10, United States Code, set forth in such section 586(a)—

(1) in subsection (a), by striking “an officer in the grade of general or admiral” in the second sentence and inserting “the designated component commander for the member’s armed force”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or homeport, as the case may” before the period at the end;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

“(A) is not the member’s permanent training site; and

“(B) is—

“(i) at least 100 miles from the member’s permanent residence; or

“(ii) a lesser distance from the member’s permanent residence that, under the circumstances applicable to the member’s travel, is a distance that requires at least three hours of travel to traverse.”; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(iii) by adding at the end the following:

“(C) unavailable solely because of—

“(i) a hospitalization of the member at the member’s permanent duty station or homeport or in the immediate vicinity of the member’s permanent residence; or

“(ii) a disciplinary action taken against the member.”.

(b) **ASSOCIATED PER DIEM ALLOWANCE.**—Section 586(b) of that Act (113 Stat. 638) is amended in the text of section 435 of title 37, United States Code, set forth in such section 586(b)—

(1) in subsection (a), by striking “251 days or more out of the preceding 365 days” and inserting “501 or more days out of the preceding 730 days”; and

(2) in subsection (b), by striking “prescribed under paragraph (3)” and inserting “prescribed under paragraph (4)”.

(c) **REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.**—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) **AUTHORITY.**—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) **CONDITIONS.**—Any extension of a contract under paragraph (1)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and

(2) shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government.

SCHUMER AMENDMENT NO. 3471

Mr. LEVIN (for Mr. SCHUMER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The protection of our Nation’s critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation’s critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation’s critical infrastructure will continue to grow as foreign governments, terrorist groups, and cybercriminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation’s critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD-63) identifies 12 areas critical to the

functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and comply with strategies intended to enhance the Nation's ability to protect its critical infrastructure.

(6) PDD-63 requires lead Federal agencies to work with their counterparts in the private sector to create early warning information sharing systems and other cyber-security strategies.

(7) PDD-63 further requires that key Federal agencies develop their own internal information assurance plans, and that these plans be fully operational not later than May 2003.

(b) **REPORT REQUIREMENTS.**—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD-63). The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on the roles and responsibilities of the Department of Defense in defending against attacks on critical infrastructure and critical information-based systems. The report shall include the following:

(A) A description of the current role of the Department of Defense in implementing Presidential Decision Directive No. 63 (PDD-63).

(B) A description of the manner in which the Department is integrating its various capabilities and assets (including the Army Land Information Warfare Activity (LIWA), the Joint Task Force on Computer Network Defense (JTF-CND), and the National Communications System) into an indications and warning architecture.

(C) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare programs by potentially hostile foreign national governments and sub-national groups.

(D) A definitions of the terms "nationally significant cyber event" and "cyber reconstruction".

(E) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(F) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

THOMPSON (AND OTHERS) AMENDMENT NO. 3472

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. AKAKA, Mr. CLELAND, Mr. VOINOVICH, Mr. ABRAHAM, Mr. HELMS, and Ms. COLLINS)) proposed an amendment to the bill, S. 2549, *supra*; as follows:

On page 471, between lines 8 and 9, insert the following:

TITLE XIV—GOVERNMENT INFORMATION SECURITY REFORM

SEC. 1401. SHORT TITLE.

This title may be cited as the "Government Information Security Act".

SEC. 1402. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

"SUBCHAPTER II—INFORMATION SECURITY

"§ 3531. Purposes

"The purposes of this subchapter are to—

"(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;

"(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

"(B) provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

"(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

"(4) provide a mechanism for improved oversight of Federal agency information security programs.

"§ 3532. Definitions

"(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

"(b) As used in this subchapter the term—

"(1) 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401); and

"(2) 'mission critical system' means any telecommunications or information system used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, that—

"(A) is defined as a national security system under section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452);

"(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

"(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.

"§ 3533. Authority and functions of the Director

"(a)(1) The Director shall establish governmentwide policies for the management of programs that—

"(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations; and

"(B) include information technology architectures as defined under section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425).

"(2) Policies under this subsection shall—

"(A) be founded on a continuing risk management cycle that recognizes the need to—

"(i) identify, assess, and understand risk; and

"(ii) determine security needs commensurate with the level of risk;

"(B) implement controls that adequately address the risk;

"(C) promote continuing awareness of information security risk; and

"(D) continually monitor and evaluate policy and control effectiveness of information security practices.

"(b) The authority under subsection (a) includes the authority to—

"(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

"(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100-235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

"(3) direct the heads of agencies to—

"(A) identify, use, and share best security practices;

"(B) develop an agency-wide information security plan;

"(C) incorporate information security principles and practices throughout the life cycles of the agency's information systems; and

"(D) ensure that the agency's information security plan is practiced throughout all life cycles of the agency's information systems;

"(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3);

"(5) oversee and coordinate compliance with this section in a manner consistent with—

"(A) sections 552 and 552a of title 5;

"(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3 and 278g-4);

"(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

"(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100-235; 101 Stat. 1729); and

"(E) related information management laws; and

"(6) take any authorized action under section 5113(b)(5) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management, including the requirements of this subchapter, and for the investments made by the agency in information technology, including—

"(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

“(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and
 “(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

“(c) The authorities of the Director under this section may be delegated—

“(1) to the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2); and

“(2) in the case of all other Federal information systems, only to the Deputy Director for Management of the Office of Management and Budget.

“§ 3534. Federal agency responsibilities

“(a) The head of each agency shall—

“(1) be responsible for—

“(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems supporting agency operations and assets;

“(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

“(C) ensuring that the agency's information security plan is practiced throughout the life cycle of each agency system;

“(2) ensure that appropriate senior agency officials are responsible for—

“(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

“(B) determining the levels of information security appropriate to protect such operations and assets; and

“(C) periodically testing and evaluating information security controls and techniques;

“(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

“(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

“(B) developing and maintaining an agencywide information security program as required under subsection (b);

“(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

“(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(E) assisting senior agency officials concerning responsibilities under paragraph (2);

“(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

“(5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—

“(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

“(ii) implements appropriate remedial actions based on that evaluation; and

“(B) reports to the agency head on—

“(i) the results of such tests and evaluations; and

“(ii) the progress of remedial actions.

“(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.

“(2) Each program under this subsection shall include—

“(A) periodic risk assessments that consider internal and external threats to—

“(i) the integrity, confidentiality, and availability of systems; and

“(ii) data supporting critical operations and assets;

“(B) policies and procedures that—

“(i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and

“(ii) ensure compliance with—

“(I) the requirements of this subchapter;

“(II) policies and procedures as may be prescribed by the Director; and

“(III) any other applicable requirements;

“(C) security awareness training to inform personnel of—

“(i) information security risks associated with the activities of personnel; and

“(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

“(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

“(ii) a process for ensuring remedial action to address any significant deficiencies; and

“(E) procedures for detecting, reporting, and responding to security incidents, including—

“(i) mitigating risks associated with such incidents before substantial damage occurs;

“(ii) notifying and consulting with law enforcement officials and other offices and authorities;

“(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration; and

“(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

“(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President.

“(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management under the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note);

“(C) performance and results based management under the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

“(E) financial management under—

“(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101-576) (and the amendments made by that Act);

“(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

“(iii) the internal controls conducted under section 3512 of title 31.

“(2) Any significant deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

“(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan required under section 1115 of title 31 a description of—

“(A) the time periods; and

“(B) the resources, including budget, staffing, and training, which are necessary to implement the program required under subsection (b)(1).

“(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).

“§ 3535. Annual independent evaluation

“(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency.

“(2) Each evaluation under this section shall include—

“(A) an assessment of compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines; and

“(B) tests of the effectiveness of information security control techniques.

“(3) The Inspector General or the independent evaluator performing an evaluation under this section including the Comptroller General may use any audit, evaluation, or report relating to programs or practices of the applicable agency.

“(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General of the agency.

“(B) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Secretary of Defense, the Director of Central Intelligence, or other agency head as designated by the President.

“(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

“(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

“(c) Not later than 1 year after the date of enactment of this subchapter, and on that date every year thereafter, the applicable agency head shall submit to the Director—

“(1) the results of each evaluation required under this section, other than an evaluation

of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

“(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2).

“(d)(1) Each year the Comptroller General shall review—

“(A) the evaluations required under this section (other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2));

“(B) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

“(C) other information security evaluation results.

“(2) The Comptroller General shall report to Congress regarding the results of the review required under paragraph (1) and the adequacy of agency information programs and practices.

“(3) Evaluations and audits of evaluations of systems under the authority and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense—

“(A) shall not be provided to the Comptroller General under this subsection; and

“(B) shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

“(e) Agencies and evaluators shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.”.

SEC. 1403. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—Notwithstanding section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and except as provided under subsection (b), the Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, as required or when requested, shall—

(1) develop, issue, review, and update standards and guidance for the security of Federal information systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities as soon as those vulnerabilities are known.

(b) DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Notwithstanding section 3533 of title 44, United States Code (as added by section 1402 of this Act), the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President, shall, consistent with their respective authorities—

(A) develop and issue information security policies, standards, and guidelines for sys-

tems described under subparagraphs (A) and (B) of section 3532(b)(2) of title 44, United States Code (as added by section 1402 of this Act), that provide more stringent protection than the policies, principles, standards, and guidelines required under section 3533 of such title; and

(B) ensure the implementation of the information security policies, principles, standards, and guidelines described under subparagraph (A).

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(c) DEPARTMENT OF JUSTICE.—The Department of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) lawful uses of security techniques and technologies.

(d) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in—

(A) fulfilling agency responsibilities under section 3534(b)(2)(E) of title 44, United States Code (as added by section 1402 of this Act); and

(B) the acquisition of cost-effective security products, services, and incident response capabilities.

(e) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees;

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices; and

(3) work with the National Science Foundation and other agencies on personnel and training initiatives (including scholarships and fellowships, as authorized by law) as necessary to ensure that the Federal Government—

(A) has adequate sources of continuing information security education and training available for employees; and

(B) has an adequate supply of qualified information security professionals to meet agency needs.

(f) INFORMATION SECURITY POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (including any amendment made by this title)—

(A) the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President shall develop such policies, principles, standards, and guidelines for mission critical systems subject to their control;

(B) the policies, principles, standards, and guidelines developed by the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President may be adopted, to the extent that such policies are consistent with policies and guidance developed by the Director of the Of-

fice of Management and Budget and the Secretary of Commerce—

(i) by the Director of the Office of Management and Budget, as appropriate, to the mission critical systems of all agencies; or

(ii) by an agency head, as appropriate, to the mission critical systems of that agency; and

(C) to the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce, an agency may develop and implement information security policies, principles, standards, and guidelines that provide more stringent protection than those required under section 3533 of title 44, United States Code (as added by section 1402 of this Act), or subsection (a) of this section.

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(g) ATOMIC ENERGY ACT OF 1954.—Nothing in this title (including any amendment made by this title) shall supersede any requirement made by or under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted Data or Formerly Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 1404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”;

and

(B) by inserting after the item relating to section 3520 the following:

“SUBCHAPTER II—INFORMATION SECURITY

“Sec.

“3531. Purposes.

“3532. Definitions.

“3533. Authority and functions of the Director.

“3534. Federal agency responsibilities.

“3535. Annual independent evaluation.”;

and

(2) by inserting before section 3501 the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”.

(b) REFERENCES TO CHAPTER 35.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3501—

(A) in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”; and

(B) in paragraph (11), by striking “chapter” and inserting “subchapter”;

(2) in section 3502, in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”;

(3) in section 3503, in subsection (b), by striking “chapter” and inserting “subchapter”;

(4) in section 3504—

(A) in subsection (a)(2), by striking “chapter” and inserting “subchapter”;

(B) in subsection (d)(2), by striking “chapter” and inserting “subchapter”; and

(C) in subsection (f)(1), by striking “chapter” and inserting “subchapter”;

(5) in section 3505—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”;

(B) in subsection (a)(2), by striking “chapter” and inserting “subchapter”; and

(C) in subsection (a)(3)(B)(iii), by striking “chapter” and inserting “subchapter”;

(6) in section 3506—

(A) in subsection (a)(1)(B), by striking “chapter” and inserting “subchapter”;

(B) in subsection (a)(2)(A), by striking “chapter” and inserting “subchapter”;

(C) in subsection (a)(2)(B), by striking “chapter” and inserting “subchapter”;

(D) in subsection (a)(3)—

(i) in the first sentence, by striking “chapter” and inserting “subchapter”; and

(ii) in the second sentence, by striking “chapter” and inserting “subchapter”;

(E) in subsection (b)(4), by striking “chapter” and inserting “subchapter”;

(F) in subsection (c)(1), by striking “chapter, to” and inserting “subchapter, to”; and

(G) in subsection (c)(1)(A), by striking “chapter” and inserting “subchapter”;

(7) in section 3507—

(A) in subsection (e)(3)(B), by striking “chapter” and inserting “subchapter”;

(B) in subsection (h)(2)(B), by striking “chapter” and inserting “subchapter”;

(C) in subsection (h)(3), by striking “chapter” and inserting “subchapter”;

(D) in subsection (j)(1)(A)(i), by striking “chapter” and inserting “subchapter”;

(E) in subsection (j)(1)(B), by striking “chapter” and inserting “subchapter”;

(F) in subsection (j)(2), by striking “chapter” and inserting “subchapter”;

(8) in section 3509, by striking “chapter” and inserting “subchapter”;

(9) in section 3512—

(A) in subsection (a), by striking “chapter if” and inserting “subchapter if”; and

(B) in subsection (a)(1), by striking “chapter” and inserting “subchapter”;

(10) in section 3514—

(A) in subsection (a)(1)(A), by striking “chapter” and inserting “subchapter”; and

(B) in subsection (a)(2)(A)(ii), by striking “chapter” and inserting “subchapter” each place it appears;

(11) in section 3515, by striking “chapter” and inserting “subchapter”;

(12) in section 3516, by striking “chapter” and inserting “subchapter”;

(13) in section 3517(b), by striking “chapter” and inserting “subchapter”;

(14) in section 3518—

(A) in subsection (a), by striking “chapter” and inserting “subchapter” each place it appears;

(B) in subsection (b), by striking “chapter” and inserting “subchapter”;

(C) in subsection (c)(1), by striking “chapter” and inserting “subchapter”;

(D) in subsection (c)(2), by striking “chapter” and inserting “subchapter”;

(E) in subsection (d), by striking “chapter” and inserting “subchapter”; and

(F) in subsection (e), by striking “chapter” and inserting “subchapter”; and

(15) in section 3520, by striking “chapter” and inserting “subchapter”.

SEC. 1405. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

KENNEDY (AND OTHERS) AMENDMENT NO. 3473

Mr. LEVIN (for Mr. KENNEDY (for himself, Mrs. BOXER, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. JEFFORDS, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, and Mr. REED)) proposed an amendment to the bill, S. 2549, *supra*; as follows:

At the appropriate place, insert the following:

TITLE —LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2000

SEC. 01. SHORT TITLE.

This title may be cited as the “Local Law Enforcement Enhancement Act of 2000”.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the victim’s family and friends, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of

the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 03. DEFINITION OF HATE CRIME.

In this title, the term “hate crime” has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the victim’s race, color, religion, national origin, gender, sexual orientation, or disability or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes. In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(2) APPLICATION.—

(A) IN GENERAL.—Each State desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction within a 1 year period.

(5) REPORT.—Not later than December 31, 2001, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2001 and 2002.

SEC. 05. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2001, 2002, and 2003 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code (as added by this title).

SEC. 07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

*§ 249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A): the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given the term in section 232 of this title; and

“(2) the term ‘firearm’ has the meaning given the term in section 921(a) of this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

SEC. 08. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 09. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender,” after “race.”.

SEC. 10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

HATCH AMENDMENT NO. 3474

Mr. HATCH proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. 00. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall select 10 jurisdictions with laws classifying certain types of offenses as

relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the

membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2001 and 2002 to carry out this section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 22, 2000 at 11 a.m. in room 485 of the Russell Senate Building to mark up the following: S. 2719, to provide for business development and trade promotion for Native Americans; S. 1658; to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota; and S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe certain benefits of the Missouri River Pick-Sloan Project; to be followed by a hearing, on the Indian Trust Resolution Corporation.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, June 27, 2000, in Room SR-301 Russell Senate Office Building, to receive testimony on the operations of the Library of Congress and the Smithsonian Institution.

For further information concerning this meeting, please contact Lani Gerst at the Rules Committee on 4-6352.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On June 15, 2000, the Senate amended and passed H.R. 4475, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4475) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise ap-

propriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, \$1,800,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, \$500,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, \$2,500,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, \$7,000,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$6,500,000, including not to exceed \$60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided, That not more than \$15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$17,800,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, \$1,500,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, \$1,181,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, \$496,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$1,192,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$6,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$5,300,000, of which \$1,400,000 shall only be available for planning for the 2001 Winter Special Olympics; and \$2,000,000 shall only be available for the purpose of section 228 of Public Law 106-181.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$173,278,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, \$1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$13,775,000. In addition, for administrative expenses to carry out the direct loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, of which \$2,635,000 shall remain available until September 30, 2002: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$3,039,460,000, of which \$641,000,000 shall be available only for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to \$615,000 in user fees collected pursuant to section 1111 of Public Law 104-324 shall be credited to this appropriation as offsetting collections in fiscal year 2001: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed \$100,000,000

in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: Provided further, That the United States Coast Guard will reimburse the Department of Transportation Inspector General \$5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$407,747,660, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$145,936,660 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; \$41,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; \$54,304,000 shall be available for other equipment, to remain available until September 30, 2003; \$68,406,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; \$55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and \$42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: Provided, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation and remain available until expended, but shall not be available for obligation until October 1, 2001: Provided further, That none of the funds provided for the Integrated Deepwater Systems program shall be available for obligation until the submission of a comprehensive capital investment plan for the United States Coast Guard as required by Public Law 106-69: Provided further, That the Commandant shall transfer \$5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements: Provided further, That the City of Homer enters into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska: Provided further, That the Commandant is hereby granted the authority to enter into a contract for the Great Lakes Icebreaker (GLIB) Replacement which shall be funded on an incremental basis: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$16,700,000, to remain available until expended.

ALTERATION OF BRIDGES (HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, \$15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed

appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$778,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$80,371,000: Provided, That no more than \$22,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$21,320,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$6,350,250,000, of which \$4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which \$5,039,391,000 shall be available for air traffic services program activities; \$691,979,000 shall be available for aviation regulation and certification program activities; \$138,462,000 shall be available for civil aviation security program activities; \$182,401,000 shall be available for research and acquisition program activities; \$10,000,000 shall be available for commercial space transportation program activities; \$43,000,000 shall be available for Financial Services program activities; \$49,906,000 shall be available for Human Resources program activities; \$99,347,000 shall be available for Regional Coordination program activities; and \$95,764,000 shall be available for Staff Offices program activities: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities,

other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$5,000,000 shall be for the contract tower cost-sharing program and not less than \$55,300,000 shall be for the contract tower program within the air traffic services program activities: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than \$100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency: Provided further, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services: Provided further, That the Secretary may transfer funds to this account, from Coast Guard "Operating expenses", not to exceed \$100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: Provided further, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General \$19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds avail-

able under this head; and to make grants to carry out the Small Community Air Service Development Pilot Program under section 41743 of title 49, United States Code; to be derived from the Airport and Airway Trust Fund, \$2,656,765,000, of which \$2,334,112,400 shall remain available until September 30, 2003, and of which \$322,652,600 shall remain available until September 30, 2001: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed: Provided further, That notwithstanding any other provision of law, not more than \$20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, United States Code, subject to the normal reprogramming guidelines.

RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$183,343,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and air traffic services program activities; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than \$173,000,000 of funds limited under this

heading shall be obligated for administration and air traffic services program activities if such funds are necessary to maintain aviation safety.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, \$579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed \$386,657,840 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That \$10,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105-178, as amended, \$33,588,500 shall be available for the Indian Reservation Roads Program under section 204 of title 23, \$30,046,440 shall be available for the Public Lands Highway Program under section 204 of title 23, \$20,153,100 shall be available for the Park Roads and Parkways Program under section 204 of title 23, and \$2,442,800 shall be available for the Refuge Roads program under section 204 of title 23: Provided further, That the Federal Highway Administration will reimburse the Department of Transportation Inspector General \$10,000,000 from funds available within this limitation for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: Provided, That within the \$29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178) for fiscal year 2000; not more than \$25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105-178) for fiscal year 2001, of which not to exceed \$1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than \$31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: Provided further, That within the \$218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums

shall be made available for Intelligent Transportation System projects in the following specified areas:

Calhoun County, MI	\$500,000
Wayne County, MI	1,500,000
Southeast Michigan	1,000,000
Indiana Statewide (SAFE-T)	1,500,000
Salt Lake City (Olympic Games)	2,000,000
State of New Mexico	1,500,000
Santa Teresa, NM	1,000,000
State of Missouri (Rural)	1,000,000
Springfield-Branson, MO	1,500,000
Kansas City, MO	2,500,000
Inglewood, CA	1,200,000
Lewis & Clark trail, MT	1,250,000
State of Montana	1,500,000
Fort Collins, CO	2,000,000
Arapahoe County, CO	1,000,000
I-70 West project, CO	1,000,000
I-81 Safety Corridor, VA	1,000,000
Aquidneck Island, RI	750,000
Hattiesburg, MS	1,000,000
Jackson, MS	1,000,000
Fargo, ND	1,000,000
Moscow, ID	1,750,000
State of Ohio	2,500,000
State of Connecticut	3,000,000
Illinois Statewide	2,000,000
Charlotte, NC	1,250,000
Nashville, TN	1,000,000
State of Tennessee	2,600,000
Spokane, WA	1,000,000
Bellingham, WA	700,000
Puget Sound Regional Fare Coordination	2,000,000
Bay County, FL	1,000,000
Iowa statewide (traffic enforcement)	3,000,000
State of Nebraska	2,600,000
State of North Carolina	3,000,000
South Carolina statewide	2,000,000
San Antonio, TX	200,000
Beaumont, TX	300,000
Corpus Christi, TX (vehicle dispatching)	1,500,000
Williamson County/Round Rock, TX	500,000
Austin, TX	500,000
Texas Border Phase I Houston, TX	1,000,000
Oklahoma statewide	2,000,000
Vermont statewide	1,000,000
Vermont rural ITS	1,500,000
State of Wisconsin	3,600,000
Tucson, AZ	2,500,000
Cargo Mate, NJ	1,000,000
New Jersey regional integration/TRANSCOM	4,000,000
State of Kentucky	2,000,000
State of Maryland	4,000,000
Sacramento to Reno, I-80 corridor	200,000
Washoe County, NV	200,000
North Las Vegas, NV	1,800,000
Delaware statewide	1,000,000
North Central Pennsylvania	1,500,000
Delaware River Port Authority	3,500,000
Pennsylvania Turnpike Commission	3,000,000
Huntsville, AL	2,000,000
Tuscaloosa/Muscle Shoals	3,000,000
Automated crash notification system, UAB	2,000,000
Oregon statewide	1,500,000
Alaska statewide	4,200,000
South Dakota commercial vehicle ITS	1,500,000

Provided further, That, notwithstanding Public Law 105-178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding pro-

vided for under section 105 of title 23, United States Code, for fiscal year 2001. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed \$92,194,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, \$177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$177,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$107,876,000 of which \$77,670,000 shall remain available until September 30, 2003: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price: Provided further, That none of the funds appropriated in this Act may be obligated or expended to plan, finalize, or implement regulations that would add the static stability factor to the New Car Assessment

Program until the National Academy of Sciences reports to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act that the static stability factor is a scientifically valid measurement and presents practical, useful information to the public; a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that induce rollover events; and the validity of the NHTSA proposed system for placing its rollover rating information on the web compared to making rollover information available at the point of sale.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001 are in excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, \$2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, \$213,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of \$213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which \$155,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, \$13,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, \$36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, \$9,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed \$7,750,000 of the funds made available for section 402, not to exceed \$650,000 of the funds made available for section 405, not to exceed \$1,800,000 of the funds made available for section 410, and not to exceed \$450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$99,390,000, of which \$4,957,000 shall remain available until expended: Provided, That, as

part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: Provided further, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General \$1,500,000 for costs associated with audits and investigations of all rail-related issues and systems.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$24,725,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$24,900,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

WEST VIRGINIA RAIL DEVELOPMENT

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, \$15,000,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), \$521,000,000 to remain available until expended: Provided, That the Secretary shall not obligate more than \$208,400,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,800,000: Provided, That no more than \$64,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reim-

burse the Department of Transportation Inspector General \$3,000,000 for costs associated with audits and investigations of all transit-related issues and systems

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105-178, \$669,000,000, to remain available until expended: Provided, That no more than \$3,345,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available until expended: Provided, That no more than \$6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$22,200,000, to remain available until expended: Provided, That no more than \$110,000,000 of budget authority shall be available for these purposes: Provided further, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), of which \$3,000,000 is available for transit-related research conducted by the Great Cities Universities research consortia; \$52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); \$10,886,400 is available for State planning (49 U.S.C. 5313(b)); and \$29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Mid-America Regional Council coordinated transit planning, Kansas City metro area	\$750,000
Sacramento Area Council of Governments regional air quality planning and coordination study	250,000
Salt Lake Olympics Committee multimodal transportation planning	1,200,000
West Virginia University fuel cell technology institute propulsion and ITS testing	1,000,000
University of Rhode Island, Kingston traffic congestion study	150,000
Georgia Regional Transportation Authority regional transit study	350,000
Trans-lake Washington land use effectiveness and enhancement review	450,000
State of Vermont electric vehicle transit demonstration	500,000
Acadia Island, Maine explorer transit system experimental pilot program	150,000
Center for Composites Manufacturing	950,000
Southern Nevada air quality study	800,000
Southeastern Pennsylvania Transit Authority advanced propulsion control system	3,000,000
Fairbanks extreme temperature clean fuels research ...	800,000
National Transit Database ...	2,500,000

Safety and Security	6,100,000
National Rural Transit Assistance Program	750,000
Mississippi State University bus service expansion plan	100,000
Bus Rapid Transit administration, data collection and analysis	1,000,000
Project ACTION	3,000,000

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That \$2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That \$87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That \$51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That \$4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That \$80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That \$2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$529,200,000, to remain available until expended: Provided, That no more than \$2,646,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, \$1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$529,200,000; and there shall be available for new fixed guideway systems \$1,058,400,000: Provided further, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the bus and bus-related facilities projects listed in the accompanying Senate report: Provided further, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

2002 Winter Olympics spectator transportation systems and facilities;
Alaska or Hawaii ferry projects;
Atlanta-MARTA North Line extension completion;
Austin Capital Metro Light Rail;
Baltimore Central Light Rail double tracking;
Boston North-South Rail Link;

Boston-South Boston Piers Transitway;
 Canton-Akron-Cleveland commuter rail line;
 Charlotte North-South Transitway project;
 Chicago METRA commuter rail consolidated request;
 Chicago Transit Authority Ravenswood Brown Line capacity expansion;
 Chicago Transit Authority Douglas Blue Line;
 Clark County, Nevada RTC fixed guideway project;
 Cleveland Euclid Corridor improvement project;
 Dallas Area Rapid Transit North Central light rail;
 Denver Southeast corridor project;
 Denver Southwest corridor project;
 Fort Lauderdale Tri-County commuter rail project;
 Fort Worth Railtran corridor commuter rail project;
 Galveston Rail Trolley extension;
 Girdwood to Wasilla, Alaska commuter rail project;
 Houston Metro Regional Bus Plan;
 Kansas City Southtown corridor;
 Little Rock, Arkansas River Rail project;
 Long Island Rail Road East Side access project;
 Los Angeles Mid-city and Eastside corridors;
 Los Angeles North Hollywood extension;
 MARC expansion projects—Penn-Camden lines connector and midday storage facility;
 MARC-Brunswick line in West Virginia, signal and crossover improvements;
 Memphis Medical Center extension project;
 Minneapolis-Twin Cities Transitways corridor projects;
 Nashua, New Hampshire to Lowell, Massachusetts commuter rail;
 Nashville regional commuter rail;
 New Jersey Hudson-Bergen Light Rail;
 New Orleans Canal Street Streetcar corridor project;
 New Orleans Desire Street corridor project;
 Newark-Elizabeth rail link;
 Oceanside-Escondido, California light rail;
 Orange County, California transitway project;
 Philadelphia-Reading SEPTA Schuylkill Valley metro project;
 Phoenix metropolitan area transit project;
 Pittsburgh North Shore-central business district corridor project;
 Pittsburgh Stage II Light Rail transit;
 Portland Interstate MAX light rail transit;
 Raleigh, Durham and Chapel Hill regional rail service;
 Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;
 Sacramento south corridor light rail extension;
 Salt Lake City-University light rail line;
 Salt Lake City North/South light rail project;
 Salt Lake-Ogden-Provo regional commuter rail;
 San Bernardino MetroLink;
 San Diego Mission Valley East light rail;
 San Francisco BART extension to the airport project;
 San Jose Tasman West light rail project;
 San Juan-Tren Urbano;
 Seattle-Sound Transit Central Link light rail project;
 Seattle-Puget Sound RTA Sounder commuter rail project;
 Spokane-South Valley Corridor light rail project;
 St. Louis Metrolink Cross County connector;
 St. Louis/St. Clair County Metrolink light rail extension;
 Stamford Urban Transitway, Connecticut;
 Tampa Bay regional rail project;
 Washington Metro Blue Line-Largo extension;
 West Trenton, New Jersey rail project.
 The following new fixed guideway systems and extensions to existing systems are eligible to

receive funding for alternatives analysis and preliminary engineering:
 Albuquerque/Greater Albuquerque mass transit project;
 Atlanta-MARTA West Line extension study;
 Ballston, Virginia Metro access improvements;
 Baltimore regional rail transit system;
 Birmingham, Alabama transit corridor;
 Boston Urban Ring;
 Burlington-Bennington, Vermont commuter rail project;
 Calais, Maine Branch Line regional transit program;
 Colorado/Eagle Airport to Avon light rail system;
 Colorado/Roaring Fork Valley rail project;
 Columbus-Central Ohio Transit Authority north corridor;
 Dallas Area Rapid Transit Southeast Corridor Light Rail;
 Danbury-Norwalk Rail Line Re-Electrification project;
 Des Moines commuter rail;
 Detroit Metropolitan Airport light rail project;
 Draper, West Jordan, West Valley City and Sandy City, Utah light rail extensions;
 Dulles Corridor, Virginia innovative inter-modal system;
 El Paso/Juarez People mover system;
 Fort Worth trolley system;
 Harrisburg-Lancaster capital area transit corridor 1 regional light rail;
 Hollister/Gilroy Branch Line extension;
 Honolulu bus rapid transit;
 Houston advanced transit program;
 Indianapolis Northeast-Downtown corridor project;
 Johnson County, Kansas I-35 Commuter Rail Project;
 Kenosha-Racine-Milwaukee commuter rail extension;
 Los Angeles San Fernando Valley Corridor;
 Los Angeles San Diego LOSSAN corridor project;
 Massachusetts North Shore Corridor project;
 Miami south busway extension;
 New Orleans commuter rail from Airport to downtown;
 New York City 2nd Avenue Subway study;
 Northern Indiana south shore commuter rail;
 Northwest New Jersey-Northeast Pennsylvania passenger rail project;
 Potomac Yards, Virginia transit study;
 Philadelphia SEPTA Cross County Metro;
 Portland, Maine marine highway program;
 San Francisco BART to Livermore extension;
 San Francisco MUNI 3rd Street light rail extension;
 Santa Fe-Eldorado rail link project;
 Stockton, California Altamont commuter rail project;
 Vasona light rail corridor;
 Virginia Railway Express commuter rail;
 Whitehall ferry terminal project;
 Wilmington, Delaware downtown transit connector; and
 Wilsonville to Beaverton commuter rail.
 Provided further, That funds made available under the heading "Capital Investment Grants" in Division A, Section 101(g) of Public Law 105-277 for the "Colorado-North Front Range corridor feasibility study" are to be made available for "Colorado-Eagle Airport to Avon light rail system feasibility study"; and that funds made available in Public Law 106-69 under "Capital Investment Grants" for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in

carrying out 49 U.S.C. 5338(b), \$350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$20,000,000, to remain available until expended: Provided, That no more than \$100,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$12,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$34,370,000, of which \$645,000 shall be derived from the Pipeline Safety Fund, and of which \$4,201,000 shall remain available until September 30, 2003: Provided, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$43,144,000, of which \$8,750,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which \$31,894,000 shall be derived from the Pipeline Safety Fund, of which \$24,432,000 shall remain available until September 30, 2003; and of which \$2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available

until September 30, 2003: Provided, That not more than \$13,227,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: Provided further, That the deadline for the submission of registration statements and the accompanying registration and processing fees for the July 1, 2000 to June 30, 2001 registration year described under sections 107.608, 107.612, and 107.616 of the Department of Transportation's final rule docket number RSPA-99-5137 is amended to not later than September 30.

**OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$49,000,000 of which \$38,500,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration.

**SURFACE TRANSPORTATION BOARD
SALARIES AND EXPENSES**

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$17,000,000: Provided, That notwithstanding any other provision of law, not to exceed \$954,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading.

TITLE II

RELATED AGENCIES

**ARCHITECTURAL AND TRANSPORTATION
BARRIERS COMPLIANCE BOARD**

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$4,795,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

**NATIONAL TRANSPORTATION SAFETY
BOARD**

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$59,000,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels

appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): Provided, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs

funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding \$128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section

9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) **REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.**—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.**—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) **SPECIAL RULE.**—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by \$53,430,000, which limits fiscal year 2001 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than \$119,848,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center. In addition to the funds limited in this Act, \$54,963,000 shall be available for section 1069(y) of Public Law 102–240.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 324. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) **SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.**—

(1) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) **PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Not to exceed \$1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to

advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 327. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 328. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, \$495,000, to remain available until September 30, 2002: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 329. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 330. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2001.

SEC. 331. Section 3038(e) of Public Law 105–178 is amended by striking “50” and inserting “90”.

SEC. 332. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the “fractional ownership” concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: Provided, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): Provided further, That the Secretary shall report to the House and Senate

Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twelve months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision and proposed statutory language to exempt the Department of Transportation from Office of Management and Budget guidelines regarding the use of aircraft.

SEC. 333. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

“(72) Wilmington Downtown transit corridor.
“(73) Honolulu Bus Rapid Transit project.”.

SEC. 335. None of the funds appropriated or made available by this Act or any other Act or hereafter shall be used (1) to consider or adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA–97–2350–953), (2) to consider or adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this Section, to enforce such rule or amendment to a rule.

SEC. 336. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) in the subsection heading, by inserting “OVER-THE-ROAD BUSES AND” before “PUBLIC”;

(2) in paragraph (1), by striking “to any vehicle which” and inserting the following: “to—
“(A) any over-the-road bus; or
“(B) any vehicle that”;

(3) by striking paragraphs (2) and (3) and inserting the following:

“(2) STUDY AND REPORT CONCERNING APPLICABILITY OF MAXIMUM AXLE WEIGHT LIMITATIONS TO OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

“(A) STUDY AND REPORT.—Not later than July 31, 2002, the Secretary shall conduct a study of, and submit to Congress a report on, the maximum axle weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

“(B) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

“(i) IN GENERAL.—The report shall include—

“(I) a determination concerning how the requirements of section 127 of that title should be applied to over-the-road buses and public transit vehicles; and

“(II) short-term and long-term recommendations concerning the applicability of those requirements.

“(ii) CONSIDERATIONS.—In making the determination described in clause (i)(I), the Secretary shall consider—

“(I) vehicle design standards;

“(II) statutory and regulatory requirements, including—

“(aa) the Clean Air Act (42 U.S.C. 7401 et seq.);

“(bb) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

“(cc) motor vehicle safety standards prescribed under chapter 301 of title 49, United States Code; and

“(III)(aa) the availability of lightweight materials suitable for use in the manufacture of over-the-road buses;

“(bb) the cost of those lightweight materials relative to the cost of heavier materials in use as of the date of the determination; and

“(cc) any safety or design considerations relating to the use of those materials.

“(C) ANALYSIS OF MEANS OF ENCOURAGING DEVELOPMENT AND MANUFACTURE OF LIGHTWEIGHT BUSES.—The report shall include an analysis of, and recommendations concerning, means to be considered to encourage the development and manufacture of lightweight buses, including an analysis of—

“(i) potential procurement incentives for public transit authorities to encourage the purchase of lightweight public transit vehicles using grants from the Federal Transit Administration; and

“(ii) potential tax incentives for manufacturers and private operators to encourage the purchase of lightweight over-the-road buses.

“(D) ANALYSIS OF CONSIDERATION IN RULEMAKINGS OF ADDITIONAL VEHICLE WEIGHT.—The report shall include an analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the Federal Government that affects the design or manufacture of motor vehicles consider—

“(i) the weight that would be added to the vehicle by implementation of the proposed rule;

“(ii) the effect that the added weight would have on pavement wear; and

“(iii) the resulting cost to the Federal Government and State and local governments.

“(E) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the axle weight of over-the-road buses that compares—

“(i) the costs of the pavement wear caused by over-the-road buses; with

“(ii) the benefits of the over-the-road bus industry to the environment, the economy, and the transportation system of the United States.

“(3) DEFINITIONS.—In this subsection:

“(A) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

“(B) PUBLIC TRANSIT VEHICLE.—The term ‘public transit vehicle’ means a vehicle described in paragraph (1)(B).”.

SEC. 337. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 338. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part

of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 339. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104-208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 340. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for ATC facilities.

SEC. 341. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1999, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 342. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 5 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of chapter 1 of title 23,

United States Code, and beginning in fiscal year 2005, and in each fiscal year thereafter, the Secretary shall withhold 10 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of title 23, United States Code. If within three years from the date that the apportionment for any State is reduced in accordance with this subsection the Secretary determines that such State is eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such three-year period, any State remains ineligible for assistance under section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 344. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032-2033) is amended by striking paragraph (38) and replacing it with the following—

"(38) The Ports-to-Plains Corridor from Laredo, Texas to Denver, Colorado as follows:

"(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

"(i) I-35 from Laredo to United States Route 83 at Exit 18;

"(ii) United States Route 83 from Exit 18 to Carrizo Springs;

"(iii) United States Route 277 from Carrizo Springs to San Angelo;

"(iv) United States Route 87 from San Angelo to Sterling City;

"(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I-20, then via I-20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

"(vi) United States Route 87 from Lamesa to Lubbock;

"(vii) I-27 from Lubbock to Amarillo; and

"(viii) United States Route 287 from Amarillo to the Oklahoma border.

"(B) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the Texas border to the Colorado border. The Corridor shall then proceed into Colorado."

SEC. 345. MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking "Extend NW 86th Street from NW 70th Street" and inserting "Construct a road from State Highway 141".

SEC. 346. CAP AGREEMENT FOR BOSTON "BIG DIG". No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than \$8,549,000,000.

SEC. 347. PARKING SPACE FOR TRUCKS. (a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

SEC. 348. STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES. (a) STUDY REQUIRED.—

The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

SEC. 349. Within the funds made available in this Act, \$10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended; \$2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; \$400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and \$250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

SEC. 350. (a) **FINDINGS.**—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW will end in 2006.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related

agencies for fiscal year 2001 was \$1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to recommend reductions from the funding requested in the President's budget on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made, or had the President's budget not included \$212,000,000 in new user fees on the maritime community. The difference between the amount of funds requested by the Coast Guard for the Acquisition, Construction, and Improvements account and the amount made available by the Committee on Appropriations of the Senate for those acquisitions conflicts with the high priority afforded by the Senate to Acquisition, Construction, and Improvements procurements, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in personnel benefits and fuel costs on the 2000 operating expenses account, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, provided there is sufficient budget authority, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for Acquisition, Construction, and Improvements;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

SEC. 351. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

SEC. 352. Section 1214 of Public Law 105-178, as amended, is further amended by adding a new subsection to read as follows:

“(s) Notwithstanding sections 117 (c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law 105-178—

“(1) the non-Federal share of the project may be funded by Federal funds from an agency or

agencies not part of the United States Department of Transportation; and

“(2) the Secretary shall not delegate responsibility for carrying out the project to a State.”.

SEC. 353. **ADDITIONAL SANCTION FOR REVENUE DIVERSION.** Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13-95-05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

SEC. 354. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the “Frank R. Lautenberg Transfer Station”. Provided, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the “Frank R. Lautenberg Transfer Station”.

TITLE IV

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$12,200,000,000.

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 2001”.

MEASURE PLACED ON CALENDAR—H.R. 8

Mr. HATCH. Mr. President, I ask unanimous consent that H.R. 8 be placed on the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 2753

Mr. HATCH. Mr. President, I ask unanimous consent that S. 2753, introduced earlier today by Senator DASCHLE and others, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2752

Mr. HATCH. Mr. President, I understand that S. 2752, introduced by Senator THOMPSON today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. HATCH. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, JUNE 20,
2000

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:10 a.m. on

Tuesday, June 20. I further ask that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that Senator GRASSLEY be recognized in morning business for up to 10 minutes, to be followed by Senator BIDEN for 10 minutes, and the Senate then resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will convene at 9:10 a.m. tomorrow and will shortly thereafter resume debate

on the DOD authorization bill with the Dodd amendment in order regarding a Cuban commission. Also in the morning period, Senator MURRAY will offer her amendment relative to abortion. However, under a previous order, these votes and votes relative to hate crimes will occur in a back-to-back sequence at 3:15 p.m.

ADJOURNMENT UNTIL 9:10 A.M.
TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Tuesday, June 20, 2000, at 9:10 a.m.

HOUSE OF REPRESENTATIVES—Monday, June 19, 2000

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

LOS ALAMOS SECURITY PROBLEM

Mr. COBLE. Madam Speaker, the Los Alamos security problem is not a trivial matter. An official familiar with the investigation was quoted last weekend as having said hopefully the drives never left the secured area; if we believe this version, we will then be convinced that Santa Claus is a viable being and, finally, to complete the hat trick, the Tooth Fairy will trot across the stage.

If, after this, we remain skeptical, we would be well advised, Madam Speaker, to apply the admonishing lyrics of an old Lester Flatt and Earl Scruggs bluegrass tune entitled, "I am going to sleep with one eye open from now on."

Obviously, those charged with guarding the hen house at Los Alamos kept no eyes open, and the fox was free to roam at will. Corrective action must be forthcoming to resolve this inexcusable breach of security.

The potential detriment imposed upon our country may be irreparable. I sit as a Member of no House committee with direct jurisdiction over the Department of Energy; however, I have

been more than a casual observer of the shoddy security measures at our Nation's nuclear lab.

I have previously crossed swords with the Department of Energy. Some recent years ago that Department was directed by a Secretary who enjoyed taking frequent trips, international and domestic, subsidized, of course, by taxpayers.

She insisted as well that she be surrounded by attendants who made up her road show entourage who traveled as well at taxpayers expense. I took her to task for this excessive travel, and several DOE employees and officials expressed thanks for my concern because their Department was being embarrassed.

Embarrassment is being felt yet again, but I distinguish the abusive travel practices with the present Los Alamos problem. The former involved a Secretary whose attitude was one of indifferent disregard to prudent management practices. The Los Alamos exposure involves national security.

Madam Speaker, even though there is no Cold War, many Americans, some who sat in this very Chamber, believe that since there is no Cold War, there is therefore no threat. There are, indeed, threats, Madam Speaker; and the Los Alamos problem could very well be nurturing a significant one. Let us clean up this mess before it is too late.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: In recent days, we have honored fatherhood in this Nation, O God. In celebrating Fathers' Day, we have asked You to bless all fathers.

With their spouses, may they earn the love and respect of their children and be true guides of moral living and witness noble patriotism to another generation.

With faith in You as the source of life and all true authority in Heaven and on Earth, we dare to call You: "Abba," "Father." Shower upon us all Your loving care and understanding forgiveness.

In a special way we pray for all the Members of this House who are fathers. Bind their families in love. Protect them wherever they may be. Grant that peace and prosperity in this Nation may provide security to all who seek to be fathers in the future. Born of fathers, we give You thanks and praise for the life we have received by these men. All of us are Your children now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WASTE, FRAUD AND ABUSE AT DEPARTMENT OF EDUCATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in poll after poll, the American people have made it clear that the number one issue on their minds is education.

Americans want to make sure their children are well prepared for tomorrow. Americans want to know that their education tax dollars are being spent on their children, not on bureaucracies or needless studies.

Why is it, then, that this administration's Education Department got a D-minus from Ernst and Young, a private auditing firm? If a private company had gotten that rating, the Securities and Exchange Commission would suspend their stock from trading.

Why is it that the Department of Education's own employees are bilking the Department and sticking the taxpayers with the tab?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, we need to reform the Federal education bureaucracy. We need to make sure our tax dollars are being spent in classrooms, not in Washington. We need to prepare our children to be tomorrow's leaders.

We need to pass the Republican Dollars to the Classroom Act.

READ FINE PRINT ON GOP MEDICARE PRESCRIPTION DRUG PLAN

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Madam Speaker, in a "Dear Colleague" he circulated today, the gentleman from California (Mr. THOMAS) shared some exciting news about the GOP Medicare prescription drug plan. If only it were true.

He asserts that the Republican plan, which relies on private insurers to offer individual prescription drug coverage, would cut prices twice as much as the Democrat's Medicare-based plan. That is a strong selling point. It is also complete rubbish.

The Congressional Budget Office says the GOP drug plan may cut costs by 25 percent, not through lower prices, but by restricting access to medically necessary drugs.

It is an important distinction. I will say it again. The Republican plan saves money, not by miraculously convincing the drug makers to lower their prices, but by limiting access to medically necessary prescription drugs.

It cuts costs by decreasing the value of the drug benefit. The insurers win, the government wins, senior citizens lose.

The Republican plan gives insurance companies carte blanche to do what they are doing today; that is, put price tags on treatment decisions and then deny coverage for medically necessary treatments. Sound familiar?

The President's plan is explicit in requiring coverage for any medically necessary drug prescribed by a doctor, which makes sense since it is the doctor, not the insurer, who is actually treating the patient.

I ask my colleagues to read the fine print of the Thomas proposal.

SECURITY FAILURE AT LOS ALAMOS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, once again, our national security has been endangered by the incompetence of the Department of Energy. It seems that the DOE cannot keep track of our Nation's most sensitive and top-secret information.

After nuclear weapons information was stolen last year from the Los Alamos lab, the American people were

promised, they were promised that the lab security would be enhanced and such a security breach would never again occur.

Well that was 1999, Madam Speaker. So much for the Clinton-Gore administration promises.

It seems that the enhanced security did not take into consideration the human element. The human element is not one's pet dog.

Perhaps the DOE thought that the potential threat aliens from Mars posed to our national security needed to be addressed before ensuring that our top-secret information was secure from real-life human beings.

It is time that this administration wake up and make our national security a top priority.

I yield back the administration's so-called security policies which fail to protect our Nation's secrets.

TIME TO PASS SIMPLE 15 PERCENT FLAT TAX; ABOLISH IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the Lord's prayer is 66 words; the 10 Commandments, 179 words; the Gettysburg Address, 286 words; the Declaration of Independence, 1,322 words; the United States Tax Code, 2 million 8 hundred thousand plus words. It is out of control.

In America, if a dog urinates in a parking lot, the EPA deems it a wetland. What is even worse, the IRS slaps on a hazardous waste tax. Beam me up here.

It is time to pass the simple flat 15 percent national sales tax and abolish the IRS.

I yield back all elements of the "Internal Rectal Service".

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Madam Speaker, each year, the legislative process consistently yields a particularly important authorization bill, and each and every year that authorization bill is signed into law by the President. I am speaking of the annual Defense authorization bill.

A month ago on May 18, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, aptly named for our distinguished chairman in his last year at the helm of the committee, passed the House by a strong bipartisan margin of 353 to 63.

The \$310 billion that this bill would authorize in the coming fiscal year rep-

resents the blueprint for defense policy and spending priorities as it does every year. Not only does it set the troop strength levels and extend expiring authorities, it goes to the heart of what our troops need to do the job. This bill will directly improve their quality of life, their readiness to fight, and the pace of the modernization of their equipment.

I am especially pleased that this bill contains several important new initiatives, including a comprehensive package of military health care reforms that would significantly improve access to quality health care for all military beneficiaries, particularly for over-65 military retirees.

But, Mr. Speaker, I am sorry to note that progress on the Defense Authorization bill, after passage in the House, has come to a sudden standstill in the other body. As I look about the legislative landscape, I see no other issue that I believe should take precedence over the authorization of the funds that our troops need. I hope that this situation can be dealt with quickly, and that we can get about the business of going to conference on a Senate bill and a House bill in the very near future.

The Congress needs this bill. The troops need this bill. The country needs this bill.

APOLOGY FOR SLAVERY

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Madam Speaker, today, on a date African Americans celebrate as their second Independence Day, I am introducing a resolution. This bill would put Congress on record as apologizing for all of our country and this institution and what they did to promote and sustain slavery and its terrible legacy.

This building we work in and revere as one of the world's monuments to freedom and democracy, it is a place where much good has been done, but it is also one of the sites of one of the history's great wrongs, and that is slavery.

Mr. Speaker, this building we revere was partly built by slaves, people who suffered terrible wrongs, people I believe our Nation owes an apology.

I was surprised to learn that, despite the Civil War and despite the landmark civil rights legislation, despite all that has happened in the 135 years since the last slaves learned they were free, our Nation has never apologized for the savage institution of slavery.

I urge all of our colleagues to look in their hearts and support this bill.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Wash-
ington, DC.

DEAR MR. SPEAKER: Pursuant to the per-
mission granted to Clause 2(h) of Rule II of
the Rules of the U.S. House of Representa-
tives, the Clerk received the following mes-
sage from the Secretary of the Senate on
June 16, 2000 at 9:12 a.m.

That the Senate passed without amend-
ment H.J. Res. 101.

With best wishes, I am

Sincerely,

JEFF TRANDAH, L,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid be-
fore the House the following commu-
nication from the Clerk of the House of
Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Wash-
ington, DC.

DEAR MR. SPEAKER: Pursuant to the per-
mission granted to Clause 2(h) of Rule II of
the Rules of the U.S. House of Representa-
tives, the Clerk received the following mes-
sage from the Secretary of the Senate on
June 16, 2000 at 1:45 p.m.

That the Senate agreed to Conference Re-
port S. 761.

With best wishes, I am

Sincerely,

JEFF TRANDAH, L,
Clerk of the House.

APOLOGY FOR UNWARRANTED TERM USED IN COMMITTEE HEARING LAST THURSDAY CON- CERNING MERGER OF UNITED AND US AIRWAYS

(Mr. OBERSTAR asked and was given
permission to address the House for 5
minutes and to revise and extend his
remarks.)

Mr. OBERSTAR. Madam Speaker,
last Thursday, the Committee on
Transportation and Infrastructure held
a hearing on the proposed merger of
United Airlines and US Airways. In the
course of that hearing, I used an inap-
propriate and unwarranted term to de-
scribe the status of the spin-off carrier
DC Air that would be created if the
merger were to be approved.

Mr. Robert Johnson, CEO of Black
Entertainment Television and proposed
owner of DC Air, took justifiable excep-
tion of that characterization of the
proposed new carrier. In a letter to me
late Friday, Mr. Johnson said he is per-
sonally hurt and offended and called
upon me to change my attitude.

I take the well today to apologize to
Mr. Johnson and to the Committee on
Transportation and Infrastructure for
my careless, inappropriate, and offen-
sive remark.

Madam Speaker, in my years of Con-
gress, I have staunchly maintained an

attitude of support for civil rights in
the United States and human rights
abroad. I will not detail that history
today except to say that, in the most
recent civil rights issue before my
committee, TEA 21, I championed the
inclusion of language to give a fair
share of Federal transportation ac-
counts to disadvantaged businesses.
Before coming to Washington, I spent
3½ years working in Haiti. During my
time of Congress, I worked to bring
economic and political stability to
that first black republic in the world.

I cannot let that record of 40 years be
tarnished by one ill-chosen, inappro-
priate, offensive word.

In the spirit of Psalm 51, verse 19,
"My sacrifice, O God, is a contrite
heart. A heart contrite and humbled, O
God, you will not spurn."

Madam Speaker, it is further my re-
sponsibility and that of my colleagues
in Congress to stay focused on the
main issue here, the effects of this pro-
posed merger of United Airlines and US
Airways on air service in Washington
and throughout the country.

I have reviewed DC Air's business
plan and am concerned it would be tied
too closely to the newly merged United
and not be an effective competitor. The
concern is not based on Mr. Johnson's
ownership of the airline, for I have
great respect and appreciation for Mr.
Johnson's abilities as a businessman
and his success as an entrepreneur, but
on the new carrier's dependence on its
much larger partner. If the Justice De-
partment sees fit to approve this deal,
I would hope that it would require the
merging airlines to divest additional
assets to DC Air to make the start-up
carrier a stronger, more viable compet-
itor.

I am opposed to the United-US Air-
ways merger on its merits. I believe it
will diminish competition, spur addi-
tional consolidation in the airline in-
dustry, and result in fewer choices and
poorer service to the flying public. It is
a bad deal for aviation and for the con-
sumer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursu-
ant to the provisions of clause 8 of rule
XX, the Chair announces that she will
postpone further proceedings today on
each motion to suspend the rules on
which a recorded vote or the yeas and
nays are ordered, or on which the vote
is objected to under clause 6 of rule
XX.

Any record votes on postponed ques-
tions will be taken after debate has
concluded on all motions to suspend
the rules, but not before 6 p.m. today.

ABRAHAM LINCOLN INTERPRETATIVE CENTER

Mr. SOUDER. Madam Speaker, I
move to suspend the rules and pass the

bill (H.R. 3084) to authorize the Sec-
retary of the Interior to contribute
funds for the establishment of an inter-
pretative center on the life and con-
tributions of President Abraham Lin-
coln, as amended.

The Clerk read as follows:

H.R. 3084

*Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,*

SECTION 1. CONTRIBUTIONS TOWARD ESTAB- LISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.

(a) GRANTS AUTHORIZED.—Subject to sub-
sections (b) and (c), the Secretary of the Interior
shall make grants to contribute funds for the es-
tablishment in Springfield, Illinois, of an inter-
pretive center to preserve and make available to
the public materials related to the life of Presi-
dent Abraham Lincoln and to provide interpre-
tive and educational services which commu-
nicate the meaning of the life of Abraham Lin-
coln.

(b) PLAN AND DESIGN.—

(1) SUBMISSION.—Not later than 18 months
after the date of enactment of this Act, the en-
tity selected by the Secretary of the Interior to re-
ceive grants under subsection (a) shall submit to
the Secretary a plan and design for the interpre-
tive center, including a description of the fol-
lowing:

(A) The design of the facility and site.

(B) The method of acquisition.

(C) The estimated cost of acquisition, con-
struction, operation, and maintenance.

(D) The manner and extent to which non-Fed-
eral entities will participate in the acquisition,
construction, operation, and maintenance of the
center.

(2) CONSULTATION AND COOPERATION.—The
plan and design for the interpretive center shall
be prepared in consultation with the Secretary
of the Interior and the Governor of Illinois and
in cooperation with such other public, munici-
pal, and private entities as the Secretary con-
siders appropriate.

(c) CONDITIONS ON GRANT.—

(1) MATCHING REQUIREMENT.—A grant under
subsection (a) may not be made until such time
as the entity selected to receive the grant cer-
tifies to the Secretary of the Interior that funds
have been contributed by the State of Illinois or
raised from non-Federal sources for use to estab-
lish the interpretive center in an amount equal
to at least double the amount of that grant.

(2) RELATION TO OTHER LINCOLN-RELATED
SITES AND MUSEUMS.—The Secretary of the In-
terior shall further condition the grant under sub-
section (a) on the agreement of the grant recipi-
ent to operate the resulting interpretive center
in cooperation with other Federal and non-Fed-
eral historic sites, parks, and museums that rep-
resent significant locations or events in the life
of Abraham Lincoln. Cooperative efforts to pro-
mote and interpret the life of Abraham Lincoln
may include the use of cooperative agreements,
cross references, cross promotion, and shared ex-
hibits.

(d) PROHIBITION ON CONTRIBUTION OF OPER-
ATING FUNDS.—Grant amounts may not be used
for the maintenance or operation of the inter-
pretive center.

(e) NON-FEDERAL OPERATION.—The Secretary
of Interior shall have no involvement in the ac-
tual operation of the interpretive center, except
at the request of the non-Federal entity respon-
sible for the operation of the center.

(f) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the
Secretary of the Interior a total of \$50,000,000 to
make grants under subsection (a). Amounts so
appropriated shall remain available for expendi-
ture through fiscal year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3084.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3084, as amended, introduced by the gentleman from Illinois (Mr. SHIMKUS). This bill authorizes the Secretary of Interior to contribute up to \$50 million in matching funds for the construction of an Abraham Lincoln Interpretative Center. H.R. 3084 assures that every dollar of Federal contribution must be matched by at least \$2 from the non-Federal side.

The center would consist of a museum and an archive library which would house the world's largest collection of Lincoln material. H.R. 3084 allows 18 months from the time of enactment for the entity selected by the Secretary of Interior to submit the design, method of acquisition, and estimated cost of the center.

□ 1415

The selected entity is also responsible for describing the manner and role that non-Federal entities will participate for this center.

Madam Speaker, I urge all my colleagues to support H.R. 3084, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3084 authorizes the Secretary of the Interior to make available \$50 million in grants as a contribution of funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

The center is to be operated by a non-Federal entity, which would have to submit to the Secretary a plan and design for the interpretive center within 18 months of enactment. The legislation specifies that Federal funds would have to be matched on the basis of at least double the amount of any grant made by the Secretary. The bill also specifies that no grant funds may be used for maintenance or operation of the interpretive center, and that the

Secretary would have no involvement in the operation of the center except at the request of the non-Federal entity.

We are all aware of the important role President Lincoln has had in American history. That role has been honored in five national park system units alone. H.R. 3084 would expand on that recognition by making funds available for a new interpretive center to be built by State and local entities in Springfield, Illinois.

There appears to be significant interest in such an interpretive center, and we have no objection to the legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. SHIMKUS), who has been a tireless leader in this effort; along with the gentleman from Illinois (Mr. LAHOOD); our speaker in the chair today, the gentlewoman from Illinois (Mrs. BIGGERT); and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). And many of us from Kentucky are also happy to support the efforts of those from Illinois, but I thank this gentleman for his leadership.

Mr. SHIMKUS. Madam Speaker, I thank my colleague, the gentleman from Indiana (Mr. SOUDER), for yielding me this time, and I too am excited about this opportunity.

Madam Speaker, I rise today in support of H.R. 3084, legislation that would authorize the establishment of an interpretive center on the life and contributions of President Abraham Lincoln. This is a project I have been working on, with my colleagues from Illinois, for the last 2 years. And I want to particularly also thank all my colleagues on the committee, along with my colleague who shares the City of Springfield, the gentleman from Illinois (Mr. LAHOOD); and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who have been very helpful in pushing this forward.

As my colleagues know, the entire Illinois delegation is also as supportive of H.R. 3084. In the House, my legislation has all 19 Members of the Illinois delegation as cosponsors. The companion legislation in the Senate has the solid support of both our Senators, Senator DICK DURBIN and Senator PETER FITZGERALD. Back home in Springfield, this legislation has the full support of both the City of Springfield, in which this project will be located, and that of the governor of the State of Illinois, George Ryan.

In fact, the State of Illinois has already appropriated \$10 million and in the very near future will appropriate an additional \$40 million for the project. In addition, the City of Springfield has committed \$10 million for this project through local tax incentives.

With an eye towards fiscal integrity, we have placed a matching require-

ment in this legislation, which ensures that the Federal Government is only responsible for funding one-third of the entire project's cost. The remaining two-thirds is required to come from State, local, and private organizations.

We have also clearly stated in the legislation that Federal funds may not be used to operate this facility. We view this project as a one-time expenditure to the Federal Government, not a long-term funding initiative that needs continual funding year after year. Mr. Speaker, the bill authorizes \$50 million for the project and makes these funds available for expenditure through 2006.

Abraham Lincoln's name is familiar to people all over the world. More than 100 nations have honored him through the issuance of stamps, bringing his name to millions of people and keeping his memory and message alive.

It is very common for many of us, especially in the State of Illinois and the surrounding States, to attend annual Lincoln Day dinners, whether they are dinners or lunches. In fact, I counted 15 that I had celebrating the birth of Abraham Lincoln from January through April. And many times, when we get a chance to reminisce on President Abraham Lincoln, we almost raise him up to a deity status, and we do that in an attempt not to forget history. It is very important to remember history.

I did that in my last year's worth of speeches, talking about Abraham Lincoln and how he secured America's future by preserving the union and by freeing the slaves. But I want to focus on a column written by Clarence Page from the Chicago Tribune, and I will be submitting this for the RECORD.

In his column Mr. Page mentions that there are still naysayers. Lerone Bennett, Jr., is one, in his book "Forced Into Glory: Abraham Lincoln's White Dream." At the end of the column, however, Clarence Page writes, "Like Thomas Jefferson and other heroic figures in American history, Lincoln set a higher standard for human brotherhood and sisterhood than even he was able to meet. Still, we can admire Lincoln, as I still do, inasmuch as he set that high standard during his better moments and acted on it. Lincoln is important, not only to Americans, but around the world, as a symbol of how an ordinary man from very humble beginnings can rise to high office and lead his country through its worst crisis and all-out war against itself. If he was 'forced into glory' against his will or not, he has worn the glory remarkably well."

Mr. Page's column really emphasizes why we need the Lincoln Library. We need it to remember the past. And we need to remember that Abraham Lincoln was not a God, but he was an average person called upon at a very historical time in our history. We need to focus on the fact that with all his foibles, he rose to the challenge.

And not only in remembering Abraham Lincoln, but we need the Library to bring our documents together so that future scholars and, more importantly, the children, who are trying to get a grasp of this history, the Abraham Lincolns of the future, the Thomas Jeffersons of the future, the Douglas MacArthurs of the future, that they can see how America becomes great. America becomes great because the average men and women of this Nation, the average Joes on the battlefield who win the wars, those who wax philosophically and win the debates on the floor, who pass monumental legislation, that all these people come from the homes of the average citizens of this country. We need to continue to inspire our children so that they too can rise up and be the great leaders of this Nation.

Madam Speaker, I applaud the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), for allowing this legislation to move forward. I think it is in the best interest of our Nation and our children.

Madam Speaker, I submit the article referred to above hereafter:

[From the Chicago Tribune, May 31, 2000]

WAS HE OR WASN'T HE?—DEFLATING LINCOLN TO A HUMAN SCALE

WASHINGTON.—Abraham Lincoln was the humbly born, self-educated "Honest Abe," the Great Emancipator who freed the slaves in America.

Abraham Lincoln was a white supremacist, who said whatever the crowd wanted to hear, freed hardly any slaves, used the "N-word" frequently and, if he had his druthers, would have sent all blacks back to Africa.

Pick the history you prefer. Lerone Bennett Jr., prefers the second interpretation of Lincoln and elaborates on it in a 652-page assault, "Forced Into Glory: Abraham Lincoln's White Dream."

With the Confederate battle flag re-emerging these days as a lightning rod of controversy across the South (Is it a symbol of racism or a benign tribute to southern heritage?), Bennett, author, editor and acclaimed historian at Ebony magazine, could hardly have picked a better time to question another enduring symbol of the Civil War, Lincoln.

Bennett is not quite successful in his effort to convince us that Lincoln was an unrepentant white supremacist or that the Emancipation Proclamation was a "ploy" designed to perpetuate slavery rather than extinguish it.

But Bennett effectively instructs a broader audience in what Lincoln scholars have known all along, that Lincoln did not really free the slaves as commonly believed. He also was a more complicated man than the catchy slogans like Honest Abe and the Great Emancipator adequately describe.

The Emancipation Proclamation, Bennett points out, did not free any slaves because it applied only to areas outside Union control. As an Illinois legislator and congressman before the Civil War, legislator and congressman before the Civil War, Lincoln actually opposed abolitionists. He supported the Fugitive Slave Act and supported Illinois' laws barring blacks from voting, serving on juries, holding office and intermarrying with whites.

Lincoln refused to free and arm slaves. He delivered anti-slavery speeches in northern Illinois and pro-slavery speeches in southern Illinois. Those who knew him well said he enjoyed minstrel shows, used the N-word in private conversations and sometimes in speeches.

Bennett's been here before. His 1968 Ebony article "Was Abe Lincoln a white supremacist?" sent ripples across the academic and cultural world of that politically volatile era. Much of this has been written about by other scholars. Bennett is not an academic historian. Yet his article, like his classic work "Before the Mayflower," brought scholarly research to a broad audience and changed the national conversation about the early history of African-Americans, even among scholars.

As a descendant of African-American slaves, I appreciate Bennett's critique, for the insights it offers—not just on Lincoln but on those of us who admire and respect the impact he had on my family and millions of others of all races.

Since I don't know what was in Lincoln's heart, I have to judge him by his actions. Whether he intended to free the slaves or not, his actions served to have that effect over time.

He may not have been the Great Emancipator but he helped to emancipate.

Yes, as Bennett describes, Lincoln did allow the four slave states that remained in the Union to dictate his policy toward slavery. But, can anyone familiar with geography blame Lincoln for wanting to avoid secession by Maryland and Delaware? It would have left the District of Columbia surrounded by hostile states, which would not have been a happy situation.

The Emancipation Proclamation did not free many slaves, but it gave the Civil War a moral purpose that fended off potential foreign allies to the South and set a new course for American history.

Lincoln may have supported "colonization" of black slaves to Africa, but he was hardly alone, either among white or black leaders of the time. Yet, the proclamation repudiated colonization, in so many words and enabled the first large-scale enlistment of black soldiers in the Union army.

Once he issued the proclamation, Lincoln no longer could waffle on the slavery issue. His role as "emancipator" was assured and he did nothing to discourage it.

Lincoln held off radical Republicans who wanted him to further, but he also fended off reactionaries who wanted him to move backward, to modify his proclamation or abandon it altogether.

If Bennett overdoes his assault on Lincoln, it hardly matches the overzealous ways in which ol' Abe has been almost canonized over the years.

Like Thomas Jefferson and other heroic figures of American history, Lincoln set a higher standard for human brotherhood and sisterhood than even he was able to meet.

Still, we can admire Lincoln, as I still do, inasmuch as he set that high standard during his better moments and acted on it.

Lincoln is important, not only to Americans but around the world, as a symbol of how an ordinary man from very humble beginnings can rise to high office and lead his country through its worst crisis, an all-out war against itself.

If he was "forced into glory" against his will or not, he has worn the glory remarkably well.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time,

and I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

I said earlier that I was very excited to see this bill move forward, but there were a number of questions that I had as we first brought this up in the Subcommittee on National Parks and Public Lands and the Committee on Resources, which I believe have been very adequately addressed.

Any American who follows Abraham Lincoln realizes that he is a legend not only to Illinois but to many other States, and he has historic sites around the country. I do not think there is a young boy in America or a young girl in America who has not heard the story of Abraham Lincoln reading by the firelight and being told by our parents that we should be very appreciative of our life-styles, and how hard he worked, and worked all day, and then read by the light of his fire. Presumably he had very thick glasses, if they had been there at the time, because he was so committed to that. It inspired many young people, including myself. I have been a Lincoln fan most of my life, have 15 to 20 books of Lincoln that I have read; and I think many Americans have taken that inspiration.

When we walk through our capitol building or around the Nation's capitol, we see many Lincoln sites. The Gettysburg address is arguably, along with the Declaration of Independence, is the most known and most moving document. This book by Gary Wills is a tremendous book, talking about, for example, the fact that it is amazing that an address this important, referring to the Gettysburg address, and one that most of us know and is so concise, at the same time the Gettysburg address does not mention Gettysburg, it does not mention slavery, it does not mention the union, and it does not mention the South. Yet he managed to communicate his points in a moving way that still moves Americans today.

He was a tremendous writer, in addition to being a person who could unify and keep our country together. This capitol building would be rent apart if we had not had a mild mannered man from the Midwest who listened to the people, and spent much of his life listening, to try to somehow keep a very divided North together, let alone manage his way through the Civil War.

I say all that because this site could have been in Kentucky, a national presidential library. That is where he was born. It could have been in Indiana. We have a national Lincoln boyhood site in southern Indiana. We in Indiana like to say that Indiana made Lincoln and Lincoln made Illinois. It also could be at Gettysburg, where he delivered this address and where we

have just taken sites into Federal possession, in the Wills House, the cemetery where he gave the address. We have Ford Theater as a national site.

But the fact is the first question is why Springfield. There are many more Lincoln sites in Springfield than anywhere else in the country, and I want to make sure the RECORD notes these. They have the Lincoln Home National Historic Site, where he and Mary Todd Lincoln lived. The Lincoln-Herndon Law Offices. They have the Lincoln tomb. The Lincoln Depot, where he left Springfield for Washington, D.C., which is still preserved. They have the Lincoln log cabin, where his father and stepmother lived. They have the Lincoln ledger, his financial records. The old State capitol where he served as a State legislator and delivered his famous house divided speech. They also have outside of Springfield and New Salem a recreation of a village of his time period.

There is no question that Springfield has more historic sites related to Lincoln than anywhere else in the country. They also, through the Henry Horner Collection that was given to the Illinois State Historical Society, have 1,500 documents that were either handwritten by Lincoln or were signed by Lincoln, in addition to all sorts of broadsides, prints and photographs, including the earliest known photo of Lincoln, taken in 1846, and the only known photo lying in state.

So, clearly, they have more documents, more photos, more actual buildings related to Lincoln than anywhere else in the country. They have Edward Everett's copy of his manuscript, handwritten out for him. They have the handwritten speech of the second inaugural address with the famous "with malice toward none, with charity for all."

I think there is a compelling case that, a, we need a national Lincoln museum and library, and that Springfield should be the center. One amendment that we had in committee, and I think is important as we work with the National Park Service on things like the Lewis and Clark trip to the West where we have many historic sites and where we have other underground railroad sites; as we work together it is important that a national museum, while it will focus on his Illinois years, because that is where most of the documents are, that it will also interrelate with the other Lincoln sites around the country. So as we see this boom in heritage tourism, as many young Americans and adult Americans try to learn more about their history, that they can go to one site and at that site be referred to other sites around the country that also bring out that heritage.

□ 1430

I am excited about the efforts of the gentleman from Illinois (Mr. SHIMKUS).

I hope this also will continue to be funded through the appropriations process, and I am glad that we can move this bill forth.

Mr. LAHOOD. Madam Speaker, and the members of the House of Representatives, I want to thank you for giving me the opportunity to submit my testimony on an issue that is very important to me, and to the 18th District of Illinois—authorization of the Abraham Lincoln Presidential Library.

A panel of world-famous historians recently voted Abraham Lincoln as the greatest American President. This comes as no surprise to those of us from the Land of Lincoln. For decades, people from all over the world have come to Illinois to learn about our 16th President, and to be inspired by his life and words. Lincoln's story is the quintessential American success story. In Lincoln, we have a man born into the most humble of circumstances overcoming hardship and repeated failures, through his own hard work and dedication, to emerge as one of the three most written about individuals in human history.

But even though Lincoln is considered by the world to be one of the nation's greatest leaders, there is no single location where the Lincoln story can be told. There are sites that interpret his pioneer days, his legal and political careers, his home life, and even his death. But there is not a facility dedicated to interpreting Abraham Lincoln's legacy and relevance to contemporary generations.

Arthur Schlesinger, Jr., one of the nation's most respected historians, recently termed it a "tragedy" that Abraham Lincoln does not have a Presidential Library.

The State of Illinois has the world's largest Lincoln collection—some 46,000 items so rare and valuable that the collection exceeds the combined Lincoln holdings of the National Park Service, the National Archives, and the Smithsonian Institution. Some of our nation's most significant artifacts are a part of that collection: five copies of The Gettysburg Address, which sets the stage for our nation's history after Civil War; the only signed copy of The Emancipation Proclamation, which echoed Lincoln's strong feelings against human bondage; and the only copy of Lincoln's Second Inaugural Address, which, while advocating malice toward none and charity for all, predicted benevolent policies for post war recovery. The Illinois collection also includes such diverse artifacts as Tad Lincoln's toy cannon, Mary Lincoln's wedding skirt, and the nameplate from the front door of Lincoln's Springfield house—treasures that belong to all Americans.

But, few of you have ever seen these items, and there is a reason for that. The State of Illinois has no adequate facilities to appropriately display and interpret these items. They are kept locked in a vault beneath the old State Capitol in downtown Springfield, to be brought out only for important research or the occasional exhibit at another location.

Abraham Lincoln's example of sacrifice for his ideals should not be kept locked behind a vault door. Lincoln's message of freedom and democracy should not be kept in obscurity in the basement of a building. The life of America's greatest President should not be hidden away from all but a select few.

The proposed Abraham Lincoln Presidential Library will be a beacon of freedom for the en-

tire world. Anyone enjoying the benefits of democracy, and those who yearn to enjoy those benefits, will want to come to this new facility. The world looks to Abraham Lincoln as the highest example of freedom in a nation founded on that concept, and the Abraham Lincoln Presidential Library will give the world a place to learn about, and be inspired by, that example.

Abraham Lincoln's message is especially relevant today, as the world's changing political situation has people searching for a champion of freedom and equality. We have that champion. He is an American who kept the United States united and demonstrated to the world that democratic ideals were not a mere abstraction, but a living reality. He is a human being who brought dignity to all human beings.

He is a martyr who died for his beliefs. He makes us proud to be Americans. Now, it's time to return the favor.

Abraham Lincoln's legacy belongs to all generations. His appeal transcends age, race, gender, class and partisan boundaries. He is one of our greatest Presidents and deserves this long overdue facility in his honor. It will be located in Springfield, Illinois, but it will be open to the world. Let's keep Lincoln's torch of freedom burning for all people. Let's help fund the Abraham Lincoln Presidential Library.

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 3084, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 2000

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taunton River Wild and Scenic River Study Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

“(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.”.

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16);

(7) in paragraph (16), as so redesignated by paragraph (6) of this subsection, by striking “paragraph ()” and inserting “paragraph (136)”;

(8) by adding at the end the following:

“(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

“(A) shall complete the study of the Taunton River, Massachusetts; and

“(B) shall submit to Congress a report describing the results of the study.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2778.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2778, as amended, and introduced by the gentleman from Massachusetts (Mr. MOAKLEY). This bill authorizes a study of the Taunton River for inclusion into the National Wild and Scenic Rivers System.

The Taunton River contains a variety of natural and cultural resources important to America's heritage. H.R.

2778 will assess these resources and determine whether the river meets the requirements for inclusion into the Wild and Scenic Rivers Act. The study authorized by H.R. 2778 has strong public support from State and local officials, residents, and river users.

I urge my colleagues to support H.R. 2778, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2778, introduced by our colleague, the gentleman from Massachusetts (Mr. MOAKLEY), amends the Wild and Scenic Rivers Act to provide for a study of the Taunton River in the Commonwealth of Massachusetts for potential addition to the National Wild and Scenic Rivers System.

The Taunton River is located in southeastern Massachusetts, about 30 miles from Boston. The Taunton and its tributaries form the second largest watershed in the Commonwealth. Much of the river corridor is forested or in agricultural use.

H.R. 2778 is a noncontroversial bill. The administration has testified in support of the study. Further, it is our understanding that there is strong local support for this initiative.

During consideration of the bill by the Committee on Resources, an amendment was adopted that made a number of technical corrections to the bill and the underlying Wild and Scenic Rivers Act. These changes improve the legislation, and we support the bill as amended.

Madam Speaker, I also have a statement from the gentleman from Massachusetts (Mr. MOAKLEY), the sponsor of H.R. 2778, who is unavoidably unable to be here during the consideration of this bill; and I include his statement for the CONGRESSIONAL RECORD during consideration of this bill.

Mr. MOAKLEY. Madam Speaker, I would like to thank my colleagues, Representative GEORGE MILLER, Representative DON YOUNG, Representative CARLOS ROMERO-BARCELÓ, and Representative JAMES HANSEN for bringing this important bill to the floor.

H.R. 2778 would direct the National Park Service to study the Taunton River in Massachusetts to determine if it should be added to the Wild and Scenic Rivers System. The 70-mile river is threatened by an alarming rate of residential and commercial development. If the river meets the necessary federal requirements and is added to the system, then its flow could not be hindered or diverted and local regional planners would be able to receive federal assistance to help manage the river.

The Taunton River is of tremendous historical and ecological value to the Commonwealth of Massachusetts and also the nation. In the early 1600's, the Taunton River was the first river the Pilgrims encountered as they moved inland, and they used the river as a

meeting spot with the Native Americans. Chief Massasoit of the Wompanoag tribe befriended the Pilgrims, who were ill-prepared for New England's harsh winters. Without the help of the Native Americans, the early settlers would have perished. As a result of the goodwill of the local Native Americans, the Pilgrims dedicated a day in celebration of the harvest and their good fortune. This day is celebrated throughout the country today and is better known as our national holiday of Thanksgiving.

From an ecological standpoint, the Taunton River is a tremendous resource because of its improved water quality and the various species of marine life that thrive there. There have been numerous sightings of the American Bald Eagle. The improved water quality of the river has resulted in the river becoming a tremendous recreational resource for thousands of Southeastern Massachusetts residents. The river is part of a river water trail called the Wampanoag Commemorative canoe passage. The course, which was the main travel route for the Wampanoag Native Americans, is now used by scouting groups, conservation leaders, and recreational enthusiasts.

The river is of tremendous historical and scenic value to the Commonwealth of Massachusetts. I strongly support H.R. 2778 and thank my colleagues for bringing the measure to the House floor.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, as amended.

The Clerk read as follows:

H.R. 3292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cat Island National Wildlife Refuge Establishment Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi River, Cat Island, Louisiana, is one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports one of the highest densities of virgin bald cypress trees in the

entire Mississippi River Valley, including the Nation's champion cypress tree which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest songbirds and supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearers, such as mink and bobcats;

(5) conservation and enhancement of this area through inclusion in the National Wildlife Refuge System would help meet the habitat conservation goals of the North American Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States, and have extremely high recreational value for hunters, anglers, birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Refuge" means the Cat Island National Wildlife Refuge; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are—

(1) to conserve, restore, and manage habitats as necessary to contribute to the migratory bird population goals and habitat objective as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area's forested wetlands and to achieve the habitat objectives of the "Mississippi River Aquatic Resources Management Plan";

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened plants and animals;

(5) to provide opportunities for priority public wildlife dependent uses for compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation; and

(6) to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ACQUISITION BOUNDARY.—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 36,500 acres of land and water, as depicted upon a map entitled "Cat Island National Wildlife Refuge-Proposed", dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) ACQUISITION.—The Secretary is authorized to acquire the lands and waters, or in-

terests therein, within the acquisition boundary described in subsection (a) of this section.

(d) ESTABLISHMENT.—The Secretary shall establish the Refuge by publication of a notice to that effect in the Federal Register and publications of local circulation whenever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3292, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3292 was introduced by our distinguished colleague the gentleman from Louisiana (Mr. BAKER). This measure would establish the Cat Island National Wildlife Refuge in Louisiana.

Cat Island is a unique habitat of bottomland hardwoods that has never been leveed, and it is one of the few natural resources along the Mississippi River that still experiences seasonal overflows. It is an area that is teeming with wildlife, and it contains prime habitat for many species of shorebirds, 1,000-year-old bald cypress trees, and millions of migratory ducks.

According to testimony received, the forested wetlands typical of Cat Island represent one of the most valuable and productive wildlife habitat types in the United States.

Under the terms of H.R. 3292, the Secretary of the Interior would be directed to acquire by purchase or donated property that would form the basis of

the proposed Cat Island National Wildlife Refuge.

At the subcommittee markup, I offered an amendment in the nature of a substitute that expanded the size of Cat Island Refuge from 9,477 acres to 36,500 acres and clarified the purposes for establishing the refuge. This amendment was supported by both the sponsor and by the U.S. Fish and Wildlife Service. Once established, this would become the 21st National Wildlife Refuge in the State of Louisiana.

I want to compliment the gentleman from Louisiana (Mr. BAKER) for his outstanding leadership in this matter. I know that he has spent an extraordinary amount of time working with both local and State officials, industry representatives, and conservation groups to develop this refuge. This is how the process should work, and I remain convinced that local support for a proposed refuge is absolutely essential.

Madam Speaker, I urge an aye vote on H.R. 3292.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3292, a bill which would establish the Cat Island National Wildlife Refuge in the State of Louisiana.

The biological diversity and ecological significance of Cat Island is most impressive. It would appear by all measures that this habitat in the bayou of southern Louisiana would be a handsome addition to the National Wildlife Refuge System.

I believe that the bill was greatly improved by the Committee on Resources when the total authorization for land acquisition was, by unanimous vote, increased from 9,400 acres to 36,500 acres. It makes sense since the land is presently available and because the entire tract is ecologically significant to ensure the protection of the core 9,400 acres. I want to thank the sponsor of the bill, the gentleman from Louisiana (Mr. BAKER), for agreeing to add these additional lands.

It is also my understanding that the administration fully supports H.R. 3292. The Fish and Wildlife Service has asked for \$4.1 million in their fiscal year 2001 budget request to begin the acquisition process for this new refuge. Hopefully, with the passage of this legislation, the Fish and Wildlife Service can get started on this process very soon.

The House should pass H.R. 3292 today. I urge all Members to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr.

SAXTON) that the House suspend the rules and pass the bill, H.R. 3292, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TAKING CERTAIN LAND INTO TRUST FOR MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1967) to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The Clerk read as follows:

S. 1967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATUS OF CERTAIN INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) all land taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation;

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the report entitled "Report of Fee Lands owned by the Mississippi Band of Choctaw Indians", dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(3) land made part of the Mississippi Choctaw Indian Reservation after December 23, 1944, shall not be considered to be part of the "initial reservation" of the tribe for the purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the application or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) with respect to any lands held by or for the benefit of the Mississippi Band of Choctaw Indians regardless of when such lands were acquired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1967.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Mississippi (Mr. WICKER) for the purposes of controlling the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WICKER. Madam Speaker, I yield myself such time as I may consume, and I thank my friend from New Jersey for allowing me to control the balance of the time.

Madam Speaker, this is a simple bill which was approved in the Senate last week by unanimous consent. The bill does three things. First, it moves all trust land taken for the benefit of the Mississippi Band of Choctaw Indians since December 23, 1944, and makes it part of the Mississippi Choctaw Indian Reservation.

Second, the bill takes all land owned in fee by the Mississippi Band of Choctaw Indians and incorporates it into trust land. And third, the bill makes these two provisions without affecting the statutes of the Indian Gaming Regulatory Act.

All lands affected by this legislation are owned by the Mississippi Band of Choctaw Indians, with some parcels dating back many decades. During the past 20 years, Madam Speaker, the tribe has attempted time and time again to transfer the land through the regular process established by the United States Department of Interior and the Bureau of Indian Affairs. Unfortunately, the Department has failed to act on these applications in an efficient and prompt manner.

The applications filed by the Mississippi Band of Choctaw Indians are supported by the State of Mississippi and the county and municipal governments in the vicinity of the property.

What is at stake here are critically needed services for the tribe. A new school, housing, and a medical clinic are among the projects which have been delayed because of inaction by the Department of the Interior and the Bureau of Indian Affairs. The existing school has had dozens of safety violations issued by the BIA, and the medical clinic will not pass its next inspection. Just as important, thousands of Mississippi Choctaws are living in unacceptable conditions due to the lack of available housing.

Madam Speaker, the tribe has followed the regular process and lived up to its obligations. But, for whatever reasons, perhaps a lack of resources, the Department of the Interior and the Bureau of Indian Affairs have failed to meet the Government's duty. That is why we need to provide this legislative remedy and allow the tribe to move forward with building a new school, a medical clinic, and housing for its members.

Led by their capable Chief, Phillip Martin, the Mississippi Band of Choctaw Indians is making great strides in education, job creation, and the preservation of their cultural heritage. The Government should not be standing in the way of their continued progress.

Madam Speaker, I urge my colleagues to join me in supporting the bill and sending it on to the President.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation would bring some 8,700 acres of land into Federal trust status for the Mississippi Band of Choctaw Indians outside of the regulatory framework established for bringing Indian land into trust. It is important for the tribe to have this land put into trust status in order to continue their economic development plans.

The Bureau of Indian affairs has indicated that it will take at least a year for them to process the land in accordance with the land-into-trust regulations. As we hear from numerous tribes, this would have a detrimental effect on the tribe's current and future economic development and expansion.

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The administration supports this legislation. I urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. WICKER. Madam Speaker, I appreciate the gentlewoman's kind remarks in support of this legislation.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 1967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GRATON RANCHERIA RESTORATION ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 946) to restore Federal recognition to the Indians of the Graton Rancheria of California.

The Clerk read as follows:

H.R. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Graton Rancheria Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

(2) The Federated Indians of Graton Rancheria Tribal Council has made the express decision to restrict gaming consistent with the provisions of this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Indians of the Graton Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Tribal Council" means the governing body of the Tribe specified in section 7.

(4) The term "member" means an individual who meets the membership criteria under section 6(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

(7) The term "service area" means the counties of Marin and Sonoma, in the State of California.

SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) **FEDERAL RECOGNITION.**—Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this Act, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.

(c) **FEDERAL SERVICES AND BENEFITS.**—

(1) **IN GENERAL.**—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act for all Federal services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) **RELATION TO OTHER LAWS.**—The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) **HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gather-

ing, or water rights of the Tribe and its members.

(e) **CERTAIN RIGHTS NOT ALTERED.**—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) **LANDS TO BE TAKEN IN TRUST.**—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) **FORMER TRUST LANDS OF THE GRATON RANCHERIA.**—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) **LANDS TO BE PART OF RESERVATION.**—Any real property taken into trust for the benefit of the Tribe pursuant to this Act shall be part of the Tribe's reservation.

(d) **GAMING RESTRICTED.**—Notwithstanding subsection (c), real property taken into trust for the benefit of the Tribe pursuant to this Act shall not be exempt under section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)).

(e) **LANDS TO BE NONTAXABLE.**—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.

SEC. 6. MEMBERSHIP ROLLS.

(a) **COMPILATION OF TRIBAL MEMBERSHIP ROLL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) **CRITERIA FOR MEMBERSHIP.**—

(1) Until a tribal constitution is adopted under section 8, an individual shall be placed on the Graton membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary of the Interior on September 17, 1959, under Public Law 85-671;

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

(C) such individual is identified as an Indian from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, in documents prepared by or at the direction of the Bureau of Indian Affairs, or in any other public or California mission records; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution under section 8, such tribal constitution shall govern membership in the Tribe.

(c) **CONCLUSIVE PROOF OF GRATON INDIAN ANCESTRY.**—For the purpose of subsection

(b), the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

SEC. 7. INTERIM GOVERNMENT.

Until the Tribe ratifies a final constitution consistent with section 8, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on the date of enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 6(b) and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

SEC. 8. TRIBAL CONSTITUTION.

(a) **ELECTION; TIME; PROCEDURE.**—After the compilation of the tribal membership roll under section 6(a), upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.

(b) **ELECTION OF TRIBAL OFFICIALS; PROCEDURES.**—Not later than 120 days after the Tribe ratifies a final constitution under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 946.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 946 would restore Federal recognition to the Indians of the Graton Rancheria of California. The Graton Rancheria is one of over 40 Indian tribes which were terminated in 1958 by Public Law 85-671. Today there are approximately 355 members of the Federated Indians of Graton Rancheria living in the general vicinity of Santa Rosa, California.

H.R. 946 provides that the service area for the tribe shall be Marin and Sonoma Counties, that nothing in the legislation shall expand, reduce or affect any hunting, fishing, trapping, gathering or water rights of the tribe, that real property eligible for trust status shall include certain Indian-owned land, and that the Secretary of the Interior shall compile a membership roll of the tribe. This bill also provides for an interim tribal council, the election of tribal officials, and the ratification of a constitution for the tribe.

Section 5(d) of H.R. 946 provides that real property taken into trust for the benefit of the tribe pursuant to the bill shall not have been taken into trust for gaming purposes pursuant to section 20(b) of the Indian Gaming Regulatory Act.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the sponsor of H.R. 946.

Ms. WOOLSEY. Madam Speaker, I am pleased to rise in support of my bill, H.R. 946, the Graton Rancheria Restoration Act. I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and their staffs for the work that they have put into bringing this bill to the floor today. I appreciate that the full Committee on Resources unanimously voted this bill out of committee on May 16, and I thank them all for the earlier hearing where the Bureau of Indian Affairs testified in support of the bill. Today I am appreciative that H.R. 946 is on this floor.

The bill before us today seeks to correct a decades-old wrong by restoring Federal recognition for the Federated Indians of Graton Rancheria. This rancheria is composed primarily of the California Coast Miwok and Southern Pomo Indian tribes in my congressional district. My district is located north of San Francisco across the Golden Gate Bridge, and it consists of Marin and Sonoma Counties.

Joe Saulque, who chaired the advisory council on California Indians in the 1980s, stated that luck often determined whether a tribe got recognized. I am glad that today the House is taking luck out of the equation and voting on restoring the tribe's status, because it is the right thing to do.

The tribes of the Graton Rancheria are a rich part of the San Francisco

Bay area's cultural heritage. The earliest historical account of the Coast Miwok peoples, whose traditional homelands include the California communities of Bodega, Tomales, Marshall, and Sebastopol, located along the west coast of my district, dates back to 1579. Today, there are almost 400 members of the Federated Indians of Graton Rancheria.

In 1966, the United States Government terminated the tribe's status along with numerous other tribes. This was under the California Rancheria Act of 1958. Almost 2 decades later, the advisory council on California Indian policy was established to study the report and to come up with special circumstances facing California tribes whose status had been terminated. The council's final report, which was submitted to Congress in September 1997, specifically recommended the immediate restoration of the Federated Indians of Graton Rancheria.

Following the report's recommendation, the tribes promptly decided on a course of action for their restoration. Since then, I have been working with them on the bill that is before us today. This consensus bill restores Federal rights and privileges to the tribes and its members and makes them eligible for benefits, such as Native American health, education, and housing services that are available to federally recognized tribes.

Madam Speaker, it has been a long journey for the Federated Indians of Graton Rancheria. On behalf of their hard work and the support they have received from the local community, I ask that the House restore the recognition they deserve.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to thank the gentleman from Alaska (Mr. YOUNG) for his efforts in support of this bill and just to say briefly that it is important that we move swiftly to restore the rights wrongfully taken from the Federated Indians of Graton Rancheria in 1958. I urge my colleagues to vote aye on this bill.

Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 946.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING RESPONSIBLE FATHERHOOD

Mr. SOUDER. Madam Speaker, I move to suspend the rules and agree to

the resolution (H. Res. 522) expressing the sense of the House of Representatives regarding the importance of responsible fatherhood.

The Clerk read as follows:

H. RES. 522

Whereas studies reveal that even in high-crime, inner-city neighborhoods, well over 90 percent of children from safe, stable, two-parent homes do not become delinquents;

Whereas in 1998, 1.2 million babies, or 33 percent of all newborns, were born out of wedlock;

Whereas children with fathers at home tend to do better in school, are less prone to depression, and have more successful relationships;

Whereas premature infants whose fathers spend ample time playing with them have better cognitive outcomes and children who have higher-than-average self-esteem and lower-than-average depression report having a close relationship with their father;

Whereas both boys and girls demonstrate a greater ability to take initiative and evidence self-control when they are reared with fathers who are actively involved in their upbringing;

Whereas although mothers often work tremendously hard to rear their children in a nurturing environment, a mother can benefit from the positive support of a father for her children;

Whereas it is recognized that to promote responsible fatherhood is in no way meant to denigrate the standing or parenting of single mothers, but rather to increase the chances that children will have two caring parents to help them grow up healthy and secure;

Whereas a broad array of America's leading family and child development experts agree that it is in the best interests of children and the nation as a whole to encourage more two-parent, father involved families;

Whereas, according to a 1996 Gallup Poll, 79.1 percent of Americans believe the most significant family or social problem facing America is the physical absence of the father from the home and the resulting lack of involvement of fathers in the rearing and development of their children;

Whereas, according to the Bureau of the Census, in 1996, 16,993,000 children in the United States (one-fourth of all children in the United States) lived in families in which a father was absent;

Whereas, according to a 1996 Gallup Poll, 90.9 percent of Americans believe "it is important for children to live in a home with both their mother and their father";

Whereas it is estimated that half of all United States children born today will spend at least half their childhood in a family in which a father figure is absent;

Whereas the United States is now the world's leader in fatherless families, according to the United States Bureau of the Census;

Whereas estimates of the likelihood that marriages will end in divorce range from 40 percent to 50 percent, and approximately 3 out of every 5 divorcing couples have at least one child;

Whereas almost half of all 11- through 16-year-old children who live in mother-headed homes have not seen their father in the last 12 months;

Whereas the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood with a high concentration of single-parent families;

Whereas a study of juveniles in state reform institutions found that 70 percent grew up in single or no parent situations;

Whereas children of single-parents are less likely to complete high school and more likely to have low earnings and low employment stability as adults than children reared in two-parent families;

Whereas a 1990 Los Angeles Times poll found that 57 percent of all fathers and 55 percent of all mothers feel guilty about not spending enough time with their children;

Whereas almost 20 percent of 6th through 12th graders report that they have not had a good conversation lasting for at least 10 minutes with at least one of their parents in more than a month;

Whereas, according to a Gallup poll, over 50 percent of all adults agreed that fathers today spend less time with their children than their fathers spent with them;

Whereas President Clinton has stated that "the single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems" and that "the real source of the [welfare] problem is the inordinate number of out of wedlock births in this country";

Whereas the Congressional Task Force on Fatherhood Promotion and the Senate Task Force on Fatherhood Promotion were both formed in 1997, and the Governors Fatherhood Task Force was formed in February 1998, and the Mayors Task Force was formed in June 1999;

Whereas a growing number of community-based organizations are implementing outreach support and skills building programs for fathers;

Whereas a disproportionate amount of Federal dollars are spent on crime, a social symptom, as compared to addressing the principal underlying cause of crime: an increasing absence of fathers from the home;

Whereas the Congressional Task Force on Fatherhood Promotion is exploring the social changes that are required to ensure that every child is reared with a father who is committed to being actively involved in the rearing and development of his children;

Whereas the National Fatherhood Initiative holds an annual National Summit on Fatherhood in Washington, D.C., with the purpose of mobilizing a response to father absence in several of the most powerful sectors of society, including public policy, public and private social services, education, religion, entertainment, the media, and the civic community; and

Whereas the promotion of fatherhood is a bipartisan issue: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children;

(2) urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the academic, moral, and spiritual development of his children;

(3) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who want to become more engaged in the lives of their children;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but more importantly a secure, nurturing, family environment; and

(5) expresses its support for the National Fatherhood Initiative, and its work to inspire and equip fathers to be positively involved in the raising and development of their children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 522.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his leadership on this issue. It is no secret that children who have fathers in the home tend to do better in school, have more success in relationships, and get into less trouble. I would like also to publicly thank for making our country more aware of this Dr. Wade Horn of the National Fatherhood Institute as well as Dr. David Blankenhorn for their years of leadership on this issue.

Although mothers often work tremendously hard to rear their children in a nurturing environment, a mother can benefit from the positive support of the father of her children. A broad array of America's leading family and child development experts agree that it is in the best interests of children and the Nation as a whole to encourage more two-parent, father-involved families.

According to a 1996 Gallup Poll, 79.1 percent of Americans believed that the most significant family or social problem facing America is the physical absence of the father in the home and the resulting lack of involvement of fathers in the rearing and development of their children. According to the Bureau of the Census in 1996, 16,993,000 children in the United States, one-fourth of all the children in the United States, lived in families in which a father was absent.

The United States is now the world's leader in fatherless families according to the U.S. Census Bureau, and the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood with a high concentration of single-parent families.

According to a Gallup Poll, over 50 percent of all adults agreed that fathers today spend less time with their children than their fathers spent with

them. It is not just a problem of fathers who are not ever there but fathers who nominally live in the home and do not spend time with their children.

President Clinton has stated that "the single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems." President Clinton continued, "The real source of the welfare problem is the inordinate number of out-of-wedlock births in this country."

A growing number of community-based organizations are implementing outreach support and skills-building programs for fathers. I have personally worked with many of these. We recognize that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

As supporters of this resolution, we urge each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in the rearing of his children, and to encourage the academic, moral and spiritual development of those children.

Some argue that nothing can be done, but Governor Frank Keating in Oklahoma has an excellent plan through his human services division leader, Jerry Regire, that illustrates exactly what can be done at the State level and some at the Federal level.

Madam Speaker, at the end of my remarks I will include for the RECORD an article that appeared in yesterday's Washington Post by Barbara Dafoe Whitehead.

I would like to just quote at this time a few things from this excellent article. Barbara Dafoe Whitehead has been a leader in efforts to encourage father involvement for at least 15 years. When I first was Republican staff director at the Children Family Committee here in Congress, she worked with us as we tried to raise this issue as we saw the problem exploding in our country.

Her column starts:

A couple of months ago, amid the Elian Gonzalez controversy, U.S. Attorney General Janet Reno issued a remarkable statement on the nature of fatherhood. The United States, she told a news conference, is a Nation, quote, "whose law and whose very moral foundation recognize that there is a bond, a special, wonderful, sacred bond between father and son."

She continued in her column:

Take a look at the Father's Day cards in any neighborhood drug store. There alongside the classic greetings for fathers and stepfathers are cards aimed at the alternative dads. For the last few years there have been cards for children to send to their fathers who don't live with them. They carry sentiments like this one: "I miss you more than ever, Daddy, now that it's Father's Day

and even though I'm too far away to hug you with my arms, I just want you to know I'll be hugging you in my heart."

"This year at my CVS," Barbara Dafoe Whitehead continued,

There are two new sections of Father's Day cards. One is under a sign reading "Like a Father." The cards feature such messages as: "Just wanted to thank you for all the ways you've been a daddy." The second section, poignantly labeled "Anybody," contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a positive male role model card for Mom, a woman who's done all the things that a father usually does.

You don't find a parallel range in Mother's Day cards.

She concludes this excellent article by saying:

As marriage has faded, fatherhood has split along the seam between biology and sociology. But more than anything else,

She concludes:

This project of trying to cobble together one father from several kinds of daddies is contrary to what kids want and need. Anyone who raises children knows that they are natural social conservatives. They like order, except perhaps in their bedrooms, stability, constancy, permanence and the security of having fathers worry about them rather than having the reverse responsibility of worrying about their father. And as much as they may benefit from and enjoy their relationships with other male role models, they aren't likely to confuse coaches or mentors with the real dad. Retrograde as it may sound, most kids still want one father who fulfills multiple roles all the time rather than several fathers who fulfill a few of the roles some of the time. But today too many kids have to content themselves with the kind of fatherhood that is as paper thin as a sentiment on a Father's Day greeting card.

[From the Washington Post, June 18, 2000]

CLOSE, BUT NO CIGAR

(By Barbara Dafoe Whitehead)

A couple of months ago, amid the Elian Gonzalez controversy, U.S. Attorney General Janet Reno issued a remarkable statement on the nature of fatherhood. The United States, she told a news conference, is a nation "whose law and whose very moral foundation recognize that there is a bond, a special, wonderful sacred bond between father and son. . . ."

A tender sentiment? Sure. A true description? Hardly. Reno's statement is remarkable chiefly because of how thoroughly at odds it is with fatherhood as we now know it.

America no longer has a "special" model of fatherhood—let alone one buttressed by legal, moral and religious opinion. In a well-intentioned effort to make up for vanishing fathers and disintegrating families, and to give support to the legions of foster fathers and stepfathers and mentors and Big Brothers and role models out there, American law and civil society have diluted the concept of fatherhood until it is almost unrecognizable. What began as a conscientious response to a crisis is hardening into something like the new status quo. We once saw sometime, part-time or once-upon-a-time fathers as inadequate substitutes for a full-fledged father; now we are selling ourselves on the idea that they are all kids really want or need.

Unfortunately, while fatherhood has changed, childhood has not. Children still need love, protection, security and, perhaps most of all, stability in their lives. Many of the new varieties of fatherhood don't give that to kids. They're too geographically remote, too emotionally distant, too legally fuzzy or circumscribed, or too fleeting to do so.

No one would dream of trying to convince children that their mother could be replaced by several different kinds of mothers, all playing different roles at different times in their lives. But that is exactly what we are communicating to the many children whose fathers are absent, distant or unknown.

Take a look at the Father's Day cards in any neighborhood drugstore. There, alongside the classic greetings for fathers and stepfathers, are cards aimed at the alternative dads. For the last few years there have been cards for children to send to fathers who don't live with them. They carry sentiments like this one: I miss you more than ever Daddy, now that it's Father's Day/and even though I'm too far away to hug you with my arms, I just want you to know I'll be hugging you in my heart.

This year, at my local CVS, there are two new sections of Father's Day cards. One is under a sign reading "Like a Father." The cards feature such messages as: Just want to thank you for all the ways you've been a daddy. The second section, poignantly labeled "Anybody," contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a Positive Male Role Model card for Mom, a woman who's done all the things a father usually does.

You don't find a parallel range of Mother's Day greetings. Despite all the dramatic changes in women's lives over recent decades, little has occurred to shake what Janet Reno might call the moral and legal foundations of motherhood.

Consider how different the Elian case would have been if it had been the boy's father who had died, and his mother who wanted him back. Few would have questioned the mother's right to her shipwrecked son. To state what is painfully apparent to many children today, the bond to a mother is rock solid, but the bond to a father isn't.

Although both motherhood and fatherhood have both biological and sociological dimensions, these dimensions are virtually fused in motherhood, especially during a child's early years. To an infant, a mother's body is both life and food, nature and nurture. This isn't true of fatherhood. Biologically, a father is a one-minute parent. (Consider sperm donors.) Indeed, a man can become a father and be the last to know, sometimes years after the fact.

What's more, his biological contribution does not naturally dictate his sociological role. Sociological fatherhood is a lot like being a designated driver. Men can choose to take on the role and the effort it involves, either through the institution of marriage or through other kinds of ties to the mother and her family—and they can also choose not to. Because of this more tenuous connection, fatherhood is universally problematic. All societies face the challenge of connecting biological and sociological fatherhood in some fashion in order to make sure children are protected and supported over time.

Within living memory, of course, there was a single prevailing model of fatherhood in

America. In it, a father was connected to his children by three ties. The first was blood, or its legal equivalent, adoption. The second was a shared household with the mother of his biological or adopted children. The third was marriage to the mother of these children. In this model, marriage was the most important of the three because it bound the other two ties together.

With the new dads, one or more—or even all—of these ties may be missing. For example, some men have a blood tie to their children but have never had a residential, marital, or any other meaningful tie to them. Others have a blood tie to their children but are divorced from the mother and no longer share the children's primary residence. Still others are married stepfathers who live with their wife and her biological children, voluntarily contribute to supporting and raising the children but have no blood tie to them. A fast-growing father group includes cohabiting men who live with the children but are not married to their mother; some have blood ties to the kids but others are "step-fathers" who are unrelated. And then there are the exes—ex-stepfathers, ex-foster dads or ex-boyfriends—who have no biological or legal tie to the children but once played some kind of father role in their lives. There are also the father figures—mentors, Big Brothers, coaches, clergy—who have no biological, legal, marital or residential tie to the children.

This tangle of father types creates all kinds of problems over nomenclature—what do you call the man who lived with your mother for a while and still comes by now and then to take you to ballgames?—which probably explains why "Anybody" is a growing niche in greeting card market.

As marriage has faded, fatherhood has split along the seam between biology and sociology. For example, the state defines the biological male parent as the father, and if paternity is established—either voluntarily by signing a birth certificate or involuntarily with a DNA test—he can be compelled to support his child. Other forms of paternal support and contact may be desirable, even encouraged, but nowhere does the state require a biological father to do anything more than enter into a financial arrangement. This is an essential but breathtakingly minimalist model of fatherhood. It defines daddy down to a name on a birth certificate and a signature on a child-support check.

Other segments of the society, from families to churches to child advocates, define fatherhood functionally as the provision of constancy, caring and affection. Men other than a biological father—stepfathers, cohabiting fathers, unrelated cohabiting partners, neighbors and male relatives and friends—can play the role of the social father. So can male mentors who are not romantically involved with the child's mother but volunteer for the role of social father out of the goodness of their hearts.

In a best-case scenario, you can patch together both kinds of father and come close to meeting the requirements of full-fledged fatherhood. A biological father contributes money and perhaps some time; a sociological father or two picks up the slack. And, indeed, for some fortunate children, a combination of fathers adds up to more paternal time, money, and attention, not less.

But face it—in many more cases, these attempts to attach children to a variety of fathers aren't panning out. Fathers are now increasingly less likely to live with their biological children—35 percent of children today live apart from their biological fathers. And

when they live apart, the father's involvement tends to diminish over time. As for the idea that we can replace biological fathers with father-surrogates, it's a comforting notion but recent experience suggests just how hard it is to pull off. Mentoring programs are particularly struggling to keep pace with growing caseloads of fatherless boys, a task requiring endless recruitment campaigns, background checks and training sessions and still falling short.

As it turns out, finding and keeping a father for every child who lacks one is a tall order. It takes money and lavish amounts of effort and invention—not to mention DNA tests, hospital birth registration programs, child support orders, visitation agreements, public service announcements and community fatherhood campaigns—to scrape together what are still more term-limited and fleeting forms of fatherhood.

As marriage has faded, fatherhood has split along the seam between biology and sociology.

But more than anything else, this project of trying to cobble together one father from several kinds of daddies is contrary to what kids want and need. Anyone who raises children knows that they are natural social conservatives. They like order (except perhaps in their bedrooms), stability, constancy, permanence and security of having fathers worry about them rather than having the reverse responsibility of worrying about their father. And as much as they may benefit from and enjoy their relationships with other male role models, they aren't likely to confuse coaches or mentors with a "real dad." Retrograde as it may sound, most kids still want one father who fulfills multiple roles all of the time rather than several fathers who fulfill a few roles some of the time. But today, too many kids have to content themselves with a kind of fatherhood that is as paper-thin as the sentiment on a Father's Day greeting card.

Madam Speaker, I reserve the balance of my time.

□ 1500

Mr. WU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, one day after Father's Day, we stand before the House to encourage the participation of fathers in the growth and development of their children. In this bipartisan effort, we note that the role of fathers in today's families has always been a prominent issue, but much more so in recent years, because too many of our children are growing up in homes without the benefit of a father.

The percentage of children growing up in a home without their father nearly tripled between 1960 and the early 1990s. Depending on estimates, today, somewhere between the cited figure of 16 million to 24 million American children are living without their biological fathers, and it is a shock to me that fully one-third of children today are born out of wedlock.

Most importantly, fatherless homes have a devastating impact on our children. It is both common sense, and research indicates, that without a father, children are four times as likely to be poor and twice as likely to drop out of school.

Fatherless children also have a higher risk of suicide, teen pregnancy, drug and alcohol abuse and delinquency. Clearly, the important role that fathers play in the development of their children cannot go unnoticed. Unfortunately, the challenges of fatherhood are not restricted to those who do not pay child support or so-called deadbeat dads.

Many fathers are caught between their duties at their work and the responsibilities to their families. The problems encountered by today's families are not limited to deadbeat dads. There are our families who are also hampered by deadbeat dads, who want to be there for their children, but for one reason or another, cannot.

As the father of a 3-year-old boy, Matthew, and a 9-month-old girl, Sarah Elizabeth, I realize the importance of spending time with my children and the pain it seems of always being short on that time. We spend a lot of time doing the Nation's business paddling in this rather large pond and yet sometimes it does feel to me that once we withdraw from this arena, that we will leave behind perhaps what one would leave behind if we pulled our hand out of a bucket of water, the Nation's business will continue, but I am absolutely confident that I will be the only father for my children, and I, like many others, struggle constantly with the needs of the Nation, the needs of our family, and the needs of providing for both.

Madam Speaker, I am encouraged by the work of the Congressional Fatherhood Promotion Task Force. Their efforts, throughout this resolution and other activities have begun to focus attention on the very important issues of complete families, fatherhood and parental participation. I believe this resolution sends a very strong signal to America, and it is a bipartisan resolution that all Members should support.

Madam Speaker, I reserve the balance of my time.

Mr. SOUDER. Madam Speaker, I yield such time as he may consume to my friend, the gentleman from Pennsylvania (Mr. PITTS), who has been a tireless leader since he came to Congress. Many Americans may not realize what a driving force he has been, not only on the issue of fatherhood, but in family values in general, and I am proud to consider him my friend and thank him again for his leadership on this resolution.

Mr. PITTS. Madam Speaker, as a co-chairman of the Congressional Task Force on Fatherhood Promotion, I am very pleased to rise to speak in favor of this resolution.

First of all, I want to thank the gentleman from Indiana (Mr. SOUDER) for his leadership in putting together this bipartisan effort to move the resolution. Statistics show that the American family is under siege as an institution.

Divorce rates are very high. Single parenthood is becoming more and more common in communities all across the Nation.

About one-third of all babies in this country born are born out of wedlock today. For some demographic groups, that rate is as high as 70 percent. Tonight, one in four American children that go to bed will go to bed in a home in which their father does not reside.

Times have certainly changed. In 1960, more than 80 percent of America's children lived with both of their parents in a home where both parents were married.

In the last census, that number dropped to 57.7 percent. When a family breaks apart in divorce, children most often live with their mother. The effects of growing up without a father are becoming clear.

According to the 1996 Gallup poll, 79.1 percent of Americans feel, and I quote, "the most significant family or social problem facing America is the physical absence of the father from the home."

I will never forget hearing the famous psychiatrist Dr. Armond Nicoli speak about fathers and the importance of spending time with their children. He had done a study of the fathers in the 128 corridor around Boston and, actually, calculated the amount of time in minutes that a father spent with his children today and compared that with fathers in Russia, and he made this point. He said some people say, well, I do not spend a lot of time with my children, but the time I spend is quality time. And then he said, you know, quality of time, like the quality of air and oxygen is very important, but the lack of it will kill you.

It is important that we spend time and spend a good amount of time with our children. What role does a father play in a home? Well, I am sure we all have our own stories and mine is not necessarily right, but some of the things I used to try to do is I spent 3 days a week in the State Capitol away from my children, and every night I would get them on the phone and talk to each one of them on the phone.

I would schedule breakfast every quarter, every third month with each of them individually out in a restaurant with them, to listen to them, to talk to them. It was a wonderful time, and my kids are all grown, they still like to have breakfast with me.

I still send them each a letter every month. There are lots of different kinds of things that we can do. As families we can read to them every evening. There are so many times and things that we can do to express our love and spend our time with our children. Some men perhaps make better fathers than others, I suppose, but clearly, overall, children with two parents are greatly benefitted by it.

Thank God for our single parents and our single moms, but they need help,

and studies show that even in a high crime or an inner-city neighborhood, well over 90 percent of children from safe, stable two parent homes do not become delinquents. Children with fathers at home tend to do better in school. They are less prone to depression, and they have more successful relationships.

The National Fatherhood Initiative founded by Dr. Wade Horn and Don Eberly from my district have helped to stem the tide of children being raised in homes without fathers.

Dr. Horn tells us that when the National Fatherhood Initiative was founded, the topic of fatherhood was still not considered an issue of national significance. The first and the most important task that NFI set out to accomplish was to stimulate a broad-based societywide social movement on behalf of involved, committed, responsible fatherhood.

The National Fatherhood Initiative is doing a very effective job, I think, and celebrities like Tom Selleck, James Earl Jones, Tiger Woods and his father Earl, General Colin Powell, Coach Joe Paterno have all lent their names and efforts to this cause.

I, along with several other Members in Congress, have come together to form this task force on fatherhood promotion trying to raise the profile of the issue by legislative means, and the NFI has been very successful.

Thousands of community-based grassroots programs designed to provide support, skills, encouragement to fathers have sprung up all over the country. Dozens of governors have held fatherhood conferences. Fatherlessness is getting the attention that it finally deserves.

According to the 1996 Gallup poll, 90.9 percent of parents believe it is important for children to live in a home with both father and mother.

This resolution recognizes that the creation of a better country depends in large part on the active involvement of both parents, fathers in helping, rearing and developing their children.

This resolution urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, to encourage the academic moral, spiritual development of his children.

This resolution urges governments and institutions at every level to remove barriers to father involvement, to enact public policies that are father friendly, that encourage and support the efforts of fathers who want to become more engaged in the lives of their children.

It encourages each father to devote time, energy and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, and nurturing, family environment.

Finally, this resolution expresses our support for the National Fatherhood Initiative, its work to inspire and equip fathers to be positively involved in raising and developing their children.

Madam Speaker, the family is the core of American society. As goes the American family, so goes America. The most important thing we can do is to make sure the American family is on a strong footing, and that means restoring American fatherhood.

Madam Speaker, I urge my colleagues to vote for this resolution.

Mr. WU. Madam Speaker, I yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Madam Speaker, I am certainly appreciative of my colleagues and the other gentlemen who have come together to form the Congressional Fatherhood Task Force and appreciate of their work.

Madam Speaker, I would like to preface my remarks by saying that I am probably one of the few Members in Congress who knows how it is to grow up in a home with a single parent, and that does not in any way distract from the good work of my dear mother, obviously, I am now in Congress. I know that she smiles upon me from heaven, and it was indeed a struggle, and I would have wanted very much to have had a father in the home. So I guess my remarks are not only those that are prepared, but ones that speaks from the heart, having lived and breathed a single parent household for all of my childhood life.

David Blankethorn published a book, Madam Speaker, and Members called *Fatherless America: Confronting Our Most Urgent Social Problem*, criticizing the American culture and social institutions for undermining the father's role in the family and weakening the bond between men and their children.

This book along with many other publications provides, I believe, a foundation for the fatherhood movement that has surged over the last 5 years, and I am so happy that we are now about to do the business about giving some vital and needed attention to this whole question of fatherhood and what fatherhood is and what it is not in terms of our children across the country.

Society and our many systems would have us believe that financial support from fathers is a primary need for many of our children that are currently being raised by single mothers. Unfortunately, financial support from fathers is not the only need of these children and in some instances may not be the critical need as we have been led to believe. Emotional support, love and stability is just as important for a child as financial support from a father.

Fathers are important to their children and should play an important role

in their lives beyond the role of being the breadwinner. Poor children need love and support just like any other children. Fathers need to have a relationship with their children regardless of their financial status. Unfortunately, many poor fathers are viewed as deadbeat dads instead of dead broke dads. It is not that these fathers are unwillingly to financially support their children, it is that they are unable to do so due to many societal challenges, unemployment and underemployment.

I believe it is imperative to recognize the importance of the noncustodial father for their efforts instead of berating them for their inability to pay a fixed amount of child support each month. Many fathers are active in the lives of their children because they want to be very active in the lives of their children not because they have to be active in the lives of their children. Some men are silent, unfortunately, cohabitating with partners without the benefit of marriage, because the women sometimes see very limited income from welfare, and the presence of the father would jeopardize the household from getting the kind of benefits that are available for a mother and child.

Many women who are low income, underemployed would very much like for the child's father to be there and provide some of the support that they need.

We understand that a lot of the fathers, when they suffer from low literacy and poor employment history and, unfortunately, the wars in which America has been engaged has perpetuated a lot of substance abuse and a lot of fatherless children.

There is an array of issues, Madam Speaker, that we should be examining as a United States Congress to see if we can dismantle some of the obstacles that prevent fathers from being with their children and develop policy that encourages rather than discourage the fermenting of the family unit.

□ 1515

It is time for us to support responsible fatherhood. I support the amendment enthusiastically and applaud the vision and the creativity of my colleagues in this august body for bringing it before this chamber. I would encourage support.

Mr. WU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to observe that there are as many different forms of families in America as there are families. I think that the vast majority of fathers do want to be present, but there are times when needs draw us apart.

My family history is that which just about every American family has shared at one time or another in their respective family histories. My dad came to America when I was 4 months

old, and he was physically absent from my youth until I was about 7. But even though he was physically absent, he was always a presence in our family. I knew him from little blue aerograms, toys at holiday times, and chocolate bars. But to me he was always the heroic figure who was cutting the new path in America, and there was a deep purpose to his absence.

Compared to the sacrifices that my parents went through, my weekly separations from my children seem like little pikers in comparison. That is what helps me get through those periods of separation, and I guess I just want to recognize that there are common threads in all American families. We share the will to make sacrifices for a common good, for the future of the family, and we have to fight it in different ways. But if fathers are to be absent for short periods of time, or for long, let it be for purposeful activity, for truly overriding important factors in the family history and family life.

It is a pattern of sacrifice that we are called to at times, but if there is not this overriding incredible purpose, sense of history and sense of where the family must go, then I strongly encourage fathers to be with their children, to be with their families as much as possible, to not go through the travails of separation and sometimes the travails of reunion.

Madam Speaker, I urge the adoption of this bipartisan resolution.

Madam Speaker, I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I want to thank my friend from Oregon on the Committee on Education and the Workforce for his moving statement and his support of this resolution, and my fellow Hoosier, the gentlewoman from Indianapolis, Indiana (Ms. CARSON), for her personal statement and general statement in support of this resolution as well.

It is kind of awkward for us in Congress. One of the things that I hear probably most frequently at the personal level from other Members is the struggle of those of us who still have kids at home and the relationship to those kids and trying to do this duty. It is very easy to feel guilty in this job, unless you are a very kind of hard-skinned person.

Many of us tend to blame any problems we have with our kids on the fact that we are separated at times, when, in fact, we might still have those problems there. But it is very easy to worry about those, and each of us try to deal with it in different ways, whether it is bringing our families here; whether it is trying to travel with them, I use my frequent flier miles to try to bring my kids with me to different hearings and different events; trying to call home

each night; trying to e-mail, when I can remember my quick-dot-name, my handle; whether it is losing video games to your kids at home on a regular basis, I do not think I have ever won, unless I do not play fair.

It is something that they need that time, and it is something we struggle with. But it is a balance of setting an example. But then when you set the example, or when you try to inspire your kids, you also have an extra responsibility, as many of us do in this House, to reach out to our children, because if we lose our family and gain the world, we have lost everything. It is very easy to do that here, and if we are going to pass resolutions like this, we have to get our own house in order first and be an example, because the people who watch us in our home towns and the people who watch us around the country say, "Well, look at them. They will pass a resolution in Congress, but what are they doing with their own families?"

We have tried to address some of the policy questions that were raised too, whether it is in welfare reform and the accountability of child support, because at the very minimum, the kids deserve the financial support when a dad abandons.

We also tried to address child abuse. It is so hard for me to understand any father who could physically or sexually or verbally abuse their children. You talk about an anathema, how could a dad who loves their kids beat their kids? I just do not understand that, and it is something we are wrestling with in our society.

We praise all the moms who stood in for the dads that have abandoned their kids. We praise all the coaches, all the mentors, all the volunteers in this country who stepped up and stood in the gap when the dad abandons their families.

But the purpose of this resolution is to say that the men of America, the dads in America, need to stand up. If you are not home, get home, and get involved in your kids' life. If you are there, as much as possible, do not just go off into your basketball leagues and your bowling leagues and out to golf and go out with your friends. Spend time with your kids. You will regret it the rest of your life if you do not, and the country has to pay the consequence.

Mr. GOODLING. Madam Speaker, I rise today in support of H. Res. 522 offered by my colleague, the gentleman from Pennsylvania, Mr. PITTS. House Resolution 522 expresses the importance of fathers in the rearing and development of their children. This resolution enjoys bipartisan support, including both the Republican and Democrat leadership and I am pleased to have the opportunity this afternoon to speak on behalf of it.

This resolution is timely. Yesterday, we celebrated Father's Day, a holiday that was started in 1910 in Spokane, Washington by

Sonora Louise Smart Dodd. Ms. Dodd wanted to honor and thank her father for raising her and her five siblings after her mother died in childbirth.

It was recognized nationally in 1972 by President Nixon to honor the significant role fathers play in the upbringing of their children.

Although families across the country just recognized and honored fathers, we should be concerned about the fact that the United States is the world's leader in fatherless families. In fact, it is estimated that half of all United States children born today will spend at least half of their childhood in a family in which the father is absent.

Madam Speaker, every child has a father, but not every child has a dad and the consequences of not having father figures are disheartening. Studies have shown that children who are reared by a single parent are less likely to complete high school, earn less, and have lower employment stability than children reared in two-parent families.

In a study of juveniles in state reform institutions, it was found that 70 percent of such juveniles grew up in single or no parent homes. Additionally, it has been found that in high-crime, inner-city neighborhoods, well over 90 percent of children from safe, stable, two-parent homes do not become delinquent.

Madam Speaker, those examples serve to illustrate my strong belief that nothing can replace the father in a child's life. Fathers are role models and offer their children the most important ingredients that they should have throughout their childhood: love, guidance, discipline, encouragement, experience, trust and faith.

This resolution rightly recognizes that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

H. Res. 522 urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the academic, moral and spiritual development of his children.

I commend the gentleman from Pennsylvania for his leadership in authoring this resolution and urge my colleagues to adopt this measure.

Mr. WATTS of Oklahoma. Madam Speaker, today I rise as a cosponsor and supporter of H. Res. 522. I commend the gentleman from Pennsylvania, Mr. PITTS on this fine piece of legislation.

This past weekend, I was fortunate to be recognized for my work by the most important people in America. I was not recognized by some organization for my work as a Congressman, but by my children for my work as their father. My role as a father is the most important role in my life. This past weekend families all over the country celebrated Father's Day, and recognized their fathers for all the hard work and love and encouragement they provide.

Today, we here in Washington wish to say thank you to all of the fathers who work every day to instill good values in their children. We wish to say thank you to all of the fathers who make sure their children finish their homework before they go outside to play with their friends. We wish to say thank you for making

your children eat all of those green vegetables before they have those Oreo cookies. We wish to say thank you for having the patience to teach your children how to catch a baseball, ride a bicycle, say no to drugs, and drive a car responsibly. I know it is not always easy to be the guy who has to be in all of these places at once, but you all have such an important role to your children and our society.

Finally, I want to say thank you to my father. I remember growing up in Eufala, Oklahoma when my father worked three jobs to keep food on the table. He still had the time to instill in me the values that have made me the man I am today. Thank you Daddy.

Today I urge all my colleagues to support this piece legislation, and send thanks to all of our responsible fathers across this great nation.

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res 522.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING MONEY LAUNDERING

Mrs. ROUKEMA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 495) expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of noncooperative jurisdictions in the fight against international money laundering.

The Clerk read as follows:

H. RES. 495

Whereas the International Monetary Fund has estimated the amount of international money laundering to be at least \$600,000,000,000 annually representing 2 to 5 percent of the world's gross domestic product;

Whereas money laundering is a crucial adjunct to the underlying crimes that generate money, including drug trafficking, kidnapping, murder, international terrorism, and other forms of violent crime;

Whereas money laundering and foreign corruption facilitate each other, undermining the efforts of the United States to promote democratic institutions and economic development around the world;

Whereas, in today's open and global financial markets, which are characterized by a high mobility of funds and the rapid development of new payment technologies, the tools for laundering the proceeds of serious crimes have become more sophisticated and readily available;

Whereas recent years have witnessed a sharp increase in the number of jurisdictions offering financial services without appropriate controls or regulation and which are protected by strict banking secrecy legislation which facilitates the anonymous protec-

tion for illegal assets in certain countries or territories making them even more attractive for money laundering;

Whereas the proliferation of such noncooperative countries or territories which do not, or only marginally, participate in international cooperation against financial crime, also exacerbates competition between these centers and so contributes to worsen existing practices and makes more difficult the maintenance of anti-money laundering standards in other countries;

Whereas, in order to ensure the stability of the international financial system and effective prevention of money laundering, all financial centers in the world should have comprehensive control, regulation, and supervision systems, and that all financial intermediaries and agents be subject to strict obligations, notably as regards the prevention, detection, and punishment of money laundering;

Whereas the Financial Action Task Force on Money Laundering (FATF), of which the United States is a founding member, was established for the purpose of developing and promoting policies to combat international money laundering;

Whereas the FATF, consisting of 26 jurisdictions including the United States and 2 international organizations, originally issued in 1990 and revised in 1996 40 recommendations designed for universal application that set out the basic framework for antimoney laundering efforts covering the criminal justice system and law enforcement, the financial system and its regulation, and international cooperation;

Whereas the FATF has determined the criteria for defining noncooperative countries or territories consistent with the 40 recommendations, and FATF members have agreed on a process for identifying noncooperative jurisdictions to include all countries and territories, both inside and outside FATF membership, whose detrimental practices seriously and unjustifiably hamper the fight against international money laundering;

Whereas the FATF has reported that the list of noncooperative countries or territories should include several subcategories of noncooperative countries or territories which could be as follows: clearly noncooperative with severe deficiencies in many areas, partly noncooperative with impediments in various areas, and de facto noncooperative with no significant impediments in laws and regulations but ineffective regime in practice; and

Whereas the FATF is gathering and analyzing all relevant information necessary for the publication of lists of noncooperative jurisdictions: Now, therefore, be it

Resolved, That it is the sense of the House that—

(1) the United States should continue to actively and publicly support the objectives of the FATF with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of un-

lawful origin and encourage other nations to do the same.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we want to address the very serious issue of international money laundering and put the House on clear record in support of efforts by the Financial Action Task Force on Money Laundering.

Madam Speaker, money laundering is the process by which organized crime and the drug cartels take their ill-gotten gains, namely cash, and move it back into the economy under their own names. The IMF has estimated that internationally over \$600 billion is laundered annually. That is a huge problem, it is an illegal problem, and one can only imagine the effect it has on the economy in various parts of the world.

The good news here is that an international organization, namely the Financial Action Task Force on Money Laundering, of which the United States is a member, has been working on this serious and growing problem for some time. In 1990, the FATF issued a list of 40 anti-money laundering standards. The 40 standards are recognized today as being the international standard which should be followed by all countries.

More recently, FATF undertook a systematic review of the compliance by jurisdiction with the FATF 40. This process is commonly named and referred to as "name and shame," a process, and it is nearly complete. Later this month, FATF will identify those jurisdictions which they have determined do not comply with the FATF 40.

I believe it is extremely important that FATF proceed as planned and publicly identify those jurisdictions which are not in compliance. As many have said before, "sunlight is the best disinfectant." That is exactly the procedure that we should be supporting and following here with this resolution. The prompt and public identification of non-compliant jurisdictions will put pressure on the jurisdictions to meet the international standards on anti-money laundering and to initiate retaliatory actions from other countries that are also in compliance.

I would note that the FATF "name and shame" process has already produced results. Austria, which is a member of FATF, just announced that it will eliminate, and by "just re-nounced," the report was last Friday in the Wall Street Journal, that it will

eliminate anonymous savings accounts. As the Journal reported, there are over 20 million anonymous accounts, more than three for each man, woman and child in Austria. These accounts hold an estimated \$100 billion. The FATF and money laundering experts had identified the anonymous Austrian savings accounts as posing significant money laundering problems. Austria's action, which came only after it became clear, and I went to stress that, that action and compliance only came after it became clear that the FATF would name Austria, shows that the "name and shame" project can be effective. Austria will then be in compliance with the international standards.

Another benefit from the FATF announcements is that our U.S. banks and securities firms will be on notice regarding what jurisdictions should be avoided and our regulators will be focused on those jurisdictions.

Madame Chairman, this resolution represents a significant step in direction of serious action to fight money laundering crimes.

This Congress needs to do more on the subject of money laundering. This week Mr. MCCOLLUM and I will be introducing a comprehensive money laundering proposal similar to the Administration's bill from last November. This bill will address major problems such as (1) bulk cash smuggling, (2) currency couriers, and (3) sanctions against money launderers.

These, and other, money laundering issues should be addressed this Congress.

Madam Chairman, as wonderful as this particular proposal is, and I would like to reserve time at the end here to add something more, I would say that as strongly as I support this effort, and it is an essential action that this Congress must take today, there is much more to be done that must be done, and I would hope that this is the first step in a concerted, focused effort for this Congress to continue down the anti-money laundering path.

Madam Speaker, I reserve the balance of my time.

Mr. LAFALCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. Of the many public policy challenges facing lawmakers, facing the law enforcement community and facing regulators, I do not know that any represents as significant a threat to our financial system as money laundering does.

The wholesale cleansing of illegitimate profits derived from criminal activities reaches staggering proportions, by some estimates between \$100 and \$300 billion in the United States alone, and nearly \$600 billion, that is over one-half trillion, worldwide per year.

According to the IMF, this figure represents from 2 to 5 percent of the

entire world's gross domestic product. So in this context, the resolution of the gentlewoman from New Jersey (Mrs. ROUKEMA) expresses the support of the House of Representatives for the actions about to be taken by what is known as the Financial Action Task Force on Money Laundering.

That task force is composed of 26 member nations, including the United States, the European Commission, the Gulf Cooperation Council, et cetera. It was formed by the G-7 economic summit of 1989, and the task force was set up to address the global problem of money laundering. This week, on June 22, the task force will "name and shame," if you will, non-compliant jurisdictions, both inside and outside the task force's membership.

□ 1530

The purpose of naming these jurisdictions is to highlight their lack of cooperation in the fight against money laundering.

The resolution follows the recent approval by the Committee on Banking of the Clinton administration antimoney laundering proposal which passed our committee on June 8 with very broad bipartisan support; in fact, almost unanimously. I am hopeful that the bill will soon come before our full House so that we can pass it and can provide the Treasury Secretary with well-targeted discretionary tools to address discrete problems in recognized money laundering offshore havens.

I should note that the identical language from today's resolution was included in the administration's legislation for which we can credit the efforts of our distinguished colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA). I supported the resolution in the Committee on Banking, and I support it today on the House floor.

Madam Speaker, we must not lose sight of the continuing challenges we face in the fight against money launderers who represent a very fast-moving and remarkably adaptable class of criminals. The global gross of electronic commerce and banking and the unprecedented expansion of global commerce in general, renders our financial system more vulnerable to misuse and abuse.

I therefore urge my colleagues to join us in sending a very clear message to noncooperative offshore jurisdictions that the House is paying close attention to the task force's work and supports every effort to bring more accountability to bear on those who would facilitate money laundering.

Madam Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), a leading advocate of this legislation and a leader on all Committee on Banking and Financial Services issues.

Mr. BEREUTER. Madam Speaker, I rise in strong support of H. Res. 495, which is a sense of the House regarding support for the Financial Action Task Force, FATF, on money laundering, and in support of the timely and public identification of noncooperative jurisdictions in the fight against international money laundering. I thank the gentlewoman for yielding me this time, and I thank her for her initiative in introducing this resolution and for her efforts in moving the legislation.

Additional appreciation is also expressed to the distinguished gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services, and the distinguished gentleman from New York (Mr. LAFALCE) for expediting consideration of the legislation.

As a member of both the House Committee on International Relations and the Committee on Banking, this Member is committed to reducing the global pervasiveness of money laundering. According to an International Monetary Fund, IMF, estimate, as already mentioned by the gentlewoman from New Jersey (Mrs. ROUKEMA), international money laundering is at least a \$600 billion industry, and that represents at least 2 to 5 percent of the world's annual gross domestic product.

This Member intends to focus his remarks on H. Res. 495 in four different sections today. They are as follows: The history and impetus for H. Res. 495; second, the main provisions of H. Res. 495; third, the support for H. Res. 495; and, fourth, the exigent circumstances explaining why immediate passage of H. Res. 495 is needed.

First, to illustrate the history behind the resolution, in February of this year, three of the five committees of the NATO Parliamentary Assembly, including this Member and other Members of the House, met, as usual, at the headquarters of the Organization for Economic Cooperation and Development, OECD, and, of course, the House delegation to the NATO PA attended that meeting. A major topic of that discussion was FATF, which predominantly includes the representatives of the member States of the OECD.

As mentioned, FATF is an intergovernmental effort whose function is the development and promotion of policies to combat money laundering. The FATF currently consists of 26 countries, including the major financial center countries of Europe, North America and Asia. During the aforementioned NATO PA meeting, after the presentation of the subject of international money laundering conducted by the FATF and given by the OECD staff, and other private conversations with OECD staff and the parliamentary delegations from the other NATO countries, the U.S. House delegation became concerned whether the FATF actually would publicly name those countries which were identified in their

draft report as noncooperative jurisdictions in the fight against international money laundering. There were indications that the FATF would not name names unless pressure was brought to bear in favor of the naming of non-compliant jurisdictions.

Second: provisions. As a result of that NATO PA meeting, the distinguished chairwoman, the gentlewoman from New Jersey (Mrs. ROUKEMA), a long-term and active member of the Economic Committee of the NATO PA, along with this Member and other Members of the House delegation, as original cosponsors, introduced this resolution which expresses the U.S. House's firm support for the public release of the names of noncooperative jurisdictions identified by the FATF. Because of the possible public release of these names, according to media reports, as mentioned by the chairman, Austria had already recently abolished its controversial anonymous bank accounts, and I am going to include that article from the June 16 edition of the *Wall Street Journal*.

Furthermore, the expression of the sense of the House in this resolution also states that the U.S. should encourage the adoption of the necessary international actions to encourage compliance by these identified jurisdictions. Plus, it specifies that the U.S. should put in place necessary counter-measures against money laundering and encourage other nations to do the same.

Three: the support for it. In addition to the distinguished chairwoman from New Jersey and this Member, there are seven additional cosponsors. Moreover, very similar language, as mentioned by the gentleman from New York, was successfully added by the gentlewoman, the chairman of the subcommittee, during the Committee on Banking and Financial Services' markup of H.R. 3886. That is a more comprehensive bill, which was advanced by the Committee on Banking and Financial Services on June 8 of this year.

Lastly, exigent circumstances. Due to the planned release by FATF of some type of report on this subject later this week, it is timely and essential that H. Res. 495, this sense of the House Resolution, be approved today and the results of our action conveyed to the FATF and to the OECD.

Madam Speaker, I include this article from the *Wall Street Journal* for the RECORD:

[From the *Wall Street Journal*, June 16, 2000]
AUSTRIA ESCAPES CENSURE BY ENDING SECRET ACCOUNTS

(By Michael Allen)

A week before a multilateral task force is scheduled to "name and shame" world money-laundering havens, Austria has escaped censure by agreeing to abolish its controversial anonymous bank accounts.

The 26-nation Financial Action Task Force, or FATF, the world's leading anti-

money-laundering group, had warned it would expel Austria from its ranks if it didn't abolish the anonymous passbook accounts, which date to the Austro-Hungarian Empire. The accounts had become a major concern for law-enforcement authorities—and a major irritant in U.S.-Austrian relations—because they offer an impenetrable way to disguise the source and ownership of criminal proceeds.

Passbook accounts could be used by anyone who knew the coded number and possessed the book, meaning they could be opened by one person, then traded on the Internet to someone else, who could then use them for any number of illegal purposes in complete secrecy—and even access the funds from ATMs around the world.

"Anonymous passbook savings accounts have been a major problem and a critical loophole in the international consensus to combat money-laundering," said Stuart Eizenstat, deputy U.S. Treasury secretary. "This victory represents a clear demonstration of FATF resolve and credibility."

Forcing Austria to either clean its own house or leave the FATF was viewed as an essential step before the organization releases a list next week of money-laundering havens, or offshore centers deemed to have inadequate laws and financial supervision. The composition of the list has been kept secret, but observers believe it will be heavily weighted with Caribbean and South Pacific island states.

Another possible candidate is Liechtenstein, which a French parliamentary report described as Europe's "most dangerous money-laundering center." The Liechtenstein government, which has already sent some leading citizens to jail, says it is trying to clean up its banking industry.

According to U.S. Treasury officials, Austria has 24 million anonymous passbook accounts, or three for every man, woman and child in the country, signifying that many of them are in the hands of foreigners. The accounts are believed to hold about \$100 billion.

The U.S. and other nations have been trying to get Austria to eliminate the accounts for a decade, but it was only in February that the threat of FATF expulsion prompted Vienna to agree to changes. Initial legislative proposals didn't appease the U.S., and the Austrian government—already under heavy diplomatic pressure because of its inclusion of the right-wing Freedom Party in the ruling coalition—quickly relented. On May 25, the financial committee of the lower house of the Austrian Parliament passed the revised bill, to go into effect this fall.

The law calls for anonymous accounts to be eliminated by June 30, 2002. In the interim, many transactions will be prohibited unless the account holder is first identified. "Austrian banks will have to make a fundamental change in the way they do business," said Mr. Eizenstat.

In a move parallel to the FATF initiative, the Paris-based Organization for Economic Cooperation and Development is drawing up a list of tax havens that the group believes unfairly divert tax proceeds from developed countries, through the twin lure of low taxes and strict bank secrecy. That list is expected to be released by the end of this month.

Madam Speaker, for the above stated reasons and others, this Member urges his colleagues to support H.Res. 495.

Mr. LAFALCE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may consume.

I would like to conclude by making the following observations. It should be recognized that as the ranking member, as well as the gentleman from Nebraska (Mr. BEREUTER), has already noted, the Committee on Banking and Financial Services on June 8 did report H.R. 3886, the International Counter-Money Laundering Act; and I would hope that we would be able to take action on that and perhaps even expand on it, as a matter of fact.

I also want to point out that while this resolution is a significant step in the right direction, in addition to H.R. 3886, there is other serious action that we must take to fight money laundering crimes; and in that respect, I am fully anticipating that the gentleman from Florida (Mr. McCOLLUM) and I will be introducing a comprehensive money laundering proposal similar to the administration's bill from last November. We have been working on this for some time, and it will supplement what H.R. 3886 does in the international arena, with a very focused effort comprehensively on domestic money laundering. Cash smuggling, currency couriers, and sanctions against the money launderers will be the major problems that we are addressing in the that bill; and it is a joint operation between the Committee on the Judiciary and members of the Committee on Banking and Financial Services. These and other money laundering issues, I hope and pray, will be addressed in this Congress; and if not completed in this Congress, and I think there is time enough to complete it in this Congress, then we will make it a top priority in the next.

However, that is for the future. For today, we are very happy to have this resolution before us, and I thank my colleagues for their cooperation and the work that we have been able to accomplish together here.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and agree to the resolution, House Resolution 495.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1609

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 9 minutes p.m.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4635 and that I may include tabular and extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4635.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to bring before the full House of Representatives the bill, H.R. 4635, making fiscal year 2001 appropriations for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies. So that we can move quickly, I will keep my comments brief.

First, let me just thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) for his advice and counsel throughout this discussion. Even though we have different political

persuasions, I think we share almost all of the same priorities in this bill, which makes it, as one might imagine, much less difficult to bring a bill to the floor.

We do not agree on everything obviously, but I think in most cases we do. So we have enjoyed the benefit of his advice and the staffs have worked very closely together. The subcommittee and the full committee worked very hard to bring this bill out.

Like most of the appropriations subcommittees, we were given a very tight 302(b) allocation. Nevertheless, we were able to make what I think are good policy and funding choices to produce a good, fair bill that deserves support.

Here are some of the highlights: this bill fully funds veterans medical care with a \$1.355 billion increase over last year's record level. Last year, we increased it \$1.7 billion, \$1.355 billion this year for a total of over \$3 billion increase in 2 years. I think that shows how important this subcommittee, this full committee, and the House take our commitments to our veterans. It provides full funding for medical research, major construction, and cemetery administration operations.

Just as important, we have begun an effort to conduct better oversight of how much medical care funding goes for medical care, per se, and how much goes to maintaining buildings and facilities. All veterans, no matter where they are located, deserve the best facilities that we can offer.

We have also included language to make sure that veterans medical receipts stay within the VA system and do not go to the Treasury as was suggested by the Administration.

Expiring section 8 contracts at HUD are fully funded, and we have included language to push the Department to do a better, faster job of getting funds out of Washington to the people who need them most. HUD's record in this regard is not one to be proud of. We had 247,000 section 8 vouchers go begging last year because HUD did not get the job done. So we have accounted for that and still have fully funded the section 8 requirements.

We have essentially level funded the Community Development Block Grant entitlement programs, trimming them by less than 1 percent. We have level funded or only slightly reduced most other HUD programs, making sure that HUD was not using the bank to pay for other programs as it did last year.

AmeriCorps has been zeroed out. I am sure that will be a topic for discussion in conference and in consultation with the White House. In this bill, there is no funding.

EPA's operating programs have been level funded while various State grant programs, which assist the States in implementing Federal laws, have been more than fully funded. The Clean Water State Revolving Fund program,

guttled in the President's budget request, has been restored to \$1.2 billion. That is real commitment on the part of Congress to support cleaner water and to improve the environment of this country, an area where I think the Administration is sorely lacking, while State and local air grants from section 319 non-point source pollution grants have been increased significantly.

Perhaps most important, we have proposed \$245 million, more than double last year's level and \$85 million more than the Administration's request, for section 106 pollution control grants. These grants offer the States the maximum flexibility to deal with the difficult TMDL issues facing the States.

To help the States deal with the MTBE problems caused by leaking underground storage tank facilities, that is a gasoline additive that has recently been banned by the EPA, we have upped the account at EPA by \$9 million over last year and \$7 million over the budget request.

CDFI, one of the President's new programs, has been proposed for an increase over last year's funding level. They are doing a good job. They deserve our support; we provided it.

□ 1615

Likewise, the Neighborhood Reinvestment Corporation, perhaps the most productive and most efficient Federal organization dealing with housing, has been provided their full funding level of \$90 million. Again, they have earned and deserve our support. We should reward positive performance.

The National Science Foundation has received an increase of \$167 million over last year's level, putting them over \$4 billion, their largest funding level ever.

Similarly, NASA received an increase over last year of \$113 million, their first increase in several years.

Mr. Chairman, there is one point regarding this bill that really needs to be made. I stated at the outset that we faced a tight allocation. Nevertheless, there is some talk circulating that this bill received an allocation that is nearly \$5 billion above last year. I would like to try to set the record straight. The reality is that our new allocation is \$78 billion in new budget authority. The reality is that CBO's freeze level for this budget was \$76.9 billion. We have, therefore, a net increase of just \$1.1 billion over last year.

I hasten to add that that increase has been totally absorbed by VA medical care, \$1.355 billion over last year, a Section 8 housing increase of nearly \$2 billion, and increases provided for National Science Foundation and NASA over last year's level. Nearly every other program in this bill was either level funded or reduced slightly so that we could meet these necessary increases and still stay within our allocation.

I have to say that it would be very difficult to get this bill this far without the support and assistance of my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the rest of this hard-working subcommittee and our staffs, and we have wonderful staffs. While we do not always agree on every issue, every effort has been made on both sides to continue the subcommittee's strong history of bipartisan cooperation in the crafting of this bill. I truly appreciate the gentleman's help and close working relationship.

Mr. Chairman, in a nutshell, this is the fiscal year 2001 VA-HUD and Independent Agencies bill. It is a good fair bill, with solid policy direction, while staying completely within our budget authority and outlay allocations. I strongly encourage the support of this body in moving this measure forward.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, as I did during our committee markup, I want to begin by expressing my appreciation to the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), and to his staff for their courtesy in dealing with our side of the aisle during this process. Although I do not think this bill is adequate in its current form, I applaud him for doing his best with the hand that he was dealt.

The chairman is to be commended for doing the right thing for veterans medical care, providing a \$1.3 billion increase and for providing a \$2 billion increase to fully fund renewal of Section 8 housing contracts. But beyond these two large increases in the bill, the numbers before the committee tell a story of missed opportunities.

We certainly appreciate the chairman's courtesy, we appreciate his listening to our concerns as the bill has been marked up, but because of the allocation that he has been given, he has, I think, and the bill reflects, missed a lot of opportunities.

Instead of expanding even slightly our support for public service by young people through AmeriCorps, this bill zeros that program out totally, a move that would almost certainly lead to a presidential veto.

Instead of providing the support the President requested for basic research at the National Science Foundation, the bill provides \$508 million less than that requested by the President for the National Science Foundation.

Instead of providing the amount requested for NASA's science and technology, the bill falls short by \$323 million. In doing so, the bill abruptly terminates research and development on the next generation of reusable launch vehicles that would replace the space

shuttle and reduce the cost of access to space.

Instead of doing a bit more to help solve the crisis of affordable housing, the bill provides essentially no expansion of Federal housing assistance and actually cuts key programs like Community Development Block Grants and public housing below the current year level.

And instead of providing the amounts for FEMA that the administration calculates would be needed even for an average year of hurricanes, floods and tornadoes, the bill provides only \$300 million of the \$2.9 billion requested. As a result, it jeopardizes FEMA's ability to respond quickly and adequately to natural disasters.

The best that can be said is that this plan spreads the pain more or less evenly across all accounts, except of course for AmeriCorps, which this bill totally zeros. But when I examine the funding levels in the chairman's mark, I have to ask myself why are we not providing more resources for medical research at the Veterans Administration or for construction of State-needed extended-care facilities for veterans? Why are we not doing more to expand the supply of affordable housing and helping our Nation's homeless? Why are we not doing more for environmental restoration and protection? And why are we not doing more to explore space and perform the basic scientific research that is directly responsible for our current economic boom?

We have the largest budget surplus in decades, a surplus that keeps growing with every estimate. Yet rather than using part of that surplus to better meet our national needs, the majority leadership has decided, instead, to reserve it; to reserve it for large tax cuts targeted at upper-income levels that will never be enacted. That approach was wrong last year, and it is wrong now.

Once again the Congress is being put through an exercise. The appropriation subcommittee chairmen are being given unreasonably low allocations and are being told to write bills accordingly, which they reluctantly do. By the time these bills are signed into law, however, we end up with something so markedly different that it begs the question of why we go through this exercise at all.

I want to be clear about this. I believe the gentleman from New York has done the very best job he could do with what he was given. However, I reject the notion that this is the best we as a Congress can do.

This bill, through no fault of the chairman, is a series of missed opportunities, missed opportunities to improve our Nation's water and sewer infrastructure, which virtually almost every community in this country either needs improvement in or need water and sewer infrastructure to

begin with; missed opportunities to assist people of modest means to afford decent housing; missed opportunities to ensure our continued leadership in science and technology, and the list goes on and on, Mr. Chairman. If we do not take these opportunities now, at a time when we are experiencing the best economy in a generation, when will we?

During full committee markup, we on this side of the aisle offered several amendments in an attempt to add funds in a few critical areas. Unfortunately, all of those amendments were defeated, some by razor thin one-vote margins. We will attempt to do the same today and tomorrow as the full House considers this legislation.

No matter what happens, Mr. Chairman, with these amendments, I believe that this process should move forward. It is also important that Members understand that, although this bill on its face appears to meet many programmatic needs, it falls short in one very significant area: meeting the priorities of individual Members. If the chairman has been approached by as many Members as I have, it is clear that great needs are going unmet. This bill must receive additional resources before the chairman will be able to address the interests of Members.

The good news is that by the time the process is complete, I expect to see something markedly different than what we have before us today. I certainly hope so, Mr. Chairman. At that time I sincerely hope, and I hope that the chairman shares that hope, that such a bill will reflect the needs of our Nation and of our Members. This Congress has the means to provide health care to our veterans, to assist our elderly and less fortunate in securing housing, and to make the critical investments in research and technology that have fueled the largest economic expansion in history. When we do that, we will have a bill that everyone can support.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the VA-HUD appropriations bill.

Under the leadership of the gentleman New York (Mr. WALSH), and our ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), our subcommittee has produced an excellent bill. I compliment them both. I also compliment the chairman for restructuring our hearing process to maximize information gathering and to actually get answers to serious housing, environmental, scientific and medical questions that fall within the purview of HUD, the EPA, the National

Science Foundation and NASA, and the Department of Veterans Affairs, among a number of Federal agencies under our committee's jurisdiction.

Our subcommittee chair has faced a difficult task in balancing so many national and regional priorities within a limited budget allocation. This bill contains \$76.4 billion in discretionary funds, \$4.9 billion above last year's \$7.1 billion level. However, the Congressional Budget Office estimates that \$76.9 billion is needed in fiscal year 2000 just to fund a freeze from last year.

That said, the chairman has done a good job of keeping our heads above water while living within our means. The Department of Housing and Urban Development, one of the largest Federal departments, with over 10,400 employees, receives an increase of \$4 billion over last year. Virtually all of this increase goes to fully fund section 8 renewals and tenant protections, which are important. Level funded is section 202 housing for the elderly and section 811 housing for individuals with disabilities, public housing operating subsidies, homeless assistance grants, and Housing Opportunities for Persons with AIDS, known as HOPA.

This committee has been especially interested in acting on behalf of housing for people with disabilities. For the past 4 years, this committee has created a section 8 disabilities set-aside to earmark some of those funds to help individuals with disabilities find suitable housing. This year, for the first time, the President finally agreed with our committee on the importance of this particular disabilities set-aside. Our bill contains the \$25 million to fund the President's long overdue request for this purpose.

Also, under HUD, this bill contains language mandating that 75 percent of the section 811 disabled housing program funds be spent on new construction. There is simply an insufficient supply of housing available for individuals with disabilities; therefore, we need to emphasize housing production over rental assistance. We reject the administration's proposal to drop the mix to 50-50, and this bill insists that 75 percent of the funds go towards building new housing units.

The Environmental Protection Agency is level funded at the administration's budget request of \$7.2 billion. Nevertheless, the clean water State revolving funds are increased by \$400 million over the President's level, for a total of \$1.2 billion, because this remains a top environmental goal of many towns and cities. State air grants, safe drinking water, State revolving funds and research are all increased over last year's amounts as well. So there are increases.

□ 1630

The committee has matched the President's request of \$1.2 billion for

the Superfund program, an increase of \$2.5 million over last year. Superfund was established in 1980 to help clean up emergency hazardous materials in many waste sites around the country that have been abandoned.

As a Member of Congress, I have the dubious distinction of having more of these sites on a national priority listed in my congressional district than any other. I am glad today that this program continues to emphasize remediation rather than litigation, cleanups instead of costly, protracted lawsuits.

The EPA section of this bill also seeks to address the serious problems which we have discussed in our public hearing caused by the use of the gasoline additive known as MTBE.

During our hearings in March with EPA Administrator Carol Browner, I raised the growing problems associated with this gasoline additive. While MTBE is used in an effort to reduce fuel emissions and meet Federal clean air standards, the EPA was well aware early on it had begun to contaminate water supplies throughout our country.

California has at least 10,000 contaminated sites, New York 1,500, New Jersey nearly 500, and many communities in my district are affected adversely.

As a result of our March hearing, Administrator Browner finally took steps to phase out the use of MTBE. This bill builds upon that decision by providing \$9 million for efforts to correct leaking underground storage tank problems associated with this additive.

Further, this bill reinforces the commitment of this committee and Congress to scientific research. I am referring particularly to the National Science Foundation, which marks our 50th anniversary this year. It is funded at a record \$4.1 billion. This is an increase of \$167 million, or a 4.3 percent increase, over last year.

It is also the first time funds for this agency have topped the \$4-billion level, with only a small portion to Federal spending. This agency has been a powerful positive effect or change in terms of national science and engineering in every State and institution of higher learning. Every dollar invested in the NSF returns many fold its worth in economic growth.

I support this budget. I support the NSF. And I support the work of the committee.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this bill is a debate or part of the debate about our national priorities and our national values and it helps decide who we are going to put first in this society.

This Congress has committed itself to pass a large number of very large

tax cuts, and most of those tax cuts are aimed at the most well-off people in our society. The wealthiest 2 percent will get a huge percentage of those tax cuts. And our ability to afford those tax cuts is based on the assumption by the majority that over the next few years we will cut \$125 billion below current services, below existing purchasing power levels, a whole host of programs: education programs, health programs, housing programs, land acquisition programs, science programs, all the rest.

That is really what this debate is all about. Because this is one of the appropriation bills that is cut by a large amount below the President's budget in order to pretend that we can squeeze out enough room for those huge tax cuts aimed at the most well-off people in this society. And I do not believe we ought to do that.

I think we need to look at this budget in terms of what we need 10 years from now because this is a growing society, it is a growing population. We have growing needs, we are going to have more people who need housing, we are going to have more people in high schools, we are going to have more people in college, we are going to have more needs, and these bills are not responding to them.

Some examples of that lack of response are as follows: As has been indicated, the distinguished chairman has done the best he can given the budget ceiling which was assigned to his subcommittee and this bill does contain a welcome \$1.35 billion increase for veterans' medical care. It is about time that both parties get off their duff on that. But it fails to adequately provide for several other priorities for veterans.

It does freeze funds for veterans' medical and prosthetic research. It cuts grants for construction of State veterans homes one-third below current year levels and does some other things that we are not happy about. It needlessly creates a political confrontation with the President by terminating the Corporation for National and Community Service, including the AmeriCorps program. Everyone on this floor knows the President is not going to sign this bill with that provision.

For housing, it appropriates no funds for the 120,000 new housing assistance vouchers proposed by the administration. It cuts Community Development Block Grants \$276 million below the current year level and \$395 million below the President's request. It freezes funding for homeless assistance. It provides a number of other cuts on the environmental front and on the NASA front.

I happen to believe the most serious cut of all in terms of our long-term economic health is what this bill does to the National Science Foundation because it falls short of the President's

request by \$508 billion. And I think it is essential to understand that the National Science Foundation does much of the basic scientific research, upon which all our other technological and medical progress is based.

We have had economists estimate that at least half of our economic productivity in the past 50 years can be attributed to technological innovation and the science that has supported that innovation. And yet, this bill is a giant missed opportunity because it cuts the President's budget with respect to that program.

It falls \$508 million below the President's request. And then, in addition, it takes actions which, in concert with other actions taken by other subcommittees, slowly but surely fences in the Justice Department so that neither they nor any other agency of Government can mount an effective lawsuit against the tobacco companies for lying through their teeth to the American people for the past 40 years about whether or not their product caused cancer. And so, the Government has shelled out billions of dollars in Medicare, in veterans' health costs to deal with health consequences of that product and the lying selling of that product to the American people. And I think that needs to be corrected.

So these are a number of reasons why, although I have profound respect for the gentleman from New York (Mr. WALSH) and consider him to be one of the finest people in this institution, I cannot support the work product that the budget resolution has forced him to come up with.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I want to thank the chairman for yielding on my behalf, and I rise in strong support of this bill.

Mr. Chairman, I want to thank the gentleman from New York (Chairman WALSH) for all the great effort and the great work that he has done as chairman of this subcommittee. I want to thank, also, the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), who has teamed up with the gentleman from New York (Mr. WALSH) to make this thing work.

I want to further thank the staff, led by Frank Cushing, for all the great efforts that they have made on this legislation. It is not easy, and I know that; and most people do not know how much time staff puts into the effort that brings forth a bill.

This appropriations bill is unique in that it covers an array of diverse agencies ranging from the Veterans Administration to the EPA. And there is a lot of distance in between. It is not an easy task to bring this wide range of interest into a single bill. However, the gentleman from New York (Chairman

WALSH) and the gentleman from New York (Mr. MOLLOHAN), the ranking member, have a working relationship that I think makes this all possible.

H.R. 4635 is a good bill and keeps us within the budget resolution. I would point out that the product before us contains, as undoubtedly has been commented on, no Member earmarks. In this respect, it is eminently fair because there are no winners or losers.

The fiscal year 2001 VA-HUD bill is a fair piece of legislation produced under very difficult circumstances and is within, again, the budget resolution. It responsibly provides a \$1.3-billion increase for veterans' medical health care, fully funds section 8 housing, and provides sound investments in research-intensive agencies, such as NASA and, as the gentleman from New Jersey (Mr. FRELINGHUYSEN) just mentioned, the National Science Foundation.

As this process moves forward, there will be plenty of opportunities for Members to offer their suggestions and amendments before the President finally signs the bill. I would implore my colleagues not to let perfection be the enemy of good. This is a good and responsible bill, and I encourage all my colleagues to support it.

Again, the gentleman from New York (Chairman WALSH) is to be saluted for crafting this piece of legislation under these circumstances. He has worked in good faith with the ranking member on the other side in a bipartisan spirit to form a bill that the House has now before it.

My colleagues, this is a fair bill and there will be time to strengthen it further as the process moves along. So I urge its support.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I speak today on one part of the bill before us, title I, the bill funding the Department of Administration, and I speak as ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs in this House.

Now, all of us on this side of the aisle have spoken of our deep respect for the chair, the gentleman from New York (Mr. WALSH), but we also have taken issue with the sense that we are doing all we can do in this bill, in this case for our Nation's veterans.

The gentleman from New York (Mr. WALSH) talks in a passive sense that we have been allocated a number. This is an active decision by this House to allocate certain figures, and this House can do what it will with regard to the budget.

As the gentleman from Wisconsin (Mr. OBEY) has pointed out, we have spoken about our priorities. This bud-

et ranks veterans' affairs, I am afraid, very low in the priorities.

The chair said that this is fully funded, medical care for our veterans is fully funded. I am not sure what that means, but I would challenge my colleagues to go to any town hall meeting of veterans in this Nation and tell them that their benefits and their health care is fully funded.

The gentleman from Michigan said this is a good and responsible budget. I take issue. It is not a good budget. It is an irresponsible budget. We are reneging on our commitment to our Nation's veterans, Mr. Speaker. We have asked our veterans to sacrifice in war. When we had deficits, we asked our veterans to take cuts because we had to share the sacrifice of cutting those deficits. But now that we have surpluses, it is time to make up on those commitments and start fulfilling those commitments.

Many of our national cemeteries are a national disgrace. The waiting list for our veterans to see medical specialists goes months and months and months to get adjudication. Their benefits claims may take years. This is not a good and responsible budget. We are falling behind, Mr. Speaker, on medical research for veterans. We are falling behind on our commitment to fund our State veterans' homes. We are falling behind on helping our homeless veterans. We are falling behind on providing educational benefits to those veterans.

□ 1645

The Montgomery GI bill is almost worthless in terms of its spending power in today's market.

I am going to submit amendments, Mr. Chairman, to cover some of these shortcomings, but I want to speak on a couple now. We are not adequately meeting the benefit and health care needs of veterans who served in the Gulf War and who now suffer from various diagnosed and undiagnosed disabilities. It has been almost 10 years, Mr. Chairman, since the men and women of our Armed Forces were sent to the gulf, yet they do not know what caused their illness, and we have no treatment for it. We must not relax our efforts to fund necessary and appropriate research. This budget does virtually nothing for those veterans.

I speak today, Mr. Chairman, on behalf of the Independent Budget, a budget that was propounded by a coalition of all the veterans organizations in this Nation. It is a responsible, professional budget. They show that this budget falls behind on our commitment by a minimum of \$1.5 billion. It points out that as our veteran population ages, the need for long-term care increases. One means of providing that is through our funding of State veterans homes. In fact, a new home just opened in my congressional district; and already

there is a waiting list of hundreds and hundreds. Other areas should have the same opportunity as the veterans in my San Diego region with the opening of this new home. Yet this budget has a decrease in funding for State homes.

Mr. Chairman, our Nation's veterans require an educational benefit that will actually allow them to attend college. I will propose such an amendment when the time comes. We have fallen behind on trying to deal with our homeless veterans. Thirty to 40 percent of those on the street are veterans. This is no way to treat those who served for us. We should increase that. This budget does not.

Finally, Mr. Chairman, we have a group of people in this Nation who served during World War II and were drafted into Armed Forces, Filipino veterans who helped us win the war in the Pacific. They are in their 70s and 80s. We need to provide them the health care that was taken away by this Congress more than 50 years ago. \$30 million is all that is required to provide this health care. I will submit an amendment to do just that.

Mr. Chairman, we are falling farther and farther behind with this budget. It is time to reverse our priorities. It is time to recognize the heroism and sacrifice of our Nation's veterans. Let us truly fully fund this budget. Let us truly make this a good and responsible budget. Let us do better for our Nation's veterans.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume just to discuss some of the issues that were just raised.

I will be brief. I am not going to fight every battle and counter every argument, but I do think it needs to be said that we are not falling behind. We are not falling behind in our commitments to our veterans. In fact, the strides that this Congress has made in the last 2 years, \$1.7 billion last year, almost \$1.4 billion this year, that is over a \$3 billion commitment in a \$20 billion health care allocation. That is a profound commitment to our veterans. I do not believe any Congress in the recent or distant past has made that sort of commitment. I strongly disagree with the gentleman's statement that we are falling behind. If anything, we are quickly catching up if not pulling ahead. But to say we are falling behind, I think, gives grist for the mill for those uninformed people out there who are saying we are not keeping our commitments to the veteran. I strongly disagree.

On the issue of the G.I. Bill, those benefits are mandatory. The gentleman sits on the committee of authorization. That is where that issue belongs, not here in the committee on appropriations. Those are mandatory benefits, not within our purview to determine allocation of funds. It is mandatory.

Lastly, the GAO study says that the Veterans Administration is wasting \$1

million a day through poor administration. That is over \$300 million a year wasted. We cannot afford to have that waste continue. Clearly, the Congress can do better; but the administration can, too.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I believe the gentleman from New York (Mr. WALSH) has done a fine job with the resources he has available and certainly the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Wisconsin (Mr. OBEY), our ranking member, who has done all that he can to bring this bill to the floor; but it is not a good bill. I just want to reiterate what I have said over and over again as a part of the Committee on Appropriations. The budget is woefully underfunded. At a time when America's prosperity is well, when the budget surpluses are higher than they ever have been or ever thought to be at this time in the process, we are dealing with a budget process in a very important veterans budget, housing budget and EPA budget that is going lacking.

Why is that? Well, some months ago, this Congress passed in a very partisan way 302(b) allocations which are the bottom line numbers that each of these budgets reflect. So we find ourselves fighting over very important programs that need to be funded. Veterans who have served this country and served well ought to have full coverage and ought to be able to have their medical needs met. They ought not be homeless in our country and many of them are. They ought to be able to have the drug treatment necessary that they be fine citizens, having worked and saved this country from various battles across the history of our country. But it is not funded properly.

In this time of budget surpluses, if we cannot do it now, when will we do it? I think it is a travesty that this bill is on the floor with shortages in homelessness, medical care, and treatment for veterans in our country who have served this country well.

I am also disturbed that our housing, public housing, those in America, the least of these who find themselves living in public housing are now seeing cuts at a time when we were building on public housing, at a time when they were being renovated, revitalized, at a time when the capital count was at one time meeting those needs and now falling sorely behind. In 1995, the public housing budget was \$3.7 billion. This budget today calls for \$2.8 billion. From \$3.7 billion to today \$2.8 billion, the public housing needs are not being met.

The section 8 vouchers, there is a backlog of need in my district, and I am sure in many others who need section 8 vouchers. One of the previous speakers said that we are fully funding those who already have it, but we are not at all addressing the need of the backlog, some hundreds in my own district who have applied for and are waiting for decent, free housing, free from crime, free from other kinds of negative things in our budget.

I commend the gentleman from New York (Mr. WALSH) for what he has done and the gentleman from West Virginia (Mr. MOLLOHAN), but it is really not enough. We have got to be realistic with these budgets. There are children, there are families who need us to stand up to our responsibility. If we look at veterans coverage, it is lacking. In public housing needs, it is lacking. We can do better in this Congress.

I would hope that as we go through the process, as we get through conference, and everybody says, Wait till we get to conference, it is going to be better, it is our responsibility today, we ought not have to wait until we get to conference. But, Mr. Chairman, as we leave and this bill is on the floor, we will be debating it much of this evening, let us remember those veterans, those poor people who need us to speak out for them.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me first appreciate the efforts of the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) because I think they probably did a competent job with what they had to work with. But I still believe that in addition to the veterans and the housing needs, this bill also represents a lost opportunity in research. The President proposed a historic budget increase for the National Science Foundation this year. The increase was intended to bolster the activities of an agency with a critically important role in sustaining the Nation's capabilities in science and engineering research and education.

The bill cuts the amount of the request by more than \$500 million. This is shortsighted and inconsistent with the previous actions of the House. It also ignores the well-known connection between research and economic development. I characterize the bill as shortsighted because it has now been shown that public support for basic research in science and engineering is an investment in the future economy and in the well-being of our citizens. Over the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it. The social rate

of return for basic research performed at academic institutions has been found to be at least 28 percent.

Basic research discoveries launch new industries that bring returns to the economy that far exceed the public investment. The recent example of the Internet, which emerged from research projects funded by the Defense Advanced Research Projects Agency and the National Science Foundation strikingly illustrates the true investment nature of such research expenditures. What then will be the effects of the anemic increase provided for the National Science Foundation by this bill? The most important is also the least quantifiable, that is, the lost opportunities due to research ideas that are not pursued.

Last year alone, the National Science Foundation could not fund 3,800 proposals that received very good or excellent ratings by peer reviewers. The budget increase requested for fiscal year 2001 has greatly reduced the number of meritorious research ideas doomed to rejection because of inadequate budgets. Nearly half of the increase in the fiscal year 2001 National Science Foundation budget proposal was designated for the core research programs of the foundation. This new funding would increase average grant size and duration as well as increasing the number of new awards. Inflation has reduced the relative value of National Science Foundation awards, thereby adding to the overhead burden placed on the academic research community. That is, researchers must generate multiple proposals to obtain adequate funding for their research projects.

If NSF were to be allowed to reach its goal of increasing average grant size to \$108,000 and grant duration to 3 years, it estimates the savings in the cost of research proposal preparation alone would be \$50 million. Of course, this is only a portion of the potential savings since it does not include reductions in the time for proposal reviews and the reduced cost to universities from administering these few grants.

Overall, the cuts from proposed funding levels in the bill will result in more than 4,000 fewer awards for state-of-the-art research and education activities. This reduction will curtail investments in exciting, cutting-edge research initiatives, such as information technology, the nanoscale science and engineering, and environmental research. The effect will be to slow the development of new discoveries with immense potential to generate significant benefits to society.

The reduction in funding also translates into almost 18,000 fewer researchers, educators, and students receiving NSF support. This is a direct, and negative, effect on the shortages projected in the high-tech workforce. It will reduce the number of well-trained scientists and engineers needed for the Nation's future.

Finally, I feel I must point out the inconsistency between the funding provided by the bill for NSF and the interest expressed by many Members of this House in the development and widespread use of information technology.

In February the House passed H.R. 2086 by acclamation. This bill authorizes nearly \$5 billion over four years among seven agencies for information technology research. NSF was the lead agency of the multi-agency initiative and was provided a major portion of the resources. H.R. 4635 cuts the requests for NSF's part of this initiative by over \$154 million, or by more than 20 percent.

The need for the major new investment in information technology research was advocated by the President's Information Technology Advisory Committee. This committee stated that: "Unless immediate steps are taken to reinvigorate federal research in this critical area, we believe there will be a significant reduction in the rate of economic progress over the coming decades."

I regret that H.R. 4635 limits support for the research that will lead to breakthroughs in information technology, materials, environmental protection, and a host of technology dependent industries.

The economic growth that has been fueled by advances in basic research will be endangered because of the failure of this bill to provide adequate resources for the math, science, and engineering research and education activities of the National Science Foundation. This is shameful and irresponsible.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Mr. Chairman, I think we need to point out, as the gentleman from New York (Mr. WALSH) has pointed out in previous remarks, that we have increased funding for veterans medical care by \$1.3 billion. I may point out, it took the President 4 years to realize what Members of this body, both Democrats and Republicans, have realized all along, that funding for veterans medical care must be increased, and we have done it. When we combine that with last year's historic increase, this Congress will have provided \$3 billion more for veterans medical care in the last 2 years. Mr. Chairman, we are keeping our promise. Unlike the President's budget, all funds that are collected by the VA from third-party insurers and copayments will stay according to our budget within the VA system. The President's budget proposed that the first \$350 million collected as a result of changes under the Veterans Millennium Health Care Act signed into law and passed last year be returned to the Treasury, not to the Veterans Administration.

□ 1700

This bill requires that those outside collections be retained by the VA and to be used for improving veterans' medical care. This is a responsible budget, because it better addresses also, Mr.

Chairman, the growing and serious problem of hepatitis C among veterans.

According to the Centers for Disease Control, this disease of the liver, if untreated, can lead to chronic liver disease and even liver failure. The hepatitis C virus affects a disproportionately high number of veterans compared to the general population, particularly those with the Vietnam-Era part of our history.

In the fiscal year 2000 bill, Congress provided \$190 million for testing and treatment of hepatitis C in our bill; the one under discussion today would increase that amount to \$340 million. However, during our committee's hearing with the VA in March, Secretary Togo West stated that the Department would be unable to spend all the fiscal year 2000 hepatitis C testing and treatment funds, because the demand was not there.

Frankly, too many of us on the committee, the committee's Secretary statement was puzzling and, in fact, contrary to a great deal of known information about this health crisis from the CDC, as well as from the VA's own data. In a 1-day random hepatitis screening done by the VA in March of 1999, it showed 6 percent of Veterans tested nationally that tested positive for hepatitis C virus compared to less than 2 percent of the general population. In my area, in New York and in New Jersey, the infection rate from that 1-day test was over 12 percent, twice the national average.

The numbers have not improved since then, but this budget increases money for hepatitis C testing. It increases money for medical care, and this is a budget that points us in the right direction.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we in the Congress are constantly debating what our priorities ought to be, and 2 weeks ago this House adopted legislation to eliminate the estate tax. And in doing that, we gave, in effect, \$200 billion to around 400 families. That was our judgment in this House. It was not a judgment I agreed with, but it was, nevertheless, the judgment of this House.

In this bill that is before us there is a rider that we will seek to strike, and that rider would prevent use of funds to pursue litigation against the tobacco industry. Well, some people think that if we get a judgment against the tobacco industry, that could bring in \$300 billion to pay back the Federal Government for expenses due to the misconduct of that industry.

Mr. Chairman, well, if that rider does not get taken out of this bill and that lawsuit is stopped, in the course of a

couple of weeks we will have given \$200 billion to 400 families by eliminating the estate tax, and we will refuse to bring in potentially \$300 billion that can be used for veterans' health, Indian health services, prescription drug benefits for the elderly, so many things where we are always saying we do not have the money to fund it.

The amendment that we are going to be offering with a number of our colleagues would strike that rider, and so there would be no misunderstanding about it. That amendment would provide that funds that would otherwise go into the account in the veterans' health program for management and legal expenses would be used for pursuing litigation against the tobacco industry which would bring many, many, many times over that amount back to the veterans' health program.

Specifically, we do not use any funds out of the veterans' health program, but only funds allocated for legal expenses. This separate fund would be then allocated to pursue the lawsuit, and all of the veterans' groups want that lawsuit to be pursued.

They know how important it is to get funds that are not enough to meet their needs into the veterans' health priorities. We have explicit support from the Veterans of Foreign Wars, the AMVETS, the Disabled War Veterans, the Paralyzed War Veterans for our amendment; and all of the groups want this lawsuit to go forward.

Let me point out that if we strike this rider we not only have the support of the veterans' organizations, but it will have no effect at all on the Medicaid settlement with the States or on retailers in this country. The only ones who are being sued are the manufacturers of tobacco products who for decades have mislead the American people and the veterans into starting to smoke and continuing to smoke.

They not only mislead about the dangers of cigarettes, they mislead them about the nicotine addiction; and they not only did that, they manipulated the nicotine levels to keep people smoking.

I would hope that when we get into the opportunity for amendments, that Members on both sides of the aisle will join us in striking that rider that would prohibit use of funds to recover money that can be used for veterans' health care from the tobacco industry. It is only to the benefit of everyone that this amendment go forward, and we will hear more about it later.

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) has 30 seconds remaining; the gentleman from New York (Mr. WALSH) has the right to close.

Mr. MOLLOHAN. Mr. Chairman, we have, I think, many requests that would be more than 30 seconds; and, therefore, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, a couple of the Members from the other side of the aisle, the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), suggested the need for more NSF funding, the National Science Foundation. I agree. Yet one of the Members from your side of the aisle is suggesting that we take money, additional money out of NSF and put it into HUD.

Hopefully in this appropriation bill, before it is finished, we can find more money to accommodate basic research. Basic research in this country has been instrumental in creating products and increasing our competitive position. As chairman of the Subcommittee on Basic Research, I introduced H.R. 4500 that authorizes a 17 percent increase in NSF funding.

Let us not shortchange basic research that has served us so well. Let us make sure we do not take more money out of the NSF funding, and let us look for additional funding to help make sure that the basic research that has helped make this country great, that has been vital to increasing our productivity, continues as one of our priorities.

Mr. WALSH. Mr. Chairman, I have no further comments to make. I think we can conclude our general debate and move into amendments.

Mr. Chairman, I submit the following tables for the RECORD.

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions.....	21,568,364	22,766,276	22,766,276	+ 1,197,912	
Readjustment benefits.....	1,469,000	1,634,000	1,664,000	+ 195,000	+ 30,000
Veterans insurance and indemnities.....	28,670	19,850	19,850	-8,820	
Veterans housing benefit program fund program account (indefinite).....	262,342	165,740	165,740	-116,602	
(Limitation on direct loans).....	(300)	(300)	(300)		
Administrative expenses.....	166,958	166,484	161,484	+ 4,526	-5,000
Education loan fund program account.....	1	1	1		
(Limitation on direct loans).....	(3)	(3)	(3)		
Administrative expenses.....	214	220	220	+ 6	
Vocational rehabilitation loans program account.....	57	52	52	-5	
(Limitation on direct loans).....	(2,531)	(2,726)	(2,726)	(+ 195)	
Administrative expenses.....	415	432	432	+ 17	
Native American Veteran Housing Loan Program Account.....	520	532	532	+ 12	
Guaranteed Transitional Housing Loans for Homeless Veterans program account.....	46,250			-46,250	
(Limitation on direct loans).....	(100,000)			(-100,000)	
Total, Veterans Benefits Administration.....	23,554,791	24,753,587	24,778,587	+ 1,223,796	+ 25,000
Veterans Health Administration					
Medical care.....	18,106,000	19,381,587	19,354,587	+ 1,248,587	-27,000
Delayed equipment obligation.....	900,000	900,000	927,000	+ 27,000	+ 27,000
Total.....	19,006,000	20,281,587	20,281,587	+ 1,275,587	
Across the board rescission (0.38%).....	-79,519			+ 79,519	
(Transfer to general operating expenses).....	(-27,907)		(-28,134)	(-227)	(-28,134)
Subtotal.....	18,926,481	20,281,587	20,281,587	+ 1,355,106	
Medical care cost recovery collections:					
Offsetting receipts.....	-608,000	-639,000	-639,000	-31,000	
Appropriations (indefinite).....	608,000	639,000	639,000	+ 31,000	
Total available.....	(608,000)	(639,000)	(639,000)	(+ 31,000)	
Medical and prosthetic research.....	321,000	321,000	321,000		
Medical administration and miscellaneous operating expenses.....	59,703	64,884	62,000	-2,297	-2,884
General Post Fund, National Homes:					
Loan program account (by transfer).....	(7)			(-7)	
(Limitation on direct loans).....	(70)			(-70)	
Administrative expenses (by transfer).....	(54)			(-54)	
General post fund (transfer out).....	(-61)			(- 61)	
Total, Veterans Health Administration.....	19,307,184	20,667,471	20,664,587	+ 1,357,403	-2,884
Departmental Administration					
General operating expenses.....	912,594	1,061,854	1,006,000	+ 93,406	-55,854
Offsetting receipts.....	(36,754)	(36,754)	(36,754)		
Total, Program Level.....	(949,348)	(1,098,608)	(1,042,754)	(+ 93,406)	(-55,854)
(Transfer from medical care).....	(27,907)		(28,134)	(+ 227)	(+ 28,134)
(Transfer from national cemetery).....	(117)		(125)	(+ 8)	(+ 125)
(Transfer from inspector general).....	(30)		(28)	(-2)	(- 28)
National Cemetery Administration.....	97,256	109,889	106,889	- 9,633	-3,000
(Transfer to general operating expenses).....	(-117)		(-125)	(- 8)	(-125)
Office of Inspector General.....	43,200	46,464	46,464	+ 3,264	
(Transfer to general operating expenses).....	(-30)		(-28)	(+ 2)	(-28)
Construction, major projects.....	65,140	62,140	62,140	-3,000	
Construction, minor projects.....	160,000	162,000	100,000	-60,000	-62,000
Grants for construction of State extended care facilities.....	90,000	60,000	60,000	-30,000	
Grants for the construction of State veterans cemeteries.....	25,000	25,000	25,000		
Total, Departmental Administration.....	1,393,190	1,527,347	1,406,493	+ 13,303	-120,854
Total, title I, Department of Veterans Affairs.....	44,255,165	46,948,405	46,849,667	+ 2,594,502	-98,738
Appropriations.....	(44,334,684)	(46,948,405)	(46,849,667)	(+ 2,514,983)	(-98,738)
Rescissions.....	(-79,519)			(+ 79,519)	
(By transfer).....	(61)			(- 61)	
(Limitation on direct loans).....	(102,904)	(3,029)	(3,029)	(-99,875)	
Consisting of:					
Mandatory.....	(23,396,626)	(24,585,866)	(24,615,866)	(+ 1,219,240)	(+ 30,000)
Discretionary.....	(20,858,539)	(22,362,539)	(22,233,801)	(+ 1,375,262)	(-128,738)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund.....	7,176,695	9,927,824	9,075,388	+ 1,898,693	-852,436
(By transfer).....	(183,000)			(-183,000)	
Advance appropriation, FY 2001/2002.....	4,200,000	4,200,000	4,200,000		
Total funding.....	11,376,695	14,127,824	13,275,388	+ 1,898,693	-852,436

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued**
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Across the board rescission (0.38%)	-72,275			+72,275	
Housing set-asides:					
Expiring section 8 contracts	(10,834,135)	(13,221,824)	(13,275,388)	(+2,441,253)	(+53,564)
Section 8 relocation assistance	(156,000)	(79,000)		(-156,000)	(-79,000)
Contract administration		(209,000)			(-209,000)
Incremental vouchers	(346,560)	(527,000)		(-346,560)	(-527,000)
Administrative fee change		(66,000)			(-66,000)
Voucher for disabled	(40,000)	(25,000)		(-40,000)	(-25,000)
Subtotal	(11,376,695)	(14,127,824)	(13,275,388)	(+1,898,693)	(-852,436)
Rescission of unobligated balances:					
Section 8 recaptures (rescission)	-1,300,000		-275,388	+1,024,612	-275,388
Section 8 carryover and Tenant Protection (resc)	-943,000			+943,000	
Subtotal	-2,243,000		-275,388	+1,967,612	-275,388
Public housing capital fund	2,900,000	2,955,000	2,800,000	-100,000	-155,000
Public housing operating fund	3,138,000	3,192,000	3,138,000		-54,000
Subtotal	6,038,000	6,147,000	5,938,000	-100,000	-209,000
Drug elimination grants for low-income housing	310,000	345,000	300,000	-10,000	-45,000
Revitalization of severely distressed public housing (HOPE VI)	575,000	625,000	565,000	-10,000	-60,000
Native American housing block grants	620,000	650,000	620,000		-30,000
Indian housing loan guarantee fund program account	6,000	6,000			
(Limitation on guaranteed loans)	(71,956)	(71,956)	(71,956)		
Total, Public and Indian Housing	16,610,420	21,900,824	20,429,000	+3,818,580	-1,471,824
Community Planning and Development					
Housing opportunities for persons with AIDS	232,000	260,000	232,000		-28,000
Rural housing and economic development	25,000	27,000	20,000	-5,000	-7,000
America's private investment companies program:					
(Limitation on guaranteed loans)	(541,000)	(1,000,000)		(-541,000)	(-1,000,000)
Credit subsidy	20,000	37,000		-20,000	-37,000
Urban empowerment zones	55,000			-55,000	
Rural empowerment zones	15,000			-15,000	
Subtotal	70,000			-70,000	
Community development block grants	4,800,000	4,900,000	4,505,000	-295,000	-395,000
Across the board rescission (0.38%)	-18,765			+18,765	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,261,000)	(1,217,000)	(1,217,000)	(-44,000)	
Credit subsidy	29,000	28,000	28,000	-1,000	
Administrative expenses	1,000	2,000	1,000		-1,000
Brownfields redevelopment	25,000	50,000	20,000	-5,000	-30,000
HOME investment partnerships program	1,600,000	1,650,000	1,585,000	-15,000	-65,000
Homeless assistance grants	1,020,000	1,200,000	1,060,000		-180,000
Communities in schools community development program	5,000	5,000		-5,000	-5,000
Total, Community planning and development	7,808,235	8,159,000	7,411,000	-397,235	-748,000
Housing Programs					
Housing for special populations	911,000	989,000	911,000		-78,000
Housing for the elderly	(710,000)	(779,000)	(710,000)		(-69,000)
Housing for the disabled	(201,000)	(210,000)	(201,000)		(-9,000)
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(140,000,000)	(160,000,000)	(160,000,000)	(+20,000,000)	
(Limitation on direct loans)	(100,000)	(250,000)	(100,000)		(-150,000)
Administrative expenses	330,888	330,888	330,888		
Administrative contract expenses	160,000	160,000	160,000		
Additional contract expenses	4,000	4,000	4,000		
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(18,100,000)	(21,000,000)	(21,000,000)	(+2,900,000)	
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)		
Administrative expenses	64,000	211,455	211,455	+147,455	
Administrative expenses (unobligated balances)	(147,000)			(-147,000)	
Negative subsidy	-75,000	-100,000	-100,000		-25,000
Subsidy		101,000	101,000	+101,000	
Subsidy (unobligated balances)	(153,000)			(-153,000)	
Non-overhead administrative expenses	144,000	144,000	144,000		
Additional contract expenses	7,000	7,000	7,000		
Total, Federal Housing Administration	634,888	858,343	858,343	+223,455	
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	9,383	9,383	9,383		
Administrative contract expenses		40,000			-40,000
Offsetting receipts	-422,000	-347,000	-347,000	+75,000	
Policy Development and Research					
Research and technology	45,000	62,000	40,000	-5,000	-22,000
Fair Housing and Equal Opportunity					
Fair housing activities	44,000	50,000	44,000		-6,000

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued**
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Lead Hazard Control					
Lead hazard reduction	80,000	120,000	80,000		-40,000
Management and Administration					
Salaries and expenses	477,000	565,000	475,647	-1,353	-89,353
Transfer from:					
Limitation on FHA corporate funds	(518,000)	(518,000)	(518,000)		
GNMA	(9,383)	(9,383)	(9,383)		
Community Planning & Development	(1,000)	(1,000)	(1,000)		
America's Private Investment Companies Program		(1,000)			(-1,000)
Title VI	(150)	(150)	(150)		
Indian Housing	(200)	(200)	(200)		
Total, Salaries and expenses	(1,005,733)	(1,094,733)	(1,004,380)	(-1,353)	(-90,353)
Office of Inspector General	50,657	52,000	50,657		-1,343
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)		
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)		
Total, Office of Inspector General	(83,000)	(84,343)	(83,000)		(-1,343)
Office of Federal Housing Enterprise Oversight	19,493	25,800	22,000	+2,507	-3,800
Offsetting receipts	-19,493	-25,800	-22,000	-2,507	+3,800
Administrative Provisions					
Sec. 208 FHA	-319,000			+319,000	
Annual contribution (transfer out)	(-79,000)			(+79,000)	
Annual contributions (transfer out)	(-104,000)			(+104,000)	
Sec. 212 Rescissions	-74,400			+74,400	
Sec. 214 Moving to Work	5,000			-5,000	
Total, administrative provisions	-388,400			+388,400	
Total, title II, Department of Housing and Urban Development (net)	25,860,183	32,458,550	29,962,030	+4,101,847	-2,496,520
Current year, FY 2001	(21,660,183)	(28,258,550)	(25,762,030)	(+4,101,847)	(-2,496,520)
Appropriations	(24,068,623)	(28,258,550)	(26,037,416)	(+1,968,795)	(-2,221,132)
Rescissions	(-2,408,440)		(-275,388)	(+2,133,052)	(-275,388)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)		
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(+22,315,000)	(-1,000,000)
(Limitation on corporate funds)	(561,076)	(562,076)	(561,076)		(-1,000)
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	26,467	26,196	28,000	-467	+1,804
Across the board rescission (0.38%)	-108			+108	
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	8,000	8,000	8,000		
Across the board rescission (0.38%)	-30			+30	
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	95,000	125,000	105,000	+10,000	-20,000
Consumer Product Safety Commission					
Salaries and expenses	49,000	52,500	51,000	+2,000	-1,500
Across the board rescission (0.38%)	-186			+186	
Corporation for National and Community Service					
National and community service programs operating expenses	434,500	533,700		-434,500	-533,700
Rescission	-80,000			+80,000	
Across the board rescission (0.38%)	-1,347			+1,347	
Office of Inspector General	4,000	5,000	5,000		+1,000
Across the board rescission (0.38%)	-15			+15	
Total	357,138	538,700	5,000	-352,138	-533,700
Court of Appeals for Veterans Claims					
Salaries and expenses	11,450	12,500	12,500	+1,050	
Across the board rescission (0.38%)	-42			+42	
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	12,473	15,949	17,949	+5,476	+2,000
Across the board rescission (0.38%)	-47			+47	
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences 1/	60,000	48,527	60,000		+11,473
Public Health Service					
Toxic Substances and Environmental Public Health 1/	70,000	64,000	70,000		+6,000

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued**
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Environmental Protection Agency					
Science and Technology	645,000	674,348	650,000	+5,000	-24,348
Transfer from Hazardous Substance Superfund	38,000	35,871	35,000	-3,000	-871
Subtotal, Science and Technology	683,000	710,219	685,000	+2,000	-25,219
Across the board rescission (0.38%)	-2,697			+2,697	
Environmental Programs and Management	1,900,000	2,099,461	1,900,000		-199,461
Across the board rescission (0.38%)	-4,733			+4,733	
Office of Inspector General	32,409	34,094	34,000	+1,591	-94
Transfer from Hazardous Substance Superfund	11,000	11,652	11,500	+500	-152
Subtotal, OIG	43,409	45,746	45,500	+2,091	-246
Across the board rescission (0.38%)	-29			+29	
Buildings and facilities	62,600	23,931	23,931	-38,669	
Across the board rescission (0.38%)	-238			+238	
Hazardous Substance Superfund 2/	1,170,000	1,337,473	1,170,000		-167,473
Delay of obligation	100,000		100,000		+100,000
Transfer to Office of Inspector General	-11,000	-11,652	-11,500	-500	+152
Transfer to Science and Technology	-38,000	-35,871	-35,000	+3,000	+871
Subtotal, Hazardous Substance Superfund	1,221,000	1,289,950	1,223,500	+2,500	-66,450
Leaking Underground Storage Tank Program	70,000	72,096	79,000	+9,000	+6,904
Across the board rescission (0.38%)	-240			+240	
Oil spill response	15,000	15,712	15,000		-712
Across the board rescission (0.38%)	-26			+26	
State and Tribal Assistance Grants	2,581,650	1,838,000	2,108,000	-473,650	+270,000
Categorical grants	885,000	1,068,957	1,068,957		
Subtotal, STAG	3,466,650	2,906,957	3,176,957	-269,693	+270,000
Across the board rescission (0.38%)	-20,885			+20,885	
Total, EPA	7,461,659	7,164,072	7,148,888	-312,771	-15,184
Rescissions	-28,848			+28,848	
Executive Office of the President					
Office of Science and Technology Policy	5,108	5,201	5,150	+42	-51
Across the board rescission (0.38%)	-19			+19	
Council on Environmental Quality and Office of Environmental Quality	2,827	3,020	2,900	+73	-120
Across the board rescission (0.38%)	-11			+11	
Total	7,905	8,221	8,050	+145	-171
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(33,666)	(33,660)	(33,661)	(-5)	(+1)
Federal Emergency Management Agency					
Disaster relief	300,000	300,000		-300,000	-300,000
Emergency funding			300,000	+300,000	+300,000
(Transfer out)	(-2,900)	(-2,900)	(-35,500)		(-32,600)
Across the board rescission (0.38%)	-12,416			+12,416	
Emergency funding	2,480,425	2,609,220		-2,480,425	-2,609,220
Pre-disaster mitigation		30,000			-30,000
(Transfer out)		(-2,600)			(+2,600)
Disaster assistance direct loan program account:					
State share loan	1,295	1,678	1,295		-383
(Limitation on direct loans)	(25,000)	(25,000)	(19,000)	(-6,000)	(-6,000)
Administrative expenses	420	427	420		-7
Salaries and expenses	180,000	221,024	190,000	+10,000	-31,024
Across the board rescission (0.38%)	-50			+50	
Office of Inspector General	8,015	8,476	8,015		-461
Across the board rescission (0.38%)	-50			+50	
Emergency management planning and assistance	267,000	269,652	267,000		-2,652
(By transfer)	(2,900)	(5,500)	(5,500)	(+2,600)	
Across the board rescission (0.38%)	-218			+218	
Radiological emergency preparedness fund	-1,000			+1,000	
Emergency food and shelter program	110,000	140,000	110,000		-30,000
Flood map modernization fund	5,000			-5,000	
(By transfer)			(30,000)	(+30,000)	(+30,000)
National insurance development fund	(3,730)			(-3,730)	
National Flood Insurance Fund (limitation on administrative expenses):					
Salaries and expenses	(24,333)	(25,736)	(25,736)	(+1,403)	
Flood mitigation	(78,710)	(77,307)	(77,307)	(-1,403)	
(Transfer out)	(-20,000)	(-20,000)	(-20,000)		
National flood mitigation fund (by transfer)	(20,000)	(20,000)	(20,000)		
Total, Federal Emergency Management Agency	3,338,421	3,580,477	876,730	-2,461,691	-2,703,747
Appropriations	(870,730)	(971,257)	(576,730)	(-294,000)	(-394,527)
Rescissions	(12,734)			(+12,734)	
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT,
AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued**
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration					
Federal Consumer Information Center Fund.....	2,622	6,822	7,122	+ 4,500	+ 300
National Aeronautics and Space Administration					
Human space flight	5,510,800	5,499,900	5,499,900	-11,000	.....
Across the board rescission (0.38%)	-23,000	.....	.....	+ 23,000	.....
Science, aeronautics and technology	5,606,700	5,929,400	5,606,700	.....	-322,700
Across the board rescission (0.38%)	-25,805	.....	.....	+ 25,805	.....
Mission support	2,515,100	2,584,000	2,584,000	+ 68,900	.....
Across the board rescission (0.38%)	-3,076	.....	.....	+ 3,076	.....
Office of Inspector General	20,000	22,000	23,000	+ 3,000	+ 1,000
Total, NASA	13,652,700	14,035,300	13,713,600	+ 60,900	-321,700
Rescissions	-51,881	.....	.....	+ 51,881	.....
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans) .....	.....	(600,000)	(3,000,000)	(+ 3,000,000)	(+ 2,400,000)
(Limitation on administrative expenses, corporate funds)	(257)	(296)	(296)	(+ 39)	.....
Revolving loan program	1,000	.....	1,000	.....	+ 1,000
Across the board rescission (0.38%)	-4	.....	.....	+ 4	.....
Community development credit union revolving loan fund .....	.....	1,000	.....	.....	-1,000
National Science Foundation					
Research and related activities	2,966,000	3,540,680	3,135,690	+ 169,690	-404,990
Across the board rescission (0.38%)	-7,538	.....	.....	+ 7,538	.....
Major research equipment	95,000	136,540	76,600	-18,400	-61,940
Across the board rescission (0.38%)	-1,500	.....	.....	+ 1,500	.....
Education and human resources	696,600	729,010	694,310	-2,290	-34,700
Across the board rescission (0.38%)	-5,728	.....	.....	+ 5,728	.....
Salaries and expenses	149,000	157,990	152,000	+ 3,000	-5,990
Across the board rescission (0.38%)	-100	.....	.....	+ 100	.....
Office of Inspector General	5,450	6,280	5,700	+ 250	-580
Total, NSF	3,912,050	4,572,400	4,064,300	+ 152,250	-508,100
Rescissions	-14,866	.....	.....	+ 14,866	.....
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	75,000	90,000	90,000	+ 15,000	.....
Across the board rescission (0.38%)	-285	.....	.....	+ 285	.....
Selective Service System					
Salaries and expenses	24,000	24,480	23,000	-1,000	-1,480
Across the board rescission (0.38%)	-91	.....	.....	+ 91	.....
Total, title III, Independent agencies	29,070,497	30,374,144	26,290,139	-2,780,358	-4,084,005
Appropriations	(26,590,072)	(27,764,924)	(25,990,139)	(-599,933)	(-1,774,785)
Rescissions	(-190,514)	.....	.....	(+ 190,514)	.....
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	.....	.....
(Limitation on direct loans)	(25,000)	(625,000)	(3,019,000)	(+ 2,994,000)	(+ 2,394,000)
(Limitation on corporate funds)	(257)	(296)	(296)	(+ 39)	.....
OTHER PROVISIONS					
H.R. 202 - Preservation of Affordable Housing	-14,000	.....	.....	+ 14,000	.....
VA Compensation Date Shift 3/ .....	.....	-1,574,000	-1,574,000	-1,574,000	.....
VA Pension Date Shift 3/ .....	.....	-258,000	-258,000	-258,000	.....
Grand total (net)	99,171,845	107,949,099	101,269,836	+ 2,097,991	-6,679,263
Current year, FY 2001	(94,971,845)	(103,749,099)	(97,069,836)	(+ 2,097,991)	(-6,679,263)
Appropriations	(95,169,893)	(101,139,879)	(97,045,224)	(+ 1,875,331)	(-4,094,855)
Rescissions	(-2,878,473)	.....	(-275,388)	(+ 2,403,085)	(-275,388)
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	.....	.....
(By transfer)	(236,727)	(53,660)	(83,661)	(-153,066)	(+ 30,001)
(Transfer out)	(-203,061)	(-20,000)	(-50,000)	(-153,061)	(-30,000)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	.....	.....
(Limitation on direct loans)	(349,860)	(999,985)	(3,243,985)	(+ 2,894,125)	(+ 2,244,000)
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(+ 22,315,000)	(-1,000,000)
(Limitation on corporate funds)	(561,333)	(562,372)	(561,372)	(+ 39)	(-1,000)
Total mandatory and discretionary	92,877,918	107,595,099	101,096,836	+ 8,218,918	-6,498,263
Mandatory	21,306,626	24,581,866	24,611,866	+ 3,305,240	+ 30,000
Discretionary	71,571,292	83,013,233	76,484,970	+ 4,913,678	-6,528,263

1/ FY 2000 & FY 2001 Request were part of Hazardous Substance Superfund account.

2/ FY 2000 & FY 2001 Request modified to reflect comparable new accounts in Dept of HH&S.

3/ CBO assigned request to authorizing committee.

Mr. SENSENBRENNER. Mr. Chairman, as the House proceeds to consider H.R. 4635, the Veterans Administration and Housing and Urban Development Appropriations Act for Fiscal Year 2001, I wish to highlight several features of this legislation that are important to our nation's science enterprise. I also will comment on EPA's reformulated gasoline mandate.

NATIONAL SCIENCE FOUNDATION

Concerning the National Science Foundation, I support funding at the requested level of \$4.572 billion for fiscal year 2001. On May 17, 2000, I introduced H.R. 4485, the National Science Foundation Authorization Act of 2000. This bill authorizes programs at NSF not authorized by the Science Committee in previous legislation. Together with other authorization bills passed by the Committee—including H.R. 2086, the Networking and Information Technology Research and Development Act, and H.R. 1184, the National Earthquake Hazards Reduction Act—H.R. 4485 would boost NSF's FY 2001 authorization to about \$4.6 billion, \$54 million above the requested level.

While it should be recognized that, with an increase of \$167 million, NSF has fared comparatively well in the appropriations process, I would have preferred to see an increase in funding closer to the level requested, especially given the large increases planned for the National Institutes of Health (NIH).

Indeed, I think it is important that the role of NSF in providing the intellectual capital needed both for economic growth and biomedical research be more widely recognized. Today, we are in the midst of one of the Nation's longest economic expansions, an expansion that owes much to technological changes driven by the basic scientific research conducted 10 to 15 years ago. Many of today's new industries, which provide good, high paying jobs, can be linked directly to research supported by NSF.

Moreover, many of the breakthroughs in biomedical research have their underpinnings in research and technologies developed by investigators under NSF grants. The development of Magnetic Resonance Imaging is just one of many examples. We often lose sight of the fact that the ongoing revolution in medicine is as much a phenomenon of the physical and computational sciences as the biological sciences.

I do not begrudge the increased funding provided for NIH, but I think we could achieve a better balance between the biomedical fields and the other fields of science that contribute to our health and well being in ways that may not be readily apparent. The case for maintaining diversity in the federal research portfolio was made in the Science Policy Study, *Unlocking Our Future*, which found that, "It is important that the federal government fund basic research in a broad spectrum of scientific disciplines . . . and resist overemphasis in a particular area or areas relative to other."

If Congress continues to concentrate scientific funding in one area, I am concerned that important research in other areas may be given short shrift. Such a result could have serious consequences for future economic growth and biomedical breakthroughs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

While I am disappointed that H.R. 4635 does not fund the Space Launch Initiative, I am pleased to note that the bill recommends \$13.714 billion for NASA, an increase of \$112.8 million over this fiscal year.

I especially commend the hard work of the Subcommittee and Committee leadership, and the Chairmen, to insure that NASA's programs and policy initiatives are sound and emphasize the pursuit of a broad range of space science. Among other notable issues cited in the accompanying committee report, I support the bill's recommendations to fully fund the Space Shuttle, Earth Sciences, and Space Station; to encourage use of the Shuttle for life and microgravity research missions; and to withhold funding for the proposed "Living With a Star" program until some of our questions about the program are adequately and fully answered.

As Members are aware, several important NASA programs have suffered some failures this year and the agency is appropriately reexamining its implementation of the concept of "faster, better, cheaper." I believe NASA must continue to pursue cost-savings measures as it designs and builds future space, but that it manage these plans with more agency oversight and with mission costs predicated on appropriate levels of risk.

Finally, I commend the Committee for insuring that NASA's aeronautics activities are properly targeted and that the agency not expend its limited budget on activities that more appropriately fall under the jurisdiction of other federal agencies.

The Space Station and the X-33 continue to drag on NASA's ability to move our space program to the next level of achievement. The Administration made fundamental management errors, in the first instance by allowing Russia to bring station construction activities to a complete halt, and in the second instance by entering into a cooperative agreement with an industry partner without appropriate safeguards to protect the federal investment.

I understand the Chairman is committed to working with the Senate to try and restore the Space Launch Initiative funds in the Conference Report. I look forward to working with the Chairman to accomplish that goal because I believe the program is important.

EPA'S REFORMULATED GASOLINE MANDATE

Under the Clean Air Act, the Environmental Protection Agency (EPA) mandated the sale of reformulated gasoline (RFG) to help reduce ozone levels in areas determined by the EPA to have high levels of ozone. At the time the original requirements were implemented in 1995, I had concerns about RFG's human and environmental health effects, cost, potential harm to engines, and about a possible drop in gas mileage. Numerous studies, including one by the EPA's own Blue Ribbon Panel, have shown my early skepticism to be well founded. The Blue Ribbon Panel recommended the phase-out of MTBE, an RFG additive, because it has been identified as a potentially dangerous drinking water contaminant. Another study, by the National Research Council, concluded that the use of commonly available additives in RFG has little, in any impact on improving air quality.

Now, following EPA's implementation of RFG Phase II requirements, gas prices in the

Midwest in areas forced to comply with the new requirements are the highest in the nation. Despite the clear correlation between the areas in the Midwest forced to comply with the RFG mandate and those areas with exceptionally high gas prices, EPA has refused to accept even partial responsibility and has rejected opportunities to provide a solution to the problem. To-date, EPA has refused to grant even a temporary waiver from RFG enforcement despite repeated requests from state and federal officials gasoline consumers, and businesses in Wisconsin and Illinois. EPA has even refused to grant a waiver during the on-going FTC investigation into possible price gouging. Initial reports indicate the FTC's investigation could be lengthy, meaning a resolution to this costly ordeal may not be near.

EPA's lack of strong science to support the RFG mandate and refusal to accommodate the requests of the severely impacted communities is troubling. I continue to be extremely disappointed with EPA's actions on this issue.

Mr. LARSON. Mr. Chairman, the Fiscal Year 2001 VA-HUD Appropriations bill, H.R. 4635, which we are considering today is woefully inadequate and fails to address America's needs in housing, economic development, veterans, and science and technology programs. This is particularly distressing in these times of unprecedented prosperity and rising surpluses.

Among many unacceptable funding provisions, the bill freezes funding for veterans medical research, cuts grants for construction of state veterans homes \$30 million below the current year level, and provides \$56 million less than requested to improve processing of applications for benefits.

The bill appropriates no funds for the 120,000 new housing assistance vouchers proposed by the Administration. Further, it cuts the Community Development Block Grant by \$275 million below the current year level.

And while it provides an increase for research at the National Science Foundation, it falls short of the President's requested increase by \$508 million. The bill also fails to adequately provide for National Aeronautics and Space Administration's Science and Technology programs, which the bill underfunds by \$323 million. These cuts I believe would jeopardize the future of our space research programs, including programs directed at solving problems here on earth, that are pushing forward the frontiers of knowledge about our universe.

Even more distressing, the bill only appropriates \$300 million of the \$2.9 billion requested by the Administration for the Federal Emergency Management Agency's Disaster Relief Fund, thereby jeopardizing FEMA's ability to respond quickly and adequately to natural disasters.

Finally, the bill once again seeks to completely eliminate the AmeriCorps National Service program. As a result a great number of important projects that foster involvement and learning in technology by children and adults and programs that bring technology to underserved populations and address weaknesses in our economy, will go unfunded. One of these is Project FIRST (Fostering Instructional Reform Through Service and Technology Initiatives), whose role it is to increase

access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national nonprofit organization that is driven and staffed primarily with technologically proficient volunteers. However, these cuts ensure that TechCorps will not receive AmeriCorps/VISTA volunteers to bring this program to underserved, low-income communities.

Mr. Chairman, I believe the cuts in this bill would move America in the wrong direction. Despite our unprecedented economic prosperity, there are significant unmet needs in our nation's communities and in our science and research programs. This bill is part of the majority's strategy of financing tax cuts targeted to the well off by cutting domestic spending. We should not be placing the burden of our prosperity on the backs of the people who will suffer most from cutting programs that meet vital housing, economic development, emergency, and research needs.

I will strongly oppose this bill because it fails to meet our responsibilities to war veterans, to provide relief and recovery after natural disasters, to provide service to the community, to protect the environment, to help meet housing needs, and to undertake the essential research and development that is fueling the magnificent growth achieved by the American economy and enjoyed by the American public in the last eight years.

We can do better, Mr. Chairman.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased to see that the Committee's bill includes \$10 million to help bridge the Digital Divide in Indian Country. This funding will encourage Native Americans to pursue degrees in information technology and other science and technology fields and will build the capacity of tribally controlled community colleges—and their K–12 feeder schools—to offer high-quality science and technology classes.

According to the National Telecommunications Information Administration (NTIA), poor rural Native Americans are being left behind when it comes to even the most basic telecommunications services. According to one NITA study, 76% of rural households with incomes of less than \$5,000 have phones, but only 46% of individuals at the same income level on tribal lands have a telephone connection.

Oklahoma is home to 37 federally-recognized tribal nations and to more than 254,000 tribal members. The Cherokee Nation, located in Tahlequah, is the second largest tribe in the United States with 207,790 members.

That is why I appreciate funding of the \$10 million tribal college technology program in the FY 2001 National Science Foundation budget. At this point, it is uncertain whether the Senate will also fund this critical initiative. I hope Congress will work to preserve funding for this important program as the FY 2001 VA–HUD appropriations bill moves forward so that Native Americans in Oklahoma and across America can get the education and training at tribally-controlled community colleges they need to compete and succeed in the New Economy.

Mr. KILDEE. Mr. Chairman, I rise in opposition to H.R. 4635, the FY 2001 VA–HUD appropriations bill. I want to express my concern that the bill provides zero increases for the

HUD Indian housing programs. The budget provides \$693 million for FY 2001, which is the same amount as the FY 2000 enacted level, and it does not provide any funding for any of the new initiatives proposed by the administration.

The President requested \$730 million for Indian housing programs, and the budget we are considering today slashes the President's request by \$37 million.

Mr. Chairman, Native Americans continued to have the poorest housing in this country.

The National American Indian Housing Council's fact sheet on Indian housing reveals that—

the poverty rate for rural Native Americans is 37 percent, a rate that is higher than any other racial/ethnic group,

69 percent of Native Americans in tribal areas live in overcrowded homes,

21 percent of homes in tribal areas are overcrowded as compared with the national average of 2.7 percent, and

16.5 percent of Native American households in tribal areas are without complete plumbing.

With that kind of data supporting the need for more Federal funding for Indian housing, we should not support a bill that provides zero funding for the people that need the funding most. I urge my colleagues to oppose the FY 2001 VA–HUD appropriations bill.

Mrs. MEEK of Florida. Mr. Chairman, despite the efforts of my Chairman, who did the level best he could with the subcommittee funding allocation that was given to him, there are numerous funding problems in this bill.

But I rise to express my concerns in particular about the lack of funding to help the poorest of the poor obtain decent housing.

We are living in the period of the greatest economic prosperity in our nation's history.

But even this economic boom has created a housing crisis for many Americans.

In its State of the Cities Report, HUD reported that serious housing problems are increasing at almost twice the rate of population growth. These are the people who pay more than a quarter of their incomes for housing, and the people who have no choice but to live in unsafe or substandard housing.

There are over 5 million families who pay more than 50%—half their income—on housing. This number is the highest in the nation's history, and unfortunately, the number continues to grow.

Worst-case housing needs have been three times as high for families with full-time wage earners than for other families, and particularly high for minority families.

Housing rental assistance is an important solution to the housing affordability problem. HUD's incremental vouchers help families to find homes—families that are currently homeless, living in substandard housing or paying more than half of their income in rent.

Vouchers work: the average waiting period for a Section 8 voucher is about two years. In virtually every urban area anywhere in the country, people making the minimum wage cannot afford even a medium priced apartment rental. Housing vouchers make that possible, and they do it using private sector housing.

Yet the bill does not fund the President's request for 120,000 additional incremental hous-

ing vouchers. In fact, despite its claims, it is debatable whether or not this bill will provide HUD with any new vouchers to help our families find safe, decent and affordable housing.

The bill as written claims to allow HUD to provide up to 20,000 additional vouchers.

But this is just "funny math," or "creative accounting" because these additional vouchers are only funded in the bill through overly rosey and optimistic estimates of recaptures of unused Section 8 funds.

HUD will only have these vouchers available if the Department recaptures more funds than the amount that HUD itself says can be recaptured.

HUD does not even expect these recaptured funds to be available.

We would never treat rich people this way; you can bet they get hard cash to meet their needs. Yet poor families are shunted aside with a promise that may not even pan out.

Refusing to provide additional incremental vouchers means that families will have to continue to live in substandard housing or pay excessive portions of family income toward rent.

Mr. Chairman, I agree that HUD needs to spend the funds it has recaptured. I understand that HUD has recaptured all the funding it legally can and is taking additional steps to increase voucher utilization. For example:

HUD is instituting a Section 8 management assessment program to identify poor performers.

The Department is providing for the transfer of unused funds to a public housing agency that can use them right away.

HUD has also proposed the use of a voucher success fund in rental markets where public funding agencies are not fully using available funds.

Denying incremental vouchers denies families opportunities for safe, decent housing and affordable housing.

What this bill does is punish the majority of public housing authorities—that are providing critical assistance to families and need more vouchers—because a few public housing agencies have performed poorly.

If funding for the President's proposed additional 120,000 incremental vouchers is not provided, there is a very real danger that this funding will never be made up in subsequent appropriations.

Mr. Chairman, the only way that this bill can be repaired is for the House leadership to provide the additional needed funding.

It makes no sense to underfund such an important bill when the nation is running record budget surpluses and the needs of the poor in this country are unmet.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act for fiscal year 2001. First, this Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN) and all members of the Subcommittee for the work they did under the tight 302(b) allocation.

This Member would like to focus his remarks on the following four areas: Housing, Community Development Fun—Community

Development Block Grant (CDBG), America's Private Investment Companies (APICs) and the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) on repetitive loss.

HOUSING

First, this Member would like to comment favorably upon the treatment of the Section 8 and Section 202 programs, which were funded as adequately as we can under the budgetary restraints. The Subcommittee correctly recognizes the demographic shift to a more aging population with the funding for Section 8 contract renewals.

In addition, this Member commends the \$6 million appropriation for the Section 184, American Indian Housing Loan Guarantee Program, which this Member created in consultation with a range of Indian Housing specialists. This seems to be an excellent new program which this Member says without appropriate modesty and recognition of his colleagues support, is providing privately financed homes through a government guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land. The above appropriation supports loan guarantees totaling \$72 million which should assist an estimated 20,000 families.

Moreover, this Member would like to specifically comment the Subcommittee for reducing duplicative efforts of the Federal Government in rural housing and economic development. After a funding level of \$25 million in fiscal year 2000 for rural housing and economic development efforts in HUD, the Subcommittee appropriated \$20 million for fiscal year 2001 for HUD's rural housing and economic development efforts. This Member would prefer that no money is appropriated for HUD for this purpose.

In fact, this Member testified before the VA, HUD and Independent Agencies Appropriations Subcommittee in opposition to HUD's duplicative efforts in rural housing. As a long-term advocate of rural housing during his tenure in the House, this Member believes that we need to be careful of duplication in the efforts of the Federal Government in rural housing and economic development. In the past, the United States Department of Agriculture (USDA) through their Rural Development offices has successfully implemented numerous rural housing and economic development programs. As a result, this Member disagrees with HUD's efforts to duplicate USDA Rural Development staff.

COMMUNITY DEVELOPMENT FUND (CDBG)

Second, this Member would like to emphasize a concern over the VA, HUD and Independent Agencies Appropriations bill which in large part results from budgetary restraints. The Community Development Fund, which includes the CDBG program, is provided \$4.5 billion, which is \$295 million less than the fiscal year 2000 level. This reduction is of deep concern to this Member. The CDBG program has been a model of local-Federal partnership.

The CDBG program not only is valuable to the larger entitlement cities, it gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy. Moreover, CDBG has provided in-

valuable dollars to cities and rural communities for such things as affordable housing, public infrastructure, and economic development.

APICs

Third, this Member does applaud the Subcommittee for providing no new budget authority to HUD for the APIC program. APICs would be companies which are licensed by the Department of Housing and Urban Development (HUD) pursuant to a national competition for venture capital firms. Currently, HUD does not have the proper capability to administer APIC. To illustrate this, the Inspector General has labeled HUD a "troubled agency." Rather than focusing on new initiatives like APIC, HUD should focus on its existing projects.

NFIP REPETITIVE LOSS

Lastly, this Member supports the language included in the appropriations measure which provides FEMA with up to \$50 million to be obligated for pre-disaster mitigation activities and repetitive loss buyouts following disaster declarations. This Member believes that this appropriation is just a first step in eliminating repetitive loss under the National Flood Insurance Program (NFIP) administered by FEMA. In fact, this Member has introduced a measure, H.R. 2728, Two-Floods-and-You-are-Out-of-the-Taxpayer's-Pocket-Act, which authorizes FEMA to offer buy-outs to repetitive loss properties and to increase the NFIP rates to actuarial for those properties who refuse a publicly funded mitigation offer.

Because of the necessity to fund important housing and community development programs, this Member would encourage his colleagues to support H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$22,766,276,000, to remain available until expended: *Provided*, That not to exceed \$17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, \$1,664,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

AMENDMENT NO. 21 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. FILNER:

Page 3, after line 21, insert the following:

In addition, for "Readjustment Benefits", \$900,000,000 for enhanced educational assistance under chapter 30 of title 38, United States Code (the Montgomery GI Bill), in accordance with the provisions of H.R. 4334 of the 106th Congress as introduced on April 13, 2000: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mr. FILNER. Mr. Chairman, I thank the Chair for his courtesy in hearing this amendment.

I have a series of amendments, Mr. Chairman, that speak to the former statements or earlier statements of the gentleman from New York (Chairman WALSH) to the notion that we are not falling behind, the gentleman says, in our commitment to our Nation's veterans.

It is true that in the last 2 years we have upgraded our spending over the previous year, but that was after a decade or more of flatline budgets. We have not caught up. I ask the gentleman from New York (Mr. WALSH) to visit cemeteries around this country, which are deteriorating. I ask the gentleman from New York (Mr. WALSH) to sit for months and months with our veterans who must wait for doctors' appointments, who must wait for years to get their disability claims adjudicated, who are trying to go to college; and that is the nature of the amendment I have before us today.

Mr. Chairman, in 1981, the education benefit to our veterans which allowed them to go to college was \$493 a month. 20 years later, with incredible soaring costs of education and associated expenses, we are paying only \$20 more per month.

I ask the gentleman from New York (Mr. WALSH) is that not falling behind? Here we have an amendment to catch up, to make sure that the Montgomery GI bill named after our former Member and great chairman of the Committee on Veterans' Affairs, that the goal of the Montgomery GI bill, to provide meaningful readjustment benefits to discharged Members, while also giving military recruiters an effective tool to support the concept of an all volunteer force.

My amendment will allow us to meet these goals because today this bill is not accomplishing any one of them. We are not providing a benefit that will help our retention and recruitment. We are not providing a readjustment benefit. We are not honoring the sacrifice of our veterans.

My amendment would provide \$900 million in additional funding for enhanced educational assistance. This number, Mr. Chairman, is important to explain how it was arrived at.

All the Members of the Committee on Veterans' Affairs applauded when the so-called transition commission reported its findings to our committee. That commission said that the Montgomery GI bill benefit should provide for the full costs of college education and its associated expenses for our veterans. Then we would have a recruiting tool to help our Nation's armed forces. In fact, that notion was embodied in H.R. 1071, the Evans-Dingell bill, which

would pay for those full costs, in addition to a stipend of \$800 a month.

The chairman of our committee, the gentleman from Arizona (Mr. STUMP), also introduced a bill, H.R. 1182, which would pay for 90 percent of those costs. When we realized that the budget could not provide for that in the short run, a coalition across this Nation of veterans' organizations and higher educational institutions came together and came up with a compromise to say, let us at least provide at the beginning for the average costs of attending a 4-year public school college as a commuter student. That number would come to \$975 a month this year for full-time study.

The gentleman from Mississippi (Mr. SHOWS) introduced that bill as H.R. 4334. It has the full backing of veterans' organizations, as I said, all across this Nation, and in accord with that H.R. 4334 would provide all veterans and service members with an opportunity to get a good college education while taking into account the realistic costs of college today.

Let us not forget that it is largely thanks to our veterans that the rest of us are able to be safe and sound at home enjoying this prosperity. We ought to have the opportunity to give them the opportunity to continue their education.

Mr. Chairman, I urge the committee to accept this amendment. The committee would not put this before our Members for a vote following the tradition of many parts of this bill, which have items that are not authorized. I would ask for this committee now to accept this amendment.

Mr. Chairman, I include in the RECORD the statements of various groups across this Nation, including the Veterans of Foreign Wars, the AMVETS, the Noncommissioned Officers Association, the Blinded Veterans of America, in support of this amendment. They all have weighed in, and I include that in the RECORD.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,

Alexandria, VA, June 16, 2000.

Hon. BOB FILNER,

Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. FILNER: The Non Commissioned Officers Association of the USA (NCOA) is writing to state its strong, wholehearted support for your amendment to H.R. 4635, the Fiscal Year 2001 VA-HUD Appropriations Act, that would provide enhanced readjustment educational assistance under the Montgomery GI Bill. Although the House of Representatives recently approved a modest increase to the basic monthly stipend, even when fully implemented the increase approved will still only equate to about 60% of the cost of attending a public four-year college.

The military services are in the throes of a recruiting and retention crisis that is nearing emergency proportion. Recruiting is at its lowest since the all-volunteer force began, even though enlistment requirements

have declined by thirty-three percent. Sixty-five percent of high school graduates go on to post-secondary education. Only about 16 of one hundred youth are available as military prospects.

Prospective enlistees rated assistance with education to be the number one attraction of military service for several decades. That, however, is no longer the case. Prospective enlistees and veterans observe and realize the emphasis Congress has placed on higher education by providing more attractive and richer education programs without the sacrifice and risk associated with military service. This realization inevitably results in a negative message to prospective recruits that compounds the bad image which now prevails about military service being an obstacle to a rewarding and productive life—not a means to it.

One comparison dramatically illustrates the need for your amendment. The basic benefit program of the Vietnam Era GI Bill provided \$493 per month in 1981 to a veteran with a spouse and two children; however, twenty years later, a veteran with an identical circumstance receives only \$43 more. One other comparison illustrates how Congress is sending precisely the wrong message on the need for high quality military members; just last year Congress approved the DC College Access Act that provides grants of up to \$50,000 for DC high school graduates to pursue higher educational goals. Today, our warriors who go in harms way will receive a total benefit of \$19,296 but only after paying \$1200 to establish eligibility (many of who qualify for food stamps because of inadequate military pay). This is morally wrong. At a time when military recruitment is difficult and retention is declining, this is also shortsighted public policy.

NCOA firmly believes it is a fundamental responsibility of any great society to honor and help those who accept the disruption and sacrifices that military service brings. The Association also believes that the programs and services, including the educational assistance programs, offered to those who defend our country must be better than the programs that are offered to those who do not. When Congress considers education policy, the starting point should be the veteran education benefit but that has not been the case. By Congress' inattention to a program that is arguably the most important recruiting and retention tool available, Congress has devalued military service and we are witnessing the consequences today. It will take a strong message to reverse course and your amendment is right on target.

An unprecedented partnership of 50 military, veterans and higher education associations endorsed H.R. 4334, The Veterans Higher Education Opportunities Act, upon which your amendment is based. That legislation and your amendment simply says: Individuals who volunteer for and honorably serve in the Nation's uniformed services shall be provided an education benefit equal to the average cost of a commuter student at a public four-year institution of higher learning. For those who have provided for our peace, security and prosperity, providing them with an "average" education benefit is reasonable and doable.

The Non Commissioned Officers Associations support this amendment and urge your colleagues to do likewise and help restore the veteran education benefit to the pre-eminent place it should occupy in our society.

Sincerely,

LARRY D. RHEA,
Director of Legislative Affairs.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 19, 2000.

Hon. BOB FILNER,
House of Representatives,
Washington, DC.

DEAR MR. FILNER: The men and women of the Veterans of Foreign Wars of the United States fully supports your amendment to H.R. 4635, the Fiscal Year 2001 VA-HUD Appropriations Act, which would provide for enhanced educational assistance benefits under the Montgomery GI Bill (MGIB). Although the House of Representatives recently passed legislation that would raise the basic monthly stipend to \$600 per month, this amount is not sufficient to compensate for over a decade of underfunding.

Due to chronic underfunding, the Montgomery GI Bill has not kept pace with the rising cost of higher education and now has the distinction of having the lowest usage rate (approximately 49 percent) of any GI Bill in history. Unfortunately, many of the eligible servicemembers and veterans who have paid into the program come to realize that the MGIB monthly payout is not sufficient to meet the cost of attending school. Consequently, they must defer attending school or forego pursuing a higher education altogether.

The historical underfunding of the Montgomery GI Bill has been allowed to persist far too long and should not be deferred for another year and another Congress. The VFW applauds your effort in offering this amendment to provide for enhanced educational assistance, and urges members of the House to give it their fullest support.

Sincerely,

DENNIS M. CULLINAN,
Director, National Legislative Service.

AMVETS NATIONAL HEADQUARTERS,
Lanham, MD, June 16, 2000.

To: TODD HONCHINS.

Subject: Support for Representative Filner's Proposed Amendment to H.R. 4635

Comments: Todd, I just received your request for a letter in support of Congressman Filner's proposed amendment to H.R. 4635. In the interest of time, our comments are contained below.

"AMVETS has argued for several years that the Montgomery GI Bill in its current form no longer serves as the recruiting and retention incentive which Congress intended when it passed the original legislation in 1985. During the intervening period, tuition and other related educational costs have risen dramatically leaving the MGIB participant at a significant disadvantage in today's educational market place.

At a time in our history when Americans are enjoying unprecedented prosperity, we can ill afford to allow those men and women who serve in our Armed Forces and who, through their sacrifices, underwrite the freedoms we enjoy, to be left by the wayside. We know the GI Bill worked. All one has to do is examine its success in helping World War II veterans resume a normal life. MGIB is today's version of that success story, however for its success to be sustained, we must support it at an appropriate funding level. Today we read that DoD recruiting is down; personnel retention is down, military readiness is at an all time low and further, that many service members qualify for food stamps.

Surely "a grateful nation" can do better than this in providing support for our men and women in uniform. AMVETS commends Congressman Filner's efforts in championing

this effort to restore the Montgomery GI Bill to an effective and responsive program."

DAVID E. WOODBURY,
National Executive Director.

NATIONAL ASSOCIATION OF
STATE APPROVING, AGENCIES, INC.,
June 19, 2000.

Mr. TODD HOCHINS,
Democratic Counsel, Subcommittee on Benefits,
Committee on Veterans Affairs, House of
Representatives, Cannon House Office
Building, Washington, DC.

DEAR MR. HOCHINS: This letter is written to express our complete support of the amendment that Congressman Filner is proposing to make to H.R. 4635, for the purpose of enhancing educational assistance under chapter 30 of title 38, United States Code. The amendment would change the benefits received under chapter 30 in accordance with the provisions of H.R. 4334 as introduced on April 13, 2000.

We wholeheartedly believe that members of Congress should accept Congressman Filner's amendment. Numerous studies and reports, including the one issued by the Commission on Servicemembers and Veterans Transition Assistance on January 14, 1999, speak to the need for the Nation to give immediate and serious attention to the importance of making extraordinary changes in the Montgomery GI Bill. Attached is a sheet that reflects some of the primary reasons for immediate change. The reasons were developed by members of the Partnership for Veterans Education, an informal coalition of 49 nationally based military, veterans and higher education organizations that support H.R. 4334.

We stand ready to assist Congressman Filner in helping other members of Congress to realize the importance of this issue and the magnitude of the positive impact that will be realized by the acceptance of the amendment. Please let us know what we can do to assist in the achievement of this goal.

Sincerely,

C. DONALD SWEENEY,
Legislative Director.

BLINDED VETERANS ASSOCIATION,
Washington DC, June 16, 2000.

Hon. BOB FILNER,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSMAN FILNER: The Blinded Veterans Association (BVA), the only congressionally chartered veterans service organization exclusively dedicated to serving the needs of our nation's blinded veterans, is extremely supportive of your amendment to H.R. 4635, which will increase funding for the Montgomery GI Bill by \$900,000,000. BVA believes educational assistance for our veterans needs to be a priority of the Congress.

An increase in the Montgomery GI Bill not only serves as an incentive for enlistment, but also assists those who might not otherwise afford an adequate higher education and to become a contributing member of this great nation.

Thank you, Mr. Filner, for your great work as a veterans' advocate. We appreciate your assistance in fulfilling the promises made to those who risk their lives to protect this great nation.

Sincerely,

THOMAS H. MILLER,
Executive Director.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, yes, I do. Mr. Chairman, I make a point of order against the amendment because it clearly proposes legislating on an appropriations bill which violates clause 2 of rule XXI.

□ 1515

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FILNER. Mr. Chairman, I would just ask the Chair if there are not dozens of programs in this bill that are not authorized by this House?

The CHAIRMAN. Will the gentleman repeat his request?

Mr. FILNER. Mr. Chairman, I would like to know if this bill before us, upon which a point of order has been raised because the program is not authorized, even though I see it as an emergency item for our veterans, is it not true that there are dozens of other programs in this bill that are also not authorized by this committee or this House?

The CHAIRMAN. A waiver of potential objections to other portions of the bill is not pertinent to the discussion before us.

The Chair is willing and ready to hear arguments on the pending point of order.

Mr. FILNER. I understand the Chair, but I would argue that a waiver is very pertinent. That is, this House can choose to protect certain programs from a point of order and can choose not to.

I would ask the Chairman of this committee to not raise this point of order, as he has asked the Committee on Rules to waive points of order on dozens and dozens of other programs to provide a basic level of college education to those who have sacrificed for this Nation. It seems to be worthy of a waiver in this case. I would ask the chairman to do so.

The CHAIRMAN. The Chair is prepared to rule. The amendment proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures in law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Mr. FILNER. Mr. Chairman, is it in order to challenge the ruling of the Chair?

The CHAIRMAN. An appeal of the decision of the Chair is in order.

Mr. FILNER. Mr. Chairman, based on the precedent that there are dozens of other points of order waived in this rule, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

So, the decision of the Chair stood as the judgment of the Committee.

Mr. LAFALCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in order to express my strong opposition to the very inadequate funding levels for housing and community development in this bill.

This bill continues a very regrettable practice of the majority party to underfund housing programs, with the hope that Congressional Democrats and the administration will go to conference and insist in conference on more realistic funding levels.

I do commend the work of the Subcommittee on Housing chairman, who does the best he can with clearly inadequate funding allocations dictated by the budget resolution. But, at the same time, I am very concerned by inaccurate characterizations that housing is doing well under this bill simply because budget authority is theoretically up by billions of dollars. The truth is, the overwhelming majority of this increase in budget authority does not benefit housing programs, individuals or services at all, but is simply an illusion of higher funding. I will insert into the RECORD a very detailed statement explaining this phenomenon.

Mr. Chairman, 5 years ago, the majority party's first act was to cut the housing budget by 24 percent. We have been playing catchup ever since, in spite of the efforts of Democrats to beef up funding to meet needs.

This year's House bill is no different. The bill is \$2.5 billion lower than the administration's request; and, with the exception of the illusory section 8 increases, every program is flat funded or cut.

In response to the 5.3 million households with worst case housing needs, some 12.5 million Americans, including millions of seniors, this bill ignores the administration's request for 120,000 incremental vouchers. It holds out the possibility of 20,000 incrementals, but that is contingent on very unrealistic recapture levels.

In response to the 842,000 Americans who are homeless each night, with estimates of 3.5 million Americans homeless at some point during the year, the bill flat funds homeless programs, and this funding level is 21 percent lower in real terms than it was 6 years ago.

In response to a growing elderly population and escalating rents, this bill flat funds elderly housing, leaving it some 50 percent lower than funding levels 6 years ago.

In response to a multibillion dollar backlog of public housing repair and modernization needs, the bill cuts public housing funding by \$120 million compared to last year's level, and this level is 27 percent lower in real terms than the level of 6 years ago.

In the wake of an historic bipartisan agreement on new markets and community renewal, the bill cuts every community development program, including a \$275 million CDBG cut, a 20 percent Brownfields cut, and no funding for APIC and empowerment zones.

In a response to the growing problem of predatory lending, the bill flat funds housing counseling, a program which helps first time and existing home buyers cope with home ownership challenges.

Finally, the bill undermines the progress HUD is making in its 2020 management reform plan. Specifically, the bill requires termination of the HUD Community Builder staff, which provides outreach for HUD programs, it threatens termination of contractors hired to inspect section 8 assisted housing, and reduces HUD's staffing levels below the already reduced target levels in this plan.

Now, we can wait for a conference to fix a grossly deficient bill, but the right approach is for the House to fix it now, and, if we cannot fix it in this bill, to oppose the bill.

Mr. Chairman, I include the following for the RECORD.

The VA-HUD bill for fiscal year 2001 produced by House Republicans continues a trend over the last few years of providing inadequate funding levels for housing and community development programs, with a wink and a nod that the shortfall will be addressed in conference.

Overall, the VA-HUD bill provides \$2.5 billion less than the Administration's FY 2001 budget. With the exception of illusory increases in the Section 8 account, not a single program receives a funding increase; many receive major cuts. The bill continues to ignore critical needs in affordable housing, community development, and homelessness prevention.

For this, I do not blame the Chairman of the VA-HUD Appropriations Subcommittee, who has strived mightily to do the best he can with a clearly inadequate funding allocation. The real problem rests with the leadership of the majority party, which continues to cling to the fiction that their budget resolution provides adequate levels of discretionary spending—both overall and for housing. They know they will be bailed out in the end by Congressional Democrats and the Administration, who will insist in conference on more realistic funding levels—at least as long as we have this Administration in the White House.

What is disturbing in recent years is the tendency to underfund housing programs in the House VA-HUD bill, but to cite artificial increases in budget authority to claim publicly that no one should complain about the bill's inadequacy because, after all, funding is "increased" by billions of dollars for HUD programs.

The bill before us today is a good example of this. Proponents of the legislation point to the fact that budget authority for HUD programs, funded in Title 2, is \$4.1 billion higher than the total approved last fiscal year. While technically true, such "increases" are illusory.

They do not expand programs, improve services, or increase the number of people served.

The major source of this illusion of funding increases relates to the expiration of long-term Section 8 contracts. Decades ago, Congress approved rental assistance for project-based Section 8 housing under multi-decade contracts, with the estimated multi-year costs completely funded in year one. As a result, no additional budget authority has been needed in each of the years of the long-term contract to continue to pay rental subsidies to the tenants in such project-based housing.

However, when these long term contracts expire and are renewed, Congress must for the first time in decades appropriate budget authority for the first year renewal cost of these rental subsidies. The result is a significant increase in budget authority (from zero to the annual cost) for all expiring contracts in any given year. Yet, the effect on budget outlays of this expiration is zero. And, the impact on the tenant is zero. The so-called budget authority "increase" is simply illusory.

The majority party acknowledged this in 1997, during consideration of the 1997 bipartisan balanced budget bill. At the time, we were just entering a period in which we anticipated an explosion of these expiring HUD contracts. As a result, budgeteers anticipated annual increases in required budget authority of several billion dollars a year. And, the majority party promised to build in these virtually automatic budget increases into their discretionary spending baseline. Moreover, when Section 8 reserves and recaptures occurred over the last few years, HUD proposed to use this excess budget authority to soften the impact of the anticipated increases caused by expirations. Instead, the majority party has repeatedly rescinded these Section 8 funds, in order to offset non-housing programs. When Democrats complained, we were assured that HUD would be made whole.

Yet, in recent years, the majority party appears to be trying to mask the inadequate funding levels for housing by citing the budget authority increases caused by the expiration of Section 8 contracts. This year is no different. Approximately \$3 billion in increases in Section 8 budget authority relate to expiring contracts.

To be fair—to be consistent with what was promised in the 1997 budget bill and subsequent rescission bills—we should refrain from characterizing these as "increases" in housing funding.

Moreover, there are other factors that contribute to the illusion that funding for housing is going up this year. For example, in FY 2000, we had over \$1 billion in one-time reductions in HUD budget authority, relating to Section 8 recaptures, rescissions, and FHA provisions which are not expected to occur in FY 2001. The effect is the same as the Section 8 contract expiration phenomenon—the appearance of an increase in funding, but no corresponding benefit to housing programs, services, or low-income individuals assisted.

Finally, we have some \$300 million in "increases" in this year's appropriations bill which are at heart mere accounting changes for administrative expenses and costs in FHA and GNMA. In effect, the HUD target is taking a hit for allocations for costs in programs

which, under the mandatory side of the budget, account for billions of dollars in profits to the federal taxpayers. In any event, this does not produce additional housing or housing services.

What is left, out of the billions in gross budget authority increases for housing in the bill before us today, is a few hundred million dollars in increased Section 8 costs for inflation adjustments for Section 8 tenants. In contrast, every other housing program is either flat funded at last year's levels or receives cuts. And, virtually every program is underfunded compared to need.

5.3 million households (12.5 million Americans, including millions of senior citizens) have "worst case housing needs"—that is, they pay more than 50% of their income for rent or live in severely substandard housing. The average waiting period for a Section 8 voucher or public housing unit is over two years. In every urban area nationwide, a minimum wage does not provide adequate income to afford a median period apartment rental.

In response to this crisis the majority party in 1995 rescinded the 62,000 incremental Section 8 rental vouchers funded by Democrats the year before. The pattern since then is clear: the Administration proposes incremental vouchers, and the majority party ignores that request in the House VA-HUD bill. This year is no different. In response to the Administration's proposal for 120,000 incremental vouchers, the bill holds out the mere possibility of 20,000 vouchers—contingent on overly optimistic Section 8 recapture levels, and therefore unlikely to materialize.

The majority justifies this inaction by blaming HUD for what it characterizes as unacceptably low voucher utilization rates. This criticism is not valid. A major cause for less than 100% utilization rates is the normal down time for Section 8 recipients to find housing opportunities—a particularly severe problem in low vacancy areas. To the extent that some housing authorities are not doing a good job in putting vouchers out, the problem lies with them, not with HUD. Moreover, these concerns do not justify ignoring the tremendous unmet rental subsidy need.

According to the Urban Institute, on any single night, 842,000 Americans are homeless, and at some point during the year 3.5 million Americans are homeless. Many homeless are working poor. Yet, the VA-HUD bill does not increase funding for homeless prevention programs, leaving funding 21% lower in real terms than six years ago, the last time Democrats controlled Congress.

As our population ages, and as rents escalate at a faster rate than fixed incomes and inflation, the problem of housing affordability for seniors continues to grow. Yet, the VA-HUD bill flat funds elderly housing—leaving it 53% lower in real terms than the level of six years ago. When Democrats offered an amendment to increase elderly housing by \$69 million up to the President's level, an amendment fully paid for by FHA program changes, the majority voted no on a party line vote.

Public housing units face a multi-billion dollar backlog of repair needs. Yet, the bill cuts public housing funding by \$120 million, compared to last year's bill. The bill's proposed

level is 27% lower in real terms than the level of six years ago.

The bill undercuts the President's recently announced New Markets Initiative agreement with Speaker HASTERT, by cutting every community development program, including a \$275 million cut from last year's level for CDBG; a \$44 million cut in CDBG Section 108 loan authority; zero funding for Empowerment Zones; zero funding for APIC loan guarantees (part of the New Markets Initiative); and a 20% cut in funding for Brownfields Redevelopment.

The bill cuts the HOME program, which funds low down payment homeownership programs and affordable housing construction. And, the bill ignores HUD's request for a \$9 million increase in housing counseling, leaving funding down 70% compared to six years ago. Counseling is an important tool in fighting the growing problem of predatory lending.

Finally, the bill undermines the progress HUD is making in its 2020 Management Reform plan. Specifically, the bill requires termination of the HUD Community Builder staff which provides outreach for HUD programs, threatens termination of contractors hired to inspect Section 8 assisted housing, and reduces HUD staffing levels below the already reduced target levels in this plan.

I am particularly baffled by the majority's decision to completely eliminate the Community Builder program at HUD. This program is an important component in HUD's consolidation plan. The purpose is to have a staff of professionals whose sole job is to provide community outreach for and assistance with HUD programs. The purpose is to separate this function from program management and oversight functions.

Last year, the Appropriations Committee expressed its concern about the "External Community Builders" program, especially with respect to the way these personnel were hired. Last year's bill required the termination of the external community builder program, and prohibited HUD from rehiring these individuals, except through normal civil service procedures. The bill clearly did not require or even hint at the termination of the internal community builder program. In fact, there was language indicating how the program should continue to be managed.

Now, the majority is reversing itself by eliminating the community builder program entirely, and mandating the firing of all community builders—even those hired years ago and unaffected by last year's policy. There are a number of reasons why this is wrong.

First, elimination of this position means that HUD will not be able to keep open some of their smaller field offices. Without the multi-disciplinary background of community builders, the choice will in many cases be between closing a field office or bringing in a larger number of personnel to cover the various program areas—personnel which are not available in a downsized HUD. Inevitably, some smaller field offices will be closed.

Second, it is bad policy to undermine a program designed to make HUD more responsive and accountable to the public. This is a major setback to HUD's management reforms. HUD will lose its staff that is experienced in these functions, and will be forced to totally reorganize its staffing structure, to the point where

individuals go back to mixing program management and outreach responsibilities.

Third, the bill before us, incorrectly in my view, implies that HUD has failed to follow last year's policy directives. In fact, all external community builders are being terminated. No one is either slotted back into HUD directly or even given a preference because of their role as external community builders. And, the GS levels of replacement hires is on average significantly below the levels of the former external community builders.

I am also baffled why funding for "Contract Administrators" is made contingent on achieving unrealistic levels of Section 8 recaptures. This line item pays for the hiring of independent contractors which perform physical inspections of HUD-assisted project-based housing.

Last year, the Housing Subcommittee held a hearing in which the GAO testified about the level of progress HUD is making in its management reforms. Yet, one of their principal concerns that GAO cited about HUD was that it did not have a good handle on its Section 8 project-based stock. Therefore, it makes no sense, as this bill does, to make funding for inspection of Section 8 housing contingent on unrealistic Section 8 recapture levels.

You can't have it both ways—criticizing HUD for its oversight, then robbing HUD of the tools it needs for this oversight.

In closing, I urge members not to overlook the housing funding inadequacies in this bill, simply because budget authority is going up, or because we have vague promises that "things will be taken care of in conference."

Five years ago, the majority party cut the HUD budget by 24%. Housing funding has struggled to catch up ever since. This bill does not address the 5.3 million American households with "worst case housing needs." This bill does not address the 842,000 Americans that are homeless on any given night. This bill does not address the need to extend our strong economic growth to all communities and individuals.

We can and should do better.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$161,484,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, \$220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM
ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$52,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$432,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN
PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$532,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS
FOR HOMELESS VETERANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION
MEDICAL CARE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902;

aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq. and such sums as necessary to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5): \$20,281,587,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not more than \$3,000,000,000 may be used for the operation and maintenance of facilities: *Provided further*, That of the funds made available under this heading, \$927,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed \$900,000,000 shall be available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed \$28,134,000 may be transferred to and merged with the appropriation for "General operating expenses": *Provided further*, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percentage of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105-33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 9, line 3, before the period insert the following: " , except for the funds for the administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.)."

Mr. WAXMAN. Mr. Chairman, I am offering this amendment along with the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans Affairs, the gentleman from Utah (Mr. HANSEN) and the gentleman from Massachusetts (Mr. MEEHAN), who are the co-chairs of the House Caucus on Tobacco and Health, and the gentlewoman from Michigan (Ms. STABENOW). It amends a

rider in the bill that would have the effect of blocking the Justice Department's lawsuit against the tobacco companies.

Tobacco use may be the single greatest threat to public health in the United States. It kills hundreds of thousands of Americans every year. It is a particular threat to children, who are bombarded by slick advertisements inducing them to smoke, and to veterans, who often become addicted to nicotine while in the service.

With the magnitude of the health threat, Congress' record on tobacco has been absolutely abysmal. In 1998, I reached across party lines to reach an agreement with the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, on how to regulate tobacco. This was an historic agreement, because the gentleman from Virginia (Mr. BLILEY) and I had long been opposed to each other on tobacco issues. Our agreement addressed many of the most contentious tobacco issues, including FDA regulation, environmental tobacco smoke and reducing youth smoking. But the leadership did not even allow a vote on the floor on our bipartisan proposal.

Since then, Congress has done very little to protect children and public health from tobacco. When the Supreme Court struck down the FDA regulation of tobacco earlier this year, the court invited Congress to act, calling tobacco use "perhaps the single most significant threat to public health in the United States."

But Congress has not even held a single day of hearings on FDA jurisdiction, and today we are considering legislation that would actually shield the tobacco companies from Federal liability. This most likely will be the only legislation which we will consider on the House floor dealing with tobacco.

Mr. Chairman, tucked away in this bill is a rider that is worth hundreds of billions of dollars to the tobacco industry. This rider protects the tobacco industry at the expense of health care for our veterans and the well-being of our children.

Last fall, the Justice Department filed the suit against the tobacco industry. The suit alleges that decades of deceit by the tobacco industry have caused Federal taxpayers to spend billions paying for tobacco-related illness. The suit seeks recovery of those funds, as well as injunctive relief, to stop the companies from marketing to children and engaging in other deceptive and illegal practices.

This lawsuit is good for the American taxpayer, who spend over \$25 billion a year to treat tobacco-related illnesses. Recovery of Medicare funds would be deposited into the Medicare Trust Fund, thus adding years to Medicare's solvency.

This lawsuit is also good for veterans. Currently the VA spends over \$1

billion a year treating tobacco-related illness. Under the Medical Care Recovery Act, any recovery of these funds would be returned to the VA health program. The VA stands to recover billions of health care dollars, dollars that could be used to provide critically needed health care to our veterans.

The lawsuit is modeled on the successful litigation by the States attorneys general, but it will have no effect on their suit or their settlement. It will also have no effect on small retailers. The defendants in this case are all major cigarette manufacturers.

Despite the merits of the suit, a rider in this bill prohibits the VA from transferring funds to the Justice Department for tobacco litigation, and effectively blocks VA from participating in the lawsuit.

There is no question who is behind this rider. It is the tobacco industry. Philip Morris has been actively lobbying Congress. Last week I mailed a "Dear Colleague" letter that attached the talking points Philip Morris is using. You may even hear some of those talking points in the debate today.

Philip Morris argues this amendment will use VA health care funds for the tobacco lawsuit.

□ 1730

This is simply false.

The amendment expressly states that only funds that can be used for the VA lawsuit are "the funds for the administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States," not funds intended for veterans' health care.

Philip Morris also argues that the rider is not about tobacco. Of course this issue is about tobacco. Philip Morris's argument has as much credibility as their testimony that nicotine is not addictive.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, my colleague alleges that this bill stops the tobacco lawsuit, that what we have done in this bill stops the tobacco lawsuit. That is not true. I can assure the House that the VA-HUD bill does not have jurisdiction over the Department of Justice nor its priorities. Nothing in this bill prohibits the Administration or the Department of Justice from moving forward with the lawsuit.

One of the problems with these politically motivated debates is that individual's motivations are questioned.

Mr. Chairman, I do not smoke; I did. I realized it was habit forming; I realized it was bad for my health, so I quit about 25 years ago. I hope every American comes to that realization themselves. Those who would support the

subcommittee's position here would be accused of being sold out to the tobacco industry. Well, again, questioning people's motivations does very little to dignify the debate. But I would state for the record that I have never accepted tobacco contributions.

We are trying to craft a bill here that provides resources for our veterans. We have heard Member after Member, one after another, come up and say we are not putting enough money in here for veterans' medical care, one after another. We are doing our level best to fund veterans' medical care. We put in \$1.7 billion last year, \$1.35 billion this year; and people still say it is not enough.

If this lawsuit started to draw down veterans' medical care funds, and that is what this does, regardless of what the gentleman says, it comes out of the veterans' medical care budget, which is \$4 million to \$6 million a year every year for however long the suit goes on.

We have heard the gentleman from New Jersey talk about veterans with hepatitis C. We tried to put additional funds in to deal with that deadly disease, but we did not meet expectations. There is more need out there. This takes \$4 million to \$6 million out of the veterans budget for hepatosis C, for HIV/AIDS, for spinal injuries, for mental health care, for drug prescriptions.

Mr. Chairman, these funds are precious; and they are dear. Let the Justice Department take it out of their own budget. That is their job. They are the lawyers. They have thousands and thousands of lawyers at the Department of Justice. The VA has hundreds and hundreds of doctors, and thousands and thousands of veterans; and we need to use those resources to take care of that commitment for medical care.

If the Department of Veterans' Affairs and the Administration want to use VA dollars to pay for this lawsuit, they can take the money from the Secretary's office or the general counsel's office. This bill says we cannot take money from veterans' medical care account. This language is limited to one account out of 18 that funds the Department of Veterans Affairs.

I am also concerned about how money derived from this litigation will be spent. No one on the Subcommittee on VA, HUD and Independent Agencies has seen a formal, binding agreement from the Administration or the Department of Justice on how these dollars will be spent between VA, Defense and Health and Human Services. The Administration tried in the past to bolster the budget with new spending from a fictional tobacco settlement. Yet VA's health funding remained level.

I am all for seeing more dollars for VA in health care and I think every member is, but I have not seen the contract yet. The Administration has never said that any settlement would go to the veterans. In fact, in their

third-party collection funding scheme, those funds would go to the general Treasury and not to the veterans agency or to veterans' medical care.

So regardless of what we are going to hear, let the Justice Department handle the lawsuits, let the Veterans Administration handle veterans' medical care.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this place is something else. I am no blue nose. If people want to make an informed decision to smoke, so be it. I used to smoke three packs of cigarettes a day. At the same time, I worked with asbestos. Johns Manville Corporation knew since 1939 that asbestos caused cancer, but I did not when I was working with it, because they hid it from consumers and from the Government itself. I also did not know, but Johns Manville did, and I believe the tobacco companies did too, that there was a synergistic effect between asbestos and tobacco, and when one is exposed to both, one's chances of getting cancer increased at a geometric rate. So very frankly, since those days I have been waiting for the shoe to drop.

We have the same situation with the tobacco company executives that we had with the asbestos company executives. Both of them lied through their teeth for years. When the gentleman from California's (Mr. WAXMAN) subcommittee was holding the hearings, we all remember the famous seven tobacco company presidents standing up and swearing to tell the truth, and then proceeding to tell the committee that no, no, no, they did not believe that tobacco caused cancer. Well, they had in their files information that demonstrated that they certainly knew it did.

So we have listened to their bull gravy for 50 years. Now we have a question as to whether or not we are going to do anything about it or not.

The gentleman said there is nothing in this bill that prohibits the tobacco settlement, or the tobacco lawsuit from going forward. That is speaking only half the truth, because what is happening is that the appropriation bill which we will consider next, the Subcommittee on Commerce, Justice, State, and Judiciary appropriation bill, forbids the Justice Department from using its own funds to pursue a tobacco settlement; and then they have in other appropriation bills, in the Defense bill, in this bill, and I believe in one other appropriation bill, they also say that you cannot use funds from any of the other agencies and allow the Justice Department to use those funds from other agencies to pursue their tobacco suit either.

So slowly, the Justice Department is being surrounded by this multiplicity of attacks in appropriation bills. I think that that is wrong, and I think

we ought to adopt the gentleman's amendment.

Now, I know that we will hear people say "oh, we are going to take money away from veterans' health care and use it to fund this suit, and it is just going to go into the pockets of the lawyers." The fact is that I offered seven amendments in one session alone, trying to get the majority party to increase funding for veterans' health care, and they turned them all down and they did that 2 years in a row. I would suggest now, to say that the veterans' department, which has the potential to gain hundreds of millions of dollars in additional revenue for veterans, for the treatment of their problems, to say that they cannot try to do that by expending \$4 million out of their own funds to pursue this case on behalf of every veteran and on behalf of the taxpayers is ludicrous, at best.

Mr. Chairman, I would simply point out also that if one checks the facts about litigation only enriching lawyers, the administration has indicated that the department has not engaged any lawyer on a contingency-fee basis. They did engage one firm on a limited arrangement on terms that were favorable to the Government. Under that contract, which ran for 3 months, the firm provided assistance to the Department at a reduced rate of \$75 per hour, well below normal billing fees. The payment for services to that firm total less than \$80,000.

So we should not kid ourselves. Every time we hear somebody say, this is not about tobacco, remember, it is about tobacco, and it is about lying, and it is about whether or not we will defend the taxpayers' interests to recoup the billions of dollars that have been spent. It is about meeting our responsibilities, to see to it that the taxpayer is not stuck with the cost of providing health care to veterans and other folks in this society because the tobacco companies lied and caused billions of dollars' worth of damage in the process.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we promised the veterans a couple of years ago when we took away money for their disability based on tobacco smoking and all of the illnesses that resulted from it, that we would pursue this litigation and get back into the veterans' program money that rightfully belongs in that program because of the deception add bad-doing, fraudulent actions of the tobacco companies. After years of deceit and deception, it

is right to hold the tobacco companies accountable for their false promises, misrepresentations, suppression of knowledge about the health risks of tobacco.

This rider would stop the litigation. The Attorney General, Janet Reno, today, in a press conference, announced that if this rider goes through, prohibiting the transfer of funds, she will not have the ability to pursue this litigation; she would have to drop the lawsuit.

We are not, and I want to emphasize this, because there seems to be some misunderstanding even on the part of the chairman of the subcommittee about our amendment. We are not transferring money from veterans' health care, but only from the veterans' health care fund for litigation, for expenses and legal fees. What more appropriate use of those funds would there be than to go against the tobacco companies to recover money for the veterans' health program and to keep our promise to the veterans that we would get money to put into veterans' health to make up for that which we took away from them over the years, just 2 years ago and to make up for the deceptions that the American Government placed on veterans when we encouraged them to start smoking in the past, which caused so much of the death, disability, and illness for which we could now get recovery from the tobacco industry. I thank the gentleman for yielding.

Mr. OBEY. I would simply say that to suggest that the veterans are getting a bad deal by asking that \$4 million be spent on this suit when we can get back hundreds of millions of dollars in return is patently preposterous on its face.

Mr. EVANS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to support this amendment by our colleague from California, because it simply allows the wheels of justice to move forward.

Mr. Chairman, there is something terribly wrong with the leadership of this body. During the last Congress, despite overwhelming facts to the contrary, the leadership effectively denied veterans the opportunity to seek legitimate compensation from the Department of Veterans Affairs for tobacco-related illnesses and disease, as well as tobacco addiction, during their service in the Armed Forces. That day, I believe, was one of the least noble moments in the history of this body.

Now, adding insult to injury, the leadership of the House seeks to deny the funds needed for our Federal Government to continue to seek, in court, the recovery of costs the Federal Government has incurred treating tobacco-related illnesses. It is a sad day indeed when the leadership of this House seeks to shield the tobacco industry from le-

gitimate legal action brought by the Federal Government.

We must not forget these facts: funds spent by the Department of Veterans Affairs for health care used to treat tobacco illnesses and disease have been estimated to be between \$1 billion and \$4 billion a year. As many as 75 percent of our World War II veterans began smoking as young adults during their military service. Cigarettes have been distributed free of charge to members of the Armed Forces as part of their so-called "C-rations," and the labeling requirements warning of the dangers of nicotine and tobacco did not become mandatory for products distributed through the military system until 1970, 5 years after this labeling was required for the civilian market.

□ 1745

Tobacco products were sold by the military at substantially discounted rates. As late as 1996, commissary tobacco prices were up to 76 percent less than commercial retail prices.

Those who support the tobacco industry will make the argument that using VA funds to finance this lawsuit will mean less money for medical care. The truth is, these dollars would be added to the administration's request after negotiations between the VA and the administration have concluded.

As an additional safeguard, our amendment would be directed at using only funds that would otherwise be used for nonmedical purposes; specifically, for the administration and legal expenses incurred in pursuing this lawsuit. It is misleading to say that these funds will be designated for health care.

Earlier today, four major veterans organizations spoke in support of this amendment. Veterans who will benefit from the successful outcome of this litigation will not be fooled. They want this litigation.

In the name of justice, support the Waxman-Evans-Hansen-Meehan-Stabenow amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, people back in my district always ask me, they say, is it difficult being in Congress? They say, what is the worst thing that goes on? I always reply, the partisanship that exists between the two parties.

No matter what we do, how much we try and increase, put up priorities, the other side of the aisle wants the majority back, so they will blast anything we do.

The gentleman from Wisconsin (Mr. OBEY) just said that he had 7 different amendments to increase veterans' health care. Most of us on both sides of the aisle support increasing health care for veterans, and also making sure that the fraud and abuse, like within the VA system, \$1 million a day, is taken care of.

Yet, when we get to the House floor here, Members will see and hear, well, it is only tax breaks for the rich. We do not think that paying taxes back to people because they get married is a tax break for the rich, or money that people invest with their families their whole lives, they pay taxes on, build up their business or farm, and where the government wants to come in and take 55 percent of it back, that that is a tax break for the rich. There is a legitimate difference of opinion.

I would say to my friends on the other side, we added \$1.7 billion, the highest ever for veterans' health care last year, and \$1.4 billion this year. Yet, it is never enough. We will hear, "more research, more HUD," and in the last bill, "more Labor-HHS." On every single line item, Members the other side of the aisle say, we want more, we want more.

There is a difference between fiscal responsibility and irresponsibility. For 30 years they ran the House. Let me give an idea. If we pay down the national debt, we spend nearly \$1 billion a day on just the interest, so \$360-some billion we would have put into the coffers. But if we continue spending like my colleagues on the other side did when they had the majority, the other side of the aisle, then we just keep increasing that debt.

In 1993, when they had the White House, the House, and the Senate, they cut veterans' COLAs. My own party at one time wanted to cut veterans' COLAs. We fought that in our conference and defeated it. I think it is wrong. But Members just continue to spend and build up the national debt.

They talk about the President's budget. We as Republicans brought the President's budget back last year to the floor to show how ridiculous it was. Not many Democrats voted for it. Yet, they say the President wanted \$1.2 billion, and we are only putting a \$500 million increase, so we are cutting. That kind of rhetoric is what makes it difficult to work here, instead of coming together and helping in veterans' health care.

I am a veteran, a combat veteran. Most of my colleagues on that side of the aisle know it. The only area which some of the people that are blasting us will support is every other area but defense. Watch, there will be a couple of amendments here today to take out selective service.

In time of national emergency, in time of national emergency we are going to need the selective service program not only for biological and chemical weapons that may come forward, but if we end up in a WWII or World War III, that is the only time it would be used.

I ask my colleagues, cut the rhetoric: "Tax breaks for the rich." Some people believe it, but they know it is ridiculous. Cut the rhetoric: Well, the Presi-

dent's bill did this. They did not even vote for the President's budget. Only four Democrats voted for it, so the numbers there are inaccurate.

Let us sit down and work in a bipartisan way. Let us increase veterans and let us support it, and take this bill on to conference.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The Department of Veterans Affairs' medical budget is not the appropriate place from which to fund Department of Justice lawsuits. It funds the Veterans Administration Department's own legal expenses, and funding Department of Justice lawsuits to the tune of \$4 million or even higher, because there is no limitation here, would significantly reduce funds available for veterans' medical care.

Mr. Chairman, it has been stated or alluded to that the effect of the restriction placed in the bill, and let me read it, Mr. Chairman, it says, "None of the foregoing funds may be transferred to the Department of Justice for purposes of supporting tobacco litigation." The restriction in here only says that none of the funds out of the Veterans Affairs medical budget can be transferred to the Department of Justice for its litigation purposes.

It has been alleged that that has the effect of blocking the Department of Justice's lawsuit against the tobacco industry. I respectfully disagree with that. It does no such thing. It does not preclude the Department of Justice from moving forward with lawsuits. What it does do, the bill language simply prohibits the Veterans Administration from transferring veterans' medical care dollars to the Department of Justice. That is the only intention and the only motivation, to preserve those scarce medical care dollars.

That money would come out of the medical care collections fund. Indeed, it does fund legal expenses for the Veterans Administration in this area: "Legal expenses of the Department for collecting and recovering amounts owed the Department." There are people very busily working over at the Veterans Administration spending dollars out of that account to collect third party pay, to collect dollars that are owed from other areas. They significantly multiply their salaries. That is, they are responsible for generating a lot of dollars. Take that \$4 million out of this account and, arguably, we would reduce by a factor of many times \$4 million the amount of money available for veterans' medical care.

The budget for veterans' medical care has been severely stressed during the last several years. After 2 years of flat budgets, Congress enacted a substantial increase in medical care last year. The bill before us today builds on that

increase by fully funding the President's budget request for medical care, more than \$1.3 billion over current funding.

I cannot support an effort to divert funding from this priority in order to fund the operations of another agency. God bless the other agency, let them move forward with their lawsuit with their own funds; in this case, the Department of Justice. That department, the Department of Justice, has received significant increases during the past decade, as opposed to the Veterans Administration. In 1990, the Department of Justice received \$8.8 billion. By 1996, that had risen to over \$16 billion, and current year funding is over \$20 billion.

The Department of Justice is not an agency that has faced the same restrictive budgets as the VA. It can afford to prosecute this lawsuit without taking money out of the veterans account.

Each appropriations subcommittee must establish its own priorities for the agencies under its jurisdiction. Mr. Chairman, let me point out that the veterans organizations are split on this issue, but that the American Legion, while it supports the Department of Justice going forward with its lawsuit, does not support taking health care dollars from the VA to pay for the litigation and thinks it is counterproductive, especially with the growing demand for services by the aging veteran population.

This amendment does not stop any litigation, or this restriction, excuse me. It simply provides that that money will not come out of veterans' health care, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I associate myself with the ranking member and the chairman, the gentleman from New York (Mr. WALSH), in rising in opposition to this amendment, and I would like to clarify some misconceptions about the language its sponsors are attempting to remove from our bill.

Contrary to some of the Dear Colleagues and other letters that have been circulated, the language in the VA-HUD bill does one thing, it prevents the VA from taking funding from the veterans' medical care account to pay for lawsuits against tobacco companies.

Our committee language does not, I emphasize, does not prevent the VA from giving the Justice Department money to pursue their lawsuit, so the gentleman's amendment is not necessary.

Frankly, I am no friend of tobacco, of the industry, but we have not worked so hard on our committee in a bipartisan way to increase the medical accounts over the past 4 years and the VA's budget on behalf of our veterans to see the administration and the Department of Justice push our veterans

out of the way so they can flog tobacco companies using funding from this and other appropriations bills.

The statistics are grim. An estimated 30,000 veterans from the World War II era are dying each month. These men and women need medical care today, not 3 or 4 years down the road. That is why none of this critical funding should be diverted from their medical care, care that they have more than earned and deserve. Too much has been taken away from our veterans already to deal them this additional blow.

For those who might forget or wish to forget, the TEA-21 bill signed by the President in 1998 and sponsored by a majority in this Chamber, and supported by them, cut veterans' disability payments for smoking-related illnesses by \$14.4 billion to pay for highways and other important transportation projects. I voted against this bill because that \$15.4 billion should have been spent on compensating veterans with tobacco-related illnesses, or redirecting it into paying for veterans' medical care for veterans with smoking-related illnesses, as well as other veterans, instead of paving more highways and building more roads and taking care of more worthwhile projects.

Now, the administration is proposing to take \$4 million from the fiscal year 2001 allocation for veterans' medical care accounts to pay the Justice Department's legal expenses to sue tobacco companies.

Some have argued to me that \$4 million is a small amount of money and its diversion makes little difference overall to veterans' medical care. But I can tell the Members, \$4 million would provide for veterans in my district a lot of necessary things related to Hepatitis C, related to prescription drugs.

Our committee language already allows the VA to use funding from somewhere else within its budget, just not from an account that directly pays for veterans' medical care. There are a number of other accounts within the Department of Justice that the VA can take money from, including departmental administration, general operating expenses, medical administration and miscellaneous operating expenses, construction, major and minor projects, other types of grants.

These accounts total over \$1.36 billion, and the VA cannot find \$4 million from those accounts to pay for this lawsuit? That is incredible. The Secretary should cut his own budget and reduce administrative overhead before he raids the veterans' medical care accounts to comply with White House directives.

The VA should use every dollar appropriated for veterans' medical care to provide for the men and women who fought our wars, and to "care for him who shall have borne the battle."

I do not oppose lawsuits against the tobacco industry. I certainly do not re-

ceive any financial contributions from them. I do oppose the use of veterans' medical care dollars to pay for the Justice Department's lawsuit.

□ 1800

In closing, let me repeat that this language does not prohibit the VA from participating in the lawsuit. Our committee language does protect veterans' medical care dollars to make sure they are spent today for the reason they were intended, to provide for the 25 million men and women in this country who bore the cost of battle and who have fought to defend our Nation's freedom.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from California (Mr. WAXMAN) and my colleagues and my amendment. This is not about taking money out of the medical care budget. This is about taking money, \$4 million, that is for medical care litigation. That is when the Veterans Administration has an opportunity to go out and get money that is owed to them, then they go to court and litigate.

Now what better expenditure than to expend that litigation money on fighting the tobacco companies? We have seen Attorneys General from across this country litigate and take the lead, before the Federal Government and this Congress did, to litigate against the tobacco industry; and they won \$246 billion to repay Medicaid costs related to tobacco.

Why is this such a good investment to take the tobacco companies to court? Well, I will tell my colleagues why it is a good investment. The gentleman from California (Mr. WAXMAN), who has offered this amendment, had hearings before the Congress. The tobacco companies came before the Congress; and they said their product, under oath, did not addict people. They said their product, under oath, was not addictive, was not harmful to health.

Then we found out when we looked at internal documents that, in fact, they knew the dangers and the death and destruction that this product was causing. We are talking about veterans, many of whom started smoking in the 1950s and the 1960s when there were no warnings on cigarette packages then.

There were days when the veterans used to get free cigarettes from the tobacco companies. I wonder why they gave them free cigarettes? We now know that in the 1950s and the 1960s they were conducting studies. They knew of the addictive propensity of their product, and they knew they were addicting people to their product.

It is time that we make the veterans and the Veterans Administration whole. We should get back what is owed to the veterans, what is owed to

the Veterans Administration. That is why this expenditure for litigation makes so much sense. Why do you think the tobacco companies settle for \$246 billion? They were cutting their losses.

We have a great opportunity here to make whole expenditures for veterans health care cost. What a great time to do it, at a time we are trying to meet our commitment to our world or to veterans for health care, at a time when consolidation is causing anguish among veterans all across the country.

In Veterans Administration facilities, many of these veterans are there because of health-related costs that they got from smoking tobacco, from smoking cigarettes at a time when tobacco companies told them it was not dangerous, at a time when tobacco companies did not warn them of the dangerous propensities.

That is why we go to court, that is why we have this civil lawsuit, and that is why we are looking to make whole the Veterans Administration and make whole the veterans of this country and others who were victims. We are talking about representing victims in court.

We have a \$4 million litigation account where the Veterans Administration takes and says, where can we make whole our expenditures in health care. How can anybody argue that the proper place for the Veterans Administration, too, to be made whole for health care cost than going after big tobacco.

We have been remiss in not going after the tobacco companies earlier. We have let the Attorneys General take the lead on it. We have let State legislatures all over the country take the lead on taking on big tobacco while the Congress has sat back and waited.

What would we do if Jeffrey Wigand had not had the courage to come forward and tell us as a scientist from one of the major tobacco companies that, as a scientist, they were manipulating the nicotine in their products, knowing it was addicting people? That is what this liability is all about.

This is not a partisan issue. A cosponsor of this amendment is the gentleman from Utah (Mr. HANSEN), Republican, cochair of the Tobacco Task Force on Health in the Congress, an outstanding Republican Member of this body. He is a cosponsor of this amendment. So this is not a partisan amendment.

It is not about politics. It is about whether or not the Federal Government is going to move forward and try to find a way to make whole the Veterans Administration, that nearly \$4 billion a year that has to be accounted for. In fact, in the 105th Congress, we told the Attorney General and the Secretary of Veterans Affairs in the Transportation Equity Act for the 21st Century that they should take, and I quote

again, "all steps necessary to recover from the tobacco companies amounts corresponding to the losses and the costs which would be incurred by the Department of Veterans Affairs for treatments." We told them to go get this money.

Support the Waxman amendment.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all recognize that it is politically correct to be able to attack the tobacco industry in its totality today. In the spirit of full disclosure, I will have to admit that I do represent a large number of tobacco farmers. But this really has nothing to do about tobacco farmers.

The Waxman amendment, as has been said by many people before I am speaking right now, indicates, and it is true, that under the Waxman amendment, the Department of Justice will be able to take money from the veterans' medical care dollars to finance a speculative lawsuit under the theory of which the Federal Government has never filed one like this before. So that is one reason to oppose this amendment, that it would take veterans medical care dollars to finance the lawsuit.

Now, in September of 1999, the Federal Government filed this lawsuit seeking \$25 billion to recover money spent by the Federal military and civilian insurers on smoking-related illnesses. Prior to that, the State attorneys general had filed a lawsuit in which the tobacco companies entered into an agreement to settle for about \$246 billion over 25 years.

I would just point out that, in 1999, all of the money that was spent on veterans' medical care in the United States amounted to about \$17 billion in 1999. I think it will also be interesting to know that the legal fees alone in the State lawsuits amounted to almost \$12 billion. So there was almost as much money paid in legal fees in that lawsuit as there was spent for veterans' medical care in its totality.

Now, another reason that I would oppose the Waxman amendment is the simple fact that Federal and State governments have known for more than 30 years that smoking does create health risks. Yet, with that knowledge, they all permitted the sale of tobacco products and profited nicely from it, indeed enormously from it from the excise tax. Not only did the Federal Government profit from the excise tax for the sale of tobacco products, but the Federal Government gave cigarettes to its young men and women serving in the military around the world.

So how can now the Federal Government tell tobacco companies that they may lawfully sell a product that the Federal Government knew would cause injury and then turn around and sue the companies for causing the injury that they knew would be occurring.

That is another reason that I would oppose the Waxman amendment.

Then a fourth reason I would simply say this, that the Justice Department's complaint is only the most recent, and I am sure it will not be the last effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not win in the Congress. So since they cannot win in the Congress, they go to the courts under novel theories of law to collect on something that the Federal Government already knew was harmful and, furthermore, gave it to men and women serving in the military around the world.

So those are four of the reasons that I would ask the Members to oppose the Waxman amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we often are on this floor wringing our hands about why the public treats us so contemptuously and thinks so little of us all too often when we know we are here to do the people's work. But every once in a while, a bill comes along that reinforces that low esteem that the American public has for us, and this is one of them. The fact that there is an effort right now, an organized effort to protect the tobacco industry from the lawsuits. That is why I am here to strongly support the amendment of the gentleman from California (Mr. WAXMAN) and others to get rid of this rider.

Now, I have heard the arguments, oh, well the Justice Department can use its own money, or the Justice Department can get it from another fund. But there are all these other efforts going on at the same time which everybody knows about that would prevent any money, even a single dollar going.

We have got riders coming up in the Commerce Justice bill. There are riders all over the place that are trying to thwart these lawsuits against the tobacco industry. It would be more credible if it were not for the fact that the veterans are all for these lawsuits going forward, including the American Legion. Four of them have endorsed the Waxman amendment. The Veterans of Foreign Wars, AmVets, Paralyzed Veterans of America, Disabled American Veterans have explicitly endorsed this amendment that would allow these lawsuits to go forward and this small amount of money, relatively small amount of money from a litigation fund to go after the tobacco companies.

Why should we not? Tobacco-related illnesses cost the Federal taxpayers approximately \$25 billion a year, excluding the Federal share of Medicaid, excluding the Federal share of Medicaid.

The Medicare program pays \$20.5 billion annually to treat tobacco-related illness. The Department of Defense pays \$1.6 billion. Indian Health Services pays \$300 million. The Veterans

Administration pays \$4 billion, not \$4 million, \$4 billion a year to treat tobacco-related illnesses.

So why not take a portion of that overall fund, not the fund directly going to services, but the litigation fund to try and get some of that money back?

I will tell my colleagues, I think that the American people understand that tobacco is costing them, it is costing them and their families and their lives, and it is costing their taxpayer dollars. These thinly veiled efforts to protect the tobacco industry are not going to be viewed very well by the American people. We should all stand up together, Republicans and Democrats, because I agree this is not and should not be a partisan issue. We should stand up together and support this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the provision that this amendment seeks to strike reeks of tobacco, it reeks of special interest, and it reeks of injustice. I think that this rider, and of course there has been considerable competition through the years, but it is truly the most disgusting that I have seen since this same crowd came to this same House and snuck into a bill for small business tax relief, \$50 billion in a tax credit for the same tobacco industry, so disgusting that once it was exposed, they had to back off and remove the provision.

□ 1815

Indeed, that action is one of the only bits of action that this House of Representatives has taken during the last 6 years to deal with that plague of nicotine addiction that kills thousands every day in this country.

To those who say turn to the legislative branch instead of the judicial, Americans can look at what has happened in the last 6 years and rightly say that the tobacco industry has a stranglehold on this House. Sometimes we can prevent it from doing more wrong, but we have been totally unable to overcome the tremendous strength of the tobacco industry over the current leadership of this House to do anything affirmatively for the 3,000 children that every day will become addicted to tobacco.

Supporters of this provision have the audacity to say we will not do anything about the children and their suffering from tobacco, and the fact that so many will eventually die from emphysema and lung cancer and heart disease, but we can find it in our schedule and in our hearts to provide more special interest treatment for this same industry. The friends of tobacco have the audacity to stand on this floor this evening and tell the American people that they are not terminating this lawsuit, they are just cutting off the funds necessary to its success.

Let me ask my colleagues if they think Phillip Morris and RJR, and all the other big tobacco companies, are going to spare any funds when they are dealing with any thick-carpet lawyer in the country who will take their dirty money to defend them in this case. No, they are going to have an open checkbook. They are going to spend whatever it takes to obstruct the justice that this case deserves.

I stood next to Janet Reno earlier in the day, with the gentleman from California (Mr. WAXMAN) and leaders of our veterans' organizations, and heard her say in no unqualified terms that the effect of a vote against this amendment is a vote to dismiss the well-justified claims of American taxpayers against the tobacco industry. The provision that we are voting on tonight is testament to the weakness of big tobacco's legal case. They are seeking a motion to dismiss not in a court of law, relying on the justice system; no, they have come here to the Congress, a Congress that they have worked over pretty well through the years, particularly in election years. And they have asked the Congress to grant the motion to dismiss. This is just the latest underhanded maneuver in which they have engaged.

What is at stake here is a rather clear choice. It is a choice between defending our veterans who have defended us or defending the continued wrongs of the tobacco industry. I believe we ought to stand with the veterans. They were there today with Attorney General Reno also, one veteran group after another, the Paralyzed Veterans, the Disabled American Veterans, the Veterans of Foreign Wars, the AMVETS, speaking out and asking us to defend interests, as they were willing to defend our country, by supporting the Waxman amendment. We owe them nothing less.

And, of course, this is not the first time that big tobacco has trampled our veterans, just as they have trampled on our children. In each of the last two years I have advanced legislation in this Congress to give our veterans their fair claim against Saddam Hussein and his Iraqi assets that have been frozen for a decade. But big tobacco said, no, we want to go first. We want to get reimbursed for all the cigarettes we sold the Iraqis before our veterans get reimbursed on their just claims. It is that same kind of greedy attitude that they bring tonight to this House, saying that they deserve immunity, which is what they would effectively gain if the Waxman amendment is defeated—immunity to continue committing the same wrongs they have been engaging in previously.

The American people have a much greater understanding of the wrongs done by the tobacco industry than this Congress has demonstrated over the last 6 years. 430,000 people every year

will die as a result of tobacco, thousands will require care in hospitals and hospices. We ought to be able to remove at least some of the tremendous cost of the care incurred for the American taxpayer and for the American veteran.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Waxman amendment.

I do this as a public health nurse, for I have seen firsthand the serious consequences of smoking-related illnesses, and I am appalled at the behavior of the tobacco firms. This is a time when accountability is called for.

We speak here today on behalf of our constituents. And I am speaking on behalf of the veterans I represent. I know their national leaders were here today testifying to the Justice Department, but they have spoken to me directly and to many of us across this country, as they are bearing the price for what has happened throughout the decades as a result of their exposure and addiction to tobacco in the call of their military duty. We need to speak for them.

I speak also for other citizens in my district, citizens who are aware and are aroused by the injustices that have been done. I think of a particular physician in San Luis Obispo, Dr. Steve Hanson, tireless in his work on tobacco-use prevention among young people in our community but also on the need for treatment to be available, working through the American Medical Association and the San Luis Obispo Medical Society, an articulate voice on behalf of the justice that needs to be done in this case.

This amendment will allow for the continuation of litigation to recover tobacco-related health costs that have burdened the American taxpayer for many years. The cigarettes that were put into GI rations and unwittingly caused addictions are now being borne out in the health and illness situations of so many of our seniors who are veterans and who are paying terrific consequences with their lives, suffering from emphysema, heart disease, and cancer as they are aging. These individuals need and cry out for a response that needs to be stimulated and encouraged in this body.

Janet Reno has stated that if this rider to the VA-HUD appropriation passes, the Department of Justice would have no ability to continue in their crucial litigation on behalf of veterans. This amendment protects veterans. Under the Medical Care Recovery Act, any recovery of these tobacco costs would go directly to the VA and defense health programs.

As Members consider their votes, I urge them to remember that the tobacco companies concealed what they knew about the damaging health effects of smoking for decades. During

those same decades, the consequences of smoking were played out in the lives of citizens across this country, and veterans' lives as well; and the cost has been borne by everyone. No other industry is close to matching the cigarette companies' record of misconduct and harm to the public interest.

If Congress intervenes in the judicial with this VA-HUD rider, the tobacco industry will receive unprecedented and unwarranted protection that will never be available to other more responsible companies. So Congress must hold Big Tobacco accountable, and I encourage my colleagues to vote "yes" on the Waxman amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not plan to speak on this amendment, but I was listening to the discussion back in my office and I thought, how silly do we think the American people are.

I think it was 62 years ago, I am 72 at the present time, when my mother and father said, There will be no use of tobacco in this house; it is addictive and it is injurious to your health. That was 62 years ago, and here we stand and we say, boy, people lied to us and we did not know it. Now, my colleagues know that that is nonsense. We have known it for a long, long, long, time.

But I am also surprised when we stand down here and we talk about the cost of tobacco. There is not anyone, probably in this House, who is a leading campaigner against the use of tobacco. One of our young Congressmen when I first came here, a diabetic, a chain smoker, I tried and tried and tried my best to help him break the habit, but he could not and he died very young.

I am amazed when we talk about the cost, when no one talks about alcohol. My attorney general came to me and said, we have to have this money; we have to have this money, boy, the cost to Medicaid and Medicare. And I said, wait a minute, the cost to Medicaid and Medicare, the cost to veterans health? Talk about alcohol. It is only about 10, 12, 15, 20 times as great in relationship to the cost, but it goes way beyond that. Abusive in the home, physical abuse, mental abuse, and on and on the list goes. And yet somehow or other we do not take that on because, I suppose, it is socially acceptable; and so we talk about tobacco.

Then someone indicated that, well, tobacco has their hands on the Congress. Well, tobacco may have their hands on some individuals in the Congress, as it does on individuals all over the country, but it has nothing to do with one's ability to think clearly about the issue. So, again, I just do not understand what it is we are trying to do in relationship to this amendment other than try to confuse the public that somehow or other there are few in

this Congress who really are fighting this issue and that we did not know it was addictive and we did not know that it caused health problems, when, of course, we have known that for 50, 60, 70, 80 years.

In the last 20 or 30, as a matter of fact, signs have been everywhere, and put there by the Government, indicating that it is injurious to our health and that it is addictive.

So I think we ought to switch. If we want to move money, move it, but then give a good reason for doing it. But, for goodness sakes, we should not try to make the public think that we know more than they, and that they do not know already that it is an addictive issue and it is also a health problem.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman-Hansen-Evans-Meehan amendment. This amendment will remove the rider in this bill that prohibits the Department of Veterans Affairs from aiding the Justice Department in its suit against Big Tobacco.

And in response to my friend, the gentleman from Pennsylvania, I would say that tobacco is addictive. It has been proven to be addictive. And alcohol has caused all sorts of problems in this country, there is all sorts of abuse of alcohol; but it is not addictive in the same way.

No industry, no industry deserves a special exemption from Federal liability, and without help from the VA, the Justice Department will have to drop its suit against the big tobacco companies. We should not be legislating special protections for an industry that has lied to the Congress and deceived the American people.

The VA spends more than \$4 billion annually treating tobacco-related illnesses. If the Justice Department's suit is successful, and I believe that it will be, the VA will recover billions of dollars spent on health care for veterans. If this amendment fails, then the bill will prevent the VA from obtaining billions of dollars to help veterans who suffer from tobacco-related illnesses.

Why should we not help those veterans? They need our help, and we ought to stand with them. We should not be trying to bail out Big Tobacco.

This amendment does not take \$1 away from veterans' health care. It uses money in the VA's administrative and legal expenses account to help fund the suit against Big Tobacco. Yet the tobacco companies are spending enormous amounts of money and working hard to convince Members that the Waxman amendment takes away from veterans' health care. That is absolutely false.

In 1998, we passed a highway bill here in this House that became law. And in that legislation is language that urges the Attorney General and the Secretary of the VA to sue the tobacco

companies so that money could be recovered to go to veterans' health care. And what we see in this bill today is a provision that would nullify what we did in 1998. It would prevent that money from being used, the litigation money, from being used to recover money for our veterans.

Since when, Mr. Chairman, have the tobacco companies cared about the health of the American people? They make a product, which used as directed, kills people. Their future prosperity depends on enticing young people to take up smoking. They swore they were not doing that just a few years ago, and we have found since that it was not true.

The tobacco companies want relief from a legitimate lawsuit at the expense of our veterans. A vote for this amendment is a vote for veterans' health care and against the unlimited greed of the tobacco industry. Vote "yes" on the Waxman amendment.

Ms. STABENOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very proud today to stand as one of the sponsors of this amendment. I want to thank my colleagues, the gentleman from California (Mr. WAXMAN), the gentleman from Illinois (Mr. EVANS), the gentleman from Utah (Mr. HANSEN), and the gentleman from Massachusetts (Mr. MEEHAN), for their leadership on this issue.

I stood on the floor a year ago asking that we fully fund veterans health care through the independent budget. We were not successful at that time, although there was a lot of discussion about the importance of veterans' health care. We have yet to fully fund at the level that has been put forward by the veterans' organizations to fully fund veterans' health care.

This amendment is supported by the Veterans for Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS. This amendment is about keeping our word. Very simple. It is very simple. As my colleagues have said, in 1998, in the transportation bill, we said that dollars would be removed for service-related tobacco illnesses. Rather than moving ahead at that time, in fact, we called on the VA, in the budget bill, to take all steps necessary to recover from the tobacco companies.

□ 1830

So this was 2 years ago we passed a bill that says all steps necessary to recover from the tobacco companies. Two years later, we are here with a bill that says they cannot sue the tobacco companies.

What happened in the last 2 years? What happened is a sleight of hand and an unwillingness to keep commitments that were made to our veterans just 2 years ago. And I am deeply concerned

about that. We told them that they had to be part of the tobacco suit to recover costs so that they could treat tobacco-related illnesses. Now we are saying they cannot do that. It does not make any sense.

We know that the VA spends \$4 billion annually on treating tobacco-related illnesses, the Defense Department spends \$1.6 billion. If we allow them to continue to be a part of the suit, under the Medical Care Recovery Act, any recovery of costs will be returned back to them so that our veterans can be cared for. And this is tens of billions of dollars.

In addition to that, there are implications for the Medicare Trust Fund that are very important. Medicare spends \$20.5 billion a year on tobacco-related illnesses for our older Americans, seniors, disabled. Under the suit, the Medicare Secondary Payor Provisions, any recovery of these costs would go right back to Medicare; and if the lawsuit is funded and successful, these dollars could add years to the solvency of the Medicare Trust Fund, continue health care for older Americans and the disabled for years into the future, and, most importantly, allow us to fund a prescription drug benefit.

I have been deeply involved in this issue. For the last year, I have had a hotline set up in the State of Michigan asking people to share their stories of situations where they are struggling to pay the costs of prescription drugs. I have been deluged with letters and phone calls, people sitting down every night at the table, do I get my food? do I pay my electric bill? or do I get my medications?

If we allow this lawsuit to go forward, we can do something about that. If we allow these funds to be transferred to support this effort, we can hold an industry accountable that needs to be held accountable and we can make sure that our veterans have the commitment kept to them that we made 2 years ago to support their efforts to increase dollars available for veterans' health care as a part of this lawsuit.

It is time to stop protecting the tobacco companies in this House of Representatives, and it is time to start keeping our word to our veterans.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Waxman amendment. The legislation that we are considering right now that the gentleman in California (Mr. WAXMAN) and others seek to amend should have, in fact, some help from the Government Printing Office so that the package around this legislation has a warning label that states, "Warning: this legislation may be hazardous to your health and the health of every American who has a family member who smokes."

Part of me, Mr. Chairman, cannot believe that we are actually on the floor engaged in a debate about whether or not the tobacco companies should be granted immunity against Federal lawsuits. And then part of me realizes that I should not be surprised at all.

Two years ago, the tobacco companies came before the Committee on Commerce and swore that the proposed settlement worked out with the State did not contain immunity for their industry. The CEOs claimed that they wanted to work with us, that it was the dawn of a new era. And yet, at the same time, they hired a public relations firm to develop a cynical \$20 million ad campaign to, quote, create the basis for an exit strategy, ideally, that the industry made a legitimate offer and that the politicians played politics and made a mess out of it.

Well, their cynical ploy worked. Congress killed comprehensive tobacco legislation after the industry poured millions of dollars into the Republican campaign coffers. Well, Mr. Chairman, they get what they pay for. No comprehensive tobacco legislation. And now let us stop the Justice Department from suing to get back some money for the American taxpayers.

Under the underlying bill that we are debating today, a rider stuck to it will de-fund the tobacco litigation that the Department of Justice has initiated on behalf of the Departments of Veterans Affairs and Defense and Health and Human Services. In fact, the language in this bill states, in the most direct terms, that no money budgeted for litigation support may be used for the purposes of supporting litigation against tobacco companies.

This is outrageous, Mr. Chairman. The Federal Government spends \$20 billion annually on Medicare related to tobacco-induced illness costs. The same thing is true for the VA. The same thing is true for Indian services. All the way down the line.

Now, what a message that this bill sends. It says, no day in court for our seniors who rely on Medicare, no day in court for our veterans, no day in court for our men and women in uniform, no day in court for Native Americans, no day in court for the millions upon millions of Americans ravaged by tobacco-related illnesses.

It is bad enough that the 1997 balanced budget amendment cut so much money out of Medicare, but it compounds the crime immeasurably to then say that the Federal Government cannot sue to collect money from the tobacco industry that can be used for the health care of these ordinary Americans.

Four hundred, thirty thousand Americans die each year from tobacco-related deaths. Four hundred, thirty thousand Americans die each year. One in five deaths in the United States are related to tobacco-related illnesses.

Three thousand kids every single day in the United States take up smoking. Three thousand a day. One thousand of them are going to die from a tobacco-related illness.

The veterans who 30 and 40 and 50 years ago were given packs of cigarettes, they were given, basically, a one-in-three chance of dying from the addiction that would be caused by that free pack of cigarettes which was handed to them. We owe these veterans and we owe all who have suffered from tobacco-related illnesses the right to be able to go to court, the right to be able to say to those who were the primary cause of illness in our society that they must pay those families and the Federal Government for what they have done.

We are at the dawn of a new century. One in three babies born in the United States today has a chance of living to the age of 100. We, we who hold out so much promise for this country, have it within our power to do something to ensure that there is, without question, the strongest possible disincentive created for the tobacco industry doing in the 21st century what it did in the 20th century to the health of our veterans.

PREFERENTIAL MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 243, not voting 53, as follows:

[Roll No. 292]

AYES—138

Ackerman	Deutsch	LaFalce
Allen	Dicks	Lampson
Andrews	Dixon	Lantos
Baca	Doggett	Larson
Baird	Dooley	Lee
Baldacci	Doyle	Lewis (GA)
Baldwin	Edwards	Lipinski
Barcia	Eshoo	Lowe
Becerra	Farr	Lucas (KY)
Berman	Filner	Luther
Berry	Ford	Maloney (CT)
Blagojevich	Frank (MA)	Markey
Blumenauer	Gejdenson	Mascara
Bonior	Gonzalez	Matsui
Borski	Green (TX)	McCarthy (MO)
Boucher	Hall (OH)	McDermott
Boyd	Hastings (FL)	McGovern
Brady (PA)	Hilliard	McIntyre
Brown (OH)	Hinche	McKinney
Capps	Hinojosa	McNulty
Capuano	Hoefle	Meehan
Cardin	Holden	Meek (FL)
Carson	Holt	Millender
Clayton	Hoyer	McDonald
Conyers	Jackson (IL)	Miller, George
Coyne	Jefferson	Moakley
Cramer	Johnson, E. B.	Moran (VA)
Crowley	Jones (OH)	Nadler
Cummings	Kanjorski	Napolitano
Danner	Kaptur	Neal
Davis (FL)	Kennedy	Oberstar
Davis (IL)	Kildee	Obey
Delahunt	Kilpatrick	Olver
DeLauro	Kucinich	Pallone

Pascarell	Skelton
Pastor	Slaughter
Pickett	Snyder
Pomeroy	Spratt
Rangel	Stabenow
Rush	Stark
Sabo	Strickland
Sanchez	Tauscher
Sanders	Taylor (MS)
Sandlin	Thurman
Sawyer	Tierney
Schakowsky	Towns
Sherman	Udall (CO)

NOES—243

Abercrombie	Gordon	Pombo
Aderholt	Goss	Porter
Archer	Graham	Portman
Armey	Gutierrez	Price (NC)
Baker	Gutknecht	Pryce (OH)
Ballenger	Hall (TX)	Radanovich
Barr	Hansen	Rahall
Barrett (NE)	Hastings (WA)	Ramstad
Barrett (WI)	Hayworth	Regula
Bartlett	Hefley	Reyes
Barton	Herger	Reynolds
Bass	Hill (IN)	Riley
Bateman	Hill (MT)	Rivers
Bentsen	Hilleary	Rodriguez
Bereuter	Hobson	Roemer
Berkley	Hoekstra	Rogers
Biggart	Horn	Rohrabacher
Bilirakis	Hostettler	Ros-Lehtinen
Bishop	Houghton	Roukema
Bliley	Hulshof	Royce
Blunt	Hutchinson	Ryan (WI)
Boehlert	Hyde	Ryan (KS)
Boehner	Inslee	Salmon
Bonilla	Isakson	Sanford
Bono	Istook	Saxton
Boswell	Jackson-Lee	Scarborough
Brady (TX)	(TX)	Schaffer
Bryant	John	Scott
Burr	Johnson (CT)	Sensenbrenner
Buyer	Johnson, Sam	Serrano
Callahan	Jones (NC)	Sessions
Calvert	Kelly	Shadegg
Camp	Kind (WI)	Shaw
Canady	King (NY)	Sherwood
Castle	Klecza	Shimkus
Chabot	Knollenberg	Shows
Chambliss	Kolbe	Simpson
Chenoweth-Hage	Kuykendall	Sisisky
Clay	LaHood	Skeen
Clement	Latham	Smith (MI)
Clyburn	LaTourette	Smith (NJ)
Coble	Levin	Smith (TX)
Collins	Lewis (CA)	Smith (WA)
Combest	Lewis (KY)	Souder
Condit	Linder	Spence
Costello	LoBiondo	Stearns
Cox	Lucas (OK)	Stenholm
Crane	Manzullo	Stump
Cubin	McCarthy (NY)	Stupak
Cunningham	McCrery	Sununu
Davis (VA)	McHugh	Sweeney
Deal	McInnis	Talent
DeFazio	McKeon	Tancredo
DeGette	Menendez	Tanner
DeMint	Metcalf	Tauzin
Diaz-Balart	Mica	Taylor (NC)
Dickey	Miller (FL)	Terry
Dingell	Miller, Gary	Thomas
Doolittle	Minge	Thompson (CA)
Dreier	Mink	Thompson (MS)
Duncan	Mollohan	Thornberry
Ehlers	Moore	Thune
English	Moran (KS)	Tiahrt
Etheridge	Morella	Toomey
Evans	Nethercutt	Traficant
Everett	Ney	Turner
Foley	Northup	Udall (NM)
Forbes	Norwood	Upton
Franks (NJ)	Nussle	Vitter
Frelinghuysen	Ortiz	Walden
Frost	Ose	Walsh
Gallegly	Packard	Wamp
Ganske	Paul	Watkins
Gekas	Pease	Watts (OK)
Gibbons	Peterson (MN)	Weldon (FL)
Gilchrest	Peterson (PA)	Weldon (PA)
Gillmor	Petri	Weller
Goode	Phelps	Whitfield
Goodlatte	Pickering	
Goodling	Pitts	

Wicker	Wise	Young (AK)
Wilson	Wolf	Young (FL)

NOT VOTING—53

Bachus	Fowler	Martinez
Bilbray	Gephardt	McCollum
Brown (FL)	Gilman	McIntosh
Burton	Granger	Meeks (NY)
Campbell	Green (WI)	Murtha
Cannon	Greenwood	Myrick
Coburn	Hayes	Owens
Cook	Hooley	Oxley
Cooksey	Hunter	Payne
DeLay	Jenkins	Pelosi
Dunn	Kasich	Quinn
Ehrlich	Kingston	Rogan
Emerson	Klink	Rothman
Engel	Largent	Roybal-Allard
Ewing	Lazio	Shays
Fattah	Leach	Shuster
Fletcher	Lofgren	Vento
Fossella	Maloney (NY)	

□ 1859

Messrs. SHOWS, LAHOOD, McINNIS and BENTSEN changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYES. Mr. Chairman, I was unavoidably absent from the vote earlier this evening. Had I been here, I would have voted against the motion to rise—rollcall vote 292.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

□ 1900

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Waxman-Hansen-Meehan amendment. Tobacco use is responsible for 430,000 premature deaths each year. Smoking kills by causing chronic lung disease, coronary heart disease and stroke, as well as cancer of the lungs, larynx, esophagus, mouth and bladder.

Tobacco use is the leading cause of premature death in the United States, Mr. Chairman. It causes one out of every five deaths. In fact, tobacco use causes twice the number of deaths caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined. Tobacco causes twice the number of deaths of all of those diseases and accidents combined. If current trends continue, an estimated 25 million Americans who are alive today will die prematurely from smoke-related illnesses, including an estimated 5 million children.

Tobacco-related illnesses cost the Federal taxpayer approximately \$25 billion a year, excluding the Federal share of Medicaid.

To have a provision that prohibits the Veterans Administration from transferring funds to the Justice Department to support litigation against the tobacco companies is wrong, and I would hope this Congress would be able to stand up and say, no, we want to be able to have some repayment for the diseases and illness that our veterans have been afflicted by.

The Medicare program pays approximately \$20.5 billion annually to treat tobacco-related illnesses; the Veterans Administration pays in excess of \$1 billion per year. The Department of Defense pays \$1.6 billion per year. The Indian Health Services pays \$300 million a year. In addition, tobacco-related health costs the Medicaid program nearly \$17 billion a year, of which Federal taxpayers pay nearly \$10 billion. Overall public and private payments for tobacco-related care totaled nearly \$90 billion in 1997.

Mr. Chairman, to remove VA appropriations for the tobacco litigation hurts our veterans. It is our duty to provide as many dollars as possible for our vets, especially since our government encouraged tobacco use and tobacco addiction by our young service personnel, not only during World War II but during the Korean War.

Mr. Chairman, I am reading a book now about the Chosin Reservoirs and the heroes of that Korean War, particularly the Chosin Reservoir, and instance after instance, when the temperature, was well below zero, oftentimes the only thing they had were cigarettes. Those cigarettes were provided by our government.

Those Korean War veterans are up in years. We should be able to provide for them to be treated in our VA hospitals, and, again, not just by the dollars we appropriate, but by the dollars that we can generate from litigation because of their addiction and the diseases that they have because of that.

Again, this amendment is supported by the Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans, and AMVETS; and I think, Mr. Chairman, particularly this year, less than 2 weeks ago, we talked about it at our Memorial Day services all over the country, in recognizing our veterans' contribution that in this year, particularly, since we are recognizing Korean War veterans that the Waxman-Hansen-Meehan amendment should be adopted, and we should remove this provision.

I would hope that no matter what appropriations bill we come to, that we would not tie the hands of the Justice Department to say, no, we need to have tobacco-related lawsuits. Again, it is not our decision it, is up to the judges or the juries ultimately; but it would allow for us to recoup that money to be able to again treat more veterans for hopefully other illnesses that are not tobacco related and thereby provide it back to the veterans' program next year and the year after.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the Chair.

ENROLLED BILLS SIGNED

The SPEAKER pro tempore. The Chair lays before the House the fol-

lowing enrolled joint resolution and Senate bills.

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, decades of deceit by the tobacco industry has caused Federal taxpayers to spend billions for smoking-related illnesses.

The Justice Department is seeking recovery of these funds, as well as injunctive relief to stop the companies from marketing to children and engaging in other deceptive and illegal practices. They need to be able to have the resources for that suit. Now, the beneficiaries of that suit would be the Departments of Health, Education and Welfare, or the Health Care Financing Administration, who has spent so much money on Medicare and Medicaid reimbursement for tobacco-related illnesses, and the Veterans Administration, because so many thousands of veterans have suffered and died from tobacco-related illnesses.

This amendment would say that the Veterans Administration cannot move this money to the Justice Department to prosecute these cases. The idea, the reason, the motivation is so that this suit cannot go forward.

The Veterans Administration spends \$4 billion a year treating tobacco-related illnesses. We passed a law, the Medical Care Recovery Act, that says that any costs recovered by the Justice Department would be returned to the Veterans Administration. They desperately need that money. Why would we not seek that money from what is the source, the cause of much of that suffering and death?

This rider is wrong. It should not have been attached to this bill. For decades, tobacco companies have deliberately misled Americans regarding the risks and the harmful effects of smoking while 400,000 people have died each year from tobacco-related illnesses.

As recently as 1998, within the last 2 years, the chairman of Phillip Morris testified under oath and said, I am unclear in my own mind as to whether anybody dies from cigarette smoking-

related illnesses. That man is an intelligent, otherwise responsible man, so he must have been deliberately trying to deceive the court and the American people.

In my mind, there can be no other conclusion. That is not tolerable. If this Congress is not willing to reimburse the Veterans Administration for the costs of this deception, then we should do it for the 3,000 teenagers who start smoking every day, at least for the 1,000 who will die because they did.

This amendment should be supported. It is the right thing to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is no better term for this rider of which the Waxman amendment addresses than the smoke and mirrors rider, the misrepresentation rider, the distortion rider. The legislation to prohibit a legitimate litigative approach to redeeming billions and billions of dollars or at least millions and millions of dollars that have been utilized by this government in its various medical care accounts to treat tobacco-related illnesses.

It is long overdue. Now, one might read this particular rider as an amendment that is on a white horse, a good amendment, a good rider, because it seems to suggest that the bad guys are trying to take minimally \$4 million out of VA, and that money would impact or take away from caring for the veterans of this Nation. That is why it is the smoke and mirrors rider, and that this amendment to strike of the gentleman from California (Mr. WAXMAN) clarifies and tells the truth.

□ 1915

In actuality, this amendment is taking or striking monies that the administration had already designated in a VA litigation account, separate and apart from any dollars dealing with the medical needs of our veterans, and this amendment specifically states that there would be no provision that would take the \$4 million out of any of the accounts that would deal with VA health care. Plain and simple.

What this rider does not say is that its basic initiative is to be hand and glove with the tobacco industry. Its basic premise is to ensure that this government does not rightly have the opportunity to engage in legitimate litigation in the courts of law to redeem the funds that have been paid, hundreds of billions of dollars, as we have paid in Medicare, Medicaid and VA health needs, because people have been injured and have been ill and even died from tobacco-related injuries or illnesses.

It is interesting to note that this is \$4 million which we talk about, but yet we find the Department of Veterans Affairs and the Department of Defense

have spent \$4 billion and \$1.6 billion respectively per year treating tobacco-related illnesses.

Now, Mr. Chairman, you would think that that dwarfs this simple process which the administration has designed to rightly have the Department of Justice secure from HHS, Health and Human Services, the Department of Veterans Affairs and other agencies that would rightly benefit from the refund of dollars gained by prevailing litigation that says we have been wrongly required to pay for these needs of these particular citizens who have fallen ill, and, now, after determining the untruthfulness of the executives of the tobacco company who represented that tobacco was not addictive and then were found out and who have, in certain instances, settled these cases and, in other instances, lost in courts of law in various States, such as the settlement we have and the litigation in the State of Florida.

How can we then deny the opportunity for this amendment to prevail in order to allow this litigation to go forward? Do we know what else is damaging and happening? Do we realize that 430,000 of our citizens die prematurely because of tobacco use? Do we realize the number of children, about 5 million children, that smoke in the United States, and each day another 3,000 become regular smokers, and, of these children, one-third will eventually die from tobacco-related causes?

Mr. Chairman, it is high time now to get rid of these kinds of false debates on the floor of the House and the smoke and mirror riders that are put on legislative bills and appropriation bills that are passing through this House. We have seen many of them undermine the intent and purpose of good will.

We need the dollars to pursue this litigation. We need to recoup the enormous dollars we have lost in treating these terribly ill people and those that have died and lost their battle with cancer and other illnesses, and we need to stop this misrepresentation of plucking dollars out of the VA-HUD under the pretense that we are denying veterans health care. What we are actually doing is lifting up their health care opportunities.

This is a bad rider. This is a good amendment, and I support the Waxman amendment. Let us eliminate this bad language.

Mr. Chairman. I rise to speak out against this most recent attempt to undermine the ability of the Department of Justice to recover the potentially hundreds of billions of dollars paid by American taxpayers to treat tobacco-illnesses.

Evidently, contained within H.R. 4635 are legislative provisions that would block the continuance of current federal tobacco litigation. The rider in this appropriation bill expressly states that no money budgeted for litigation

support may be used "for the purposes of supporting litigation against the tobacco companies."

To allow such a rider to pass would degrade the quality of H.R. 4635 and send the message to the victims of the tobacco industry that Congress is not concerned about the lives and the illnesses resulting from the tobacco companies; exploitation of cigarettes addiction among the American public.

The dire statistics surrounding tobacco use cannot be denied. Tobacco use is responsible for more than 430,000 premature deaths each year. Tobacco use is the leading cause of premature death in the United States, twice the amount caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined.

Among our youth, about 5 million children smoke in the United States and each day another 3,000 children become regular smokers. Of these children, one-third will eventually die from tobacco-related causes.

Already, the American people had begun to reap the benefits of the Department of Justice's litigation efforts, such as in my home state of Texas where the tobacco settlement proceeds have been used to fund secondary and higher education, The University of Texas Health Centers and Cancer Centers, minority health research, mental health and retardation services and child immunizations just to name a few.

Additionally, many of the funds received from this tobacco litigation would be returned to the Department of Veterans Affairs or the Department of Defense because these departments spend \$4 billion and \$1.6 billion respectively per year treating tobacco-related illnesses.

A primary concern of mine is the authority of the Justice Department to seek out court orders to prevent tobacco companies from marketing to children.

The legislative provisions attached to this appropriations bill would to all intents and purposes halt the tobacco lawsuit and prevent the Attorney General from making whole the American people who have suffered too long at the hands of the tobacco industry.

The continuation of the federal lawsuit is this country's best chance to effectively regulate the tobacco industry and prevent further harm to the public. I urge my colleagues not to support the legislative provisions halting the continuation of the federal tobacco litigation.

Mr. DICKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am speaking on behalf of the chairman's position on this amendment. I think his position is correct.

I also want to note, and then I am going to sit down, that there is another reason. This is the gentleman's 53rd birthday, and I would like to give my vote to him as a birthday present.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman-Evans-Meehan amendment. We should allow the Justice Department to continue to fight the tobacco companies on behalf of America's veterans and on behalf of America's children.

It is past time that the tobacco industry is held accountable for all of their years of deceit. By allowing the Justice Department to continue its suit against the tobacco industry, we will return millions of dollars in needed funding to the veterans health care system. That is fitting, considering the number of our Nation's veterans that are now suffering from tobacco-related illnesses that to this day the tobacco industry denies are the result of cigarettes.

Each year the VA spends \$4 billion treating illnesses caused by cigarettes. The Defense Department spends \$1.6 billion. Medicare spends another \$20.5 billion per year. The costs sap the strength out of our health care system and rob our veterans of the quality of care that they deserve, and this money goes directly to paying for veterans health care.

The tobacco industry knows that people who use their products will not be around for long, so they have to go out and they find what they call "replacement smokers." "Replacement smoker" is the euphemism, a callous euphemism, that tobacco executives use for our children. They see our kids as the route to future profits, even though they know for a fact that of the 3,000 kids that they hook each day, one-third of them, over 1,000 of our kids, will die of a tobacco-related illness. And these people should not be held accountable for this? It is unconscionable.

So why would someone put a provision into this bill that would protect the tobacco companies from being held accountable? Why should they place the needs of the tobacco industry ahead of veterans health care, our children and the taxpayers that have to foot the bill for these health care costs? Could it be, could it be because the tobacco industry has spent over \$31.8 million on political contributions, roughly 80 percent of which have gone to the Republican Party? Could it be because Philip Morris has given Republicans over \$1 million in soft money this year alone and is the Republican Party's second largest contributor?

It is about time that this Congress said loud and clear that the days of special treatment for the tobacco industry are over. This is not for trial lawyers, it does not rob money from veterans, and it is well within the law to use these funds for affirmative litigation. That is all the tobacco companies want, is to create a smoke screen, and we have had enough of it.

Mr. Chairman, we are never going to forget the image, the visual image in our mind of that hearing when the tobacco industry CEOs raised their right hands, swearing, swearing, that nicotine was not addictive. They lied on that day, as they continue to lie about the health problems of their product. And now they should be protected?

They should not be protected on the floor of this House. That would be egregious.

This amendment will help to strengthen veterans health care in this country. It will finally hold tobacco industry accountable for their lies. Support veterans health care, protect our children from the tobacco industry's predatory practices, support this amendment.

Mr. GANSKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Prior to coming to Congress, I was a reconstructive surgeon, and I did a lot of my training in VA hospitals. I can tell you, I have taken care of some pretty horrible examples of the victims of tobacco addiction, veterans who were addicted to tobacco long before it became well known that tobacco was such an addicting substance and that it had such harmful consequences.

I can remember one veteran very well when I was chief resident in general surgery. This gentleman had a disease called thromboangiitis obliterans, which is like an allergic reaction to tobacco smoke. It causes the small blood vessels in your body to thrombose, to occlude, so you undergo periodic autoamputations of your extremities. You lose the blood supply to your fingers; they fall off. You lose the blood supply to your toes; they fall off.

This gentleman was so addicted to nicotine that, despite this process going on, and despite the fact that he had lost both legs above the knees and all of his fingers except for one finger on his right hand, he could not stop smoking, so he had devised a little wire cigarette holder that somebody would put the cigarette in and then loop it over his finger so that he could smoke.

Make no mistake about it, this is one of the most addicting substances we know. We know pharmacologically that nicotine is as addictive as heroin or cocaine, and, make no mistake about it, your vote on this amendment will indicate whether you are for the tobacco industry or whether you are for their being responsible for their activities. You should vote for the Waxman-Hansen amendment.

Ms. DEGETTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, tobacco is the number one cause of death in the United States right now. It is responsible for more than 430,000 deaths each year, or 1 in every 5, and I am willing to bet that tobacco deaths have hit every Member of this House in some way. It is a well documented and scientific fact that smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lung, larynx, esophageus, mouth, bladder, cervix, pancreas and kidney, and the disease we just heard about

from my colleague. This is a horrible, horrible disease.

As you assess tonight, my colleagues, whether or not tobacco companies deserve the special treatment that the rider in this bill would occasion, I hope you will remember that for decades now tobacco companies have been targeting our children. For example, a 1975 memorandum to R. B. Seligman, Philip Morris vice president for research and development states, "Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among younger smokers 15- to 19-year-olds." And Marlboro is not the only one. In 1978, Curtis Judge, the President of Lorillard Tobacco Company, received a memo saying, "The success of Newport has been fantastic during the past few years. The base of our business is the high school student. It is the in brand to smoke if you want to be one of the group."

Recent research has indicated that tobacco companies are targeting teens today through advertisements in all of the mediums they care about, including magazines and billboards.

Now, we do not know how this lawsuit will turn out. We do not know if it will be successful. But why on Earth, when you have an industry with this kind of track record, should you give them the kind of special exemption that this bill would give them? It makes no sense, and it is dead wrong.

According to recent estimates, the Federal Government expenditures for the treatment of tobacco-related illness totals \$22.2 billion in Medicare, the Veterans Administration, the Federal Employees Health Care Benefits and the Indian Health Services. In fact, the courts recently held that the Indians must go through the Federal Government to seek remedies versus the industry because the main health funding is a Federal program.

So not only is it wrong to give the tobacco companies a pass, it is also fiscally irresponsible. We are spending billions of dollars to treat tobacco-related illnesses, and, frankly, if there is evidence of racketeering, if there is evidence of the wrongdoing that is alleged in this lawsuit, why on Earth should the United States Congress give the tobacco industry a pass? It makes no sense, it is wrong, and we cannot do it.

I would suggest to my colleagues on both sides of the aisle, it is the wrong thing to do, both fiscally and from a public health standpoint, and I would urge the adoption of this very fine amendment.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to support the Waxman amendment to allow the Government to reclaim its

damage from tobacco companies. Tobacco use is the single most preventable cause of death and disease in our society. Tobacco products cause more than 400,000 deaths in the U.S. each year. Each person who dies of tobacco-related lung cancer loses an average of 14 years of expected life. I again repeat, each person loses over 14 years of expected life.

In addition to that, in terms of the quality of life of the individual, I do not know if anyone has ever witnessed someone who suffers from emphysema, where they have the difficulty where before they had strength, they are unable to even walk from their bedroom to the kitchen to be able to get a cup of coffee, the quality of life that is also lost is not even recorded.

The record is clear that the health care and compensation costs have gone up as a result of tobacco-related illnesses. We all recognize this fully.

□ 1930

Our government must be able to provide proof to the courts, so that we need to go to court to assure that these resources are obtained.

Remember that in 1998, we took veterans' tobacco compensation from our transportation projects. At that time we made it clear that the Attorney General should recover this from the tobacco companies. The rider in the VA-HUD bill flies in the face of that commitment. Remember that this amendment takes only the legal funds at the VA; it does not take away any other resources in terms of health. So it is important for us to move forward in that direction.

The tobacco industry's denials about the deadly effects of smoking are not stopping over 3,000 youngsters who start smoking every single day. American youth is relying on the Congress to be protective.

I would share with my colleagues a particular research project that was done in Austin, Texas, when I was a legislator where they took youngsters from one of the high schools, these were high school youngsters and it was a research project where the students were allowed to go around the neighborhoods and purchase cigarettes. One of the things that they found when they provided that testimony before us, they laid hundreds of packages of cigarettes before us, and each one had the label where they had bought those cigarettes. These were all youngsters underage that had bought those cigarettes. These were youngsters that were sold those cigarettes. It was not surprising that on the east side of Austin and in those sectors where the minority populations were that this is where the most number of packages were sold.

In addition to that, as we move forward, I would remind my colleagues that when veterans joined the military,

they were also provided with access to cigarettes, so that it becomes important for us to recognize that they recognize that one of the reasons why they go after the young, that that is when they can catch those individuals, because as adults, a lot of times we know better than to smoke. And they recognize that if anyone is going to be smoking it is if they catch them early enough. So every effort needs to be taken to make sure that we do the right thing. We have an obligation to ourselves and to our country and to our veterans to make sure that we go after the companies that have been abusing.

The VA spends over \$4 billion annually treating tobacco-related illnesses. Under the Medical Care Recovery Act, any recovery of this cost would be returned to the VA health programs. In effect, the rider blocks the VA from obtaining potential tens of billions of dollars for the recovery and for the use of our veterans. It is also disheartening that the 106th Congress would act to prevent the Department of Justice from pushing forward the claims. The 105th Congress had denied veterans' compensation for tobacco-related illnesses in Public Law 105-178 with the express recommendation that the Attorney General take all steps necessary to recover from tobacco companies the cost of that treatment. It is our obligation, it is our responsibility, and I would ask that we move forward.

Mr. Chairman, I would ask my colleagues to please vote to stop this outrageous gift to the tobacco industry and let us move forward and do the right thing and vote "aye" on the Waxman amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment, which would repeal the provision that restricts the Department of Veterans Affairs from transferring funds to the Justice Department to support tobacco litigation.

Each year, the Federal Government spends an estimated \$25 billion on tobacco-related health costs, \$25 billion. Specifically, the VA contributes more than \$4 billion to this outrageous tab. This is wrong.

That is why in the 105th Congress, the House called on the Attorney General and the Secretary of Veterans Affairs to take all the necessary steps to recover from the tobacco industry the costs incurred by the VA for the treatment of veterans with tobacco-related illnesses. In return, the Department of Justice filed a lawsuit against the tobacco industry.

Unfortunately, some of my colleagues are now attempting to derail the DOJ's efforts. This is evident by the three antilitigation riders attached to this bill, as well as the Commerce, Justice, State and Defense appropria-

tions measures. Under section 109 of the fiscal year 1995 appropriations bill, the DOJ is allowed to seek reimbursement from other Federal agencies likely to benefit from litigation undertaken by the Department. Opponents of this amendment will say that section 109 was intended to help the DOJ fund only defense of litigation. That simply is not true. Look at the record. For example, the DOJ has used this authority to pursue litigation against oil companies and in Customs fraud cases.

So why is this body awarding the tobacco industry special protection at the expense of the public's health? Why are my colleagues fighting to protect an industry that has come before this body and untruthfully denied for decades that nicotine is addictive and dangerous? Why are some working to protect an industry that lures in an estimated 3,000 American teenagers every day? It does not make any sense.

Mr. Chairman, the evidence is clear. Cigarette companies have targeted our youth. About 5 million children smoke in the United States. Of these, one out of three will eventually die from tobacco-related causes. The Department of Justice's suit not only seeks to recover funds, it is also aimed at stopping companies from marketing to our children.

Well, I can tell my colleagues as a mother and as a grandmother, I urge my colleagues to support the Waxman amendment and help to protect the health and well-being of our Nation's children and veterans.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. Mr. Chairman, this amendment seeks to prevent this Congress from betraying the veterans of the United States, a betrayal of a promise made to them by this Congress only 2 years ago.

Two years ago, in the teeth of opposition from all of the veterans' organizations, Congress repealed the ability, repealed the ability of veterans to recover in disability payments for tobacco-related illnesses. But in partial compensation for that deed, the same bill, section 8209 of the law, Public Law 105-178, called on the Attorney General, I am quoting now, and the Secretary of Veterans Affairs, as appropriate, "to take all steps necessary to recover from tobacco companies amounts corresponding to the costs which could be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans if such treatments were authorized by law."

In other words, with one hand Congress said, we want to take \$16 billion that we are paying out annually to veterans in compensation for disabilities caused by tobacco smoking; and we are going to say, you cannot do it any more. We are going to take it away from the veterans. But we are not

going to be quite such hideous people; we are going to see that we ask the Attorney General and the Department of Veterans Affairs to sue the tobacco companies and see if they can recover money on behalf of the veterans that will go to the veterans in compensation instead of the disability payments.

Now this bill comes. In 1999, the Department of Justice initiated a lawsuit, a Federal lawsuit, against the tobacco companies seeking to recover claims against tobacco companies, as most of the States have done, as many local government cities and towns across this country have done. Why should the Federal Government not recover on behalf of our citizens and in particular on behalf of our veterans recover monies because of damages they sustained because of the improper actions of the tobacco companies, especially after Congress promised in 1998 to urge the Department of Justice to do so?

The Department of Justice initiated the lawsuits, and what do we have now? In this bill and in other appropriation bills, we have directions that say, you may not use any funds for this lawsuit; not for lawsuits in general, for this lawsuit on the tobacco companies. Congress is coming in almost like a bill of attainder and saying, we do not like this particular lawsuit; we do not want you to recover money for the veterans. We want the veterans to continue to suffer uncompensated, not compensated through disabilities, we closed that off 2 years ago; and we will not allow you to try to recover benefits for them through a lawsuit. We are afraid of what the courts may find.

The tobacco companies are going to defend themselves in court; and maybe the court, after hearing the evidence, will say they are not liable, but we do not want to take that chance. We want to say to them, you do not have to defend yourselves in court because of your actions. We will not let the Attorney General and the Department of Veterans Affairs participate in a lawsuit to recover the money. Never mind that we promised it 2 years ago. Never mind that this is completing the betrayal of the veterans that this Congress started 2 years ago. How can we not hang our heads in shame if we do not adopt this amendment to change the policy in this bill?

I submit, Mr. Chairman, that this amendment must pass in order to save the honor of this Congress so that it cannot be said that this Congress, and I must add in good conscience, the Republican leadership of this Congress, consciously and deliberately betrayed the veterans of the United States because they preferred that the tobacco companies not have to defend themselves in court and not have to pay the veterans for damages they caused them, if the court would find they caused them such damages. Never mind the promise that this Congress and the

Republican leadership made 2 years ago. Now it is time to renege on that promise, because now it is time to deliver on that promise; and it was never intended that that promise be delivered on.

If we are people of honor, if we are people of honesty and probity, if we want to be able to not hang our heads in shame before our veterans, we will vote yes on this amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

I do want to point out that it is the birthday of our esteemed chairman, and I hope he will take all of these testimonials as a "happy birthday to you," Mr. Chairman.

I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I want to frame this issue so that everyone understands what is at stake. We have the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, AMVets. They have all asked for an "aye" vote on this amendment. On the other side is the tobacco industry, and they would like this amendment defeated.

Now, the reason the tobacco industry wants this amendment defeated is that they would like to stop the litigation against them by the Federal Government. It will be easy for them to succeed if they could have riders in appropriations bills that defund the lawsuit. And the Attorney General of the United States said, if this lawsuit is defunded by this rider in the VA-HUD bill and another rider in the Department of Defense bill and another rider that will be in the Commerce, State, Justice bill, then she will not be able to go forward with the litigation.

Now, to give my colleagues some background, in 1998 there was a promise made to the veterans when, in this transportation bill, they sought to get some funds for transportation use; and the bill provided that those funds that otherwise would go to take care of veterans who were disabled because of tobacco smoking would no longer be available to them for that use; and in 1998, when that money was taken out of veterans' health care, there was an explicit understanding that the Federal Government would pursue a litigation against the tobacco industry to make up for those funds.

Well, we are now at the point where they are looking to see whether we are going to keep that promise.

In 1999, the Justice Department brought the lawsuit, and Congress could have provided a different way to fund it. We could have funded it. We could have provided a clear appropriation for the lawsuit. But Congress refused to do that. So the Justice Department went to the various agencies to

seek a transfer of funds. They went to agencies that are affected. They did this under a law passed by this Congress in 1995, and they went to affected agencies and they went to the Department of Health and Human Services and said, you are going to be affected by this lawsuit, because if we can recover money from the tobacco industry for Medicare, that will allow us to fund Medicare; and, therefore, we want to have you help us through the department appropriation pursue the litigation.

□ 1945

They also went to the Department of Veterans Affairs and asked for a transfer of funds. That is the issue before us right now, it is the Department of Veterans Affairs.

The amendment says that the Department of Veterans Affairs can transfer money, but only from that area provided for litigation and administrative expenses, not out of the health care budget, not out of the money to be used for health care services.

If we do not adopt this amendment to stop this rider in this bill and we do not strike the riders in the other bills, then the lawsuit is going to be dismissed because the Department of Justice, on behalf of the American taxpayers, will not be able to continue to sue the tobacco industry and hold them accountable for the harm that they have done to people for whom we have paid their health care services.

If that happens, it will be the greatest betrayal of all to the veterans and to others. So I urge support for this amendment to strike the rider that was placed in the bill to prevent the funds from being used to pursue the litigation against the tobacco industry.

Let us not betray the veterans. We have made so many promises to the veterans of the country. We have promised them greater health care services, and we have not funded all that we have promised them. If we could pursue this litigation, perhaps we could get the funds to keep the promises to the veterans.

I urge support for the amendment.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment that is before us. Mr. Chairman, this is an issue that has been spoken to by this Congress. This amendment is clearly an effort to circumvent the will of the Congress. It is also an improper way to insert itself between States and the courts in efforts to settle this issue in a proper way. In my opinion, this is an improper use of the Department of Justice, to try and do things that are driven by personal political agendas.

That is not to say there is anything wrong with the personal political agenda that continues to attack tobacco

farmers and people who make a living in the tobacco industry, but there is another side to this story. I appreciate the putting together of a very good bill by the gentleman from New York (Chairman WALSH), and I think the issue here of keeping this \$20 million of hard-earned taxpayers' money from doing things that we do not intend as a Congress to do is a wise and proper thing.

Last fall North Carolina and other States were besieged by a horrendous hurricane. President Clinton went to Tarboro, North Carolina, and spoke very eloquently about the need to help our tobacco farmers, and then turned around and provided another Federal lawsuit to continue to break the backs of their efforts to support their families.

I wrote to the President on September 24 and asked him to reconsider, because after 6½ years of being besieged by one assault after another from the Federal government, this was not the right thing to do.

Again, Mr. Chairman, I would respectfully request a strong no vote on this amendment because it is the wrong thing at the wrong time.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to me there are two issues here. They are very simple. Number one, do we keep our promises, that is the first issue. The second issue is, when it comes to issues of facts that may be in contention, who do we believe?

First of all, who do we keep our promises to? In this instance the question is, will we keep our promises to the veterans of the United States who fought, put their lives on the line, and represent and defend our country?

Back in 1998, Mr. Chairman, Congress passed a highway bill that had in it an unusual provision. It ended the policy of providing disabled veterans benefits from tobacco-related illnesses. That was a spurious provision.

Notwithstanding, and let me say that I think it was not only spurious but I opposed that provision, but notwithstanding that, that bill passed. But within the same bill was a promise, a promise that told the Attorney General and the VA Department to sue the tobacco companies so more money, more money will be available for veterans' health care.

More money for veterans' health care. That is the promise. I strongly support keeping that promise. That is why I support the Waxman-Evans-Hansen-Meehan-Stabenow amendment, because it honors the commitment we made to veterans back in 1998.

With regard to who do we believe with regard to a contention of facts, the question is, do we believe the tobacco companies, the same tobacco companies who, back in 1994, the seven

top executives came before the subcommittee of the gentleman from California (Mr. WAXMAN), and all of them under oath denied a couple of key questions?

One, they denied before his committee under oath and before all of America that nicotine was addictive. How many Americans really believed that?

Number two, the same seven executives swore under oath and answered the question were they intentionally marketing their product to children, and they said they were not, while at the same time Joe Camel ads were gracing billboards all across America.

For the question of believing in the tobacco companies or a question of believing the VFW, the Paralyzed Veterans of America, the Disabled American Veterans, and AmVets, I choose to believe the latter group, the veterans' groups who are looking out for the interests of the veterans, and not the tobacco companies, who have not been honest and provide a product that, whether one chooses to use it or not, makes people sick and ultimately causes deaths.

Mr. Chairman, we believe that we need to provide more money for veterans and veterans' health care. Supporting the Waxman amendment would do that.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to try to sum up some of the arguments that have been made tonight, comment on some of them, and hopefully refute some of them.

First of all, Mr. Chairman, the tobacco companies never came to me to ask us to do this. I am not sensitive to their arguments, quite frankly. I do not like their product. It smells bad. It is addictive. It makes people sick.

But that is not the point. The point here is that the Justice Department should be responsible for paying for this lawsuit. They did not come to the Congress when they sued Microsoft. Microsoft is the world's largest and richest corporation. The Justice Department took them on on their own. They have thousands and thousands of lawyers. They have plenty of money and plenty of lawyers to conduct any and all suits against tobacco companies.

So what is going on here? I am not sure exactly, but I think it is a lot about politics, because it is very, very popular to beat up the tobacco companies. Everybody should do it. But this bill does not prevent the lawsuit. This bill does not enhance tobacco companies' ability to make kids smoke. I have heard that over and over and over

tonight. This bill does not have anything to do with kids, it has everything to do with veterans and their health care.

We have heard Member after Member get up and say, we do not have enough money in this bill for veterans' medical care. If Members support this amendment, they are going to take millions more out of veterans' medical care to give it to the Justice Department to run the lawsuit.

Quite frankly, if the Justice Department runs the lawsuit, Mr. Chairman, it is okay with me. If they win, I hope the administration will use those resources for the veterans department, but they have not promised to do that yet. It is still very, very vague.

The point here is if Members vote for this amendment, they are taking money out of veterans' medical care and giving it to the Justice Department. It is that simple.

So forget about all this other argument, these other arguments, because they are not salient. They do not apply to this issue. The issue here is, does the money go to veterans' medical care or does it go to Justice Department lawyers. They have their own lawyers and their own budget. They are spending enough money, so they do not need to take this.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

I just want to respond to the point that was just made. The bill out of the committee has the words "None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation." So without changing the bill, that rider would prevent transferring the funds from VA to the Department of Justice to pursue the lawsuit.

Now, the Department of Justice insists that if it cannot get the funds transferred from the VA and DOD and the HHS and other affected agencies they will not be able to pursue this litigation, because we did not fund the Justice Department litigation itself. If we would have put money in the budget for the Justice Department litigation against the tobacco industry, they would not have to seek funds from the Veterans Administration.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to make sure everybody was clear. The language that we are talking about, is it not in the medical care title of the bill, and all funds foregoing to that amendment are medical care funds?

Mr. WAXMAN. If the gentleman will yield further, Mr. Chairman, the section we are talking about is the veterans' health care section. In the veterans' health care section, there are funds for litigation expenses and administrative expenses.

Our amendment to the rider says that they didn't transfer funds except from the administrative and litigation part of the VA health care funds. If we sought to transfer funds from somewhere else in the Veterans Administration, it is our understanding there would have to be a reprogramming of funds, which means legislation to allow that reprogramming of funds.

If I had offered an amendment to say that somewhere else in the funds from the Department of Veterans Affairs funds could be transferred, as I understand it, a point of order would be permitted against that. So we sought to transfer funds from the veterans' health care.

Another reason why we did that is the veterans' health care program is the area that will benefit from the litigation against the tobacco industry, which is the reason why the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, all are supporting this amendment, because they want the litigation to continue.

The American Legion has indicated they want the litigation to continue as well. The only way it will continue is if we can get funds transferred from the affected agencies.

Mr. WALSH. Mr. Chairman, if the gentleman will yield further, the funds are in the medical care portion of the bill. If the gentleman had offered general operating funds or construction funds or any other funds, we would not have had this argument today.

I would just remind the gentleman that every one of those veterans' organizations that supported the suit, and they support the suit, I am not making that an issue, but what they are saying is, do not use our medical care money. Support the suit, but do not take it out of medical care.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it is very clear here, we are being given a choice whether we are going to stand up for our veterans and make sure they get the health guarantees and to protect them, that is why we are here, or whether we are going to cave in to the tobacco interests. That is what it appears is the easy choice here.

Mr. EDWARDS. I think the gentleman makes a good point.

I would like to just add to this debate and discussion, if the amendment of the gentleman from California (Mr. WAXMAN) was not necessary to help the Justice Department pursue litigation

against the tobacco companies, I am curious to know why the tobacco companies are opposed to the amendment offered by the gentleman from California.

I have a hard time believing that the tobacco companies, through the production of their product, which has cost the VA and veterans billions of dollars in this country, not to speak of millions of lost lives, I have a hard time believing that they are getting involved in this debate because they are trying to help the veterans of America.

Mr. Chairman, I would like to just point out a fact. The fact is that each year when 400,000 Americans die because of tobacco-related diseases, that is four times as many people, Americans, as were killed in both the Korean and Vietnam wars combined.

□ 2000

It seems to me that, when we start the day with our hand over our heart and say the pledge of allegiance to the flag in this room, one thing we ought to agree on when we say liberty and justice for all is that justice ought to apply to everyone in America.

All we are saying is the Justice Department ought to be adequately funded to take this lawsuit to the courts of this land.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I discussed privately with the gentleman from California (Mr. WAXMAN), and let me reemphasize what the gentleman from New York (Chairman WALSH) has had. If the gentleman from California had taken it from some other section other than the medical care account, certainly I think the large majority of us would be 100 percent behind him.

Many who support the Waxman amendment claim that this language or rider in the VA-HUD bill would stop the lawsuit from going forward. None of us have any problem with the lawsuit going forward. Some may, but certainly not yours truly. There is no language in the VA-HUD bill that prevents the Justice Department's lawsuit against the tobacco industry from going forward.

The language prevents the VA from using the money from the veterans medical care account, it does not prevent the VA from taking money from another account in this bill, not the medical care account. That is not to be used directly to provide medical care to veterans.

This amendment claims that the bill provides special protections of the tobacco industry. It does not. But it does provide special protection to veterans,

making sure that money intended for their medical care is used to pay for doctors' visits, inpatient treatment for veterans with posttraumatic stress disorder, fulfilling of prescriptions, hepatitis C testing and treatment, and other critical health needs.

Much has been made of letters from veterans organizations before this body this evening. I am a member of the American Legion. I am a member of the VFW. I have a letter here from the American Legion which I would like to introduce into the debate since it has been referenced that somehow they are supporting the Waxman amendment.

This is dated June 15. This is from the American Legion, mind you, and I quote, "Taking health care dollars from the VA to pay for litigation is counterproductive, especially with the growing demand for services by the aging veterans population." Continuing under quotation marks, "The American Legion strongly encourages Congress to identify \$4 million in the projected surplus to be earmarked in the Department of Justice's appropriation bill to pay for the VA's share of litigation. VA funding should be used for its intended purposes, and that is why we oppose the Waxman amendment."

I get no support from tobacco. I hate tobacco. Tobacco kills. But we do not need to take money away from veterans' medical care to pay for this litigation. Within the Department of Justice, it is interesting, Mr. Chairman. The Department of Justice has an overall budget of about \$20 billion. There are 2,374 general authorized attorneys, tax, civil, et cetera; 351 antitrust; U.S. attorneys, 4,900; 229 trustees; 7,861 attorneys in the Department of Justice.

There are enough attorneys and there is enough money in the Justice Department to fund this lawsuit. They do not need to take it away from veterans medical care.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a couple of fallacies, it seems to me, in the arguments being made against this amendment. To begin, it should be clear that the Justice Department cannot use volunteers. People who said, well, they have enough money, Members will recall that the Justice Department has been criticized by some, including some on the other side of the aisle, for not prosecuting more gun cases.

The Justice Department is under pressure to do a number of things. Tobacco litigation is very expensive. Tobacco litigation involves a good deal of effort. It is not simply sending a lawyer into court to make an argument. In fact, the discovery and the pretrial work is very, very significant.

Now, it turns out, as we know, that funds invested by governments in tobacco litigation bring a very good return. We have a good deal of useful

work being done in the various States right now because the States brought tobacco litigation and won it, and we are trying to do the same at the Federal level. So the money will be returned in multiples to veterans health.

Now, people said, well, we do not need to take it out of veterans health. I would say this, we are going to pass this bill, not with my vote, because it miserably underfunds almost everything, and we are going to send it to a conference. If in conference the appropriators decide that a different account is a better source of this funding, they are free to do that. But I think it is very clear, this vote today will be taken as kind of a referendum on whether or not there ought to be this participation in the lawsuit.

I stress again, funding it entirely out of the Justice Departments account, given the expense of such a lawsuit. Given the other demands of the Justice Department it is not going to fully fund both this lawsuit and the other law enforcement priorities we have and which people have urged the Justice Department to take on.

Now, let us be clear what we are dealing with here. If I listened, if I hear correctly, some of my friends on the other side are saying, well, we are funding this lawsuit, but we do not want to take it out of veterans health. This is the constant refrain we heard last week and we will hear for the rest of this month dealing with the appropriations bills.

We should be clear where the problem started. It started with a foolish budget, a budget that Members on the other side voted for, knowing it was inadequate. It is a good thing we do not vote under oath around here or some of my friends would have had some problems, because they voted for a budget that they knew substantially underfunded a whole range of government activities.

Now, every time an appropriations bill comes up, we are in this game, we had it last week, Indian health versus the arts, now it is veterans' health versus a lawsuit that is going to bring more money for veterans health. It is constant.

But we should be very clear before we sympathize with those who lament this terrible choice that this is an entirely self-inflicted wound. People who voted for a budget that they knew to be inadequate have really no right to come before us and say, gee, you are making us make terrible choices.

Revenues are increasing. There are important needs in this society that must be met together. Much of what we want we can do individually. Much of what we need to satisfy the quality of life we want comes from individual spending. But some things can only be done jointly through government.

What we have is a budget that substantially underfunds these necessary

elements, including the lawsuit. Lawsuits are not free. Discovery is not free. The tobacco industry will put up a very good fight with very high-priced lawyers in this regard. We need to have an adequately funded public advocacy group to go on the other side. That is really what we are talking about.

Now, I would agree, and the appropriators have this power, if we win this amendment, the House will have spoken. We want there to be an adequately funded lawsuit without it necessarily coming at the expense of gun law enforcement or other kinds of enforcement at the Justice Department or antitrust for which the need seems to be growing.

Then it will be up to the appropriators in their conference to decide. If they can find a better place to fund this, I do not think anyone will object. If they came back from a conference with an appropriation and said, well, we are not going to take it from here, we are going to take it from there, that will be okay.

But what I fear will happen is, if the amendment is not accepted, we will then have an argument that will say, hey, the House voted not to let you do this. The argument will go from a narrow technical discussion of this particular account to a more general assault on the notion of the lawsuit.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am frustrated by what I am hearing from the other side on this debate. The argument is put forward that we do not want to use funds in the health care area of the Veterans Administration's budget because we do not want to use funds that should go for health care.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, now of course nobody wants to use health care dollars that will be used for services for a lawsuit. That is why we wrote the amendment to say that health care services dollars cannot be used for the lawsuit. But there are provisions in that budget for litigation and administrative expenses.

Now, we are told, well, that is still not good enough. If we had taken it out of the general operating budget for the Veterans Administration, that would have been okay. Well, we hear that now from the people in charge of the committee, but no one came forward with that idea earlier.

So what we have is an amendment that will say let us take the money out

of the administrative and litigation part of the VA health care budget and pursue what can be a return of a great deal of money to go into veterans health. That is why the veterans groups supports this. The Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, the AmVets organization support this.

They certainly do not want to see any reduction in health care, and they would otherwise agree with the gentleman from New York (Mr. WALSH), chairman of the subcommittee, on that point, but they do not agree with him on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I believe we have too little in here for veterans health care. I have to say, however, this \$4 million, especially as the gentleman from California (Mr. WAXMAN) explains it, is not a threat to veterans health care.

Now, losing \$20 billion so Bill Gates does not pay any estate tax, that cuts into veterans health care. Lavishing money on wealthy people in tax cuts elsewhere cuts into veterans health care. A military appropriation that goes way beyond what is reasonably necessary, that gets into veterans health care.

What we have here, and everybody understands this, they will go to the conference, and they can come out and account for this however they want. What we have here is legislation which has a stricture against using money to contribute to the Justice Department so we can have an adequately funded lawsuit.

If this amendment is defeated and if this bill passes with antitobacco lawsuit language in it, we all know that it will be interpreted by many in the leadership of the Republican Party working with the tobacco industry on this particular point to say no lawsuit at all. It will be part of a campaign to get the lawsuit dropped altogether.

So I will defer to the gentleman from New York (Mr. WALSH). He has done a good job about the sow's ear he was given. He did not even get the whole ear. He got the sow's earlobe. I do not expect him to be able to give us much soap with a sow's earlobe, but that was that foolish budget that he was stuck with and an inadequate quality allocation.

So I have confidence on this point, I believe if we pass this amendment and the House says yes, we want there to be a contribution so we get a very adequately funded lawsuit so we can go up against the best lawyers in the company that the tobacco industry will have, I will be confident that they will be able in this budget to find money.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, we know finally that this is not the real budget. This is the fake budget. Everybody knows that this budget is too low. But we have people who do not like to admit that they were wrong. They do not like to admit they were wrong in 1997 with that Balanced Budget Act with those silly caps. They do not like to admit that they voted for an inadequate budget out of party loyalty earlier.

So this budget will go out of here inadequately funded. It will go to the other body. It will go into negotiations with the President. Low and behold, it will get bigger.

So we should not fight too much about which inadequacies we deal with here. Let us make a statement in principle that we are in favor of the tobacco lawsuit; and when this bill goes to other places which are a little less addicted to unreality, and adequate funding magically appears, then we will be able fully to fund the contributions to the lawsuit and I hope to do even better for veterans health than we have done in this budget.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number words.

Mr. Chairman, we all know that the story of the propagation of tobacco use in our country by the tobacco companies is a sad and sorry one. We all witnessed the spectacle of executives of the major tobacco companies coming before committees of this Congress and claiming that tobacco was not addictive and that, furthermore, they did nothing to make it addictive.

We now know, of course, that is all untrue. They knew from the very beginning that tobacco was addictive, and they were manipulating their product to make it as addictive as possible.

At the same time, they were engaging in a number of activities which were designed to propagate the use of tobacco among young people and as young as possible so that this habit could be ingrained in them throughout their lives, which inevitably would be made and have been made much shorter as a result of the tobacco product.

One of the ways in which the tobacco companies propagated the use of their product was to give free cigarettes to service people. I was in the service myself. I saw that happen. As a result of that, a lot of young men and women, too, became addicted to tobacco products as a result of the availability of these products, and even the free availability of these products from the tobacco companies.

□ 2015

It is only fair and reasonable that this government have the opportunity to recover health care costs that have been incurred by the Veterans Admin-

istration tending to veterans who have had their lives shortened and have been made extremely ill during those lives as a result of the use of these tobacco products, particularly and especially cigarettes.

That is what we are trying to do here. We are trying to provide \$4 million so that the Justice Department of the United States can engage in legal action to recover some of the costs associated with the health care costs from addictive tobacco use in veterans. Those costs amount to about \$1 billion a year, each and every year. It is only fair and reasonable that we try to recover those costs. That is what this amendment would do.

Now, we all know, too, that this budget is deficient, not as a result of any deficiencies with the chairman but as a result of the low number set by the leadership. I think the chairman has done a very good job within the construct and the constraints within which he has had to operate. But that does not solve the problem at hand.

The problem at hand is a very serious one, and we have the means to solve it simply by allowing a very small amount of money in the construct of this particular budget, and certainly the overall budget, a mere \$4 million to be made available to the Justice Department so that they might pursue appropriate litigation to recover perhaps as much as \$1 billion a year, year after year after year, to tend to the health care needs of American veterans whose lives have been direly, sorely affected and, in many cases, have been and will continue to be made much shorter as a result of the addiction to tobacco products, particularly cigarettes, induced knowingly, willingly, and intentionally by the tobacco companies.

Now, why would we not do that? I simply do not understand why this Congress would not provide that small amount of money to pursue a rightful legal action in order to recover funds which are appropriately recoverable to take care of a very obvious need, a need which can be addressed by the use of these funds if this litigation is allowed to go forward. We know the litigation is likely to be successful. How do we know that? Because we have seen litigation similarly pursued by the several States, and in each and every case the States have been successful, as have recently individuals been successful in bringing legal actions against the tobacco companies for the illnesses caused by the use of tobacco, induced by these same tobacco companies.

So this is something that we ought to do. It is a reasonable, sensible and moderate proposal which will bring forth huge benefits to the taxpayers of our country; but most immediately and most importantly it will bring forth huge benefits in additional health care to the veterans in veterans hospitals

across America. Let us pass this amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words; and as I see the Chair performing once again so admirably well in a somewhat difficult debate here this evening, I am reminded of how much we will miss him after he is gone at the conclusion of this term.

Mr. Chairman, let me just say a few words, first of all, as someone who is on the Committee on Veterans' Affairs and as a family doctor who trained in two different veterans hospitals, one in Oregon and one in Arkansas, first as a medical student and then as a medical resident, that I can assure my colleagues my vote tonight for the Waxman amendment will not be a vote to take away dollars from the veterans' health care.

I have looked at the language for this. Federal facilities, such as the veterans' health care system, veterans hospitals, have legal expense funds and they have administrative funds. The Waxman amendment very clearly states that these dollars would come from the legal and administrative expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States. There is nothing in there about taking dollars away from x-rays for lung cancer, there is nothing in there about taking away dollars for coronary artery bypass graft surgery, there is nothing in there about taking dollars away from any other kind of health care screening or treatment or disability.

We are talking about having a legal fund that is part of the veterans' health care system and just countering the language in the majority's bill that these legal funds cannot be used for this lawsuit and just saying, yes, they can be used for this lawsuit. The monies for administrative and legal expenses can be used for this lawsuit.

About a week ago I went to a fundraiser for an organization in my town that is actually housed in one of our VA facilities. They lease some space for it for a really fine hospice program. And I just happened to be sitting next to a woman who, as it turned out, we had a mutual friend. Her new daughter-in-law used to work for me. And we began talking, and she told me how her 34-year-old daughter had died 2 years before from lung cancer, a remarkably young age. But, of course, like so many of us American kids that start smoking when they are 14, 15, or 16, that can be a 20-year history of smoking a pack a day. And it really brought home the ominous nature of what we are talking about here and the dramatic effect this can have on people's lives.

Like the gentleman from Iowa (Mr. GANSKE), who spoke earlier, multiple times, as a medical student and as a resident, I have either dealt with folks in the end stage of some tobacco-related illness or had to be the one to tell

them that they had a lung cancer or that their health had deteriorated because of their tobacco use.

So this is a big deal in the veterans' health care system. Frankly, I do not understand why the majority is drawing a line in the sand over the Waxman amendment when it so clearly states these funds would only come from administrative and legal expenses, not from health care. And, frankly, I am starting to resent the implication that by voting for the Waxman amendment that somehow I, as a family doctor, am voting to take away health care dollars from the VA. That is not what this amendment is about, and that is certainly not what the American people want or expect us to do. They expect us to find dollars to provide for our veterans' health care.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me. I hear from the other side the argument that they would like to have it come from the Department of Veterans Affairs but not from this particular section. And the reason I did not offer it in any other way is because of the possibility of a point of order.

But if we are willing to have this worked out, I could, by unanimous consent, if everyone would agree, to change the amendment to say, on page 9 line 3, after the word insert the following, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Let me put that forward and see if that resolves the opposition. Because I have not heard people on the other side say they do not want to fund the litigation, although we think that they would pull the plug on the litigation if they have that rider that has come out of the Committee on Appropriations. But if this is a more acceptable route, maybe we could do that, as long as we are funding the litigation.

So we would say, in effect, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, responding to the gentleman from California, first of all, we have had about 3½ hours of debate now on this amendment, and if the gentleman would like to change the amendment, we would be glad to take a look at the language; and if the language is in order, then we would take it at the proper point in the bill. But I would remind the gentleman that

we only preclude the use of funds in the medical care portion.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WALSH. Mr. Chairman, if the gentleman will continue to yield, as we tried to explain, and if the gentleman had presented his amendment to us at the beginning of this, before we began to debate, we would have been able to maybe work through this a little easier.

Let me read the language in the bill. It says, "None of the foregoing funds," meaning the funds within the medical care portion of the bill. And I would restate that, "None of the foregoing funds," meaning the medical care portion of the bill, "may be transferred to the Department of Justice for the purposes of supporting tobacco litigation."

So the only funds that the gentleman cannot get at in this bill are in the medical care portion of the bill, that the Justice Department cannot get at, are in the medical care portion of the bill. So I do not believe there is any need for any additional language.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I did not quite hear the last point the gentleman made. The gentleman is saying we do not need another amendment if we accept the idea that it is coming out of the Veterans Administration?

Mr. WALSH. If the Veterans Administration decides that they want to use funds to provide to the Justice Department's lawyers, they would have to come back to the gentleman from West Virginia (Mr. MOLLOHAN) and I for reprogramming.

Mr. WAXMAN. If the gentleman would yield further, it seems to me, if that is the point of the gentleman, there should not be any problem with having a unanimous consent understanding right here and now to put this in the bill.

If the gentleman is saying we do not need it, I disagree with the gentleman. Because as I understand it, the Veterans Administration would then have to reprogram funds, and that would require legislation. But if the gentleman would permit, I will make a unanimous consent.

Mr. WALSH. It does not require additional legislation.

REQUEST FOR MODIFICATION TO AMENDMENT
OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, if we have no disagreement on the issue, then I would ask unanimous consent that the amendment be modified to provide that the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Mr. WALSH. I object.

The CHAIRMAN. Objection is heard.

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for continuing to yield to me, just to say one last thing, and that is that we tried to meet the objection that has been raised on the other side and we have been unable to do that. We need this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply point out that the point the gentleman from California has made is a crucial point.

The issue goes to reprogramming, because what this committee has tried to do in bill after bill is to prevent the administration, first of all, from directly spending. In one subcommittee they refused to appropriate any money for the suit. And then they required them to come back for reprogramming from at least two subcommittees from which it is known they will never get approval for that reprogramming request.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, what this really is, when we couple the refusal to appropriate the dollars in one subcommittee with the limitation on transfers from other agencies with the requirement for reprogramming, we have a three-pronged attack that winds up enabling people to pretend that they have not blocked the tobacco suit when in fact they have.

It is a way for the Congress to cover itself and pretend that it is not stopping the suit against the tobacco companies when in practical terms the way this institution operates we know that it is shutting down and closing every door available to the Justice Department to pursue that suit.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has once again expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we are getting close, I think, to the end of this debate, and I just want to summarize where we are.

We argued that we should not preclude the transfer of funds so that the

litigation could go forward. The chairman of the subcommittee said he wants the litigation to go forward; he just does not want the funds out of this account. We took that to heart and drafted our amendment so it would not come out of the part of the account that goes to health care services. We tried to get an agreement that it comes out of other parts of the Department of Veterans Affairs, but the ranking member of the Committee on Appropriations has told us why that will not work.

So where we are is with this amendment, and this amendment would take the funds out of the litigation and administrative expense part of the Veterans Affairs health program, and allow the use of it to pay for litigation expenses for the tobacco companies. We think that will produce a great deal of money for the Veterans Administration's health care program.

Not only do we think that, but the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS agree with us. That is why they are supporting our amendment.

□ 2030

I urge Members to support our amendment. If it is defeated, the rider will stand in this appropriations bill and the litigation may well be stopped in its tracks. So I hope that Members understand where we are and, if they do believe this litigation ought to go forward, that they will vote for WAXMAN, EVANS, and others who have joined with us in this amendment.

Mr. SNYDER. Mr. Chairman, this is not about taking monies from veterans' health care, but it is about using veterans' health care legal expenses for litigation. That is what the Waxman amendment does. It has nothing to do with decreasing health care for veterans.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Funds appropriated in this legislation are intended to provide for the veterans who have served our nation so well. The funds in this legislation are intended for housing assistance for Americans in need. There are funds here for environmental protection and our space program. What this legislation is not intended to do is pay for politically motivated lawsuits for the Justice Department.

The Justice Department is not prohibited from using its civil funds to pay for this lawsuit. It is not prohibited from asking Chairman ROGERS' subcommittee to allow for reprogramming of its funds. However, this Congress needs to send a clear message to the Justice Department that it IS prohibited from using veterans' health care money for this lawsuit, and that it is required to live with the appropriations Congress approves.

The federal tobacco lawsuit is bad public policy and a waste of taxpayer dollars. The case is not about the law, but about the federal government extorting money from an in-

dustry it does not like. Which industry will be the next victim of this punitive action?

The tobacco industry, in accordance with the terms of its 1998 settlement with the states, has changed its marketing, advertising and business practices. The industry is also paying the states billions of dollars.

Now the Justice Department wants a share of this revenue stream for the federal government and is willing to further sidestep Congress and take money from veterans programs to try to get it.

The Justice Department needs to stop stealing veteran's health care funds to pay for its baseless lawsuit. This suit claims the federal government and the public were deceived about the health risks of tobacco products. The same federal government that claims it was "deceived" has required health warnings on tobacco products since the 1960's. The Surgeon General's 1964 report details the risks of tobacco use. The American people are not as stupid as this lawsuit claims—people know the health risks associated with use of tobacco products. It is absurd to claim ignorance on this point.

Adult consumers have the right to make risk judgments and choose the legal products they use. They also need to take responsibility for those choices.

No federal law gives the government authority to collect Medicare funds as proposed in this lawsuit. Three years ago, Attorney General Reno testified to the Senate that no federal cause of action existed for Medicare and Medicaid claims. Suddenly she has changed her tune under pressure from the White House. The Justice Department, on the same day it announced this civil lawsuit, ended its five-year investigation of the tobacco industry without making any criminal charges.

Last year the Congressional Research Service concluded that with a full accounting of costs of lifetime government funded health care and benefits for tobacco users and tobacco excise taxes, the federal government actually nets \$35 billion per year. There are not costs for the federal government to recover. It is already making money off of tobacco use, and this Administration only wants more.

The absurdity of this legislating by litigation aside, one issue should be clear to everyone today. Veterans' health benefits are not intended to pay trial lawyers in a politically-motivated lawsuit. This is not a rider; this is not special treatment. This is Congress carrying out our role in appropriating how tax dollars are spent. This Justice Department must follow Congressional intent. If it wants to fund this suit, it should do so with its funds, not the veterans'. Please vote no on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 207, not voting 30 as follows:

AYES—197		
Abercrombie	Hastings (FL)	Neal
Ackerman	Hinchey	Ney
Allen	Hinojosa	Obey
Andrews	Hoeffel	Olver
Baird	Holden	Ortiz
Baldacci	Holt	Pallone
Baldwin	Horn	Pascarell
Barcia	Hoyer	Pastor
Barrett (WI)	Inslee	Peterson (MN)
Becerra	Jackson (IL)	Pomeroy
Bentsen	Jackson-Lee	Porter
Berman	(TX)	Pryce (OH)
Berry	Jefferson	Rahall
Blagojevich	Johnson (CT)	Ramstad
Blumenauer	Johnson, E. B.	Rangel
Bonior	Jones (OH)	Reyes
Borski	Kanjorski	Rivers
Boswell	Kaptur	Rodriguez
Brady (PA)	Kennedy	Roemer
Brown (OH)	Kildee	Roukema
Capps	Kilpatrick	Rush
Capuano	Kind (WI)	Sabo
Cardin	King (NY)	Salmon
Carson	Kleczka	Sanders
Castle	Klink	Sandlin
Condit	Kucinich	Sawyer
Conyers	Kuykendall	Saxton
Costello	LaFalce	Scarborough
Coyne	Lampson	Schakowsky
Crowley	Lantos	Serrano
Cummings	Larson	Shays
Davis (FL)	LaTourette	Sherman
Davis (IL)	Lazio	Sherwood
DeFazio	Leach	Skelton
DeGette	Lee	Slaughter
Delahunt	Levin	Smith (NJ)
DeLauro	Lewis (GA)	Smith (WA)
Deutsch	Lipinski	Snyder
Dicks	LoBiondo	Stabenow
Dingell	Lofgren	Stark
Dixon	Lowe	Strickland
Doggett	Luther	Stupak
Dooley	Maloney (NY)	Tauscher
Doyle	Markey	Taylor (MS)
Edwards	Mascara	Thompson (CA)
Ehlers	Matsui	Thune
Eshoo	McCarthy (MO)	Thurman
Evans	McCarthy (NY)	Tierney
Farr	McDermott	Towns
Filner	McGovern	Traficant
Foley	McKinney	Turner
Ford	McNulty	Udall (CO)
Frank (MA)	Meehan	Udall (NM)
Franks (NJ)	Meek (FL)	Upton
Frost	Meeks (NY)	Velazquez
Galleghy	Menendez	Visclosky
Ganske	Miller, George	Waters
Gejdenson	Minge	Watt (NC)
Gilchrest	Mink	Waxman
Gilman	Moakley	Wexler
Gonzalez	Moore	Weygand
Green (TX)	Moran (KS)	Wise
Greenwood	Morella	Wolf
Gutierrez	Murtha	Woolsey
Hall (OH)	Nadler	Wu
Hansen	Napolitano	Wynn

NOES—207

Aderholt	Boucher	Crane
Archer	Boyd	Cubin
Armey	Brady (TX)	Cunningham
Baca	Bryant	Danner
Bachus	Burr	Davis (VA)
Baker	Burton	Deal
Ballenger	Buyer	DeLay
Barr	Callahan	DeMint
Barrett (NE)	Calvert	Diaz-Balart
Bartlett	Camp	Dickey
Barton	Canady	Doolittle
Bass	Chabot	Dreier
Bateman	Chambliss	Duncan
Bereuter	Chenoweth-Hage	Ehrlich
Berkley	Clay	English
Biggart	Clayton	Etheridge
Bilirakis	Clement	Everett
Bishop	Clyburn	Fletcher
Bliley	Coble	Forbes
Blunt	Collins	Fossella
Boehlert	Combest	Frelinghuysen
Boehner	Cooksey	Gekas
Bonilla	Cox	Gibbons
Bono	Cramer	Gillmor

Goode	Manzullo	Scott
Goodlatte	McCrery	Sensenbrenner
Goodling	McHugh	Sessions
Gordon	McInnis	Shadegg
Goss	McIntyre	Shaw
Graham	McKeon	Shimkus
Granger	Metcalf	Shows
Green (WI)	Mica	Simpson
Gutknecht	Miller (FL)	Sisisky
Hall (TX)	Miller, Gary	Skeen
Hastings (WA)	Mollohan	Smith (MI)
Hayworth	Myrick	Smith (TX)
Hefley	Nethercutt	Souder
Herger	Northup	Spence
Hill (IN)	Norwood	Spratt
Hill (MT)	Nussle	Stearns
Hilleary	Ose	Stenholm
Hilliard	Oxley	Stump
Hobson	Packard	Sununu
Hoekstra	Paul	Sweeney
Hostettler	Pease	Talent
Houghton	Peterson (PA)	Tancredo
Hulshof	Petri	Tanner
Hunter	Phelps	Tauzin
Hutchinson	Pickering	Taylor (NC)
Hyde	Pickett	Terry
Isakson	Pitts	Thomas
Istook	Pombo	Thompson (MS)
Jenkins	Portman	Thornberry
John	Price (NC)	Tiahrt
Johnson, Sam	Quinn	Toomey
Jones (NC)	Radanovich	Vitter
Kasich	Regula	Walden
Kelly	Reynolds	Walsh
Kingston	Riley	Wamp
Knollenberg	Rogan	Watkins
Kolbe	Rogers	Watts (OK)
LaHood	Rohrabacher	Weldon (FL)
Latham	Ros-Lehtinen	Weldon (PA)
Lewis (CA)	Royce	Weller
Lewis (KY)	Ryan (WI)	Whitfield
Linder	Ryun (KS)	Wicker
Lucas (KY)	Sanchez	Wilson
Lucas (OK)	Sanford	Young (AK)
Maloney (CT)	Schaffer	Young (FL)

NOT VOTING—30

Bilbray	Fowler	Oberstar
Brown (FL)	Gephardt	Owens
Campbell	Hayes	Payne
Cannon	Hooley	Pelosi
Coburn	Largent	Rothman
Cook	Martinez	Roybal-Allard
Dunn	McCollum	Shuster
Emerson	McIntosh	Vento
Engel	Millender	Weiner
Ewing	McDonald	
Fattah	Moran (VA)	

□ 2050

Mr. HILLIARD changed his vote from "aye" to "no."

Ms. KILPATRICK and Messrs. SMITH of New Jersey, HALL of Ohio, EHLERS and GILCHREST changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 293, I was unavoidably detained and was unable to make this vote. Had I been present, I would have voted "aye."

Stated against:

Mr. HAYES. Mr. Chairman, on rollcall No. 293, I was inadvertently detained. Had I been present, I would have voted "no."

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R.

4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 15 I was away from the floor on official business and missed rollcall vote number 289, the Weldon amendment to H.R. 4578. If I was present I would have voted no. And on rollcall vote 288, the Nethercutt amendment to H.R. 4578, if I was present, I would have voted no.

REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001

Mr. ROGERS, from the Committee on Appropriations, submitted a privileged report (Reprt. No. 106-680) on the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4201, NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-681) on the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 90, WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-682) on the resolution (H. Res. 528) providing for consideration of the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization,

which was referred to the House Calendar and ordered to be printed.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H.Res. 259) supporting the goals and ideals of the Olympics, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe the House needs to understand why we are proceeding with this bill in an expeditious manner.

Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 259, a measure to support the goals and ideals of the Olympics. June 23 is the anniversary date on which the Congress of Paris approved the proposal to found the modern Olympics. This resolution recognizes the value of the Olympic games, calls for Congress and the American people to observe the anniversary, and for the President to issue a proclamation in observation.

The Committee on International Relations readily supported this resolution. I want to commend the gentleman from Kansas (Mr. RYUN) for introducing the measure. The Olympics showcases amateur athletes, and our country should encourage the spirit of competition and achievement exemplified by these games.

I thank the gentleman for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, first I would like to express my thanks to the gentleman from New York (Mr. GILMAN) for bringing this bill before the Committee on International Relations and to the House floor today.

House Resolution 259 recognizes the goals and ideals of the modern Olympic movement as propounded by Pierre de Coubertain, particularly the spread of a better and more peaceful world through sports. On June 23, the Olympic community will recognize this anniversary, so the timing of this bill on the House floor today could not be better.

Mr. Speaker, in September, millions of Americans will gather around their televisions to watch our Olympians compete in Sydney. Who among us can forget the amazing feats of the Olympians throughout the years. While each

of us has our own memories of the greatest Olympic moment, the Olympics gives this Nation the collective sense of oneness and pride that many times is lost in the worlds of professional sports and business and politics. Through the years, U.S. athletes have not only been outstanding standard-bearers of the Olympic ideal, but they have consistently been among the world's best in the athletic arena.

I had the distinct privilege to represent my country three times in the Olympic games. Each experience was different, but each represented the opportunity to put on the uniform that read USA. Not long before I attempted to qualify for the 1964 games in Tokyo, I was a 17-year-old high school student who did not really know what the Olympic games were all about. While many remember the 1968 games in Mexico City, the unrest and the civil rights movement, I also remember the countless world records and Olympic records set during the track and field competition. In 1972, I watched in horror as Israeli athletes tragically lost their lives to the hands of terrorists. The games did go on, most importantly to show that terrorists would not break the spirit of the Olympic ideal of a more peaceful world.

□ 2100

In 1972, I also had a personal tragedy as the favorite in the 1500 meters for the United States; and with the world watching, I was tripped and fell and was not knocked out of the competition. I cannot begin to describe the anger and disappointment I felt at that moment. However, I no longer feel that was a tragedy. Rather, I point to that event as a turning point that taught me there was more to life than running. It brought to new life the importance of God and family in my life.

Every Olympian has their own stories to overcoming long odds and personal triumph, regardless of whether they stood on the podium and received a medal. It is my honor to stand on the House floor in their place.

Mr. Speaker, as we look toward the next century of the Olympic Games, I ask my colleagues to join me in honoring our Olympic athletes and coaches along with their families and supporters.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation, I would like to make a few additional points.

First, I would like to congratulate the gentleman from Kansas (Mr. RYUN), on behalf of all of us in the House for being a distinguished Olympian in and of himself, and it proves once again the greatness of this country, that a person like the gentleman from Kansas (Mr. RYUN) would get a chance to work in the Olympics and then come and be in the Olympics of legislation.

We are delighted. The Olympics obviously are a significant event for all nations to share in the accomplishments of men and women in the area of athletics.

Mr. Speaker, I would like to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for expediting this matter, and the gentleman from Kansas (Mr. RYUN) for bringing it to our attention. We strongheartedly endorse it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 259

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic team and aspire to compete in the 2000 summer Olympic games in Sydney, Australia, and the 2002 winter Olympic games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic team; and

Whereas June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 259.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING TROUBLED PRE-ELECTION PERIOD IN REPUBLIC OF ZIMBABWE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 500) expressing the sense of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe, again, the House needs to understand why we are proceeding with this bill in an expeditious manner.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from New York for an explanation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the people of Zimbabwe will go to the polls next weekend to elect their parliament. Since its independence 20 years ago, Zimbabwe has been, in effect, a one-party state. The liberation party of President Robert Mugabe, which emerged from a war, for majority war with slogans shouting for equality and justice, has become thoroughly corrupted by the absolute power that it has enjoyed these past 2 decades.

Change is now at hand. The people of Zimbabwe are patient, but their patience appears to have come to an end. Candidates from parliament for the opposition parties have registered in record numbers. The leading opposition party appears to have overwhelming support among the urban populations of Zimbabwe.

But President Mugabe and his party cronies who have grown rich in government do not want to accept an honest

political contest. He has used land reform as a political wedge issue for years, refusing credible programs that would have addressed the issue in favor of a soapbox for demagoguery. Now he has taken extreme measures, provoking widespread violence against farmers, teachers, and farm workers.

The citizens of Zimbabwe remain steadfast. The murders, the beatings and harassment that have been visited upon them have merely strengthened their resolve.

H. Res. 500 expresses this Congress' profound dismay at these kinds of practices. It also conveys our solidarity and our support for those who struggle for democratic freedom wherever they may be.

I would like to thank our friend and distinguished colleague, the gentleman from Florida (Mr. HASTINGS), who was an original cosponsor of this measure; and I would also like to commend the Subcommittee on African Affairs, ably led by its distinguished chairman, the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. PAYNE), who are also cosponsors. They held an informative and timely hearing on the situation in Zimbabwe just last week.

Accordingly, I urge our colleagues to join in support of this measure.

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I would like to make some additional points.

First, I would like to thank the gentleman from New York (Chairman GILMAN) for expediting this matter and, the Chair of the Subcommittee on Africa, along with the ranking member, the gentleman from New Jersey (Mr. PAYNE). It was my pleasure to be a cosponsor with the chairman of this resolution.

It is simple but it strongly condemns the ongoing spiral of political violence in Zimbabwe. Mr. Speaker, for those of us who cherish life, liberty, and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious, but quite painful.

As we witness the escalation of violence in that tiny nation, it appears that due process, free speech, and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

First, I am gravely concerned about Zimbabwe's economic downturn and that government's inability to control the inflation, unemployment, and violence. The economy has suffered and continues to suffer and Zimbabweans are paying a terrible price. Agriculture production is down and inflation is over 70 percent.

President Mugabe must immediately demonstrate a willingness to address

its economic problems strategically and equitably.

Second, I would like to express my deep concern for the people of Zimbabwe by condemning the many egregious acts of violence and intimidation occurring there against both Zimbabwean farm workers and individuals who support opposition parties.

Recently, the chairman held a full hearing on this matter in the Subcommittee on Africa, and we heard from one of those members of the opposition party by way of technology that is now being utilized in Committee on International Relations.

The ruling party militants have attacked teachers and health workers, forcing many to flee their clinics and schools in the wake of pre-election violence. I strongly condemn the widespread and violent attacks in Zimbabwe, including reports of murder, rape, beatings, and burning of homes.

Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. The results of the February 12 referendum provided additional momentum for demographic reform activists. The people of Zimbabwe sent a message by their ballot that a constitution perpetuating state power was not acceptable.

And in the interest of time, I would just like to say that the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, I continue to believe that we must act swiftly to avoid further disaster. I believe that with Sierra Leone in a state of anarchy, the Democratic Republic of Congo a battlefield, and the other parts of the African continent are undergoing cataclysmic upheavals, we cannot allow Zimbabwe to collapse as well.

There is still time, but only if President Mugabe listens, acts swiftly and returns to his senses.

Mr. Speaker, continuing my reservation, I would like to make some additional points.

Mr. Speaker, this resolution is simple, but it strongly condemns the ongoing spiral of political violence in Zimbabwe. It further condemns all violence directed against farm workers; recommends that a bipartisan delegation travel to Zimbabwe under the auspices of the International Republican Institute and the National Democratic Institute for International Affairs, to monitor elections scheduled for June 24 and 25, 2000; and urges President Mugabe and his ruling Zimbabwe African National Union-Patriotic Front to enforce the rule of law, and support international efforts to assist land reform.

Mr. Speaker, for those of us who cherish life, liberty and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious but quite painful. As we witness the escalation of violence in that tiny nation, it appears that due

process, free speech, and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

First, I am gravely concerned about Zimbabwe's economic downturn and that government's inability to control inflation, unemployment and violence. The economy has suffered and continues to suffer, and Zimbabweans are paying a terrible price. Agricultural production is down and inflation is over 70 percent. President Mugabe must immediately demonstrate a willingness to address its economic problems strategically and equitably.

Second, I'd like to express my deep concern for the people of Zimbabwe by condemning the many egregious acts of violence and intimidation occurring there against both Zimbabwean farm workers and individuals who support opposition parties. Recently, Mr. Speaker, the ruling party militants have attacked teachers and health workers, forcing many to flee their clinics and schools in the wake of pre-election violence. I strongly condemn the widespread and violent attacks in Zimbabwe, including reports of murder, rape, beatings and burning of homes.

Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. The results of the February 12th referendum provided additional momentum for democratic reform activists. The people of Zimbabwe sent a message by their ballot that a constitution perpetuating state power was not acceptable. President Mugabe's supported constitution was defeated with approximately 55 percent of all ballots against the measure. However, Mr. Mugabe rejected rulings from the independent judiciary. He is supportive of the squatters who currently occupy white farms. To be sure, while the take overs have been largely peaceful, the Zimbabwe Supreme Court has ruled these actions to be illegitimated and have ordered the protesting civil war veterans off the white farms. However, the police and security personnel have yet to enforce the court decree, and it is now perceived that the Zimbabwean government is countering the rule of law.

Mr. Speaker, the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, I continue to believe that we must act swiftly to avoid further disaster. I believe that with Sierra Leone in a state of anarchy, the Democratic Republic of the Congo a battle field and other parts of the African continent undergoing cataclysmic upheavals, we cannot allow Zimbabwe to collapse as well. There is still time, but only if President Mugabe listens, acts swiftly and returns to his senses.

Mr. Speaker, the United States has a long-standing friendship with the people of Zimbabwe, and we must do everything we can to preserve and advance democratic gains, protect civil society, and help the people of Zimbabwe to uphold the rule of law.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 500

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas no date has been set for parliamentary elections in Zimbabwe;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and ful-

fill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation;

(9) recommends that the United States send a bipartisan delegation under the auspices of the International Republican Institute and the National Democratic Institute for International Affairs to observe the parliamentary election process in Zimbabwe; and

(10) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

The resolution was agreed to.

AMENDMENT TO PREAMBLE OFFERED BY MR.

GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GILMAN.

In the 14th clause of the preamble, strike "no date has been set" and insert "June 24 and June 25, 2000, are the dates".

Mr. GILMAN. Mr. Speaker, I have no comment on the amendment.

Mr. HASTINGS of Florida. Mr. Speaker, we do not object.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 500.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENSE OF HOUSE REGARDING INDEPENDENT MEDIA IN RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be

discharged from further consideration of the concurrent resolution (H. Con. Res. 352) expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe the House needs to understand why we are proceeding in an expeditious manner, but I would ask the Chair, in deference to the fact that the gentleman from Pennsylvania (Mr. WELDON) has such extraordinary experience in this area, if we could be permitted to allow him to go forward and then allow the gentleman from New York (Mr. GILMAN) to speak.

Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. WELDON), who has a great deal of experience in this area.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to, first of all, thank my distinguished chairman and leader, the gentleman from New York (Mr. GILMAN), and my distinguished good friend, the gentleman from Florida (Mr. HASTINGS), for bringing this very timely legislation and thank all the members on the Committee on International Relations to allow us to make a statement on the seriousness of the situation that is occurring in Russia over the last several months relative to freedom of the press.

As my friend has stated and my colleagues are aware, I have a special interest in Russia. I just made my 21st trip there last weekend with Secretary Cohen, where I was able to attend meetings with him and the defense minister and the leaders of the Duma on improving American-Russian relations.

I felt that we achieved a considerable amount of progress, but I would be less than candid if I did not tell my colleagues that there are serious problems inside of Russia. All of us were optimistic when the new President Putin took over in January and was elected in free and fair elections several months later, but there has been a pattern well documented in this bill of actions against members of the free press, including Radio Free Europe and the independent radio and TV stations in Moscow and, most recently, including the chairman and the head of Media Most Corporation, Mr. Gusinsky. In fact, the distinguished chairman

knows because he was host to the number two person at Media Most. As the distinguished chairman knows, just several weeks ago, we had the number 2 person from Media Most over speaking to Members of Congress expressing the real concerns of what happened with the FSB invasion of their headquarters and the outrage that many of us felt about having this independent media feel the pressure of what appears to be the Putin government, in trying to crack down on the ability of Russians to speak out.

Russia is a fragile democracy, and that fragile democracy is going to exist and succeed only based upon the success of their free media, and we must in America speak out when we see incidences occur like the incident involving the reporter who was responding or reporting on the Chechnyan war to the efforts by Gusinsky to report on concerns within Russia about the direction of the Russian government. And while President Putin and leaders in the various factions may not agree with what is being said by the Russian media, they must understand that a free democracy must have that free speech, or it will cease to be a free democracy.

I might also add that we are heartened that Mr. Gusinsky has recently been released, but I also want to mention there are other patterns of strong-arm tactics coming out of Russia, Mr. Speaker. On April 3, one of our Pennsylvania constituents, a Penn State professor by the name of Ed Pope, was arrested. He has been charged with crimes against the Russian state. It is an absolute fabrication.

My good friend and colleague, the gentleman from Pennsylvania (Mr. PETERSON), and I have been working this case for 6 weeks; and we are not going to step back until we see Mr. Pope released to his wife and to his loved ones up in State College.

□ 2115

Russia needs to understand, Mr. Speaker, that all of us on both sides of the aisle want to be friends with Russia. We want Russia to be an equal trading partner of ours. We want a secure stable relationship. We want to have a fair process where the two countries can work together in every possible area of cooperation. But none of this can exist if there is a pattern of abuse of the free media and if there is a fear of intimidation on the part of those people who would go to Russia to conduct business or to perform positive relations with the people of Russia.

So, again, I want to thank my colleagues for this outstanding resolution. The gentleman from New York (Mr. GILMAN) has been a tireless advocate on these kinds of issues around the world. The gentleman from Florida (Mr. HASTINGS) is constantly on top of these issues. I applaud both of them for

their leadership and join with them in urging our colleagues to pass this important legislation this evening.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his supporting remarks.

Mr. Speaker, House Concurrent Resolution 352, which I have introduced along with the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH), makes it clear that the Congress is greatly concerned by the treatment of the Russian media by President Vladimir Putin and by his government's increasingly apparent lack of respect for freedom of expression in Russia.

After years of extensive privatization of Russian state-owned enterprises, little privatization has been carried out in major segments of the Russian media. Important segments, such as large printing and publishing houses and nationwide television frequencies and broadcasting facilities, have been only partially privatized, if they have been privatized at all.

That failure to privatize key segments of the media presents a tempting opportunity for Russian officials to manipulate the state-run media for their own ends; and in the recent parliamentary and presidential elections, we saw clear evidence that Russian officials have succumbed to that temptation. As this resolution points out, the Russian government's immense influence over the state-run media was used during those elections to openly support friends of the party in power in the Kremlin and to attack, blatantly and viciously, those who oppose that party of power.

Mr. Putin probably would not be president of Russia today if such media manipulation had not been used to his own advantage. Mr. Speaker, in addition to that manipulation of the state-run media, this resolution points out that the Russian government and its officials and agencies have also sought to intimidate the independent media.

A new Russian Ministry for the Press was created last July, and the Minister for the Press stated quite openly that his job was to address the so-called "aggression" of the Russian press. Leading Russian editors complaining in an open letter to former President Boris Yeltsin in August that government officials were putting pressure on the media, particularly through unwarranted raids by the tax police.

In fact, as recently as May 11, masked officers of the Russian Federal Security Service raided the headquarters of Media-Most, that is the company which operates NTV, the largest independent national television

station in Russia. Then, just last week, the owner of Media-Most, Vladimir Gusinsky, was arrested on rather vague charges and held for several days.

In addition, Russian reporters have been beaten, some murdered, and police investigations have tended to fail to identify the perpetrators, much less bring them to justice. Andrei Babitsky, a Russian reporter working for Radio Free Europe/Radio Liberty covering the war in Chechnya, was arrested by the Russian military and then exchanged to unidentified Chechens for Russian POWs. Another reporter was ordered by police to enter a psychiatric clinic for an examination after he wrote articles critical of certain Russian officials.

Mr. Speaker, beyond these examples of the ongoing intimidation of the press by Mr. Putin's government, this resolution points out a distressing fact that is very relevant to freedom of expression in general in Russia. The Russian Federal Security Service is now moving to ensure total surveillance over the Internet in Russia by installing a system by which all transmissions and e-mails originating within Russia and sent to parties in Russia can be read by its personnel. In this manner, new structures of surveillance over all of Russia's citizens are now being created.

This resolution, H. Con. Res. 352, makes it clear that the Russian government's manipulation and intimidation of the media threatens the chances for democracy and the rule of law in Russia and makes it clear that freedom of expression by Russians in general is also under attack by that government and by its agencies.

Mr. Speaker, this measure calls on our President to make it clear to President Putin that the United States insists on respect for freedom of speech and of the press in Russia.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation, I would like to make a few additional points, one being that under President Putin it seems that conditions are getting worse. But, more important, I would like to thank the chairman of the Committee on International Relations for expediting this matter and for all of our colleagues that are cosponsors. None are more significant than the gentleman from California (Mr. LANTOS), who, along with the chairman, is the author of some of the language that appears in the resolution.

Having that understanding, I would like to reflect on two things. Had he been here and not had the scheduling mix-up that he has, the gentleman from California (Mr. LANTOS) no doubt would have pointed out that under former President Yeltsin, the media enjoyed a reasonable degree of independence and freedom from supervision by the so-called Media Ministry. The gentleman from California (Mr. LANTOS), myself and the gentleman from

New York (Chairman GILMAN) have expressed our concerns that these actions will exacerbate tension in the Russian media and Russian society vis-a-vis the government.

Finally, the government of Russia has a right to enforce its laws and investigate illegal activity of its citizens. However, such a selective application of the Russian government's procuratory authority, imprisonment before the actual charges are brought and the overall abuse of the Federal authority, does deserve Congressional condemnation.

For the gentleman from California (Mr. LANTOS) and for the gentleman from New York (Chairman GILMAN), I offer my thanks.

Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 352

Whereas almost all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the "Press Freedom Survey 2000" reported by "Freedom House" of Washington, DC, stated that the approximately 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program "Top Secret" after it reported on alleged corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia's leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address "aggression" by the Russian press;

Whereas the Russian Federal Security Service or "FSB" is reportedly implementing a technical regulation known as "SORM-2" by which it could reroute, in real time, all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian constitution's provisions concerning the right to privacy of private communications, according to Aleksei Simonov, President of the Russian "Glasnost Defense Foundation",

a nongovernmental human rights organization;

Whereas such surveillance under SORM-2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, among other transmissions;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidency in the beginning of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya to the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for "Reuters News Agency" and the "Associated Press" were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and of the press, and have reportedly constituted a violation of the Criminal Code of the Russian Federation;

Whereas in January 2000 Aleksandr Khinshtein, a reporter for the newspaper "Moskovsky Komsomolets", was ordered by the Russian Federal Security Service to enter a clinic over 100 miles from his home for a psychiatric examination after he accused top Russian officials of illegal activities, and such detainment in psychiatric wards was previously employed by the former Soviet regime to stifle dissent;

Whereas the Russian newspaper "Novaya Gazeta" was officially warned by the Russian Ministry of the Press for its printing of an interview with Aslan Maskhadov, the elected President of the Republic of Chechnya; an entire issue of "Novaya Gazeta", including several articles alleging massive campaign finance violations by the presidential campaign of Vladimir Putin, was lost to unidentified computer "hackers"; and a journalist for "Novaya Gazeta" was savagely beaten in May of this year;

Whereas President Thomas Dine of Radio Free Europe/Radio Liberty on March 14th, 2000, condemned the Russian Government's expanding efforts to intimidate the mass media, stating that those actions threaten the chances for democracy and rule of law in Russia;

Whereas "NTV", the only national independent television station, which reaches

half of Russia and is credited with professional and balanced news programs, has frequently broadcast news stories critical of Russian Government policies;

Whereas on May 11, 2000, masked officers of the Russian Federal Security Service carrying assault weapons raided the offices of "Media-Most", the corporate owner of NTV and other independent media;

Whereas the May 11th raid on Media-Most represented a failure of recourse to normal legal mechanisms and conveyed the appearance of a politically-motivated attack on Russian independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky;

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian dictatorship in Russia; and

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the pattern of Russian officials' surveillance and physical, economic, legal, and political intimidation of Russian citizens and of the Russian media that has now become apparent in Russia;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Radio Free Europe/Radio Liberty journalist Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th arrest of Vladimir Gusinsky; and

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and the political manipulation of the state-owned media in Russia are incompatible with democratic norms.

SEC. 2. TRANSMITTAL TO SECRETARY OF STATE.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with the request that it be forwarded to the President of the Russian Federation.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 352.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, last Thursday, I was unavoidably detained and missed rollcall votes numbers 285 through 291.

Had I been present, I would have voted present on rollcall 285, yes on rollcall 286, yes on recall 287, no on rollcall 288, no on rollcall 289, yes on rollcall 290 and no on rollcall 291.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

**COMMUNITY EMERGENCY
ADJUSTMENT ACT**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON. Mr. Speaker, we are preparing tomorrow evening to drop an important piece of legislation, a bill whose short title is the Community Emergency Adjustment Act. It is a very simple and straightforward solution for communities who are experiencing sudden economic distress. That sudden economic distress occurs due to plant closures, mergers and acquisitions that lead to dislocation, displacement and layoffs, layoffs that occur because of trade or technology.

I am pleased to announce that we have more than 160 cosponsors, bipartisan support, and am equally pleased that all the members of the Connecticut delegation have sponsored this legislation, along with my good friend the gentleman from Maine (Mr. BALDACC), who we will hear from shortly as well, and I especially want to thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASICH) for their advice in pursuing this legislation.

I know firsthand why we seek this kind of remedy. We are experiencing some 1,700 layoffs within my district. What we know firsthand is that there is often a lack of coordination. It is this kind of coordinated effort that this piece of legislation seeks to remedy.

In short, when there is a natural disaster, FEMA comes in and provides an opportunity to make sure that it integrates with all the Federal agencies the kind of emergency response that is needed when communities are experiencing a natural disaster. It is true when there have been base closures in the past that the Department of Defense comes in and also organizes all the Federal agencies that are impacted, and in this way presenting a coordinated effort in assisting the communities through these problematic concerns.

That is not the case currently when layoffs occur, when workers are displaced. So, what this bill seeks through the Department of Commerce is to create in the Economic Development Administration a coordinating entity that will work with our various agencies, that will work with the Department of Agriculture, Small Business Administration, the Treasury, Labor, HUD, and, of course, the Department of Commerce itself.

The purpose here is to appoint a team leader. Again, when communities are experiencing these kinds of layoffs, currently the communities involved have to reach out to the various Federal agencies. What this will do when a community experiences the economic distress that I have talked about is it will provide the Department of Commerce with the opportunities to come in and coordinate this assistance, so it will be both cost savings, efficient and effective and assist our communities and assist those who are being displaced, those who have been laid off, with getting the kind of immediate coordinated assistance that they expect from the Federal Government.

I want to thank as well the administration, especially the Department of Commerce, for working with us on this approach. We hope to pilot this approach by getting them up to Connecticut and having them work through some of these particularly thorny areas so that we can coordinate in a whole-hearted effort to make sure that workers are receiving the kind of relief that they have.

Mr. Speaker we are seeking original cosponsors on this bill that we are going to drop tomorrow evening. As I have indicated, we have more than 160 cosponsors to what is a very pragmatic, straightforward solution in addressing communities that experience economic distress.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 15, 2000, I was away from the House on official business and missed rollcall vote number 288, the Nethercutt amendment to H.R. 4578. I would have voted no.

On rollcall vote 289, the Weldon amendment to H.R. 4578, I would have voted no.

On rollcall 290, the motion to recommit with instructions regarding H.R. 4578, I would have voted aye.

On final passage, rollcall vote number 291 on H.R. 4578, the Department of Interior Appropriations for FY 2001, I would have voted no.

□ 2130

**U.S. MEMBERSHIP IN THE WORLD
TRADE ORGANIZATION**

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise tonight to talk about a bill that is coming to the floor either tomorrow or the next day. It is H.J. Res. 90. This resolution, if it were to pass, would get us out of the World Trade Organization.

There are many of us here in the House and many Americans who believe very sincerely that it is not in our best interests to belong to the World Trade Organization, who believe very sincerely that international managed trade, as carried on through the World Trade Organization, does not conform with our Constitution and does not serve our interests.

It said by those who disagree with this so often in the media that those of us who disagree with the World Trade Organization that we are paranoid, we worry too much, and that there is no loss of sovereignty in this procedure. But quite frankly, there is strong evidence to present to show that not only do we lose sovereignty as we deliver this power to the World Trade Organization, that it indeed is not a legal agreement. It does not conform with our Constitution; and, therefore, we as Members of Congress should exert this privilege that we have every 5 years to think about the World Trade Organization, whether it is in our best interests and whether it is technically a good agreement.

The World Trade Organization came into existence, and we joined it, in a lame duck session in 1994. It was hurried up in 1994 because of the concern that the new Members of Congress, who would have much more reflected the sentiments of the people, would oppose our membership in the WTO. So it went through in 1994; but in that bill, there was an agreement that a privileged resolution could come up to offer us this opportunity.

Mr. Speaker, let me just point out the importance of whether or not this

actually attacks our sovereignty. The CRS has done a study on the WTO, and they make a statement in this regard. This comes from a report from the Congressional Research Service on 8-25-99. It is very explicit. It says, as a member of the WTO, the United States does commit to act in accordance with the rules of the multilateral body. It is legally obligated to ensure national laws do not conflict with WTO rules. That is about as clear as one can get.

Now, more recently, on June 5, the WTO director, General Michael Moore, made this statement and makes it very clear: the dispute settlement mechanism is unique in the international architecture. WTO member governments bind themselves to the outcome from panels and, if necessary, the appellate body. That is why the WTO has attracted so much attention from all sorts of groups who wish to use this mechanism to advance their interests.

Interestingly enough, in the past, if we dealt with trade matters, they came to the U.S. Congress to change the law; they came to elected representatives to deal with this, and that is the way it should be under the Constitution. Today, though, the effort has to be directed through our world trade representative, our international trade representative, who then goes to bat for our business people at the WTO. So is it any surprise that, for instance, the company of Chiquita Banana, who has these trade wars going on in the trade fights, wants somebody in the administration to fight their battle, and just by coincidence, they have donated \$1.5 million in their effort to get influence?

So I think that the American people deserve a little bit more than this.

The membership in the WTO actually is illegal, illegal any way we look at it. If we are delivering to the WTO the authority to regulate trade, we are violating the Constitution, because it is very clear that only Congress can do this. We cannot give that authority away. We cannot give it to the President, and we cannot give it to an international body that is going to manage trade in the WTO. This is not legal, it is not constitutional, and it is not in our best interests. It stirs up the interest to do things politically, and unelected bureaucrats make the decision, not elected officials. It was never intended to be that way, and yet we did this 5 years ago. We have become accustomed to it, and I think it is very important, it is not paranoia that makes some of us bring this up on the floor.

Mr. Speaker, we will be discussing this either tomorrow or the next day. We will make a decision, and it is not up to the World Trade Organization to decide what labor laws we have or what kind of environmental laws we have, or what tax laws.

COMMUNITY ECONOMIC ADJUSTMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. BALDACCIO) is recognized for 5 minutes.

Mr. BALDACCIO. Mr. Speaker, first I would like to commend the gentleman from Connecticut (Mr. LARSON) for working on and developing this legislation and to be able to work with him in recognizing that the economic tide of prosperity has not reached all Americans in every place in America. I would also like to commend him on the ability of working in a bipartisan fashion with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASICH) and other Members, because we recognize that we have to work together across the aisle in order to accomplish things, and anything that is worthwhile to the people that we represent.

New market initiatives that the President has proposed, working with the Speaker, recognize that everyone in every place has not been touched by economic prosperity. So while we are trying to develop markets overseas and go more towards more and more global trade and world trade, we must look in the rearview mirror and make sure that all Americans in all of America have an opportunity to live and achieve the American dream.

Mr. Speaker, this legislation, the Community Economic Adjustment Act of 2000, which I am an original cosponsor of together with my colleague, would create a single agency at the Federal level to be able to respond with the same force that FEMA does for natural disasters, that the defense relocation acts as in terms of base closures, would be able to react in terms of economic distress. There are parts of Maine that have over 9 percent unemployment. There have been plant closings which I have been a part of trying to make sure that people have training, education and one-stop centers. When we are looking into the faces and the eyes of people who have nowhere else to turn but an extended unemployment check and relocation costs, we know that we have more to do here in the United States Congress, in the capital of this United States.

That is why this legislation, along with other proposals that the President and the Speaker are pushing, working in concert together, are going to try to make sure that that tide is in all areas of the country and has an opportunity to hit all people throughout this country to give them the same opportunities, to give corporations the same opportunities to invest here; to give the same resources available to people here that we provide overseas, so that they have an opportunity to be able to achieve and strengthen their skills and educational opportunities; and this legislation does it.

The gentleman from Connecticut (Mr. LARSON) and myself and other Members are seeking cosponsors so that we can develop more sponsors and cosponsors on a bipartisan basis. At this point we are talking about over 160 cosponsors so far, to develop bipartisan widespread support in the United States Congress to recognize that we need to have a comprehensive trade policy; that we need to have a comprehensive review of global policies at the same time that we are advancing those policies; that we are trying to make sure that each part of Maine and America have an opportunity, whether it is empowerment zones, enterprise communities, new markets initiatives, or the coordination of these agencies, so that we can begin to do some collaboration here, so that we can have agencies working together and not at cross-purposes.

In this Congress, we have worked very hard to restructure the job training programs so that we did not have 66 job training programs costing over \$30 billion. The fact of the matter is, we left out some of the NAFTA job training programs, some of the trade adjustment assistance programs. We did this to make sure that there is coordination and a single source so that when the people are walking into these sources of training and education, that they have this opportunity.

Mr. Speaker, I yield to the gentleman from Connecticut, if I have time, if he would like to comment on this legislation; but I would like to commend him at this time and seek to continue to work with him.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Maine for yielding. I would only add to his eloquently stated verse with regard to the impact that this legislation will have on workers all across this great Nation of ours and in my home State of Connecticut. The fact of the matter is, as the gentleman has pointed out, that as we experience globalization, we know that the blessings of commerce are not evenly spread across this Nation. So that is why it is critically important that the Federal Government coordinate a response in a timely fashion that this legislation will provide.

Again, I thank the gentleman from Maine for his hard work on this bill; and as he indicated, we seek cosponsors as well.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the

House Committee on Appropriations printed in House Report 106-660. In total, these revisions reduce the Committee's allocations by \$201,000,000 in budget authority and \$227,000,000 in outlays.

Floor action on H.R. 4577, the bill making fiscal year 2001 appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies, removed the emergency designation from \$501,000,000 in budget authority contained in the House-reported bill. Outlays flowing from that budget authority totaled \$240,000,000. The allocations to the House Committee on Appropriations and budgetary aggregates were increased to reflect the emergency funding in the House-reported bill in a letter dated 6 June 2000. The allocations to the Appropriations Committee and the budgetary aggregates are reduced by \$501,000,000 in budget authority and \$240,000,000 in outlays to reflect floor action. This sets the allocations to the House Committee on Appropriations at \$601,180,000,000 in budget authority and \$625,735,000,000 in outlays. Budgetary aggregates become \$1,529,385,000,000 in budget authority and \$1,494,956,000,000 in outlays.

As reported to the House, H.R. 4635, the bill making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, includes \$300,000,000 in budget authority and \$13,000,000 in outlays for emergencies. The allocations for the House Committee on Appropriations are further adjusted to reflect those amounts, establishing allocations of \$601,480,000,000 in budget authority and \$625,748,000,000 in outlays. Budgetary aggregates become \$1,529,685,000,000 in budget authority and \$1,494,969,000,000 in outlays.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

LOOKING AT WAYS TO CONTROL THE RISING PRICE OF GAS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, on June 21, the nations of OPEC will meet once again to determine the fate of practically every family across the country, and that is whether to increase oil production in those nations.

Now, it is no secret, Mr. Speaker, to every family and business across this Nation that gas prices are through the roof. Lately, we have been hearing a lot of excuses as to why that is occurring. But let us not lose sight of why it is occurring. It is fundamentally a law of supply and demand. As we keep down production, and the demand for that product, in this case oil, continues to grow, prices will rise. So not only must we call upon our OPEC nations to increase production, to lessen the price at the pump, but we also I think have

to look inside our unnecessary rules and regulations that cause those gas prices to jump as well.

For months now, more than a year, Members of Congress, both Democrats and Republicans, have tried to plead with the administration to find ways to stimulate domestic production to decrease our reliance on OPEC nations. If they want to keep those production levels at what they are now, fine. That is their right. I do not agree with it, but that is their right. But why can we not, the United States of America, find ways to decrease our reliance upon OPEC nations and look right here in our 50 States to develop ways to lessen the burden to that family at the pump?

Do the math. It is very simple. If you have a 15-gallon tank in your car, and you go to the pump, say, once a week, you are paying \$10 to \$15 more just to fill up your family car, to take your kids to the Little League game or to school. Over a month, you are looking at another \$40 or \$50 out of your family wallet. Over 6 months, you are in the \$200 to \$300 range. If you do a lot of driving, you have to fill up twice a week, we are talking about \$500 or \$600 for a 6-month period that has got to come from somewhere. It does not fall from the sky; it comes from the family wallet. That means no vacation perhaps; that means maybe we are not going to buy the clothes for the kids for school; maybe we are going to put off buying that microwave oven that we wanted.

What do we hear from the administration? Let us see if there is price gouging. Fine, go, see if there is price gouging, but also be honest with the American people and tell them that there are a lot of unnecessary rules and regulations and a commitment to keep production in this country down.

□ 2145

Only when we are totally honest with the American people can we find ways to truly decrease the price at the pump.

If anybody thinks this is not affecting our everyday American out there, I think they are losing a lot of disks out in Los Alamos that they are so busy they cannot understand what is happening. Small businesses are forced to raise their fees, taxi drivers are forced to find alternative sources of income or go out of a job, small business owners who have to pay this additional freight, the additional gas costs.

This is not right, and for so many folks who claim to feel the pain of others, we are turning our cheek, turning our head away from the folks who cannot afford the costs the most.

Mr. Speaker, let me say that I think in more than the year of promises that were made and not fulfilled, the American people deserve more of a response that allows the United States companies to increase production, to decrease

these onerous rules and regulations that do nothing but increase the price at the pump, and give the American family a break.

THE DEMOCRATIC PLAN FOR A MEDICARE PRESCRIPTION DRUG POLICY

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Tonight, Mr. Speaker, once again I would like to talk about the need for a Medicare prescription drug policy, and talk a little bit about the Democratic plan, the President's plan, in contrast with what I consider the lack of plan that the Republican leadership appears to have come up with and apparently is attempting to move through the House over the next week or two.

My colleague, the gentleman from Maine (Mr. ALLEN), has been a leader on this issue and introduced legislation more than a year ago to deal most specifically with the issue of price discrimination.

As he has said many times and I will reiterate, there are really two aspects to this Medicare prescription drug proposal. One is to provide the benefit, and the other is to make sure that the price discrimination that we have witnessed so often in the last few years does not continue.

I would like to commend the gentleman for all that he has done to address this issue of price discrimination with his legislation, and also with his effort to get so many cosponsors to that bill.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding, Mr. Speaker.

Here we are again, back in the well of the House, talking about a problem that is a matter of immediate concern to seniors and others all across the country.

A little history. I want to talk in a few minutes about the debates that are going to come up this week and next week here in the Congress over the issue of prescription drugs, but a little history is worth recalling.

It was almost 2 years ago when I released the first study done by the Democratic staff of the Committee on Government Reform which shows that, on average, seniors pay twice as much for their prescription medications as the drug companies' best customers, being big hospitals, HMOs, and the Federal government itself buying either for Medicaid or through the Veterans Administration.

That is an astonishing difference, a difference of about 100 percent of the most commonly-prescribed prescription drugs.

We released that first study on July 2, 1998. In September I introduced legislation, September of 1998, that would provide a discount to every senior who is on Medicare, to all Medicare beneficiaries. The bill would work very simply. It simply would provide that pharmacists would be able to buy drugs for Medicare beneficiaries at the best price given to the Federal government. It is called the Prescription Drug Fairness for Seniors Act, H.R. 664, in this Congress.

Then, in October of 1998, we did the first of the international comparisons. That was a study to show that Mainers pay on average 72 percent more than Canadians and 102 percent more than Mexicans for the same drug in the same quantity from the same manufacturer. Those two studies have been replicated in the first place in over 115 districts around the country, and in the second case, by dozens.

I want to thank the gentleman from New Jersey (Mr. PALLONE), who has done so much to help drive this issue, being here night after night after night and organizing the Health Care Task Force as the gentleman does.

It is very clear what Democrats are advocating for. On the one hand, we are saying we need a discount. It is very simple, it does not cost the Federal government any significant amount of money, it does not create any new bureaucracy, but it would yield about a 40 percent discount for seniors who are already on Medicare paying out-of-pocket for their own prescription drugs.

Let us remember that over half of all seniors have either no coverage at all, 37 percent, or very inadequate coverage from HMOs or through MediGap itself, so we are dealing with over half of the senior population which does not have adequate coverage for prescription drugs.

Now, 2 years after we began this effort, the Republicans are finally coming up this week and next with a plan. It is interesting what that plan is, because we have been advocating for the kind of discount I described, and also a benefit to make Medicare updated, to make it more like what the plans of Aetna, Signa, United, the Blue Cross companies provide employees, a health care plan with prescription drug coverage.

That is what we want for Medicare. Those plans negotiate lower prices for their beneficiaries. Medicare beneficiaries should get lower prices. But also, a discount is not enough. We have to have the benefit under Medicare.

It all seems very simple, but in Washington not much is very simple. What we notice are two things happening this week. On the one hand, the Republicans are coming up with a prescription drug plan that relies on HMOs and private insurance companies. On this foundation is built a plan that, the truth is, will not help America's sen-

iors, because instead of updating Medicare, instead of strengthening Medicare, instead of providing a Federal prescription drug benefit, what the Republican plan does is turn to HMOs. It says that they have been so successful in providing benefits for Medicare beneficiaries that we should let them provide prescription drug coverage, as well.

Then it says that the plan provides that there should be room for private insurance companies to offer prescription drug coverage, stand-alone prescription drug coverage. So one of the things we notice is this is the plan that the Republicans are rolling out in the House this week.

What we also notice is that, not by coincidence, the pharmaceutical industry is running ads suggesting that what this country's seniors really need is private insurance. What we can see is the Republicans in Congress are working hand in glove with the pharmaceutical industry, hand in glove with the HMOs and the private insurance industry.

Here is the most interesting ad. This ad has appeared as a full-page ad in the Washington Post. This is either from Roll Call or the Hill magazines here. It is in Congress Daily. Everywhere we go in Washington we see this particular ad. I have never seen it in anything less than a full page in whatever publication it has been in.

It is an interesting ad. It says, "Read label before legislating. Private drug insurance lowers prices 30 percent to 39 percent. Shouldn't seniors have it?" Now, I think seniors should get that kind of discount. That is exactly the kind of discount that is reflected in the Prescription Drug Fairness for Seniors Act. But my bill would provide that Medicare would negotiate lower prices for all 39 million Medicare beneficiaries. Under that kind of plan, Medicare would have real leverage to drive down prices.

What is interesting about this particular plan, this particular advertisement, is that a portion of it reads as follows: "12 million senior Americans now have no prescription drug insurance coverage. As a result, most of them pay full price for their medicines. That is because they don't have the market clout that comes with a drug insurance benefit."

Now, it is interesting, until last week the pharmaceutical industry was attacking my proposal and others on the grounds that if it provided a 20, 30, 40 percent discount to seniors, that they would have to cut back on research and development costs.

Here is an advertisement sponsored by PHARMA, the pharmaceutical industry, basically calling for a 30 to 39 percent discount.

The question that might arise is, why do they not simply give seniors a 30 to 39 percent discount now? They set the

prices, they can lower them tomorrow. But they do not. This is an industry ad saying, protect us from ourselves. We are charging seniors far more than we charge insurance companies, big hospitals, and HMOs, and the way to do that is to give private insurance to seniors.

Now, to some extent we might say, well, does that not make sense? But the truth is, there is a glitch. There is a problem. The insurance industry says, we are not going to provide private insurance for prescription drugs. They have said it over and over and over again. Yet, the Republicans in this House are bringing forth a plan that depends on HMOs and private insurance companies.

How does this work? What does it mean? Well, the private insurance, Chick Kahn, head of the Insurance Association of America, has said, we are not going to provide private insurance for prescription drugs because it is like ensuring against haircuts. There are so many claimants, in other words. They say to people up in Maine, if Maine were a low-lying State and 85 percent of the people every year put in a claim for flood insurance, we would not be able to buy flood insurance in Maine at any price. But 85 percent of seniors in this country take some form of prescription drugs.

So despite the fact that the insurance industry is saying, we will not provide prescription drug insurance for seniors, the Republicans in this House are bringing up a plan that depends on private insurance for seniors. It will not work.

Why are they doing this? What is the purpose of the plan? The only conclusion we can come to is that the Republican plan is not a plan to help seniors afford their prescription drugs. What it is is a prescription for Republican Congressmen. It is a prescription to help them in November by having the appearance of a prescription drug plan for seniors but not the reality of a prescription drug plan for seniors. It is an illusion.

That is why it does not matter to the Republican leadership in this House whether the plan works or not, whether the insurance industry will actually provide insurance or not, or whether the plan will ever become law or not. It is designed as political cover. It is designed as a prescription drug theme for the fall elections, but not a prescription drug plan for seniors.

It is America's seniors who need the help. It is America's seniors who write to me, and I am sure to the gentleman from New Jersey, and send us a list of the cost of their prescription drugs. Then they show us what they are earning.

I have had people in my district say, "Here is the list." I can remember a couple of women who wrote to me with basically the same kinds of numbers.

They both said, "My husband and I take about \$650 of prescription drugs a month, but our two social security checks only come to \$1,350. We cannot make do," so they do not take the medicines that their doctors tell them they have to take.

I have other women who have written to me and said, I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am, and we cannot both afford to take our medication. That is wrong in this country. It is absolutely wrong. We have the power in this Congress this year to do something about it.

As the gentleman knows, our task forces on the Democratic side have been working away developing plans that are not good politics, just good policy, policy that will help America's seniors, a benefit under Medicare that will help so people can get payment for their prescription drugs; so they are not driven to the hospital because they cannot afford to take their medications; so they can pay their rent and their food and their electric bills and still get medications that they need.

That is what we are trying to do on this side of the aisle, but on the other side of the aisle what we have is private insurance. An astonishing ad, this one is. It says, in effect, protect us against ourselves. We are charging seniors too much and we know it, and if only the private insurers would come in and cover America's seniors, then we would reduce our prices to seniors.

But they know that this will never happen. Here is the pharmaceutical industry with its own misrepresentation yet again to the people of the country. They are advocating a plan that will never happen because in fact the insurance industry will never provide stand-alone prescription drug coverage to seniors.

This ad is a fraud, and the Republican plan is a fraud. It will not work. It will not happen. It is a prescription for Republican legislators in the fall.

I think what we need in this country is a recognition that this issue will not go away. This problem that seniors face today will not go away until it is fixed.

□ 2200

Every year, prescription drug spending goes up 15 to 18 percent year after year after year. So if we think we have got a big problem this year, a year from now, it will be 15 to 18 percent larger than it is right now. That is what we face in this country.

I just want to thank the gentleman from New Jersey (Mr. PALLONE) because this is a battle. We have a raid against the pharmaceutical industry and the HMOs. What we need to do, there is no reason, there is absolutely no reason to say that the only way we can give seniors prescription drug cov-

erage is to pay private insurers to pay HMOs to provide that coverage when the insurers say they will not do it anyway.

I mean, it makes no sense. We need a stronger and better and more comprehensive Medicare. We need a plan that will provide continuity and predictability and stability and equity. That is what we need.

All the talk about choice and all the talk about private insurance is really a smoke screen. It is not about policy that will work for America's seniors. That is what we need to be doing. Seniors need help. They need it now. We can give it to them if we handle this issue right in the coming weeks.

I thank the gentleman from New Jersey very much for yielding to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for putting really so succinctly the difference, if you will, between what the Democrats are proposing and trying to accomplish here versus this Republican essentially sham proposal.

It reminds me so much of the debate over HMO reform, the Patients' Bill of Rights. Because as my colleagues know, I guess it was about a year ago, maybe 6 months ago, the American people were crying out, we all would go to town meetings and hear from all our constituents about the need for HMO reform.

The Democrats came up with the Patients' Bill of Rights, which is a very good bill to address the concerns and abuses within the HMO system. We heard the Republicans kept stalling and saying they did not want to deal with it, they did not want to deal with it. Nothing was happening in committee.

Finally, the pressure got so great that they decided to push a bill which essentially accomplished nothing. But beyond the fact that the legislation that was being pushed, particularly on the Senate side, was so weak and so lacking in any kind of basic protections for those who were being abused by the HMOs was the fact that it was very obvious that it was not being done because they really wanted to pass the bill, it was being done so they could say they were doing something.

Lo and behold, 6 months have passed, we have had conferences between the House and Senate, nothing has happened, and we are getting very close to the election without an HMO reform bill.

I think the same thing is happening here. The gentleman from Maine is absolutely right. We keep coming to the floor talking about the need for a Medicare prescription drug program. The pressure builds because it is a real concern out there. All of a sudden, now we get a statement from the Republican leadership saying that they are going to do something which is a sham. They

may have it in committee this week, they may bring it to the floor next week so they can pass something by the July 4th recess.

What does that mean? The Senate will not act. If the Senate acts, there will be a conference. The conference will not go. It will never get to the President. The politics of this is really disgraceful because this issue, just like the HMO reform issue, is something that needs to be addressed, and it is not going to be.

The gentleman talked about the Republicans using this insurance plan. It reminds me so much, I read a little bit about what happened in the 1960s when Medicare was first started. We were getting the same arguments then. There were all these people, all these senior citizens that had no health insurance.

It was the majority of seniors that had no health insurance. The Republicans then in both the House and the Senate in the 1960s were arguing that we should set up some kind of private insurance program for the seniors. The Democrats rejected that. The Democrats passed the current Medicare program. The President, then Johnson, signed it. We have had a very good program. Why not build on the existing program?

What the President has proposed and what the Democrats in the House and the Senate have proposed is basically adding another part to the existing Medicare program. We have part A for hospitalization. We have part B for one's doctor bills, which is voluntary. One pays so much of a premium per month.

What the Democrats are proposing is that we set up another part C or D, whatever we want to call it, where one pays so much a month and one gets a prescription drug program. Everybody who is in Medicare is eligible for it. It is universal. It is affordable. It is voluntary. It is a defined benefit program so one knows that one will get all medically necessary drugs.

It has the effort to address the price discrimination that the gentleman from Maine mentioned with the benefit provider so that, basically, we have these benefit providers that negotiate a better price for the seniors than many of them would get now in the open market.

Why not build on the existing Medicare program and do just that? Why go back to this private insurance model which, as the gentleman from Maine said, does not work.

I just wanted to mention one more thing, and I want to yield back to the gentleman from Maine because he has been doing such a good job. Chip Kahn, who is head of the Health Insurance Association of America, made that statement before the Committee on Ways and Means last week where he said, This insurance-only program will

not work. The insurance companies will not sell it. It is a sham. He also came before our Committee on Commerce and said the same thing.

One thing that he said that concerns me a little, he said, I was pleased to see that the Republicans at least have said that, if their private insurance program does not work and they cannot get it sold, then they will fall back on some sort of government assistance for the people who cannot buy private health insurance. Of course I said, well, it is not really clear what they are going to do. What is this fall back? Is it Medicare? They have not said.

I said to Chip Kahn, I said, Well, Chip, does it make sense to have a private insurance program with a fall back when we already have an existing Medicare program that does work that we can just add a prescription drug benefit to it? He said, Well, I am not really in a position to comment. Health insurance people do not let me say yes or no whether that makes sense. Certainly I agree there is nothing wrong with having a Medicare program.

They already realize that this will not work. That is why the gentleman from California (Mr. THOMAS) is now starting to talk about some sort of fall back. What does one need the fall back for? Do the Medicare program the way it has been working for 30 years.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, the gentleman from New Jersey is exactly right. It is interesting. The Republican plan, because of its reliance on the private sector to deal with the problem of Medicare beneficiaries, is incredibly complex. I mean, basically they create a whole new bureaucracy to deal with this, and then they expect a variety of different private insurance companies and HMOs to pick up and deal with this particular problem.

Well, let us look at what is going on in Medicare right now, in Medicare, managed care. Remember, we passed Medicare Plus Choice plan in 1997. The thought was, well, the HMOs will come into Medicare, and they will save us money because the private sector is always more efficient than the public sector. But in truth, the Medicare system, when one is in Medicare, there is no money being paid for profit. The overhead expenses and administrative expenses are far lower than in any private sector health care company.

Look at what is happening with Medicare managed care right now. What we see is, every year, the benefits change. The prescription drug benefits, which in some cases were free, free prescription drugs essentially for no additional premium when Medicare managed care was created. Now the caps keep coming down every year. Now 62

or 70 percent of all plans have an annual prescription drug cap of \$1,000 or less. The premiums go up. The copays go up. The benefits go down.

But most striking, it is not available in most places. In seven out of ten counties in this country, Medicare managed care is not even available. It really only works, to the extent it works at all, in larger urban areas. Rural America gets left out. Frankly, maybe that is a good thing right now.

But it is only very limited in my home State of Maine. I mean, no more than 1,500 people in the State of Maine have Medicare managed care plan. Managed care is not working very well with this particular population. We know that because, every July 1, the health care plans report to HCFA, and, again, last year, they dropped 400,000 people because it simply was not cost effective. They could not make a profit on those 400,000 Medicare beneficiaries. So they just dropped them from the plan.

July 1 is coming up again. My colleagues are going to see plans all across this country, managed care plans, simply dropping their Medicare beneficiaries because they are not making money on this.

So what do the Republicans do? They say we have got a prescription drug plan, and it relies on HMOs and private insurance companies. With all of the complexity, with all of the inequity, they are saying what we really need is more of a system that is not working.

That is why I keep coming back to the thing that this is bad policy. It is terrible policy. At a recent caucus, a Republican pollster made a presentation, and that material got out and has been published and so on. Now it is very clear that the Republican pollster said for Republicans it is more important that people think, that people believe you have a plan than the content of the plan. So the appearance of the plan is more important than the content of the plan. That is bad.

Basically, if we get the policy right, we will be doing the right thing. That is why, if we are going to make changes to Medicare, if we are going to deal with the Medicare population, if we are going to deal with the biggest problems that Medicare beneficiaries have today, which is the inability to pay for their prescription drugs, then we need to do it through Medicare. Medicare is reliable. It is universal. It is equitable. It is simple. It is cost effective.

I find the cost of providing a benefit would be significant. But there is not anybody in this Chamber who says it is too expensive who does not support a tax cut that is much larger than the annual cost of providing a prescription drug benefit under Medicare.

We can do this. We can do this this year. But we cannot do it with sham proposals, with private insurance com-

panies who say we are not going to provide the insurance.

Let us get to a real proposal. Let us get the Democratic benefit and the Democratic discount on the floor for a debate. Then I think we can do the right thing for America's seniors.

Mr. PALLONE. Mr. Speaker, I agree with the gentleman from Maine (Mr. ALLEN). I guess I just worry that the public does get confused because the Republican leadership proposal is designed to confuse them. I mean, one of the things that I know of, they try to give the impression somehow that if one does not go along with their proposal, and one has an HMO, and one would like the HMO or one has an existing pension plan that provides for prescription drugs, that somehow that is going to change.

One of the things that I have made clear is that the Democratic proposal is a Medicare benefit, but it is voluntary. We have actually built into the President's proposal, the Democratic proposal, the idea that about 50 percent of the costs for an HMO or 50 percent of the costs if somebody has a drug benefit now through their pension or whatever would be paid for.

We would not discourage people from leaving their HMO if they like it and they have a drug benefit or leaving their other private plan that they might have through an employer that they like, because we are going to build in that about 50 percent of the cost of that drug plan in both of these cases would be paid for by the government through this Medicare program.

But what we are saying is that for those people who do not feel that they have a good program either because they have nothing or because they do not have a good program that they will be guaranteed a benefit if they do opt to pay for their premium per month just like they do with part B.

It just seems to me it makes a lot more sense to say on the one hand everybody is covered who wants it. If one does not want it, one does not have to opt for it. Everybody has got a specific benefit that they know is guaranteed. Then if one wants to opt out, one can. But not to build, as the gentleman, says, this bureaucracy which is very similar to the existing HMOs.

Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for joining me this evening. We are going to continue the battle on this.

Mr. Speaker, I wanted to go into a little detail about what the Democratic proposal is, which is essentially the President's plan. In describing what the Democrat proposal is, I am relying on the testimony that was made before the Committee on Commerce, of which I am a member, last week by Nancy-Ann DeParle, who is the administrator of the Health Care Financing Administration, which administers Medicare and would also continue to administer

the prescription drug proposal under the President's plan which, as I said, is essentially the Democrats' plan.

I want to outline this because I do not want to just talk about why the Republican proposal is bad, I want to explain what the Democratic proposal is and why it is a good plan.

Basically, under the President's plan, it is voluntary. It is affordable. It is competitive. It has a quality drug benefit that would be available to all beneficiaries. The President's plan dedicates over half of the on-budget surplus to Medicare and also extends the life of the Medicare trust fund to at least 2030.

So what we are doing is we are using the budget surplus that has been generated with the good economy to pay for this Medicare prescription drug program.

Most important, the coverage is available to all beneficiaries under the President's plan.

□ 2215

And I say that because I believe that the Medicare program has worked, and it makes sense to put this prescription drug plan under the rubric of the existing Medicare program. The advantage of doing that is that everyone, regardless of income or health status, gets the same basic package of benefits. All workers pay taxes to support the Medicare program; and, therefore, all beneficiaries should have access to this new drug benefit, just like they have for everything else in the Medicare program.

Now, a universal benefit helps ensure that enrollment is not dominated by those with high drug costs, the so-called problem adverse selection, which would make the benefit unaffordable and unsustainable. One of the criticisms of the leadership plan is that what may happen is that only people with high drug costs would opt into it. What we want to do is create an insurance pool, just like with Medicare in general, that everybody is involved with. Because it is only when we have a large insurance pool with people of all categories of use for drug benefits that we can be successful.

And, again, under the President's plan it is strictly voluntary. If a beneficiary has what they think is better coverage under an HMO or some kind of pension plan or something through their employer, they do not have to opt into it. As I said, what we are really going to do is to make sure that those plans get extra money, up to 50 percent of the cost of what it cost them for a drug benefit, the existing HMO would get or the existing employer benefit plan would get, in order for the individual to continue to use that plan if they do not want to opt into the Medicare plan.

Now, for beneficiaries who choose to participate under the President's plan, the Democratic plan, Medicare will pay

half of the monthly premium, with beneficiaries paying an estimated \$26 per month for the base benefit in 2003. As the program is phased in from 2003 on, it becomes more generous; and, of course, the premium goes up accordingly. The premiums would be collected just like the Medicare part B program as a deduction from Social Security checks for most beneficiaries who choose to participate.

Low-income beneficiaries would receive special assistance so that if they are below a certain income, just like now for part B, for those seniors in part B now, which pays for their doctor bills, if they are below a certain income, they get part of the premium paid for. If they are at a very low income, the complete premium is paid for. We would do the same thing with this prescription drug plan using the same criteria. The income basically that would be used for those criteria would be the same.

Under the President's plan, Medicare would pay half the cost of each prescription with no deductible. The benefit will cover up to \$2,000 of prescription drugs when coverage begins in 2003 and increase to \$5,000 by 2009, with 50 percent beneficiary coinsurance. After that, that would be adjusted for inflation. But most important, also, we have a catastrophic benefit. So that basically above a certain amount, I believe it is \$3,000 out of pocket, all the costs would be paid for by Medicare and by the Government.

The price discrimination issue that my colleague, the gentleman from Maine (Mr. ALLEN), mentioned is addressed in the President's plan through competitive regional contracts to provide the service. In other words, basically in each region of the country we would ask people to apply or compete to be the benefit provider; to be the entity that would go out and negotiate a price for the drugs and provide the medicine or prescription drug benefits for the individual. And basically that would be reviewed by HCFA on some kind of yearly or biannual basis. If it was not working out so that prices remained too high, then they could drop those benefit providers that were not performing.

I think that is important. Because, again, if we do not have some way to address the price discrimination issue, then I do not think that this program would work. And, again, there is nothing in the Republican proposal to address the issue of price discrimination or provide this kind of fair price that has been proposed in the President's program.

I want to talk, again, about those people who are in HMOs. We are not saying that individuals in HMOs cannot continue in those HMOs and get a drug benefit. In fact, what is going to happen is that this Medicare program is going to provide money to the HMO

for that drug benefit. Under the President's plan, essentially we strengthen and stabilize the Medicare+Choice HMO program.

Today, most Medicare+Choice, or HMOs, offer prescription drug coverage using the excess from payments intended to cover basic Medicare benefits. They are only getting the amount of money that the Federal Government assumes would pay for basic Medicare benefits without the drug benefit. But under the President's proposal, those HMO plans in all markets will be paid explicitly for providing a drug benefit in addition to the payments that they receive for current Medicare benefits.

So they will no longer have to rely on the rate in a given area to determine whether they can offer a benefit or how generous it can be. And that is where we get into the problem where some of the HMOs drop the drug benefit or start charging more for the drug benefit. They will not have to do that because there will not be the regional variations. They will be getting money directly from Medicare, directly from the Federal Government, to pay for half the cost of the drug benefit. And that also will be true for any kind of employer plan that someone might have that they receive through their employer that they want to keep as well.

I think that the concern that I have, if I contrast the Democratic plan, which I think is really a Medicare benefit that is available to all, that ends price discrimination, that has a defined benefit, if I contrast that with the Republican plan, the basic problem with the Republican plan is that it is imaginary. It is not going to work. It is just political cover. It is empty promises. My colleague talked about that before. And it is not an entitlement to anything.

The one thing that really disturbs me is if we set up a system, as the Republican leadership has proposed, where this is basically a private insurance plan, we get away from the basic universality of Medicare that we have had for a long time. If we start breaking up Medicare and suggesting that one part of it, in this case the prescription drug plan, can be outside of the Medicare drug program, I think it undermines the whole Medicare program and the whole ideology of the Medicare program.

I have been concerned because I think that is the goal of some of my Republican colleagues. They do not really like Medicare. They do not like the fact that Medicare was set up as a government program. They would rather have all of Medicare, perhaps, to be some kind of a private insurance program, and the prescription drug benefit becomes sort of the first way to accomplish that.

The other problem with the Republican plan is that since it does not have

a defined benefit, we are never going to know exactly what kind of benefit one gets. In other words, we say in the Democratic plan that if the medicine, the prescription drug, is medically necessary, if the doctor feels, and he is going to write a prescription that this drug is medically necessary, then the individual gets it. That is the definition of the benefit. But we do not have that under the Republican plan. We do not necessarily know what kind of drugs are going to be covered. And it is going to depend upon the whims of the private insurance market whether or not they can offer certain drugs or cover certain things at a given time.

Seniors need to have a certain amount of certainty. I think one of the biggest problems that exists now when HMOs change their drug benefit plans or they simply drop seniors altogether is that I get a call saying what happened, I thought I had a certain HMO, I thought I had a certain drug benefit plan and all of a sudden I do not. We need certainty, and that is essentially what the Democrats are proposing.

There was a very interesting article, I thought a really enlightening article, in *The New York Times*, Mr. Speaker, just yesterday, Sunday. It was on the front page. It was by Robert Pear, and it was entitled "Party Differences on Drug Benefits Continue to Grow." And it talked about this whole Medicare debate in terms of what the Republican leadership proposes as opposed to what the President and the Democrats are proposing.

I do not like to read, but I just thought that there were certain parts of this article that really sort of explained the differences between what the Democrats proposed and what the Republicans proposed, and why I feel that the Democratic plan really is a good plan that will work whereas the Republican plan simply will not work and it is just something they are putting forward. I would just like to read certain sections of this article, if I could, because it does draw such contrasts between the Democrats and the Republicans on the issue.

It says, about halfway down the front page in the article from yesterday's *New York Times*, "Democrats want more uniformity in premiums and benefits. They say the Republicans' free-market approach will confuse beneficiaries and encourage insurers to seek out healthy customers with relatively low drug costs, a practice known as cherry-picking."

This is the whole idea of breaking the insurance pool. The reason why Medicare works is because so many people, almost everyone, most seniors, are involved with it. So it creates this huge insurance pool that does not depend on whether a person is sick or how much health care or hospitalization is needed. Well, we break that system by allowing insurance companies, through

private insurance, to cherry-pick those who use the least amount of drugs; and all of a sudden, we do not have a workable plan.

Well, the article says that, "The Republican proposal assumes that insurers can be induced to offer drug coverage subsidized by the government just as health maintenance organizations have been induced to sign contracts with the government to care for 6.2 million Medicare beneficiaries. But when asked if insurers would be interested in offering drug coverage under Mr. Thomas'," the Republicans', "bill, Charles Kahn," this is Chip Kahn, "President of the Health Insurance Association of America, said: No, I don't think so. They would not sell insurance exclusively for drug costs. The government may find some private entities to administer drug benefits, but the government would have to accept all or nearly all of the financial risk."

Well, this again goes back to what my colleague from Maine was saying before. Who is going to offer a benefit or an insurance policy that has a benefit that almost all seniors need? The whole basic idea of insurance is risk. And if we have a situation where they have to insure and probably pay out money to almost every senior, they are not going to sell the policy.

"President Clinton," again from the *New York Times*, "would offer the same drug benefits to all 39 million people on Medicare. House Republicans, by contrast, would describe a model insurance policy, known as standard coverage. Insurers could offer alternative policies with different premiums and benefits."

That is the problem. Rather than having that defined benefit under the Democratic plan, we have under the Republican proposal a standard coverage that does not mean anything because the insurance companies do not have to provide the benefits that are under the standard coverage. They can vary as they see fit.

Again, in this *New York Times* article from yesterday, "Nancy-Ann Min DeParle, administrator of the Health Care Financing Administration, which runs Medicare, said elderly people could be refused if they had a large number of choices." And she is talking about the Republican plan. "It's difficult for seniors to navigate among plans," Ms. DeParle said. "Moreover," Ms. DeParle asked, "do seniors want and need all these choices? If you let plans design all sorts of benefit packages, that promotes choice, but it also promotes cherry-picking of the healthiest seniors. That's why we need defined benefits. Seniors want to know what's covered. It must be predictable."

The Republicans keep talking about choice, but look at the example with the HMOs and how much confusion that has caused now in Medicare,

where so many of them are dropping the plans or changing their plans and the seniors call us up and complain to us. Well, I frankly feel that if we have a defined benefit plan under Medicare that is certainly preferable. If someone wants to use an HMO, they can, but at least provide a guaranteed benefit.

"Democrats fear," again in the *New York Times*, "that the market for drug insurance would be filled with turmoil as insurers went in and out from year to year. In the last two years, dozens of HMOs have pulled out of Medicare or curtailed their participation, disrupting insurance arrangements for more than 700,000 elderly people, and more health plans are expected to withdraw this year. Democrats say drug benefits should be fully integrated into Medicare, like coverage of hospital care and doctors' services. The bill," this is the Republican bill now, "says Medicare officials must ensure that every beneficiary has a choice of at least two plans providing prescription drug coverage. One could be an HMO; at least one must be a traditional insurer. But Democrats say even if benefits have two options, both may be high priced plans. Under the House Republican proposal, Medicare officials could offer financial incentives to get insurers to enter markets in which no drug plans were available."

Now, that is fine. In other words, just like HMOs, the Republican plan would say, and this is what the gentleman from California (Mr. THOMAS) has said, well, if we cannot find any insurance companies to provide this prescription drug coverage, then we will just give them more money and then they will do it. Well, that is all very nice, but, again I am going back to this *New York Times* article, "Chris Jennings, the health policy coordinator at the White House, said the availability of these incentives would encourage insurers to hold out for more money. It would encourage insurers to hold Medicare hostage, Mr. Jennings said. The policy says that if insurers don't participate in the marketplace, we'll give them more money."

Now, do my colleagues think an insurer will decide to participate in the market at the beginning, when they get less money, or will they hold out a little longer and then they might get more?

□ 2230

"That's the most inefficient, ridiculous incentive mechanism one could imagine."

That is, essentially, what we are getting now with the HMOs. HMOs that are pulling out of the Medicare senior market are coming back to Congress and saying, okay, we will stay in the markets if you give us more money, if you give us a higher reimbursement rate. Insurance companies that theoretically are going to tap into the drug

benefit programmed under the Republican plan, they will do the same thing, they will say, well, we cannot offer the plan now. Give us more money. And then they will hold out until they get more money. And even then there is no guarantee that we are going to get a good benefit plan.

I do not want to keep talking all night, Mr. Speaker, because I know that we are going to be dealing with this issue again and again. And I certainly plan to come again on other nights in special orders with my colleagues on the Democratic side to keep making the point that what we really need here is a Medicare benefit, a Medicare prescription drug benefit, that is voluntary; that provides universal coverage to everyone who wants to opt for it; that is designed to give all beneficiaries meaningful defined coverage; that has a catastrophic protection so that, if over a certain amount, the Government pays for all benefits; that has access to medically necessary drugs and, basically, defines what is medically necessary by the physician, not by the insurance company; and that, basically, says that if you are low income, we will pay for your premium, just like we do for part B for your doctors bills; and, finally, that is administered in a way that has purchasing mechanisms so that we can keep the price fair and not provide for the price discrimination that exists right now under current law for so many people.

That is what we will push for regardless of what the Republicans come up with. And certainly, we are more than willing, as Democrats, to work with the Republicans to fashion a plan that will work. But, so far, what we are hearing from the other side of the aisle is a sham, is not something that is designed to provide a meaningful benefit, and that ultimately will not pass here, not pass the Senate, not land on the President's desk in time for the end of this Congress. And that is what I do not want to see.

The Democrats want to see something that will pass and be signed by the President and become law so that Medicare beneficiaries can take advantage of it and that it not just be a political issue for this November election.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader.

Mr. ENGLISH. Mr. Speaker, the House is on the brink of considering a very important issue, one that matters to people in my district in northwestern Pennsylvania and to all users of the Medicare program throughout the United States, whether they are

seniors or individuals with disabilities. We are talking, of course, about the bipartisan effort to revise the Medicare program and to include prescription drugs.

My intention tonight, along with a couple of my colleagues, is to clear away the partisan smoke, to clear away the rhetoric, and to focus on what is really being proposed and the potential for a true bipartisan approach to extending prescription drugs under the Medicare program.

Mr. Speaker, modern medicine is using drug therapies more and more to prevent and treat chronic health problems. This is the 21st century. A trip to the pharmacy is far better than a trip to the operating room. We no longer practice medicine as our grandfathers or even our fathers once experienced, nor should we continue to offer seniors the limited Medicare program that our grandfathers and fathers knew. We need to revise the program and expand it and rethink it.

Medicare is, essentially, a standard benefit program from the 1960s, and it needs a facelift. We started that process in recent years by extending Medicare benefits to include a variety of new procedures. But we need, among other things, fundamentally we must modernize this benefit to provide prescription drug coverage.

Now, Mr. Speaker, I had the privilege of being appointed by the Speaker to serve on his Prescription Drug Task Force. We generated a blueprint and an outline which we thought could form the basis of a bipartisan prescription drug initiative. And indeed it has.

The House bipartisan prescription drug plan is a billion-dollar market-oriented approach targeted at updating Medicare and providing prescription drug coverage. After all, how many of us would give our employer's health plan a second look if it did not include coverage for prescription drugs. But that is what we have been asking America's seniors to do.

We must take the steps necessary to ensure that seniors have access to affordable prescription drugs throughout America. What we have done is create a plan which invests \$40 billion of the non-Social Security surplus to strengthen Medicare and offer prescription coverage to every beneficiary.

This is, after all, \$5.2 billion more than what the President had proposed, and it was included in a budget resolution that we passed in this House over fierce resistance from House Democrats.

The bipartisan prescription drug plan that we have created will provide lower drug prices while expanding access to life-saving drugs for all seniors. Many of us had carefully examined the President's proposal and, in doing so, felt that we could improve on it and do better and provide seniors with a richer benefit and the flexibility to choose a plan that best meets their needs.

Under this bipartisan plan, seniors and persons with disabilities will not have to pay the full price for their prescriptions and will have access to the specific drug, brand name or generic, that their doctor prescribes.

This plan provides Medicare beneficiaries with real bargaining power through group purchasing discount and pharmaceutical rebates, meaning that seniors can lower their drug bills up to 39 percent. These will be the best prices on the drugs that they need, not some Government bureaucracy that may not offer the drug that the doctor prescribed.

Studies have shown, Mr. Speaker, that a small portion of the senior population consume a majority of prescription drugs, making them extremely difficult to insure and driving up costs for everyone. Under our prescription drug plan, the Government would share in insuring the sickest seniors, creating a stop-loss mechanism, making the risk more manageable for private insurers.

By sharing the risk and the cost associated with caring for the sickest beneficiaries, premiums would be lowered for every beneficiary. We address skyrocketing drug costs by providing Medicare beneficiaries with real bargaining power through private health care plans which can purchase drugs at discount rates.

Our plan provides options to all seniors, options that allow all seniors to choose affordable coverage that does not compromise their financial security. The plan benefits all seniors. Even though it is not a subsidy for a millionaire's mother, it provides the prospect of more affordable coverage for every senior. Seniors will have the right to choose a coverage plan that best suits their needs through a voluntary and universally offered benefit.

We realize that the left wing of the House Democratic Caucus is violently opposed to giving seniors that choice, but we disagree with them. Those that are happy with their current coverage will be able to keep that plan without any difficulty. Others who need to supplement existing benefits or State programs or who are without coverage can also choose from a variety of competing drug plans.

Keeping rural seniors in mind, our plan guarantees at least two drug plans that will be available in every area of the country with the Government serving as the insurer of last resort. Clearly, we do not depend exclusively on HMOs or on private insurance, as has been alleged. The plan also requires convenient access to pharmacies allowing beneficiaries to use their local pharmacy or have their prescriptions filled by mail.

This plan protects seniors at 135 percent below the poverty level, matching the eligibility contained in the President's plan. That means a single senior

making less than \$11,272 or a couple making less than \$15,187 a year will receive 100 percent Federal assistance for low-income seniors, including 100 percent full reimbursement for premiums.

Like the President's proposal, this bipartisan plan also includes reimbursement phase-outs exceeding the poverty line. For those between 135 percent and 150 percent of poverty, Medicare will pay part of their premiums and their co-payments would be covered under Medicare. Yet, the President's plan shoe-horns seniors, many of them who have already private drug coverage which they are happy with, into what I would call a one-size-fits-few plan, with Washington bureaucrats in control of their benefits.

Our plan, our bipartisan plan, gives all seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs. By making it available to everyone, we are making sure that no senior citizen or disabled American falls through the cracks.

The plan also provides coverage and security against out-of-pocket drug costs for every Medicare beneficiary. Any senior spending \$6,000 a year or more will have 100 percent of their drug costs covered by Medicare. No longer will seniors be forced to drain their savings in order to pay for the prescriptions on which their lives depend.

The President's plan does not reflect any coverage for those seniors who pay high drug costs. Although we now understand that belatedly the President has leaped forward, panicked, and is now offering a catastrophic benefit as an add-on, but that was not his original proposal.

The Congressional Budget Office has estimated that if the President were to add such coverage, it will double the cost of the plan and/or double the premiums seniors would pay. The President leaves those who face the highest drug costs out in the cold in his original plan, choosing between paying the bills or buying life-saving medicines.

In addition, private employers under our plan would be given the option to buy into the Federal program in order to enhance their current plans or to begin offering a drug benefit to their employees. States would be allowed to choose to enhance their existing plans with the Federal coverage while not jeopardizing the existing coverage that their residents have. This includes programs such as the Pace Program in Pennsylvania.

But in adding a prescription drug benefit, we also modernize Medicare to ensure its long-term solvency. The plan ensures that seniors and disabled Americans will continue to have access to life-saving drug therapies.

In recent years, scientific and medical research has resulted in 400 new medications to treat the top killers of seniors: heart disease, cancer, and

stroke. A market-oriented approach ensures that the quality of care that beneficiaries receive will continue to be second to none.

The plan takes vital steps toward improving Medicare as a whole. It expedites the appeals process by mandating that appeals that used to take an average of 400 days now take less than a quarter of that time. After all, to some seniors every minute counts.

But on top of that, the plan removes this part of Medicare from the Washington bureaucracy that has haunted and nearly bankrupted the system. The Health Care Financing Administration, which the last speaker had quoted extensively in his comments, will not control the prescription drug benefit under our plan. We create a Medicare benefit administration within the Department of Health and Human Services to manage prescription drug plans autonomously.

This reform is fundamental to safeguard the new program and to allow it to realize its potential free from interference from the bureaucracy.

We would also remove Medicare+Choice plans from under HCFA and put under the control of this agency giving it more flexibility and stability.

□ 2245

President Clinton has attacked the bipartisan plan primarily because he knows it offers richer, more encompassing benefits and greater flexibility than the plan he has proposed while dealing with the needs of people with diverse circumstances. The President's plan would force as many as 9 million seniors out of their existing programs for drug coverage because the employers would be dropping or limiting their prescription drug coverage instead of allowing the Government to take over.

As baby-boomers retire, 40 million Medicare beneficiaries could lose their current drug coverage under the President's plan. As time goes on, the coverage offered by the President dwindles as the cost of the program for seniors skyrockets. Under his plan, seniors see as little as a 12 percent savings on drug costs. Under his plan, seniors would pay more for premiums, more fees for services, all while the President spends more than was ever budgeted for the program.

Mr. Speaker, about 69 percent of America's seniors have some prescription drug coverage currently. Many of them need more help, but it is the remaining 31 percent that worry me the most. A stronger Medicare program with prescription drug coverage is a promise of health security and financial security for older Americans, and we are working to ensure that promise is kept. America's seniors deserve no less.

House Republicans believe that Americans should be spending their

golden years concerned about what time the grandchildren are coming to visit or is the rain ruining their walk in the park. They should not be concerned with how they are going to pay for the medicines that allow them to enjoy life.

I am joined in this sentiment by a number of members from my task force that I served on and also fellow members of the Committee on Ways and Means.

I would like first to recognize a colleague of mine, the gentleman from Pennsylvania (Mr. Greenwood), who served with me on the task force and a distinguished member of the House Committee on Commerce who has specialized in health care issues and has been a strong voice for seniors.

Mr. GREENWOOD. I thank the gentleman for yielding, and I thank my colleague from the other side of the State of Pennsylvania, from Erie, Pennsylvania, for organizing this Special Order.

Mr. Speaker, we come here to Washington and we talk about the issue of Medicare prescription drugs, as we have for months and months; and sometimes the discussion, the dialogue, gets fairly arcane and complicated and seems to go far from the flesh and blood of the people we are trying to represent; and the gentleman from Erie just talked about the fact that seniors should not have to at that stage of their lives be worrying about whether or not they can afford their prescription benefit.

I want to read a letter that I received recently from just such a senior in my district, who certainly is worrying. She is from Holland, Pennsylvania, which is the little town that my family moved into in 1955. She wrote this letter to me just a few weeks ago, a couple of weeks ago.

"Dear Congressman GREENWOOD, I never thought that I would come to this time in my life and find myself neglecting my health out of sheer necessity. I am a widow, 70 years of age. My medical problems require drugs that amount to over \$1,000 per month. I am enrolled in Aetna U.S. Health Care which has a cap on prescription drugs of \$500 a year. After filling out the prescriptions, my cap was met.

"I am in pain daily and I cannot correct this problem because of financial difficulty. I have stopped taking Prilosec," which costs her \$285 each month; "Zoloft, approximately \$100 a month; Losomax, another \$100 a month; Xanax, approximately \$100 a month; and Zocor, \$100 or more. I need these drugs filled monthly, and I simply cannot afford them. I am also in need of pain pill, Vioxx, which costs \$89; and I have not been able to purchase it.

"I have cried myself to sleep over this dilemma. I had to visit my pulmonary doctor, who diagnosed me with

full-blown asthma and chronic bronchitis. My doctor told me that I cannot miss a day taking my medication for my lungs. I take Zevent, two puffs twice a day; Flovent, two puffs twice a day; and Albuterol, 2 puffs every 4 hours.

"The prescription for each is \$98 times three, lasts 2 weeks." So \$98 every 2 weeks for each of these three medications. That is \$600 per month right there. "I cannot stop taking this. I tried and ran into breathing problems again.

"I also must take Zithomax for chronic infection, \$89. I must keep this on hand always.

"Also my ophthalmologist prescribed Xalton for glaucoma, which I must take faithfully, nightly, another \$89.

"The drugs I must take average about \$800 per month. The other drugs I need for osteoporosis, reflux and hiatal hernia, anxiety and depression, high cholesterol and nerves, I had to eliminate them; and I can feel my health declining each day.

"I tried a generic brand drug for my lung infection, and I had to end up taking three Zithomax, as the generic did not help me.

"My problem is that I make \$200 too much per month to qualify for assistance. You figure this out. I have two friends who make \$200 and \$250 less than I do per month. They are paying \$6 for all their prescriptions because they qualify for the program. They are getting help with their electric bill, they are being well taken care of, they are able to go out to dinner weekly and on a bus trip now and then. I can do none of this. My money is going to prescription drugs.

"I just pray that some good Congressman like you could make the guys in Washington see what this drug problem for the aged is doing to us. We worked hard all of our lives and then have to come to this."

Mr. Speaker, that is a pretty persuasive argument, I think, a pretty poignant letter from a real woman who lives in my district, a 70-year-old widow who is only able to use every penny of her income simply for the drugs that she has to have to stay alive, and then she neglects her other needs; and so her cholesterol problem, her anxiety, her depression, her pain, her osteoporosis, all of those conditions go unchecked because she does not have this benefit. That is why all of us in Washington who care about this issue are trying so hard to get this done, and that is why we have come here tonight to talk about the bipartisan bill.

If this issue is not handled in a bipartisan fashion, my constituent, this 70-year-old woman, will not get relief. It is absolutely the case. The people of the United States have elected a Republican House and a Republican Senate, and they have a Democratic President in the White House. For us to get

this done this year, we have to exercise bipartisanship, and that is why this bill that we are supporting is bipartisan.

Now, unfortunately, in the Special Order that came before us, my friend, the gentleman from New Jersey (Mr. PALLONE), and I will give him credit for this, he comes to the floor every night just about and makes a speech about prescription drugs; but what is so discouraging to me is the level of partisanship. There are reasons for there to be differences between the President's plan, the Democrat's plan, and the Republican plan, because this is a hard problem to solve; and it takes different kinds of thinking from different perspectives.

There are reasons why the Republican plan is different. This is a complex issue. One of those differences between the two plans is that we think that you need catastrophic coverage. We think that it is important that when some of these drugs that can cost \$10,000 to \$20,000 per year, you cannot stop the coverage at \$2,000 and let the individual be on their own, because that is not going to help my constituent. My constituent will not be helped by that, because she will run out of money; and not only will her insurance coverage not be sufficient, but now the Medicare coverage will not be sufficient, and that is not good enough.

When you look at the President's plan and when you look at the Republican plan, there are differences. I happen to prefer the Republican plan, but the fact of the matter is they are more alike than they are different. What we have got to do this year is we have to be bipartisan and make sure that the bipartisan bill is adopted by the House, that we take ideas from other Members, we negotiate this with the President and get it done.

When you see Members of Congress come to the well of this House or sit in committee hearings and meetings, and when you hear them looking for common ground and looking for a bipartisan approach, when you have Republicans and Democrats supporting the same kind of legislation, then you know these are serious Members who care about 70-year-old widows from Holland, Pennsylvania, who cry themselves to sleep at night.

Conversely, when you see Members of Congress come to the well of the House and you listen to them in the hearings and they spend most of their time emphasizing the differences, contrasting the Republicans and the Democrats, this lady does not care whether the bill is a Republican bill or a Democratic bill. She wants a bipartisan approach that gets the job done. When you see Members constantly emphasizing partisan differences, then you have to conclude that these are Members who are not interested in solving the problem. They are interested in winning elec-

tions, they are interested in political gain and leverage, and I think that is what is shameful.

We need to get this done in a bipartisan fashion. The bipartisan bill we are here to talk about tonight will do that. I urge my colleagues in the Congress to support that.

Mr. Speaker, I would again thank my colleague from Erie for organizing this event tonight.

Mr. ENGLISH. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH), a very distinguished member of the Committee on Ways and Means and a gentleman who has been a leader on most of the issues before our committee, but who particularly has come forward to be a strong advocate today on prescription drugs; and I might add, it is a great service to serve with him.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania, and I thank the gentleman from Pennsylvania who preceded me in the well. So we have not only eastern and western Pennsylvania, but the east and the west united in this bipartisan effort to find a solution that helps America's seniors with prescription drug bills.

I thought it was very instructive to hear the comments of the lady from Pennsylvania in the letter to our friend, the gentleman from Pennsylvania (Mr. GREENWOOD); and I thought it was equally instructive to hear our friends on the left precede us this evening on the floor, focusing on process and politics instead of on problem solving, because, Mr. Speaker, make no mistake: we are committed to forging a bipartisan plan. Indeed, sponsors of both political parties have stepped forward and said, even though this is an even numbered year on the calendar, even though it is the nature in this institution to realize that about 5 months remain before an election, some issues are too important even in an election year to simply preen and posture and, yes, politic.

Mr. Speaker, not only was that letter from the lady in Pennsylvania very poignant, it was also very practical. I think, Mr. Speaker, another difference that we see in terms of approach is a question of trust. Our bipartisan plan trusts America's seniors with an aspect of freedom that has been their birthright. My folks are now in their late sixties; my grandfather is 96. Choice has been a part of their life in a variety of settings. Why then take away choice when it comes to prescription drug coverage?

I hold a number of senior coffees in my district to sit down with constituents who are articulate, informed, and very interested in a multitude of topics. When this first appeared on the radar screen of the body politic, a lady from my district summed it up very nicely when she said to, "J.D., whatever you do, please don't increase my

Medicare premium so that I have the honor of paying Ross Perot's prescription bill."

Now, think about that. Despite all the sophisticated talk that comes out of Washington, D.C., my constituent really defined the issue. She says, "Number one, keep Medicare affordable. Don't needlessly raise my premiums. Number two, don't force me into a plan that Washington sometimes seems to gravitate toward, which in intent is one size fits all, which in reality," as my colleague from Pennsylvania pointed out, "is one size fits very few, and yet everyone is compelled, indeed, coerced by law, to be involved in the plan."

□ 2300

That is not what we want to do. We want to champion choice and the marketplace, and we want to make sure that the nearly two-thirds of America's seniors who have existing prescription drug coverage can keep that current coverage if they so desire.

The letter read by the gentleman from Pennsylvania from his constituent reminds me of another real-life story involving one of my constituents from Apache Junction, Arizona. Like the lady from Pennsylvania, she too faced tough choices for herself and for her husband. She told me that the prescription bills had become so cumbersome that she was not able to qualify for a plan with prescription drug coverage; that she, in her 70s, was employed at the drive-through window of a prominent fast food chain, one of their outlets in Apache Junction and, at that time, paying a penalty for working, because of the earnings limit for seniors. But she was doing so out of necessity, to deal with the prescription bills that she and her husband were facing.

So let us state a broad objective and observation that most Americans can agree with, Mr. Speaker and my colleagues, and it is this: no senior should be forced to choose between buying food and buying medicine. That is fundamentally wrong.

It is our intent to make sure that those who heretofore have not had coverage, the one-third of current seniors without a health insurance plan, without a prescription insurance plan, should have that type of coverage. We want to take action to strengthen Medicare by prescribing prescription drug coverage that is available to all seniors, but undergirded with the principles of freedom and choice, that no one in this country, I believe, wants to abandon.

Even though it was disturbing to hear earlier tonight the chief administrator for the Health Care Financing Administration basically say that seniors could not make up their own minds, I find that nothing could be further from the truth in my district. As

I said earlier, at town hall meetings, at senior coffees, at the grocery store, at church, at the softball and T-ball games when grandparents come to watch their grandchildren play and visit with me, I find that our Nation's seniors are among the most engaged, the best informed.

Now, at the dawn of the new century, there is unparalleled health and prosperity for today's seniors, and indeed, this is a blessing, and it is an opportunity. Yes, problems exist, as I pointed out, the situation for the lady in Apache Junction and as the gentleman from Pennsylvania read the letter from his constituent and the tough decision she has been forced to make without prescription drug coverage. But we want to make sure that we embrace and bring to the floor a plan that gives seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Mr. Speaker, this bulletin just in: we are all unique. We all have different health challenges, different problems, different prescription bills, different treatments. Why would we choose a plan that would allow Washington bureaucrats to bring their red tape and regulation to America's medicine chests? That is not what we want to see. We want, again, to embrace the notion of freedom and opportunity and choice for our honored citizens, for our senior citizens, for people who take the time, as every senior in my district has, to intimately understand their own challenges, their own health needs, their own prescription needs, and to deal with it. We do not want to force the two-thirds of seniors already covered out of coverage if it works for them.

The real challenge with the one-size-fits-some approach is that in an effort to have the heavy hand of government and the Washington bureaucrats take the role of the corner druggist, that when government inserts itself into that dynamic, we have very serious problems, and we would hate to see those plans abandoned. Let us make sure that good coverage is maintained for those who want the private coverage that they currently enjoy; let us have a variety of plans based on the free markets that are there; and yes, in those circumstances, in some rural areas, in some areas that have been deprived of coverage, yes, there is a role for government to play, not a game of "gotcha" or bureaucratic intent, but by focusing on what works. That is what we are about in this bipartisan plan.

Again, our mission is clear here, defined by my constituent and her very simple and direct statement: please do not increase my Medicare premiums so that I have the honor of paying Ross Perot's drug bill. Make sure the plan focuses first on those seniors and disabled Americans who have fallen

through the cracks, who do not have the prescription coverage, who find themselves working a couple of jobs in their senior years to make ends meet, who find themselves currently making a difficult choice between food and medicine. It is those seniors to whom we should turn first. But also, in the spirit of competition and choice and option, we should allow folks to take a look at their plan to determine which is best for them and find the plan that is right, rather than one-size-fits-some. We should not force seniors into a Washington bureaucrat-run, one-size-fits-all prescription drug plan that has too many rules, regulations, restrictions, and allows politicians and Washington bureaucrats to make medical decisions.

Indeed, this is something that I believe every Member of this House, Mr. Speaker, ought to be able to agree on, as we debate the many facets of health care, the many different challenges we face. The last thing on earth we should do under the guise of helping the American people is to decide on a course of treatment or action that violates the sanctity of the doctor-patient relationship that prompts bureaucrats, whether Washington bureaucrats or insurance company bureaucrats, to try and make health care decisions. The principles we embrace, the plan that we will bring to the floor in short order will make sure that there is choice, will make sure that the two-thirds of seniors with current coverage can continue to enjoy that coverage if that is their want, but also provide other plans and other availabilities, and that is what we need to do.

Again I would call on my colleagues to make sure that even in this even-numbered year, that even with that great exercise, unique in our constitutional republic where we, as constitutional officers, stand at the bar of public opinion, the first Tuesday following the first Monday in November, even with the temptation of some to turn this into a bumper sticker issue, to come to the floor and impugn the motives of others. Mr. Speaker, we understand that oftentimes free discussion in our constitutional republic and in this chamber can bring out both the best and, sadly, the worst in people.

□ 2310

So tonight, Mr. Speaker, our call is to every Member of this institution and, Mr. Speaker, to every American to put aside the partisanship, to embrace the principles of freedom and choice, and to focus on what works, making sure that seniors have choice in prescription drug plans, that the one-third of seniors currently not covered by a plan have options available to them, options that will also exist for those currently covered by insurance, but that we do not throw away or get rid of that coverage as a Washington-run compulsory, coercive plan would do.

So I would challenge my friends on the left to put aside the venom, the vitriol, and the predictable political speeches in search of a bumper sticker solution, and join with us in a plan that is already bipartisan, that already has the support of Republicans and Democrats from across the country, folks who have listened to their constituents and heard loud and clear.

Put aside partisanship, focus on what works. That is our challenge. Mr. Speaker, I believe we will meet that. I would simply say to my friends in Arizona to keep those cards and letters coming. We appreciate their insight. We understand that they are on the front lines in this battle and their initiative, their input, their wisdom will help us solve this problem.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for his generous efforts in helping us clear away the rhetorical smokescreen that hides the fact that we have heard advocated on the floor an alternative to the bipartisan plan which is actually less flexible and less generous in terms of the benefits it offers. We think we have a better product.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. BRYANT), a gentleman who played a critical role in developing this bipartisan product. He was part of the task force that I served on, and he is a member of the Committee on Commerce.

Mr. BRYANT. Mr. Speaker, I thank my friend from Pennsylvania for hosting this special order tonight obviously on a very important subject that we have already spent 1 hour before we came into the Chamber hearing one side of this debate, so to speak, and now we are talking about what we think is probably not the other side, but rather the one side, the bipartisan side of the solution to this very important problem.

As we discuss this addition of prescription drugs to senior citizens, we cannot talk about it in isolation. I think we have to place it in the context of Medicare as we talk about this.

One of the first things that comes to my mind and I hear about from my constituents in Tennessee is what I think is the doctors' maxim, First, do no harm. As we examine these prescription drug proposals, we should make sure that whatever plan we adopt does no harm. That is, it should not jeopardize any of the current coverage of Medicare in what they receive, beneficiaries receive, nor should it jeopardize the retirement security of any American.

I think, secondly, as we talk about this issue we have to remember the dignity and rights of Medicare beneficiaries as we protect them. Just because an American reaches the age of 65 does not mean that they should be treated like second-class citizens, and any effort that we make to add this

prescription drug benefit should ensure that seniors gain the right to all the benefits that they are entitled to before they reach 65, as well as after 65.

Mr. Speaker, I would agree with everyone who has spoken tonight on both sides of the aisle, that something has got to happen. Something needs to happen with regard to adding prescription drugs to our senior citizens. Had we drawn up Medicare in this day and age, we would have surely brought in prescription drug benefits because of the importance to everyone, particularly to senior citizens, of drug therapy. This was not done, though, in 1965, so we have to go back now and find the most appropriate way to bring this in.

I think the best thing this body can do is to work together in a bipartisan fashion. We have heard that word "bipartisan" mentioned a lot. What that means is simply we are talking about both Republicans and Democrats come together. Already on this bill that we are talking about in this hour, we are in that bipartisan situation where we have both Democrat Members and Republican Members cosponsoring this bill.

That is why I am proud of this legislation. It is something that our task force worked hard to produce, and we have now people on both sides of the aisle who can support it. I think our seniors and our disabled people who will be eligible for prescription drugs deserve this type of treatment, and I hope that we can rise above the partisan rhetoric and the political ploys and get this job done.

As my friend, the gentleman from Arizona, mentioned, so often in these even-numbered years, which means that we are all up for election in the House, people play politics with issues like this. They like to try to go out and scare our senior citizens and turn them for or against, however they might try to use an issue. That is shameful.

I have hope that we do not do this this year, but last week I saw in a paper, a newspaper, a paper that is distributed on the Hill with all the news, where, in the other body, on the other side of the Capitol, one of the Democrat Senators, the headline mentions his name and says he is landing in hot water. What he did to put himself in hot water with his own Democrat leadership was to agree to cosponsor this bipartisan bill.

It goes on to say in here how he has dashed any hope of landing one of three coveted seats on a powerful committee in the Senate. My optimism sunk, because when we have people who are willing to play politics and threaten their fellow Members and try to intimidate them from joining a bipartisan bill in an election year, I think it is shameful, too.

I hope in the House we can move forward, work together as we have started

on this bipartisan bill, and get something done. My friend, the gentleman from Pennsylvania, mentioned that we have worked on this task force together, something that our Speaker of the House put together to study and to come up with recommendations. He charged our task force with development of a fair and responsible plan to help seniors and disabled Americans with their drug expenses.

As we started, we began with a set of principles, and used those principles to guide our efforts, I think resulting in this bill that we are talking about tonight.

First, we wanted a plan that was voluntary. Everybody understands what voluntary means. It means we can get in it or we do not have to, we have a choice to get in and stay out; that it is universal, available to everybody; and affordable to all beneficiaries. It would be voluntary, universal, and affordable.

We also wanted to give seniors meaningful protection and bargaining power to lower their prescription drug prices. I will talk just a little more about that in a couple of minutes.

We also wanted to make sure that we preserved and protected Medicare benefits seniors currently receive. That is what I meant when I said, First, do no harm.

Finally, we wanted an insurance base, a public-private partnership that sets us on a path towards a stronger more modern Medicare and would extend the life of this Medicare program for the baby boom generation and even beyond.

Coming up with a good plan that fit all of these principles was a tall order, but the bipartisan Medicare prescription 2000 legislation does follow these guidelines, and I believe it is the right approach.

Our plan provides prescription drug coverage that is affordable. Seniors in my district and across Tennessee have been writing and asking me for help, just like other Members have talked about tonight, with the high cost of drugs.

In this bill, we will help more people get prescription drug coverage at lower cost by creating group buying power, without price-fixing or government control, something that has been referenced tonight already, something that is totally unworkable. For the first time, Medicare beneficiaries will no longer have to pay the highest prices for prescription drugs. Under this proposal, they will have access to the same discount the rest of the insured population enjoys.

An analysis by the Lewin Group recently concluded that private market-based insurance policies that we are talking about here can reduce the consumer's prescription drug costs by as much as 39 percent.

Also, our plan strengthens Medicare so we can protect seniors against the

high out-of-pocket drug costs that threaten beneficiaries' health and financial security. This plan sets a monetary ceiling, what is called a stop loss, beyond which Medicare would pay 100 percent of the beneficiary's drug expenses.

□ 2320

This is one of the things I found most challenging about what we were trying to do is somehow protecting people against catastrophic drug costs where we hear about people having to exhaust their life savings or sell their home to pay their drug bills. We do that in our bill, and I think that is one of the best components of what we have done is have that protection out there, that stop loss, that once one gets to a certain level, then the beneficiary, the senior citizen does not have to go beyond that.

Our plan is available to all Medicare beneficiaries, and our public-private partnership ensures that drug coverage is available to all who need it by managing the risk and lowering the premiums. The plan calls for the government to share in insuring the sickest seniors, thereby making the risk more manageable, more affordable for insurers, and lower premiums for every beneficiary.

As I mentioned before, we protect the most vulnerable of our seniors and low-income beneficiaries. I could go on and on and talk about this.

I would just urge those in the House and those that might be viewing the proceedings otherwise to look at this bill carefully, study it, and see if we did not follow those principles that we talked about that we wanted choice, we wanted it to be universal, we wanted it to be voluntary, we wanted it to be affordable. We think we have done that.

We were very pleased to bring this bill to the House floor. As we move this process, I trust that we can do it in a Republican-Democrat fashion, do what is best for the American citizens. As again my colleague from Arizona says, even though it is an even number year, an election year, let us do the right thing.

Mr. ENGLISH. Mr. Speaker, let me say I appreciate the remarks of the gentleman from Tennessee (Mr. BRYANT). Judging from his remarks, he would concede that we have managed to build a bipartisan product based on a Republican budget that set aside \$40 billion to modernize Medicare and to improve benefits, and we have offered here the American people a bipartisan plan that would provide benefits that are universal, affordable, flexible and voluntary and allow them to get prescription drugs based on a model of choice, something lacking in the other plan.

I appreciate the gentleman's remarks because he has clearly elucidated the strength of our plan and the fact that

we are offering something that the American people, hopefully, can unite behind.

Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding to me, and I thank the gentleman from Tennessee (Mr. BRYANT).

Mr. Speaker, I think it is important just to summarize where it is we believe this bipartisan plan is headed and what it is we are trying to do.

Mr. Speaker, as we pointed out earlier, it is a sad fact that too many senior citizens and disabled Americans are forced to choose between putting food on the table and being able to afford the prescription drugs they need to stay alive. That is morally wrong.

So we want to take action in a bipartisan way to strengthen Medicare by providing prescription drug coverage for seniors and disabled Americans so that no one is left behind.

While ensuring that all Medicare recipients have access to prescription drug coverage, we must make sure our senior citizens and disabled Americans also maintain control over their health care choices.

It is fundamental that we cannot force folks into a government-run one-size-fits-all prescription drug plan because, in reality, that becomes one-size-fits-some. That type of approach would be too restrictive, too confusing, and would allow Washington bureaucrats to control what medicines one's doctor can and cannot prescribe.

It is our intent with our plan to give all seniors and disabled Americans the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Our plan will help the sickest and the neediest on Medicare who currently have no prescription drug coverage while offering all others a number of affordable options to best meet their needs and to protect them from financial ruin.

By making it available to everyone, Mr. Speaker, we are ensuring that no senior citizen or disabled American falls through the cracks. Because our plan is voluntary, we protect seniors already satisfied with their current prescription drug benefit by allowing them to keep what they have while expanding coverage to those who need it. We will not, Mr. Speaker, we will not force senior citizens or disabled Americans out of the good private coverage they currently enjoy.

I would point out, again, nearly two-thirds of today's seniors have some form of prescription drug coverage. Again, our plan emphasizes individual freedom, giving individuals the power to decide what is best for them, not to rely on Washington bureaucrats.

The task is daunting. The details, we are in the process of hammering out as

we move to markup in the Committee on Ways and Means shortly, but it is our intent to reach across the aisle as we have already done with sponsorship of this plan on a bipartisan basis because the stronger Medicare with prescription drug coverage is a promise of health security and financial security for older Americans. And it is our intent to work on a bipartisan basis to ensure that promise is kept.

Our parents and grandparents sacrificed much for this country. As we have been given charge by the people to come to this floor to do the people's business, to be about the work of preparing for a new century, we understand that America's seniors and disabled deserve no less.

THE WORLD TRADE ORGANIZATION—THE END OF GEOGRAPHY?

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized until midnight.

Mr. METCALF. Mr. Speaker, during 1969, C. P. Kendleberger wrote that the Nation's State is just about through as an economic unit. He added that the U.S. Congress and right-wing-know-nothings in all countries were unaware of this. He added the world is too small. Two hundred thousand ton tank and ore carriers and air buses and the like will not permit sovereign independence of the Nation's state in economic affairs.

Before that, Emile Durkheim stated, "The corporations are to become the elementary divisions of the state, the fundamental political unit." Now I am going to repeat that. "The corporations are to become the elementary division of the state, the fundamental political unit. They will efface the distinction between public and private, dissect the democratic citizenry into discrete functional groupings which are no longer capable of joint political action".

Durkheim went so far as to proclaim that, "Through corporatism's scientific rationale, it will achieve its rightful standing as the creator of collective reality."

There is little question that part of these two statements are accurate. America has seen its national sovereignty slowly diffused over a growing number of international governing organizations.

The WTO is just the latest in a long line of such developments that began right after World War II. But as the protest in Seattle against the WTO ministerial meeting made clear, the democratic citizenry seemed well prepared for joint action. Though it has been pointed out that many, if not the majority of protesters, did not know what the WTO was, and much of the protest itself entirely missed the mark

regarding WTO culpability, in many areas proclaimed jurisdiction, responsibility, this remains but a question of education. It is the responsibility of the citizens' Representatives to begin that education process.

The former head of the antitrust division of the U.S. Justice Department was Thurman Arnold from 1938 to 1943. We may not entirely agree with him when he stated that the United States had, I quote, "developed two coordinate governing classes. One is called business, building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions."

□ 2330

The other called government, concerned with preaching and exemplification of spiritual ideas, but so caught up in a mass of theory that when it wished to move in a practical world, it had to do so by means of a sub-rosa political machine. But surely the advocates of corporate governance today, housed quietly and efficiently within the corridors of power at the WTO, the OECD, IMF, and the World Bank, clearly believe. They really believe. Corporatism as ideology, and it is an ideology; as John Ralston Saul referred recently to it as a hijacking of first our terms, such as individualism, and then a hijacking of western civilization, the result being the portrait of a society addicted to ideologies, a civilization tightly held at this moment in the embrace of a dominant ideology: corporatism.

As we find our citizenry affected by this ideology and its consequences, consumerism, the overall effects on the individual are passivity and conformity in those areas that matter and nonconformity in those which do not. We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, that's GATT, which began in 1948 its quest for a global regime of economic interdependence. But by 1972, some Members of Congress saw the handwriting on the wall, and it was a forgery.

Senator Long, while chairman of the Senate Committee on Finance, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy round of the GATT accords, and I quote: "If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own which puts their jobs, their security and their incomes above the priority of those who dealt them a bad deal."

But we know that few listened. And 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy round

that began the slow decline in America's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning, and I quote: "The Uruguay Round and the promise of the North American Free Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate into further efforts to promote international order at the expense of existing American jobs."

We are still not listening. Certainly, ideologists of corporatism cannot hear us. They, in fact, are pressing the same ideological stratagem in the journals that matter, like *Foreign Affairs*, and the books coming out of the elite think-tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that State sovereignty was little more than a status symbol and something to be attained now through transgovernmental participation. That would be presumably achieved through the WTO, for instance?

Stephan Krasner, in a volume, *International Rules*, goes into more detail by explaining global regimes as functional attributes of world order, that is, environmental regimes, financial regimes and, of course, trade regimes. In a world of sovereign states, the basic function of regimes is to coordinate state behavior to achieve desired outcomes in particular issue areas. If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing.

But we are not here speaking of changes within an existing regime, thereby elected representatives of free people make adjustments to new technologies, new ideas and further the betterment of their people. The first duty of elected representatives is to look out for their constituency. The WTO is not changes within the existing regime but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the nation, in nation state? I do not believe so. I would argue that who governs, rules. Who rules is sovereign. And the people of America and their elected representatives do not rule nor govern at the WTO but corporate diplomats, a word decidedly oxymoronic.

Who are these new sovereigns? Maybe we can get a clearer picture by looking at what WTO is in place to accomplish. I took interest in an article in *Foreign Affairs*, "A New Trade Order," volume 72, number one, by Cowhey and Aronson. Foreign investment flows are

only about 10 percent the size of the world trade flows each year, but intrafirm trade, for example sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade.

This complex interdependence we hear of every day inside the Beltway is nothing short of miraculous, according to the policymakers who are mesmerized by all this. But, clearly, the interdependence is less between the people of the nation states than between the corporations of the corporate states.

Richard O'Brien in his book entitled "Global Financial Integration: The End of Geography," states the case this way: "The firm is far less wedded to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry out transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choice of geography."

O'Brien seems unduly excited when he adds, "The glorious end of geography prospect for the close of this century is the emergence of a seamless global financial market. Barriers will be gone, services will be global, the world economy will benefit, and so too, presumably, the consumer."

Presumably? Counter to this ideological slant, and it is ideological, O'Brien notes the fact that "governments are the very embodiment of geography, representing the nation state. The end of geography is, in many respects, all about the end or diminution of sovereignty."

In a rare find, a French author published a book titled *The End of Democracy*. Jean-Marie Guehenno has served in a number of posts for the French Government, including as their ambassador to the European Union. He suggests this period we live in is an imperial age. And to quote, "The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only older operating methods to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which geography commanded history. Neither the rivers nor oceans protect the delicate mechanisms of the imperial age from a menace as multi-form as the empire itself."

The empire itself. Whose empire? In whose interests?

□ 2340

Political analyst Craig B. Hulet, in his book entitled "Global Triage: Imperium in Imperio," refers to the new global regime as imperium in imperio, or power within a power, a state within a state.

His theory proposes that these new sovereigns are nothing short of this:

"they represent the power not of the natural persons which make up the nations' peoples nor of their elected representatives, but the power of the legal paper persons recognized in law, the corporations themselves then are the new sovereigns. And in their efforts to be treated in law as equal as to the citizens of each separate state, they call this National Treatment, they would travel the sea and wherever they land ashore, they would be citizens here and there. Not even the Privateers of old would have dared impose this will upon the nation-states."

Can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress; we are not Luddites here. We know what refrigeration can do to a child in a poor country, what clean water means to everyone everywhere, what free communication has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new God, progress? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life, our children's futures, our workers' jobs, our security at home by measures often not unlike our airports are protected from pistols on planes, but self-interested ideologies, private greed and private power? Bad ideas escape our mental detectors.

We seem to be radically short of leadership where this act of participation in the process of diffusing America's power over to and into the private global monopoly capitalist regime, today pursued without questioning its basis at all.

An empire represented by not just the WTO but clearly this new regime is the core ideological success for corporatism.

The only step remaining, according to Harvard Professor Paul Krugman, is the finalization of a completed Multilateral Agreement on Investment, which failed at OECD. According to OECD, the agreement's actual success may come through not a treaty this time but arrangements within corporate governments itself quietly being hashed out at the IMF and the World Bank as well as OECD. We are not yet the united corporations of America.

The WTO needs to be scrutinized carefully, debated, hearings and public participation where possible. If there is any issue upon which Congress must hold extensive and detailed public hearings, this is it. Yet few are planned that I know of.

We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well, when he argued, the history of the 20th century suggests that totalitarian regimes are highly unsta-

ble, evolving toward some type of bureaucracy that neither fits the classic fascism nor the capitalist model. None of this means that the future will be safe to democracy, only that the threat of democracy comes less from totalitarian or elected movements abroad than from the erosion of its psychological, cultural, and spiritual foundations from within.

Are we not witness to, though, the growth of global bureaucracy being created not out of totalitarian or collective movements but from autocratic corporations which hold so many lives in the balance? And where shall we redress our grievances when the regime completes its global transformation, when the people of each nation and their state find that they can no longer identify their rulers, their true rulers, when it is no longer their state which rules?

The most recent U.N. Development Report documents how globalization has increased inequality between and within nations while bringing them together as never before.

Some are referring to this globalization's dark side like Jay Mazur recently in *Foreign Affairs*.

"A world in which the assets of the 200 richest people are greater than the combined income of more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations dominated by global corporations that control one-third of the world's exports."

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now.

Or is it that we just cannot see at all, believing in our current speculative bubble which nobody credible believes can be sustained much longer. We miss the growing anger, fear, and frustration of our people. Believing in the myths our policy priests pass on, we missed the dissatisfaction of our workers, believing in the God "progress" we have lost our vision.

Another warning, this time from Ethan Kapstein in his article "Workers on the World Economy" (*Foreign Affairs*; Vol. 75, No. 3):

"While the world stands at a critical time in post-war history, it has a group of leaders who appear unwilling, like their predecessors in the 1930s, to provide international leadership to meet economic dislocations. Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their associates. Like the German elite in Weimar, they dismiss mounting worker satisfaction, fringe political movements, and plight of the unemployed and working poor as marginal concerns compared with the

unquestioned importance of a sound currency and balanced budget. Leaders need to recognize the policy failures of the last 20 years and respond accordingly. If they do not, there are others waiting in the wings who will, perhaps on less pleasant terms."

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many people feel communism, even in China, is not a threat. Indeed, there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of global market economy free enterprise, we massage the terms to merge with manage the competition and planning authorities, all the while suggesting we have met the "hidden hand" and it is good.

We need to also recall what Adam Smith said but is rarely quoted. "Masters are always and everywhere in a sort of tacit but constant and uniform combination not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action and a sort of reproach for a master among his neighbors and questions. We seldom, indeed, hear of this combination because it is usual and, one may say, the natural state of things. Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. They are always conducted with the utmost silence and secrecy till the moment of execution."

And now precisely, whose responsibility is it to keep an eye on the masters?

I urge my colleagues, Republicans and Democrats, left and right on the political spectrum, to boldly restore the oversight role of Congress in one stroke and join my colleagues and I in supporting H.J. Res. 90 in restoring the sovereignty of these United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for June 15 after 10:00 p.m. on account of official business.

Mrs. EMERSON (at the request of Mr. ARMEY) for today after 6:00 p.m. and June 20 on account of her daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. LARSON, for 5 minutes, today.

Mr. BALDACCI, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and June 20.

Mr. HUNTER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOSSELLA, for 5 minutes, today.

ENROLLED JOINT RESOLUTION

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4387. To provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 20, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8182. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the

Department's final rule—Raisins Produced From Grapes Grown in California; Changes in Reporting Requirements [Docket No. FV00-989-1 FR] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide; Pesticide Tolerance [OPP-300999; FRL-6555-1] (RIN: 2070-AB78) received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consolidation of Certain Food and Feed Additive Tolerance Regulations [OPP-300756; FRL-6043-1] (RIN: 2070-AB78) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consolidation of Certain Food and Feed Additive Tolerance Regulations [OPP-300753; FRL-6041-9] (RIN: 2070-AB78) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8186. A letter from the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—257); to the Committee on Appropriations and ordered to be printed.

8187. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting a report entitled, "Military Child-Care: Meeting Extended and Irregular Duty Requirements"; to the Committee on Armed Services.

8188. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a response to section 922 of the National Defense Authorization Act of Fiscal Year 2000, Public Law 106-65; to the Committee on Armed Services.

8189. A letter from the Assistant Secretary, Command, Control, Communications, and Intelligence, Department of Defense, transmitting the "Year 2000 (Y2K) Lessons Learned"; to the Committee on Armed Services.

8190. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on, "Review of Profit Guidelines in the Defense Federal Acquisition Regulation Supplement"; to the Committee on Armed Services.

8191. A letter from the Principal Deputy, Personnel and Readiness, Department of Defense, transmitting a report on the status of the elimination of the backlog and a plan for preventing accumulation of backlogs in the future; to the Committee on Armed Services.

8192. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Wesley K. Clark, United States Army; to the Committee on Armed Services.

8193. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7297] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8194. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8195. A letter from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8196. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations: Uniform Tire Quality Grading Test Procedures [Docket No. 00-7364] (RIN: 2127-AG96) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8197. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR 76-7291; FRL-6601-1] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8198. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Canon City [CO-001-0037a; FRL-6706-5] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8199. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, San Diego County Air Pollution Control District [CA-184-0229; FRL-6585-9] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8200. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories [AD-FRL-6706-1] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8201. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories [AD-FRL-6706-2] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8202. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, South Coast Air Quality Management District [CA 031-0237; FRL-6704-1] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8203. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Operating Permits Program Interim Approval Expiration Dates [FRL-6703-3] (RIN:

2060-AJ12) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8204. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New Mexico; Approval of Revised Maintenance Plan and Motor Vehicle Emissions Budgets; Albuquerque/Bernalillo County, New Mexico; Carbon Monoxide [NM39-1-7462; FRL-6703-8] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8205. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a Request for Final Approval for the Memorandum of Understanding (MOU) Between the United States and the United Kingdom of Great Britain and Northern Ireland Concerning Cooperation on the Future Development, Operation and Support of the Apache Attack Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing license for the export of major defense equipment sold under a contract [Transmittal No. DTC 023-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8207. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-352, "Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8208. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-353, "Procurement Practices Human Care Agreement Amendment Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8209. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-354, "Closing of Public Alleys in Square 4335, S.O. 98-234, Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8210. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-355, "Solid Waste Transfer Facility Site Selection Advisory Panel Report Deadlines Extension Temporary Amendment Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8211. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-345, "Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-356, "Tenant Protection Temporary Amendment Act of 2000" received June 19, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8213. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—

Endangered and Threatened Wildlife and Plants; Reclassification of Yacare Caiman in South America from Endangered to Threatened, and the Listing of Two Other Caiman Species as Threatened by Reason of Similarity of Appearance (RIN: 1018-AD67) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8214. A letter from the General Counsel, Department of Commerce, transmitting a draft bill, "To establish the National Marine Sanctuary Foundation"; to the Committee on Resources.

8215. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Delaware River, Philadelphia, PA [CGD05-00-002] (RIN: 2115-AA97, AA98) received May 22, 2000; to the Committee on Transportation and Infrastructure.

8216. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30017; Amdt. No. 1990] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Andrews-Murphy, NC [Airspace Docket No. 00-ASO-4] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of Baltimore, MD [CGD 05-99-097] (RIN: 2115-AA97, AA98, AE46) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Tall Ships Delaware, Delaware River, Wilmington, DE [CGD05-00-008] (RIN: 2115-AA97, AA98) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of Hampton Roads, VA [CGD05-99-068] (RIN: 2115-AA97, AA98, AE96, AE84) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: OPSAIL 2000/International Naval Review 2000 (INR 2000), Port of New York/New Jersey [CGD01-99-050] (RIN: 2115-AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of San Juan, PR [CGD07-00-014] (RIN: 2115-AE46, AA98) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the Chief, Office of Regulations and Administrative Law, USCG, De-

partment of Transportation, transmitting the Department's final rule—Safety Zone: Chelsea Street Bridge, Chelsea River, Chelsea, MA [CGD1-00-123] (RIN: 2115-AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Massalina Bayou, Florida [CGD08-00-011] (RIN: 2115-AE47) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Upper Mississippi River [CGD 08-00-0009] (RIN: 2115-AE47) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Port GRAHAM, Cook Inlet, Alaska [COTF Western Alaska 00-003] (RIN: 2115-AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Atlantic Ocean, Virginia Beach, VA [CGD05-00-013] (RIN: 2115-AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Extension for Johannisberg Riesling; Additional Grape Varieties (98R-406P) [T.D. ATF-417; Ref. Notice No. 871] (RIN: 1512-AB80) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8229. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Location of Duty-Free Stores [T.D. 00-33] (RIN: 1515-AC53) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8230. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the FY 1999 Hospital Inpatient Prospective Payment Wage Index and Standardized Amounts Resulting From Approved Requests for Wage Data Revisions [HCFA-1049-F] (RIN: 0938-AJ26) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8231. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Revision to Accrual Basis of Accounting Policy [HCFA-1876-F] (RIN: 0938-AH61) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store

Indexes—March 2000 [Rev. Rul. 2000-25] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8233. A letter from the Commissioner, Social Security Administration, transmitting a report titled, "Report on Supplemental Security Income: Income and Resource Exclusions And Disability Insurance Earnings-Related Provisions," pursuant to Public Law 106-170; to the Committee on Ways and Means.

8234. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Federal Health Care Programs: Fraud and Abuse; Statutory Exception to the Anti-Kickback Statute for Shared Risk Arrangements (RIN: 0991-AA91) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8235. A letter from the Deputy Executive Secretary, Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs: Fraud and Abuse; Clarification of the Initial OIG Safe Harbor Provisions and Establishment of Additional Safe Harbor Provisions Under the Anti-Kickback Statute (RIN: 0991-AA66) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8236. A letter from the Acting General Counsel, Department of Defense, transmitting the enclosed legislation relating to the management of the Department of Defense; jointly to the Committees on Armed Services, Banking and Financial Services, and Government Reform.

8237. A letter from the Secretary, Department of Agriculture, transmitting a report entitled, "Preparing For Drought In The 21st Century"; jointly to the Committees on Transportation and Infrastructure, Agriculture, and Resources.

8238. A letter from the Acting General Counsel, Department of Defense, transmitting the proposed legislation relating to the Department of Defense civilian personnel and Mentor-Protege Programs; jointly to the Committees on Ways and Means, Government Reform, and Armed Services.

8239. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation, "To make a technical correction to uniformed services pay tables as enacted in the National Defense Authorization Act for Fiscal Year 2000 and that become effective July 1, 2000"; jointly to the Committees on Armed Services, Transportation and Infrastructure, Commerce, and Resources.

8240. A letter from the Acting General Counsel, Department of Defense, transmitting the proposed amendments to the current law concerning the housing allowances paid to uniformed service members stationed in the United States; jointly to the Committees on Armed Services, Transportation and Infrastructure, Resources, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 946. A bill to restore Federal

recognition to the Indians of the Graton Rancheria of California (Rept. 106-677). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2778. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 106-678). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3084. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; with an amendment (Rept. 106-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on Appropriations. H.R. 4690. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-680). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 527. Resolution providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations (Rept. 106-681). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 528. Resolution providing for consideration of the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (Rept. 106-682). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS:

H.R. 4690. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BACA:

H.R. 4691. A bill to amend the farmland protection program of the Department of Agriculture to facilitate a regional approach to the acquisition of permanent conservation easements in the Chino Basin in the State of California; to the Committee on Agriculture.

By Ms. BERKLEY:

H.R. 4692. A bill to direct the Secretary of the Army, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior to participate in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Transportation and Infrastructure.

By Mr. HALL of Ohio (for himself, Mr. BONIOR, Ms. CARSON, Mrs. CLAYTON, Mr. COBURN, Mr. COSTELLO, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. McNULTY, Mr. MEEKS of New York, Mr. RUSH, Mr. TRAFICANT, Mr. ENGEL, Ms. LEE, and Ms. KAPTUR):

H. Con. Res. 356. Concurrent resolution acknowledging the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. LIPINSKI, Mr. ROHRBACHER, Mr. BONIOR, Mr. BILBRAY, Mr. GREEN of Texas, Mrs. FOWLER, Mr. UNDERWOOD, Mr. CAMPBELL, Ms. NORTON, Mrs. KELLY, Mr. PALLONE, Mr. ROYCE, Mr. MCGOVERN, Ms. LOFGREN, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Ms. ESHOO):

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress concerning the war crimes committed by the Japanese military during World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Ms. ROYBAL-ALLARD introduced a bill (H.R. 4693) for the relief of Sergio Lozano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. CRAMER.
H.R. 266: Mr. PASCRELL.
H.R. 407: Mr. GOODLATTE.
H.R. 531: Mr. CAMPBELL, Mr. MCINNIS, and Ms. MCKINNEY.
H.R. 568: Mr. CRAMER.
H.R. 583: Mr. CARDIN.
H.R. 684: Ms. ESHOO.
H.R. 742: Mr. DOYLE and Mr. ALLEN.
H.R. 1005: Mr. METCALF.
H.R. 1217: Mr. THUNE.
H.R. 1310: Ms. BALDWIN, Ms. LEE, and Mr. WALSH.
H.R. 1324: Mr. ANDREWS.
H.R. 1325: Mr. ANDREWS.
H.R. 1366: Mr. BACA.
H.R. 1505: Mr. STRICKLAND.
H.R. 1581: Mr. FRELINGHUYSEN.
H.R. 1590: Mr. COSTELLO.
H.R. 1595: Mr. HOLT.
H.R. 1625: Mr. BOEHLERT.
H.R. 1899: Mr. ROMERO-BARCELO.
H.R. 2059: Ms. PELOSI.
H.R. 2121: Mr. TIAHRT, Mr. DEFazio, Mr. MCGOVERN, and Mr. BOUCHER.
H.R. 2138: Mr. JEFFERSON.
H.R. 2288: Mr. HALL of Ohio.
H.R. 2362: Mr. CANNON.
H.R. 2431: Mr. COLLINS, Mr. MATSUI, and Mr. HULSHOF.
H.R. 2457: Mr. WALSH, Mr. MCINTOSH, Mr. WEINER, Mr. MARKEY, and Ms. WATERS.
H.R. 2631: Mr. HANSEN and Mr. BOEHLERT.
H.R. 2696: Mr. MORAN of Virginia.
H.R. 2706: Ms. WOOLSEY.
H.R. 2710: Mr. GORDON.
H.R. 2790: Mr. FRANKS of New Jersey and Mr. KILDEE.
H.R. 2870: Mr. BONIOR.
H.R. 2953: Mr. WEYGAND, Mr. SHADEGG, Mr. LEWIS of Georgia, and Mr. HALL of Texas.
H.R. 3003: Mr. FLETCHER, Mr. MALONEY of Connecticut, and Mrs. CLAYTON.
H.R. 3032: Mr. MCGOVERN, Mr. PHELPS, and Mr. BOEHLERT.
H.R. 3125: Mr. ENGLISH and Mr. SALMON.
H.R. 3144: Ms. MCCARTHY of Missouri and Mr. BENTSEN.

H.R. 3440: Ms. CARSON, Mr. JACKSON of Illinois, and Mrs. MEEK of Florida.

H.R. 3580: Mr. LEVIN.

H.R. 3614: Mr. GEJDENSON, Ms. DELAULO, and Mr. LARSON.

H.R. 3698: Mr. COLLINS, Mr. JONES of North Carolina, Mr. PICKETT, Ms. MCKINNEY, Mr. MANZULLO, Mr. THORNBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PRYCE of Ohio, Mr. NEY, and Mr. LAZIO.

H.R. 3766: Mr. GREEN of Texas, Mr. SMITH of New Jersey, Mr. QUINN, Mrs. MEEK of Florida, Ms. SANCHEZ, Mr. GILCHREST, Mr. UDALL of Colorado, Mr. SAWYER, Mr. MATSUI, and Ms. VELÁZQUEZ.

H.R. 3915: Mr. BLILEY, Mr. CANADY of Florida, Mr. SKELTON, Mr. PASCRELL, Mr. HASTINGS of Washington, Ms. BERKLEY, Mr. PAUL, and Mr. GILLMOR.

H.R. 4106: Mr. ENGLISH.

H.R. 4108: Mrs. LOWEY.

H.R. 4215: Mr. SESSIONS.

H.R. 4239: Mr. BARRETT of Wisconsin and Mrs. MALONEY of New York.

H.R. 4277: Mr. DOYLE, Mr. GOODE, Mr. RYUN of Kansas, and Mr. GORDON.

H.R. 4328: Mr. NORWOOD, Mr. GILLMOR, and Mrs. MYRICK.

H.R. 4334: Mr. PAYNE.

H.R. 4390: Mr. BONIOR.

H.R. 4438: Mr. BOEHLERT, Mr. HASTINGS of Florida, and Mr. FALEOMAVAEGA.

H.R. 4463: Mrs. MEEK of Florida.

H.R. 4471: Mr. DEFazio, Mr. ENGLISH, Mr. LAMPSON, Mr. HERGER, Mr. LATOURETTE, Mr. MEEKS of New York, Mr. TANNER, Ms. CARSON, Mr. TERRY, Mr. GREENWOOD, and Mr. ALLEN.

H.R. 4472: Mr. PAUL.

H.R. 4473: Mr. SANDLIN and Mrs. MEEK of Florida.

H.R. 4496: Mr. HASTINGS of Washington.

H.R. 4511: Mr. BILBRAY, Mr. LATOURETTE, Mr. SESSIONS, Mr. METCALF, Mr. BAKER, and Mr. SHERWOOD.

H.R. 4539: Mr. BACA, Mr. DEUTSCH, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. McNULTY, and Ms. KILPATRICK.

H.R. 4548: Mr. EWING.

H.R. 4567: Mr. RAHALL.

H.R. 4570: Mr. HOEFFEL and Mr. BOEHLERT.

H.R. 4587: Ms. LEE.

H.R. 4596: Mr. UNDERWOOD.

H.R. 4652: Mr. REYNOLDS.

H.R. 4659: Mr. ROGAN, Mr. SHIMKUS, Mr. ETHERIDGE, Mr. CONDIT, and Ms. CARSON.

H.J. Res. 77: Mr. SHADEGG.

H. Con. Res. 209: Mr. SALMON, Mr. UDALL of New Mexico, Mr. ENGEL, Mr. KING, Mr. WYNN, Mr. SANDLIN, Mr. KIND, Mr. OLVER, and Mrs. MINK of Hawaii.

H. Con. Res. 321: Mr. HOUGHTON, Mr. TURNER, Mr. JEFFERSON, Mr. HINCHEY, Mr. SAWYER, Mrs. MINK of Hawaii, Mrs. KELLY, Mr. EWING, Mr. SESSIONS, and Mrs. MORELLA.

H. Con. Res. 339: Mr. HOYER, Mrs. LOWEY, Mr. CARDIN, and Mr. EVANS.

H. Con. Res. 346: Mr. MCGOVERN, Mr. CONYERS, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Mr. HILLIARD, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 348: Mr. HOYER, Mr. RUSH, Mr. KILDEE, Mrs. CLAYTON, Mr. TIERNEY, Mr. SMITH of New Jersey, and Mrs. JONES of Ohio.

H. Con. Res. 352: Mr. DEUTSCH and Mrs. LOWEY.

H. Res. 398: Mrs. MYRICK, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. HALL of Ohio, Mr. NORWOOD, Mr. DOOLEY of California, Mr. SMITH, of New Jersey, Mr. BACA, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. ROYBAL-ALLARD, and Mr. BECERRA.

H. Res. 461: Mr. FRANKS of New Jersey, Mr. WAMP, Mr. GONZALEZ, Mr. PAYNE, Mr. TRAFICANT, and Mr. VISCLOSKEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4201

OFFERED BY: Mr. MARKEY

AMENDMENT No. 1: Page 3, line 23, insert "educational" after "nonprofit".

Page 4, line 3, insert "educational" before "religious".

H.R. 4201

OFFERED BY: Mr. MARKEY

(Amendment in the Nature of a Substitute)

AMENDMENT No. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncommercial Broadcasting Freedom of Expression Act of 2000".

SEC. 2. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

"(1) IN GENERAL.—A nonprofit educational organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instructional, cultural, or educational religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

"(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

"(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or

"(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.

"(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting—

"(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or

"(B) the requirements of section 396, 399, 399A, and 399B of this Act."

(b) POLITICAL BROADCASTING EXEMPTION.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting ", other than a noncommercial educational broadcast station," after "use of a broadcasting station".

(c) AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.—Section 396(l)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(l)(3)(B)(ii)) is amended—

(1) in subclause (I), by inserting before the semicolon the following: ", and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)"; and

(2) in subclause (II), by inserting before the semicolon the following: ", except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)".

(d) IMPLEMENTATION.—Consistent with the requirements of section 3 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930–73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.

SEC. 3. RULEMAKING.

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 2).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 2 within 270 days after the date of enactment of this Act.

H.R. 4516

OFFERED BY: Mr. ANDREWS

AMENDMENT No. 5: Page 40, insert after line 19 the following:

ADMINISTRATIVE PROVISION

SEC. 211. The Comptroller General shall conduct a study of the project proposed to be carried out by the Secretary of the Army to dredge the Delaware River to bring the depth of its shipping channel to 45 feet, and shall include in the study an analysis of the following issues:

(1) Whether the benefit to the nation of carrying out this project is outweighed by its costs.

(2) The extent to which the project is in compliance with the applicable requirements of the National Environmental Policy Act, including whether the sponsors of the project addressed the following issues in preparing the environmental impact statement associated with this project:

(A) The environmental impact of the disposal sites for materials dredged during the course of the project.

(B) The impact of any dredging of private oil refinery berths which may be associated with the project.

(C) The impact of the project on essential fish and oyster habitats.

(D) Whether the averages of the levels of toxins in samples taken from the sediment of the River failed to reveal areas where toxins are highly concentrated.

(E) The threats to drinking water supplies and water quality.

(3) The environmental and economic impacts of placing 23,000,000 cubic yards of dredged materials on the riverfront of communities near the project.

(4) The failure of the Secretary of the Army to obtain a meaningful number of commitments from private entities to carry out similar dredging of their privately owned ports.

H.R. 4635

OFFERED BY: Mr. BAKER

AMENDMENT No. 32: Page 14, line 13, insert after the dollar amount the following: "(increased by \$30,000,000)".

Page 20, line 13, insert after the dollar amount the following: "(reduced by \$30,000,000)".

H.R. 4635

OFFERED BY: MR. CUMMINGS

AMENDMENT NO. 33: Page 73, line 3, after the dollar amount insert the following: “(reduced by \$2,800,000)”.

Page 73, line 18, after the dollar amount insert the following: “(increased by \$2,800,000)”.

H.R. 4635

OFFERED BY: MR. GREEN OF TEXAS

AMENDMENT NO. 34: Page 90, after line 16, insert the following new section:

SEC. 426. None of the funds provided under this Act may be used by the Environmental Protection Agency to issue, implement, or enforce any regulatory program (including reporting requirements) applicable to pipeline facilities for the transportation of hazardous liquids subject to regulations issued by the Office of Pipeline Safety, Research, and Special Programs Administration of the Department of Transportation under part 195 of title 49 of the Code of Federal Regulations, with respect to the matters regulated under that part.

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 35: Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to:

(1) the use of dredging or other invasive sediment remediation technologies;

(2) enforcing drinking water standards for arsenic; or

(3) promulgation of a drinking water standard for radon

where such activities are authorized by law.

H.R. 4635

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 36: Page 30, after line 14, insert the following new items:

URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, \$150,000,000 to the Secretary of Housing and Urban Development for “Urban Empowerment Zones”, including \$10,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, \$15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.

H.R. 4635

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 37: Page 30, line 20, after the dollar amount, insert the following: “(increased by \$395,000,000)”.

H.R. 4635

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 38: Page 23, strike the provisions that begin on lines 6, 12, and 16.

Page 24, after line 19, insert the following: For incremental vouchers under section 8 of the United States Housing Act of 1937,

\$593,000,000, to remain available until expended: *Provided*, That of the amount provided by this paragraph, \$66,000,000 shall be available for use in a housing production program in connection with the low-income housing tax credit program to assist very low-income and extremely low-income families.

Page 25, line 1, after the dollar amount, insert the following: “(increased by \$200,000,000)”.

Page 25, line 19, after the dollar amount, insert the following: “(increased by \$127,000,000)”.

Page 27, line 23, after the dollar amount, insert the following: “(increased by \$30,000,000)”.

Page 29, line 24, after the dollar amount, insert the following: “(increased by \$43,000,000)”.

Page 30, line 20, after the dollar amount, insert the following: “(increased by \$395,000,000)”.

Page 35, line 16, after the dollar amount, insert the following: “(increased by \$215,000,000)”.

Page 35, line 17, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

Page 36, line 13, after the dollar amount, insert the following: “(increased by \$80,000,000)”.

Page 37, after line 5, insert the following new item:

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

For the cost of guaranteed loans under the America's Private Investment Companies Program, \$37,000,000, to remain available until September 30, 2003, of which not to exceed \$1,000,000 shall be for administrative expenses to carry out such a loan program, to be transferred to and merged with the appropriation under this title for “Salaries and Expenses”: *Provided*, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is guaranteed, not to exceed \$1,000,000,000.

Page 37, line 12, after the dollar amount, insert the following: “(increased by \$114,000,000)”.

Page 37, line 13, after the dollar amount, insert the following: “(increased by \$90,000,000)”.

Page 38, line 2, after the dollar amount, insert the following: “(increased by \$24,000,000)”.

H.R. 4635

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 39: Page 73, line 18, insert after the dollar amount the following: “(increased by \$322,700,000)”.

H.R. 4635

OFFERED BY: MR. NEY

AMENDMENT NO. 40: Under the heading “MEDICAL AND PROSTHETIC RESEARCH” of title I, page 9, line 8, insert “(increased by \$5,000,000)” after “\$321,000,000”.

Under the heading “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” of title III, page 59, line 6, insert “(reduced by \$5,000,000)” after “\$1,900,000,000”.

H.R. 4635

OFFERED BY: MR. SCOTT

AMENDMENT NO. 41: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ (a) FINDINGS REGARDING THE STATE OF NASA AERONAUTICS FUNDING.—The Congress finds the following:

(1) The past efforts of the National Aeronautics and Space Administration in aeronautics research have yielded significant technological breakthroughs that have improved aircraft safety and efficiency, including wing design, noise abatement, structural integrity, and fuel efficiency.

(2) Every aircraft worldwide uses National Aeronautics and Space Administration technology.

(3) Past investments in aeronautics research have contributed significantly to the Nation's economy.

(4) The aerospace industry, made up primarily of aeronautics products, is the number one net positive contributor to the Nation's international balance of trade.

(5) Over the past decade there has been a dramatic decline in funding for aeronautics research.

(6) Funding for aeronautics research makes up less than five percent of the budget of the National Aeronautics and Space Administration.

(7) In the last two years alone, the aeronautics component of the National Aeronautics and Space Administration budget has been reduced by 30 percent.

(8) A 1999 report by the National Research Council entitled “Recent Trends in U.S. Aeronautics Research and Technology” expressed concern “that the ongoing reductions in [aeronautics] [research and technology (R&T)], which seem to be motivated primarily by the desire to reduce expenditures in the near term, are taking place without an adequate understanding of the long-term consequences” and that the Federal Government “analyze the national security and economic implications of reduced aeronautics R&T funding before the nation discovers that reductions in R&T have inadvertently done severe, long-term damage to its aeronautics interests”.

(9) This Act reduces the already underfunded investment in aeronautics research even further and may impact the long-term safety and convenience of the Nation's air transportation system.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that legislation enacted into law for funding the Departments of Veterans Affairs and Housing and Urban Development and independent agencies for fiscal year 2001 should not result in funding for National Aeronautics and Space Administration aeronautic research programs which is less than the level in the President's requested fiscal year 2001 budget.

H.R. 4635

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 42: Page 30, line 20, after the dollar amount, insert the following: “(reduced by \$20,000,000)”.

Page 30, line 21, after the dollar amount, insert the following: “(reduced by \$20,000,000)”.

Page 77, line 1, after the dollar amount, insert the following: “(increased by \$20,000,000)”.

H.R. 4635

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 43: Page 56, line 13, after the dollar amount, insert the following: “(reduced by \$10,000,000)”.

Page 77, line 1, after the dollar amount, insert the following: “(increased by \$10,000,000)”.

EXTENSIONS OF REMARKS

TRIBUTE TO ALBERTA
STONECIPHER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Alberta Stonecipher of Bethalto, IL. Mrs. Stonecipher is the mother of nine children, and has eleven grandchildren and six great-grandchildren. She has made it her responsibility to be an active participant in the Madison County Chapter of Mothers Against Drunk Driving (MADD).

Despite the fact that Mrs. Stonecipher has not lost one of her own to a drunk driver, she asked her children for Mother's Day to donate their money to MADD instead of buying her gifts. As a result, her family donated \$125 to the fight against drunk driving.

I want to thank Mrs. Stonecipher for finding such an important cause and devoting herself to it. Her dedication to helping those who have been a victim to drunk driving and to helping stop it is truly remarkable.

TRIBUTE TO LINDA DEWITT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. EVANS. Mr. Speaker, choose a major cause in the Galesburg area and you would find Linda DeWitt. She fought for union causes, women's issues and a host of community oriented programs and projects.

Linda DeWitt was a long time union activist and worker at Protexall in Galesburg, Illinois. She was the President of her local union, UNITE Local 920 for more than 20 years. She was also the chairwoman of the board of the Chicago and Central States Joint Board of UNITE and the President of the Galesburg Trades and Labor Council.

Linda died on May 15th.

When Linda wasn't at work at Protexall hemming or pressing pants—a job she did for 28 years—Linda was doing union work. If she wasn't involved in matters relating her union UNITE, you could find her at the Galesburg Labor Temple tending to matters there. Or perhaps tending to matters involving the Midwest Employees Credit Union, which she chaired.

Linda ran the Labor Assembly in Galesburg and that meant running the bingo to keep the place going. She ran the bingo and did the cooking. She was the chair of the Bingo Board for 18 years. Linda put everything into making sure that the bingo was fun. She was creative in coming up with new ideas, games and prizes to make bingo more than just a game.

Many people believe Linda lived at the union hall.

Linda was proud that Galesburg had one of the oldest Labor Day Parades in the country. She was the principal organizer of that parade for many years.

According to her co-workers, Linda had the ability to fit 36 hours worth of accomplishments into a 24-hour day. Linda was always gracious and kind-hearted—always thinking of others and trying to help them before herself.

During her battle with a brain tumor, the Peoria Journal Star did a feature about Linda's struggle. The article depicted Linda's attitude and her religious faith. Incredibly Linda characterized her illness as a win-win situation. But Linda was always a person who could find light in dark situations.

One of her fellow union members of UNITE Local 920 said she will always remember Linda telling her to "just keep smiling". That says it all about Linda DeWitt.

Linda was quoted as saying that she's tried to live her life "where people can say I've done good." There can be no question about all the good that Linda DeWitt has been a part of throughout her entire life.

She was always dedicated to her family and her work and she did so much for her union and the community.

Her passing is a tremendous loss for West Central Illinois, the community of Galesburg, her union and her family.

HONORING FORESTVILLE ELEMEN-
TARY SCHOOL'S SIXTH GRADE
TEACHERS, DR. JUDITH
ISAACSON, AND PRINCIPAL DAVE
KULP

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the faculty of Forestville Elementary School, particularly its sixth grade teachers, Assistant Principal Dr. Judith Isaacson, and Principal Dave Kulp. I join the sixth grade class of 2000 in saluting the wonderful job they have done and their tireless dedication to their students.

Forestville Elementary has flourished in the twenty years since opening its doors in 1980. It is currently in the top six percent of elementary schools, statewide, with regard to Standards of Learning passage. But is greatest accomplishment by far is the education and values that Forestville instills into each and every student that walks through its halls and studies in its classrooms.

This elementary school is leaping into the 21st century by taking full advantage of today's technology and using it to its full potential in the classroom. It has a fully equipped in-

formation center which includes CD-ROM, laser disc, and telecommunications stations. Each day, students use classroom computers to accomplish tasks that integrate technology use into all curriculum areas.

Forestville Elementary does not only educate its students in the use of the latest technology, but also emphasizes some of the most important life lessons a child can learn—the joy of helping others and a commitment to the community in which he or she lives. There is a school wide "buddy" program where younger children are paired with older ones who listen to them read aloud, help them complete special projects, and accompany them on field trips. Also, an active outreach program provides school supplies, food, clothing, gifts, and other needed materials to the school's adopted "sister" school, a local homeless shelter, and victims of natural disasters.

Forestville also encourages children to learn by example—their parents'. The parents in this community work closely with the school on activities such as Project HUG, a reading program for first and second grade students which gives trained parent volunteers the opportunity to work with students who need reinforcement of skills. Over 100 percent regularly volunteer to help children in the computer labs.

And, of course, none of this would be possible without the loving dedication of faculty and staff like Dr. Judith Isaacson and Principal Dave Kulp. These individuals help to create an enthusiastic environment that not only encourages the students to pursue their studies with vigor, but also helps them develop a love of learning that will stay with them throughout their lives. The faculty and staff are the people who bring Forestville's Core Knowledge Sequence to life in the classroom, ensuring that each student has a solid, coherent foundation in history, geography, mathematics, science, language arts, and the fine arts. They are the people who are teaching these children to have a sharp mind, an honest heart, and a strong sense of duty to both their community and their country. I am glad to see that the education of the future leaders of the 21st century are in these very capable hands.

Mr. Speaker, in conclusion, I would like to commend Forestville Elementary and all its faculty and staff for the outstanding job they have done with these students. On behalf of the sixth grade class, thank you for your hard work, dedication, and endless support.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote the afternoon of June

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

15, 2000. I would have voted in favor of the Sanders of Vermont amendment (rollcall No. 286). I would have voted in favor of the motion to recommit (rollcall No. 287). I would have voted against the Nethercutt amendment (rollcall No. 288). I would have voted against the Weldon amendment (rollcall No. 289). I would have voted in favor of the motion to recommit (rollcall No. 290). I would have voted against final passage (rollcall No. 291).

TRIBUTE TO SHELLY BAUGH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to share the story of a young woman from Centralia, IL, Shelly Baugh. Shelly's father served his country honorably and was killed during the Vietnam conflict when she was only 3 months old.

Until recently, she had spent her life trying to find any details out about her father, Pvt. Richie Githins. Twelve years ago a man who had served with her father made contact with her. His name was Chuck Gregoire of Allen Park, MI. Since then Shelly and Chuck have spent many hours together talking about her brave father. The pair also traveled to Vietnam together to see the place where her father was killed at gun point.

With yesterday being Flag Day, and with Father's Day just around the corner, Shelly's story is especially poignant. It is easy to get caught up in our day-to-day struggles, that we sometimes forget what is truly important—our family and our spirit. Shelly never forgot these values.

I want to take this opportunity to say thank you to Shelly for keeping the story of her father alive. Her father gave the ultimate sacrifice to protect our flag and our way of life. Shelly has fought hard to capture and remember her father's spirit. To both of them, I say thank you for a job well done.

HONORING DOUG HARRISON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Doug Harrison for his 30 years of outstanding community service with the Fresno Metropolitan Flood Control District and Fresno County.

Mr. Harrison is the General Manager-Secretary of the Fresno Metropolitan Flood Control District, having served in that capacity since 1972. The American Waterworks Association recognized his work in urban run-off quality research as the best water resources research of 1988. Also, Mr. Harrison was acknowledged by the State Water Resource Control Board in 1993 for federal Clean Water Act program assistance. Subsequently, he was named by the American Public Works Association as one of the Top Ten Public Works

Leaders in the nation in 1993; and, Manager of the Year, 1999, by the California Special Districts Association.

Mr. Harrison has spoken nationally on urban storm water and flood control issues, including frequent testimony before the Congress of the United States and the California State Legislature. He has also published numerous articles and was a contributing author for a national water resources policy white paper developed by the National Water alliance for the Bush Administration.

He also serves as a Board Member of the San Joaquin River Conservancy. He is currently serving as a member of the Board of Directors of the Association of California Water Agencies, and is also the past President and a current Board Member of the National Association of Flood and Storm Water Management Agencies.

Mr. Speaker, it is my pleasure to honor Doug Harrison for his 30 years of service with the Fresno Metropolitan Flood Control District and Fresno County. I urge my colleagues to join me in wishing Mr. Harrison many more years of continued success.

TRIBUTE TO RICHARD H. MARRIOTT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to Richard H. Marriott, former mayor of Sacramento. One of our area's most outstanding citizens, Mr. Marriott passed away on Sunday, June 4, 2000, due to complications with cancer and heart problems. As his friends and family gather for his memorial service, I ask all of my colleagues to join with me in commemorating his life and many accomplishments.

Born in Ely, NE, Richard Marriott was one of four children of the former Anna Gertude Bernard and Joseph E. Marriott. He graduated from Nevada City Union High School in 1935, and he earned his bachelor's degree in English from the University of San Francisco in 1940. He went on to perform his graduate work at the University of California, Berkeley.

Richard Marriott's distinguished political career began in 1959 at a time when there was no district system in local politics. Starting in 1968, he began the first of two terms as mayor of Sacramento.

In 1975, he was appointed by then-Governor, Jerry Brown, to the State Unemployment Insurance Appeals Board. Four years later, the governor named him deputy secretary of the Health and Welfare Agency. He retired from public service in 1982.

As a city councilman, Richard Marriott made a name for himself in championing the defense of organized labor. As mayor, he continued that pursuit. In addition to fighting for workers' rights, he served as editor and manager of the Valley Union Labor Bulletin. According to former mayor Phillip Isenberg, Mr. Marriott was the only modern mayor to come from organized labor.

Among various other accolades, Richard Marriott was credited with establishing pre-

vailing wage rates for plumbers and other craftsmen on the City Hall payroll. This helped to ensure they were paid equitably with their unionized counterparts in the private sector.

In a time when the mayor's position was mainly a ceremonial job, Richard Marriott fought to extend the position's influence. He fought for his beliefs and worked to represent the citizens of Sacramento. His career was truly exemplary, and he stands out as one of Sacramento's finest public servants.

Mr. Speaker, as Richard Marriott's friends and family gather for his memorial service, I am honored to pay tribute to a much admired and respected man of our community. He touched so many others with his conviction and dedication to his family and the city of Sacramento. I ask all of my colleagues to join with me in wishing Mr. Marriott's family our deepest condolences for their great loss.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Thursday, June 15, 2000 to attend to official business in my congressional district and was unable to cast recorded votes on roll calls 280 through 291, relating to Interior and Related Agencies Appropriations for Fiscal Year 2001.

Mr. Speaker, I regret not being able to vote on any of these rollcalls, but I particularly regret being unable to cast my vote against the Slaughter amendment to provide additional federal funding for the National Endowment for the Arts.

The visual and performing arts are important to me, but I do not believe it is appropriate for the federal government to have a major role in subsidizing the arts. The NEA is at fault for having funded blasphemous endeavors that offer no redeeming benefit to our community. Attempts by NEA officials to assure me that these offenses will no longer occur have not been convincing. Furthermore, I cannot justify this funding at a time when we are trying to preserve Social Security and Medicare and pay of our crushing national debt.

Fortunately, the NEA increases approved by the Slaughter amendment were erased in a subsequent amendment that was approved by voice vote.

Mr. Speaker, had I been present for rollcalls 280 through 291, I would have cast the following votes:

Rollcall 280: "Aye" on the Hansen amendment to the Dicks amendment, to remove the reference to the planning and management of national monuments.

Rollcall 281: "No" on Dicks amendment, to add a new section to provide that any limitation imposed by the bill which is related to planning and management of national monuments or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

Rollcall 282: "Aye" on the Stearns amendment, to reduce the amount for NEA by 2 percent and to transfer the money to the fire management account.

Rollcall 283: "No" on the Slaughter amendment, to increase the amount of the deferral for Clean Coal Technology by \$22 million from \$67,000,000 to \$89,000,000.

Rollcall 284: "No" on the Obey motion, that the Committee rise.

Rollcall 285: Quorum call in Committee.

Rollcall 286: "No" on the Sanders amendment, to provide \$10 million in funding for the creation of a Home Heating Oil Reserve.

Rollcall 287: "No" on the Doggett motion, that the Committee rise.

Rollcall 288: "Aye" on the Nethercutt amendment, to prohibit funds in the act to be used to implement any section added by a previous specified amendment except for activities related to planning and management of national monuments.

Rollcall 289: "Aye" on the Weldon amendment, to ensure that the case regarding Indian gaming brought by Florida and Alabama against the Department of the Interior is fully adjudicated before the Secretary of the Interior is permitted to publish the procedures that would allow tribes to establish casinos under regulations that by-pass tribal-state compacts.

Rollcall 290: "No" on the motion to recommit with instructions.

Rollcall 291: "Yea" on passage.

TRIBUTE TO JANICE CALLARMAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Janice Callarman of Mt. Vernon, IL. After 41 years of teaching she is retiring.

Over her distinguished career, Mrs. Callarman has taught in Saginaw, TX, Watertown, MA, and at Casey Jr. High School and Lincoln Grade School in Mt. Vernon, IL. She has been dedicated to, and responsible for educating and shaping the lives of countless number of students.

As a former teacher myself, I want to thank her for all she has done. She has committed her life to one of the most difficult, yet most rewarding tasks. I wish her the best in her retirement. She will be missed.

CONGRATULATING AMORETTE YANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate and honor Amorette Yang, who has achieved national recognition for exemplary volunteer service in her community. Amorette of Clovis, California, has been named one of California's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia, and Puerto Rico. Ms. Yang will be recognized with a bronze Distinguished Finalist medallion.

Ms. Yang is involved in numerous volunteer activities. Her most recent activities include the Hmong American Women's Association, Inc., Model for Hmong International New Year Cultural Events, Adopt a Highway, Clovis High Tutoring Program, College Church of Christ Nursery, College Church of Christ a cappella choir "In His Steps," CUSD Elementary Cheer Camp Coach, and CUSD Leadership Camp facilitator. With all of her volunteer accomplishments, Ms. Yang still is able to maintain a high grade point average.

The program that has brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are extremely important and highly valued, and to inspire others to follow their example. In only 5 years, the program has become the Nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Speaker, I rise to congratulate Amorette Yang, who has received national recognition for exemplary volunteer service in her community. I urge my colleagues to join me in wishing Amorette Yang many more years of continued success.

DEPARTMENT OF THE INTERIOR; AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. SENSENBRENNER. Mr. Chairman, I wish to comment on the Department of Energy's (DOE) Fossil Energy and Energy Conservation Research and Development (R&D), and Clean Coal Technology provisions in H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2001. H.R. 4578 represents the hard work of Mr. REGULA and the members of the Appropriations Subcommittee and Committee and I appreciate their diligence.

The Science Committee has responsibility for setting authorization levels for funding civilian research at the DOE. The Committee has passed two authorization bills which address DOE fiscal year 2001 funding: (1) H.R. 1655, the DOE Research, Development, and Demonstration Authorization Act of 1999; and (2) H.R. 1656, the DOE Commercial Application of Energy Technology Authorization Act of 1999. H.R. 4578 appropriates \$535.6 million for Energy Conservation R&D programs, while H.R. 1655 and H.R. 1656 provide a combined \$623.2 million for similar programs. Further-

more, H.R. 1655 and H.R. 1656 provide \$442.4 million for Fossil Energy R&D, and H.R. 4578 provides \$410.4 million for similar accounts. Although H.R. 4578 does not fully fund these accounts to their authorized levels, Chairman REGULA has made a serious effort to fund R&D in a tight fiscal framework. Despite the shortfall in R&D funding, I am pleased the bill does provide \$11.7 million for the Science Committee's Energy Efficiency Science Initiative.

I am also pleased to see that section 330 of H.R. 4578 contains the Knollenberg amendment that prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol to the UN Framework Convention on Climate Change prior to Senate ratification. Mr. KNOLLENBERG's language assures taxpayers that Senate ratification must precede actions to implement the Kyoto Protocol. Given the glaring problems with this unfunded, unsigned, and unratified Protocol, such a limitation is proper and necessary and I commend the Appropriations Committee for including it in H.R. 4578.

HONORING PRO FOOTBALL GREAT MICHAEL GREEN

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. COX. Mr. Speaker, 15 years ago, our colleague from California, Mr. Badham, who represented Newport Beach before I had that honor, rose in this chamber to commemorate the 10th Anniversary of an important community event in Orange County. The event was premised on the "simple act of doing something nice for someone for no reason." Today, 25 years after the people of Orange County first decided to do something nice for someone for no reason, I'm pleased to report that "Irrelevant Week" and Orange County altruism are both thriving.

Irrelevant Week XXV is honoring Michael Green, from Northwestern State in Louisiana, who was selected 254th in the NFL draft. He is headed for the Chicago Bears, where—at six feet tall and 189 pounds—he will have trouble eclipsing the legend of Refrigerator Perry. Such long odds do not dampen the enthusiasm of community leaders like Paul Salata, who put this all together. That's because they recognize that all fame is fleeting, that humility is a virtue, and that even the last-round NFL draft pick is a significantly better athlete than most Members of Congress.

Today, my colleague Mr. ROHRBACHER shares with me the honor of representing the City of Newport Beach, and he joins me in congratulating all of those involved in this celebration, which has now, we can all agree, outgrown its name—for there is little in this world today that is more relevant to our spirit of community and our common humanity than doing nice things for other people. On behalf of the United States Congress and the people of Orange County whom it is my privilege to represent, congratulations to everyone associated with Irrelevant Week XXV, for being more relevant than you care to admit.

TRIBUTE TO OPERATION FIRST CHOICE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize "Operation First Choice". This group of Mt. Vernon, IL, residents recently received the "Make a Difference Day" Award sponsored by USA Weekend magazine.

They are a volunteer group set in place to offer area kids a chance at excelling in various activities, helping many who might be considered at-risk off the streets and out of trouble. The group consists of the Police Athletic League, Young Marines, and others.

I want to take this opportunity to thank the volunteers of "Operation First Choice" for their commitment to serving as positive role models. They truly are making a difference every day in the lives of the kids of Mt. Vernon and Jefferson County.

LEROY COLLINS: HERO OF THE STRUGGLE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. LEWIS of Georgia. Mr. Speaker, the Civil Rights Movement is replete with examples of men and women who risked great personal harm and displayed unwavering courage in the face of danger. Men and women whose names many not be as familiar to us as the names of Dr. Martin Luther King, Jr. or James Farmer, but who nevertheless made huge contributions to the struggle for freedom. One such person was LeRoy Collins, former governor of Florida, whose mediation skills and nonviolent nature helped Alabama avoid a second Bloody Sunday.

As we all know, the first attempt by marches to cross the Edmund Pettus Bridge on that fateful day—March 7, 1965, Bloody Sunday—was met with unconscionable violence initiated by Alabama state troopers. As plans were made for the second attempt, many expected the worst. Dr. King, who would lead the march, met with LeRoy Collins. Collins was the director of the Justice Department's Community Relations Service and was sent by President Johnson to mediate the situation. After speaking with King, Collins struck a deal with state and local officials designed to avoid a repeat of Bloody Sunday. We would be allowed to cross the Edmund Pettus Bridge but we could not go on to Montgomery.

Later that day, with Alabama State troopers looking on, two thousand people led by Dr. King peacefully marched across the Edmund Pettus Bridge. Once they reached the bottom of the other side they stopped, prayed and sang "We Shall Overcome."

The nonviolent nature of our second march was in no small measure a result of LeRoy Collins' courage and prudence. God only knows what harm may have been suffered on

EXTENSIONS OF REMARKS

that day if a deal had not been brokered. I will never forget LeRoy Collins. He is truly a hero of the struggle.

THE UNITED STATES COAST GUARD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. DELAHUNT. Mr. Speaker, where I come from, generations of otherwise well-adjusted people have suffered the ill effects of the well-known "Curse of the Bambino." Since the Red Sox traded Babe Ruth, life has never quite been the same, although I am one of those with deep, quite faith that the Curse of the Bambino officially expires as we enter the new millennium.

But I would like to discuss with you a different kind of curse. Call it the "Curse of the Can-Do". This curse afflicts the United States Coast Guard, and its long, proud tradition of never turning down a call for help. Of never shirking new responsibility. Even when the gas tank is literally on empty.

It's too late for the Red Sox to get Babe Ruth back. But we still have an opportunity to ensure the readiness of the Coast Guard to discharge its lifesaving mission. I take the House floor tonight to thank my colleagues who in the last few days have helped lead us in that direction—but also to warn that we're still sailing into a very stiff wind.

Last month, this House took historic steps to shore up Coast Guard resources to save lives, prevent pollution, fight drugs, help the economy, respond to natural disasters, and enhance national security. It's up to us to see these efforts through.

The FY2000 Transportation Department appropriations bill passed recently by the full House would reverse more than a decade of chronic underfunding that has made it nearly impossible for the Coast Guard to do the work the Congress has assigned it. For the first time in recent memory, there is now genuine hope that we can adequately safeguard the lives and livelihoods of those who live and work on or near the water.

From the small harbors of New England to the ice floes of Alaska; from the Great Lakes to the Gulf Coast to the banks of the Mississippi; I commend Chairman YOUNG and Ranking Member OBEY of the Appropriations Committee, and Chairman WOLF and Ranking Member SABO of the Transportation Subcommittee.

Their leadership has underscored the stark fact that the demands on the Coast Guard has vastly outpaced its resources. That there is no longer margin for error. And that the consequences of any such error is literally a life-and-death matter.

Despite the fact that there are no more Coast Guard personnel today than there were in 1967, it is indisputable that—day in and day out—no public agency works harder. Or smarter.

During the 1990s, the Coast Guard reduced its workforce by nearly 10 percent—and operated within a budget that rose by only one

percent in actual dollars. Over this period, it also has responded to a half-million SOS calls, an average of 65,000 each year—and in the process, has saved 50,000 lives. Every year, the Coast Guard performs 40,000 inspections of U.S. and foreign merchant vessels; ensures the safe passage of a million commercial vessels through our ports and waterways; responds to 13,000 reports of water pollution; inspects a thousand offshore drilling platforms, conducts 12,000 fisheries enforcement boardings, and prevents 100,000 pounds of cocaine from reaching America's shores.

Two centuries of experience have taught us to rely on the professionalism, judgment, compassion, commitment and courage of the U.S. Coast Guard. From hurricanes to airplane crashes, from drug smugglers to foreign factory trawlers, the Coast Guard is always on call—just as it has been for 200 years.

We have learned to trust the Coast Guard with all we hold dear—our property, our natural resources and our lives. In Washington, a long way from the winds and the whitecaps, it has been tempting to task the Coast Guard with new and burdensome missions. Far too tempting.

Historically, the Coast Guard has discharged whatever duties it was assigned. As a Service originally created in 1790 to regulate maritime duties, its responsibilities have—appropriately—grown with the changing needs and technology of the times.

As co-chair of the House Coast Guard Caucus, along with Representatives HOWARD COBLE and GENE TAYLOR, I have had grave doubts for a long time.

Most recently, much has been made of the demands on the Coast Guard for work in the area of illegal drug interdiction. As a former prosecutor, I'm all for fighting the drug war and have fully supported calling upon the Coast Guard to step up its interdiction efforts—but not at the expense of its core mission, the saving of human life.

We can't just wish away the costs, and I'm not ready to start treating search-and-rescue like a luxury we can do without—any more than you can move cops off the beat, then complain about street crime.

We have stretched the Coast Guard so thin for so long that it can barely be expected to fulfill its credo, *Semper Paratus*—"always prepared". And there are scores of new missions in the wings.

This year, the Coast Guard was the only federal agency to earn an "A" from the independent Government Performance Project for operating with unusual efficiency and effectiveness. That assessment placed the Coast Guard at the very top of 20 Executive Branch agencies because its "top-notch planning and performance budgeting overcame short staffing and fraying equipment."

It all came down, they concluded, to that Curse of Can-Do. "The Coast Guard," they said, "is a CAN-DO organization whose 'CAN' is dwindling while its 'DO' is growing".

This can't continue. Not when the average age of its deepwater cutters is 27 years old, making this force the second oldest major naval fleet on the globe. Not when fixed-wing aircraft deployments have more than doubled, and helicopter deployments are up more than 25 percent—without any increase in the number of aircraft, pilots or crews.

Not when duty officers suffer chronic fatigue because staffing constraints permit only four hours of sleep at night. Not when the Commandant testifies before Congress that there's not enough fuel to power his boats and planes.

And not when Coast Guard radio communications units are 30 years old, like the one described in a recent news account that began this way:

If you dial 911, say the word 'fire' and run outside, a fire engine will show up at your driveway. If you pick up the handset on your VHF-FM radio, say the word 'Mayday' and jump overboard, you could very well drown or die of hypothermia.

Study after study has documented these hazards. A recent Interagency Task Force concluded that "block obsolescence . . . presents a threat that [the Coast Guard] could soon be overwhelmed by a mismatch between its missions and the quantity and quality of the assets to carry them out."

A 1997 General Accounting Office review was even more blunt. It projected \$90 million annual reductions in operating expenses just to bridge the gap. GAO was alarmed by "the sheer size of the gap and the dwindling number of available efficiency-related options."

Where I'm from, a marine distress call is an urgent plea for emergency law enforcement and rescue personnel. When oil spills jeopardize economic as well as environmental resources; when frozen rivers trap heating oil barges; when the well-being of both fish and fishermen are threatened; when offshore danger strikes, we know were to turn.

That's why when the ink dried on the House DOT appropriation, there was reason for new and genuine hope. Like having Pedro Martinez in the starting rotation, it felt like this really could be the year.

The DOT bill approved recently for next year increases Coast Guard accounts by nearly \$600 million, a 15 percent boost. It also includes \$125 million to help modernize aging airplanes, helicopters and motor lifeboats—and upgrade, rather than abandon, Coast Guard stations and the communities they serve.

Years from now, the 395 House colleagues who voted for the DOT bill can look back and take satisfaction from the knowledge that they helped saved a life, a coastal community, an international alliance—or maybe even a marine species or two.

But that old curse still hovers over the Coast Guard. Just this week, the Senate Subcommittee came in \$200 million lower.

The timing could not be worse. The Senate action followed two rounds of Coast Guard cutbacks for the current fiscal year, reducing cutter days and flight hours by 10 percent.

Why? Because the Coast Guard responded to natural disasters, but the Congress failed to pass emergency supplemental funding. And because a variety of overdue personnel benefits, for everything from housing to health care, were mandated by the 2000 Defense Authorization—but with no money to pay for them.

There's more. The good news is a new effort, through the pending Military Construction bill, to restore \$800 million in supplemental funding. But since only a third of that is designated as "emergency expenses," the base-

line for future Coast Guard budgets, next year and beyond, would be seriously compromised.

So I express gratitude for the progress made in this chamber thus far. But also to raise a warning flag about the two challenges immediately ahead.

Specifically, I urge my colleagues to hold firm in conference on the House-approved allocation in the Transportation Appropriation bill. And then to recede to Senate conferees regarding the \$800 million in the MilCon measure.

That's what it will take for the Coast Guard to do the job we have assigned it to do. To contain oil spills. To catch smugglers. And, most important of all, to save lives.

CHINA PNTR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. THOMAS. Mr. Speaker, we have recently voted to establish permanent normal trade relations with China, which I believe will provide economic opportunities for us and further advance reforms that will promote democratization and hopefully improve human rights in that region.

China recently negotiated to become a member of the World Trade Organization, a union of 135 nations who will require China to follow established trade rules. China has agreed to lower tariffs and duties on many products imported from foreign countries including the United States. These lowered tariffs will increase American exports, expand opportunities for our businesses, and create new jobs. If we had not granted permanent normal trade relations with China, we would have lost these economic benefits to other countries that would trade with China.

Increased trade with China will create new jobs and stimulate the economy in my district. Lowered tariffs will apply to California's Central Valley agricultural products, such as almonds, oranges, grapes, and cotton. In a few years, China will reduce its tariff on almonds from 30 to 10 percent, on oranges from 40 to 12 percent, and on grapes from 40 to 13 percent. China will also import millions of additional tons of cotton at a low duty. These lowered tariffs and duties will lead to lower prices for Chinese citizens who will demand more products, necessitating increased production in the Valley. New agricultural jobs will support this increased production.

We are already reaping abundant benefits from trade with other countries. Since July of 1999, Kern County alone has shipped over 220,000 tons of cotton to Mexico. Production, transportation, and marketing of cotton for Mexico have generated numerous jobs in the Central Valley. Because China's population is significantly greater than that in the other countries with whom we trade, the amount of products we will export there will also be significantly greater.

Not only will increased trade benefit our economy, but it will also help further the expansion of freedoms in China. In any nation, this process takes time. Our own nation's his-

tory attests to this fact. The rights guaranteed in our Constitution have not always been granted to everyone. For example, slavery, with all of its abuses, was practiced for 78 years after the ratification of the Constitution. Eighty-three years after the Constitution, the Fifteenth Amendment theoretically granted suffrage to all people, regardless of "race, color, or previous condition of servitude," but these rights continued to be denied to people of color. Our country progressed over time to expand and guarantee equal protection of rights under the law.

Just as the expansion of freedoms has progressed over time throughout the history of the United States, so it will take time for China to extend more freedoms to its citizens. China is just starting the process we have been pursuing for over two centuries, and they are in a different situation than was the United States at its foundation. Chinese leaders do not regard the individual as, in the words of our Declaration of Independence, "endowed by their Creator with certain unalienable Rights." Their government does not derive its "just Power from the Consent of the Governed." The Chinese have still to develop a real understanding of the value of the individual.

Communist Party control over the financial future of Chinese citizens is weakening. Millions of people are migrating away from state-owned enterprises to work in private businesses. At these businesses, they experience improved working conditions and higher wages. They are less dependent on the government, can make their own choices, and thereby have more personal control over their lives. As this movement into the private sector continues, more people will come to expect and demand the reforms necessary to guarantee individual rights.

Exposure to international trade rules will enable the Chinese to appreciate establishing rule of law within their country. Increased trade with all nations will acquaint Chinese citizens with innovation and new technology from sources outside their government. These ideas will increase their awareness of the rights and freedoms to which they are entitled. Chinese citizens may in time pressure their leaders for reforms that will guarantee these rights and freedoms. Our trade relations will allow us to support the Chinese people if they choose to push for these reforms.

For all of these reasons, I am pleased that the House has voted for permanent normal trade relations with China. The bill is now in the Senate, where I am hopeful it will pass so that the United States and China together can secure the benefits of a more open trade relationship.

TRIBUTE TO MATT LINWONG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Matt Linwong, a freshman at Mt. Vernon Township High School in Mt. Vernon, IL, for his academic achievement.

He recently scored a perfect 800 in English on the SAT and a near perfect 750 in math.

As a result, Matt has been accepted to the Illinois Math and Science Academy in Aurora, IL, which is a school for 10th–12th grade Illinois students who excel in mathematics and science. I want to wish Matt the best as he begins this new chapter in his life. He is an amazing young student who I know will go far and do great things.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2001

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to urge my colleagues to vote to move this bill forward but also to express my concerns about what I consider to be seriously inadequate funding levels for education, health, and job training.

Chairman JOHN PORTER did an admirable job constructing this bill considering the difficult 302(B) allocation he was given in the budget resolution. I opposed that resolution because it inadequately funded so many agencies. But as in years past, the Senate has more generous subcommittee allocations and therefore will fund many programs at higher levels than the House. Furthermore, the President has consistently advocated higher spending levels, though he has funded them through unacceptable taxes and cuts in key programs that members of both parties reject. Hence, as this bill moves through the process of Senate consideration and then the House-Senate conference, allocation levels will rise to what I believe will be sound funding levels appropriately funded. Therefore I vote in favor of this bill to move it forward in the process. I would note that last year's House Labor-HHS proposal provided only \$35.6 billion for education programs while the President proposed a total of \$37.1 billion. Ultimately, the process produced a bill that provided \$38 billion for education and tied to that level of funding was greater flexibility so communities could meet their own needs. I have no doubt the same result will occur again this year which is why I am willing to put aside my concerns with this specific bill and move this legislation forward.

H.R. 4577 provides funding increases for a number of programs of importance, including many health initiatives. I am very proud that Chairman PORTER has targeted community health centers for support as these facilities are the only source of affordable health care in many neighborhoods. Helping people se-

cure health insurance should be a priority for this Congress, but that health insurance will not be helpful unless people have a medical facility they can use. The House proposal increases funding by \$81.3 million, \$31 million more than the President's request.

This legislation also provides critical funding increases for programs that help communities provide HIV/AIDS education and prevention services. We must be vigilant in our battle against the spread of this disease. H.R. 4577 provides \$130 million for the Ryan White AIDS Prevention and Education programs, \$5 million above the President's request.

In some cases, our bill is far more generous than the Senate. The House provides \$86 million more than the Senate and \$156 million more than the President for the Centers for Disease Control. While we were not able to provide the full 15% increase previously agreed to for NIH, Chairman PORTER's bill does increase funding by 5%, the same as the President requested. Chairman PORTER also has made a commitment to work toward the full 15% increase in conference with the Senate. The House bill is also much more generous to SAMHSA providing \$50 million more than the Senate, a \$60 million increase over last year. SAMHSA funding is critical to helping deliver substance abuse and mental health services to communities.

JOB TRAINING/WELFARE

While I am very happy to see an increase in funding for Job Corps programs, residential facilities that provide job training, placement and support services to at-risk youth, I am deeply concerned about funding cuts to many of our other job training programs. While the economy is experiencing its highest rates of growth in our history and unemployment and welfare rolls are at an all time low, job training is more important than ever. Many families moving off public assistance can only become economically independent and secure with help to develop their skills and to win their battles against addiction. They urgently need these job training programs if they are going to successfully transition off of welfare. The cuts to the one-stop career centers as well as WIA adult training grants are both going to undermine our effort to move families off of welfare and to help low wage workers move up the skill and wage ladder. I urge my colleagues to visit a one stop center in their district to see how effective they are.

Another area of great concern is the underfunding of the Social Services Block Grant, used by states to fill funding gaps in their social welfare programs. States use SSBG to fund domestic violence shelters, adoption services, meals-on-wheels, elderly and disabled services and child and adult protective services to name a few. During the debate over welfare reform, Congress guaranteed the states that it would fund SSBG at \$2.38 billion and that states could transfer 10% of their TANF dollars into SSBG to develop the support network necessary to families in transition from dependence to independence. However, to pay for last year's transportation bill, SSBG's authorization was cut to \$1.7 billion and the transfer was reduced to 4.25%. While the level is lower than that I advocate for in my legislation, H.R. 4481, the House actually funded SSBG at its new authorization level of

\$1.7 billion. The Senate however cuts the program by \$1.1 billion to \$600 million. A cut of this magnitude will be devastating to the community organizations that serve some of our most needy constituents. I urge my colleagues to restore full funding to \$2.38 billion and the transfer to 10%.

EDUCATION

The House proposal provides additional resources to many important education programs but its failure to increase the allocation for Title I should be of concern to all Members. Both the President and the Senate provided increases which would enable us to reach as many as 260,000 more children. Further, H.R. 4577 would fund the Teacher Empowerment Act, a block grant of the Eisenhower Professional Development program, Goals 2000 and the President's class-size reduction program, at \$1.75 billion instead of the proposed \$2 billion authorization level. If Republicans are going to advocate for block granting similar pots of money—which I support—we must adequately fund the whole. As we have seen with TANF, Congress must abide by our promises and fully fund these programs if the new flexibility granted is to matter to kids, teachers and taxpayers. This cut of \$300 million sets a very dangerous precedent for those who strongly support block grants and I hope my colleagues will reconsider this funding level.

However, there are many programs which received increased funding from the Committee. The bill increases the average Pell Grant to \$3,500, its highest level in history. Republicans have increased the Pell Grant, which saw cuts when the Democrats controlled both the White House and the Congress, by \$1,200, or 50% since assuming the majority in 1995. Further, while the bill doesn't provide the additional \$2 billion in funding agreed to by the House for IDEA, it does increase funding by \$500 million. If there is one program that comes up in every meeting I have had with teachers and administrators in my district, it is IDEA. The increase of \$500 million is a step in the right direction. I also applaud the Head Start increase of \$400 million or 7.5% and the TRIO program increase of an additional \$115 million over FY00.

Given the challenge presented to the committee by the budget resolution, they did a commendable job on this bill. However, many of its funding levels are inadequate and must grow through the process or I will vote against sending this bill to the President. Again, I will support this proposal because I believe that in the end we will have a bill that reflects our priorities—education, health care, and job training.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the last word and rise to support this amendment that helps provide for our states and local communities.

While I support all the funding increases in this amendment, the increase in the Payment in Lieu of Taxes program is of particular interest. Last year, we approved an amendment to increase PILT by twenty million dollars and came out of conference with a ten million dollar increase. This amendment will add ten million dollars to last year's appropriation, the base amount in this legislation.

The federal government has a responsibility in law to help support local governments in areas where the federal government owns the land, thus removing it from the local tax base. We all know, despite the hard work and tough decisions of Chairman REGULA's subcommittee, that appropriations for PILT have not kept up with the authorized amounts. An increase of ten million dollars will not close this gap, but it will provide much-needed assistance to local governments.

For the residents and government of Edmonson County in my district in Kentucky, the support from PILT is essential. Edmonson County is home to Mammoth Cave National Park. While the park draws many visitors to this rural area, Edmonson County's small population and low per capita income make it difficult for local taxpayers to provide basic services, from waste management to emergency services. The support from an increase in PILT will keep the cost of these services more bearable to local taxpayers.

PILT funds help support a 24-hour ambulance service for the National Park and county residents. Federal land ownership has contributed to the isolation of much of Edmonson County. When major transportation routes expanded in the past, the county was bypassed in favor of areas with a larger property tax base to support the projects. Equitable PILT payments are needed to add to the tax base Edmonson County has given up for the National Park as the area faces new challenges for economic development.

The situation faced by Edmonson County is far from unique. As the federal government continues to place responsibilities on local governments, PILT increases are necessary to relieve local taxpayers across the country, most of them in rural areas. The Bureau of Land Management reports property taxes would provide local governments with one dollar and forty-eight cents per acre. PILT payments are far below that amount per acre. It is difficult to explain to constituents why PILT appropriations have not followed the amounts authorized when they have not even come close. It is difficult to explain why Congress creates new programs when we are not funding the ones already in existence.

I strongly urge my colleagues to support this amendment. By doing so you add \$10 million dollars to PILT to aid local taxpayers in rural areas and fulfill a pledge made by the federal government.

COMMENDING THE T.C. WILLIAMS HIGH SCHOOL CREW TEAM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. MORAN of Virginia. Mr. Speaker, today I commend the Women's Lightweight Eight Crew of T.C. Williams High School in Alexandria, VA, for their fine season this spring. The T.C. lightweight crew captured gold medals at the Virginia State Championships, the prestigious Stotesbury Cup Regatta in Philadelphia, and the Scholastic Rowing Association of America championship. They followed these triumphs with a silver medal at the Canadian Secondary Rowing Association Championship at St. Catherine's, Ontario.

Their success this year continues a tradition of strong lightweight rowing at T.C. Williams High School. The Women's Eight has captured gold medals at Stotesbury and the Scholastic Rowing Association for three of the last four years.

This lightweight crew excels not only athletically but in their academic work as well. The crew has a collective grade point average that is close to 4.0. Crew members are: Jo Beck, Mary Higgins, Carter Kidd, Riley McDonald, Janie Roden, Kaitlin Donley, Catherine Freeman, Anna Gullickson, and Clare McIntyre.

The coach of the Women's Lightweight Eight, Steve Weir, completed his 25th year coaching women at T.C. Steve has had unparalleled success, winning the Stotesbury Cup for lightweights 12 out of 18 attempts. Parents of the girls who row for Steve say that he has had a major impact on their lives both athletically and in other aspects through the example of his integrity and devotion to excellence.

I am very proud of Steve Weir and his fine crew.

IN HONOR OF NAOMI GRAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. PELOSI. Mr. Speaker, I rise to acknowledge Naomi Gray's contributions to the Citizens' Advisory Commission to the Golden Gate National Recreation Area and Point Reyes National Seashore as she steps down after nearly six years of service. Ms. Gray has been a consistent leader in the fight to make our National Parks a treasure for all of our citizens. Throughout her entire illustrious career, she has sought to make our world more just, and it is my honor to commend this dedicated San Franciscan.

Naomi Gray served as one of the original members of the Board of Directors of the Fort Mason Foundation, which oversees one of the first urban National Parks in the country. On the Board, Naomi consistently worked to ensure that the Center offered programs and services of interest to persons from a wide variety of cultural backgrounds.

Because of her outstanding service at the Forest Mason Foundation and her years of

dedicated community activism, Secretary of the Interior Bruce Babbitt selected Naomi in 1994 to sit on the Citizens' Advisory Commission to the Golden Gate National Recreation Area and Point Reyes National Seashore. On this commission, she served as chair of the Diversity Committee and as a member of the Presidio Committee. She brought to the Commission a concern for how our National Parks are perceived and how they can be made more welcoming to minority communities. Her work helped to open the Golden Gate National Recreation Area to all of our citizens.

Naomi's work on the Citizens' Advisory Commission is just one of her many activities in public service. She has worked much of her life to advance the cause of public health. After serving as the Director of Field Services for the Planned Parenthood Federation of America, she became the first women Vice-President of the organization. With Planned Parenthood, she coordinated the work of more than 250 family planning affiliates in the United States and consulted with many international family planning programs.

In 1985, San Francisco established its first Health Commission, and Naomi was selected as a founding member. Naomi became a Vice-President of the Commission, chaired its Budget Committee, and worked to strengthen and improve the Department of Public Health's Affirmative Action programs. Her service was so exemplary that, upon her retirement from the Commission, Mayor Frank Jordan was moved to declare October 8, 1992, as "Naomi Gray Day" in San Francisco.

Ms. Gray has also dedicated her significant talent and energy to working on issues of importance to the African-American community. In 1991 she helped establish the Sojourner Truth Foster Family Service Agency to care for African-American foster children and later founded the Urban Institute for African-American Affairs. She is the founder of the Black Coalition on AIDS, a member of the Black Chamber of Commerce, a member and past President of the San Francisco Black Leadership Forum, and has served on San Francisco's African-American Child Task Force.

Mr. Speaker, Naomi Gray's thoughtful contributions to the Citizens' Advisory Commission will be sorely missed. Undoubtedly, however, she will continue her work on behalf of the people of San Francisco in a new forum and with renewed energy. She is a tireless fighter, and our City is fortunate to have her. I wish her all of the best.

TRIBUTE TO NADIA SHAKOOR

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Nadia Shakoor of Springfield, IL for being selected as a finalist in the Intel International Science and Engineering Fair. She was one of 1,200 students from over 40 countries who traveled to Detroit, MI to compete for more than \$2 million in awards and scholarships.

As a teacher myself, I want to recognize Nadia for her academic achievement. Her success has not come without hard work though.

I applaud her for her motivation and desire to learn and grow.

I wish Nadia the best as she continues her education. I know success will follow her wherever she may go.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. GREEN of Wisconsin. Mr. Chairman, I submit the following resolutions for the RECORD.

Whereas, our National Forests were established in the 1920's for multiple use including soil and water protection, recreation, and timber production, and;

Whereas, harvesting is an integral component of multiple-use management of forest lands, and;

Whereas, it is not in the best interest of sustainable ecosystem management to ban commercial logging on National Forests, and;

Whereas, the health of adjoining private and other public forest lands would be in jeopardy if National Forest lands were allowed to become overstocked and subject to insect and disease infestations, and unnecessary fuel build-up were allowed to create the potential for disastrous wild fires, and;

Whereas, timber harvested on the National Forests is vital to many local and regional economies, including that of Vilas County, and;

Whereas, Wisconsin's National Forests are not producing below cost timber sales and are not virgin forests, and;

Whereas, there would be an increase in pressure to harvest County Forest Lands and private lands in the area if harvesting ceases on the National Forests within the state, and;

Whereas, the State Forester of Wisconsin is also opposed to the halting of commercial logging on National Forests.

Now, therefore, be it resolved, That the Vilas County Board of Supervisors is opposed to the National Forest Restoration Act and other legislative proposals which propose halting commercial logging on the National Forests.

Be it further resolved, That copies of this resolution be forwarded to the Governor, to Wisconsin's Representatives and Senators in the United States Congress, George Meyer, Secretary of the Department of Natural Resources, Gene Francisco, State Forester, the Wisconsin County Forests Association, and the President of the United States.

Respectfully submitted by: Vilas County Forestry, Recreation, & Land Committee.

RESOLUTION No. 14-00

Whereas, the counties of Wisconsin support sound forest management policies, which as-

sure that the National Forests of Wisconsin are available for multiple uses such as recreation, logging, and the protection of wildlife, and

Whereas, when the Federal Government created the Chequamegon and Nicolet National Forests, they promised the forests would be made available for multiple uses by the people of Wisconsin and

Whereas, President Clinton and the National Forest Service have recently proposed the Roadless initiative, which would place up to 74,000 acres of the Nicolet and Chequamegon Forests of limits to logging and motorized recreation, and

Whereas, This program, along with other restrictions already placed on the national Forests will have an adverse effect on the economy of the entire state, and

Whereas, the Board of Directors of the Wisconsin Counties Association (WCA), have unanimously passed a resolution stating vehement opposition to the Roadless plan, and

Whereas, the National Forest Service is currently revising its Land and Resource Management Plan, which could place even more restrictions on use and access of the National Forests, and

Whereas, the National Forest Resource Committee, made up of concerned parties from around the Great Lakes Region, led by WCA and including logging companies, recreation enthusiasts, policy makers and others, has been formed to fight against further restrictions on use of the National Forests.

Therefore be it resolved, That the Oconto County Board of supervisors does hereby:

1. Oppose programs such as the Roadless Initiative that place unwanted and unnecessary restrictions on use and access of the National Forests, and

2. Advocate a new Land and Resource Management Plan which would rollback several costly, unnecessary restrictions on National Forest use and access, and

3. Support the efforts of the National Forest Resource Committee in its fight to ensure that such goals are met.

Be it further resolved, That a copy of this resolution be forwarded to the Wisconsin Counties Association, the Governor, the U.S. Congressman who represents Oconto County, and U.S. Senators Russ Feingold and Herb Kohl.

RESOLUTION

Whereas, the counties of Wisconsin support sound forest management policies, which assure that the National Forests of Wisconsin are available for multiple uses such as recreation, logging, and the protection of wildlife; and

Whereas, when the Federal Government created the Chequamegon and Nicolet National forests, they promised the forests would be made available for multiple uses by the people of Wisconsin; and

Whereas, President Clinton and the National Forest Service have recently proposed the Roadless Initiative, which would place up to 74,000 acres of the Nicolet and Chequamegon Forests off-limit to logging and motorized recreation; and

Whereas, this program, along with other restrictions already placed on the National Forests, will have an adverse effect on the economy of the entire state; and

Whereas, the Board of Directors of the Wisconsin Counties Association (WCA), have unanimously passed a resolution stating vehement opposition to the Roadless Plan; and

Whereas, the National Forest Service is currently revising its Land and Resource Management Plan, which could place even

more restrictions on use and access of the National Forests; and

Whereas, the National Forest Resource Committee, made up of concerned parties from around the Great Lakes Region, led by WCA and including logging companies, recreation enthusiasts, policy-makers and others, has been formed to fight against further restrictions on use of the National Forests.

Now, therefore, be it resolved, That the Forest County Board of Supervisors does hereby:

1. adamantly oppose programs such as the Roadless Initiative that place unwanted and unnecessary restrictions on use and access of the National Forest use and access; and

2. advocate a new Land and Resources Management Plan which would roll back several costly, unnecessary restrictions on National Forest use and access; and

3. support the efforts of the National Forest Resource Committee in its fight to ensure that such goals are met.

Be it further resolved, that a copy of this resolution be forwarded to the Wisconsin Counties Association, the Governor, Congressman Mark Green, and U.S. Senators Russ Feingold and Herb Kohl.

RESOLUTION

Whereas, the United States Forest Service is in the process of developing their Forest Plan Revision with respect to the Ten Year Plan for use of the Nicolet National Forest; and

Whereas, a significant portion of all management alternatives proposed for the national forest land based in Forest County is allocated for research and restrictive use in all of the alternatives of the plan that are presently being developed; and

Whereas, the Forest County economy and recreational activities depend upon use of the national forest; and

Whereas, the proposed Ten Year Plan will result in more land going into restrictive use, non-motorized use, of wilderness areas; and

Whereas, Forest County objects to the allocation of any more land going into such limited uses; and

Whereas, heretofore, when land was purchased from Forest County by the Forest Service, it was represented by said Forest Service that the land to be purchased was to be utilized for timber production as well as other multiple uses. The proposed Ten Year Plan varies considerably from such representations; and

Whereas, Florence County has adopted a similar Resolution objecting to the present revisions of the Nicolet Forest Ten Year Plan; and

Whereas, it is appropriate for the Forest County Board of Supervisors to object to the proposed revisions in the Ten Year Plan with respect to the Nicolet National Forest.

Now, therefore, be it resolved by the Forest County Board of Supervisors, That said Board strenuously objects to any land under Federal ownership being used for anything other than multiple use and management for timber production.

Be it further resolved, That a true and correct copy of this Resolution, upon its adoption, shall be forwarded by the County Clerk to appropriate representatives of the United States Forest Service so that Forest County's position on the matter can be made known.

RESOLUTION No. 41-2000

Whereas, the Nicolet and Chequamegon National Forests are two large public forests

of great interest and concern to the residents of northern Wisconsin, including those of Oneida County, and

Whereas, these Forests provide forest products, recreational opportunities, clean air and water, and scenic beauty to said residents, and

Whereas, the Nicolet and Chequamegon are currently going through a planning process which will dictate their future management policies and objectives, and

Whereas, there are several initiatives emanating from sources outside northern Wisconsin which are attempting to sway the planning process and thereby the future management of the forests to include large roadless areas and to eliminate commercial harvesting of forest products, and

Whereas, these proposals would negatively impact the economy of Northern Wisconsin and the ability of both the residents and visitors to Northern Wisconsin to travel through and enjoy these National Forests, and

Whereas, when the Federal government sought to purchase the lands for these forests in the early part of the 20th century it made an agreement with the local governments that these lands would provide stability for the local economy through sound resource management, and

Whereas, by locking up large areas of the forest and thereby curtailing the recreational potential and the production of forest products, this promise would be broken, and

Whereas, roadless areas also prevent the forest from being protected from the dangers of fire and large tracts of overmature timber are subject to disease and insect outbreaks, so

Now, therefore, be it resolved, That the Oneida County Board of Supervisors go on record in support of the production of forest products from the National Forests in a sustainable forestry initiative in conjunction with the concept of multiple use management, and

Be it further resolved, That the Oneida County Board of Supervisors go on record in opposition of roadless area initiatives which preclude citizens reasonable access to the recreational and aesthetic amenities of their forest, and

Be it further resolved, That this resolution be forwarded to United States Forest Service, U.S. Senator Herb Kohl, U.S. Senator Russ Feingold, U.S. Representative Dave Obey, U.S. Representative Mark Green, State Senator Roger Breske, State Representative Joe Handrick, State Representative Lorraine Seratti, Wisconsin D.N.R. Secretary George Meyer and the Wisconsin County Forests Association.

[From the Chequamegon Nicolet Chapter, Local 2165, National Federation of Federal Employees, International Assoc. of Machinists and Aerospace Workers]

ROADLESS INITIATIVE OPPOSITION

Chequamegon Nicolet National Forest employees ask that Wisconsin forests be excluded from the "Roadless Conservation" plan from Washington.

Employees say the Draft EIS is flawed, greatly underestimates detrimental economic impact and fails to specify any beneficial environmental impact.

Call Art Johnson at 715-762-5112 for more information.

RESOLUTION

Whereas, The Chequamegon-Nicolet National Forest has only 5 miles of road building, but 55 miles of road obliteration per year.

Whereas, The Chequamegon-Nicolet road system has not been a major public concern on the Chequamegon-Nicolet.

Whereas, The Chequamegon-Nicolet wilderness areas are important, but are underutilized and make up only 1% of the recreational use of the Forests.

Whereas, The Chequamegon-Nicolet's recent Notice of Intent to revise the Management Plan did not identify roadless areas as a topic.

Whereas, The Draft EIS of the Proposed Roadless Conservation plan from Washington does not identify nor analyze beneficial or detrimental impacts on timber, economies, recreation, or ecosystem protection on the Chequamegon-Nicolet National Forest, as required by NEPA and 40 CFR 1500-08.

Whereas, The negative impact on timber sales will cause an estimated job loss of 75 local jobs per year and an economic loss of nearly \$75 million to Wisconsin's economy, the cumulative impacts will be much greater.

Whereas, The Union is concerned about the loss of jobs; and concerned about a lack of relevant, specific information in the Draft EIS;

Therefore, The Union suggests that the Chequamegon-Nicolet National Forest be eliminated from the proposed Roadless Conservation plan and that these issues be analyzed by the ongoing revision of the Forest Management Plan.

Passed unanimously at the May 18 membership meeting.

[From Forestry in Wisconsin—A New Outlook, Official Report of the Wisconsin Commercial Forestry Conference Held at Milwaukee, March 1928]

FEDERAL ACTIVITIES IN WISCONSIN FORESTRY

(By L.F. Kneipp, Asst. Chief Forester, U.S.F.S., Washington, DC, 1928)

The present Federal forestry activities affecting Wisconsin consist of: Silvicultural Research (Lake States Forest Experiment Station, St. Paul) and Forest Products Research (Forest Products Laboratory, Madison). Taxation studies and co-operation in fire control, educational activities and planting is also being conducted. Establishment of a National Forest.

Establishment of a National Forest.—The redemption of the lost provinces of forestry, i.e. the 81 million acres of now unproductive lands, presents special and peculiar problems, for on these lands new forests, in large degree, must be built from the ground up by heavy initial investments which for long periods of time will produce little or no cash returns. To permit of Federal co-operation in this work of forest reclamation the Clarke-McNary Law provides that with the prior consent of the state, lands may be purchased by the Federal government and permanently administered as national forests. This provision is an extension of an elaboration of the so-called Weeks' Law under which the United States has purchased almost three million acres of land in the Appalachian chain from New Hampshire to Alabama.

The purpose of the United States in buying these lands is to restore them to a condition of maximum forest productivity by intensive management, planting, fire protection, etc.; to make them sources of permanent timber supply and bases for permanent wood-using industries and communities. As these processes go forward research and experimentation will develop and eventually the areas will be concrete demonstrations of the best principles and methods of forest manage-

ment and thus examples to other owners of forest lands. There is no selfish purpose in this proposal, no cleverly concealed invasion of state powers, but solely a desire to contribute toward the solution of a problem of national concern which in some states is so staggering in its proportions that the probable maximum effort by the states and its citizens will only partially alleviate the situation.

The field of Federal forest ownership is found in those parts of the lost provinces which offer little or no prospect of private action or of county or state action. If private initiative or county or state initiative is able adequately to cope with the situation, there is no need for Federal intervention. If, however, neither private, county, or state agencies are prepared to carry out the necessary and desirable steps then there is room for effective participation by the Federal government.

Wisconsin has its lost provinces of forestry in abundant measure. The estimated area of depleted and unproductive land seems to be not far from 10 million acres of which most is situated in a roughly triangular area based on the north boundary of the state and within which the acreage of improved farm land is at a minimum. There was a time when these lands supported a wealth of timber that was one of the glories of the state, but only pitiful remnants of that wealth remain today and little is being done to effectively replace it.

Nevertheless, these lands are a great potential source of wealth and social service. Their capacity to produce timber has been demonstrated and is unquestioned. They lie in relatively close proximity to what eventually will be probably the greatest timber consuming center of the nation. Developed as forests they will afford the means for outdoor recreation for which there will be increasing need as the population multiplies and the strains of modern existence increase. To the State of Wisconsin these lands are both a challenge and an opportunity.

Under the provisions of the Clarke-McNary Act a program of forest land purchases has been evolved which provides roughly for the acquisition of approximately two million, five hundred thousand acres in the states of Michigan, Minnesota, and Wisconsin. The so-called Woodruff-McNary Bill, which has passed both houses of Congress and may by this time have become a law, establishes a fiscal policy for carrying out this program.

The act of consent of the State of Wisconsin establishes a maximum area of 500,000 acres and requires in addition the consent and concurrence not only of the Governor, the Director of the Conservation Commission, and the Commissioner of Public Lands, but that of the county commissioners of the counties in which purchases are to be made as well. The determination of the extent to which Federal ownership of forest lands would be desirable in Wisconsin rests therefore with the state and county officials.

Preliminary and rather superficial studies have shown that in Wisconsin there are at least six areas within the provisions and purposes of the Clarke-McNary Law could be made fully effective. These are as follows:

1. An area of approximately 200,000 acres in Forest, Oneida, and Vilas Counties of which part is on the drainage of the Wisconsin River and where white pine, hemlock, and hardwoods are important types.

2. An area of approximately 150,000 acres situated in the extreme northeast corner of Price County with possible minor extensions into Iron County or Oneida County. This

area is on the drainage of the Flambeau River and was at one time characterized by excellent stands of white pine, hemlock, and hardwoods.

3. An area of approximately 150,000 acres in Peshtigo and Oconto Counties principally of sandy plains type and supporting a typical pine stand.

4. An area of virtually denuded land, perhaps 100,000 acres in extent, situated in Bayfield County between Moqua and Iron River.

5. An area of approximately 100,000 acres situated in the eastern parts of Jackson and Monroe Counties. Primarily of the sandy plains type.

6. An area of approximately 150,000 acres lying diagonally across the southeastern corner of Douglas County and northwestern corner of Washburn County and the northeastern corner of Burnett County.

Only one of these areas has as yet been definitely proposed by the Federal government. That is the one in Forest, Oneida, and Vilas Counties and thus far the consent of Forest County has not been secured. As to the others, they are merely possibilities.

The foregoing sketches briefly the Federal forest policy as laid down in the Clarke-McNary Act and financed in the Woodruff-McNary Bill, and the possible applications of that policy in a co-operative private, State, and Federal effort to solve Wisconsin's idle land problem.

The Lake States Forest Experiment Station is the Federal Government's effort to create a body of dependable facts about the growing and utilization of timber crops. The Forest Service has already established 11 regional forest experiment stations, including the Lake States Station at St. Paul. The activities of the Station extend to Wisconsin, Michigan and Minnesota. Its task is not unlike that of agricultural experiment stations except that it deals with forest crops instead of agricultural crops. It carries on investigations into the nature of the different kinds of forests found in the region, their adaptability to certain soils, their growth and yield, and methods of securing their regrowth after cutting; it studies forest fires, their occurrences, causes and factors controlling their spread; it studies methods for planting up land that does not come up naturally to forest—from the collection of seed and raising forest nursery stock to planting out under conditions most adapted for the success of the plantations; it is co-operating with the College of Agriculture of the University of Wisconsin, particularly in a thorough understanding of the forest fire situation in the state, and in determining the growth that takes place in the hardwood hemlock forests after selective logging.

The Forest Products Laboratory at Madison, operated by the U.S. Forest Service in co-operation with the University of Wisconsin, is a national institution but is performing much research of direct importance to Wisconsin forestry. The Laboratory's function in a broad way is to so improve the processes of forest utilization that the full use-value of wood is realized. The three main phases of the Laboratory's research program consist in determining the physical and chemical properties of the many native species of woods, finding the requirements of various uses in terms of these wood properties, and adapting the one to the other as far as possible through scientific manipulation of growth and manufacturing processes. It is conducting experiments to develop better designs of wood products, better kiln drying and air seasoning methods, better pres-

ervative treatments, and better wood glues and fastenings; and it is carrying on studies to improve methods of manufacturing pulp and paper from wood and methods of logging, milling and lumber grading.

While the number of research units is nearly adequate, the present amount and stability of their appropriations is quite inadequate to deliver all the facts on which to build a complete forest policy. Hence the McSweeney-McNary Bill, now pending in Congress. This bill aims to do for forestry research what the Clarke-McNary Act is already doing for forest protection and administration, namely, to lay down an adequate program for the next ten years and to provide for its execution in co-operation with all agencies concerned.

HISTORICAL DEVELOPMENT OF THE NICOLET NATIONAL FOREST

(By J. Terry Moore)

"National Forests exist today because the people want them. To make them accomplish the most good the people themselves must make clear how they want them run. Gifford Pinchot in Use of the National Forests. May 1907."

The birth of Wisconsin's first national forest was no easy task. The process required a lengthy series of approvals at the federal, state, and local levels before the purchase of land could even begin. One rejection could have derailed the process. This paper focuses on the events leading to the establishment of the original purchase unit that eventually became the Nicolet National Forest, with some attention given to the people who made things happen. The time period covered is from summer 1927 through the end of 1928. The sources of information are the files of The Rhinelander Daily News, The Forest County Republican, The Vilas County News Review, the records of Forest, Oneida, and Vilas counties, the Forest Service, and the Marathon County Historical Society, curators of the personal papers of J.D. Mylrea, President of the Thunder Lake Lumber Co.

Authority for establishing National Forests by purchase of land comes from the Act of March 1, 1911 commonly known as the Weeks Act. When passed the Weeks Act stated that no land could be purchased "until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams." This was known as enabling legislation and gave the states latitude to set conditions on the size or approval process for purchase areas. The Weeks Act was later modified by the passage of the Clark-McNary Act (June 7, 1924) which authorized purchase land for National Forests when such lands would promote a future timber supply. Citing the Clark-McNary authority, the Wisconsin legislature enacted legislation on June 26, 1925, empowering the United States to acquire land, not exceeding 100,000 acres, for the establishment of a national forest. The legislation required "that any tract or tracts so selected shall be first approved by the governor, the commissioners of public lands, and the conservation commissioner." In June of 1927 the state's legislation was amended authorizing an additional 400,000 acres of purchase bringing the total to 500,000 acres. Two additional changes were made. The original language requiring approval of each tract was changed by substituting the words "boundaries of any area so selected" for the statement "any tract or tracts so selected". A new requirement that any "areas so selected be approved by the

county boards of each of the counties in which lands were to be purchased", was added.

The Legislative actions by the Federal and State governments set the stage for the Forest Service to advance a proposal to establish a "purchase unit", the term applied to the areas selected and approved per the enabling legislation. According to an article in The Rhinelander Daily News, November 10, 1927, Colonel W.B. Greeley, then Chief of the Forest Service was in Madison to confer with L.B. Nagler, Wisconsin Conservation Director, on the proposal to establish a 500,000 acre purchase in Forest, Oneida, and Vilas counties. The articles also stated that representatives of the Forest Service would be contacting the three county boards to determine their position on the proposed purchase unit.

The November 11, 1927 issue of the Rhinelander Daily News contained an editorial reporting that the proposed purchase unit had received the full support of the Forest Service, the State Conservation Commission, and the Governor of Wisconsin. The editorial supported the proposal and urged the three county boards to approve the action during their annual meetings scheduled for the next week.

"If approved by the county boards, the action will be a long step forward in the reforestation program. The Federal government will buy worthless land, good only for forestry, from the present owners. When merchantable timber is produced, it will be cut and sold and a large part of the proceeds will be turned back to the town in which the land is located."

The editorial recognized one negative factor, that the land would not produce income while the forest was being restored but The Rhinelander Daily News did not view this as a valid objection, however, because the cut-over lands were going tax delinquent and the counties would lose revenue in either case.

On November 16, 1927, E.W. Tinker who was then a Forest Service lands assistant in the Denver, Region 2 office and Crosby Hoar of the Superior National Forest in Duluth, Minnesota arrived in Rhinelander to discuss the proposal with the Forests, Oneida, and Vilas County boards during their annual meetings. Tinker and Hoar appeared before the Oneida board in the morning and the Vilas board in the afternoon of the same day. Their reception was enthusiastic, and both boards quickly passed resolutions approving the purchase unit under a suspension of the normal rules of procedure. Later in the week Tinker and Hoar addressed the Forest County Board, but were not successful, as the Forest County Board tabled the motion for further consideration.

An editorial in the November 27, 1928, issue of The Rhinelander Daily News reported that Forest county withheld action on the proposed forest reserve on the advice of C.L. Harrington, Superintendent of Forestry of the State Conservation Commission. Harrington advised the board that approval of the federal proposal would remove lands from the tax base forever because the federal government had no funds to implement management on the acquired lands. Mr. Harrington also objected to the action on the basis that it would delegate to the federal government a program which belonged properly to the state. The editorial agreed in part that there would be a period of loss of income while the lands were restored, but strongly supported the action taken by the Oneida County Board. The editorial concluded with a request to Mr. Harrington "refrain from misleading the people of northern

Wisconsin who have an opportunity to get the cut-over lands back into their best use—forestry.”

An editorial in the November 29, 1927 issue of *The Rhinelander Daily News* states that the paper had received dispatches from Madison to the effect that the State Conservation Commission was heartily in favor of the proposed federal forest reserve. The editorial said that the message from Madison could “be interpreted in no other fashion than that which indicates the commission’s displeasure with the activities of C.L. Harrington in appearing before the Forest County Board.” The *Daily News* editorial also cited an editorial from the *Antigo Journal* which states:

“The *Antigo Journal* urges Forest county to convene in special session and cancel their former action and to act favorably on the matter. Langlade county will join in on the forest project when they are asked, but Langlade county had not been contacted by the forest service. The *Journal* supports the proposed forest based on future values of the land 25 to 30 years hence.”

In tabling the issue of a federal forest, the Forest County Board did not dismiss the idea out of hand. In later meetings they agreed to discuss the matter further at the February 1928 board meeting. That discussion resulted in two significant actions. First that the question of a federal forest would be put to a county wide referendum at the spring elections scheduled for April 3, 1928; and second that the county board would sponsor a public information meeting on the issue prior to the election.

The March 15, 1928 edition of *The Forest County Republican* reported the substance of the public meeting held March 14, 1928, at the Court House in Crandon, Wisconsin. Representing the Forest Service were L.A. Kneipp, Assistant Chief Forester from Washington, D.C., and E.W. Tinker from the Denver, Colorado Region 2 office, that at that time, had responsibility for Forest Service activities in the Lakes States area. The State of Wisconsin was represented by O.C. Lemke, Wausau, Wisconsin, a member of the Wisconsin Conservation Commission; Col. L.B. Nagler, Conservation Director, Madison, Wisconsin, and C.L. Harrington, Wisconsin Chief Forester, Madison, Wisconsin. Numerous county board officials were present as well as citizens from Antigo, Rhinelander, and Park Falls, Wisconsin. The article specifically notes that the representatives from Park Falls were present as part “of a move to get this proposed national forest established in Price county, in case the voters of Forest county turned down the proposition.”

At the completion of the public meeting the fate of the future Nicolet National Forest rested with the voters of Forest County. This position was highlighted in an editorial appearing in *The Forest Republican*, March 29, 1928.

“There are several counties in the state who only wish that the voters of Forest county will turn down the proposed proposition so that they will get a chance to secure this forest reserve for their county. The *Forest Republican* believes that if we turn it down and the reserve goes to some other county; we will regret it later when the benefits begin to accrue to the counties entertaining it.”

On April 3, 1928, the voters of Forest county approved the establishment of a purchase unit in Forest County. The referendum passed in all precincts in the county with the exception of the town of Alvin. At the May 2, 1928 county board meeting, the Forest

County Board voted unanimously to approve the federal forest reserve. The board approved a purchase unit as proposed, except it did not include any of the proposed purchase area within the town of Alvin. Forest County action led to establishment of a three county purchase unit encompassing approximately 148,480 acres within the boundary proposed by the Forest Service.

While Forest County action appeared to be the last approval required to advance the proposal to the National Forest Reservation Commission in Washington, D.C., for final approval, one more hurdle appeared at the last moment. The state’s legislation authorized the State Land Commission, composed of the state treasurer, secretary of state, and attorney general, to “sell and convey for a fair consideration to the United States any state land within such areas” (i.e. State School Trust Lands). An article in the May 17, 1928, *Rhinelander Daily News* reported that the State Land Commission had refused to approve the plan for national forest lands in Wisconsin. The article reported that the objection was based on a concern that some of the state lands secured loans to school districts in each of the counties. While the objection of the land commission was not reported as final, the delay was enough to prevent the proposed purchase unit from coming before the National Forest Reservation Commission’s May meeting. Since the National Forest Reservation Commission met only twice per year, in May and December, the last minute objection effectively delayed the proposal.

Six days later, *The Rhinelander Daily News* reported that the State Land Commission approved federal forest areas in Bayfield, Forest, Oneida, Price, and Vilas counties. The Land Commission adopted a position accepting the plan for federal forests, but specified that lands securing loans in the forest area would not be included in the transfer to the federal government. The *Daily News* report concluded with the statement that Colonel Nagler, director of conservation, telegraphed to the federal forest body that the land commission had approved the transfer.

On December 12, 1928, the National Forest Reservation Commission approved the establishment of the Oneida Purchase Unit, consisting of approximately 148,480 acres (or 232 square miles) in Forest, Oneida, and Vilas counties under authority of Section 6 of the Clark-McNary Act. The reasons for acquisition were stated as: “(a) Timber production; (b) determination and demonstration of best principles of forest management in the region; (c) stabilization of waterflow.”

My conclusions drawn from this history are that the Nicolet and Chequamegon National Forests exist in Wisconsin today because of the support of the people in the counties where the forests are located. Three factors influenced my findings: (1) The process for approval of the original purchase units placed the ultimate approval authority in the hands of local officials, i.e. the county boards; (2) While there was some opposition at the local level, the majority opinion not only endorsed the idea of national forests, but had counties actively competing for the opportunity to have portions of the authorized 500,000 acres of forest purchase located within their counties; (3) Local supporters were motivated by the belief that the long term economic gains that would result from the federal government’s acquisition, restoration, and management of the “cut-over” lands would exceed the short term losses of a reduced county tax base, or any of the al-

ternative management strategies then proposed for the cut-over lands.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. HINOJOSA. Mr. Speaker, my participation in the June 15th White House Strategy Session on Educational Excellence for Hispanic Students caused me to miss Rollcall votes 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290 and 291. Had I been present I would have voted as follows:

Rollcall #278, Providing for the consideration of H.R. 4635, Department of Veterans Affairs and Housing and Urban Development Appropriations, FY 2001—Nay.

Rollcall #279, Nethercutt (WA) Amendment to the Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #280, Hansen of Utah Amendment to Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #281, Dicks of Washington Amendment that exempts activities otherwise authorized by law to the planning and management of national monuments or activities related to the Interior Columbia Basin Ecosystem Management Plan from any limitations imposed under the Act—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #282, Stearns of Florida Amendment (as modified) that sought to decrease National Endowment for the Arts funding by \$1.9 million or approximately 2% and increase wildlife fire management funding accordingly—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #283, Slaughter of New York Amendment that defers an additional \$22 million of prior year clean coal technology funding—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #284, Obey Motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #286, Sanders of Vermont Amendment No. 29 printed in the CONGRESSIONAL RECORD that sought to make available \$10 million to establish a northeast home heating oil reserve and transfer strategic petroleum reserve funding for this purpose—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #287, Doggett motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #288, Nethercutt of Washington Amendment that implements the previously agreed to Dicks amendment except for activities related to planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #289, Weldon of Florida Amendment No. 48 printed in the CONGRESSIONAL RECORD that sought to prohibit any funding to be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #290, Dicks motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment to increase funding for the National Endowment for the Arts by \$15 million, the National Endowment for the Humanities by \$5 million, and Office of Museum Services by \$2 million—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #291, Passage—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Nay.

INAUGURAL ADDRESS OF PRESIDENT CHEN SHUI-BIAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. GILMAN. Mr. Speaker, I want to bring to the attention of my colleagues the May 20, 2000, Inaugural Address of President Chen Shui-Bian of Taiwan. President Chen has laid out a solid vision of Taiwan's future and his speech deserves wide dissemination.

The United States is pleased with the flourishing on Taiwan of a fully-fledged, multi-party democracy which respects human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and others in the region in this regard and will encourage progress in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and Taiwan.

In closing, Mr. Speaker, I want to wish President Chen, Vice President Lu, and the people of Taiwan the very best in the future.

Mr. Speaker, I submit President Chen's Inaugural Address for insertion in the RECORD.

INAUGURAL ADDRESS OF PRESIDENT CHEN
SHUI-BIAN, MAY 20, 2000

Leaders of our friendly nations, honored guests and compatriots from Taiwan and abroad; This is a glorious moment; it is also a moment of dignity and hope.

I thank our honored guests, who have come here from afar, as well as those friends from around the world who love democracy and care about Taiwan, for sharing this glorious moment with us.

We are here today, not just to celebrate an inauguration, but to witness the hard-won democratic values, and to witness the beginning of a new era.

On the eve of the 21st Century, the people of Taiwan have completed a historic alternation of political parties in power. This is not only the first of its kind in the history of the Republic of China, but also an epochal landmark for Chinese communities around the world. Taiwan has not only set a new model for the Asian experience of democ-

racy, but has also added a moving example to the third wave of democracy the world over.

The election for the 10th-term President of the Republic of China has clearly shown the world that the fruits of freedom and democracy are not easily come by. Twenty-three million people with an unwavering will have allayed enmity with love, overcome intimidation with hope, and conquered fear with faith.

With our sacred votes, we have proven to the world that freedom and democracy are indisputable universal values, and that peace is humanity's highest goal.

The outcome of Taiwan's Year 2000 presidential election is not the victory of an individual or a political party. It is a victory of the people, a victory for democracy, because we have, while at the focus of global attention, transcended fear, threats and oppression and bravely risen to our feet together.

Taiwan stands up, demonstrating a firmness of purpose and faith in democracy. Taiwan stands up, representing the self-confidence of the people and the dignity of the country. Taiwan stands up, symbolizing the quest for hope and the realization of dreams.

Dear compatriots, let's always remember this moment; let's always remember to value and feel gratitude for it, because the fruits of democracy did not come out of the blue. It was realized by going through many perils and dangers, and by experiencing countless hardships. If not for the fearless sacrifice of our democratic forebears, if not for the unswerving faith of the tens of millions of Taiwanese people in freedom and democracy, we could not possibly be standing on our beloved land today and celebrate a glorious occasion that belongs to all the people.

Today, it is as if we are standing before a fresh new gate in history. In the process of democratization, the Taiwanese people have created a brand-new key to our shared destiny. The new century's gates of hope are soon to open. We are humble but not submissive. We are full of self-confidence but not the slightest bit of self-satisfaction.

Since that moment on March 18 when the election results came to light, I have accepted the mandate of all Taiwanese people in a most earnest and humble frame of mind, and have vowed to devote all my efforts, understanding and courage to assuming the heavy responsibility of this country's future.

I personally understand that the significance of the alternation of political parties and the peaceful transition of power lies not in that it is a change of personnel or political parties. Nor that it is a dynastic change. Rather, it is the return of state and government power to the people through a democratic procedure. The people are the true masters of the country, which no individual or political party can possess. From the head of state to the rank-and-file civil servant—the government exists for all the people and serves all the people.

The alternation of political parties does not mean an all-out negation of the past. We should be fair in evaluating the contributions made by those in power throughout the ages. Mr. Lee Teng-hui deserves our highest praise and heartfelt honor for his promotion of democratic reforms and for his excellent performance during his twelve years of leadership.

Taiwan society has rallied and participated energetically in the election. Despite the diverse views and stances, all individuals share the same intent—to come forward for the sake of their political ideas and the country's future. We believe that the end of an

election is the beginning of reconciliation. After the curtain falls on emotional campaigns, rationality should prevail. Under the supreme principles of national interests and the welfare of the people, those in power and in opposition should both fulfill their duties by the people and realize the ideals of fair competition in party politics, as well as the checks and balances of democratic politics.

A democratic society with fair competition, tolerance and trust is the strongest impetus for a nation's development. Placing national interests above those of political parties, we should solidify the will of the people and seek consensus among the ruling and opposition parties, to promote the country's development and reforms.

"A government for all people" and "rule by the clean and upright" were my promises to the people during the election period. It is also an important key for Taiwan society in stepping over its fault lines and exalting to a higher level in the future.

The spirit of a "government for all people" lies in the fact that "government exists for the people." The people are the masters and shareholders of the state. The government should rule on the basis of majority public opinion. The interests of the people are absolutely above those of any political party or individual.

I have always taken pride in being a member of the Democratic Progressive Party, but from the moment I take my oath and assume the president's post, I will put all my efforts into fulfilling my role as a "president for all people." As in the formation of the new government, we employ people according to their talents and do not discriminate on the basis of ethnicity, gender or party affiliation. We will also place the welfare of the populace as our primary goal in future.

The topmost initiatives of my promise to "rule by the clean and upright" are to eliminate "black gold"—the involvement of organized crimes in politics—and to eradicate vote-buying. For a long time, the Taiwanese people have been deeply repelled by money politics and the interference of organized crime. A grassroots vote-buying culture has also robbed the people of their right to elect the wise and the able. These have tainted the development of Taiwan's democracy.

Today, I am willing to promise hereby that the new government will eliminate vote-buying and crack down on "black gold" politics, so that Taiwan can rise above such downward sinking forces. We must give the people a clean political environment.

In the area of government reforms, we need to establish a government that is clean, efficient, farsighted, dynamic, highly flexible and responsive, in order to ensure Taiwan's competitiveness in the face of increasingly fierce global competition. The age of "large and capable" governments has now passed, replace by "small and effective" governments, which have established partnership relations with the people. We should accelerate the streamlining of government functions and organization and actively expand the role of public participation.

This will not only allow the public to fully utilize their energy but also significantly reduce the government's burden. Similar partnership relations should also be set up between the central and local governments. We want to break the authoritarian attitudes from the days of centralized, money-controlled power. We want to realize the spirit of local autonomy, where the local and central governments share resources and responsibilities, where "the central government will not do what the local governments

can do." Whether in the east, west, north or south, or whether on Taiwan Proper or on offshore islands, all will get balanced, pluralistic development, and the gap between urban and rural areas will decrease.

Of course, we should understand that the government is no panacea for all problems. The driving force for economic development and societal progress comes from the people. Over the past half-century, the Taiwanese people have toiled hard to create an economic miracle that has won global applause, and to lay the foundation for the survival and development of the Republic of China. Today, facing the impact of the fast-changing information technologies and trade liberalization, Taiwan's industrial development must move toward a knowledge-based economy. High-tech industries need to be constantly innovative, while traditional industries need to undergo transformation and upgrading.

The future government should not necessarily play the role of a "leader" or "manager." On the contrary, it should be the "supporter" and "service-provider" as expected by private enterprises. The responsibility of a modern government is to raise administrative efficiency, improve the domestic investment environment, and maintain financial order and stock market stability, so as to allow economic development to move toward full liberalization and internationalization with fair competition. By observing these principles, the vitality of the public will naturally bloom and create a new phase in Taiwan's economic miracle.

Apart from consolidating our democratic achievements, promoting government reforms, and raising economic competitiveness, the new government's foremost objective should be to adhere to public opinion and implement reforms, so that the people on this land can live in more dignity, more self-confidence and better quality.

Let our society be not only safe, harmonious and prosperous, but also meet the principles of fairness and justice. As we cultivate the ever-growing abilities of our citizens, we will let our next generation learn in an environment filled with happiness and hope.

The 21st Century will be a time when "the right to a quality life" and "refined lifestyles" are much emphasized. The government will have to bring up solutions for all issues relating to the people's lives, such as social order, social welfare, environmental protection land planning, waste treatment, cleaning up rivers and community-building. It will also have to implement these solutions thoroughly.

At present, we need to immediately improve social order and environmental protection, which are important indicators of the quality of life. Building a new social order, we will let the people live and work in peace and without fear. Finding a balance ecological preservation and economic development, we will develop Taiwan into a sustainable green silicon island. The integrity of the judiciary is a staunch line of defense for democratic politics and social justice. An impartial, independent judicial system is a safeguard for social order and a defender of the people's rights. At present, we still have a long way to go in our judicial reforms. Our compatriots should continue to give the judiciary their calls to action and their ardent expectations. At the same time, we should also restrain our administrative authority and give the judiciary room to operate independently and without interference.

Human resources are Taiwan's most important resources. Talent is the foundation of

the country's competitiveness, while education is a long-term plan for empowering the people. We will seek a consensus among the ruling and opposition parties, academia and the public to carry on with educational reforms and build a healthy, proactive, lively and innovative education system, which will allow Taiwan to cultivate first-class, outstanding talents amid the fierce international competition. We will let Taiwan move gradually toward a "learning organization" and a "knowledge-based society." We will also encourage people to take up lifetime learning to fully develop their potential and creativity.

Grassroots community organizations have now been developing around the country, working to explore and preserve the history, culture, geography and ecology of their localities. These are all part of Taiwan culture, whether they are local cultures, mass cultures or high cultures. Due to special historical and geographical factors, Taiwan possesses a wealth of diversified cultural elements. But cultural development is not something that can bring immediate success. Rather, it has to be accumulated bit by bit. We must open our hearts with tolerance and respect, so that our diverse ethnic groups and different regional cultures communicate with each other, so that Taiwan's local cultures connect with the cultures of Chinese-speaking communities and other world cultures, and create a new milieu of "a cultural Taiwan in a modern century."

The September 21 earthquake that occurred last year brought to our land and our compatriots an unprecedented catastrophe, the pain of which is yet to heal. The new government will brook no delay in the reconstruction of disaster areas, including industrial and spiritual recovery. We will work to ensure that care is extended to every victim and rebuild every destroyed place. Here, we would also like to express our highest respect again for all individuals and non-governmental organizations that have selflessly contributed to the rescue and reconstruction work after disaster. Amid the fierce power of Nature, we have seen Taiwan's most beautiful compassion, strongest faith and greatest trust. Our compatriots have been injured and wounded during the September 21 earthquake, but with the spirit of a "volunteer Taiwan," Taiwan's new family will stand up resolutely on its feet once again.

Dear compatriots, 400 years ago, Taiwan was called "Formosa"—the beautiful island—for its lustrous landscape. Today, Taiwan is manifesting the elegance of a democratic island, once again attracting global attention, as the people on this land create a new page in our history.

We believe that the Republic of China, with its democratic achievements and technological and economic prowess, can certainly continue to play an indispensable role in the international community. In addition to strengthening the existing relations with friendly nations, we want to actively participate in all types of international non-governmental organizations. Through humanitarian care, economic cooperation, cultural exchanges and various other methods, we will actively participate in international affairs, expand Taiwan's room for survival in the international arena, and contribute to the welfare of the international community. Besides, we are also willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights,

the International Convention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system.

The new government will request the Legislative Yuan to pass and ratify the International Bill of Rights as a domestic law of Taiwan Bill of Rights." We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two outstanding non-governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century.

We firmly believe that in any time or any corner of the world, the meaning and values of freedom, democracy and human rights cannot be ignored or changed.

The history of the 20th Century left us with a major lesson—that war is a failure of humanity. Waged for whatever purpose or whatever imperious reasons, war is the greatest harm to freedom, democracy and human rights. Over the past one hundred plus years, China has suffered imperialist aggression, which left indelible wounds in her history. Taiwan's destiny has been even more arduous, tormented by brute force and the rule of colonialist regimes. These similar historical experiences should bring mutual understanding between the people on both sides of the Taiwan Strait, setting a solid foundation for pursuing freedom, democracy and human rights together. However, due to long periods of separation, the two sides have developed vastly different political systems and lifestyles, obstructing empathy and friendship between the people on the two sides, and even creating a wall of divisiveness and confrontation.

Today, as the Cold War has ended, it is time for the two sides to cast aside the hostilities left from the old era. We do not need to wait further because now is a new opportunity for the two sides to create an era of reconciliation together.

The people across the Taiwan Strait share the same ancestral, cultural, and historical background. While upholding the principles of democracy and parity, building upon the existing foundation, and constructing conditions for cooperation through goodwill, we believe that the leaders on both sides possess enough wisdom and creativity to jointly deal with the question of a future "one China."

I fully understand that as the popularly elected 10th-term President of the Republic of China, I must abide by the Constitution, maintain the sovereignty, dignity and security of our country, and ensure the well-being of all citizens. Therefore, as long as the CCP regime has no intention to use military force against Taiwan, I pledge that during my term of office, I will not declare independence, I will not change the national title, I will not push forth the inclusion of the so-called "state-to-state" description in the Constitution, and I will not promote a referendum to change the status quo in regards to the question of independence or unification. Furthermore, the abolition of the National Unification Council or the Guidelines for National Unification will not be an issue.

History has illustrated that war will only create hatred and enmity, with absolutely no benefit to the development of mutual relations. Chinese people emphasize the difference between statesmanship and hegemony, believing in the philosophy that a government which employs benevolence "will

please those near and appeal to those from afar," and "when those afar will not submit, then one must practice kindness and virtue to attract them." Such Chinese wisdom will remain universal words of value.

Under the leadership of Mr. Deng Xiaoping and Mr. Jiang Zemin, the mainland has created a miracle of economic openness. In Taiwan, over a half century, not only have we created a miracle economy, we have also created the political marvel of democracy. On such a basis, as long as the governments and people on both sides of the Taiwan Strait can interact more, following the principles of "goodwill reconciliation, active cooperation, and permanent peace," while at the same time respecting the free choice of the people and excluding unnecessary obstacles, both sides of the Strait can make great contributions to the prosperity and stability of the Asia Pacific Region. Both sides will also create a glorious civilization for the world's humanity.

Dear compatriots, we hope so much to share the moving scene of this moment with all Chinese-speaking people around the world. The wide Ketagalan Boulevard before us was bristling with security guards only a few years ago. The building behind me used to be the Governor General's Mansion during the colonial era. Today, we gather here to extol the glory and joy of democracy with songs of the earth and the voice of the people. With a little reflection, our compatriots should be able to appreciate the deep and far-reaching meaning of this moment:

Authoritarianism and force can only bring surrender for one time, while democracy and freedom are values that will endure forever. Only by adhering to the will of the people can we pioneer the paths of history and build enduring architecture.

Today, as a son of a tenant farmer and with a poor family background, I have struggled and grown on this land and, after experiencing defeat and tribulation, I have finally won the trust of the people to take up the great responsibility leading the country. My individual achievements are minor, but the message is valuable because each citizen of Formosa is a "child of Taiwan" just like me. In whatever difficult environment, Taiwan will be like a selfless, loving mother, who never stops giving us opportunities and who helps us achieve our beautiful dreams.

The spirit of the "child of Taiwan" reveals to us that even though Taiwan, Penghu, Kinmen and Matsu are tiny islands on the rim of the Pacific, the map of our dreams knows no limits. It extends all the way to the end of the horizon, as long as our 23 million compatriots fear no hardship and move forward hand in hand.

Dear compatriots, this magnificent moment belongs to all the people. All grace and glory belongs to Taiwan—our eternal Mother. Together, let's extend our gratitude to the earth and respect to the people. Long live freedom and democracy! Long live the people of Taiwan! We pray for the prosperity of the Republic of China, and for the health and happiness of all compatriots and all honored guests!

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. CAPUANO. Mr. Speaker, due to prior commitment in my District, I was forced to re-

turn to Massachusetts on Thursday, June 15th, 2000. I was therefore unable to cast a vote on rollcall votes 288, 289, 290, and 291. Had I been present, I would have voted 'nay' on rollcall 288, 'nay' on rollcall 289, 'nay' on rollcall 290 and 'nay' on rollcall 291.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. ROEMER. Mr. Speaker, due to a family commitment I was unable to cast the following House Rollcall votes on June 15, 2000: No. 285, a quorum call; No. 286, on the amendment offered by Representative SANDERS; and No. 287, a motion that the committee rise.

Had I been present, I would have voted "present" on rollcall No. 285, "aye" on rollcall No. 286, and "aye" on rollcall No. 287.

NEW JERSEY SENATE OBJECTS TO SCHOOL-TO-WORK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to call attention to a resolution recently approved by the New Jersey Senate. Approved on May 10, 1999, Senate Resolution #73 expresses the objection to the State Senate to the School-to-Work provisions being developed by the New Jersey Department of Education.

State Senators Joseph Kyrillos, William Gormley, Scott Garrett, and Guy Talarico achieved a significant victory for quality local education by putting the New Jersey Senate on record opposing the federal School-to-Work curriculum and its goals.

The concerns expressed in this resolution cut to the heart of education reform today: Basic academics, local control, unlimited student opportunity and sufficient, quality instructional time are at the forefront of local education efforts and threatened by School-to-Work. New Jersey is clearly concerned about a radical restructuring of its education system around federal workforce development, "applied learning" and limited student choice. Other states and the Congress should take note of New Jersey's courageous stand.

Mr. Speaker, I hereby submit for the RECORD New Jersey Senate Resolution #73 and commend its content to our colleagues.

Thank you, Mr. Speaker.

SENATE RESOLUTION NO. 73

STATE OF NEW JERSEY—208TH LEGISLATURE,
INTRODUCED FEBRUARY 25, 1999

(Sponsored by: Senator Joseph M. Kyrillos, Jr., District 13 (Middlesex and Monmouth), Senator William L. Gormley, District 2 (Atlantic), Co-Sponsored by: Senators Cardinale and Inverso)

(Synopsis: Expresses the objection of the Senate to the school-to-work provisions being developed by the DOE)

A Senate Resolution expressing this House's objections to the school-to-work pro-

posal being developed by the Department of Education.

Whereas, The Department of Education is developing a new chapter of administrative code to implement the core curriculum content standards and the Statewide assessment system which will fundamentally reform public education in New Jersey and

Whereas, A number of the proposals incorporated in the code represent new graduation requirements for public schools students and since the current requirements for graduation were initially established by the Legislature under chapter 7C of Title 18A of the New Jersey Statutes, a revision of those standards of the magnitude incorporated within the proposed code and which represent a fundamental change in the educational requirements for secondary school students should undergo legislative review; and

Whereas, The new code provisions will not be formally proposed, according to the timetable set forth by the Department of Education, until August 1999; and

Whereas, The new code provisions emphasize career education and include three phases in this area: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade; and

Whereas, The new code provisions require that eleventh and twelfth grade students, for a minimum of one day per week or the equivalent thereof, participate in a structured learning experience which is linked to the student's career plan and which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program; and

Whereas, The new code provisions will make school-to-work a requirement for all students in the State, and will result in the loss of 20% of academic instructional time, putting students at a competitive disadvantage in collegiate academic programs; and

Whereas, The school-to-work component of the new code provisions will result in limiting students' choices far too early in their lives and imposing job specific skills training on the educational system at the expense of instructional time in academic subjects; now, therefore,

Be It Resolved by the Senate of the State of New Jersey:

1. This House objects to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. This House urges that school-to-work provisions be eliminated and that local boards of education be allowed to determine the necessity and nature of any career program for their own school district.

2. The Secretary of the Senate shall transmit a duly authenticated copy of this resolution to the State Board of Education and the Commissioner of Education.

STATEMENT

This resolution expresses the objection of the Senate to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. The resolution also

urges that school-to-work provisions be eliminated and that local boards of education be permitted to determine the necessity and nature of any career program for their own school district. According to the department's timetable, the new chapter of administrative code is not scheduled to be formally proposed until August, 1999.

The school-to-work provisions being developed by the department represent a fundamental shift in the way the children of New Jersey will be educated. The school-to-work provisions emphasize career education and include three phases: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade. Eleventh and twelfth grade students would be required to participate in a structured learning experience which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program. The structured learning experience would be linked to the student's career plan and would be required of every student for a minimum of one day per week or the equivalent thereof, resulting in a 20% loss of academic instructional time. The school-to-work proposal would limit students' choices too early in their lives and impose job specific skills training on the educational system at the expense of instructional time in academic subjects.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. VELÁZQUEZ. Mr. Speaker, during Roll Call votes numbered 282–291, I was unavoidably detained. If I had been present during Roll Call #282, I would have voted “NO”. If I had been present during Roll Call #283, I would have voted “YES”. If I had been present during Roll Call #284, I would have voted “YES”. If I had been present during Roll Call #285, I would have voted “PRESENT”. If I had been present during Roll Call #286, I would have voted “YES”. If I had been present during Roll Call #287, I would have voted “YES”. If I had been present during Roll Call #288, I would have voted “NO”. If I had been present during Roll Call #289, I would have voted “NO”. If I had been present during Roll Call #290, I would have voted “YES”. If I had been present during Roll Call #291, I would have voted “NO”.

CELEBRATION OF JUNETEENTH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mrs. MEEK of Florida. Mr. Speaker, Father, I stretch my hand to thee—no other help I know. Oh my rose of Sharon, my shelter in

the time of storm. My prince of peace, my hope in this harsh land. We bow before you this morning to thank you for watching over us and taking care of us. This morning you touched us and brought us out of the land of slumber, gave us another day—thank you Jesus. We realize that many that talked as we now talked—this morning when their names were called—failed to answer. Their voices were hushed up in death. Their souls had taken flight and gone back to the God that gave it, but not so with us.

Now Lord, when I've come to the end of my journey; when my praying days are done and time for me shall be no more; when these knees have bowed for the last time; when I too, like all others must come in off the battlefield of life; when I'm through being bucked and scorned, I pray for a home in glory.

When I come down the river to the river of Jordan, hold the river still and let your servant cross over during the calm. Father, I'll be looking for that land where Job said the wicked would cease from troubling us and our weary souls would be at rest; over there where a thousand years is but a day in eternity, where I'll meet with loved ones and where I can sing praises to thee; and we can say with the saints of old, Free at Last, Free at Last, thank God almighty, I am free at last. Your servants prayer for Christ sake. Amen!

Mr. Speaker, this traditional prayer is similar to prayers recited across the south as many African Americans and others celebrate the 19th of June. The deep south spiritual faith of the enslaved is reflected in this traditional prayer and continues to speak for us of the unquenchable hope that American slaves possessed for freedom.

Juneteenth, or June 19th, 1865, is considered the date when the last slaves in America were freed. Although the rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode in Galveston, Texas and issued General Order No. 3, on June 19, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation. Unfortunately, news of the emancipation was brutally suppressed due to the overwhelming influence of powerful slave owners.

President Lincoln issued the Emancipation Proclamation on September 22, 1862, notifying the states in rebellion against the Union that if they did not cease their rebellion and return to the Union by January 1, 1863, he would declare their slaves forever free. Needless to say, the proclamation was ignored by those states that seceded from the Union.

Furthermore, the proclamation did not apply to those slave-holding states that did not rebel against the Union. As a result, about 800,000 slaves were unaffected by the provision of the proclamation. It would take a civil war to enforce the Emancipation Proclamation and the 13th Amendment to the U.S. Constitution to formally outlaw slavery in the United States.

For many African Americans, Juneteenth has come to symbolize what the 4th of July symbolizes to all Americans—FREEDOM! Annually, on June 19th, in more than 200 cities in the United States, African Americans celebrate this great event. Texas is the only state that has made Juneteenth a legal holiday. Some cities sponsor week-long celebrations,

culminating on June 19th, while others hold shorter celebrations.

The anniversary of freedom was not to be forgotten by people who had spent their entire lives in bondage—people for whom the lash had been a common punishment, but whose sting had been compared with the pain of family separations, the indignity of compelled deference, the thought that only the grave would bring emancipation. So in the ensuing years, the joyous events of June 19, 1865, were reenacted, becoming as Juneteenth celebrations. Best Sunday dress, American flags, thankful prayer, music, baseball games and massive quantities of food characterized these African-American gatherings.

Juneteenth not only symbolizes the end of slavery, it also serves as a historical milestone reminding Americans of the triumph of the human spirit over the cruelty of slavery. It honors those African-American ancestors who survived the inhumane institution of bondage, as well as demonstrating pride in the marvelous legacy of resistance and perseverance.

When the blacks in the south heard the news that they were set free, they sang, danced and prayed. There was much rejoicing and jubilation that their life long prayers had finally been answered. Many of the slaves left their masters upon being freed, in search of family members, economic opportunities or simply because they could. They left with nothing but the clothes on their backs and hope in their hearts.

Listen to this account of a former slave—Susan Ross. “When my oldest brother heard we were free, he gave a whoop, ran, jumped a high fence, and told mommy good-bye. Then he grabbed me up and hugged me and said, ‘Brother is gone, don't expect you'll ever see me any more,’ I don't know where he went, but I never did see him again.”

Freedom meant more than the right to travel freely. It meant the right to name one's self and many freedmen gave themselves new names. County courthouses were overcrowded as blacks applied for licenses to legalize their marriages. Emancipation allowed ex-slaves the right to assemble and openly worship as they saw fit. As a result, a number of social and community organizations were formed, many originating from the church. Freedom implied that for the first time, United States laws protected the rights of blacks. There was a run on educational primers as freed men and women sought the education they had for so long been denied them.

The Bureau of Refuges, Freedmen and Abandoned Lands, commonly known as the Freedmen's Bureau, was founded by Congress in March 1865, to provide relief services for former slaves. Schools and churches were established and became centers of the newly freed communities. The promise of emancipation gave freedmen optimism for the future; few realized slavery's bitter legacy was just beginning to unfold and that equality was to remain an elusive dream.

Ex-slaves entered freedom under the worst possible conditions. Most were turned loose penniless and homeless, with only the clothes on their back. Ex-slaves were, as Frederick Douglass said “free, without roofs, to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to

awaken the hope of their enemies that they would soon disappear." But we did not disappear. We celebrate today not only freedom, but the triumph of the human spirit and the legacy of a people whose struggle for equality continues even today.

Mr. Speaker, I urge my colleagues to join me in recognizing this great celebration.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. McINTYRE. Mr. Speaker, on Thursday, June 16, 2000, I was unavoidably absent for rollcall votes 285 through 291. Had I been present I would have voted "present" on rollcall vote 285, "yes" on rollcall vote 286, "yes" on rollcall vote 287, "no" on rollcall 288, "yes" on rollcall 289, "yes" on rollcall 290, and "no" on rollcall 291.

COMMENDING PRESIDENT KIM DAE-JUNG ON HIS HISTORIC QUEST FOR PEACE AND RECONCILIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RANGEL. Mr. Speaker, I rise to commend President Kim Dae-Jung of the Republic of Korea for his historic efforts toward peace and reconciliation on the Korean peninsula.

By extending the hand of friendship in summit meetings with Chairman Kim Jong Il of the Democratic Peoples' Republic of Korea, President Kim Dae-Jung has shown himself as a courageous visionary committed to the improvement of relations with the North. The agreement reached by the two leaders on humanitarian and economic cooperation represent a bold step toward resolving a half-century of conflict.

As we prepare to depart on a Presidential Mission to Korea to commemorate the 50th anniversary of the Korean War, I am filled with hope for the future of all the peoples of that great land.

On behalf of president Clinton and the people of the United States, I join with my former comrades-in-arms, the men of the 503d Field Artillery Battalion who fought in defense of freedom and democracy in Korea in extending our congratulations to President Kim Dae-Jung and our best wishes for success in his great mission of peace.

A TRIBUTE TO JUNETEENTH INDEPENDENCE DAY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. BALDWIN. Mr. Speaker, I rise today in order to pay tribute to Juneteenth Independ-

EXTENSIONS OF REMARKS

ence Day. June 19, 1865 is the date that the news of freedom reached slaves in Texas; two and a half years after President Abraham Lincoln signed the Emancipation Proclamation. This holiday is now celebrated throughout our country as a time of joy, remembrance, and reflection.

It is my sincere hope that all Americans recognize this as a day of freedom . . . freedom to learn one's history . . . freedom to shape one's own identity . . . freedom to control one's own life. In Wisconsin's Second Congressional District, Juneteenth will be recognized with a wonderful celebration organized by the Nehemiah Community Development Corporation. This annual celebration includes beautiful cultural exhibits, colorful dancing, delicious food, exciting entertainment, music and much more! I want to commend the organizers of this and other important celebrations taking place in Wisconsin and throughout the United States.

Former U.S. Representative Barbara Jordan captured the aspirations of many who recognize the important symbolism of this day. She said, "What the people want is simple. They want an American as good as its promise." How true her words are. Locally and nationally, the struggle for equality continues, but this holiday offers hope for a better future.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MOAKLEY. Mr. Chairman, I rise in favor of the Sanders amendment to create a home heating oil reserve in the Northeast.

As many of you know, last winter we had a severe oil crisis in the Northeast. Low temperatures combined with record high prices left thousands of Massachusetts residents struggling to pay enormous heating bills.

Middle income families saw their utility bills triple while lower income families had to choose between heating their homes and feeding their children.

Those of us who witnessed these hardships want to do all we can to make sure they never, ever happen again.

The chill of winter may seem a long way off, Mr. Chairman, but heating your home is not a luxury. In fact, for many in the Northeast, it is a matter of life and death.

By creating this oil reserve, we can help cushion oil prices from the shocks of inadequate supply and steep demand and, in doing so, prevent working families from suffering through such a drastic hike in prices.

I thank Representative SANDERS for his leadership.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. LOFGREN. Mr. Speaker, on Thursday June 15 I had the privilege to attend the high school graduation of my daughter in California and so I was unable to cast the following votes during consideration of H.R. 4578, The Department of Interior and Related Agencies Appropriations bill.

On Rollcall No. 278 (Rule on VA/HUD Approps) I would have voted: "No".

INTERIOR APPROPS

On Rollcall No. 279 (Nethercutt amendment to Dicks amendment) I would have voted: "no";

On Rollcall No. 280 (Hansen amendment to Dicks amendment) I would have voted: "no";

On Rollcall No. 281 (Dicks amendment Columbia River Basin) I would have voted: "aye";

On Rollcall No. 282 (Stearns amendment to cut NEA funding) I would have voted: "no";

On Rollcall No. 283 (Slaughter amendment Re Clean Coal Funding) I would have voted: "aye";

On Rollcall No. 284 (Obey motion that the Committee Rise) I would have voted: "aye";

On Rollcall No. 285 (Quorum Call);

On Rollcall No. 286 (Sanders amendment to create a Home Heating Oil Reserve) I would have voted: "aye";

On Rollcall No. 287 (Doggett motion that the Committee Rise) I would have voted: "aye";

On Rollcall No. 288 (Nethercutt amendment Re national monuments) I would have voted: "no";

On Rollcall No. 289 (Dave Weldon amendment Re Indian Gaming in Florida) I would have voted: "no";

On Rollcall No. 290 (Motion to recommit with instructions) I would have voted: "aye";

On Rollcall No. 291 (Final Passage Interior Approps—passed 204—172) I would have voted: "no".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 20, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.

Energy and Natural Resources
Business meeting to consider pending calendar business.

SD-366

Commerce, Science, and Transportation

To hold hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation.

SR-253

Armed Services

To hold hearings to examine security failures at Los Alamos National Laboratory; to be followed by a closed hearing (SH-219).

SH-216

10 a.m.

Judiciary

To hold hearings on improving the National Instant Criminal Background Check System.

SD-226

Agriculture, Nutrition, and Forestry

Banking, Housing, and Urban Affairs

To hold joint hearings on S. 2697, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives.

SD-106

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on S. 1787, to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

SD-406

11 a.m.

Indian Affairs

Business meeting to consider S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota; S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 2719, to provide for business development and trade promotion for Native Americans; to be followed by a hearing on Indian Trust Resolution Corporation.

Room to be announced

2 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings to examine the 1996 campaign finance investigations.

SD-226

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planing, and construction of the Denver Water Reuse project; S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities

Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

SD-366

4:30 p.m.

Foreign Relations

To hold hearings on the nominations of John Edward Herbst, of Virginia, Ambassador to the Republic of Uzbekistan; Carlos Pascual, of the District of Columbia, to be Ambassador to Ukraine; Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia; and Ross L. Wilson, of Maryland, to be Ambassador to the Republic of Azerbaijan.

SD-419

JUNE 22

10 a.m.

Judiciary

Business meeting to markup S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; S. 353, to provide for class action reform, and the proposed Violence Against Women Act.

SD-226

Foreign Relations

To hold hearings on the nominations of Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia; Mary Ann Peters, of California, to be Ambassador to the People's Republic of Bangladesh; Janet A. Sanderson, of Arizona, to be Ambassador to the Democratic and Popular Republic of Algeria; and E. Ashley Wills, of Georgia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

SD-419

2 p.m.

Judiciary

Criminal Justice Oversight Subcommittee

To hold hearings on the threat of fugitives to safety, law, and order.

SD-226

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1643, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado.

SD-366

Appropriations

Business meeting to markup proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001.

SH-216

3 p.m.

Foreign Relations

International Operations Subcommittee

To hold hearings to examine the role of security in the Department of State foreign service promotion process.

SD-419

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Rules and Administration

To hold hearings on the operations of the Library of Congress and the Smithsonian Institution.

SR-301

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

SD-430

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on the April 2000 GAO report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities".

SD-366

JUNE 28

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

10 a.m.

Finance

Business meeting to markup proposed legislation relating to the marriage tax penalty.

SD-215

Judiciary

To hold hearings on the struggle for justice for former U.S. World War II POW's.

SD-226

2 p.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings on countering the changing threat of international terrorism.

SD-226

2:30 p.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR-485

June 19, 2000

JUNE 29

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee

To hold oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.

SD-366

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to revise the boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition of land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York.

SD-366

JULY 12

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee

To hold oversight hearings on the Draft Environmental Impact Statement im-

EXTENSIONS OF REMARKS

plementing the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection.

SD-366

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR-485

JULY 19

2:30 p.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR-485

JULY 26

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD-366

Indian Affairs

To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR-485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

JUNE 21

11 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD-419

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR-253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine medical device reuse.

SD-430

SENATE—Tuesday, June 20, 2000

The Senate met at 9:10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of history, together we accept the unique role You have given our Nation in the family of nations. We praise You for Your truth spelled out in the Bill of Rights and our Constitution. Help us not to take for granted the freedoms we enjoy. May a fresh burst of praise for Your providential care of our Nation give us renewed patriotism. Keep us close to You and open to each other as we perform the sacred tasks of our work in the Senate today.

Gracious God, thank You for this moment of prayer in which we can affirm our unity. Thank You for giving us all the same calling: to express our love for You by faithful service to our Nation. So much of our time is spent debating differences that we often forget the bond of unity that binds us together. We are one in our belief in You, the ultimate and only Sovereign of this Nation. You are the magnetic and majestic Lord of all who draws us out of pride and self-centeredness to worship You together. We find each other as we praise You with one heart and express our gratitude with one voice. In the unity of the Spirit and the bond of peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The able acting majority leader is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, I have an announcement on behalf of the leader. Following my statement, the Senate will resume consideration of the Department of Defense authoriza-

tion bill. Under the order, Senator DODD will be recognized to offer his amendment regarding the Cuba commission, with up to 2 hours of debate. At approximately 11:30 a.m., Senator MURRAY will be recognized to begin debate on her amendment regarding abortion.

As usual, the Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. today. At 3:15 p.m., there will be up to four stacked votes, beginning with the Murray amendment, to be followed by the Hatch and Kennedy hate crimes amendment and the Dodd amendment.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S. 2752

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask for a second reading of the bill that I understand is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

Mr. GRASSLEY. I thank the Presiding Officer.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to speak for up to 10 minutes.

BANKRUPTCY REFORM

Mr. GRASSLEY. Mr. President, I rise this morning to speak on the topic of bankruptcy reform. As many of my colleagues may know, Congress is on the verge of enacting fundamental bankruptcy reform. Earlier this year, the Senate passed bankruptcy reform by an overwhelming vote of 83-14. Almost all Republicans voted for the bill and about one-half of the Democrats voted for it as well. Despite this, a tiny minority of Senators are using undemocratic tactics to prevent us from going to conference with the House of Representatives.

As I'm speaking now, the House and Senate have informally agreed on 99

percent of all the issues and have drafted an agreement which has bicameral and bipartisan support. The remaining three issues are sort of side shows, and I'm confident we'll be able to move from the one yard line to the end zone. My remarks this morning relate the agreement we've reached on the core bankruptcy issues and the continuing need for bankruptcy reform.

As I've stated before on the Senate floor, every bankruptcy filed in America creates upward pressure on interest rates and prices for goods and services. The more bankruptcies filed, the greater the upward pressure. I know that some of our more liberal colleagues are trying to stir up opposition to bankruptcy reform by denying this point and saying that tightening bankruptcy laws only helps lenders be more profitable. This just isn't true. Even the Clinton administration's own Treasury Secretary Larry Summers indicated that bankruptcies tend to drive up interest rates. Mr. President, if you believe Secretary Summers, bankruptcies are everyone's problem. Regular hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That's a compelling reason for us to enact bankruptcy reform during this Congress.

Of course, any bankruptcy reform bill must preserve a fresh start for people who have been overwhelmed by medical debts or sudden, unforeseen emergencies. That's why the bill that passed the Senate—as well as the final bicameral agreement—allows for the full, 100 percent deductibility of medical expenses. This is according to the nonpartisan, unbiased General Accounting Office. Bankruptcy reform must be fair, and the bicameral agreement on bankruptcy preserves fair access to bankruptcy for people truly in need.

These are good times in our Nation. Thanks to the fiscal discipline initiated by Congress, and the hard work of the American people, we have a balanced budget and budget surplus. Unemployment is low, we have a burgeoning stock market and most Americans are optimistic about the future.

But in the midst of this incredible prosperity, about 1½ million Americans declared bankruptcy in 1998 alone. And in 1999, there were just under 1.4 million bankruptcy filings. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

With large numbers of bankruptcies occurring at a time when Americans are earning more than ever, the only logical conclusion is that some people

are using bankruptcy as an easy out. The basic policy question we have to answer is this: Should people with means who declare bankruptcy be required to pay at least some of their debts or not? Right now, the current bankruptcy system is oblivious to the financial condition of someone asking to be excused from paying his debts. The richest captain of industry could walk into a bankruptcy court tomorrow and walk out with his debts erased. And, as I described earlier, the rest of America will pay higher prices for goods and services as a result.

I would ask my liberal friends to think about that for a second. If we had no bankruptcy system at all, and we were starting from scratch, would we design a system that lets the rich walk away from their debts and shift the costs to society at large, including the poor and the middle class? That wouldn't be fair. But that's exactly the system we have now. Fundamental bankruptcy reform is clearly in order.

Mr. President, I want my colleagues to know that the bicameral agreement preserves the Torricelli-Grassley amendment to require credit card companies to give consumers meaningful information about minimum payments on credit cards. Consumers will be warned against making only minimum payments, and there will be an example to drive this point home. As with the Senate-passed bill, the bicameral agreement will give consumers a toll-free phone number to call where they can get information about how long it will take to pay off their own credit card balances if they make only the minimum payments. This new information will truly educate consumers and improve the financial literacy of millions of American consumers.

The bicameral agreement also makes chapter 12 of the Bankruptcy Code permanent. This means that America's family farms are guaranteed the ability to reorganize as our farm economy continues to be weak. As we all know from our recent debate on emergency farm aid, while prices have rebounded somewhat, farmers in my home State of Iowa and across the Nation are getting some of the lowest prices every for pork, corn, and soybeans. And fuel prices have shot up through the roof. The bicameral agreement broadens the definition of "family farmer" and permits farmers in chapter 12 to avoid crushing capital gains taxes when selling farm assets to generate cash flow. It would be highly irresponsible of my liberal friends to continue blocking bankruptcy protections for our family farmers in this time of need.

The bicameral agreement is solidly bi-partisan and will pass by a huge margin when it comes up for a vote. The bill is fair and contains some of the broadest consumer protections of any legislation passed in the last decade. So, how can any person possibly

argue against a bill which strengthens consumer protections while cracking down on abuses by the well-to-do?

The tiny handful of fringe radicals who oppose bankruptcy reform have waged a disinformation campaign worthy of a Soviet Commissar. A recent article in Time Magazine is a case in point. This article purports to prove that bankruptcy reform will harm low-income people or people with huge medical bills. This article is simply false.

What's most interesting about this Time article is what it fails to report. Time, for instance, fails to mention that the means test, which sorts people who can repay into repayment plans, doesn't apply to families below the median income for the State in which they live. The Time article then proceeds to give several examples of families who would allegedly be denied the right to liquidate if bankruptcy reform were to pass. Each of these families, however, would not even be subjected to the means test since they earn less than the median income. While this sounds technical, it's important—not even one of the examples in the Time article would be affected by the means test. For the convenience of my colleagues, I have collected the actual bankruptcy petitions of the families referred to in the Time article, and I will provide them to any Senator.

Time fails to mention the massive new consumer protections in our bankruptcy reform bill. Time fails to mention the new disclosure requirements on credit cards regarding interest rates and minimum payments. In short, the Time article fails to tell the whole truth. I think that the American people deserve the whole truth.

The truth is that these bankruptcies represent a clear and present danger to America's small businesses. Growth among small businesses is one of the primary engines of our economic success.

The truth is bankruptcies hurt real people. Sometimes that will be inevitable. But it's not fair to permit people who can repay to skip out on their debts. I think most people, including most of us in Congress, have a basic sense of fairness that tells us bankruptcy reform is needed to restore balance. Let me share what my constituents are telling me.

I ask unanimous consent to have some of their comments printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT REAL PEOPLE ARE SAYING ABOUT
BANKRUPTCY REFORM

"The present [bankruptcy laws] are a joke . . . One local man has declared bankruptcy at least four times at the expense of suppliers to him. He just laughs at it . . ."—Washington, Iowa.

"It is way too easy to avoid responsibility."—Cedar Falls, Iowa.

"If one assumes debt they need to pay it off . . . We've got to take responsibility for our purchases!"—Independence, Iowa.

"Too many people use bankruptcy as an out, we need to make sure people are held accountable for all their debts."—Harlan, Iowa.

"Personal responsibility is a must in our country . . . Sickness or loss of a job is one thing, but the majority of people just don't pay, but spend their money elsewhere knowing they can unload the debt with the help of the courts."—Fort Madison, Iowa.

"I think people taking bankruptcy should have to pay the money back . . . They should have learned to work for and pay for what they get."—Cedar Rapids, Iowa.

"It is insane that such a practice has been allowed to continue, only causing higher prices to the consumer . . . Debtors should be required to repay their debt."—Des Moines.

"Bankruptcies are out of hand. It's time to make people responsible for their actions—do we need to say this!!!!?"—Keokuk, Iowa.

"We need to make people more responsible for their decisions, while at the same time protecting those who fall on hard times. I realize that this is a delicate balance, but the way it is now, there is very little shame in going this route."—Floyd, Iowa.

"People need to be more responsible for their debts. As a small business owner, I have had to withstand several large bills people have left with me due to poor management and bankruptcy."—Fontanelle, Iowa.

"Bankruptcy reform will force the American people to become more responsible for their actions, bankruptcy does not seem to carry any degree of shame; it is almost regarded as a right or entitlement."—Cedar Rapids, Iowa.

"Many don't think the business is who loses. We make it too easy now."—Waverly, Iowa.

Mr. GRASSLEY. Mr. President, bankruptcy reform will happen. Our cause is right and just, and average Americans are strongly supportive of restoring fairness to the bankruptcy system.

I am going to yield the floor now. Before I do, I thank Senator BIDEN, who is next to speak on this subject. If it had not been for Senator BIDEN working with us in a bipartisan way to get bankruptcy reform, it would never have passed by the wide margin of 84-13. He is a sincere person working on this. He has contributed immensely to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. BIDEN. Mr. President, let me begin by thanking my colleague from Iowa. He and I have worked together on a lot of issues. We tend to approach issues from a slightly different perspective but often end up in the same place, and that is the case here.

My concern in the reform of the bankruptcy code was not as much driven by those who were avoiding debt as his was but about making sure the overall consumer is protected. When people avoid debts they can pay, it is a simple proposition: My mother living on Social Security pays more at the department store to purchase something,

my sons, who are beginning their careers, and my daughter pay more on their credit card bill because someone else does not pay.

In recent days, a number of my colleagues have brought the Time magazine article to my attention and to the attention of the Senator from Iowa and others. If you took a look at the Time magazine article and read it thoroughly, you would think we were about to tread on the downtrodden, deserving Americans who are about to be, and I quote from the article, "soaked by the Congress." My colleagues have pointed this out to me. They find it a very disturbing article. It tells a tale of corruption and greed and heartlessness, claims that hard-working, honest, American families are about to be cut off from the fresh start promised by the bankruptcy code, and that lenders, who have driven these families into economic distress, are about to kick them when they are down.

Most shocking in the article, perhaps, from my perspective, is the claim that the U.S. Congress, by passing the bankruptcy reform legislation which passed out of here overwhelmingly, will make all this happen. As I said, it is a very disturbing article. It is hard to see how anyone, in my view, could vote for bankruptcy reform if, in fact, the essence of the article were true. But I remind my colleagues that bankruptcy reform legislation, not this imaginary legislation described in the article, passed the House by a vote of 313-108, and the Senate by 84-13. So this article claims a vast majority of both our parties in both Houses of Congress are conspirators in an alleged plot to hit those who are down on their luck.

The problem with this portrayal is the bankruptcy reform bill now in conference is the antithesis of what they have said. Their article is simply dead wrong. I do not ever recall coming to the floor of the Senate in my 28 years and saying unequivocally: One of the most respected periodicals and magazines in the country, with a major article, is simply dead, flat, absolutely wrong. I don't recall ever being compelled to do that or being inclined to do that.

I will make one admission at the outset. It is the intent of the bankruptcy reform to tighten the bankruptcy system; that is true, to assure that those who have the ability to pay do not walk away from their legal debts. The explosion of bankruptcy in the early and mid-1990s revealed a problem with our system and the reform legislation is a response to that by the strong bipartisan vote of both Houses.

I am more on that liberal side, as my friend from Iowa talks about. I admire his pride that everybody should pay their debts, and I think they should.

I am more inclined to let someone go than to hold them tightly. I admit that part. But I came here with this reform

legislation because all these bankruptcies are causing debts to be driven up by other people. Interest rates go up on credit cards, not that credit card companies do not like high interest rates anyway. Interest rates go up on automobile loans. Interest rates go up all over the board. The cost of borrowing money goes up when people who can pay do not pay. It means innocent middle-class people and poor folks end up paying more.

Yes, bankruptcy reform is intended to require more repayment by those who can afford it, more complete and verified documentation, and to generally discourage unnecessary and unwarranted filings. When the bankruptcy system is manipulated by those who can afford to pay, we all pay.

This article claims that bankruptcy reform legislation is driven solely by the greed of lenders, that abuse of the bankruptcy code is a myth created by those who want to wring more money out of those who do not have more money. That is not the position of the Justice Department.

I ask unanimous consent that a document entitled "U.S. Trustee Program" be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. Mr. President, back to the Time article. One would think there was no reason to tighten up the current system, that those of us who support bankruptcy reform—a large bipartisan majority—had lost our hearts, our souls, and possibly our minds. Some folks might find that easy to believe, but if they simply compare the language of the legislation to the case studies in the article, they will find that in virtually every significant claim and detail, the charges leveled against this reform legislation are not true. They are simply false; they are flat wrong; and they are easily and conclusively refuted by a quick look at the facts.

First, a little primer on the bankruptcy code reform. Chapter 7 of the bankruptcy code requires a liquidation of any assets and a payout to as many creditors as possible from the proceeds. Chapter 13 allows the filer to keep a home, a car, and so on, but requires them to enter into a repayment plan. The irony is, chapter 13 was put in to help people from the rigors of chapter 7. I do not have time to go into that, but it is a basic premise that is missed by the article.

The bankruptcy reform legislation that is the cause for such alarm in this article asks a question that I think most Americans would be surprised to learn is never even asked under the present system. The question is: Do you have the ability to pay some of those debts that you want forgiven?

If the answer is yes, then you will have to file for bankruptcy under chap-

ter 13 and have what they call a workout, a repayment plan. No one—I repeat, no one—who needs it would ever, as this article puts it, be denied bankruptcy assistance. That cannot happen now, and it will not happen under this legislation. So it is not the idea you are denied bankruptcy, it is how you file for bankruptcy—under chapter 7 or chapter 13.

Only a few filers of bankruptcy, no more than 10 percent of those now filing under chapter 7—maybe even less—would see any change at all in their status. Those who have demonstrated an ability to pay would be told to file under chapter 13 and would follow the kind of repayment plan their resources would allow.

A key point must be stressed: Chapter 13 is not some kind of debtor's prison. It is a practical solution to the problem of too many creditors chasing a debtor with too few resources. The article suggests that any change in the availability of chapter 7 will be the equivalent of the whip and the lash and the restoration of debtor's prison. The truth is different.

Chapter 13 was added to the bankruptcy code in the 1930s as the more desirable alternative to the draconian liquidation required under chapter 7. It was conceived as the "wage earner's" form of bankruptcy, for those who had an income and the ability to pay some of their creditors but who needed protection of the system to keep their creditors from hounding them.

Although this may seem like a quaint notion these days, it was intended to preserve some of the debtor's dignity at a time when bankruptcy carried more of a stigma for some people than it does today.

A profoundly mistaken view of the difference between chapter 7 and chapter 13 is not the most serious flaw in this article. The real impact of this article comes from its stories of hard-working, honest, everyday American families who have fallen on hard times. These are the people who will, according to the article, find the door to a fresh start shut to them.

As disturbing as these stories are, they are all based on a demonstrably false premise. As the Senator from Iowa said, virtually none of the low- to moderate-income working families whose stories were so compellingly told in that article would be touched by the reforms affecting the availability of chapter 7.

That is right. In each and every case, given their income and their circumstances as presented, those families and individuals who were talked about in the article would still be eligible for chapter 7 protection. The central claims about the impact of bankruptcy reform on the families described in this article are flat wrong.

I know a lot of my colleagues have been concerned about these charges,

and I urge them to take a simple test. Compare the financial circumstances of the individuals in the article and the stories that are told with the terms of our bankruptcy legislation. My colleagues will see the claims that these families will be cut off are not true.

They are wrong chiefly because the reform legislation contains what we call a safe harbor which preserves chapter 7, with no questions asked, for anyone earning the median income or less for the region in which they live. This is a protection I sought along with other supporters of bankruptcy reform. It was a key element of the Senate bill, and it has been accepted in conference.

There is even more protection: Those with up to 150 percent of the median income will be subject to only a cursory look at their income and obligations, not a more detailed examination.

These provisions provide that the door to chapter 7 remains open for just the kind of family the article claims will be most hurt.

I will not chronicle all of them, but I ask you to listen to this one story. Of all the cases chronicled in the article, I read most carefully the story of Allen Smith of Wilmington, DE, my hometown. A World War II veteran, he had worked in our Newark, DE, Chrysler plant until the downsizing of the 1980s cost him his job.

Struck by cancer, my constituent from Wilmington, DE, was also hit with the tragedy and expense of his wife's diabetes and then her death. Health care costs drove him deeper and deeper into debt, and he filed for bankruptcy under chapter 13. Further financial troubles led to the failure of his chapter 13 plan, and he was then switched to chapter 7 under which he will lose his home to pay some of his obligations.

I searched in vain to find any relevance of this profound human tragedy to the bankruptcy reform legislation. To the extent it has anything at all to do with the supposed point of the story, Mr. Smith's story is presented to show us someone who is going to lose his home in bankruptcy, because he is now in chapter 7, exactly what the authors previously argued should be the preferred chapter for individuals in his circumstances. His sad story is an argument for catastrophic health insurance, not against bankruptcy reform.

They contrast his case with that of a wealthy individual who uses the protection of the present bankruptcy code by purchasing an expensive home under Florida's unlimited homestead exemption to protect assets from creditors. One would never know it from reading the article, but in the Senate we voted to get rid of that unlimited exemption that now is in the law.

More recently, the conferees have agreed to eliminate precisely the kind of abuse criticized in this article. The

article discusses at length a case that has nothing to do with reform but criticizes an abuse that is actually fixed by this reform bill.

There are other profound inconsistencies and factual errors in the article, including the assertion that medical expenses would not be considered in calculating a filer's ability to pay or would not be dischargeable after bankruptcy or that family support payments, such as child support or alimony, would be a lower priority than a credit card debt. None of these assertions is true.

However, without these errors, there would be no article.

In many cases, in terms of the new, additional protections for family support payments and improved procedures for reaffirmations, filers in the kind of circumstances chronicled in the other stories in this article would be better off, not worse off, when this legislation passes.

I know my colleagues have expressed their worries about this article. I truly ask them, look at the language of the legislation, look at the articles that are written, and you will find that, although this is not a perfect bill, that none of the families chronicled in that article would be affected at all except their circumstances improved, if in fact anything was to happen.

I know that my colleagues who have expressed their worries about this article are sincere in their concern about the fairness of bankruptcy reform legislation. I urge them to apply the simple test of fairness to this article, to compare the situations of those families in the article to the actual provisions in the bankruptcy reform legislation. They will find those families's access to the full protection of Chapter 7 unchanged by this bill.

I ask them to do it for themselves: they don't have to take my word for it.

This is not a perfect bill. It is not the even bill that I would have written by myself. But it is a bill that can pass that test.

I thank the Chair and I thank my colleagues assembled on the floor for the additional 4 minutes. I realize it is a tight day and time is of the essence. I appreciate their courtesy.

I yield the floor.

EXHIBIT 1

[Bankruptcy Criminal Cases 1999]

U.S. TRUSTEE PROGRAM

(Criminal Cases: The United States Trustee Program's duties include policing the bankruptcy system for criminal activity, referring suspected criminal cases to the appropriate law enforcement agencies, and assisting in investigating and prosecuting those cases. Some significant bankruptcy-related criminal cases are described here)

1999

ALABAMA

Attorney John C. Coggin III of Birmingham, Ala., was sentenced July 26 to 36 months in prison for conspiracy consisting of

bankruptcy fraud, money laundering, and false statements to a federal officer. Coggin hid more than \$200,000 that was due to creditors in his bankruptcy case, using a corporation set up for that purpose.

ARIZONA

Bankruptcy petition preparer Richard S. Berry of Tempe, Ariz., was sentenced April 20 in the District of Arizona to six months in prison for criminal contempt of court, after being fined \$1 million in 1998 for willfully violating Bankruptcy Court orders. Since January 1997, several court orders addressed Berry's violations of the Bankruptcy Code's provisions regulating bankruptcy petition preparers. The Bankruptcy Fraud Task Force for the District of Arizona sought criminal contempt charges against Berry based on his violation of a January 1997 Bankruptcy Court order limiting his fees.

Lawrence R. Costilow of Tucson pleaded guilty February 19 to two counts of bankruptcy fraud arising from his actions as a creditor in a Chapter 7 bankruptcy case. Costilow loaned \$50,820 to a married couple, obtaining an unsecured promissory note in return. After the spouses filed for bankruptcy, Costilow altered the note so it purported to take a security interest in their property. Costilow recorded the note and later testified in bankruptcy court as to its validity.

CALIFORNIA

Sherwin Seyrafi of Encino, Calif., pleaded guilty December 28 in the District of Arizona to bankruptcy fraud, misuse of a Social Security number, and failure to file a corporate tax return. The counts for bankruptcy fraud and misuse of an SSN arose from Seyrafi's filing of a bankruptcy petition with the knowledge that it contained a false spelling of his name and a false Social Security number.

Judy Scharnhorst Brown, a Spring Valley, Calif., real estate broker, was sentenced Nov. 9 in the Southern District of California to 15 months in custody followed by three years of supervised release and ordered to pay \$75,000 in restitution and fines for a bankruptcy fraud and mail fraud scheme. On March 30, a jury convicted Brown on one count of conspiracy, three counts of bankruptcy fraud, and eight counts of mail fraud after a two-week jury trial.

On April 21 a federal jury in Los Angeles convicted Faramarz Taghilou of Castaic, Calif., on two counts of concealing his private airplane in his Chapter 7 bankruptcy case. Taghilou failed to disclose in his bankruptcy documents that he owned a Cessna 310Q insured for \$120,000 and was paying monthly leasing fees to have the airplane kept at Van Nuys airport. Additionally, Taghilou's bankruptcy schedule omitted a creditor who had placed a mechanic's lien on the airplane; the debtor paid that creditor two weeks after filing for bankruptcy.

Theresa Marie Thompson-Snow pleaded guilty March 17 in the Central District of California to false representation of a Social Security number and bankruptcy fraud. Through an error, Thompson-Snow obtained loan documents belonging to a college classmate—now an English professor—with a similar name. She subsequently assumed the professor's identity to obtain thousands of dollars in credit, and ultimately filed for bankruptcy in her victim's name.

Tricia Mendoza of Norwalk, Calif., was sentenced Jan. 11 to one year in prison and ordered to pay almost \$250,000 in restitution for embezzling from a Chapter 13 trustee operation. Mendoza, who was the trustee office's receptionist, changed names and addresses in the computer system to the name

and address of an accomplice, thereby diverting payments intended for creditors to an address she controlled.

Stephen Martin Zuwala was sentenced June 9 to 57 months in federal prison and 36 months supervised release, and ordered to pay more than \$50,500 in restitution, based on his conviction on five counts of mail fraud, three counts of criminal contempt, and four counts of misuse of a Social Security number. Non-lawyer Zuwala contacted individuals facing home foreclosure and offered assistance through "little-known federal relief programs" that turned out to be filing for bankruptcy. Zuwala typically charged \$500 to \$1,000 per case, but disclosed only part of his fees in documents filed with the Bankruptcy Court. All criminal contempt counts arose from Zuwala's violation of a prior judgment obtained by the United States Trustee to permanently enjoin him from preparing bankruptcy documents for filing in the Northern and Eastern Districts of California.

Bankruptcy petition preparers Regina Green and Raymond Zak were sentenced April 15 based on their earlier convictions for criminal contempt and bankruptcy fraud. Because of misconduct, Green and Zak had been ordered by the Bankruptcy Court for the Northern District of California to stop preparing bankruptcy petitions, and they were prosecuted for violating that order. Green was sentenced to seven months in prison for contempt of court and forgery, and Zak was sentenced to six months in a halfway house for bankruptcy fraud. Both defendants were ordered to pay restitution and were barred from acting as bankruptcy petition preparers.

COLORADO

James Francis Cavanaugh pleaded guilty Oct. 8 to bankruptcy fraud in the District of Colorado. When Cavanaugh filed for bankruptcy, he falsely stated that he had sold certain horses from his Colorado horse breeding operation for \$10,000, although he had earlier valued the horses at \$124,000. He also failed to disclose to the bankruptcy court that he had interests in two bank accounts in Missouri.

FLORIDA

After a jury trial in the Middle District of Florida, certified public accountant Kenneth A. Stoecklin was convicted July 8 for embezzlement from the bankruptcy estate of Chapter 11 debtor Commonweal Inc. and obstruction of the administration of the internal revenue laws. Stoecklin, the controlling corporate officer of Commonweal Inc., transferred substantially all of his assets to the real estate development company in an apparent attempt to avoid an individual income tax liability exceeding \$137,000. He subsequently withdrew funds from an account established to provide the government with "adequate protection" pending the outcome of tax-related litigation.

Warren D. Johnson Jr. was sentenced June 23 to 97 months imprisonment and ordered to pay more than \$5 million restitution after being convicted of bankruptcy fraud, bank fraud, and money laundering. During a June 1998 bond hearing, Johnson testified that he had no interest in stocks or other assets in the Turks and Caicos Island, when he actually held around \$25 million worth of stock in a publicly traded company. In addition, Johnson claimed he was indigent and could not pay restitution despite the fact that he controlled more than \$10 million in assets placed in the names of family members and off-shore shell corporations. Johnson's bank-

ruptcy convictions resulted from a 1992 bankruptcy case in which he claimed over \$7.2 million in debt and no assets, when he actually expected to receive at least \$1.2 million in real estate sale profits. Johnson laundered approximately \$250,000 of these profits by transferring the funds to his wife and then using them for living expenses. The bank fraud conviction resulted from Johnson's filing false financial statements to obtain a \$600,000 loan that he did not repay.

GEORGIA

The District Court for the Northern District of Georgia entered judgment on December 13 against David Alvin Crossman of Atlanta following his guilty plea to one count of filing a false income tax return and one count of bankruptcy fraud. Crossman set up a car leasing scheme under which he created false financial statements and tax returns to lease cars as if he were fleet leasing for a business, and then re-leased the vehicles to individuals with poor credit. In his individual and corporate Chapter 7 bankruptcy cases, he failed to turn over lease payments to the bankruptcy trustees.

Craig D. Butler pleaded guilty Sept. 17 to bankruptcy fraud and income tax evasion. In October 1995, Butler filed a bankruptcy petition in which he made false representations and statements to evade payment of federal income taxes. During the bankruptcy case, Butler, who formerly practiced medicine in Albany, Ga., used funds of his professional corporation to pay his personal expenses and those of his family members, while designating the payments as business-related expenditures.

HAWAII

On December 10 a federal jury in the District of Hawaii found attorney Stacy Moniz of Kaneohe guilty of filing a false income tax return, structuring cash transactions to evade currency reporting requirements, failing to report the receipt of \$15,000 cash in the operation of his law office, making false statements to the IRS, and making a false statement under penalty of perjury in a bankruptcy proceeding. The bankruptcy count arose from Moniz's falsely reporting a client to be a creditor in his August 1997 bankruptcy case.

Arthur Kahahawai pleaded guilty Oct. 4 in the District of Hawaii to two counts of bankruptcy fraud. Kahahawai concealed from the bankruptcy trustee and his creditors a \$71,517 workers' compensation settlement that he received less than one month before filing for bankruptcy.

Miyoko Mizuno, a/k/a Miyoko Proctor, pleaded guilty in the District of Hawaii Sept. 24 to concealment of assets in her bankruptcy case. The debtor attempted to discharge approximately \$185,000 in unsecured debts by filing for Chapter 7 bankruptcy. She listed no interests in real property, when in fact she had deeded to her son a condominium and her residence while retaining a life interest in both properties, which could generate substantial rental income.

Edward O'Kelley, former owner and president of HOJE Construction, was sentenced April 23 in the District of Hawaii to 33 months in prison for bankruptcy fraud (concealment of assets and fraudulent transfer), and money laundering. O'Kelley had been found guilty in a jury trial for his role in putting HOJE Construction into Chapter 7 bankruptcy and hiding its assets in bank accounts in Alaska and Texas. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 through 1995. O'Kelley and HOJE operations manager

Harry Jordan conspired to hide more than \$450,000, which the bankruptcy trustee recovered.

Harry Jordan pleaded guilty to bankruptcy fraud Feb. 8 in the District of Hawaii; he was sentenced to one year probation with one month home confinement, and ordered to pay \$75,000 in restitution. The court took into account that Jordan, the former operations manager of HOJE Construction Inc., cooperated with the United States Attorney and testified against HOJE president Edward O'Kelley, who was found guilty of bankruptcy fraud and money laundering. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 to 1995, when it filed for bankruptcy. More than \$450,000 in concealed assets have been recovered.

ILLINOIS

A federal jury in the Northern District of Illinois Oct. 22 convicted Vincent M. Gramarossa on two counts of bankruptcy fraud and eight counts of money laundering. Gramarossa defrauded bankruptcy creditors by skimming more than \$580,000 from his business, a State Farm Insurance agency in suburban Chicago. Gramarossa's confirmed Chapter 11 reorganization plan directed that he pay half his profits to creditors, but Gramarossa devised a scheme under which he diverted commissions to conceal approximately one-third of his commissions.

INDIANA

Bankruptcy debtors' attorney David T. Galloway of Porter County, Ind., pleaded guilty April 5 in the Northern District of Indiana to criminal contempt and agreed to resign from the practice of law for three years. Galloway served as counsel for a Chapter 7 debtor who concealed a pending personal injury action from the bankruptcy case trustee. The debtor testified at the Section 341 meeting of creditors that his medical debts resulted from illness. After the Section 341 meeting, the United States Trustee's office in South Bend, Ind., and the case trustee investigated the nature of the medical debts, leading to the discovery of the personal injury lawsuit.

KENTUCKY

Debtors Daniel Caldera and Martha Kay Caldera of Elizabethtown, Ky., were sentenced Oct. 20 in the Western District of Kentucky for bankruptcy fraud. Daniel Caldera pleaded guilty to concealing a \$101,295 payment from C&S Carpentry Service Inc.'s bankruptcy estate. He was sentenced to 21 months imprisonment plus two years supervised release, and ordered to pay \$11,272 in restitution. Martha Kay Caldera pleaded guilty to filing a bankruptcy petition containing a materially false declaration—that she and/or her spouse did not own an annuity when in fact her spouse did. She was sentenced to 24 months probation, including six months of home incarceration.

LOUISIANA

Former district attorney James A. Norris, Jr. was sentenced June 22 in the Western District of Louisiana to 33 months in prison and three years supervised release, and ordered to pay \$490,000 in restitution for bankruptcy fraud. On March 10, a jury found Norris guilty of four counts of making false oaths in a bankruptcy proceeding, in connection with his four statements under oath that he had burned \$500,000 cash in his backyard. In 1989, Norris withdrew approximately \$500,000 from his law partnership's account in a dispute over business decisions; his former law partners ultimately obtained a court

judgment against him and filed an involuntary bankruptcy petition against him.

Attorney Betty L. Washington was sentenced Jan. 20 in the Eastern District of Louisiana to 33 months in prison, and ordered to pay approximately \$5,000 in restitution, based on a jury verdict finding multiple counts of fraud, including bankruptcy fraud. In her Chapter 7 bankruptcy case Washington concealed her right to receive legal fees from a client. Further, as part of a scheme to obtain more than \$20,000 in automobile loans, Washington tried to mislead a bank into believing her bankruptcy case had been concluded.

MAINE

On June 8 Catherine Duffy Petit was sentenced in the District Court for the District of Maine to 15 years and eight months in prison and three years supervised release, and ordered to forfeit nearly \$164,000 and to pay restitution of nearly \$8 million, based on her conviction on 54 counts (reduced by the court from 78) of conspiracy, bankruptcy fraud, securities fraud, and other violations. Petit and co-conspirators had raised almost \$7 million—ostensibly for litigation expenses—by selling interests in Petit's state court suit against a bank.

MASSACHUSETTS

On July 8 attorneys Wendy Golenbock and Cheryl B. Stein of Weston, Mass., were each sentenced in the District of Massachusetts to 21 months in jail for bankruptcy fraud. The attorneys attempted to conceal their property interest in a Cape Cod, Mass., vacation home from their bankruptcy trustee and creditors. In March 1999, a jury found them guilty of bankruptcy fraud and conspiracy to commit bankruptcy fraud.

Prosecutors in Boston announced Feb. 9 the settlement of charges filed against Sears, Roebuck & Co. for improper debt collection from Chapter 7 debtors. Sears agreed to pay a \$60 million criminal penalty, which is the largest ever paid in a bankruptcy fraud case. The monies will be deposited into the Crime Victims' Fund. Sears already paid over \$180 million in restitution and \$40 million in civil fines to state attorneys general, in connection with civil settlements in the case.

MINNESOTA

Mark John McGowan of Mound, Minn., was sentenced Sept. 1 to one year in prison and two years of supervised release for bankruptcy fraud and perjury. In his Chapter 7 bankruptcy schedules, McGowan listed a \$100,000 house that he claimed exempt as his homestead although he actually rented the house and had no intent to occupy it.

Daniel J. Bubalo of Edina, Minn., was sentenced June 8 to 21 months in prison and ordered to pay \$85,000 in restitution following his conviction on two counts of bankruptcy fraud. After Bubalo's bankruptcy case was converted from Chapter 11 to Chapter 7, and without the Chapter 7 trustee's knowledge, Bubalo sold for \$70,000 a Duluth, Minn., bar valued at \$175,000. He later testified that the property's status had not changed since his case was converted.

MISSOURI

Keith D. Linhardt of Warrenton, Mo., pleaded guilty Feb. 12 in the Eastern District of Missouri to bankruptcy fraud and perjury. Linhardt admitted that he concealed financial accounts as well as his interests as primary beneficiary of seven life insurance policies—totaling more than \$1.5 million—on his wife, who died on a camping trip in April 1998. In July 1998, at his Section 341 meeting

with creditors, Linhardt testified to the trustee concerning his non-debtor spouse as though she were alive. On January 15, 1999, Linhardt pleaded guilty to second degree murder of his wife and was sentenced to life in prison. He also pleaded guilty to four counts of insurance fraud and was sentenced to 20 years in prison, consecutive to the life sentence.

NEW JERSEY

Michelle A. Pruyn of Medford, N.J., pleaded guilty Oct. 1 in the District of New Jersey to concealing company income from her creditors, the Bankruptcy Court, and the IRS during her Chapter 7 bankruptcy case. Pruyn was the former president and owner of Sigma Acquisition Corp., Televid Media Buying Inc., and other New Jersey-based video production-related companies. She concealed assets worth at least \$240,000 from the court and her creditors by failing to disclose her equitable interest in a Pennsauken, N.J., commercial building and the existence of an investment account held in the name of the Cogan Corp., to which she diverted part of the receipts of Sigma and the other companies she owned.

Alexander Alegria of Fords, N.J., pleaded guilty July 21 to filing a false bankruptcy petition. He admitted that he falsely stated his Social Security number on the petition and that he sought to discharge approximately \$25,000 in debt he had incurred under the false SSN.

NEVADA

John and Rena Kopystenski of Las Vegas were sentenced on December 2 to 21 months in prison and ordered to pay \$67,000 in restitution after pleading guilty in the District of Nevada to bankruptcy fraud, money laundering, and aiding and abetting. The Kopystenskis were principals of debtor Quality Ice Cream Inc., which went through several bankruptcies under different names with essentially the same assets.

NEW YORK

Joseph W. Kennedy Jr. of Rochester, N.Y., was sentenced Nov. 3 to 27 months in prison and three years supervised release, and ordered to pay \$235,000 in restitution, based on his conviction on three counts of bankruptcy fraud. Kennedy failed to disclose in his Chapter 7 schedules that he owned one insurance agency and was a 47 percent shareholder and officer in another insurance agency.

Kenneth Stenzel of Queens County, N.Y., was sentenced Aug. 31 in the Eastern District of New York to five years probation and ordered to pay restitution of \$5,920 payable to the Chapter 7 trustee, based on his guilty plea to bankruptcy fraud. Stenzel intentionally made a materially false statement by stating in his bankruptcy schedules that he was unemployed, when he was actually earning more than \$5,000 a month as a computer programmer.

Garden City, N.Y., attorney Brent Kaufman pleaded guilty July 26 in the Eastern District of New York to two counts of bankruptcy fraud arising from the filing of two false proofs of claim on behalf of a fictitious creditor. Kaufman, an associate with a Chapter 7 bankruptcy trustee's law firm, admitted embezzling \$117,000 from five bankruptcy estates.

OHIO

Albert J. DeSantis, formerly of Columbus, Ohio, and Upper Arlington, Ohio, was sentenced August 26 to 51 months imprisonment based on his plea of guilty to charges of bankruptcy fraud, money laundering, and witness tampering. The former Columbus,

Ohio, real estate developer filed for Chapter 11 bankruptcy relief but failed to list assets exceeding \$920,000 in value, including a residence and a bank account. He also counseled two employees to withhold information from the federal grand jury that was investigating his conduct in the bankruptcy case.

OKLAHOMA

Mary Ann Adams and John Quincy Adams pleaded guilty Sept. 15 to bank fraud in connection with their concealment of more than \$90,000 in assets after a bank foreclosed upon their property. The Adamses, who owned an implement company, hid tractor and combine parts, transferred real property, and concealed personal property including certificates of deposits.

Jesse Joseph Maynard and Samuel Bruce Love were convicted Sept. 1 in the Western District of Oklahoma on eight counts arising from the October 1993 bankruptcy filing on behalf of First Assurance & Casualty Co. Ltd. The defendants concealed more than \$270,000 in bankruptcy estate assets from the Chapter 7 trustee, and transferred monies from the bankruptcy estate post-petition.

OREGON

Bankruptcy petition preparer Robert Tank pleaded guilty April 9 to criminal contempt of court in the District of Oregon. In 1996, the United States Trustee obtained an order fining Tank approximately \$10,000 and prohibiting him from engaging in certain deceptive practices or practicing law in Oregon. Tank violated the order, and the United States Trustee obtained a national permanent injunction against him. Tank continued to prepare bankruptcy petitions, and engaged in a series of violations of various orders.

Former Chapter 11 trustee Thomas G. Marks was sentenced March 15 in the District of Oregon to twelve months plus one day in prison, three years probation, and payment of restitution, for embezzling funds in three Chapter 11 bankruptcy cases where he acted as a fiduciary after the case was confirmed. The United States Trustee discovered the embezzlement of approximately \$108,000 based on an inquiry from Marks' former business partner. The United States Trustee obtained Marks' resignation as fiduciary in the cases, and arranged the appointment of successor fiduciaries to pursue bond claims relating to the losses.

PENNSYLVANIA

On Nov. 15 the District Court for the Eastern District of Pennsylvania sentenced Philadelphia attorney Steven Bernosky, and barred him from practicing law for three years, for embezzling approximately \$14,000 from a Chapter 11 bankruptcy estate. Bernosky served as debtor's counsel in the Chapter 11 bankruptcy case of Morris Schiff Co. The debtor company's property was sold for approximately \$14,150, and Bernosky improperly deposited a check for the sale proceeds into his personal account. Bernosky made partial restitution of \$11,000 before sentencing and produced a check for the balance at the sentencing hearing. He was sentenced to five years probation and ordered to pay a \$2,500 fine. He pleaded guilty April 7 after a one-count information was filed March 31.

Chester Wiles was sentenced June 7 in the Eastern District of Pennsylvania to 24 months incarceration for false declaration in bankruptcy, to a concurrent 18-month term of incarceration on 12 other counts, and to five years of supervised release; he was also ordered to pay approximately \$225,000 in restitution and a special assessment fine of \$1,300. Wiles had assumed the identity of a

deceased person and fraudulently obtained credit in the decedent's name for 2½ years, before filing for bankruptcy twice in the decedent's name. He pleaded guilty to 13 counts including false statement in bankruptcy, bankruptcy fraud, false statements to obtain a HUD-insured mortgage, false statements in loan and credit applications, credit card fraud, wire fraud, interstate transportation of stolen goods, and use of an unassigned Social Security number.

SOUTH CAROLINA

Auctioneer J. Max McCaskill pleaded guilty Nov. 2 in the District of South Carolina to two counts of embezzlement from bankruptcy estates. McCaskill was a former Bankruptcy Court deputy clerk and a former employee of a bankruptcy trustee in South Carolina. While employed to auction bankruptcy estate property, he sold the property but failed to turn over the proceeds to the bankruptcy trustee.

TEXAS

Tronnald Dunnaway of Richardson, Texas, was sentenced Oct. 3 to 13 months in jail and three years supervised release and ordered to pay \$23,959 in restitution for his role in a bankruptcy foreclosure scam. Dunnaway pleaded guilty in June on the eve of trial; on June 22, his co-defendant Shelby Daniels was found guilty of 14 counts of bankruptcy fraud in connection with the scam. Daniels and Dunnaway contacted homeowners facing foreclosure, offering to help them with their mortgage problems. They persuaded the homeowners to transfer a part interest in their homes to companies controlled by, or individuals working with, the scam operators. Those companies and individuals then filed for bankruptcy to delay foreclosure on the properties, but the victims ended up losing their homes.

On June 22, after a five-day jury trial, Shelby Daniels of Dallas was found guilty of 14 counts of bankruptcy fraud for his role in a bankruptcy foreclosure scam. Daniels represented himself as a real estate consultant and contacted homeowners facing foreclosure, persuading them to transfer a part interest in their homes to companies he controlled or individuals working with him. The companies and individuals filed for bankruptcy to delay foreclosure. Homeowners paid Daniels a \$500 "set up" fee plus \$500 per month, assuming he was working to address their mortgage problems. They ended up losing their homes. On the eve of trial, Tronnald Dunnaway, who was indicted with Daniels, pleaded guilty to one count of bankruptcy fraud.

VIRGINIA

Lee W. Smith Sr., the principal in the Chapter 11 case of Lee's Contracting Services Inc., was sentenced Nov. 10 to 21 months in prison after pleading guilty to one count of bankruptcy fraud and one count of tax evasion. Smith diverted monies from the corporation to personal accounts during the pendency of the Chapter 11 case, which was ultimately dismissed because the debtor owed more than \$1 million in unpaid employee withholding taxes.

The District Court for the Southern District of West Virginia August 4 sentenced Donald S. Pritt to 30 months imprisonment, three years of supervised release, and restitution of \$193,990 following his conviction on one count of mail fraud and two counts of bankruptcy fraud. Pritt claimed to be permanently disabled following an all-terrain vehicle accident. He filed disability insurance claims under several recently issued policies and engaged in litigation with the

insurance companies and ATV manufacturer. Pritt was ordered to pay in excess of \$600,000 in attorney fees to the manufacturer. The bankruptcy counts arose from his transfer and concealment of assets, which began after the state court litigation and continued during the bankruptcy case.

Ethel Mae Martin was sentenced June 15 in the Eastern District of Virginia to 27 months in prison and 3 years of supervised release for one count of bankruptcy fraud. Martin used at least three Social Security numbers to obtain credit and filed her bankruptcy petition using a fourth SSN.

Elizabeth Baker pleaded guilty June 8 to one count of making a false oath in connection with her bankruptcy. Baker and her husband filed a Chapter 13 petition in 1995; when her husband later died, Baker received over \$99,000 in life insurance proceeds. She converted the bankruptcy case to a Chapter 7 liquidation but did not disclose the receipt of funds to the bankruptcy trustee. Baker's bankruptcy discharge was revoked after the trustee discovered the receipt of funds as well as Baker's false testimony that there were no assets other than those listed in the bankruptcy schedules.

WISCONSIN

The Court of Appeals for the Seventh Circuit July 20 upheld the March 1998 conviction of attorney John Gellene for false material declarations in a bankruptcy proceeding, and upheld the trial court's sentencing determinations. Gellene did not disclose that his law firm represented a senior secured creditor as well as the Chapter 11 debtor, giving rise to a conflict of interest in representation. He was convicted after a jury trial in the Eastern District of Wisconsin, sentenced to 15 months in prison, and fined \$15,000. In its ruling, the Appeals Court rejected Gellene's argument that his false statements were not material, finding it beyond doubt that "a misstatement in a Rule 2014 statement by an attorney about other affiliations" is material.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

Levin (for Kennedy) amendment No. 3473, to enhance Federal enforcement of hate crimes.

Hatch amendment No. 3474, to provide for a comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to

offer an amendment, on which there will be 2 hours equally divided.

The Senator from Connecticut.

AMENDMENT NO. 3475

(Purpose: To establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba)

Mr. DODD. Mr. President, I believe this is the full text of the amendment. I just had several copies made for my colleagues.

Let me inquire of the distinguished Senator from New Hampshire, did he get a copy of the amendment?

Mr. SMITH of New Hampshire. Yes.

Mr. DODD. Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3475.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ____ ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the "National Bipartisan Commission on Cuba Act of 2000".

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of non-governmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at

rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

Mr. DODD. Mr. President, first of all, before I get into the substance of the amendment, I hope it may be possible we can reduce the time on this debate. I know there are other matters to be considered. We have 2 hours, but this may not take that much time. It is not a terribly complicated proposal. I think a lot of our colleagues may already be aware of the substance of it.

Let me begin these brief remarks by, first of all, expressing my disappointment, in a sense, that I have to offer an amendment that my good friend from Florida strongly disagrees with, Senator CONNIE MACK. He is in his last few months in this body. He is one of my best friends in the Senate. It may be hard for some people who do not follow this institution carefully to understand that two people of different political persuasions, from different parts of the country, can be good friends, but we are.

As I feel strongly about this amendment, he feels strongly about it. I would prefer that he were my ally. He will not be. I presume he might wish I were his ally. So it will be somewhat of a disappointment for me to be offering something about which my good friend so strongly disagrees, as he prepares to leave this body and to which he has made such a significant contribution during his tenure.

I will miss him very much in the coming years. I do not offer this amendment with any great pleasure. I do think it is the right amendment. I want him to know that I do not do so with any sense of personal animus in the slightest as I offer it. There are others who disagree as well.

Last Friday, I spoke at some length about why I believe the amendment that was originally proposed by another good friend, the chairman of the Armed Services Committee, Senator WARNER, and I, which we offered some time ago to establish a bipartisan commission to review United States policy towards Cuba, why we believe it is in our national interest.

The amendment I have just offered, as the Warner amendment, would provide for the appointment of a bipartisan commission to review U.S. policy

with respect to Cuba and to make recommendations on how to bring that policy into the 21st century.

I regret that because Senator WARNER is the manager of the underlying bill he has had to withdraw his support for this amendment. While certainly Senator WARNER is fully capable of speaking for himself, I believe Senator WARNER still thinks that the proposal I am making today is a good idea, even if he must disagree with the vehicle to which it is sought to be attached.

Very briefly, the commission would be composed of 12 members, chosen by the following: six by the President of the United States, six by the Congress; equally divided between the legislative and executive branches. There would be four members chosen by the House and Senate Republicans leaders and two by the Democratic leaders.

Senator WARNER and I had originally crafted this legislation to ensure that the commission would have a balanced and diverse membership, not bipartisan in the sense of two parties because this issue ought not be divided by party. In fact, it is not divided by party. There are people who sit on this side of the aisle in the Senate who will disagree with this amendment. There are Members on the other side who will agree with this amendment. This country is not divided along strictly partisan lines—Democrats and Republicans—as it reviews Cuban policy. But what we are seeking with the commission is to have a diversity of opinion, not a diversity of party necessarily, although that may occur anyway.

So the idea was to have members who would be selected from various fields of expertise—including human rights, religious, public health, military, business, agriculture, the Cuban American community, and also the agricultural community where there is such strong interest. Creating that kind of diversity is what we seek in a commission. It would make recommendations to us which we may or may not follow. They are recommendations.

Other commissions in the past have been appointed that have made recommendations which Congress has sought to follow and in other cases Congress has totally ignored. So a commission is really an opportunity to see if we can get this out of the partisan politics which have dominated this debate for far too long and to make some solid long-term recommendations on how we might begin to prepare for an intelligent, soft landing, to use the words of Zbigniew Brzezinski some years ago when he provided the necessity of us beginning to think to arrange for a relationship with the island of Cuba in a post-Castro period.

The commissioners would have 225 days from the date of enactment to undertake their review and report their findings. The original Warner amendment provided for 180 days.

Some have said: Why do this now? We are only a few months away from a new administration. Why not let a new administration take on this responsibility?

I argue that, in fact, this is exactly the right time to be doing it, with an administration that is leaving, in a sense, to be able to provide for a new administration some ideas and thoughts on how we might proceed.

So whether it is a Bush administration or a Gore administration that is sworn into office on January 20 of the coming year, this commission would report back in the late spring of next year, and the new administration could have the benefit of some solid thinking rather than waiting for a new administration with all of the problems associated with that in terms of how they begin their efforts.

The idea of establishing a commission is not a new idea. It is not even originally my idea. The establishment of a commission was first proposed by our colleague from Virginia almost 2 years ago in a letter to President Clinton.

Who supported the idea of the Warner commission at that time? Senator WARNER was encouraged to propose such an idea in 1998 by a very distinguished group of foreign policy experts. Let me list some of the individuals who urged that such a commission be created: former Secretaries of State Lawrence Eagleburger, George Shultz, and Henry Kissinger; former Majority Leader Howard Baker; former Defense Secretary Frank Carlucci; former Secretaries of Agriculture John Block and Clayton Yetter; former Ambassadors Timothy Towell and J. William Middendorf; former Under Secretary of State William Rogers; former Assistant Secretary of State for Latin America and Distinguished Career Ambassador Harry Shlaudeman; and another distinguished former colleague of ours, Malcolm Wallop.

The United States Catholic Conference has also gone on record in support of the establishment of such a committee.

In fact, I ask unanimous consent that the letters that accompanied these recommendations be printed in the RECORD. One of the letters is dated September 30, 1998, signed by Howard Baker, Frank Carlucci, Henry Kissinger, Bill Rogers, Harry Shlaudeman, and Malcolm Wallop, who called for this commission 2 years ago. And there are other letters that were sent from our Senate colleagues to President Clinton. Senators signing the letters are Senators GRAMS, BOND, JEFFORDS, HAGEL, LUGAR, ENZI, John Chafee, SPECTER, GORDON SMITH, THOMAS, BOXER, BOB KERREY, BUMPERS, JACK REED, SANTORUM, MOYNIHAN, KEMPTHORNE, ROBERTS, LEAHY, COCHRAN, DOMENICI, and MURRAY—hardly a partisan group of Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAKER, DONELSON,
BEARMAN & CALDWELL,

Washington, DC, September 30, 1998.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; Frank Carlucci, Former Secretary of Defense; Henry A. Kissinger, Former Secretary of State; William D. Rogers, Former Under Secretary of State; Harry W. Shlaudeman, Former Assistant Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the precedent and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,

LAWRENCE S. EAGLEBURGER.

U.S. SENATE,

Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the "Kissinger Commission"), established by President Reagan in 1983, which made such a positive contribution to our foreign policy on that most difficult and controversial issue over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States

have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly accepted by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a National Bipartisan Commission be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and to make recommendations that will improve this policy's effectiveness to achieve our country's stated foreign policy goals for Cuba.

We recommend that the members of this Commission be selected from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of 1) the national security risk of Cuba to the United States and the role of the Cuban government in international terrorism and illegal drugs, 2) the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba, and 3) the domestic and international impacts of the 36 year old U.S.-Cuba economic, trade and travel embargo on: a) U.S. international relations with our foreign allies; b) the political strength of Cuba's leader; c) the condition of human rights, religious freedom, freedom of the press in Cuba; d) the health and welfare of the Cuban people; e) the Cuban economy; f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We strongly urge you to take immediate action on this proposed initiative and we thank you in advance for your thoughtful consideration.

Sincerely,

Senators Warner, Grams, Hagel, Jeffords, Enzi, Chafee, Gordon Smith, Thomas, Kerrey, Bumpers, Santorum, Dodd, Kempthorne, Roberts, Bond, Lugar, Leahy, Moynihan, Specter, Reed, Cochran, Murray, Domenici, Boxer.

U.S. SENATE,

Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission

to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the "Kissinger Commission"), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a "National Bipartisan Commission on Cuba" be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the "Kissinger Commission", from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c)

the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

Senator John W. Warner (R-VA), Chuck Hagel (R-NE), Michael B. Enzi (R-WY), Gordon Smith (R-OR), J. Robert Kerrey (D-NE), Rick Santorum (R-PA), Dirk Kempthorne (R-ID), Christopher "Kit" Bond (R-MO), Rod Grams (R-MN), James M. Jeffords (R-VT), John H. Chafee (R-RI), Craig Thomas (R-WY), Dale Bumpers (D-AR), Christopher J. Dodd, (D-CT), Pat Roberts (R-KS)

U.S. SENATE,

Washington, DC, December 11, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC

DEAR MR. PRESIDENT: We, the undersigned would like to join our colleagues, who wrote to you on October 13th 1998 recommending that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of The National Bipartisan Commission on Central America, (the Kissinger Commission"), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 16, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risks of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pen-

tagon, and the call by Pope John II for the opening of Cuba by the world, have not been broadly revived by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, and the Cuban people to review these issues.

We therefore recommend that a "National Bipartisan Commission on Cuba" be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the "Kissinger Commission", from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State, Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

Richard G. Lugar (R-IN), Patrick J. Leahy (D-VT), Jack Reed (D-RI), Patty Murray (D-WA), Pete V. Domenici (R-NM), Daniel Patrick Moynihan (D-NY), Arlen Specter (R-PA), Thad Cochran (R-MS), Barbara Boxer (D-CA)

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
October 20, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: As Former Secretary of State in the Reagan Administration I was proud to be a part of the successful effort that brought about the downfall of communism in Eastern Europe and the Soviet Union.

Today we have another opportunity to expand democracy in the world and to rid our hemisphere of the last bastion of communism. To do this the United States needs

to review and analyze its current foreign policy toward Cuba. This analysis can most effectively be conducted by the National Bipartisan Commission proposed by my colleagues and by Senator Warner in his letter to you of October 13, 1998.

This Commission, like the National Bipartisan Commission on Central America authorized by President Reagan in 1983, would conduct an objective analysis of our current foreign policy and would provide your Administration and the Congress, critically important insights needed to improve the policy's effectiveness in achieving its stated foreign policy goals. The formation of this Commission is in the best interest of the United States and its conclusions and recommendations will provide the greatest opportunity for our country to determine the most effective ways to assist the Cuban people in their struggle to achieve increased freedom and self-determination and to prepare them for the transition to democracy.

I therefore join with my colleagues, who have devoted most of their professional careers to fighting communism, and strongly support and endorse Senator Warner's request to you to authorize the establishment of a National Bipartisan Commission to review U.S.-Cuban policy.

Sincerely yours,

GEORGE P. SHULTZ.

DEPARTMENT OF SOCIAL DEVELOPMENT
AND WORLD PEACE.

October 21, 1998.

Hon. JOHN WARNER,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR WARNER, I write to commend you, and the other Senators who have joined with you, in urging the President to authorize the establishment of a Bipartisan Commission on U.S.-Cuban relations. In recent years, voices of respected and influential leaders in many different fields have been raised to express dissatisfaction with aspects of our present policy toward Cuba. The Catholic Bishops of this country, through our national body, the United States Catholic Conference, have long shared this view that our policy has the need, in the words of the Holy Father last January, "to change, to change."

We are sympathetic with the sense of frustration that many in our government experience as they search for some signs from Cuba that its government is prepared seriously to engage the United States and to address its valid concerns about basic freedoms and respect for human rights. But as they search in vain for such signs, untold numbers of our Cuban brothers and sisters continue to suffer intolerable deprivation and hardships, both spiritual and material. As a society, we must find ways to change the present unacceptable Status quo and move confidently toward a new policy.

The Creation of a National Bipartisan Commission would well prove the needed catalyst for moving us toward that goal. I thank you and your colleagues for this initiative and pray that it prosper.

Sincerely yours,

MOST REVEREND THEODORE
E. MCCARRICK,
Archbishop of Newark,
Chairman, Committee on International Policy,
United States Catholic Conference.

HOGAN & HARTSON, L.L.P.,

Washington, DC, October 29, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President, The White House, Washington, DC.

Re: the Proposed National Bipartisan Commission on Cuba.

DEAR PRESIDENT CLINTON: As an American who has served in cabinet and subcabinet positions of four U.S. presidents, I have seen firsthand the influence of U.S. foreign policy throughout the world, its effects on the governments and citizens of foreign countries, and its reciprocal effects on the U.S. economy, businesses and jobs. I have also seen the use of unilateral sanctions grow into becoming a long-standing tool of U.S. foreign policy to be employed against foreign governments and their leaders whose behavior the U.S. Government finds unacceptable.

Cuba is one of those countries where U.S. sanctions have been employed, in their case for nearly 40 years, including a total economic embargo which has been unilateral for over 36 years. The stated purpose of these sanctions and the embargo is to bring down the communist government bring freedom and self-determination to the Cuban people, and to prepare them for a transition to democracy. Now nearly four decades later, the communist government is still in place, the Cuban people have very few freedoms, and the country is now recovering from the departure, in 1991, of the Soviet Union and its five billion dollars of annual aid and assistance.

I therefore welcome Senator Warner's request to your Administration to establish a National Bipartisan Commission to review U.S.-Cuba policy, and I respectfully join former Secretary of State Lawrence Eagleburger and his distinguished colleagues in support of Senator Warner and his Senate colleagues' request.

The establishment of this Commission will conduct a long overdue objective analysis of our current Cuba policy and we can look forward to the Commission producing recommendations that will improve the overall effectiveness of our U.S.-Cuba policy so we might more effectively achieve our country's stated goals.

Sincerely,

CLAYTON YEUTTER.

That suggested the course of this commission be established as a way to try to sort out how best to establish a better relationship with the 11 million people who live 90 miles off our shore.

Further, highly respected human rights advocates who remain in Cuba—those dissidents who remain in Cuba and subject themselves every day to the difficulties of living under a dictatorship—seeking to promote political change have called upon the United States to rethink our policy when it comes to Cuba. Elizardo Sanchez, President of the Cuban Commission on Human Rights and National Reconciliation, sent a letter in April of this year urging the United States to change its policies. He wrote:

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause of the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our two governments and unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

That is from a letter from dissidents inside Cuba talking about how to create change there.

There is a double standard when it comes to Cuba. A number of other countries are far more of a threat to U.S. national security and antithetical to U.S. foreign policy interests. Yet our sanctions against Cuba are among the harshest. We have concerns about nuclear proliferation with respect to India, Pakistan, Iran, China, and North Korea. Yet Americans may travel freely to each and every one of those nations. In fact, Americans are free to travel to many countries that I would not consider to be bastions of democracy: Iran, Sudan, Burma, the former Yugoslavia, Vietnam, Cambodia, to mention a few.

We have just entered a new millennium and the United States has moved in most areas to bring U.S. policy into line with the new realities of the 21st century. On the Korean peninsula, North Korean and South Korean leaders met last week in a historic summit which will hopefully pave the way to reconciliation and reunification for two countries that fought a bloody and costly war in the last century. To encourage that effort, the Clinton administration announced it was prepared to lift sanctions against one of our oldest adversaries.

With respect to China, the United States has a number of deeply serious disagreements with that Government, including workers' rights, respect for human rights, nuclear proliferation and economic policies, hostility towards Taiwan—the list goes on. Yet the United States has full diplomatic relationships with Beijing. Moreover, I predict the Senate will soon follow the House and support permanent normal trade relations with China, thereby clearing the way for its entry into the World Trade Organization.

Let us talk about Vietnam. The Vietnam conflict left an indelible mark on the American psyche. Just a few blocks from here, the names of 53,000 Americans who lost their lives in that country are listed on a wall. Yet today a Vietnam veteran and former Congressman, Pete Peterson, represents U.S. interests in Vietnam as U.S. Ambassador. American citizens are free to travel and do business there. We have learned to somehow change and move forward. Do we agree with the policies of Vietnam? No. Do we agree with what is going on in China? No. Do we agree with what is going on in North Korea? No, obviously not. But we are seeking in the 21st century to try to move these nations in the right direction. We don't do it by isolation. We don't do it by creating a Berlin Wall off the coast of Florida between our two countries. We do it by contact, by communication, by engaging. Those are the ways we create change. We have seen that in place after place all over the globe.

Around the world, old adversaries are attempting to reconcile their differences: in the Middle East, Northern Ireland, and the Korean peninsula. The United States has actively been promoting such efforts because we think it is in our national interest to do so.

I ask a simple question: Isn't it time that we at least took an honest and dispassionate look at our relations with a country in our own hemisphere, 90 miles off our shores, where 11 million good people, not Communists but good people, are living under extremely difficult circumstances? Isn't it in our interest and the interest of the 11 million people there to try and see if we can't begin some new way to bring about change in that country other than following the 40 years of isolation that is still the centerpiece of the U.S.-Cuban relationship?

Opponents of this measure point to the fact that Cuba remains on the terrorist list. Why? Because, according to a 1999 State Department report on global terrorism, Cuba "continued to provide a safe haven to several terrorists and U.S. fugitives . . . and it maintained ties to other state sponsors of terrorism and Latin American insurgents."

Castro's biggest crime last year, according to this report, appears to be that he hosted a series of meetings between the Colombian Government officials and the ELN, a Colombian guerrilla organization. Rather curious in light of the fact that the United States publicly supports President Pastrana's efforts to undertake a political dialog with the guerrilla organizations in that country as a means of ending the civil conflict in Colombia.

The same report found that Islamic extremists from around the world continued to use Afghanistan as a training ground and base of operation for their worldwide terrorist activities. Usama Bin Ladin, the Saudi terrorist indicted for the 1998 bombing of two U.S. Embassies in Africa, continues to be given sanctuary by that country. Yet Afghanistan is not on the terrorist list. There are no prohibitions on the sale of food or medicine to that country. Americans can travel freely to that country.

Last week, the Foreign Relations Committee held a hearing to review the findings of the National Commission on Terrorism. During the course of that hearing, Paul Bremer, the chairman of the commission, admitted that Cuba's behavior with respect to terrorist matters had improved over the past 4 years. In fact, it is the only country, he said, that has shown any improvement.

I ask the question again: Isn't it time we start to measure our Cuban policy against the same yardstick that we measure our relations with the rest of the nations of the world? Isn't it time we follow a policy that is truly in our

national interest, one that promotes positive relations with the 11 million people who live on the island of Cuba, and one that promotes a peaceful change in self-determination for a proud people who have been done a huge disservice and injustice by the Castro regime?

Many of my colleagues have told me privately that they believe Senator WARNER and I are on the right course. I appreciate those kind words. I also hope the time has finally come for them to stand up and be counted on this issue.

This is an important question. This is not a radical idea. It is not a revolutionary idea. We form commissions all the time in order to get some distance between the politics of an issue and the dispassionate view of people who can bring knowledge and ideas and experience. I don't think that Henry Kissinger or George Shultz or Frank Carlucci or Howard Baker are Castro supporters—hardly. But they do understand that it is in the interest of the United States for us to try and move beyond the present wall that distances us from these people as we seek a change in our policy.

That is all this commission is proposing to do. It doesn't say that anyone has to agree with the recommendations or vote for them. It doesn't bind the Senate. It merely says, as we begin a new administration, why not have the benefit of the solid thinking of people who dedicate their lives to addressing foreign policy issues? Why should we be allowed to travel to Libya, to open up relations with Iran, to have relationships with Vietnam? Maybe some don't think we ought to do any of those. That I would understand. But for people here to tell me it is OK to have normal relationships with China and Vietnam and to promote lifting sanctions in North Korea and talk about moving to have a relationship with Iran, and then simultaneously tell me we can't even form a commission to analyze whether or not we could do a better job resolving the differences between our two peoples, does not make a great deal of sense to me.

I will put up, for the benefit of our colleagues, this little chart. I know people use charts all the time. This is the last couple of weeks. They are photographs that have appeared in national newspapers. The picture at the top is the two leaders of North and South Korea, meeting just a week or so ago to resolve differences. The next picture is our own Secretary of State, Madeleine Albright, meeting with Yasser Arafat. If you met with him 10 years ago or you even talked to the guy, you were in political jeopardy. Now we welcome him and embrace him at the White House as we try to resolve differences in the Middle East.

The picture on the further side is the Prime Minister of Great Britain and

the Prime Minister of Ireland signing the accords that may bring about the end of years of hostility in Northern Ireland. The bottom is the President and the leader of the People's Republic of China. These are examples of what can happen with creative engagement. If there was a policy in South Korea that said we could never talk to anybody in North Korea, that photograph would not appear. What if we said, despite any of the efforts to bring about peace in the Middle East, no one could meet or talk about meeting with the Palestinians or Northern Ireland or in China? All I am asking is, why don't we try something a little different when it comes to the island of Cuba, and see if we can't create the kind of change that is reflected in these photographs of the 21st century. That is what this amendment is designed to do. It is a bipartisan effort.

Again, the list of our colleagues I have recited demonstrates that people on both sides of the aisle care about this very much and made recommendations some years ago that we move in this direction. Again, distinguished former administration officials—Republican as well as Democratic administrations—indicate the sound thinking, in my view, across the board when it comes to the establishment of such a commission.

Again, I know you are going to hear a lot about how bad the Castro government is, and I am not going to disagree. They are. I am not here to stand up and tell you I think that is a good government. It is not. I would not last 5 minutes there. It is repressive, a dictatorship, and the things they do to their own people are outrageous. But we have found a way to break new ground, to at least reach out. That is all I am asking for today—a commission to try to reach out with some new ideas with one nation in our hemisphere, which is a shorter distance from our shores than it is from here to Hagerstown, MD. Let's see if we can improve the relationship.

I withhold the remainder of my time. Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I begin by saying to my friend, Senator DODD, how much I appreciate his comments at the beginning of his speech to the Senate. I appreciate the relationship we have developed. Certainly, one of the things I will truly miss as I leave the Senate at the end of this year is the relationships that have been developed and the opportunity to expand on those relationships with others. Again, it has been a delight. However, we do have very strong differences of opinion on this issue.

I will begin by pointing at the chart that has been put up next to Senator

DODD. There is one very fundamental difference. Each of those leaders reached out; they wanted to bring about change. We have seen absolutely, positively none of that from Fidel Castro. There is no indication—not an iota of evidence—that Fidel Castro wants to change.

Later today, we will be voting on this amendment to the Defense Department authorization bill, which is designed to establish a commission to review and report on the United States policy toward Cuba.

I have spoken with many colleagues recently about this amendment and the idea of forming a commission. I understand from some Senators that they have concerns that they want a chance to discuss regarding Cuba. But the goal of those Senators seems to be either broad sanctions reform or the enactment of specific changes in our policies toward Cuba. But today we are debating an amendment on forming a commission. This commission is blatantly political, in my opinion, so much so that no serious effort can come from a commission designed to be so skewed. This commission accomplishes nobody's goal.

Let me make three points: First, we don't need a national commission to study only Cuba sanctions; second, we should not tie the hands of the next President to set his own Cuba policy; and, third, we should not set policy through a partisan commission outside of the normal conduct of foreign policy by the executive branch.

The legislation on which you are being asked to vote establishes a 12-person panel to review and report on various aspects of Cuba policy. But this is why we have a Foreign Relations Committee in the Senate, an International Relations Committee in the House, and a U.S. Department of State. Why are we making Government bigger and more expensive than it needs to be? Especially, as my friend from Connecticut has argued, this amendment does not take a position or implement a policy.

Let me highlight a few of the details. This commission is appointed as follows—and, again, I note that my friend indicated this is not a partisan issue, but we who have been around here for a long time all know these issues end up being influenced by politics.

What we are going to have is a commission of 12 people, 6 appointed by the current President. The current President will put six members on a commission to tell the next President what his policy toward Cuba should be. And there will be three from each House—two majority, one minority. That means two-thirds of the commission would be appointed by Democrats; that is, 8 of the 12 members of the commission would be appointed by Democrats. One-third, that is, four members of the commission, would be Republicans.

That is not the way to set foreign policy.

Our current policy, set by the State Department and the President, has been endorsed by the Congress over the years with significant legislation. The only reason for this special commission is to try to change current policy through abnormal means.

Let me talk for a moment about American foreign policy in general. I hear the rhetoric often that, after 39 years, clearly, our Cuba policy has not brought democracy to Cuba and therefore it must be abandoned as a failure. Think about that argument for a moment. What if Ronald Reagan had come into office and declared in 1980: After 40 years, since there is no democracy in the Soviet Union, our Soviet policy must be abandoned?

Reagan did the opposite. He had the courage to call the Soviet Union what it was, an "evil empire." His courage and commitment brought democratic reform to Russia. America's foreign policy must reflect America's commitment to the principles we believe in: freedom, democracy, justice, and respect for human dignity.

My friend from Connecticut has stated that the policy is aimed at one man, Fidel Castro, but it denies basic necessities to the entire 11 million people of Cuba. The reality is that Cuba can purchase goods from the entire world. By closing the American market to Cuba, we are denying the people nothing. Fidel Castro keeps Cuba poor, not the United States embargo.

By maintaining the current policy, however, of isolating Fidel Castro, we are doing as a Nation what we have done for so many generations: We are standing shoulder to shoulder with people struggling for freedom. We are standing for truth and dignity and supporting heroes when we oppose Fidel Castro and deny him the means to build up his resources.

Since trade has been an important issue of discussion lately given the pending vote on trade with China, perhaps some more detail would be helpful on the differences between China and Cuba.

Simply stated, China began policy changes and economic reforms as early as 1978. Today, they continue to open their economy, seek engagement in the community of nations, and look for investment and trade.

Let me tell you about Cuba. I will provide details from a study conducted by the University of Miami: Cuba does not permit trade independent from the state; most of Cuba's exportable products to the United States are produced by Cuban state-run enterprises with workers being paid near slave wages; many of these products would compete unfairly with United States agriculture and manufactured products, or with other products imported from the democratic countries of the Caribbean

into the United States; Cuba does not permit individual freedom in economic matters; investments in Cuba are directed and approved by the Government of Cuba; it is illegal for foreign investors to hire or fire Cuban workers directly and the Cuban Ministry of Labor does the hiring; foreign companies must pay the wages owed to their employees directly to the Cuban Government in hard currency; the Cuban Government then pays the workers in Cuban pesos, worth one-twentieth of a dollar, and the Government pockets 90 percent of the wages paid in by the investor; Cuba has no independent judicial system to settle commercial disputes.

In short, Fidel Castro has failed to make any of the changes made by Beijing. An investment in China today can empower a Chinese middle class and move power away from the center. An investment in Cuba today benefits Fidel Castro and disadvantages the 11 million people struggling for freedom. It is that simple.

As recently as 1997, Fidel Castro argued against the wisdom of economic reforms and reasserted the supremacy of Communist ideology. In addition, political parties remain outlawed. Dissidents are either exiled, banished to the far reaches of the island, or simply imprisoned. The church continues to complain that the promises made during the Pope's visit have not been complied with. The daily activities of the average Cuban citizen continue to be monitored by the state's notorious "neighborhood watch committees," known as the Committee for the Defense of the Revolution. These have been in place for 40 years and continue in place today. Amnesty International counts at least 400 prisoners of conscience, but this does not include the thousands convicted under trumped up charges for political purposes.

I am not simply arguing ideology here today. We have empirical evidence of the failure of the policy recommendation to trade with Cuba; we need only to look at Canada's recent experiences. After arguing for a policy of opening trade with Cuba, our neighbors to the North are now pulling out. I will quote from *The Globe and Mail* of June 30, 1999:

The Canadian government had hoped that investing directly in the Cuban economy by building plants and infrastructure would not only deliver an economic return, but also lead to wider-ranging reforms. Those hopes have been largely dashed as Canadian companies report woeful tales of pouring good money into bad investments in Cuba.

Mr. President, policies of so-called engagement with Castro have failed for those who have tried. We all shared great hope when the Pope visited Cuba in January 1998. The United States promised to respond positively to any changes made by the Castro regime following the Pope's visit. We expected to see more space for the Cuban people:

freedom of speech and more freedom of religious expression. We know now that even these hopes have been dashed. The Pope just last December expressed his disappointment in the changes in Cuba. A December 2, 1999 Reuters wire story reports,

The clear wording of the Pope's speech indicated that the Vatican felt that not much has changed on the predominantly Catholic island in two years.

We know that President Reagan's wisdom remains true—after 39 years of isolating Cuba, we must not fear calling things as we see them. Fidel Castro is an evil tyrant. He impoverishes the Cuban people in spite of the efforts of many to open the society to freedom and the economy to investment. Fidel Castro denies his people the basic necessities for life, liberty, and happiness.

Mr. President, I do not object to evaluating our policies, but we must be honest, this is not the way. When Cuba changes, the United States must also change. Until then, we must remain committed to our principles, because it is our principles which make us strong. No missile system, no fleet of warships, will keep the United States the shining city on the hill—the beacon of freedom which we all saw when Ronald Reagan was President. I hope that my colleagues will join me. And I hope that they will stand with me for freedom, stand with me for democracy, stand with me for justice, and stand with me for respect for the human dignity of the 11 million people in Cuba.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I compliment my colleague from Florida for his leadership. He has been stalwart over the years he has been a Senator from the State of Florida, as well as a Congressman, in his efforts to bring the end to the Castro regime. I applaud his leadership on that issue. We will miss him when he leaves the Senate.

This amendment establishes a commission on U.S. Cuban policy. The problem is it is totally irrelevant to the underlying legislation. It is an important issue, no question. But this deals with a controversial foreign policy matter, not a defense matter. It doesn't belong on the Defense authorization bill where we are funding programs that are vital to our national security. This is just one more issue that comes before the Senate and causes heartburn for all who are trying to get a Defense authorization bill passed.

I know it is of great frustration to the chairman of the committee, Senator WARNER, who is a strong and steadfast supporter of the fine men and women in our Armed Forces. We have the Senate Foreign Relations Committee; we have the House International Relations Committee. They

are composed of Members who have been duly elected, as we were, by the American people. It is their responsibility to examine United States policy toward Cuba. I think those committees have done a commendable job in overseeing U.S. Cuban policy.

This administration has had almost 8 years to reexamine or redirect, if they so choose, a policy towards Cuba. Why a commission now, in the twilight hours of the administration, providing 8-4 representation of the President's party to "reexamine U.S. policy toward Cuba"? As the Senator from Florida said, it is political. Why should this administration, with 6 months left, tie the hands of the next administration, whatever that administration is?

As the Senator from Connecticut said on the floor last Friday, the commission is supposed to take a new look at Cuba because the Senator believes current policy is not working. That leaves me to suspect that this commission is stacked and will have a predetermined outcome based on its flawed composition. We can make that case. I believe its objective is to support lifting the embargo originally supported by John F. Kennedy but given teeth by passage of the Helms-Burton law, signed by President Clinton. President Clinton wants to open relations now with Castro, appoint six members of the commission and, for the minority, two more. It is pretty obvious what the objective is.

I don't understand how the Senator from Connecticut could have so vigorously supported economic sanctions against South Africa, because of apartheid, but believes we should lift sanctions against Communist Cuba. As a matter of fact, Jeff Jacoby, in an article in the Boston Globe in 1998, said it best when talking about those who support this lifting of the embargo:

When they looked at the Filipino dictatorship, America's foreign policy said, "Marcos must go."

When they look at Chilean dictatorship, they said, "Pinochet must go."

When they looked at the Haitian dictatorship, they said, "Cedros must go."

Of Zaire they say, "Mobutu must go." Of South Africa they said, "Apartheid must go." Of Burma they say, "SLORC" (as the dictatorship is called) must go. Of East Timor they say, "The Indonesian occupiers must go."

But of Cuba, which bleeds under the bitterest and most implacable tyrannies on the planet, they say: The U.S. embargo must go.

You can't say it much better than that.

The Senator from Connecticut believes the embargo has impoverished Cubans. This is the old "blame America" argument. It is Castro who impoverished Cuba, no one else. We know that. Cuba trades with the rest of the world and its economy is still a basket case. That is because the Soviet Union is no longer in existence and no longer propping them up. The Senator from

Connecticut says U.S. policy should not be focused on one individual. But it is that individual who dictated that trade with Cuba could only be conducted with himself and its ruling elite—no one else. So it is Castro who is the issue.

Cuba, according to the standards of the Department of State, is a state sponsor of international terrorism. Why should America reward a declared terrorist nation by reconsidering our appropriate tough stance toward Fidel Castro and its cruel regime? Cuba is a major international trafficker of illegal drugs, drugs which fuel crime in this country, spousal and child abuse in this country, and other social ills in America which result in the deaths of some 14,000 young people every year.

Congressman BEN GILMAN, who chairs the International Relations Committee, called for a thorough investigation of Cuba's link to drug trade, noting seizure of 7.5 metric tons of cocaine consigned from Cuba.

I don't understand the logic of this issue, aside from the fact it is on the wrong legislation.

Our Drug Enforcement Administration testified that such a massive shipment did not represent the first time Cuba was involved in transiting illegal drugs. Regrettably, despite this enormous seizure, the administration declined to include Cuba as a major drug transit nation. Imagine, declining to include 7.5 metric tons of cocaine from Cuba, and yet we didn't see fit to list them as a major drug transit nation.

We don't need a taxpayers' subsidized commission to figure out what is wrong with Cuba. We have plenty of evidence, and it is Fidel Castro. The State Department lists Cuba in its annual State Department country reports on human rights practices, citing the deplorable record of abuse by the Castro regime. Amnesty International has condemned Cuba's human rights violations.

Last month, the United Nations Human Rights Commission condemned Cuba for the eighth time for its systematic violation of human rights.

Let's not forget something that is very important, which I do not think anyone else will bring up here today but I will. It has been stuck in my craw for a long time. That is how Cuba treated American POWs during the Vietnam war. I want to get into a little bit of detail because these people who did this are still free in Cuba, still have the opportunity to conduct their lives as usual. We have never brought them to justice.

From August 1967 until August 1968, a small detachment of Cubans, under the direct leadership of Fidel Castro, brutally tortured a select group of American POWs at a POW camp on the outskirts of Hanoi known as the Zoo, appropriately named. The goal of this Cuban detachment was most likely to

test new domination techniques and involved a combination of brutal physical torture and cruel psychological pressure.

During the first phase of this program, 10 American POWs were selected and separated from the remainder of the prison population. The POWs were then unmercifully beaten and tortured in ways I will not even discuss here on the floor of the Senate they were so bad. Other prisoners were often forced to watch what the Cubans did, torturing their cellmates. Despite their heroic efforts, by Christmas all 10 POWs were broken.

Not satisfied with breaking the 10 American POWs, the Cubans began to select a second group of POWs in early 1968 and the torture started again. John Hubbell, in his classic study of the POW experience in Vietnam, described one of the Cuban's victims:

The man could barely walk; he shuffled slowly, painfully. His clothes were torn to shreds. He was bleeding everywhere, terribly swollen, and a dirty, yellowish black and purple from head to toe . . . his body was ripped and torn everywhere; hell cuffs appeared almost to have severed the wrists, strap marks still wound around the arms all the way to the shoulders, slivers of bamboo were embedded in the bloodied shins and there were what appeared to be tread marks from a hose across the chest, back and legs.

That POW later died as a result of his torture, and those individuals who did that still survive in Cuba. They still have not been brought to justice. We will lift the embargo right after we find out who those people were and we bring them to justice, Mr. President, with all due respect. The Cuban program ended in 1968. The North Vietnamese continued to utilize the barbaric methods that the Cubans taught them under the direction of Fidel Castro. They learned their torture well.

Who were these barbarians? Only Castro knows for certain. We should also demand that the Cuban murderers of the "Brothers to the Rescue," unarmed civilian American pilots whom President Clinton promised would be punished in 1996, be brought to justice as well.

In Castro's Cuba, the Code for Children, Youth, and Family, provides for a 3-year prison sentence for any parent who teaches a child an idea contrary to communism. Imagine that, a 3-year prison sentence for any parent who teaches a child ideas contrary to communism. The code states that no Cuban parent has a right to "deform" the ideology of his children. And the State is the true "father."

That is parental rights, Cuban style. Welcome back to Cuba, Elian.

At the age of 12, children are separated from their parents for mandatory service in a work camp. According to the renowned Cuban dissident Armando Valladares, children in these camps suffer from venereal diseases and teen pregnancies which inevitably end in forced abortions.

You know what. We don't need a commission to figure this stuff out. We know what is going on. The best way to bring it down is to keep the pressure on Castro.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 40 minutes.

Mr. DODD. Mr. President, I will in a moment yield to my colleague from North Dakota to share some thoughts. Let me briefly respond to some of the statements that have been made here.

First of all, if we follow the same sort of logic that has been just suggested here, President Nixon never should have gone to China when there was hardly any freedom, when even free market principles were not thought of at the time. I suppose President Carter should not even have thought about the Camp David accords, given the reputation of the PLO. This body, under the leadership of JOHN MCCAIN and JOHN KERRY, should not even have thought about normalizing relations with Vietnam, if we had followed the logic just suggested. When it comes to how we establish relations and reach out, I suspect we wouldn't have had General MacArthur in Japan, and we would not be working with people in Germany. The list goes on.

Certainly to go back and recite the horrors of war and those who violated the Geneva accords when it comes to the treatment of POWs—I will not take a back seat to anybody in my abhorrence of what goes on.

What we are talking about is a commission to take a look at Cuban-U.S. policy. My colleagues who oppose this may want to say this is somehow lifting the embargo. I do think we ought to change policies. I think we ought to move in that direction. But I know full well I am not in a majority in that view in this Chamber. There are plenty of others who do not think we ought to do that but who support the idea of a commission to take a look at policy and how we might improve things.

We did this in other places. We did it under the Reagan administration in Central America; it was the Kissinger commission. We certainly had a Foreign Relations Committee there. In fact, the Foreign Relations Committee was at that time controlled by the majority party today. Yet a commission was established to take a look at how we might resolve and extricate ourselves from the conflict in Central America.

Today, under the leadership of Senator HELMS and the majority of the Foreign Relations Committee, we have a Commission on Terrorism. That is not because we don't have a Foreign Relations Committee or an Intelligence Committee. The thought was that we ought to step back a little bit

and take a look at the issue of terrorism and recommend some policy ideas, how we might do a better job. I hope I do not have to go down the long list of commissions that have been established because people thought that made sense as a vehicle to determine new ideas.

I do not like this amendment on this bill either, frankly. I wish it were not on DOD. But I would not pick this one out. We have adopted some 45 amendments that have nothing to do with the DOD bill. They have been agreed to by the majority. If you are going to establish a rule that nothing is included unless it is relevant, you better go back and undo 50 percent of the bill.

I make the case this is more relevant than a lot of stuff on this bill because we are dealing with a national security issue that could become a serious problem. If you end up with great civil conflict in Cuba in a post-Castro period, where do you think the people are going to go? They are not going to travel to Colombia. They are not going to Mexico. They are not going to Europe. They are coming 90 miles to this country. Then we may look back and say: A commission and some ideas that might have abated that potential problem from occurring might have made some sense.

That is all the suggestion is here, to try to come up with some ideas that might ease potential problems that many people believe are coming down the line.

I don't want to keep reiterating the point. I do not believe the people I listed before, as ones supporting this commission, would necessarily believe this is somehow agreeing with Castro's policies in Cuba. When you go down the list of people such as George Shultz and Frank Carlucci and Malcolm Wallop—maybe people know something I don't know, but those people support a commission. Do you think Howard Baker is a supporter of terrorism? George Shultz thinks that Cubans were involved in dreadful acts against POWs but somehow does not care about that issue? I do not think so. Henry Kissinger and Frank Carlucci have somehow gone soft on the issues? I don't think so. They feel as strongly about it today as they have over the years. This does not tie our hands, a commission. This issue is not divided along partisan lines.

Does this President show partisanship when he asks John Danforth and Howard Baker to look at such issues as Los Alamos or the FBI conduct at Waco? Those are the people he appointed to a commission. I am talking about serious people who know something about making a recommendation to Congress. That is all it is. Some are trying to create a monster out of a commission, suggesting somehow this is contrary to our interest. It is in our interest to do it.

I am saddened, in a way, that my colleagues who disagree with me specifically on the issues might find some merit in the idea of doing this. This ought not be a place where it is seen as somehow anti one particular group or another. In fact, as I mentioned earlier, the commission would not be a bona fide commission, in my view, if it did not include people who disagree or who agree with the present policies.

Certainly, the Cuban American community, the exile community, for whom I have the highest respect—what has happened to them and their families is dreadful and deplorable. My view is our policy ought not to be determined in the United States by any small particular group. It is what is in the U.S. interest, not the interest of some group in our country. It should be in everyone's interest. The commission, in my view, will help us provide road signs and guidance on how we ought to proceed.

Lastly, with regard to the drug issue—and I pointed out a week ago—drug czar Barry McCaffrey has absolved the Cuban Government of allegations that it is involved in the drug trade and has called for greater cooperation with Cuba on drug policy. I do not think Gen. Barry McCaffrey is somehow weak when it comes to communism or drug issues. He has been as tough a drug czar as this country has had. Those are his views. In fact, he encouraged the idea that there be greater cooperation. We can never get that if one listens to the debate. It might make a difference.

Despite assertions by Castro's opponents in the United States that the Cuban Government and Castro personally are involved in the drug trade, the UN International Drug Control Program, the U.S. Drug Enforcement Administration, and Gen. Barry McCaffrey's office reject the claim. "There is no evidence of Cuban government complicity with drug crime." That is a quotation from Gen. Barry McCaffrey.

The allegations about that are ludicrous. If one wants to be against the commission, be against the commission but do not raise issues that have nothing to do with the establishment of a commission which may help sort this out and avoid the very partisan bickering this issue has provoked over the years.

I have spoken longer than intended. My colleague is here, and I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by Senator DODD from Connecticut. Fidel Castro has no supporters in the Senate. I deplore the miserable human rights record of the Government of Cuba and the lack of freedom that is accorded the folks who live in Cuba. I deplore

the conditions that have persuaded and forced so many people to leave Cuba. So there is no support for the Castro regime in the Senate. That is not the issue.

The issue is an amendment that is a small step in the right direction to create a commission that will evaluate a series of things with respect to this country's policy about Cuba.

The commission will look for the development of a national consensus. I say to my colleague from Connecticut, I frankly think a consensus pretty much exists, not necessarily in this Chamber, but most of the American people believe that after 40 years of an embargo against the country of Cuba—40 years of an embargo that has not accomplished anything in terms of dislodging the Communist government in Cuba—the embargo has failed, and that there might be an alternative that can be used to find a way to bring freedom to that island.

Pope John Paul had some comments about these issues. I have been talking on the floor about the issue of continuing sanctions with respect to the shipment of food and medicine to Cuba. Just food and medicine, and that runs into great controversy.

This is what Pope John Paul had to say:

Sanctions . . . "strike the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living—things such as food, health, and education."

Everyone in this Chamber knows in their hearts that when we take aim at a dictator, we hit poor people, we hit sick people, and we hit hungry people. That is the absurdity of having food and medicine as part of the sanctions.

Today in the Washington Times—and other newspapers—it says: "White House ends embargo on trade with North Korea." We have decided we are going to trade with North Korea and not have an embargo or sanctions with respect to North Korea. We have debated in this Chamber permanent normal trade relations with China. China is a Communist country. North Korea is a Communist country. Cuba is a Communist country. Yet we have those who say we must maintain the embargo with respect to Cuba.

That is not what this amendment is about. This amendment is about a very modest step in the right direction to study a series of options with respect to policies this country has on the subject of Cuba.

I have been to Cuba. I have talked to dissidents in Cuba. Frankly, you will run into dissidents, the harshest critics of the Cuban Government, who will say: Fidel Castro uses current U.S. policy as an excuse for the collapse of the Cuban economy. If you say to Fidel Castro: Look around you, this economy has collapsed—he says: Yes, yes, of course it has collapsed. The American

fist around the neck of the Cuban economy for 40 years, of course, is what caused that collapse.

Current policy with respect to Cuba is the most convenient excuse Fidel Castro has for a collapsed economy and for a government that does not work. He continues to use it year after year. I happen to think, as some dissidents do, that a much different strategy with respect to Cuba would probably very quickly hasten the exit of Fidel Castro from the scene.

I want to add another point. While we are, as a country, beginning to think more clearly about this subject of whether or not we should continue sanctions on the shipment of food and medicine—and we will remove those sanctions with respect to North Korea and many other countries—we have people rigidly insisting: No, we must maintain all of these sanctions with respect to Cuba. I ask them—aside from just the immorality of that policy, and I think it is basically immoral to use food as a weapon—I ask them to address family farmers.

I ask unanimous consent for 1 additional minute.

Mr. DODD. I yield 1 additional minute.

Mr. DORGAN. Mr. President, I ask them to address, for example, farmers in America, and explain to them why the Canadian farmers will sell to Cuba, why the European farmers will sell to Cuba, why the Venezuelan farmers will sell to Cuba, but American farmers who see their prices collapse are told: No, these markets, including Cuba, are off limits to you; we have sanctions. We want to penalize those governments, and included in those penalties is a desire to say we will not allow food and medicine to move to those countries.

I hasten to say I have no difficulty at all and fully support the proposition that our country should impose economic sanctions on countries that behave outside the international norm, but those sanctions should never, in my judgment, include food and medicine. That is, in my judgment, an immoral policy. The proposition offered by the Senator from Connecticut today is just the first modest step in beginning a national discussion about whether 40 years of failure with the current embargo ought to be continued, or whether there ought to be some new evaluation of new strategies dealing with Cuba. It is very simple.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I hope my colleagues will support this modest and simple amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to yield 6 minutes to the distinguished chairman of the Foreign Relations Committee, Senator HELMS.

The PRESIDING OFFICER. Senator HELMS is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, as I look around the Chamber, I see nobody except myself who is old enough to remember a Prime Minister of Great Britain who went over to Munich, before the United States entered World War II, sat with Adolph Hitler and made a deal with him. He came back and he told the British people: We can have peace in our time. I trust this man.

Castro's own daughter has publicly condemned him over and over for the atrocities he has committed against the Cuban people. He is a bloodthirsty tyrant; and it is well known that he is. That is why I support the motion to table the amendment offered by my friend, CHRIS DODD, who is a member of the Foreign Relations Committee. We work together amiably and effectively, I think. I do so for several practical reasons—including the one I have just stated—that I hope Senators will bear in mind as they consider Senator DODD's proposal.

First, the proposal is to create a national commission on Cuba. I would remind the Senators here, and those who may be watching by television in their offices, that such a panel already exists. It is called the Senate Foreign Relations Committee, consisting of 18 Senators, all duly elected representatives of the American people. There is a similar committee over in the House of Representatives.

The Senate committee has been quite active on Cuba, as my friend, Senator DODD, will testify. In this session alone, we have held hearings on Castro's repression of the Cuban people. We adopted a resolution supporting a United Nations resolution on Cuba and even approved language that would modify the U.S. embargo on Cuba. I do not support the latter proposal—which was the Ashcroft amendment—but it was reported out of committee as part of a broader foreign affairs bill. In short, we have a committee on Cuba consisting of elected representatives of the American people. I think it works just fine, thank you.

Secondly, what on Earth has Fidel Castro done to earn the forbearance of the United States? Does every cruel dictator in the world deserve a commission to study how U.S. foreign policy has done him wrong? Why not a national commission on Iraq or Libya or North Korea or China?

The problem is not that U.S. policy toward Cuba has not changed. The tragedy for 11 million Cubans is that Fidel Castro has not changed.

U.S. policy toward Cuba is based on sound, clear principles. Our economic

and political relations will change when Cuba's regime frees all prisoners of conscience, legalizes political activity, permits free expression, and commits to democratic elections.

But that bar is too high for Fidel Castro. That is his problem. It is not our problem. But making unilateral concessions to a dictatorship on its last legs is the worst sort of appeasement. Neville Chamberlain would be proud of this proposition.

Third, why single out Cuba? Is there any Senator who does not expect the next President of the United States to review our entire foreign policy across the board? A lot of Americans are counting the days when the United States has someone in the White House who will turn around our foreign policy for the better. That brings me to my fourth and final point.

It will be the prerogative of the next President of the United States to review U.S. foreign policy across the board and to formulate his own policies in close consultation with a new Congress. The next administration should not be saddled with the recommendations of a lameduck "Clinton Commission" on Cuba.

For these reasons, I hope Senators will vote to table the amendment of my friend, CHRIS DODD.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. Senator GRAHAM from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, 7 months and 75 minutes from today we will not be in this Senate Chamber. We will be standing, probably on the west-facing flank of the Capitol, hearing the next President of the United States being inaugurated into office.

What is the significance of that statement of fact and place to the debate we are having today?

The significance is that the issue before us today is not, What should be U.S. policy towards Cuba? The amendment that is before us proposes to establish a commission to try to answer the question, What should be U.S. policy towards Cuba?

In a few days, we are going to be debating a proposition to change the embargo as it relates to Cuba. But the question before us today on the issue of establishing this commission is, Who should have primary responsibility for establishing U.S. foreign policy and, specifically, foreign policy towards Cuba?

My answer to that question, of course, is, the people of the United States. The way in which the people of the United States will participate is not through an elite commission appointed by an administration in its last 7 months but, rather, through the elec-

toral process which is going to take place in November of this year.

We are in the midst of a robust Presidential campaign in which many issues of domestic and foreign importance to the United States are being debated before the American people. Frankly, I think this has been one of the most constructive Presidential campaigns in recent years thus far. I hope it continues in that path from now to election day in November.

One of the issues which will certainly be debated during this Presidential campaign will be the issue of the United States relationship to Cuba. The American people will have an opportunity to participate, to understand, to add their opinions to this debate. Then they will decide. They will decide by the election of the next President of the United States of America.

Under our Constitution, the President has the primary responsibility for foreign policy. Why in the world would we today, on the day exactly 7 months before the next President will take the oath of office, support a proposition that would establish a commission dominated by members of the current President's administration, which would have the intention of shackling the range of options of the President that will be elected by the American people in November, thus frustrating the ability of the American people to influence what our policy should be relative to Cuba?

There are a lot of things that we can say about Cuba.

Clearly, Cuba is an authoritarian regime. Examples of that have already been cited. Cuba, within the last few weeks, has been cited again by the United Nations for its denial of human rights.

Cuba, within the last few days, has been again identified by Amnesty International as one of the egregious human rights violators.

Cuba has again been placed on the terrorist list of states, those states which support and harbor terrorist activities.

All of those issues are matters of public knowledge and record. All of those, I am certain, will be further debated at the appropriate time, when we commence the consideration of whether it is in U.S. national policy interests to loosen the embargo on Cuba.

But today the issue is not whether Cuba is an authoritarian state, a well-established principle but, rather, the question of whether we should lift from the hands of the American people and place into an appointed commission the primary responsibility for direction on our Cuba policy.

There is a "common sense" in these debates about Cuba, that the United States and Cuba are the only two nations in the world, that they are locked in a singular bilateral relationship.

The fact is, many countries in the world have various forms of relations with Cuba. Many of them have the type of relationship which I believe the advocates of this commission would like to see achieved for the United States; that is, open, political, and economic recognition and relationship. While the approaches to Cuba have been different among the countries of the world, the result of those approaches has been consistently the same.

What is the result of that policy, whether it is ours or the Canadians or the Spanish or a series of countries in Latin America? The result of that policy has been a continuation of 40 years of one of the most egregious violators of human rights, deniers of even the most basic principles of democracy, and a Communist economic system which has driven what had been one of the most affluent countries in Latin America into one of the most desperate countries in Latin America.

The idea that by the United States changing our policy, we are automatically going to have the effect of changing the policy of Fidel Castro in Cuba defies 40 years of other countries' efforts through an open, normal relationship with Cuba to achieve that result. I believe these are serious issues. They are issues which deserve to be decided by the American people through the electoral process.

The distinguished list of Americans cited by the proponent of this commission to establish such a commission signed their letter on September 30, 1998, almost 2 years ago. I wonder if these same distinguished citizens would be advocating this commission on the very eve of a Presidential election which will select a new President, whether they would advocate that in June of 2000 we should be removing from the hands of the American people and placing in the hands of this commission the primary responsibility to examine American policy towards Cuba; and, further, whether we should be establishing a commission which has such a narrow and quite obviously tilted orientation as to what the results would be.

If we look at what is required of the commission to evaluate, it is issues which are largely selected to determine in advance what the recommendations will be. For instance, missing from this list is what is one of the most fundamental questions of American policy towards Cuba; that is, what should we be doing now in order to influence the kind of environment that will exist in Cuba when the opportunity for real change is available. Will we have a Cuba that will make a change like Czechoslovakia, a velvet revolution from communism to democracy, or will we have a Romania, where thousands of people are killed, violence which scars the country even today.

The fact that some of these fundamental questions are left off the list of

what should be the focus of American policy towards Cuba leaves me to believe that the purpose of this commission is to certify a foregone conclusion rather than do what the American people are going to do in the weeks between now and November, and that is have a thoughtful consideration of what are our real issues and interests in Cuba and how should we go about selecting a President who will carry out those real interests.

We are going to have an opportunity for a full and open debate. Some of that debate will occur soon and on this floor. Much of it will occur in the living rooms of the American people. We should allow the American people to decide this issue. In 7 months, we will be listening to a President inaugurated who, hopefully, in that inaugural speech, will make some comments about his feeling as to what the American people desire relative to our policy towards Cuba.

I urge that we vote for the motion to table this misguided and mistimed proposition of a lame duck commission on Cuba at this time and that we let the American people and the next President of the United States provide the leadership on this important foreign policy issue.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. TORRICELLI. I thank the Senator from New Hampshire for yielding the time.

If this argument seems familiar to my colleagues, it is because it is. We have had this debate three times in as many years, always to the same bipartisan conclusion.

I approach it today from several perspectives; first, from the institutions. Is what we are proposing and arguing to the American people really fair? The American farmer is being told in the midst of an agricultural crisis that if only you could sell some crops to Cuba, your problems would be relieved—11 million people in the Caribbean who earn \$10 a month. Rather than coming to this floor honestly and dealing with agricultural crises and agricultural policies which have left farmers in my State and most States in genuine trouble, instead we hold up this false promise.

The truth is, Cuba can buy agricultural products from every other nation in the world today. From Australia, Canada, Argentina, they can buy corn and they can buy wheat. They do not. Yet the false promise is held on this floor that somehow, magically, they would buy those products from us. If they don't buy them from Canada, for the same reason they will not buy them from the Dakotas or Nebraska or

Iowa—Cuba has no money. The average Cuban earns \$10 per month. The Nation is bankrupt. Yet somehow Castro, in the last totalitarian state in the Americas, the most repressive dictator of human rights possibly in the world, is being seen somehow as victimized and the United States is the aggressor.

This argument has been made so many times but never seems to register with my colleagues. Let me say it again: Since 1992, the United States has issued 158 licenses for medicine—virtually every license request filed. We have given \$3 billion worth of humanitarian assistance to Cuba. There is no relationship between two peoples on Earth where one nation has given more food and medicine to another than the United States to Cuba. We have given more food and medicine to Cuba than we have given to our closest ally of Israel or other nations struggling in Latin America. We have given food and medicine.

Say what you will about the policy, but be fair to the United States of America. We are a generous people. This policy has a moral foundation. No Cuban is suffering because of the U.S. Government. They are suffering because of Fidel Castro and failed Marxism. We have said it every year, and every year we return to the same point. It is not right and it is not fair to the United States.

Then we hear the argument that this has failed for 40 years, how could we go on? This policy was instituted by Bill Clinton in 1993 on a bipartisan vote with the leadership of a Republican Congress and a Democratic administration. Until then, there essentially was no embargo. You can say 40 years as long as you want; it does not make it true.

Until 1993, corporations were trading through Europe. Every American corporation was able to trade with Cuba through European affiliates. Until 1990, the Soviet Union was putting \$5 billion worth of aid into Cuba. There was no embargo. Is 7 years too long to take a stand for the freedom of the Cuban people? We waited 50 years with North Korea.

We fought apartheid with an embargo for 30 years—the international community. With Iraq, we have waited 12 years. We can't give 7 years to try to bring some hope to the Cuban people in this moment of extraordinary despair?

Why do you choose this moment? Why now? The Clinton administration has but 7 months left in office. A new President, with a mandate of the American people, will want his own foreign policy, be it GORE or BUSH. Yet you would saddle this new administration with a commission not of its choosing, with a policy not of its directive for 4 years that do not belong to Bill Clinton?

What message is this to Fidel Castro? It is not as if things in Cuba have gotten better. If, indeed, my colleagues

were coming to this floor and saying, you know, Senator, there has been an election, there is now an opposition threat, and the Cubans are now acting responsibly, they are finally recognizing the rights of our people and we must respond—in fairness to my colleagues, they don't even make that argument. Things are not getting better. Indeed, things are not even the same.

Human rights organizations have classified last year as the worst year in a decade for human rights in Cuba. This is the reality to which you respond. The U.N. Commission on Human Rights in Geneva voted to condemn Cuba several months ago, accusing it of "continuing violations of human rights, fundamental freedoms, such as freedom of expression, association, and assembly." The U.S. State Department, a few months ago, called Cuba a totalitarian state that "maintains a pervasive system of vigilance through undercover agents, informers, and rapid response brigades in neighborhood communities to root out any and all dissent."

Since last November, Cuban police have detained 304 dissidents, restricted the movements of another 201, and have been holding 22 more for possible trials.

The Cuban statutes were changed last year to make it a felony to communicate with the U.S. Government, against the law to communicate with American Government agencies, or to be interviewed by the American media. This is the reality to which you are responding. I do not say it lightly, but it is a reward for deteriorating circumstances in Cuba.

Several years ago, in 1994, 72 men, women, and children attempted to leave Havana Harbor for Miami in a tugboat. They were intercepted. The Cuban police restricted their movements. They began to fire water hoses on the boat. Women held up 20 babies to show the police that they had infants on board, with a belief that this would stop the water hoses. Instead, the pressure increased. That day, 72 men, women, and infants went to the bottom of Havana Harbor. Several days later, the relatives asked permission to retrieve their bodies. They didn't get it that day; they haven't gotten it since. Those babies are at the bottom of Havana Harbor. This is Fidel Castro's Cuba. This is what you are responding to—a deteriorating, despicable situation.

There will come a change in American policy to Cuba. It is in the law. The burden is on Fidel Castro. It is the fault of his policies, not our own. Hold an election, allow a free press, allow free expression, release political prisoners, and everything is possible. You may disagree with that policy, but it is the law. It is bipartisan. But at least until you do, be fair to this country. We have not abused Cuba. Fidel Castro has abused Cuba.

Mr. DODD. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Connecticut has 26 minutes. The Senator from New Hampshire has 11 minutes.

Mr. DODD. I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am a very strong supporter of the amendment offered by my colleague from Connecticut. Very simply, it is a no-brainer. It is a bipartisan commission to look at our policy, which is supported by good Republicans—Howard Baker and Jack Danforth, former Senators of this body. It is not directed at agriculture, it is not directed at other points raised on this floor; it is just a bipartisan commission to reassess our policy with Cuba. Nothing could be more simple, direct, and appropriate than that.

I also want to speak about Cuba with respect to trade. We have targeted Fidel Castro for four decades. For the last 40 years, believe it or not, we have maintained a special category in our trade and foreign policy with Cuba—a one-country category: Cuba. We have special legislation for trade with Cuba. We have special rules for travel to Cuba. We have a special system for claims on Cuba.

Why does Cuba get so much of our attention? When the United States began targeting Fidel Castro, we had very serious national security concerns. Castro was openly hostile to us. He was a Soviet client and just 90 miles away from us. Thanks to Soviet aid, he had military and economic muscle to make him someone to take seriously. Castro worked against the United States throughout the sixties, seventies, and eighties. Bankrolled by the Soviet Union, he exported revolution throughout the Western Hemisphere. He sent troops to support revolutionaries as far away as Africa. Castro backed international terrorists who targeted Americans. He was a clear adversary.

What is the situation today? Does Castro still favor revolution? I am sure he does. Does he still oppose American interests? Absolutely. But does he still have military and economic muscle to threaten our national security? The answer, obviously, is no.

The Soviet Union is now in the dustbin of history. Their demise cut off Castro's lifeline. Today, his economy is in shambles. With 11 million educated, dynamic people, Cuba produces only \$22 billion a year. It only exports about \$1.4 billion worth of goods. The Cuban economy remains stuck in the 1960s in terms of trade and technology.

Sugar is still the country's top export earner. Cuban farmers are forced to sell over half the country's agriculture output to the Government at below-market prices. Since Castro can

no longer trade sugar for Soviet oil, his people suffer tremendously, for example, from rolling power blackouts. Since he defaulted on foreign debt payments in the 1980s, Cuba pays double-digit interest rates on short-term loans to finance sugar trade.

With this country in desperate financial shape, Castro is in no position to export revolution—none whatsoever. According to the Pentagon, Castro presents no real threat to our national security.

Times have changed. Forty years ago, Castro was a clear danger. Today, he is not a present danger. Has our policy toward Cuba changed? Not really. Cuba still occupies a unique position in American policy.

I believe it is time for the United States to have a normal relationship with Cuba, especially a normal trade relationship. I have cosponsored legislation which we passed here by an overwhelming margin last year to lift unilateral sanctions on food and medicine.

I believe we should go beyond this. We should repeal the laws that make Cuba a specific target. That includes the anti-Cuba laws we passed in 1992 and 1996, as well as other laws developed over the past 40 years. We should end our embargo of Cuba and eliminate the trade sanctions.

Last month, I introduced bipartisan legislation to end the Cuba trade embargo, the Trade Normalization With Cuba Act of 2000. Senator DODD, who is the main author of today's amendment, is one of the cosponsors of my bill to eliminate this special category we have created just for Cuba.

For the past 10 years, I have worked to normalize U.S. trade with China. I am working to end the Cuban embargo for many of the same reasons—first, and most importantly, to benefit the United States. Eliminating the embargo will provide economic opportunities for American workers, American farmers, and businesses.

Last week, a study was released on the impact of lifting the embargo on food and medicine—not the whole embargo, only on food and medicine. It concluded that American farmers and workers could sell \$400 million in just agricultural products. The U.S. Department of Agriculture estimated a potential Cuban market of \$1 billion.

The second reason to lift the embargo is to encourage the development of a Cuban private sector. Since he can no longer rely on Soviet subsidies, Castro has taken steps to allow for limited development of private business, mostly in service professions. Private business leads to a middle class which demands accountability of its government and a greater say in how things are decided.

The third reason to end the embargo is to increase our contacts. Normal relations allow us to bring our social and ethical values. That has an impact over the years.

Mr. President, we have in place a policy that has not worked for forty years. It was a different world in 1960. Ending the Cuba embargo is long overdue.

Mr. LEAHY. Mr. President, I have often expressed my opposition to our anachronistic and self-defeating policy toward Cuba, so I will be very brief. I strongly support this amendment and congratulate the senior Senator from Connecticut, Senator DODD, who has been the leader on this issue for quite some time.

It is profoundly ironic that the United States is about to lift sanctions against North Korea, where we have 37,000 American troops poised to go to war on a moment's notice, and yet we continue to impose an economic blockade against a tiny island that poses no security threat to the United States.

If the Elian Gonzalez fiasco has taught us anything, it is that Cubans and Americans are far more alike than different, and that the views of the Cuban-American community in Miami are both outdated and at odds with the overwhelming majority of Americans. Of course we abhor the repressive policies of Fidel Castro, but the issue is how best to prepare for the day when he is no longer ruling Cuba. That day is approaching, and the longer we wait to use the intervening period to build closer relations with that island nation, the worse it will be.

This amendment is extremely modest. As Senator DODD has said, it would normally be adopted on a voice vote. It should be. What is wrong with a commission, representing a wide range of views, to review a policy that has, by any objective standard, failed miserably? It is long overdue.

So Mr. President, I wholeheartedly support this amendment. When I visited Cuba a year ago the Cuban officials I met with repeatedly blamed the U.S. embargo for all that is wrong in Cuba. I could not disagree more. A great deal of the misery that the Cuban people suffer is caused by the absurd and oppressive policies of their own government. But the embargo is not blameless, and it is a convenient excuse.

We should eliminate that excuse. We should seek to promote democracy and better relations with Cuba through the power of our ideas and our economy, just as we are about to do with North Korea, and just as we are doing with China, Vietnam, and other countries with which we have profound disagreements. This amendment will set the stage for a new day in our relations with Cuba, and I urge other Senators to support it.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. I thank my colleague from New Hampshire.

I rise in opposition to the Dodd-Warner amendment. Let's make no mis-

take about this amendment. It is intended to presage a lifting of United States sanctions on Cuba. I do not believe the United States should change its policy toward Cuba. I believe Cuba should change its policy toward the United States of America.

I supported normalization of relations between the United States of America and Vietnam. That was based on a roadmap where, in return for certain specific actions taken by Vietnam, the United States would take actions in return. That took place. The Vietnamese troops left Cambodia. Reeducation camps were emptied. There was an increase in human rights and improvements made in a variety of ways which led to eventual normalization.

I don't expect Cuba to become a functioning democracy. It was a totalitarian, repressive government 30 years ago; it is a repressive, totalitarian government today. The latest example is two doctors who have been detained in Zimbabwe who wanted freedom, who are still not free, who are being brought back to Cuba for, obviously, horrific treatment because of their desire to no longer be associated with Castro's regime.

On July 23, 1999, Human Rights Watch issued a highly critical report on the human rights situation in Cuba. The report describes how Cuba has developed a highly effective machinery of repression and has used this to restrict severely the exercise of fundamental human rights, of expression, association, and assembly. According to the report: In recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals to reform and placating visiting dignitaries with occasional releases of political prisoners.

I urge every Senator to read Human Rights' reports on Cuba before we take steps to improve relations.

This is the same regime that sent its troops to Africa to further the cause of communism there. This is the same regime that continues to repress and oppress its people.

Not too long ago, Mr. Castro decided to allow people to operate a restaurant within their own homes. Somehow that became a threat to the state, and Mr. Castro shut down even that rudimentary form of a free enterprise system.

It is not an accident that the automobile of choice in Cuba today is a 1956 Chevrolet.

It is deplorable that Mr. Castro and his government should encourage young women to engage in prostitution in order to gain hard currency for their regime.

The latest manifestation is the detainment of two decent men who are doctors who wanted freedom.

There is no freedom in Cuba.

The day that Castro decides to allow progress in human rights, in the free

enterprise system, in the exercise of the basic rights of men and women that we try to guarantee to all men and women throughout the world, is the day I take the floor and ask that we consider a roadmap or certain incentives for Mr. Castro to become anything but the international pariah that he and his regime deservedly are branded as today.

I thank the Senator from New Hampshire. Again, I am more than willing to lay out a roadmap for Mr. Castro to follow, but there has not been one single indication that Mr. Castro is prepared to even grant the most fundamental and basic rights to the citizens of his country, which is the reason they continue to attempt to flee his regime at every opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Connecticut.

Mr. DODD. This amendment is about the establishment of a commission on U.S. Cuban policy. This commission was recommended by Howard Baker, Frank Carlucci, Henry Kissinger, George Shultz, Malcolm Wallop, and William Rogers. This is not lifting sanctions. This is not taking a position where we have endorsed free travel or somehow sanctioned what the Castro government is doing. It is a commission. It is a commission to analyze U.S. policy. That is all it is.

It is pathetic to hear the opposition discussing the issue. Have we reached a point where we can't even discuss United States policy with regard to Cuba? If we had followed that policy, Nixon never would have gone to China. We never would have established a roadmap of Vietnam. President Bush and President Carter wouldn't have been able to do anything in the Middle East. Ronald Reagan wouldn't have met with Gorbachev and Yeltsin. There is a long list. You can't even sit down and talk about this issue.

I find it stunning, at the beginning of the 21st century, that we are so obsessed with this one individual that we are willing to squander building a relationship in a post-Castro period with 11 million people of Cuba. That is stunning to me.

We have listened to Members of Congress. I argue the leading dissident in Cuba, who has done time in jail, has suffered, his family suffers; all of the things my colleague has talked about, this individual has suffered. Don't listen to me; listen to him. Listen to his words, inside Cuba, not living in the luxury of democracy and freedom here but living inside Cuba.

I read the letter, as follows:

DEAR FRIEND, I am writing to you and to other U.S. lawmakers to assure you that the great majority of dissident groups and leaders in Cuba do not support the unilateral economic sanctions imposed by the government of the United States against the Cuban government. This position is clearly reflected in the last paragraph of the "We Are

All United" ("Todos Unidos") proclamation approved last November 12th in Havana and signed by more than fifty dissident groups.

My friends and I recognize the moral and political support of many U.S. lawmakers for efforts to change Washington's policy towards Cuba that will end the current situation that harms the basis for free trade and coexistence between sovereign nations.

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause for the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our governments and the unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

Moving forward towards fully normalized relations requires mutual respect between our two nations. Such a path will inevitably lead us to develop mutually beneficial relations that will assist the Cuban people in reconstructing our country while we preserve our independence, sovereignty and identity.

On behalf of the best interests of our people I invite you to support new proposals to end a conflict that has lasted more than forty years.

Sincerely,

ELIZARDO SANCHEZ SANTA CRUZ,
*Presidente, Comisión Cubana de Derechos
Humanos y Reconciliación Nacional.*

Mr. President, again let me read a letter, if I may, signed by our colleagues a year and a half ago.

We the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This commission would follow the precedent and work program of the National Bipartisan Commission on Central America (the "Kissinger Commission"), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region 15 years ago.

The letter goes on about all the reasons such a commission would make sense and how it should be formed.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate leadership and responsiveness to the American people.

Signed in this and a subsequent letter by the following Members: John WARNER, ROD GRAMS, CHUCK HAGEL, JIM JEFFORDS, MIKE ENZI, JOHN CHAFFEE, GORDON SMITH, CRAIG THOMAS, ROBERT KERREY, DALE BUMPERS, RICK SANTORUM, myself, DIRK KEMPTHORNE, PAT ROBERTS, KIT BOND, RICHARD LUGAR, PAT LEAHY, PAT MOYNIHAN, ARLEN SPECTER, JACK REED, THAD COCHRAN, PATTY MURRAY, PETE DOMENICI, and BARBARA BOXER.

That is about as bipartisan as it gets. That is a year and a half ago, with a significant number of our colleagues saying a commission makes some sense, to try to formulate a policy that would allow us at least to begin to analyze how our policy might improve in the coming years.

Those letters have already been printed in the RECORD earlier today.

Mr. President, last:

DEAR SENATOR WARNER, as Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of the United States policy towards Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

Signed by Howard Baker, former majority leader, U.S. Senate; Frank Carlucci, former Secretary of Defense under Republican administrations; Henry Kissinger, former Secretary of State; William Rogers, former Under Secretary of State in a Republican administration; Harry Shlaudeman, former Assistant Secretary of State under Republican administrations; and Malcolm Wallop, former conservative Republican Member of this body; Larry Eagleburger, former Secretary of State under President Bush.

Calling people Neville Chamberlain, citing all the horrors that go on that we know about in repressive governments—does anybody think these people, our colleagues here who signed these letters, former administration officials, myself, or others—somehow this is un-American for us to at least sit down in a cooler environment, to analyze how we might establish a better relationship with the nation of Cuba?

I really find it incredible. It is worrisome to me. It is worrisome to me that our own self-interest, the U.S. interest, could be so dominated by a relatively small group of people in this country who are able to provoke this kind of opposition to the simple idea of a commission that has been endorsed by leading Republican foreign policy experts as well as Democrats and Republicans in this Chamber across the board, representing the entire ideological spectrum.

What are we afraid of about a commission to look at these issues? That automatically it means we are going to be bound and shackled? What better timing than to have one right now, so we can absolutely provide some guidance? That is all it is. The new administration coming in sometime next spring, do they believe commission recommendations would bind them to some action? Have previous commissions bound other administrations? Cite one for me. Cite one, where a commission has bound this Congress to take action. There is not a single example of it. But this issue has become so inflamed here, you cannot even talk about a commission.

This amendment does not say lift the embargo on food and medicine. I support that. But that is not what this says. This amendment does not say you ought to travel freely to Cuba or any other country around the globe for that matter, although I support it. I don't like my Government telling me where I can't go. Let the Cuban Gov-

ernment tell me I can't come in, but don't have my Government tell me where I can't travel. In fact, it is about the only place in the world where our Government says that. We travel to all the other nations around the globe that harbor terrorists who are on the lists. The answer here is no.

No, this amendment merely says we ought to step back and take a cooler look at what our policy ought to be in the 21st century before we go much further and end up with a train wreck in Cuba, where we find people pouring to our shores, civil conflict persisting, and innocent and decent people in that country losing their lives.

Let me conclude on this point. I said earlier I have great respect for the exile community. I have great respect for what they have been through and what their families have been through. I have great respect for the people inside Cuba. I have been there. I have spent time with them. I have talked to people.

We owe it to them, we owe it to decent, good people who are not caught up in the foreign policies—I don't know how many of my colleagues saw the photograph yesterday of a mother and daughter embracing in Cuba. They would not give out their names because they went there illegally, because our Government prohibited that daughter from going to visit her mother 90 miles off our shore. A mother and daughter can travel to China, to Vietnam, Iran, Libya, almost anywhere else in the world, and we do not have a law prohibiting it. But that daughter could not visit her mother in Cuba unless she went illegally. I think we ought to review that policy. I don't think that makes me a radical or a revolutionary.

When we prohibit families from even spending time with each other, 90 miles off our shore, something is wrong. Something is wrong. The estimates are that thousands of Americans every year violate the laws of the United States by traveling to Cuba to see their family members. We ought not make their actions illegal. This amendment does not even address that issue. It just says let's look at the entire policy. That is all it does.

I suspect this amendment is going to lose. It is going to be tabled. I am saddened by that. I think it is a step backwards. As I said earlier, had we followed a similar policy with China and Vietnam and Korea, we would not have the kind of improvements we have seen today all across the globe. But because courageous and bold people did not let the past so cripple them they could not begin to deal with the future, there are prospects for peace on Northern Ireland and the Middle East today. There are even prospects for peace in the peninsula of Korea, even moving to improve substantially conditions in Vietnam and China. That is all because there were courageous, bold leaders. There

were the Richard Nixons who did not listen to the voices here who said: You cannot go to China. It is an outrageous government. It does not deserve the presence of an American President.

It was a pretty compelling argument. But that President said: No, I think we ought to try something new. At least try—try. Because he tried, there is hope today for a billion more people—more than a billion people in the PRC.

Because we had some courageous people who said let's at least try to break new ground in Vietnam, we have a roadmap. I cannot even sit down to determine whether or not we can have a roadmap if this amendment is defeated, when it comes to Cuba.

George Miller, Albert Reynolds, Tony Blair—Prime Minister, Gerry Adams, David Trimble—these people are told by their constituents: Don't you dare sit down with those Catholics. Don't you dare sit down with those Protestants. Don't you dare go to Belfast.

They said: I am going to go anyway, and I am going to try. I am going to try to make a difference because I am not going to live in the past. I am not going to live back then and just recite the litany of every wrong. I am going to try to make a better future for my children.

And they went. Today the facts are things are improving and there is a chance for peace. There is a chance. With North Korea, it is the same thing; the Middle East, it is the same thing. It has failed. It has failed again, but people keep trying. All I am saying is let's try. Let's just try. Let's sit back ourselves and see if we can try and do something different. Don't the 11 million people on that island country who care about that issue deserve that much? Isn't it in the national interest?

It is telling that there are people here who are so fixated and obsessed with Fidel Castro that they even want to deny a father and son being together. They are so fixated they would say a father and son should not be allowed to be together. There are those of us who made the point there are good parents in bad countries, just as there are bad parents in good countries and fathers and sons, mothers and daughters, fathers and daughters, and mothers and sons ought to be together.

I never thought asking for a bipartisan commission would demand courage saying to people who may be supporters and backers: I disagree with you on this one because we are going to try.

I regret it is on this bill. I do not have any other choice. If I do not offer it here, I cannot offer it. It is not like there are other vehicles available to me. My colleagues know the other bills are appropriations bills, and I am prohibited from offering this on an appropriations bill without getting a supermajority vote. I do not like doing it. Don't tell me not to do it here when

this bill is cluttered, by the way, with nonrelevant amendments. I would not be offering it on this bill if I had some other choice. I do not. I regret that. I do not normally offer nonrelevant amendments on bills, but when I was left with no other choice, I felt I had to do it on this bill, and I thought this was the right time, a transitional period.

This is not about Clinton appointments, when the President appointed Howard Baker and John Danforth. He did not appoint partisan people. That will be the case here, in my view. It deserves an effort.

I urge my colleagues to support this. There will be a tabling motion. I am hopeful we will win. I am not all that confident because of what I have been told privately by many colleagues: They agree with this, they think I am right, but, once again, they just cannot support it at this time.

When is the right time? When is the right hour when we can at least make a difference and do something a bit courageous to at least sit back and see if we cannot come up with some better ideas. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has 6 minutes.

Mr. SMITH of New Hampshire. Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment to create a Commission on Cuba. I do so with some personal reluctance because of my deep affection and respect for my colleague from Connecticut who is the sponsor of the amendment and who I know is acting with the best of intentions. We simply have come to a different conclusion on this question.

Some might say: What can be the harm of a commission to study Cuban-American relations? I oppose the idea of a commission because I believe the current state of America's policy toward Cuba is right.

It has been sustained now over four decades. It began and has continued as a bipartisan policy which originates from Castro's Communist takeover of that country in 1959, and his attempts to spread communism to other parts of this hemisphere and to the world.

Although I think our policy has helped prevent Castro's communism from expanding to the Americas, thanks to the strong leadership of ourselves and other countries, his regime continues to subject the Cuban people to a form of government that deprives them of their basic and inalienable human rights. He is now one of the last of less than a handful of old-style Communist leaders, and his regime's human rights record remains abysmal.

Throughout my years in the Senate, I have been a strong supporter of our

policy toward Cuba, and I remain a strong supporter because I believe it is right. It is based on principle, and Castro has done nothing to justify a change in that policy. In fact, every time we give him an opportunity to show he has changed, he refuses to take that opportunity.

I quote from the State Department's most recent Annual Human Rights Report for Cuba, issued in 1999:

Cuba is a totalitarian state controlled by President Fidel Castro. * * * The Government continued to control all significant means of production and remained the predominant employer. * * * The Government's human rights record remained poor. It continued systematically to violate the civil and political rights of its citizens. * * * The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. * * * The Government denied citizens the freedom of speech, press, assembly, and association. * * * The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, this regime has done nothing to justify a change in our policy toward it. For that reason, I will vote against this amendment. I thank the Chair and yield the floor.

Mr. L. CHAFEE. Mr. President, although I will vote to table this amendment, I would like to make it clear to my colleagues that I support the concept of establishment of a bipartisan commission to study U.S. policy towards Cuba.

For years, an often emotional and politically charged debate on our Cuba policy has gone on here in the U.S. In such an atmosphere, it is often prudent to let a bipartisan commission take a careful look at our policy, assess how well it has worked, and make recommendations for change, if necessary. I think such a solution would be appropriate with respect to our policy towards Cuba.

However, I am not convinced that this is the proper time and place to create such a commission. Indeed, under this amendment many of the commissioners would be appointed by a lame-duck President, infringing on the ability of the new President to develop his own Cuba policy.

It has become increasingly clear that the 39-year U.S. trade embargo has not succeeded in effecting change in Cuba. Fidel Castro's regime remains in power, and the Cuban people continue to suffer under his brutal dictatorship and a floundering economy. I believe a bipartisan commission would be useful in taking a fresh look at the efficacy of our embargo. Now, however, is not the time to do this.

Mr. HOLLINGS. Mr. President, today I will vote with against tabling Senator DODD's amendment which creates a commission to evaluate United States policy with respect to Cuba. Contrary to the opinion of some in this Chamber, this amendment does not represent a seachange in our country's position toward Cuba or the Castro regime. The Castro regime remains totalitarian and profoundly anti-democratic. My contempt for Castro and his despotic rule over Cuba has not changed; I remain committed to spreading democracy to our island neighbor to the south. As Chairman of the Commerce, State, Justice Appropriations Subcommittee, I was a leading supporter of TV Marti and Radio Marti since their inception. Just last year as ranking member of this subcommittee, I fought a House attempt to ground TV Marti. I have supported spreading democratic ideas to the Cuba people during my entire career in public policy. However, much to my display and disappointment, our Cuba policy to this point has not yielded the desired results. As I look for answers that explain why this policy has failed, I believe creating a commission may provide the key to understanding. I want an expert panel to review our policy towards Cuba to search for the facts. Only then can we accurately determine what policy changes, if any, should be pursued.

Many of my colleagues will remember the revolution in Cuba and the overthrow of the Batista regime. I remember it well. I also remember the United States at the brink of nuclear war in October 1962. American U-2 planes spotted Russian ballistic missile sites on Cuba and tested the resolve of the young American President to respond to the threat. Many Americans, including this Senator, were hardwired to despise the Cuban regime as a result of these two tumultuous events.

In the 1970s and 1980s the Cuban regime destabilized Central America with inflammatory revolutionary rhetoric and aided socialist movements in the region. Cuban revolutionaries exported their vitriol to faraway Bolivia and Angola in Africa. The national security risk posed to our shores by Castro during the Cold War was palpable and I challenge anyone who believes otherwise. The hardline policies that successive administrations put in place to counter and neutralize the Castro regime were a necessary and appropriate response to that risk.

The political landscape is very different now. Just today I read about our thawing of relations with North Korea. The Clinton administration has formally eased "wide-ranging sanctions" imposed on North Korea nearly 50 years ago. This is something that I did not believe would happen for many years given the security concerns on

the peninsula and the heavy presence of the United States military. This action is curious to me especially given our characterization of North Korea as a "rogue" state. It was reported in today's Washington Post that Secretary Albright has replaced the "rogue state" designation with the less confrontational term—"states of concern." Maybe this explains our departure in policy toward North Korea. Regardless, we are engaging a country that has the capability to threaten the United States in ways that Cuba will never be able to do.

My support for Senator DODD's Cuba amendment is a vote for a comprehensive review of U.S. foreign policy toward Cuba. This amendment is not flimflam election-year politicking. To the contrary, the commission makes recommendations to the next President of the United States and not the Clinton administration. The amendment provides for a commission composed of a dozen experts from a wide range of disciplines, half to be appointed by the President and half by the Congress. The commission will be bipartisan and should include heavyweights in American foreign policy—Henry Kissinger, George Shultz, and Howard Baker, for example—to provide distinction to the policy recommendations.

This panel would also make United States policy recommendations with respect to the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba. Should we achieve the goal of political reform in Cuba, the United States government needs to prepare itself for the resulting confusion and complex legal questions. An ounce of prevention is worth a pound of cure. The regime in Cuba has been constant for many years but nonetheless we should be ready for an abrupt internal political change in Cuba. To refuse to plan for a post-Castro Cuba, indeed the current endgame of American foreign policy towards Cuba, is myopic. We need to be prepared for developments in Cuba and this Commission is an important first step.

It has been argued that the United States is not on trial here, and that the Castro government needs a public policy review. I do not take exception to this but rather believe that the commission should look at changes for the Cuban government to adopt. As a Senator charged with making foreign policy for this country, I support this amendment because it provides our President with a road map of how to achieve its foreign policy goals with respect to Cuba. The President can accept or refuse the recommendations, whatever they may be. It would be the President's prerogative.

Mr. MCCAIN. I rise in opposition to the Dodd amendment establishing a commission to evaluate U.S.-Cuban relations.

Ordinarily, Mr. President, I find it difficult to rationalize opposing a study of a complex issue. I do not have such difficulties, however, with regards to the amendment before us today. Make no mistake, the commission proposed in the Dodd amendment is intended to presage a lifting of U.S. sanctions on Cuba, and to do so by presenting a false dichotomy involving United States policies in other regions of the world.

For 40 years, Fidel Castro has run Cuba as a totalitarian bastion in the Western Hemisphere, his policies in Latin America and the Caribbean and on the African continent have been and continue to be implacably hostile to U.S. interests. He was driven in that direction, as some would have us believe, by U.S. opposition to the revolution that he continues to seek to foster beyond his shores. Rather, he rose to power dedicated to undermining U.S. influence abroad and has never—not once—deviated from that path. The fact that his ability to act abroad has been severely curtailed since the demise of the Soviet Union has not dampened his ardor for spreading the gospel of Marx and Lenin wherever he finds a receptive audience.

Virtually every day, we are provided reminders of the anachronistic dictatorship near our shores. Most recently, the case of two Cuban doctors who defected in Zimbabwe—a country itself in the throes of turbulence stemming from its adherence to authoritarian policies—illustrates yet again the desire of the Cuban people for the freedom that swept that country's former allies in Eastern Europe and across Latin America. A 1999 report by Human Rights Watch on Cuba described its development of "a highly effective machinery of repression" that it has used "to restrict severely the exercise of fundamental human rights of expression, association, and assembly." The report continues, noting that, "in recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals for reform and placating visiting dignitaries with occasional releases of political prisoners."

Similarly, the State Department's annual report on human rights states that the

... authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyer, often with the goal of coercing them into leaving the country.

Let me emphasize, Mr. President, that Cuba is not an authoritarian regime that holds promise of transitioning to a free-market economy with gradual democratization,

such as has occurred in other countries. It remains a staunch Marxist dictatorship providing no freedom whatsoever. Rare instances where minor economic freedoms were permitted were rapidly retracted when it became obvious that capitalism provided a viable and desirable alternative to state socialism.

On the security front, we should not be deceived by the straw man argument that the absence of a military threat to the United States from Cuba undermines the current U.S. policy towards that country. Few among us believe such a threat exists. What does exist, however, is a continued effort at undermining democracy in Latin America and in Africa, and in undermining the U.S. position in those regions. Cuba's continued hosting of the Russian military's main signals intelligence facility at Lourdes remains a threat to U.S. national and economic security. According to the liberal Federation of American Scientists, the strategic significance of the Lourdes facility "has possibly grown since 07 February 1996 [pursuant to a] directive from Russian President Boris Yeltsin directing the Russian intelligence community to step up the acquisition of American and other Western economic and trade secrets."

Additionally, the United States must remain wary of the future of the Soviet-designed nuclear reactors at Cienfuegos. Any accident at these facilities—understanding that they remain uncompleted—would directly and severely impact the eastern seaboard of the United States.

The political and security situations vis-a-vis Cuba can be summarized by quoting directly from Secretary of Defense Cohen's May 1998 letter to then-Chairman of the Armed Services Committee STROM THURMOND:

While the assessment notes that the direct conventional threat by the Cuban military has decreased, I remain concerned about the use of Cuba as a base for intelligence activities directed against the United States, the potential threat that Cuba may pose to neighboring islands, Castro's continued dictatorship that represses the Cuban people's desire for political and economic freedom, and the potential instability that could accompany the end of his regime depending on the circumstances under which Castro departs . . . Finally, I remain concerned about Cuba's potential to develop and produce biological agents, its biotechnology infrastructure, as well as the environmental health risks posed to the United States by potential accidents at the Juragua nuclear power facility.

Mr. President, I supported the establishment of diplomatic and trade relations with Vietnam because that country met a set of carefully established criteria that brought it in our direction, and did not force the United States to move in its direction. I would fully support a similar approach to Cuba. We don't need a commission to study our relations with Cuba; what we

need is to establish a road map that the Castro regime must follow in order to facilitate a lifting of the sanctions it purports to find so odious. As with Saddam Hussein and Kim Il Sung, Castro has within his power the ability to fundamentally transform his country for the better and to reintroduce it fully into the community of nations. The ball is in Castro's court. Whether he possesses the wisdom to do what is right, unfortunately, is sadly unlikely. The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that on the expiration of the 2 minutes Senator WARNER, the chairman of the Armed Services Committee, be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, in closing, I want to respond to a few remarks that have been made. The Sun-Sentinel, in an article entitled "Why Trade With Such A Deadbeat?" says:

If the U.S. trade embargo is lifted and Castro gets fresh U.S. lines of credit to buy American products that Castro can't and won't repay, it will be the American taxpayer who will then be stuck with the bottom line.

Our colleagues should be reminded of the fact we will extend credit, but we will wind up paying for it because Castro will write off the debt and will not bother taking the time and trouble to pay us back.

Also, the School of International Studies, University of Miami, points out:

Without major internal reforms in Cuba, the Castro Government and the military, not the Cuban people, will be the main beneficiary of lifting of the embargo.

I respond to my colleague who made a point of saying Nixon went to China in 1972. Look at China today: forced abortions and some of the worst human rights violations in the history of mankind. There is still a regime in power that represses human rights worse than any regime in history.

Let's compare that to Ronald Reagan who stood up to the Soviet Union and said: This is the evil empire, and I will not back down in doing the right thing, which is to keep the pressure on them until they fade away.

The differences in history are pretty obvious. It is not that difficult to understand. Cuba was a small country when Fidel Castro took power, and now 1.5 million people have left that country. We should not be working at all to remove the embargo from that country.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I ask unanimous consent that I be recog-

nized to speak on this issue for not to exceed about 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3267

Mr. WARNER. Mr. President, the situation is as follows: For close to 2 or 3 years, I have been working with my good friend, Senator DODD, on a wide range of issues relating to Cuba. Senator DODD and I have spent a great deal of time studying and, indeed, traveling in relation to this matter. It is our belief that we should, as a nation, remove those legal impediments, to allow food and medicine to go into Cuba. We embarked on the effort to legislate, to have the Senate adopt measures to allow food and medicine to go into Cuba.

I remember one of our former distinguished colleagues, Malcolm Wallop, brought into my office some American physicians who had undertaken to travel down to Cuba to see for themselves the plight of these people who have been denied up-to-date, state-of-the-art medical equipment. Cuba has good doctors, but they have not the medical equipment nor the medicine. Anyway, those efforts failed.

In the course of the Elian Gonzalez case, it became apparent to me that America—outside of Florida and elsewhere—began to wake up to the relationship between the United States and Cuba and the inability, over 40 years, to succeed in our goal to allow that nation to receive a greater degree of democracy, trade, and other relationships.

So Senator DODD and I have at the desk an amendment, the Warner-Dodd amendment, calling for the appointment of the commission. It is essentially the same as the Dodd amendment that is up now.

But as a manager of this bill and, indeed, the chairman of the Armed Services Committee, I have to decide my priorities. My priorities are that this bill is in the interest of the security of this Nation; \$300-plus billion providing all types of equipment for the men and women of the Armed Forces—salary, medical care for retirees. The committee has worked on this bill for 6 months.

This issue of the commission to determine the future relationships between the United States and Cuba is not germane. I thought perhaps we could discuss it, so I offered the amendment, and it is now the pending business. But it is clear to me that this piece of legislation could become an impediment for this bill being passed.

I have no alternative but to say two things. One, I remain philosophically attuned and in support of the Warner-Dodd amendment, which is at the desk. At some point in time, I hope to rejoin the effort, with others, to try to bring about some of the objectives in the Warner-Dodd amendment. But it has to

be withdrawn at this time in order for this bill to move forward and the Dodd amendment to be considered.

AMENDMENT NO. 3267, WITHDRAWN

So at this time, Mr. President, I ask unanimous consent that the Warner-Dodd amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 3267 is withdrawn.

Mr. WARNER. Mr. President, I thank my colleagues for their cooperation.

I see my colleague from Florida is here. I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. There is a previous order.

Under the previous order, the Senator from Washington is recognized to offer an amendment.

Mr. WARNER. If I have some time under the UC agreement, I yield it to my distinguished colleague from Florida.

AMENDMENT NO. 3475

Mr. MACK. Mr. President, I merely seek recognition to move to table the Dodd amendment No. 3475, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK. I understand that vote will take place at 3:15 p.m. among three stacked votes, I believe.

The PRESIDING OFFICER. There are four stacked votes; that is correct.

Mr. WARNER. Mr. President, consistent with what I said earlier, I will have to support the motion to table so that this amendment is not an impediment to the passage of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business and that the time not be counted against the time reserved for the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first thank my colleague from Washington for her courtesy in allowing me to speak for a few minutes on a very important matter that is of great significance to parts of my State and other States, as well.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2755 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment on which there will be 2 hours of debate equally divided. The Senator from Washington.

AMENDMENT NO. 3252

(Purpose: To repeal the restriction on the use of Department of Defense facilities for privately funded abortions)

Mrs. MURRAY. Mr. President, I call up my amendment at the desk, No. 3252, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mrs. BOXER, Ms. MIKULSKI, Mr. SCHUMER, Mr. JEFFORDS, and Mr. DURBIN, proposes an amendment numbered 3252.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS—".

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors Senators BOXER, MIKULSKI, SCHUMER, JEFFORDS and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I thank the Chair.

Mr. President, today we are offering the Murray-Snowe amendment. It is an amendment which would lift restrictions on privately funded abortions at military facilities overseas.

This is the identical amendment we have offered every year since 1995, and I assure my colleagues that we will continue to offer this amendment until we restore this important health care protection for our women who are serving abroad.

It is simply outrageous that today we deny military personnel and their dependents access to safe, affordable, and legal reproductive health care services. We ask these women to serve their country and defend our Government, but we deny them basic rights that are afforded all women in this country.

I come to the floor year after year during this DOD authorization in an effort to educate my colleagues in the hope of convincing a majority of them to stand up for all military personnel. I also offer this amendment to highlight the record of those who do stand up for women and their right to a safe and legal abortion at their own cost.

To be clear, this is not about Federal funding of abortion. Many of our military personnel serve in hostile areas or in countries that do not provide safe and legal abortion services. Military personnel and their families who serve us overseas should not be forced to

seek back alley abortions or abortions in facilities that do not meet the same clinical standards we expect and demand in this country. Sadly, that is exactly the case today.

Protecting all military personnel and their dependents has always been a priority of the Department of Defense, which is why the Secretary of Defense supports the amendment Senator SNOWE and I are offering today. This amendment is also supported by the American College of Obstetricians and Gynecologists because they recognize the danger that these women face outside this country.

Some Members will undoubtedly argue that women are afforded access to a legal and safe abortion with the current restriction in place. They will point out that under the current policy, a woman who needs an abortion can request transportation back to the United States for treatment. It is true that she can request a temporary leave from her commanding officer and will be transported at the expense of our military to a location where she would have access to an abortion. To me, that is unacceptable. It forces a woman to provide detailed medical evidence and records to her superior officer with no guarantee or protection that this information will be kept confidential. Then once she gets the commanding officer's permission, she needs to find transportation home, often on a military plane, such as a C-17.

I don't know of any other medical procedure that requires a soldier to have to endure such public scrutiny. If there are Members who believe that these women are protected and have access to a basic right that is guaranteed by our Constitution to a safe and legal abortion, I will tell my colleagues this is not the case. Do not be fooled. The current ban on privately funded abortions at military facilities overseas places the women who serve our country in great danger.

This amendment is not about Federal funding of abortions. This amendment does not require direct Federal procurement for abortion services. This amendment would, in fact, require the woman, not the taxpayer, to pay the cost of her care at a military facility. This amendment would simply allow the woman to use existing facilities that are currently operational to provide health care to our active duty personnel and their families.

This amendment does not call for providing any additional services. It is simply services that are already available. These clinics and hospitals are already functioning and providing care. There would be no added burden. For those who are concerned about Federal tax dollars being used to provide abortion services, I point out that the current practice results in more direct expenditures of Federal funds than simply allowing a woman to pay for the

cost of abortion-related services at a military facility. Current policy requires transportation costs that in some cases could be far more expensive than a privately funded abortion.

I also point out that there is a direct, positive impact on our military readiness when a woman is forced to take extended leave to travel for an abortion.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to an archaic and seemingly mean-spirited health care restriction. Women in our military deserve more respect and better treatment.

I think it is also important to remind my colleagues that this amendment will not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health services to women could still refuse to perform an abortion. No one in the military would be forced to perform any procedures that he or she objected to as a matter of conscience.

The current policy places our women at risk. Because the current policy is so cumbersome, women could be forced to undergo an abortion later in their pregnancy when risks and complications increase. They can, of course, try to obtain safe and legal abortion services in the host country in which they are serving—if there are no language or cultural barriers that hinder their access.

We should not tolerate situations that are occurring, such as what occurred to a woman serving our country in Japan. Because of our current policy, she was denied access to abortion services at the military facility, even at her own expense, and she was forced to go off base to secure a safe and legal abortion. She had no escort and no help from the military as she went to a foreign facility. She didn't understand the medical questions or the instructions, and she was terrified. I have her letter, and I will read it into the RECORD later. Our Government should never have forced her, as she was serving us overseas, into that circumstance.

Regardless of what some of my colleagues may think about the constitutional ruling guaranteeing a woman the right to a safe abortion without unnecessary burdens or obstacles, this is the law of the land. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. It is the law of the land. However, active duty servicewomen stationed overseas surrender this right when they make the decision to volunteer to defend all of us. It is sadly ironic that we send them overseas to protect our rights; yet in the

process we rob them of vital constitutional protections.

I urge my colleagues to support the Murray-Snowe amendment. Please allow women in the military the right to make their own health care choices without being forced to violate privacy and jeopardize their health and their careers. This is and must remain a personal decision. Women should not be subject to the approval or disapproval of their coworkers.

I stress this is not about Federal funding of abortions. This is about protecting women serving overseas and providing privately funded, safe, and legal abortions. I urge my colleagues to support our women in uniform by restoring their right to choose.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee on Armed Services, I rise in strong opposition to the Murray amendment which allows abortion on demand in military facilities overseas.

I oppose the pending amendment because, No. 1, it is unnecessary. It is a solution in search of a problem. No. 2, it violates the letter and spirit of existing Federal law; that is, the Hyde amendment which prohibits Federal funding of abortion. In fact, that is the issue involved in this amendment. It is a subsidizing of the abortion procedure. Third, if it were adopted, it would likely accomplish very little while providing a Federal endorsement of the practice that is opposed by tens of millions of Americans.

My colleagues contend that the Murray amendment is a banner of constitutional rights. I think that argument is disingenuous. The current statute does not preclude servicewomen, serving overseas, from obtaining abortions. Women serving overseas already have the opportunity to terminate their pregnancy because the Department of Defense will provide them transportation either to the United States or to another country where abortion is legal for only \$10. That is the cost of the food on the flight.

To say there is a constitutional right that is abrogated is incorrect. In 1979, the Congress adopted what has come to be known as the Hyde amendment. The Hyde amendment has been upheld by the U.S. Supreme Court as constitutional. It prohibits the use of Federal funds for performing abortions. The Hyde amendment has broad support in the Congress, and in fact it has broad support by Americans in general.

I know my colleagues claim that Federal funds would not be used in these abortions, that women would pay for their own abortions, ostensibly by reimbursing the hospital, although that raises a host of questions that I hope we have time to pose for Senator

MURRAY. But they can't possibly reimburse the hospital for the total cost of the abortion because the military hospital is 100-percent taxpayer funded. The building itself is built with taxpayer funds.

Do we intend, under the Murray amendment, to allocate a portion of the cost of the building of that hospital's facilities to the servicewoman seeking an abortion? The beds, the utilities, the salaries of those performing the procedure, these costs come out of the pockets of taxpayers, millions of whom believe abortion is a reprehensible practice.

Abortion should not be a fringe benefit to military service. We can't avoid the fact that adoption of the Murray amendment would be clearly inconsistent with the current U.S. statute prohibiting the current funding of abortion. It not only departs from the letter of the Hyde amendment; it departs from the spirit of the Hyde amendment intended to protect the American taxpayer who has a conviction against the practice of abortion from being forced to subsidize and pay for the abortion procedure.

My colleagues contend that this is simply a matter of choice. Let's talk about choice for a moment. What about the choice of people who believe that abortion is inimical to their dearest values? What about the choice of taxpayers who don't want to subsidize the termination of life?

I find it significant that during 1993, when President Clinton liberalized the practice of abortion in military hospitals, killing of the unborn in military hospitals, every single military physician and nearly every military nurse refused to volunteer to perform such procedures. The President issued his executive memorandum permitting abortion on demand at military hospitals on January 22, 1993—ironically, the 20th anniversary of Roe v. Wade. The fact that no doctors and almost no nurses volunteered to perform this procedure I think indicates that such a scenario would likely repeat itself if the Murray amendment were adopted.

Since military health care professionals cannot be forced to perform such a procedure against their conscience, as Senator MURRAY has said, the military will then be forced into a position of having to contract out the performance of such procedures to a civilian physician, which would in itself violate the Hyde amendment by requiring the expenditure of taxpayers' funds to pay for that contracted physician.

Having to hire abortionists at U.S. military hospitals puts the U.S. military in the abortion business. I find that appalling, something that is not supported by the American people. It is not supported by people on either side of the choice issue, whether pro-choice or pro-life. They do not believe we ought to be expending American taxpayers' dollars in subsidizing abortion.

This amendment, whether it is intended or not, would have that result—from the fact that we cannot totally allocate those costs, we are using a military hospital building built by taxpayers' dollars, using doctors whose salaries are paid by taxpayers, using equipment, using support staff—of all being paid for by the taxpayer. There is no conceivable way to calculate what that person should pay to reimburse the Government. The result is that the taxpayers are going to be subsidizing the practice. If in fact doctors in the military react the way they did in 1993, when the President, by executive memorandum, issued the order that we were going to provide abortion on demand in military hospitals, if they react the same way, we would then be in the position of having to go into the civilian sector, contract with doctors who are willing to perform abortions, and pay them with American taxpayers' dollars—clearly, and explicitly, in violation of the Hyde amendment.

I find this whole debate to be an exercise in irony. The purpose of our Armed Forces is to defend and protect American lives. We should not then subvert this noble goal by using the military to terminate the lives of the innocent among us.

What the Murray amendment would do, in the opinion of this Senator, is to create a kind of legal myth: We are not subsidizing abortions, but we really are. We are saying we are not but in fact we know we are. Let's pretend we are not subsidizing abortions. We know they are in military hospitals performed by military doctors paid by American taxpayers. We know it is supported by taxes paid by American taxpayers. We know the equipment used is bought and paid for by American taxpayers. But we are not really subsidizing it. That is a legal myth and it simply does not measure up.

There is a concept called the slippery slope. I suggest allowing abortions to be performed in U.S. military hospitals overseas is just one little more slide down that slippery slope.

I ask a letter from Edwin F. O'Brien, the Archbishop for the Military Services, dated June 19, 2000, in opposition to the Murray amendment, be printed in the RECORD, and I reserve the remainder of my time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE FOR THE
MILITARY SERVICES, USA,
Washington, DC, June 19, 2000.

DEAR SENATOR: As one concerned with the moral well being of our Armed Services I write in regards to the FY 2001 National Defense Authorization Act, S. 2549.

Please oppose an amendment by Sen. Patty Murray that would pressure military physicians, nurses and associated medical personnel to perform all elective abortions. This amendment would compel taxpayer funded military hospitals and personnel to

provide elective abortions and seeks to equate abortion with ordinary health care.

The life-destroying act of abortion is radically different from other medical procedures. Military medical personnel themselves have refused to take part of this procedure or even to work where it takes place. Military hospitals have an outstanding record of saving life, even in the most challenging times and conditions.

Please do not place this very heavy burden upon our wonderful men and women of America's Armed Services and please oppose any other amendments that would weaken the current law regarding funding of abortion for military personnel.

Thank you for your kind consideration of this message.

Sincerely,

EDWIN F. O'BRIEN,
Archbishop for the Military Services.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, I yield up to 10 minutes to my colleague from New Hampshire, Senator SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise to oppose the Murray amendment. Under current law, performing abortions at military medical facilities is banned, except for cases where the mother's life is in jeopardy or in the case of rape or incest. So what this amendment would do is strike this provision from the law, thereby, in my view, turning military medical treatment centers into abortion clinics. I think we have to think hard about that, whether or not that is really the purpose of military medical treatment centers because that is the bottom line. That is what this would do.

The House recently rejected a similar amendment by a vote of 221-195. It was offered by Representative LORETTA SANCHEZ of California. A number of pro-life Democrats joined with Republican colleagues to defeat this amendment.

In 1995, the House voted three times to keep abortion on demand out of military medical facilities before the pro-life provision was finally enacted into law. Over and over again in Congress, we had votes. Last year, I think it was 51-49. It was very close. I will not be surprised to see the Vice President step into the Chamber, anticipating a possible tie vote, because this administration is the most abortion-oriented administration in American history. I think we can be treated, probably, to that little scenario as well. I think that shows a stark difference between the two candidates for President of the United States, I might add.

When the 1993 policy permitting abortions in military facilities was promulgated, many military physicians as well as many nurses and supporting personnel refused to perform or assist in these abortions. In response, the administration sought to supple-

ment staff with contract personnel to provide alternative means to provide abortion access.

This is a very sensitive situation. You may have a military nurse or person who is a member of the military who works at that hospital who may be opposed to abortions, does not want to perform them. So when that happens, the President now has asked that we get contract personnel to come in because people opposed to this on a moral basis, because of conscience, refuse to perform them. That is basically the way it is in American society today.

The dirty little secret about the abortion industry is the doctors who perform them are not really considered to be the top of their profession. In fact, it is usually the dregs who are performing the abortions, not the good doctors. So if this amendment were to be adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources, Government resources, would be used to search for, hire, and transport new personnel simply so abortions could be performed on demand.

It would be nice if we could spend a little time debating the defense budget on the Defense bill. I sat through 2 hours of one nongermane amendment a while ago on Cuba sanctions, now abortions on demand, where we are talking about bringing all kinds of new people, a new bureaucracy, if you will, who are to hire, transport, search for personnel to perform abortions because people of conscience in the military do not want to perform them, so we, therefore, have to replace them.

As the Congressional Research Service confirms, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs directed the Military Health Services System:

... to provide other means of access if providing prepaid abortion services at a facility was not feasible.

This is absolutely wrong. It is wrong morally, No. 1. But it is also a waste of precious military resources, which are so much needed today. By the way, because of this amendment and other nongermane amendments, we are holding up the passage of this bill, which includes a pay raise for our military that this President has sent all over the world time and time again. So this is an unnecessary amendment. The DOD has not been made aware of a single problem arising as a result of this policy.

American taxpayers should not be required to pay for abortions. In 1979, the Hyde amendment was passed to prohibit the use of taxpayer moneys to fund abortions. In *Harris v. McCray*, the U.S. Supreme Court held the right to an abortion does not include the right to have the taxpayer moneys pay for it. It is DOD policy to obey the laws of the nations in which bases are located. Thus, even if the Murray amendment is adopted, abortions will still

not be available on all military bases. Spain and Korea prohibit abortion, for example.

The ban is not intended to and does not block female military personnel from receiving an abortion. As the Senator from Arkansas has pointed out, DOD has a number of elective procedures for which it currently does not pay. As the Senator said, any woman can fly on a military aircraft for \$10 on a space-available basis to have an abortion somewhere else, unfortunately.

In other words, the woman could still get an abortion if she wanted one, again, unfortunately. In fact, many women often travel back to the U.S. to receive their abortions. The question is, Should we pay for it at the hospital? That is the question. Should we hire more people, more support people just for the purpose of performing abortions in these military hospitals? I say the answer to that is no.

Some would argue the woman would be inconvenienced, that she would have to have her leave approved, she would have to get her transportation. But she could still get her abortion. I am not sorry, frankly, that someone has to be inconvenienced for having an abortion. Frankly, I wish somebody would give them the time and counsel to discuss this issue so they could fully realize what they are doing, taking the life of an unborn child who has no voice, who has no opportunity to say anything. I wish we would have that opportunity to provide that woman that kind of counseling so she would not do it and regret that decision for the rest of her life. Abortion should never be convenient because when a woman chooses an abortion, she is choosing to kill her baby. It is not a fetus, it is a baby. It is an unborn child. Her baby never had a choice.

Military treatment centers, which are dedicated to healing and nurturing life—healing and nurturing life—should not be taking the lives of unborn children. Also, these hospitals treat the combat wounded in war. Those who are hurt are treated. There have been so many hospitals throughout the years that have been so outstanding in their treatment, saving so many lives. The great attributes they have received for doing that should not now become a part of this abortion debate and be involved in killing innocent children, that some of the people who were treated in those hospitals, if not all, fought so they could be free, so those children could be born in freedom. Those people who were wounded and treated in those hospitals did not do it to take innocent lives. They did it to allow those innocent lives to be born into freedom.

That is the bitter irony of all this: the taking of the most innocent human life, a child in the womb, taking place in a hospital that treated those who fought to allow that child to be born into freedom.

What a dramatic irony that is. The bottom line is it is immoral to make hard-working taxpayers in America pay for abortions at military hospitals, and it is immoral to perform those abortions. I urge my colleagues to vote no on the Murray amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, my colleague and cosponsor, Senator SNOWE, is present in the Chamber. I will yield her time in just a moment.

I point out a woman's health care decision to have or not have an abortion should be with herself, her family, her doctor, and her religion. That is not the case in the military today. When a woman has to go to her commanding officer and request permission to fly home on a military transport, she no longer has the ability to make that decision on her own. It becomes a very public decision.

This amendment simply gives back her privacy and allows her to pay for at her own expense a health care procedure in a military hospital where she is safe and taken care of.

I am delighted my cosponsor, Senator SNOWE, is here, and I yield her as much time as she needs.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Washington for, once again, assuming the leadership on this most important issue.

I rise today as a cosponsor of the Murray amendment to repeal the ban on privately-funded abortions at overseas military hospitals.

Last year, when I spoke on this amendment, I said that "standing here I have the feeling of 'Deja vu all over again.'" I have that same sentiment today—and this year I can add that "the more things change, the more they remain the same." For in the last year we have deployed more women overseas—6,000 more women than there were just a year ago.

And yet here we are, once again, having to argue a case that basically boils down to providing women who are serving their country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

In 1973, 27 years ago, the Supreme Court affirmed for the first time women's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. But this same right is not afforded to female members of our armed services or to female dependents who happen to be stationed overseas.

Current law prohibits abortions to be performed in domestic or international

military treatment facilities except in cases of rape, incest, or if the life of the pregnant woman is endangered. The Department of Defense will only pay for the abortion when the life of the pregnant woman is endangered—in cases of rape or incest, the woman must pay for her own abortion. In no other instance is a woman permitted to have an abortion in a military facility.

The Murray-Snowe amendment would overturn the ban on privately funded abortions in overseas military treatment facilities and ensure that women and military dependents stationed overseas would have access to safe health care. Overturning this ban on privately-funded abortions will not result in federal funds being used to perform abortion at military hospitals.

The fact is that Federal law already states that Federal funding cannot be used to perform abortions. Federal law has banned the use of Federal funds for this purpose since 1979. But to say that our service women and the wives and daughters of our servicemen cannot use their own money to obtain an abortion at a military hospital overseas defies logic.

Every year opponents of the Murray-Snowe amendment argue that changing current law means that military personnel and military facilities will be charged with performing abortions—and that this, in turn, means that American taxpayer funds will be used to subsidize abortion. This seemingly logical segue is absolutely and fundamentally incorrect.

Every hospital that performs a surgery—every physician that performs a procedure upon a patient—must figure out the cost of that procedure. This includes not only the time involved, but the materials, the overhead, the liability insurance. This is the fundamental and basic principle of covering one's costs.

I have faith that the Department of Defense will not do otherwise. This is the idea behind a privately-funded abortion—a woman's private funds, her own money pays for the procedure. But she has the opportunity to have this medical procedure—a medical procedure that is constitutionally guaranteed—in an American facility, performed by an American physician, and tended to by American nurses.

During last year's debate, opponents of repealing the current ban claimed that American taxpayers would be subsidizing the purchase of equipment for abortions, and would be training doctors to perform privately-funded abortions. This false argument effectively overlooks the fact that the Department of Defense has already invested in the equipment and training necessary because current law already provides access in cases of life of the mother, rape, or incest.

But the economic cost of this ban is not the only cost at issue here. What

about the impact on a woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can travel to the United States or another overseas location in order to obtain the abortion. Every week that a woman delays an abortion increases the risk of the procedure.

The current law banning privately-funded abortions puts the health of these women at risk. They will be forced to seek out unsafe medical care in countries where the blood supply is not safe, where their procedures are antiquated, where their equipment may not be sterile. I do not believe it is right, on top of all the other sacrifices our military personnel are asked to make, to add unsafe medical care to the list.

I believe that a decision as fundamentally personal as whether or not to continue one's pregnancy only needs to be discussed between a woman, her family, and her physician. But yet, as current law stands, a woman who is facing the tragic decision of whether or not to have an abortion faces involving not just her family and her physician, but her—or her husband's—commanding officer, duty officer, miscellaneous transportation personnel, and any number of other persons who are totally and completely unrelated to her or her decision. Now she faces both the stress and grief of her decision—but she faces the judgment and willingness of many others who are totally and wholly unconnected to her personal and private situation.

Imagine having made the difficult decision to have an abortion and then being told that you have to return to the United States or go to a hospital that may or may not be clean and sanitary. That is the effect of current policy—if you have the money, if you leave your family, if you leave your support system, and come back here. Otherwise, your full range of choices consists of paying from your own money and taking your chances at some questionable hospital that may or may not be okay.

This of course, is only if the country you are stationed in has legal abortion. Otherwise you have no option. You have no access to your constitutionally protected right of abortion.

What is the freedom to choose? It is the freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

In the year 2000, in the United States of America it is a fact that a woman's right to an abortion is the law of the land. The Supreme Court has spoken on that issue, and you can look it up.

Denying women the right to a safe abortion because you disagree with the Supreme Court is wrong, but that is what current law does.

Military personnel stationed overseas still vote, still pay taxes, and are protected and punished under U.S. law. They protect the rights and ideals that this country stands for. Whether we agree with abortion or not, we all understand that safe and legal access to abortion is the law of the land. But the current ban on privately-funded abortions takes away the fundamental right of personal choice from American women stationed overseas. And I don't believe these women should be treated as second class citizens.

It never occurred to me that women's constitutional rights were territorial. It never occurred to me that when American women in our armed forces get their visas and passports stamped when they go abroad—that they are required to leave their fundamental, constitutional rights at the proverbial door. It never occurred to me that in order to find out what freedoms you have as an American, you had to check the time-zone you were in.

The United States willingly sends our service men and women into harms way—yet Congress takes it upon itself to deny 14 percent of our Armed Forces personnel—33,000 of whom are stationed overseas—the basic right to safe medical care. And we deny the basic right to safe medical care to more than 200,000 military dependents who are stationed overseas as well.

How can we do this to our service men and women and their families? It seems to me that they already sacrifice a great deal to serve their country without asking them to take unnecessary risks with their health as well. We should not ask our military personnel to leave their basic rights at the shoreline when we send them overseas.

I believe we owe our men and women in uniform and their families the option to receive the medical care they need in a safe environment. They do not deserve anything less. I urge my colleagues to join me in supporting the Murray-Snowe amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENT NO. 3252

The PRESIDING OFFICER. We are now under controlled time. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 43 minutes remaining, and the opposition has 42 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I remind my colleagues of the issue we will be debating for the next 90 minutes. Basically, today a woman who serves in the military overseas at a facility, if she so desires to have an abortion—and it is her choice; it is her personal choice between herself and her family and her doctor and her religion—has to go to her commanding officer to ask for permission to come home to the United States to have a safe and legal abortion. Then she has to wait for military transport. She has to pay \$10, as the opponents told us this morning, for food on that military transport, and come home in order to have a safe and legal abortion.

The pending amendment simply allows women who serve in our military overseas today to pay for their own medical choice decisions in a military hospital where it is safe and is a place where they can be assured they will be taken care of, as we should expect we would take care of all people who serve us in the military.

I have heard our opponents speak this morning on this amendment and say it is unnecessary. I have a letter from a woman who served in our military services. I would like to share it with my colleagues who think it is unnecessary:

DEAR SENATOR: My name is Jessica, and I am a college student in Arizona. I am writing you regarding an experience I had as a member of the Air Force while stationed in Yokota Air Base, Japan.

Two years ago, as a young single woman, I found out I was pregnant. I knew I couldn't talk to my immediate supervisor because he was a Catholic priest. You see, my job in the armed services was "Chaplain's Assistant." So instead, I went to the next level in my chain of command. In return for requesting time off, I was verbally reprimanded and told that I had sinned in the eyes of God and was going to hell if I didn't repent immediately.

The next day, I made an appointment with a doctor on base and told him I was pregnant and wanted an abortion. The doctor whispered that I was to walk very quietly to the front desk where the information would be waiting for me. The information was scribbled on a single sheet of paper with hand-drawn maps on it to three hospitals that would perform abortions.

When I arrived at the hospital, I was sent into a cubicle. None of the nurses spoke English, so I had no way of giving them my medical history. I had no Japanese friends to translate, and the Air Force would not provide any assistance. My first doctor did not

speak English either, so I had no idea what the doctor did, or what medication he gave me. I was completely alone.

I will never forget the humiliation I felt. I couldn't speak the language, I was turned away by my American doctors on base whose hands were tied. The doctors on base weren't even allowed to give me information regarding this medical procedure. Although I served in the military, I was given no translators, no explanations, no transportation, and no help for a legal medical procedure.

I have never heard of any male soldiers being treated like this. In fact, I don't know of any medical treatments that male soldiers are denied. Perhaps the military recruiters should warn females before they enlist that the United States will discriminate against them due to their gender.

This letter is compelling. It says that a woman who is serving her country overseas, who is fighting for our rights, is basically denied health care services of her choice that she would be given in this country if she opted not to serve in the military.

I appeal to my colleagues to please make sure that the women who serve us overseas are given the same rights as the women who live in this country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I will respond to a number of things my colleague from Washington said.

While I do not know the specifics or the circumstances of the situation to which she made reference, I know it is a bad practice when we try to legislate by anecdote. I do know this as well, that much of the debate is centered around whether or not a woman's rights can be protected under current DOD policy. The insinuation has been that servicewomen experience a lack of support from their chain of command when requesting leave in order to obtain an abortion. That was the circumstance in the situation to which Senator MURRAY just made reference.

Such an argument impugns the professionalism of the officer corps. There are procedures in place and there are rights by which men and women in uniform can be protected. If, in fact, their rights are being disregarded by a commanding officer, there are means under current law by which those rights can be vindicated and the wrong righted.

I have great confidence in the professionalism of our officer corps. I fully expect any commanding officer to approve a service member's leave when properly requested, whatever the motivation for that request. If that is not done, then there should be a grievance filed, and I would stand in support of such an individual's right to make that request on a space-available basis. I believe the professional officer corps that we have is going to respond and treat that servicewoman properly and give her the rights she has under the law.

The other point I would make to those who would impugn the profes-

sionalism of our officer corps is that the commanding officer today may just likely be a woman. That woman seeking permission to receive approved leave for an abortion under current policy may just as well find they are dealing with a commanding officer who is in fact female.

At this time, I would like to yield 5 minutes to my distinguished colleague from the State of Kansas, Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. BROWNBACK. I thank the Chair. I thank my colleague from Arkansas for leading this debate against this amendment. I rise in opposition to the Murray amendment.

On February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by President Clinton with a provision to prevent DOD medical treatment facilities from being used to perform abortions except where the life of the mother is endangered or in cases of rape or incest. That is the public law.

This provision reversed a Clinton administration policy instituted on January 22, 1993, permitting abortions to be performed at military facilities. Previously, from 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger.

That is a bit of the history around this issue.

The Murray amendment which would repeal the pro-life provision attempts to turn taxpayer-funded DOD medical treatment facilities into abortion clinics. Fortunately, the Senate refused to let the issue of abortion adversely affect our armed services and rejected this amendment last year by a vote of 51-49, and we should reject it again this year.

It is shameful that we would hold America's armed services hostage to abortion policies. Using the coercive power of government to force American taxpayers—American taxpayers, that is who we are talking about here—to fund health care facilities where abortions are performed would be a horrible precedent and would put many Americans in a difficult position—using my taxpayer money to fund abortions.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians as well as nurses and support personnel refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs says this:

Direct[ed] the Military Health Services System provide other means of access if providing prepaid abortion services at a facility was not feasible.

One argument used by supporters of abortion in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions in those locations. Military treatment centers which are dedicated to healing and nurturing life—healing and nurturing life, that is what this is about; in other words, what we should be about—should not be forced to facilitate the taking of the most innocent of all human life, that of the unborn.

As I speak of this, I ask forgiveness for our country, for the Nation, for the killing of this most innocent of life, the unborn.

I urge my colleagues to table the Murray amendment and free America's military from abortion politics and from performing these abortions at taxpayer-funded facilities. If passed, this amendment will effectively kill the DOD authorization bill, and on that ground as well, I urge my colleagues to reject this amendment.

I think we must get down to the very basics on this, as happens so often when it comes to these sorts of issues, and that is: Should we use taxpayer-funded facilities to perform abortions, making them abortion clinics? Is that something our citizens would want us to do, whether they were pro-life or pro-choice? I think the vast majority would say, no, we don't want it to take place in our facilities and this is a bad precedent for us to set.

I thank my colleague from Arkansas for leading this difficult and very important debate.

I yield back the time reserved for our side on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

I start by asking the sponsor of this amendment, Senator MURRAY, of Washington, just a few questions so we can clarify what we are talking about.

Is it my understanding that the Senator's amendment is offering to women who are serving in the military the same constitutional right available to every woman in America?

Mrs. MURRAY. The Senator from Illinois is absolutely correct.

Mr. DURBIN. Secondly, is it my understanding that if a woman in the

military wants to seek an abortion, the Senator's amendment says it would have to be at her cost completely, not at any cost to the Federal Government?

Mrs. MURRAY. That is right. Under this amendment, the woman would have to pay for the services in the military hospital on her own.

Mr. DURBIN. Third, does the Senator's amendment require every military hospital and every doctor in those hospitals to involve themselves in abortion procedures if it violates their own personal conscience or religious belief?

Mrs. MURRAY. I say to the Senator from Illinois, there is a conscience clause that allows any doctor to be excused from the procedure based on religion.

Mr. DURBIN. I thank the Senator from Washington.

I wanted to make those points clear. We are talking about a constitutional right which every woman in America enjoys, her right to control her reproductive health.

Make no mistake; it is a controversial right. There are people on this floor who do not believe the Supreme Court was right in establishing that, within the right of privacy, every woman should make that decision with her doctor and her conscience. These are people who oppose abortion either completely or want to limit it to certain circumstances.

What we are talking about here is whether or not a young woman who takes an oath to defend the United States of America and becomes part of our military service is going to give up her constitutional right to control her own reproductive health. That is the bottom line.

What Senator MURRAY is trying to say is, why would we treat women who volunteer to serve in the military as second class citizens? Why would we deny to daughters and sisters and mothers and wives who serve in the military the same constitutional right which every woman in America enjoys?

Those who oppose this amendment say women in the military should be treated as second class citizens; they should not have the same constitutional rights as any other woman in America.

Second, the question about whether the Government is paying for the abortion is always a controversial question. Some people who in conscience oppose abortion say: I don't want a penny of my taxes to be spent on abortion services. Senator MURRAY addresses this directly and says that any abortion procedure has to be paid for by the woman in uniform. She is paying for it out of her pocket. It isn't a matter of the Government paying for it. Should a woman choose an abortion procedure, they have to pay for it. In this case, Senator MURRAY makes that clear.

Finally, to argue we are going to turn military hospitals into abortion clinics and force doctors to perform abortions defiles the very language of the amendment. Senator MURRAY carefully included a conscience clause. If a doctor in a military hospital overseas should say: because of my personal religious beliefs or my conscience, I cannot perform an abortion procedure, there is absolutely no requirement in the Murray amendment that person be involved. The same conscience clause that applies in most hospitals in the United States applies in this amendment.

This is the bottom line: Men and women in uniform are asked to risk their lives in defense of our country. God bless them that they are willing to do that. But should women in the military also be asked to risk their health and their lives because they want to exercise their own constitutional right to decide about their own reproductive health care? That is the bottom line.

It really gets down to a very simple question: Why would we treat women in the military who have volunteered to serve this country as second-class citizens?

Sue Bailey, the Assistant Secretary of Defense for Health Affairs, recently wrote:

The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to a full range of reproductive health care, to include abortion. The availability of quality reproductive health care ought to be available to all female members of the military.

So we know where the military stands. The Department of Defense supports this amendment by Senator MURRAY.

There is a current provision in the law for servicewomen overseas, when they have their life at stake or they have been victims of rape or incest, to have an abortion service at a military hospital. This has been stated by those on the floor. But there is no provision, no protection whatever, for that same servicewoman who discovers during the course of her pregnancy that because of her own medical condition continuing the pregnancy may be a threat to her health. A doctor can diagnose during the course of a pregnancy the continuing that pregnancy might result in a young woman never being able to bear another child. Perhaps that baby she is carrying is so fatally deformed it will not survive. And according to those who oppose the Murray amendment, that servicewoman is on her own.

What is her recourse? Well, maybe she will turn to a doctor in that foreign country, hoping that she will get someone who is professional and can perform a service that won't harm her more than a continued pregnancy might. Frankly, the alternative is to

get on a plane and fly to another location, another country, or back to the United States, wait for space available, or pay for it on commercial fare. Is that the kind of burden we want to impose on young women who volunteer to defend the United States, take away the constitutional right available to every American woman, to say to them, if you find yourself in a delicate or difficult medical situation, it is up to you, at your cost, to get out of that country and find a doctor, a hospital, a clinic, that can serve you? That is the bottom line, as far as I am concerned.

This is a question of simple fairness. It is a question of restoring a policy which was in the law between 1973 and 1988 and again from 1993 to 1996.

Senator MURRAY has said to those who oppose abortion—and many in this Chamber do—to those who oppose the Supreme Court's decision in *Roe v. Wade*, you are entitled to your point of view; You are entitled to make the speeches you want to make; But you are not entitled to deny to servicewomen overseas the same constitutional rights we give to every woman in America. We will debate abortion for many years to come, whether or not the Supreme Court sustains *Roe v. Wade*.

So long as it is the constitutional right in our country for women to consider their own privacy and their own reproductive health and make those personal decisions with their doctor, with their family, with their conscience, we should not deny that same right to women who are serving in the military.

The women in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights for a policy with no valid military purpose.

I rise in strong support of this amendment, a bipartisan amendment, by Senator MURRAY and Senator SNOWE of Maine. I hope my colleagues will show respect for the women who serve in our military by voting in favor of this amendment.

I yield the floor.

Mr. HUTCHINSON. Mr. President, one of the issues that has arisen during this debate is whether or not the Murray amendment violates the Hyde provision which prohibits Federal funding for abortion. Proponents of the amendment argue, no, this doesn't violate Hyde because we are requiring a woman to pay for the abortion procedure.

I have raised the issue as to how exactly to calculate the cost of reimbursing the DOD for the expense of an abortion procedure, in a military hospital, when the facilities were built at taxpayers' expense, and the support staff were paid salaries out of public funds, in which the equipment has been paid

for. How in the world would this be calculated?

Now, earlier it was suggested that is not really a problem. During the lunch break, we checked with the Department of Defense. I will share for the record what we found. It is currently not feasible with existing information systems and support capabilities to collect billing information relative to a specific encounter within the military health care system.

Procedures performed in military hospitals are assigned a diagnostic related group code, but these are "assigned" or "allocated" costs that don't necessarily reflect resources devoted to a specific case. Military infrastructure and overhead costs cannot, at the present time, be allocated on a case-by-case basis.

It is very clear that the Hyde amendment would be violated, that we would—whether we admit it or not, whether we promulgate this legal myth—be subsidizing abortion with taxpayers' money, in violation of the law of the land.

I yield 5 minutes to my colleague from Wyoming, Senator ENZI.

Mr. ENZI. Mr. President, I thank the Senator from Arkansas for his dedication to this issue and I thank the Senator from Kansas for his very careful presentation of a number of important issues that deal with this amendment.

Mr. President, I rise in opposition to the Murray amendment and I urge my colleagues to follow the course we have set over the last several years and reject this amendment.

Mr. President, the underlying legislation before us, the Department of Defense Authorization Act, is an extremely important piece of legislation. In conjunction with the accompanying appropriations bill, it provides for the essential funding needed by our brave men and women on whom we rely to dedicate their time and service, and sometimes even their very lives, to protect our great nation from aggressors who threaten our freedom, and security, and our very way of life. Our military personnel are tasked with protecting our lives and our manner of life, which according to our hallowed Declaration of Independence, guarantees to each American those fundamental rights of life, liberty, and the pursuit of happiness.

Rather than supporting our brave military men and women in their difficult task of protecting life and liberty, the Murray amendment would call on military personnel to use military facilities to take innocent human life through elective abortions. This proposal runs contrary to the mission of our armed services and should be rejected.

Mr. President, it is noteworthy that when President Clinton first promulgated his policy in 1993 directing that abortions be performed in military fa-

cilities, all military physicians and many nurses and support personnel refused to perform or assist in elective abortions. This is compelling evidence that military physicians want to be in the business of saving life, not performing elective abortions. We should honor the wishes of these military medical personnel and reject the Murray amendment.

Mr. President, this amendment even goes beyond the debate on abortion because it would essentially require tax funds to be used to aid in elective abortions. Military hospitals and medical clinics are built with American tax dollars. Military physicians, nurses, and other support personnel are paid by federal tax dollars. We have just heard how that billing is done. From an accounting standpoint the person does not pay for the costs involved with the medical hospitals and clinics. Military physicians, nurses and other support personnel are paid by Federal tax dollars. Even if the abortion procedure itself was not directly paid for by federal funds, federal tax dollars would have to be used to train military physicians to perform abortions.

Moreover, if military physicians refused to perform these elective abortions, and they were not required to violate their consciences, then civilian doctors and medical personnel would have to be hired to perform these elective abortions on military facilities. How does the accounting work for direct costs? Would these civilian medical personnel also have to be reimbursed with federal tax dollars?

In essence, the Murray amendment would require that American taxpayers help pay for elective abortions for military personnel. Regardless of one's position on the legality of abortion, it is not proper for Congress to use Americans' tax dollars to fund something that is as deeply controversial as abortion on demand.

I urge my colleagues to cast a vote for life and maintain the status quo by rejecting the Murray amendment. Abortions are available if the life of the mother is at stake, or if there has been rape or incest. But the elective abortion is another area that is controversial because of the funding that is available. So I do ask you to cast a vote for life and maintain the status quo, reject the Murray amendment.

I yield the floor. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey and 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington and the Senator from Maine. I congratulate each of them on this amendment.

There are good and sound arguments that people who serve in the Armed Forces of the United States deserve some special privilege. Their lives are at risk. They give months and years of their time in service to our Nation. Certainly, they deserve some special recognition and accommodation to their needs.

I know of no argument that people in service to our country, because they are in the Armed Forces, deserve less. Access to safe abortions is not a national privilege. It is not a benefit we extend to the few. It is, by order of the Supreme Court of the United States, a constitutionally mandated right. Yet people would come to the floor of the Senate and say those who take an oath to defend our Nation and our Constitution by putting their lives in harm's way deserve not those constitutional rights of other Americans but less.

To the extent my colleagues want to debate the law, fight on the constitutional issue, I respect them. To the extent they simply want to provide barriers when a woman wants to exercise her constitutional right while in service to our country, it does not speak well of the anti-abortion movement. Women in the Armed Forces serving abroad must arrange transportation, incur delays. Ironically, to those in the anti-abortion movement, these are women whose abortions get postponed to later stages of pregnancy and must have the personal dangers of travel while pregnant because of this prohibition.

In spite of words I heard said on this floor, there are no public funds involved. Women would pay for these procedures themselves. No providers of health care in a military hospital or other facility would be forced to do this against their will. This would be done only on a voluntary basis by regulation of the Armed Forces. It is voluntary; it is privately paid for; it is constitutional; and it is right.

How would we account for the expense, the Senator from Arkansas has raised. This was done in 1994 and 1996; it was done before 1993. In all those years, in hundreds and thousands of cases, we had no accounting difficulty. A woman is presented with a bill: Here is what it costs. Is it a private matter? You pay for it.

The Armed Forces themselves may be in the best position to speak for their own members. On May 7, 1999, Assistant Secretary of Defense Sue Bailey stated:

The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to the full range of reproductive healthcare. * * *

Exactly. Members of our Armed Forces ask for no special privileges. They ask for no special rights. They want to have the constitutional rights

of all other Americans. It is not right. It is not fair. It is not even safe to ask a woman at this dangerous, important, critical moment of her own life to seek transportation to travel across continents to exercise the abortion rights that every other American can get from their own doctor at their own hospital.

No matter what side you are on in the abortion debate, this is just the right thing to do. I urge my colleagues on both sides of the aisle, on all sides of this debate, if ever there was a moment for unity on reproductive rights, I urge support for the Snowe-Murray amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time to the Senator from California?

Mrs. BOXER. I believe, under the unanimous consent agreement, I am supposed to get 10 minutes at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for giving me these 10 minutes. I compliment her and Senator SNOWE for once again bringing this matter to the Senate. We have had very close votes. I believe, if people listened to the arguments on both sides, they would come down in favor of the Murray-Snowe amendment. I want to say why.

The Murray-Snowe amendment will repeal the law which says to servicewomen and military dependents who are stationed overseas that they are less than full American citizens; that they, in fact, no longer have the protections of the Constitution; and that, in fact, they do not deserve the full measure of that protection.

I don't want to overstate this, but I think it is almost unpatriotic to take the view that a woman who gives her life to her country every single day would be denied a right that every other woman has. No other woman in America is told: Talk to your boss about the problem you've got yourself into. Get his permission.

I say to my colleague from Arkansas, who says some of the commanding officers are women, I suppose about 2 percent are women. But that is not the point. Whether it is a man or a woman, no one else in America has to go get permission from their employer to get a safe abortion.

With all due respect to Senator BROWNBACK, who says this is about protecting the unborn, this is not about protecting the unborn. This is about protecting the rights of American women, who happen to be in the military, to have the same constitutional protections as any other woman. If we want to discuss the issue of whether a woman should have the right to choose, that is another conversation for another day or perhaps for another

Supreme Court, which has upheld a woman's right to choose time and time again since 1973. Even Justices who were appointed by Republican Presidents have done so. So although my friends want to make this issue about the rights of the unborn, that is not what this is about. This is about making it difficult and really, in many ways, dangerous for women in the military to exercise their right to choose. I think that is a rather sick thing to do, if you want to know the truth.

How would you like to be a woman who finds herself with this unwanted pregnancy? She may decide to go to full term. That is her choice. She may choose that. But what if she doesn't? Now she is faced with a situation where she has to go to her boss and beg to get on a cargo plane—when there is a seat available, I might say.

So Senator TORRICELLI is right in his point; such could delay this procedure until it was more dangerous to her health, or she could choose not to be humiliated, embarrassed, and the rest, and go to an unsafe place in a country that may well be hostile to her, try to understand what the doctors and the nurses are saying, and subject herself to a dangerous situation. Why? Why would my colleagues want to do that to women in the military?

With all due respect to my colleagues, I do not doubt their sincerity. But for them to stand up and say that the DOD really doesn't know how to allocate these costs so Senator MURRAY is wrong on this point, Senator SNOWE is wrong on this point; we can't figure out really what this costs, that simply flies in the face of experience.

For many years, this is what had been done. It was no problem getting the women to pay their fair share of the costs associated with an abortion, a safe and legal abortion in a safe military hospital.

In the Murray amendment, no one is forced to be involved in this procedure if they have an objection based on conscience.

We have covered all the bases, if you will. I don't care who stands up here and waves a piece of paper and says they can't figure out what it costs. The military supports the Murray-Snowe amendment.

I will repeat that. The U.S. Department of Defense supports the Murray-Snowe amendment. Why? Because they care about the people in the military. They are advocates for people in the military. They do not think you should give up your rights because you put your life on the line for your country. On the contrary. They want to thank the women in the military for putting their lives on the line, and one way to do it is to ensure they will share in the benefits of this Nation, which include being protected by the Constitution of the United States of America.

The Supreme Court decision that occurred in 1973, which many of my colleagues do not like—Senator HARKIN and I had a very clear-cut amendment upholding the Supreme Court decision of 1973. We got 51 votes. *Roe v. Wade* got a 51-vote majority in the Senate, but it is hanging by a thread. And this attempt in this bill, which the majority side of the aisle supports, to stop women, who happen to be in the military, from their constitutional right to choose flies in the face of what the military says it wants to do for our people, which is to protect them when they are abroad.

This is simply about the rights of women, one particular group of women, the women I thought my friends on the other side of the aisle would particularly respect because of their respect for the military. This is telling those women in the military: You cannot have the same rights as anybody else.

I recall when we had a debate on the Washington, DC, appropriations bill. I happened to be the minority member who was bringing that bill forward. There were many restrictions on the poor women of Washington, DC, that were not put into any other bill. In other words, the people in my cities did not get stuck with particular rules that told them they could not use city money if they, in fact, wanted to exercise their right to choose.

I said to my friends on the other side of the aisle: Why are you picking on these poor women in Washington, DC? Do my colleagues know what the answer was? Because we can.

I rhetorically ask the same question: Why are we picking on women in the military and saying they are less than full citizens of this country, that they do not have the constitutional rights that other women have?

I suspect an honest answer coming back would be: Because we can take this right away; because we in the Senate have the power of the purse, and we are going to exercise that power because we can. And they will do it.

I am hoping one or two people on the other side will change their minds on this amendment if they are listening to this debate; given the fact that the military supports the Murray-Snowe amendment. I hope a couple of people will change their minds on this. Just because we can exercise our personal religious and moral beliefs on someone else does not mean we should do that.

We should respect people and know we have freedom of religion in this country. That does not mean we have a right to put our moral values and our decisions on someone else. We should respect them. They are going to decide this issue.

I can tell my colleagues that a decision to have an abortion is one that is very serious for our people. Women do not do it in a cavalier way. They think about it, and they talk about it with

the people who love them, not their boss. That is what my colleagues make people do: Go to their boss and beg to get on a plane to get a safe abortion. It is shameful. It is just shameful. They would not want that done to their children. I do not think so. They would want them to have the chance to do what they thought was right and have the opportunity of a safe, legal procedure.

Again, I say to Senators MURRAY and SNOWE that they are courageous to do this; they are right to do this. They lost a couple of votes on close vote counts, and they are not giving up.

I hope everyone who is watching this debate, be they a man or a woman, be they old or young, be they for a woman's right to choose or against it, understands what this debate is about. Nothing we do today, regardless of how this vote goes, will change the law governing a woman's right to choose. That was decided in 1973, and it has been upheld. It is a right.

This is not about the rights of the unborn. It is about the rights of women in the military to have the same constitutional protections as all the other women in our Nation.

I thank the Chair for his courtesy, and I thank Senator MURRAY for her courage. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, the statement was made that the military supports the Murray amendment. Thus far during our debate, twice, a Dr. Sue Bailey, who is a former Under Secretary of Defense for Health, has been quoted. Notwithstanding whatever the Department of Defense might say today, I suspect were there to be a survey of U.S. men and women in uniform across the world, the vast majority would not favor turning U.S. military installations overseas into abortion providers.

I yield to the distinguished Senator from Oklahoma, Mr. NICKLES, such time as he may consume.

The PRESIDING OFFICER. The assistant majority leader.

Mr. NICKLES. Mr. President, I compliment my colleague from Arkansas, Senator HUTCHINSON, for his contribution to this debate. I want to make a couple of comments.

If we adopt the Murray-Snowe amendment, we will be turning military hospitals worldwide into abortion clinics. That is what it is about.

I heard somebody else say: We have to protect the constitutional right to choose. It is not the right to choose. The question is, are we going to turn military hospitals into abortion clinics?

I also heard the comment: The military supports this amendment. I would like to ask General Shelton that. I would like to ask Secretary Cohen that. I would like to ask former Sec-

retary Dick Cheney that. I would like to ask Colin Powell that. I doubt that would be the case.

What about this constitutional right? I heard "safe legal abortions." When did Congress pass a law? I do not believe Congress ever passed a law saying women have a right to an abortion. The Supreme Court came up with a decision in *Roe v. Wade* that "legalized" abortion, and by legalizing abortion they overturned State laws.

The majority of States—almost all States—had restrictions on abortions. The Supreme Court, in its infinite wisdom, said: States, you do not know enough, so we are going to legalize abortion.

I personally find it offensive anytime the Supreme Court goes into the law-making business. I read the Constitution to say Congress shall pass all laws—article I of the Constitution. It does not say, laws that are kind of complicated, Supreme Court, you go ahead and pass.

Now people are trying to take, in my opinion, a flawed Supreme Court decision and say we are going to turn that into a fringe benefit. Certainly, the Supreme Court did not say that, but my colleagues are saying: We want to have the right to have an abortion in government hospitals; this is a fringe benefit; let's pick it up, it is going to be paid for by the taxpayers.

These doctors, who are Federal doctors, are going to be trained to do what? Provide abortions. What is an abortion? It is the destruction of a human life. We are now going to turn this Supreme Court decision into a fringe benefit? The Supreme Court never said this was a fringe benefit. The Supreme Court never said the Government had to pay for it, or the taxpayers had to pay for it.

Who pays that doctor's salary? Who is going to train that doctor? Who is going to train the nurse? Who is going to make sure the facilities are there? The taxpayers are. The Supreme Court never said you have to turn this into a Federal paid fringe benefit at Federal expense.

I heard somebody else say this is not a debate about paying for it; they are willing to pay for it themselves. They do not pay for the training of the doctors. They do not pay for the building of the facilities or having the facilities there, and all the expenses associated with it.

Basically, they are asking that the Federal policy be to turn our military hospitals into abortion clinics with the acceptance, with the acknowledgment, with the prestige of the U.S. Government, that this is a procedure we will supply, as if it is just an ordinary fringe benefit.

It is dehumanizing life. It is devaluing life. It is just a fringe benefit? It is a destruction of life. We are going to have the taxpayers do that? We are

going to mandate all military hospitals worldwide become abortion clinics?

We are going to mandate basically that these doctors, when they are recruited to go into military training, have to also be trained to perform abortions? I think that would be a serious mistake. I urge my colleagues, at the appropriate time, to vote in favor of the motion to table the Murray amendment.

Again, my compliments to my friend and colleague from Arkansas.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Washington.

Mrs. MURRAY. Mr. President, I simply need to respond. The Murray-Snowe amendment is not asking for a fringe benefit. Let me make it very clear to everyone who is listening, what this amendment does is simply allow a woman who serves in the military overseas to pay for her own abortion services in a military hospital where it is safe and it is legal. It is not a fringe benefit. Health care choices for women who serve us overseas are not fringe benefits. They simply are the same right that is afforded to every woman who lives in this country.

Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor today just to add a couple of other points to this very important debate.

I thank my colleagues from Washington and Maine for sponsoring this amendment. I will join with them in voting for this amendment.

I simply point out to our colleagues that while emotions and passions may run quite high on this issue, as has been expressed by various Members, I do not necessarily consider this an abortion vote one way or the other. This is about our military. This is about equal rights and equal protection for men and women who serve in the military. It is a pro-military vote. It is a health care vote.

We can debate, as we do regularly, and as the Senator from Oklahoma just pointed out, our differences of opinion on abortion. We have differences of opinion about whether we should be pro-choice, anti-choice, or pro-abortion. But this is an amendment concerning women who have signed up in the military, at some sacrifice to themselves and to their families, to serve our country in uniform.

As a member of the Armed Services Committee, it is so hard for me to understand how this Congress could take a constitutional right away from a woman in uniform by denying her health care she may need, and in some instances may be in desperate need of, while serving our country overseas. It is for no good reason that I can understand, nor can many of us understand.

We can debate the abortion issue on other bills, in other venues. We have

resolutions. This is on our military bill. This is a readiness issue. We have reached out to women to serve in our Armed Forces. We have asked them to serve. Ten or fifteen percent of our Armed Forces are female.

Just recently I read, with great pride—and I hope many of our Members here have read this—that in our academies, the Army, the Air Force, and the Navy academies, 5 out of the top 10 graduates this year are women.

We are opening the doors of our military academies. Some of our best trained people are female, getting ready to defend our Nation's principles for which so many died.

If, in fact, they are overseas and injured in the line of duty, and the woman happens to be pregnant and needs to terminate that pregnancy, they will have to go to their commanding officer, ask for permission, and be transported back on a cargo plane, if and when one is available, putting their health in jeopardy. It is not right. It is not fair.

I would like to correct the record. Secretary Cohen does support giving this health benefit to women who are in our military.

I would like to correct something else for the record. The Murray-Snowe amendment requires that women in uniform pay out of their own pockets for the procedure that they believe they need because of their health or that their doctor might recommend they need. In addition to paying out of their pocket, let me remind my colleagues, they are taxpayers. Their money does in fact build the hospitals and pay for the doctors. The last time I checked the Tax Code, both men and women pay taxes, not just the men of this Nation.

So for the readiness issue, for the military issue, I ask my colleagues, even those who are opposed to abortion on constitutional grounds, since it is a constitutional right, let us please have consideration for the women who are in uniform, who serve our country valiantly, and who may indeed find themselves in a foreign and strange land, in some instances, fighting for the principles we represent here. For them to not be able to get the health care they need because some Members of this body voted to take that right away from them, I do not want to be in that number.

Mr. President, I am proud to support this amendment. I urge all of my colleagues to join with us in supporting this important amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, a constitutional right has not been abridged. They in fact can seek an abortion, but it simply cannot be on military grounds, in military hospitals,

or subsidized by the American taxpayer.

At this time, I yield such time as he might consume to my distinguished colleague on the Armed Services Committee, the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is indeed an important Defense authorization bill. We have worked on it for a long time. Unfortunately, it is now being jeopardized by an attempt to shove further and further abortion rights, abortion entitlements forward, to be paid for by the American taxpayers. That is a principle we ought not to confront, in my view.

As I see it, there has sort of been a quasi, uneasy truce among those who disagree about abortion. We have said the right exists and people can choose it, but we are not requiring that the American taxpayers pay for it. People on both sides may like to see that changed in various directions, but fundamentally that is where we are.

We have an important defense bill being jeopardized by this approach that says that taxpayers have to have the Army, Navy, and Marine hospitals converted into abortion clinics. I do not believe that is popular with the service. I know it is not popular with the physicians in the service. In fact, I am disappointed to hear that the Secretary of Defense—I now hear from this floor—favors this amendment.

Once again, we have politicians and bureaucrats in the Department of Defense playing political and ideological games with the morale and esprit de corps of the men and women in the military. I do not appreciate that.

Every physician who was called upon previously, when there was a period in which these abortions were to be performed in military hospitals, rejected that. Not one military physician, who swore an oath to preserve life and who had character and integrity that led them to conclude they ought not to do these abortions, would do so.

So there is unanimous support. I do not know why the Secretary of Defense ought to be doing this. I did not know that it happened. I knew that a bureaucrat, an Under Secretary of Defense, had said it was a constitutional right.

It is not a constitutional right to have the taxpayers provide a place for someone to conduct an elective surgery. That is not a constitutional right. It is a constitutional right, according to the Supreme Court, that no State can pass laws to stop someone from going out and seeking an abortion and having it. Basically, that is the current state of the law by the U.S. Supreme Court. That is the right.

It is not a right to have it paid for by the American citizens, many of whom deeply believe it is wrong. Overwhelmingly, a majority—apparently all phy-

sicians in the military—do not want to do this. Why are we forcing it? It is not good for military morale. It is not going to improve the self-image of the patriots who defend us every day. I feel strongly about that. I wish the Secretary of Defense had not come forward in that way.

What is the policy? What are we saying to our women in uniform today? The policy says: Join the service and you may be deployed. Most people may serve their whole career and never be deployed outside the United States but some are. So you may be deployed. We say to them: You have a full right to have an abortion, as any other American citizen. You have that right. We have regulations, implemented by the Clinton-Gore administration, to guarantee those rights. We say: But you must pay for that procedure. The taxpayers are not going to pay for it. If you are on foreign soil and there is not an American hospital nearby or an abortion clinic nearby, you will be given leave. You will be given free travel on military aircraft to come back to a place you think is appropriate to have your abortion. We are just not going to pay for it. We are not going to convert our hospitals, and we are not going to have our physicians who don't approve of this procedure be required to take training in and undertake that procedure.

That is the way it is. That is not a denial of constitutional rights. If it were, why don't we have a lawsuit and have the U.S. Supreme Court declare that is an unconstitutional policy? There is zero chance of having the Supreme Court declare the policy, as I have just stated it, unconstitutional. It is an absolutely bogus argument to say the current state of the law concerning abortions in military hospitals is unconstitutional. It is not so. It is inaccurate and wrong. It ought not to be said. If it is so, it will be reversed by the Supreme Court. But it will not be because it is not unconstitutional.

Someone suggested that this is oppressive to women. That is a very patronizing approach to women in the military. The women I know in the military are quite capable. They know how to make decisions. They are trained to make decisions. They are strong and capable. They are not going to be intimidated from taking a medical course they choose to take. It is not a question of asking permission of their commanding officer. They can have the abortion as they choose. If they want to be transported back to the United States on free travel, they have to ask for the free travel. They have to ask their commander, someone to give them the travel back on the aircraft. It is not begging the commanding officer for permission to have the abortion, which is a right protected by the Constitution.

It has been argued that we are here to place barriers in the way. No. The

regulations guarantee the right of a woman in the military to have an abortion and guarantee the right to be transported back to a place where the abortion can be provided. It does not bar an abortion. How can daylight be turned to darkness in that way?

There are many deep beliefs on both sides of this issue. We need to be clear in how we think about it. If we think about it fairly, we will understand that the U.S. military guarantees and protects and will assist a woman to achieve an abortion. What we are saying is, we shall not be required to provide a hospital, doctors, and nurses to do so. I think that is a reasonable policy in this diverse world in which we live. We do not need to jeopardize the entire Defense bill by challenging the deeply held and honorable position of many Americans.

We need to reject this amendment. I think it is basically an attempt to shove, once again, the abortion barriers even further, to attempt to get around the Hyde amendment which flatly prohibits expenditure of Federal dollars to carry out abortions. The Hyde amendment is quite sane, quite reasonable, quite fair in light of the deeply held opinions of Americans.

Let us not go further. Let us reject the Murray amendment.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at U.S. military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat U.S. servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able

exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the Fiscal Year 2001 Department of Defense Authorization Bill.

Mr. ROBB. Mr. President, the amendment offered by Senator MURRAY and Senator SNOWE renews our debate, once again about women's reproductive choice and access to safe, affordable, and legal reproductive health care services. I commend the sponsors of this amendment for their eloquent advocacy on behalf of women in uniform.

Mr. President, the Murray-Snowe amendment repeals the ban on privately funded abortions at overseas military medical facilities. Simply stated, this legislation would ensure that women service members and military dependents stationed overseas have access to the reproductive health care services guaranteed to all American women. Under the current policy, women who volunteer to serve their country and are stationed outside the United States have to surrender the protection of these rights. They can't use their own funds to obtain abortion services in our safe military medical facilities. It is ironic that active-duty service members who are sent abroad to protect and defend our rights are unnecessarily denied their own in the process.

Mr. President, the Supreme Court has, time and time again, affirmed that reproductive rights are constitutionally protected rights. *Roe v. Wade* is still the law of our land. Congress has even passed legislation making it

illegal to prevent or hinder a woman's access to clinics that provide abortion services. And yet we are here again trying to protect the constitutional rights of a group of women who are willing to die to protect the constitutional rights of all Americans. This is a fight we shouldn't have to wage in this chamber, Mr. President.

I'd like to respond to some of the arguments that have been made against this amendment. This amendment does not advocate Federal funding of abortions. Women service members, not the American taxpayer, are entirely responsible for the cost of these services. Furthermore, as per current policy, this amendment would not force any individual service member to perform a procedure to which he or she objects.

I urge my colleagues to support this amendment and give military service members and their dependents the same protections whether stationed in this country or abroad. The women of our Armed Forces should not be forced to risk their health, safety, and well-being via back-alley abortions or substandard foreign health care services. The Murray-Snowe amendment provides the women who have volunteered to serve this Nation and are assigned to duty outside the United States with the range of constitutional rights that they have when they are on American soil. We owe this to our American soldiers, sailors, airmen, and marines. I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, and I commend my colleagues, Senator MURRAY and Senator SNOWE, for introducing it again this year. This is an issue of basic fairness for all of the women who have voluntarily dedicated their lives to protecting our country or who are dependents of military service members.

The current ban on abortions at U.S. military facilities overseas discriminates against women who are serving abroad in our armed forces. This ban is not fair to our servicewomen, and it is unacceptable. They are willing to risk their lives for our country, and it is wrong for our country to ask them to risk their lives to obtain the health care that is their constitutional right as American citizens.

Abortion is illegal in many of the countries where our servicewomen are based. The current ban on abortions endangers their health by limiting their access to reproductive care. Without proper care, abortion can be a life-threatening or permanently disabling procedure. It is unacceptable to expose our dedicated servicewomen to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

Over 100,000 American women live on military bases overseas and rely on military hospitals for their health

care. They should be able to depend on military base hospitals for all of their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Forcing women to travel to another country or return to the United States to obtain an abortion imposes an unfair burden on them and can lead to excessive delays and increased risk.

Servicewomen in the United States do not face these burdens, since quality health care in non-military hospital facilities is readily available. It is unfair to ask those serving abroad to suffer a financial penalty and expose themselves to health risks that could be life-threatening.

Congress has an obligation to provide safe medical care for those serving our country both at home and abroad. This amendment does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. A woman's decision to have an abortion is a very difficult and extremely personal one, and it is wrong to impose an even heavier burden on women who serve our country overseas. It is time for Congress to end this double-standard for women serving abroad. I urge the Senate to support the Murray-Snowe amendment and correct this grave injustice.

Mrs. FEINSTEIN. Mr. President, as the Senate debates the FY 2001 Department of Defense authorization bill, I want to add my support for the amendment offered by Senators MURRAY and SNOWE to repeal the provision of current law that prohibits the use of DOD facilities for abortion services. This prohibition is particularly harsh for women who serve their country overseas.

Current law has two bans: (1) a ban on the use of any DOD funds to perform abortions, except if the life of the mother is endangered; and (2) a ban on using DOD facilities to perform an abortion except if the life of the mother were endangered or in the case of rape or incest. The Murray-Snowe amendment would repeal the second ban, on using a DOD facility to perform an abortion except where the life of the mother would be endangered or in the case of rape or incest.

This amendment does not force DOD to pay for abortions. It simply repeals the current ban on using DOD medical facilities. This ban works a particular hardship on military women stationed overseas because if they cannot use DOD facilities, they are forced to find private facilities, which may be unfamiliar, substandard, or far away.

I support this amendment for several reasons.

First, under several Supreme Court decisions, a woman clearly has a right to choose. A woman does not give up that right because she serves in the U.S. military or is married to someone serving in the military. Barring the use of U.S. military facilities creates a particular difficult barrier to exercising that constitutionally protected right when serving in another country.

Second, this prohibition in current law can endanger a woman's health, if she has to travel a long distance or wait to find an appropriate facility or physician. Women may not have ready access to private facilities in other countries. A woman stationed in that country or the wife of a service member might need to fly to the U.S. or to another country—at her own expense—to obtain an abortion because some countries have very restrictive laws on abortion. Most service members cannot easily bear the expense of jetting off across the globe for medical treatment.

If women do not have access to military facilities or to private facilities in the country where they are stationed, they could endanger their own health because of delay and the time it takes to get to a facility in another country or by being forced to get treatment by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, some women—especially desperate young women—resort to unsafe and life-threatening methods. If it were your wife, or your daughter, would you want her in the hands of an untrained, unknown person on the back streets of Seoul, South Korea? Or would you prefer that she be treated by a trained physician in a U.S. military facility? Under the current prohibition, women could put themselves at great risk by the hurdles required, by the possibility of using an untrained, unlicensed person and sometimes by a lack of knowledge of the seriousness of their condition.

People who serve our country agree to put their lives at risk to defend their country. They do not agree to put their health at risk with unknown medical facilities that may not meet U.S. standards. With this ban, we are asking these women to risk their lives doublefold.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a "conscience clause" that permits medical personnel to choose not to perform the procedure. What we are talking about today is providing equal access to U.S. military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

The Department of Defense supports this amendment. A May 7 letter from

Dr. Sue Bailey, the Assistant Secretary of Defense says the following:

The Department believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their Constitutional right to the full range of reproductive health care, to include abortions. The availability of quality reproductive health care ought to be available to all female members of the military.

Abortion is legal for American women. To deny American military women access to medical treatment they can trust is wrong. I urge my colleagues to vote the Murray-Snowe amendment.

Mr. HUTCHINSON. Mr. President, may I inquire as to how much remains on each side?

The PRESIDING OFFICER. The sponsor of the amendment has 10 minutes remaining; the opposition has 15 minutes remaining.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I will address a few of the issues that have been raised.

First, the Department of Defense stand on this: We have it confirmed that Secretary Cohen, the Secretary of Defense, does support this amendment. Several people have questioned Dr. Sue Bailey, who is Assistant Secretary of Defense, and wrote a very eloquent letter in support of this position. She did recently leave the Department. However, the Department's policy still is intact. Despite her being gone, the Department policy remains strongly the same.

Second, I keep hearing the question of taxpayer funds. Let me lay this out for everyone one more time. Current policy requires a woman who serves in the military overseas to go to her commanding officer and request permission for leave of absence. She cannot get free transport without giving them a reason why. She has to go to her commanding officer, most likely a male, explain to him that she needs abortion services, and then we provide her transportation back to the United States. Her transportation is usually on a C-17 or a military transport jet that I assume costs a lot more than an abortion procedure would in a military hospital.

What we are saying with this amendment is not to use taxpayer dollars, despite what the opponents keep asserting. We are simply asking that a woman who serves in the military overseas be allowed to pay for her own health care services in a military hospital so she can have access to a safe and legal abortion, just as women in this country do every day.

This is an issue of fairness. We are asking the women who serve in our military be allowed the services that every woman has a right to in this country. They are overseas fighting to protect our rights. Certainly, the least we can do is provide them rights as well.

I yield what time he needs to the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Senator from Washington and Senator SNOWE. They have been doing an important job for the Nation.

We require an awful lot from the service men and women who serve us here and abroad. We ask them to volunteer to serve in the military. Then we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is to ensure they receive medical care equal to what they would receive in the United States. Servicewomen and their dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by a doctor in a modern, safe, American medical facility with people who speak English. Military women stationed overseas do not have that opportunity under current law.

That is what the Snowe-Murray amendment would change. The alternative of seeking an abortion from a host nation doctor who may or may not be trained to U.S. standards in a foreign facility where the staff may not even speak English is an unacceptable alternative. Our servicewomen deserve better.

This amendment is not about conferring a fringe benefit on military women. It is, rather, a vote to remove a barrier to fair treatment of women in the military. This amendment does not require the Department of Defense to pay for abortions. As the Senator from Washington very clearly explained again, all the expenses would be paid for by those who seek the abortion.

The Defense Department calculates the cost of medical procedures in military health care facilities all the time. They routinely compute the cost of health care provided to military members and their families when seeking reimbursement, for instance, from insurance companies. Medical care, for instance, provided to a beneficiary who is injured in an automobile accident is routinely reimbursed by the insurance company of the driver at fault.

To say that we cannot calculate the indirect costs of medical care to the Government is simply not an accurate statement of what takes place already. The Defense Department calculates costs—direct and indirect—to the Government right now when it charges a third party for reimbursement.

There is no requirement in this bill—quite the opposite—that the Government pay for the abortion. It makes it very clear that the person who seeks the abortion must pay for the abortion.

Finally, we have heard about military doctors who have said in the past

that they did not want to perform abortions. We heard one of our colleagues say that doctor after doctor said they did not want to perform an abortion.

That is why this amendment provides that abortions could only be performed by American military doctors who volunteer to perform abortions.

This amendment is about whether or not women who serve in the military are going to be treated as second-class citizens. That is what this amendment is about—whether it is going to be made more difficult for them when serving us abroad to exercise a constitutional right which the Supreme Court has conferred.

It is very intriguing to me that the opponents of this amendment speak about a woman being able to receive transportation back to this country. They don't seem to object to that; quite the opposite. They say: Look, we are making Government-provided transportation available to the woman. Why isn't the same objection being made to that?

The answer is because denial of access to a military hospital abroad for an American woman who chooses to have an abortion does not facilitate that procedure. And the opponents of this amendment, as a matter of fact, oppose this procedure. They want to make it more difficult. And forcing a woman to ask a commander to have leave and then, if transportation is going to be made available, provide transportation back to the United States to have an abortion, and then back across the ocean overseas, clearly makes it more difficult and in many cases more dangerous for that woman to have the procedure.

That is what this debate is all about. It is not about whether the Government is going to pay for the abortion or whether this is a fringe benefit. It is not. The woman must pay for it in that hospital by a doctor who voluntarily agrees to perform it.

This amendment is about whether or not we wish to remove a barrier which has been placed in front of a woman who chooses to exercise, at her own expense, that constitutional right.

I hope the votes will be here this time to remove this badge of second-class citizenship which now exists in the law which unduly, unfairly, and sometimes dangerously restricts the right of a woman who is serving us in our military to exercise her constitutional right.

I again thank my friend from Washington for her leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself all but the remaining 2 minutes of the time allotted to my side.

Let me clarify a couple of things from my perspective.

It has been alleged that if you have a servicewoman who is seeking an abortion under current policy, you put her on an aircraft, fly her back to the U.S. at taxpayers' expense, and therefore what is the difference? And the only reason we want to maintain the current policy is we want to put an impediment up to a woman having an abortion.

The current DOD policy for servicewomen seeking to obtain abortions is that they may fly on a space-available basis, if the aircraft are already making the trip for operational reasons—not for the purpose of facilitating abortions. Space-available transportation is available for any service member on leave regardless of what their motivation is.

These aircraft have been referred to repeatedly during the debate as "cargo aircraft." In fact, these aircraft have passenger seats just as on civilian airlines.

I wish to propound a series of questions to the distinguished Senator from Washington, Mrs. MURRAY, on my time.

I ask the Senator exactly how she would calculate the cost of reimbursing DOD for the expense of an abortion procedure. Does she count only things consumed such as blood, bandages, and surgical tools, or would she compute the cost of using the facility, the salaries of the support staff, and the other medical equipment used to perform such a procedure?

Mrs. MURRAY. Mr. President, any hospital today has to calculate costs. Certainly I give a lot of credence to our military hospitals and to the military officials who run them to be able to do the same thing just as they have done prior to the time when women could have access to these abortions.

Mr. HUTCHINSON. Mr. President, I ask Senator MURRAY, if her proposal allows, as she argues, for a true calculation of the expenses, how much does she recalculate the Government would be reimbursed for performing an abortion?

Mrs. MURRAY. Mr. President, that question goes directly to what the military is able to do, which is to themselves figure out what the cost is and bill it. It is an easy thing to do. They have done it before. It is not up to me to calculate the cost. Our military officials who run our hospitals are highly qualified individuals who have the ability to figure out what their costs are.

Mr. HUTCHINSON. After 1993, when the President, by Executive memorandum, ordered that military hospitals provide abortions overseas, there was, as the Senator from Washington knows, no physician who volunteered to do that. Where there would be no current doctors volunteering to perform abortions, does it envision the

possibility of contracting civilian doctors to perform abortions in military facilities?

Mrs. MURRAY. Mr. President, we have the ability within our military hospitals right now to contract procurements of what our military personnel need. It would frighten me a great deal as a woman serving in the military if none of our military hospitals overseas knew how to perform an abortion in an emergency in case a woman's life is at risk, which we now need to know is available. If we are saying there are no doctors available anywhere in the entire world where we have service people available to perform that service, I would be frightened as a woman in the military service today if my life was at stake and there would not be a doctor available to help me.

Mr. HUTCHINSON. I take it that the answer is, yes, that the Senator envisions contracting doctors to perform.

Mrs. MURRAY. Just as we do with any other requirement in the military.

Mr. HUTCHINSON. In such an instance, would DOD then identify the contract physician?

Mrs. MURRAY. I would assume so. But, again, I would like to point out that we will bill the woman for the costs, whether it is contracted or not. She will be liable to pay.

Mr. HUTCHINSON. Is the Senator proposing that the Department of Defense perform elective abortion procedures in countries where abortions are prohibited by law?

Mrs. MURRAY. Our military hospitals overseas are on military facilities and go by American law. They would be performed in those facilities overseas on our property.

Mr. HUTCHINSON. I thank the Senator. I appreciate very much her candor in answering the questions. I think it has been illuminating.

I would like to go back on some of these questions. Frankly, it has been made very clear by the Department of Defense, as I stated earlier, that they do not currently have the ability to make these calculations on a case-by-case basis.

I quote once again that "procedures performed in military hospitals are assigned a diagnostic-related group code, but these are assigned or allocated costs that do not necessarily reflect resources devoted to a specific case."

That is very plain.

They further go on and say that military infrastructure and overhead costs cannot at the present time be allocated on a case-by-case basis.

As much as we would like to say and as much as I believe the proponents of this amendment are sincere, it is not currently possible for the Department of Defense to calculate what portion of the infrastructure, the equipment and facilities, should be allocated to an individual servicewoman seeking an

abortion. That simply means we will, in fact, be subsidizing abortion procedures, and in doing so violate existing law.

I raise another issue as we think about Senator MURRAY's response to my questions. She said: Yes, in the case that you contract for a physician, it would be assumed that the proper defense would indemnify the contract physician. That means that the U.S. Department of Defense becomes the malpractice insurer for that abortion provider, that contract physician. It means that should there be a botched abortion, that doctor doesn't have to worry about malpractice because it is the U.S. Government that will, in fact, indemnify those costs. The Senator is correct; it is a terrible liability we would be assuming.

Senator MURRAY, in her response to my questions, also said it was her understanding that her amendment would allow elective abortion procedures to be performed in countries where abortion is prohibited by law. That is a very candid confession because that would dramatically change current DOD policy. This amendment would, in fact, allow abortions to be performed in countries where it is against the law. That includes South Korea, where we have 5,958 women serving. It includes Germany, where there are 3,013 women serving. Over 9,000 women serve overseas.

We are not just changing one Department of Defense policy. We are changing current policy that honors the laws of the countries in which these men and women are serving, a dramatic change from current policy and one of which my colleagues certainly need to be aware.

Much of this debate has been about providing abortions to military personnel overseas. The amendment would remove the restrictions on performing abortions at all military hospitals, even in the United States.

I urge my colleagues to look closely at the Murray amendment and exactly what it seeks to amend. I want my colleagues to be aware this amendment permits abortions at any military facility overseas or in the United States. This is not a simple refinement of current policy. This is not something dealing with the quality and fairness.

It can be argued that if it does not overturn current DOD policy regarding countries where abortion is illegal, you are only going to exacerbate any disparity that exists by saying some women overseas would be able to go to an American military facility and receive an abortion and others in countries where it was illegal would not. This is a dramatic change that would not only permit abortions in military facilities overseas but would also make a dramatic change in military facilities in the United States.

The arguments are clear and the arguments are persuasive. It is a mistake

for this Congress to intervene and change current DOD policy, a policy that has worked well, a policy that accommodates women in uniform who desire to have an abortion, but without turning the American taxpayer into subsidizers of a practice that they find deeply, deeply offensive.

In Senator MURRAY's response to my question regarding what this amendment would do to our current policy regarding abortions in countries where it is illegal, we could have a dramatic and detrimental effect on our diplomatic relationships with our allies. Would Saudi Arabia continue to permit U.S. forces to remain if we permitted abortions at our facilities? How would the South Korean Government react to having abortions, which are illegal in South Korea, performed at the U.S. military facilities? These are serious issues. This is not something to be trifled about in a 2-hour debate on the floor of the Senate, as if we are trying to provide equity and to be fair to our women and military overseas.

The evidence is clear. The Murray amendment violates the Hyde provision in current law. The Hyde provision says we are not going to subsidize abortions; we are not going to spend public funds for abortions. It is a provision that has wide, broad, bipartisan support across this country. In fact, it is supported by both those who are pro-choice and those who are pro-life, who believe, even if a woman has this constitutional right, those who are offended by that, those who believe it is wrong, should not be required to subsidize it.

The Murray amendment chips away at that basic provision supported by the American people. It says she may have to pay something, but we are going to use taxpayer-funded facilities, taxpayer supported and paid for salaries, support staff, and equipment. If that is not subsidizing it, I am not sure what is. The Department of Defense has made it clear that trying to calculate the infrastructure, support staff, salaries, and everything else that goes into a military health care facility simply cannot currently, understandably, be computed on a case-by-case basis.

The issue about indemnification of contracted doctors is a serious issue that bears very serious consideration by this Senate. It is an issue that has not been previously raised. Senator MURRAY said, yes, if, as in 1993 when not one physician in the military volunteered to perform abortions when the President said we were going to offer these services in military facilities around the world, not one volunteered to do that, Senator MURRAY says in that circumstance, should that recur, under her amendment we will go out and contract. If we go out and contract physicians, it is a very clear and

explicit violation of the Hyde amendment and, in addition, subjects the U.S. Government to untold liability.

I believe men and women of good will differ and do sincerely differ on the abortion issue. I do believe that men and women of good will, respecting the sincere convictions of others, do not believe those who are offended by the practice of abortion should be required to subsidize it. That is what is at issue. There can be no serious question. There can be no real debate that, in fact, by taking the step the Murray amendment suggests, we are going to put the U.S. military in the business of performing abortions. I don't believe that is supported by the American people. I don't believe that is in the spirit of the Hyde law. I don't believe that meets the criteria of the letter of that law.

It would be a terrible mistake down the slippery slope of providing abortion in this country to pass the Murray amendment and, in so doing, make millions and millions and millions of Americans who feel very deeply about this issue involuntary contributors to the practice of abortion by having this procedure done in military facilities not only overseas but here in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I only have 33 seconds. I find it incredible that the argument has been made that if we allow women to pay for their own abortions in military facilities overseas, it will undermine our relationships with our host countries. We have sovereign law that covers our military facilities. If we were to flip that argument, we could simply say that in a country that provides abortions, if we don't provide them in our hospitals, it may also seriously undermine our credibility.

This amendment is about allowing the women overseas who serve our country and fight for us every day the same rights as the women in this country. I urge my colleagues to support this amendment and to send a message to the women who serve us overseas that we, too, will fight for their rights.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when all debate time on the Murray amendment expires, there be an additional 20 minutes of debate relating to the hate crimes amendment, equally divided between Senators HATCH and KENNEDY. I further ask unanimous consent that following that debate, there be 4 minutes equally divided for closing remarks relative to the Murray amendment prior to the scheduled series of rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I yield any remaining time on our side.

AMENDMENT NO. 3474

The PRESIDING OFFICER. All time has expired on the Murray amendment. Who yields time? The Senators from Massachusetts and Utah control time on the debate on the Hatch amendment.

Mr. KENNEDY. Mr. President, as I understand it, Senator HATCH will control 10 minutes; am I correct?

The PRESIDING OFFICER. The Senator is correct. Senator HATCH controls 10 minutes and Senator KENNEDY controls 10 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in favor of the amendment that I have offered concerning the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and I believe to all Americans who think about it. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is precious little evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled.

At the hearing on hate crimes legislation that we held in the Judiciary Committee, Deputy Attorney General

Eric Holder came to testify and explain the reasons why the Justice Department supports the expansive legislation proposed by Senator KENNEDY. I asked Mr. Holder the rather basic and straightforward question of whether he could identify "any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime." After he gave a somewhat non-responsive answer, I asked him again: "Can you give me specific instances where the States have failed in their duty to investigate and prosecute hate crimes?" Mr. Holder could not. He then indicated that he would go back to the Justice Department, conduct some research, and then provide the Judiciary Committee with the specific instances for which I asked.

In a subsequent response to written questions, the Justice Department identified three cases in which the Justice Department "filed charges against defendants . . . after determining that the state response was inadequate to vindicate the federal interest." In addition, the Department identified two cases where the Justice Department determined that the State could not "respond as effectively as the Federal Government because, for example, State penalties are less severe." These five cases hardly show wholesale abdication of prosecutorial responsibilities by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with Federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes. There are three of these additional cases. I have to say, however, that the three additional cases produced by the Justice Department and cited by Senator KENNEDY do not establish that State and local authorities are unwilling to combat hate crimes.

So where does that leave us? We are being asked to enact a broad federalization of all hate-motivated crimes that historically have been handled at the State and local level because, it is argued, States and local authorities are either unable or unwilling to prosecute them. My amendment's grant program addresses the first concern—that States and localities, because of a lack of resources, are unable to prosecute these crimes. If there is not enough money there, let's put enough money into the bill. I am not against increasing the sums. As for the second concern, we are being asked to conclude that States and localities are unwilling to prosecute hate-motivated

crimes on the basis of eight cases—eight cases out of the thousands and thousands of criminal cases that are brought each year. Eight cases, I might add, that at the very least are equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Supporters of the Kennedy amendment also cite to the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. But the Shepard and Byrd cases prove my point. Both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, the defendants were given the death penalty—something that would not be permitted under the Kennedy amendment.

This is not a case where my mind is made up; where no matter what evidence I am shown of dereliction by State and local authorities in the area of hate crimes, I would say that it is not enough, or is not sufficient for me to believe that there is a problem. I am open to the possibility that State and local authorities are not doing their part. I hope that is not true, but my mind is not made up. That is why my amendment calls for a comprehensive study that would carefully and thoroughly and objectively study the data we have collected to see if there is a disparity in the investigation and prosecution of hate crimes. If there is a problem with prosecution at the State level, then I am on record calling for an effective and responsible Federal response.

To summarize: My amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrible crimes. Even if the eight cases identified by the Justice Department did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. They simply do not show a widespread problem regarding State and local prosecution of hate-motivated crime.

In fact, if you look at them it shows that the system is working and the two bodies, the State and local prosecutors and the Federal prosecutors generally work together and they simply do not show a widespread problem regarding State and local prosecutions of hate-motivated crime.

Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate crimes. If the study

shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions, while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment answers this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my Amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a person's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden Federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what are now State crimes is its greatest drawback. The intention of Senator KENNEDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the Fourteenth Amendment or the Commerce Clause. This is clear in light of the Supreme Court's decision last month in *United States v. Morrison*.

During the debate yesterday it was argued that the Thirteenth Amendment provides Congress with the authority to enact the Kennedy amendment. I respectfully disagree. The Thirteenth Amendment provides:

Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.

Under this amendment, Congress is authorized to prohibit private action that constitutes a badge, incident or relic of slavery. An argument could perhaps be made that the failure or refusal by State authorities to inves-

tigate and prosecute crimes committed because the victim is an African-American constitutes a badge or incident or relic of slavery. But while this creative, Thirteenth Amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the Thirteenth Amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative, Thirteenth Amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the Thirteenth Amendment so expansively.

In conclusion, it is my hope that my colleagues who intend to vote for the Kennedy amendment will also support my amendment. While I strongly disagree with the approach taken by the Kennedy amendment, the two amendments are not inconsistent. My amendment provides for a strong and workable assistance program for State and local law enforcement. Indeed, it has the support of the National District Attorneys Association. Further, my amendment requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

With that, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. ROBB. Mr. President, I rise to support the Smith-Kennedy legislation. This legislation will simply strengthen existing hate crime laws by enhancing the Federal Government's ability to assist State and local prosecutions. It is a little bit like Project Exile, which is so much in vogue and which has been practiced so successfully in Richmond, VA. This will allow the resources of the Department of Justice to be made available where appropriate to investigate and prosecute those in our society who commit acts of brutality based on hate. The dragging death of James Byrd, Jr., an African American man in Jasper, TX, the torture and death of Matthew Shepard, a homosexual male in Laramie, WY, shocked the national conscience. Hate crimes have occurred in the Commonwealth of Virginia as well.

In 1999, a man was sentenced to life in prison and fined \$100,000 for his role

in the death of an African American man who was beheaded and burned in Independence, VA. And a homosexual man was murdered and his severed head was left atop a footbridge near the James River in Richmond, VA. It is hard to imagine the pain and suffering of the victims and their families.

This legislation does not allow individuals to be prosecuted for their hateful thoughts; rather it allows them to be punished for their hateful acts. Willfully inflicting harm on another human being based on hate is not protected free speech. I urge my colleagues to support this amendment and demonstrate our commitment to eradicate the hate.

I reserve any time remaining to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. SMITH of Oregon. Mr. President, I rise today as a cosponsor of the Kennedy-Smith amendment. I also rise to announce my support for the amendment offered by Senator HATCH. I ask my colleagues, in voting for Senator HATCH's amendment, to vote for Senator KENNEDY's as well. It is fine to study, but I think we know enough. We know that hate crimes are already committed in our society.

When I, as a human being, wake up to read headlines of a black man dragged to death and a gay man beaten to death, I want to do something. I believe in the separation of State governments and the Federal Government. I understand all of that. But doggone it, it is OK for the Federal Government to show up to work. It is time for us to say as Republicans and Democrats that we want to make a difference. We want our police officers to help not primarily but secondarily and to be there to teach, to prosecute, and to pursue those who commit the most malignant of crimes.

I say to my colleagues, there are two critical words, in my view, missing in Senator HATCH's amendment. The words are "sexual orientation," as it applies to making it a Federal crime. I never thought I would be on the Senate floor saying this until I saw the report of Matthew Shepard's death. I began to ask myself what I could do.

Many in the Senate are reflexively inclined to vote no on the Kennedy amendment because of feelings of religious reluctance. I understand that because I shared those feelings for a long time. Then I happened upon a story in a book that I regard as Scripture. It is in the eighth chapter of John when the Founder of the Christian faith was confronted by the Pharisees and the Sadducees of His day with a hate crime. A woman who was caught in the very act

was to be stoned to death. What did He do? His response was to speak in such a way to shame the self-righteous and the sanctimonious to drop their stones, and He saved her life. We should do the same.

I do not believe on that day He endorsed her lifestyle anymore than I believe anyone here will be endorsing any lifestyle if they vote for the Kennedy-Smith amendment. I believe what my colleagues will be doing is following an example that says when it comes to violence and hatred, we can stand up for one another. No matter our distinctions, no matter our uniqueness, no matter our peculiarities, no matter how we pray or how we sin, we can stand up for each other, and we can stand up against hate.

I say to my colleagues: Vote for Senator HATCH's amendment. It is fine, but it does not go far enough, in my view, and it is time to go far enough to include this group of Americans who are not now included in a current Federal law.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. SMITH of Oregon. Mr. President, I conclude with this plea: Put down the stone and cast a vote based on love, cast a vote against hatred and vote for the Kennedy-Smith amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time does the Senator from Utah have?

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds remaining.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon made my case. I decry what happened in the Matthew Shepard case. I decry what happened in the James Byrd case. Those horrific crimes, however, were investigated by local authorities and prosecuted by local prosecutors. In both instances, the local prosecutors obtained appropriate sentences—life terms in the case of the Shepard defendants and death sentences in the case of the Byrd defendants. Local law enforcement and local prosecutors did their jobs and investigated and prosecuted truly awful hate crimes.

All of these horrible examples of hate crimes were handled properly by State and local authorities. That is why my amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country.

The National District Attorneys Association has endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be very helpful to them as they seek to fight hate-motivated crime.

In a letter of support, the National District Attorneys Association also

states that it strongly endorses my amendment because my amendment "appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government."

I have at least a couple of problems with the Kennedy amendment. First, it is unconstitutional. The Morrison case, decided only a month ago, is directly on point and leads to the inexorable conclusion that the Kennedy amendment, if adopted, will be struck down as unconstitutional. Second, the Kennedy amendment is overbroad. It would make a federal case out of every single hate-motivated crime that occurs in this country—including all rapes and sexual assaults, which currently are prosecuted under State law. Can you imagine what will happen if our Federal courts are clogged with all the rape cases in this country that are currently being handled very well by State and local prosecutors? That is why the National District Attorneys Association is strongly supportive of what I am trying to do here today.

My amendment takes action with regard to the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and to all Americans. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, which I worked to get enacted in 1990, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling

to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is little or no evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled. Of the thousands—perhaps hundreds of thousands—of criminal cases that are brought every year, the Justice Department could identify only five cases where it believed that it could have done a better job than the States in prosecuting a particular hate crime. In each of these five cases, however, the States either investigated and prosecuted the hate crime themselves, or worked with the federal government to investigate and prosecute the hate crime. In none of these cases did the perpetrator of the hate crime escape the heavy hand of the law.

In *United States v. Lee and Jarrad*, a 1994 case from Georgia, the State obtained a guilty plea from one of the defendants and, after investigating the matter for several months, determined that there was insufficient evidence to prosecute the other defendant.

In *United States v. Black and Clark*, a 1991 case from California, the county sheriff—who lacked resources—ceded investigatory authority to the FBI after the federal government indicated its desire to investigate and prosecute the case. Because the defendants were charged federally, State prosecutors declined to bring State charges. My amendment would provide grants for similarly situated Sheriffs who operate on a tight budget.

In *United States v. Bledsoe*, a 1983 case from Kansas, the State prosecuted the defendant for homicide and, after a trial, the defendant was acquitted. The Justice Department then brought federal charges and obtained a life sentence.

In *United States v. Mungia*, *Mungia and Martin*, a Texas case, state prosecutors worked with federal prosecutors and agreed that federal charges were preferable because (1) the defendants could be tried jointly in federal court and (2) overcrowding in State prisons might have led to the defendants serving less than their full sentences.

And, in *United States v. Lane and Pierce*, a 1987 case from Colorado, State prosecutors worked with federal prosecutors and agreed that federal charges were preferable because most of the witnesses were in federal custody in several different States.

These five cases hardly show wholesale abdication of prosecutorial responsibility by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced to the Judiciary Committee additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes.

In fact, the Justice Department did identify three additional cases to Senator KENNEDY. However of these three additional cases produced by the Justice Department and cited by Senator KENNEDY, none establishes that State and local authorities are unwilling to combat hate crimes.

In the 1984 case of *United States v. Kila*, the State authorities who were investigating the case requested that the Justice Department become involved in the case and bring federal charges. A federal jury then acquitted the defendants of the federal charges.

In a 1982 case that the Justice Department does not name, the defendant was acquitted of federal charges; the Justice Department does not state whether State charges were brought or whether the local prosecutors simply deferred to the federal prosecutors.

And, in *United States v. Franklin*, a 1980 case from Indiana, the defendant was acquitted of federal charges; again, the Justice Department does not state whether State charges were brought or whether local prosecutors deferred to federal prosecutors.

In summary, my amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrific crimes.

Even if the eight cases I have just discussed did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. In no way do they show a widespread problem regarding State and local prosecution of hate-motivated crime. Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate crimes. If the study shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions,

while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment seeks to answer this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a person's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what now are State crimes is its greatest drawback. The intention of Senator KENNEDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the 14th amendment or the commerce clause. This is clear in light of the Supreme Court's decision last month in *United States v. Morrison*.

During the debate yesterday it was argued that the 13th amendment provides Congress with the authority to enact the legislation proposed in the Kennedy amendment. I respectfully disagree. The 13th amendment provides: "Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation." An argument could perhaps be made that the failure or refusal by State authorities to investigate and prosecute crimes committed because the victim is an African-American constitutes at badge or incident of slavery. But while this creative 13th amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the 13th amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals, or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative 13th amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the 13th amendment so expansively.

In conclusion, I urge my colleagues to vote against the Kennedy amendment. It almost certainly is unconstitutional, given the current state of constitutional law. In addition, it is bad policy to enact a broad federalization of what traditionally have been State crimes—crimes that are, by all accounts, being vigorously investigated and prosecuted at the State and local level.

I also would urge my colleagues to vote in favor of the amendment that I have offered. It calls for a study of the way States are dealing with the problem of hate crimes and provides grants to States so they will have the resources to continue their efforts. And, my amendment has the added benefit of being constitutional. For the reasons that I have stated, I urge my colleagues to vote in favor of my amendment.

I commend Senator KENNEDY and those who are supporting his amendment in the sense that all of us should be against this type of tyranny, this type of criminal activity that is motivated by hate, this type of mean, venal, vile conduct that lessens our society. But nobody should make the mistake of not understanding that I do not think the case has been made that States and localities are unwilling to combat hate crimes. In the cases I have seen, the evidence is to the contrary: States and localities are leading the fight against hate-motivated crimes. The only way to resolve this issue regarding the willingness of the States to engage in the fight against hate crimes is to do what I suggest: conduct a thoroughgoing study of the hate crimes statistics that we do have to see if, in fact, States and local jurisdictions are not doing their jobs. I, for one, do not believe that the case has been made against local prosecutors.

The PRESIDING OFFICER (Mr. GORTON). The Senator's time has expired. The Senator from Massachusetts has 3 minutes.

Mr. KENNEDY. I yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Massachusetts for yielding, and I thank the Senator from Oregon for his leadership.

Right above the Presiding Officer's chair it says: *E Pluribus Unum*, the motto of the United States, Out of Many One. Every hate crime puts a dagger into the heart of America, puts a dagger into our national motto, Out of Many One.

We have federalized so many crimes—gun crimes, drug crimes, car

jacking, capital crimes. Why, we might ask, is the only crime we do not want to federalize that of hate?

Ask yourself that question, my colleagues. Why? They are every bit as troubling to America as other crimes, perhaps more so because they strike at the very fabric of what this country is about: *E Pluribus Unum*.

I urge my colleagues to support the Kennedy-Smith amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the remaining time.

Mr. President, hate crimes are a national disgrace, and they attack everything for which this country stands. We, as a Congress, must take a clear and unequivocal stand. We have the opportunity to do so this afternoon. It ought to be bipartisan, and it ought to be an overwhelming statement of law.

As a country and as a people, we are committed to equal protection under the law. We all take pride in that. We do not say we have equal protection under the law only if you are a white male. We do not say we have equal protection under the law if you have no disability. We are not going to say we have equal protection under the law only if you are "straight."

We say equal protection under the law must apply to all Americans. That is what this is about. The Hatch amendment is a study. We are beyond studying. The American people want action on hate crimes. That is what our amendment does, very simply.

We ought to have the support of the overwhelming majority of the Members of this body. Hate crimes are rooted in hatred and bigotry. If America is ever going to be America, we should root out hatred and bigotry. We do not have all of the answers, but we ought to be able to use the full force of our power to make sure we are going to do everything we can—that we are not going to stand alongside but are going to be involved in freeing this country from hate crimes. Our amendment will do so.

The PRESIDING OFFICER. All time of the amendment has expired.

AMENDMENT NO. 3252

The PRESIDING OFFICER. Under the previous order, we will revert to the Murray amendment, on which there are 4 minutes equally divided.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on an amendment that will simply allow a woman who serves us overseas in the military to go to a military facility, if she so chooses, to have an abortion that is safe and legal.

Current law requires that a woman who serves us overseas go to her commanding officer and ask for permission to fly home on a military transport, at taxpayer expense—as I say, at taxpayer expense—to fly home on a military jet to have access to what is legally given to every woman in this country today.

I heard our opponents say that this is an issue of taxpayer-funded abortions. I disagree. The amendment disagrees. This will say that women will pay for their own abortions in the military facilities.

We ask women to serve us, to fight for our rights, to go overseas in conditions that are often intolerable, to fight for this country. In return, we tell them that a decision that should be theirs, and their families, along with their physician and their own religion, is no longer a private issue for them.

From women who serve us, we take away a right that has been established in this country for many years, and we tell them, if you serve in the military, that right is taken away from you. We are asking them to fight for our rights, but we are essentially taking away their rights.

This restores that right to women who serve us overseas, to have an abortion, if they so choose. This applies to military families—to wives and daughters, as well.

I ask my colleagues to simply say to the women who serve us overseas that we support you as much as we ask you to support us.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I hope everybody will read the Murray amendment. In fact, there is nowhere in this amendment that it says a woman who is seeking an abortion overseas has to pay for it. There is nowhere that it says that. But the current policy in fact is that service-women serving overseas do not forfeit their right to obtain an abortion. They may request leave. They fly to the United States, or another country, on a military aircraft, on a space-available basis. The flights are for \$10.

This amendment should be tabled for a number of reasons. It violates the Hyde amendment. The Department of Defense has said you cannot calculate reimbursement on a case-by-case basis, even if it did say a woman was going to pay.

As Senator MURRAY said, you would have to contract with physicians. That puts us in the position of violating the Hyde amendment by paying these physicians to come into military hospitals to perform abortions.

It is going to create untold diplomatic dilemmas because, as Senator MURRAY said, her amendment will require abortions to be performed in countries that prohibit abortions, such as Saudi Arabia and South Korea. It is going to be a thumb in the eye of our allies. It is going to create untold diplomatic problems.

Finally, it turns military hospitals into abortion providers. That is not what we want. That is not what the American people want. It is going to

make millions and millions of Americans, pro-life Americans, who have deeply held beliefs about this issue, subsidizers of a practice they find offensive and morally wrong.

I ask my colleagues to join me in tabling the Murray amendment. I move to table the amendment, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to table Murray amendment No. 3252. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—50

Abraham	Fitzgerald	Murkowski
Allard	Frist	Nickles
Ashcroft	Gramm	Reid
Bennett	Grassley	Roberts
Bond	Gregg	Roth
Breaux	Brownback	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Coverdell	Hutchison	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner
	McConnell	

NAYS—49

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Gorton	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Edwards	Levin	

NOT VOTING—1

Inhofe

The motion was agreed to.

Mr. HUTCHINSON. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3474

The PRESIDING OFFICER. Under the previous order, there are 4 minutes of debate equally divided before a vote on an amendment by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Mr. President, what happened to James Byrd and Matthew Shepard should not happen in a great nation such as ours. Hate crimes are abysmal. They are horrible. We should all be against them.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether or not State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent of the law. Second, it provides monetary assistance to State and local jurisdictions who lack the resources to combat hate crimes.

My amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country. The National District Attorneys Association endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be helpful to them as they seek to fight hate-motivated crime.

In a letter, the National District Attorneys Association also states that it strongly endorses my amendment because my amendment "appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government."

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT ATTORNEYS

ASSOCIATION,

Alexandria, VA, June 20, 2000.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN HATCH: As President of the National District Attorneys Association I want to offer our strong support for your Hate Crimes amendment to the Department of Defense Authorization bill.

I am aware that several hate crimes proposals are under consideration by the Senate and want to take this opportunity to particularly emphasize the necessity for your concept to be adopted. What you would provide to local law enforcement is the ability to respond more effectively, and more efficiently, in the face of a crime, that in addition to the physical wounds and injuries of the victims', could very well pose a serious threat to the tranquility and safety of our community as well.

As you well know the majority of hate crime cases, despite any federal interest or efforts, have been, and will remain, the providence of local law enforcement efforts. The emergency grants provisions and access to federal technical assistance that you are proposing would provide invaluable assistance to us. When faced with tragedies such as those in Texas or Wyoming the ability to call upon extra resources could make all the difference, particularly in our smaller jurisdictions.

Moreover, your recognition of the necessity to provide this help under sometimes more expansive state hate crimes statutes, appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the federal government.

Sincerely,

STUART VANMEVEREN,

District Attorney, 8th Judicial District, Fort Collins, Colorado, President.

Mr. HATCH. Supporters of the Kennedy amendment want to enact a broad federalization of all hate-motivated crimes because, they argue, some State and local authorities are unable to investigate and prosecute hate crimes because of the lack of resources.

My amendment will solve this problem by establishing a grant program to provide financial assistance to State and local jurisdictions for the investigation and prosecution of hate crimes.

Supporters of the Kennedy amendment also argue that we should make a Federal case out of every hate-motivated crime because some States and locales are unwilling to engage in the fight against hate crimes. There is little or no evidence, however, that shows that States and localities are being derelict in their duties to enforce the law.

Supporters of the Kennedy amendment cite the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. The Shepard and Byrd cases, however, both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, local prosecutors obtained the death penalty—something that would not be permitted under the Kennedy amendment.

Moreover, the Justice Department has identified only eight cases in which, in the Justice Department's view, States or localities were unwilling to investigate and prosecute a hate-motivated crime. Of the thousands and thousands of criminal cases that are brought each year, the Justice Department could identify only eight cases. These eight cases, I might add, are at the very least equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Because the evidence is so scarce on the issue of whether States and localities are unwilling to combat hate crimes, my amendment provides for a comprehensive study to see if there really is a problem with State and local prosecution of hate crimes. Studying this issue to see if there really is a problem seems to me to be a reasonable course of action.

Even if it could be clearly shown that States and localities were failing or refusing to investigate and prosecute hate crimes, the approach taken by the Kennedy amendment raises serious constitutional questions, especially in light of the Supreme Court's recent decision last month in *United States v. Morrison*. As written, the Kennedy amendment likely would be held to be unconstitutional under the commerce clause, the 13th amendment, the 14th

amendment, and quite possibly, the 1st amendment.

In conclusion, it is my hope that those of my colleagues who intend to vote for the Kennedy amendment also will support my amendment. While I disagree with the approach taken by Senator KENNEDY, our two amendments are not inconsistent. My amendment provides for an effective and workable assistance program for State and local law enforcement, a program that enjoys the strong support of the National District Attorneys Association. And, it requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment which will give jurisdiction to the Federal Government over hate crimes. Ordinarily, I support jurisdiction for the district attorney. Senator HATCH points out the National District Attorneys Association has taken on a position. I was a long-term member of that association as district attorney of Philadelphia. The fact is, prosecutors are county officials of the State system. There are great pressures against prosecutions where there is a matter of sexual orientation, or where there may be a matter of race, or where there may be a matter of religion or other hate-related crimes.

That is why I believe this is a unique field where the Federal Government ought to be involved. Ordinarily, it should be up to the local prosecutor. That is a principle to which I subscribe. But here it ought to be a matter for the Federal Government.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I rise in opposition to the Hatch amendment and in support of the approach taken by Senator KENNEDY. I do so because I believe that an 18-month study is no adequate substitute for the prompt, vigorous, assurance of civil rights for every American.

The crimes described in Senator KENNEDY's approach are not ordinary offenses. They strike at the heart of a pluralistic society. They strike at all of us, not just the individual victims. We need to look no further, colleagues, than to the Balkans to see what happens when the genie of intolerance and hate is unleashed upon an unhappy land.

We must not let that happen. We must not. We fought a civil war in our country to establish the basic principle that certain rights should be guaranteed to every American, regardless of their State of residency. We fight to reestablish that principle once again today.

Mr. President, if a study is in order, let it be in addition to establishing

these basic rights, not as a replacement therefore.

Now is the time for action. I urge my colleagues to oppose the Hatch amendment and to support Senator KENNEDY in his approach.

Mr. BYRD. Mr. President, I oppose the amendment offered by Senator KENNEDY to expand the definitions of federally protected hate crimes.

I am concerned that this amendment would be challenged on Constitutional grounds and would not stand up to the scrutiny. I believe that categorizing hate crimes based on race, religion, or ethnicity as "badges and incidents" of slavery and relying on the Thirteenth Amendment is a tenuous argument. Furthermore, recent Supreme Court decisions finding that legislation federalizing what are traditionally State crimes exceeded Congress' powers under the Fourteenth Amendment, raise Constitutional concerns about the Kennedy amendment. The Kennedy amendment seeks to criminalize private conduct under the Fourteenth Amendment. In *United States v. Morrison*, the United States Supreme Court reaffirmed that legislation enacted by Congress under the Fourteenth Amendment may only criminalize State action, not individual action. I fear the Kennedy amendment will not survive a court challenge.

I further oppose the Kennedy amendment because I feel it did not go far enough in providing penalties for hate crimes. It did not include the death penalty for the newly created federal hate crimes.

I support Senator HATCH's amendment that will allow for study and analysis of this important issue and provide additional resources for state and local entities in investigating and prosecuting existing hate crime statutes.

Mr. WARNER. Mr. President, I rise today to discuss two amendments to S. 2549, the Department of Defense Authorization bill. Specifically, I wish to discuss Senator KENNEDY's amendment and Senator HATCH's amendment, both of which deal with hate crimes.

Typically defined, a hate crime is a crime in which the perpetrator intentionally selects a victim because of the victim's actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

Mr. President, I deplore all acts of violence. But, I must say, that I personally find hate crimes to be particularly horrific. Crimes committed against someone simply because of that person's race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation are, in fact, different types of crimes.

In 1998, James Byrd, Jr. was beaten, tied to the back of a pickup truck, and dragged to death along a Texas road. Why? for one reason and one reason only: Mr. Byrd was black.

Later in 1998, Matthew Shepard was beaten, tied to a fence in Wyoming, and left to die. Why? For one reason and on reason only: Mr. Shepard was homosexual.

These brutal murders shocked me and shocked our Nation. James Byrd and Matthew Shepard were killed not for what they did, but simply because who they were.

Our country's greatest strength is its diversity. While it is true that certain people might not approve or might not agree with another person's religion or sexual orientation, or might not like someone's color, we must not, I repeat, we must not tolerate acts of violence that spur from one individual's intolerance of a particular group.

Hate crimes do tear at the fiber of who we are in this country. The United States is a country of inclusion, not exclusion. Hate crimes, unlike other acts of violence, are meant to not just torture and punish the victim, such crimes are meant to send a resounding message to the community that differences are not acceptable.

In 1990, I was pleased to vote in support of the Hate Crimes Statistic Act. This act required the Attorney General of the United States to gather and publish data about crimes "that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." In addition, in 1994, I was pleased to support the Violence Against Women's Act. This important legislation provides funding for many important programs, including funding to prosecute offenders, funding to help victims of violence, grants for training of victim advocates and counselors and grants for battered women's shelters, to name but a few.

Presently before the United States Senate is an amendment offered by Senator KENNEDY, entitled the Local Law Enforcement Enhancement Act of 2000. This legislation, essentially, would amend current law to make it a federal crime to willfully cause bodily injury to any person because of the victim's actual or perceived race, color, national origin, religion, gender, sexual orientation or disability. This is a great expansion of federal jurisdiction. Current federal hate crimes law covers race, religion, and national origin so long as the victim is engaged in one of six federally protected activities. The Kennedy amendment would expand federal jurisdiction into certain murder, assault and battery cases and possibly all rape cases.

As a United States Senator, I believe that before the Congress passes legislation that would vastly expand federal criminal jurisdiction, we must take into consideration two important factors: the need for the legislation and the constitutionality of the legislation.

The horrific murders of James Byrd and Matthew Shepard certainly cause strong emotional feelings that would

lead me to believe that the expansion of federal hate crimes law is necessary. However, once the emotional feelings somewhat subside, we are left with the facts. In this case, the facts are not yet present to indicate a need for federal legislation.

All states have laws that prohibit murder, battery, assault, and other willful injuries. Most states, 43 I believe, have hate crimes statutes, although these states differ in what groups are covered. Since 1990, with the passage of the Hate Crimes Statistics Act, we have learned about the number of hate crimes that are occurring. These statistics, however, do not show whether states are, in fact, not prosecuting crimes under their hate crimes statutes or are not prosecuting crimes being committed against certain groups of people. If states are prosecuting such crimes, a vast expansion of federal jurisdiction is unnecessary.

Moreover, it is also interesting to point out that in some circumstances the Kennedy amendment, if it became law, would in fact result in a weaker punishment for a hate crimes perpetrator than state law. For example, the Kennedy amendment states that where the crime is murder, the convicted defendant shall be imprisoned for any term of years or for life. It does not authorize the death penalty for the most heinous crimes. Two of the three murderers of James Byrd were prosecuted, convicted and sentenced to death in Texas. The third was sentenced to life in prison.

In addition to analyzing the need for the expansion of federal criminal jurisdiction, I believe that members of Congress have a duty to evaluate the constitutionality of particular legislation before passing such legislation. I have some grave concerns about the constitutionality of the Kennedy amendment.

Congress must have constitutional authority to enact legislation. Article I, section 8 of the Constitution provides a laundry list of Congress' power to enact legislation. One such power in that list is the power to regulate interstate commerce.

From the New Deal era to the mid 1990s, the United States Supreme Court broadly interpreted Congress' authority for enacting legislation pursuant to the commerce clause. In fact, for approximately 60 years following the passage of New Deal legislation, the Supreme Court did not overturn one piece of congressionally passed legislation on the grounds that Congress exceeded its authority to enact legislation under the commerce clause.

In the past few years, however, the Supreme Court, in the cases of *United States v. Lopez* and *United States v. Morrison*, issued opinions that places some serious boundaries on Congress' authority to enact legislation under the commerce clause. Just this year, in

the *Morrison* case, the Supreme Court struck down a provision of the Violence Against Women's Act—a bill that I supported in 1994.

The plaintiff in the *Morrison* case was allegedly raped by three students at a major university in my home state. She brought a civil suit in federal court under a provision in the Violence Against Women's Act that provides federal civil remedies for victims of gender motivated violence. The Supreme Court stated that this provision of VAWA was unconstitutional, holding that the Congress exceeded its authority under the commerce clause in enacting this legislation.

Now, I am not going to get intimately involved in a legal analysis of the *Morrison* case and its application to the Kennedy amendment. It is important, however, to point out one particular quotation in the majority opinion. Writing for the majority, Chief Justice Rehnquist stated "if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence since gender-motivated violence, as a subset of all violent crime, is certain to have lesser economic impacts than the larger class of which it is a part." 20000 U.S. Lexis 3422, *31 (2000). Based on the *Morrison* case, I have serious concerns about the constitutionality of Senator KENNEDY's amendment.

I believe that a federal role in combating hate crimes is appropriate. I support Senator HATCH's amendment to study the success of States in investigating and prosecuting hate crimes. I also support provisions in Senator HATCH's amendment that will provide assistance and federal grants to States and localities to help assist them in their investigation and prosecution of hate crimes.

Let me be clear, if a federal study indicates that states and localities have not been successful in investigating and prosecuting hate crimes, I will be the first person to join Senator KENNEDY in trying to find a constitutional federal hate crimes solution. At this time, however, I must reluctantly vote against Senator KENNEDY's amendment in light of my concerns about the necessity and constitutionality of this legislation.

Mr. DEWINE. Mr. President, I began my public career prosecuting individuals who committed violent crimes against our fellow citizens. And, that's why I believe that people who commit violent crimes should be punished.

The debate about hate crimes legislation is about fighting crime. It is about fighting violence. It is about taking a stand against crime and violence.

The amendments that we're debating here today would permit states to take full advantage of the investigative resources of the federal government in prosecuting these cases. And, should a state be unwilling or unable to pros-

ecute a case itself, the federal government is there to make sure that these kinds of violent criminals are brought to the bar of justice.

A country that so righteously protects free speech, even when such speech is abhorrent, must vigorously act as a nation, so that when vicious speech is turned into despicable acts—acts that lead to violence and to death—such acts do not go unpunished.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 3474. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—50

Abraham	Enzi	McConnell
Allard	Frist	Moynihan
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Stevens
Coverdell	Kyl	Thomas
Craig	Lott	Thompson
Crapo	Lugar	Thurmond
DeWine	Mack	Warner
Domenici	McCain	

NAYS—49

Akaka	Feinstein	Lincoln
Baucus	Fitzgerald	Mikulski
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Jeffords	Rockefeller
Bryan	Johnson	Sarbanes
Chafee, L.	Kennedy	Schumer
Cleland	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	
Feingold	Lieberman	

NOT VOTING—1

Inhofe

The amendment (No. 3474) was agreed to.

Mr. BYRD. Mr. President, I hope the Chair is watching for Senators who are trying to get order. I have asked for order here six or eight times, and it has not been noticed. I hope they will be more alert.

Second, I hope the Chair will clear the well.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I urge there be order in the Senate.

The PRESIDING OFFICER. We will suspend until the well is cleared. The well has not been cleared.

Mr. BYRD. Mr. President, Senators should show respect to the Chair. When the Chair asks that the well be cleared, Senators should listen and clear the well.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3473

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Kennedy amendment. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe we have 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 1 minute to the Senator from Oregon and 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I say to my colleagues, we have a chance to make a difference today, to vote for an amendment that will actually help a category of Americans who need our help. I believe we have a duty to stand up against hate. I believe the law is a teacher. I believe we can teach all Americans that we will protect all Americans.

I also believe those who feel reluctant to support this amendment for religious reasons, remember the example of the Founder of the Christian faith who when a woman caught in adultery was brought to Him spoke in a way that the sanctimonious dropped their stones. He spoke in a way that saved her life. He did not endorse her lifestyle, but He saved her life.

I believe the Federal Government ought to show up to work when it comes to hate crimes, even if it includes the language of "sexual orientation." It is about time we include them. Even if one does not agree with all that they ask for, help them with this.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say I believe the time has come to adopt the Kennedy legislation. In effect, the study has been done. We know that since the early 1990s, there have been 60,000 hate crimes in this country. We know that young men such as Matthew Shepard, just because they are gay, can be beaten until they are killed. We know that a U.S. postal worker can be shot and killed simply because he happens to be a Filipino American. We see people targeted for specific crimes.

I authored the original hate crimes legislation in 1993. It had two loopholes: It excluded sex and sexual ori-

entation. This legislation corrects it, and it only applies in pursuance of a Federal right. This legislation extends that. I urge its adoption. I thank the Chair.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for the Kennedy/Smith Hate Crimes Prevention Amendment.

Recent events in the news have unfortunately offered a number of disturbing examples of why this legislation is so badly needed.

All of my colleagues remember that terrible day in August of last year, when a hate-filled gunman, Buford Furrow, opened fire with a semiautomatic rifle at a Jewish Community Center near Los Angeles. We all remember that line of frightened children, holding hands as policemen led them to safety. Furrow's rampage wounded three children, a teenager and a 68-year-old receptionist.

And he later used a handgun to kill a Filipino postal worker. There is every indication that Mr. Furrow, a white supremacist, was motivated by racial hatred.

Then there was the brutal attack in August 1998 on Matthew Shepard, a gay student at the University of Wyoming. Matthew was savagely beaten to death by two homophobic thugs who tied him to a fence and tortured him.

That assault came just a few months after the horrific attack on James Byrd Jr., who was chained to a pickup truck, dragged along a Texas road and killed by avowed racists motivated by prejudice.

Earlier this year, I had the privilege of meeting Matthew Shepard's parents, and the family of James Byrd Jr. at a ceremony honoring victims of crime. They are truly remarkable people, because they've turned their loss into a source of strength for others. They have devoted themselves to helping others—victims of crime everywhere—even while coping with their own personal tragedies.

That's an example that this Congress should follow. Crimes that target race, or sexual orientation, or gender, or religion are the ugliest expressions of ignorance and hate. We need stronger federal laws to deal with these crimes and the people who commit them.

Mr. President, current federal law is just too restrictive to allow federal prosecutors to try hate-crimes cases effectively. In 1994, a jury acquitted three white supremacists who had assaulted African-Americans. After the trial, jurors said it was clear the defendants had acted out of racial hatred.

But prosecutors had to prove more than that. They had to prove that the defendants intended to prevent the African-American victims from participating in a federally protected activity—a major roadblock for the prosecution's case.

The Kennedy/Smith amendment would remove that element from fed-

eral hate-crimes law. It would also allow federal prosecutors to prosecute violent crimes based on a victim's sexual orientation, gender or disability.

Mr. President, as all of us here know, no area of the country is free from hate crimes. In my home state of New Jersey, there were at least four incidents of hate-related violence between January 12 last year and January 15 this year. One of the victims was a 16-year-old gay high school student who was badly beaten.

The Kennedy/Smith amendment would bring the full force of this country's legal system to bear on incidents like this. I hope my colleagues will join me in supporting this legislation to protect American citizens from crime motivated by bigotry and intolerance.

Mr. KERRY. Mr. President, in October 1998, I stood on the steps of the U.S. Capitol Building at a candlelight vigil for Matthew Shepard, the young gay man who was beaten and left for dead on a lonely Wyoming roadway. Two thugs were arrested, charged and convicted of murdering Matthew Shepard because of his sexual orientation. Tens of thousands of people—gay and straight, black and white, young and old, Americans all—came to the Capitol with only a few hours notice to encourage the passage of a Federal hate crimes law.

The evening was memorable. We expressed our passionate conviction and knowledge that there is no room in our country for the kind of vicious, terrible, pathetic, ignorant hatred that took the life of Matthew Shepard, or of James Byrd, or of Barry Winchell, or of Brandon Teena. And the Congress responded. We came close to extending the federal hate crimes law that year, but the provision was dropped in conference.

So, we came back again to guarantee that crimes will not be tolerated when they are motivated by other people's limitations. We are here to reaffirm that hate crimes are indeed an insult to our civilization. We are here for once and for all to make certain that there will be no period of indifference, as there was initially when the country ignored the burning of black churches or overlooked the spray-painted swastikas in synagogues; or suggested that the undiluted lethal hatred is someone else's problem, some other community's responsibility.

We must accept the national responsibility for fighting hate crimes and commit—each of us in our words, in our hearts and in our actions—to insure that the lesson of Matthew Shepard and scores of others is not forgotten. Mr. President, I understand that we cannot legislate racism and hatred out of existence, but we can empower our local law enforcement officials to prosecute hate crimes. And we can empower our local communities to be free of violence and fear brought about by hate crimes.

Look to the 58 high schools in my own beautiful, progressive state of Massachusetts where 22 percent of gay students say they skip school because they feel unsafe there and fully 31 percent of gay students had been threatened or actually physically attacked for being gay. Matthew Shepard is not the exception to the rule—his tragic death is rather the extreme example of what happens on a daily basis in our schools, on our streets and in our communities. That is why we have an obligation to pass laws that make clear our determination to root out this hatred.

And today we will have carried the day in passing the Kennedy-Smith amendment.

It is my belief that Americans always act when confronted by an inherently unethical wrong. They stare down those who want us to live in fear and declare boldly that we will not live in a country where private prejudice undermines public law.

American heroes such as Martin Luther King did this when he preached in Birmingham and Memphis, when he thundered his protest and assuaged those who feared his dreams. He taught us to look hatred in the face and overcome it. Harvey Milk did this in San Francisco, when he brushed aside hatred, suspicion, fear and death threats to serve his city. Even as he foretold his own assassination, Harvey Milk prayed that "if a bullet should enter my brain, let that bullet destroy every closet door." He knew that true citizenship belongs only to an enlightened people, unwavering by passion or prejudice—and it exists in a country which recognizes no one particular aspect of humanity before another.

Mr. President, we must root out hatred wherever we find it, whether on Laramie Road in Wyoming, or on a back road in Jasper, Texas, or in the Shenandoah National Park. That kind of hatred is the real enemy of our civilization. The day is here, Mr. President, when we can rightly celebrate our passage of this amendment to the hate crime prevention act to treat all Americans equally and with dignity, to allow all Americans to enjoy the inalienable rights framed in the Declaration of Independence—the rights of life, liberty and the pursuit of happiness.

This indeed will be a happy day.

Mr. KERREY. Mr. President, today's vote on hate crimes legislation marks a monumental day in our history. The U.S. Senate definitively voted in support of expanded hate crimes legislation because standing law has proven inadequate in the protection of many victimized groups. The 30-year-old Federal statute currently used to prosecute hate violence does not cover hate violence based on sexual orientation, gender or disability and requires that the victim be participating in a federally protected activity. The Kennedy-

Smith amendment addresses and corrects these gaps in the law. Not only is this bill the right thing to do, but Americans overwhelmingly support it. Law enforcement groups, as well as 80 civil rights and religious organizations support this bill, in addition to a 1998 poll showing that this Hate Crimes Prevention Act is favored 2 to 1 by a majority of voters. This bill protects all Americans and ensures equal justice for all victims of hate violence, regardless of their race, religion, sexual orientation, national origin, gender, or disability—and regardless of where they live.

Mr. DODD. Mr. President, I was back in Connecticut yesterday and was unable to participate in the debate on the Kennedy-Smith amendment pertaining to hate crimes prevention. I want to take this opportunity to share my views on this most crucial issue.

The Federal Bureau of Investigation recently released its latest statistics documenting hate crimes in our country. This report establishes that over 7,500 hate crimes occurred during 1998. The FBI found that 4,321 crimes were motivated by racial bias, 1,390 because of religion, 1,260 because of sexual orientation, and 754 by ethnicity or national origin. But hate crime statistics do not tell the whole story. Behind each and every one of these numbers is a person, a family and a community targeted and forever changed by these willful acts of violence.

We as a nation know of some of these hate crimes. We know of the brutal dragging death in 1998 of James Byrd Jr., in Jasper, Texas. We know about the senseless beating of Matthew Shepard in Laramie, Wyoming in 1998. And we cannot forget the vicious acts of an armed assailant who fatally shot five people in a Jewish Community Center in Los Angeles earlier this year.

Joseph Healy, a 71-year-old Roman Catholic priest who was in Pittsburgh counseling victims of crime was gunned down in March at a fast food restaurant. Father Healy was a native of Bridgeport, Connecticut. He was killed in a racially motivated shooting. Father Healy and four other white men were shot; three of the five men died. Court documents revealed that the gunman shot the victims with "malicious intent towards white males."

Then there's the case of Heather Washington, a young, well respected African-American kindergarten teacher from Hartford, who along with her boyfriend was chased at high speeds on a Connecticut highway last month. The couple was pursued by a white male who yelled epithets such as "white power," shot at the vehicle's tires, and rear-ended the couple's car with his own vehicle. The couple was able to escape the assailant. However, they were not able to escape the constant fear that a similar incident could happen at any time.

These are examples of the bias crimes that are committed every day in America. Every day people across the nation continue to be victims of crimes motivated by bigotry. We owe it to these victims to ensure that the perpetrators of these crimes are brought to justice.

We should not wait until these brutal and shocking crimes make national headlines. Congress has the ability, the opportunity, and the duty to do something about this epidemic now. This problem cannot and should not be ignored.

In response to these disturbing acts, I am pleased to be an original cosponsor of S. 622, the Federal Hate Crimes Prevention Act of 1999, introduced by my longtime friend and colleague Senator KENNEDY.

I believe that all people, regardless of background or belief, deserve to be protected from discrimination. We must unite now to send an unequivocal message that hate will not be tolerated in our communities. Hate crimes deserve separate and strong penalties because they injure all of us. The perpetrator of a hate crime may wield a bat against a single person, but that perpetrator strikes at the morals that hold our society together. Hate destroys what's good, what's great about America. It is just and fitting for Congress to impose sanctions against criminals who are motivated by blind bigotry. These incidences tear the very fabric of our society and they cannot be tolerated. I admit that laws have little power to change the hearts and minds of people, but Congress can ensure that those who harbor hateful thoughts are punished when they act on those thoughts. I urge my colleagues to vote in favor of the Kennedy-Smith amendment.

Mr. LEAHY. Mr. President, violent crime motivated by prejudice is a tragedy that demands attention from all of us. It is not a new problem, but recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction.

Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to

protect the civil rights of all of our citizens for more than 100 years. The Local Law Enforcement Enhancement Act of 2000 continues that great and honorable tradition.

This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for state and local law enforcement. In a sign that this legislation respects the proper balance between Federal and local authority, the bill has received strong bipartisan support from state and local law enforcement organizations across the country. This support from law enforcement is particularly significant to me as a former prosecutor. Indeed, it has convinced me that we should pass this powerful law enforcement tool without further delay.

This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

I commend Senator KENNEDY and Senator SMITH for their leadership on this bill, and I am proud to have been an original cosponsor. Senator KENNEDY has been a leader on civil rights for the better part of four decades and has worked hard to tailor this needed remedy to the narrowing restrictions of the current activist Supreme Court. Senator SMITH is someone I am getting to know better through our work on the Innocence Protection Act. He is becoming a worthy successor in the great tradition of Senators of conscience like Senator Mark Hatfield.

Now is the time to pass this important legislation. I had hoped that this legislation would become law last year, when it passed the Senate as part of the Commerce-Justice-State appropriations bill. But despite the best efforts of the President, and us all, the majority declined to allow it to become law.

Since that failure, the need for this bill has become even more clear. Just two months ago, a white man named Richard Scott Baumhammers appar-

ently went on a racially and ethnically motivated rampage that left his suburban Pittsburgh community in shock. First, he allegedly shot his next-door neighbor, a Jewish woman, six times and then set her house on fire. He then traveled throughout the Pittsburgh suburbs, shooting and killing two Asian-Americans in a Chinese restaurant, an African-American at a karate school, and an Indian man at an Indian-owned grocery. He also shot at two synagogues during his awful journey. This incident followed only a month after Ronald Taylor, an African-American man in the Pittsburgh area, apparently shot and killed three white people during a shooting spree in which he appears to have targeted whites. Policy investigators who searched Taylor's apartment after the shooting found writings showing anti-Semitic and anti-white bias.

These ugly incidents join the numerous other recent examples of violent crimes motivated by hate and bigotry that have motivated us to strengthen our hate crimes laws. None of us can forget the story of James Byrd, Jr., who was so brutally murdered in Texas for no reason other than his race. Nor can we erase last summer's images of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun. When he surrendered, the gunman said that his rampage had been motivated by his hatred of Jews.

And of course, we are still deeply affected and saddened by the terrible fate of Matthew Shepard, killed two years ago in Wyoming as a result of his sexual orientation. Last year, Judy Shepard, Matthew Shepard's mother, called upon Congress to pass this legislation without delay. Let me close by quoting her eloquent words:

Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd, Jr.'s . . . and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

Mr. HARKIN. Mr. President, I want to express my strong support for this amendment. I am a cosponsor because I believe that our society must enforce a message of tolerance—not hate. State and local law enforcement should not have to shoulder the burden of investigating and prosecuting hate crimes alone. This amendment allows the Federal Government to stand behind them in their effort to put a stop to hate-motivated violence.

This amendment would authorize the Department of Justice to assist law enforcement officers across the country in addressing acts of hate violence by removing unnecessary obstacles to fed-

eral involvement and, where appropriate, by providing authority for federal involvement in crimes directed at individuals because of their race, color, religion, national origin, gender, sexual orientation or disability.

Because of my long involvement in the area of disability rights and the fact that this year marks the Tenth Anniversary of the Americans with Disabilities Act, I want to focus my remarks on hate crimes' impact on Americans with disabilities. Prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the ADA, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice.

Sadly, disability bias can also manifest itself in the form of violence. It is imperative that the Federal Government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnapped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a husband and wife were both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their lives. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However, state protection is neither uniform nor comprehensive. The Federal Government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

This legislation will also provide local and state law enforcement officials with the resources necessary to

investigate and prosecute hate crimes. In consultation with victim services organizations, including nonprofit organizations that provide services to victims with disabilities, local law enforcement officials can apply for grants when they lack the necessary resources to investigate and prosecute hate crimes. The amendment also includes grants for the training of law enforcement officials in identifying and preventing hate crimes committed by juveniles. Again, so often hate crimes on the basis of disability go unrecognized. These grants will help police identify crimes committed because of disability bias in the first place.

Mr. President, for this reason and others, this amendment is vitally important. Millions of Americans would benefit from its passage. And the public clearly recognizes this.

This amendment is a constructive and sensible response to a serious problem that continues to plague our Nation—violence motivated by prejudice. It deserves full support, and I am hopeful that the President will have an opportunity to sign this legislation into law this year.

Ms. SNOWE. Mr. President, I rise today to support Senator KENNEDY's amendment to the fiscal year 2001 Department of Defense Authorization Act. This amendment, the Local Law Enforcement Enhancement Act, is a new version of the Hate Crimes Prevention Act, of which I am a cosponsor.

Mr. President, there is nothing so ugly as hate. It saddens me that at the brink of a new century, when our country is in a time of almost unprecedented prosperity—when more people than ever before are educated, when major medical breakthroughs seem to occur almost on a daily basis—that we are still faced with racism and prejudice in our society.

Current law permits Federal prosecution of a hate crime only if the crime was motivated by bias based on religion, national origin, or color, and the assailant intended to prevent the victim from exercising a "federally protected right" such as voting, jury duty, attending school, or conducting interstate commerce. These tandem requirements substantially limit the potential for federal prosecution of hate crimes.

Most crimes against victims based on their gender, disability, or sexual orientation are now only covered under State law, unless such crimes are committed within a Federal jurisdiction such as an assault on a Federal official, on an Indian reservation, or in a national park. While more than 40 States have hate crimes statutes in effect, only 22 States have hate crimes legislation that addresses gender, and only 21 States have hate crimes legislation that address sexual orientation or disability.

The amendment before us today would expand Federal jurisdiction and

increase the Federal role in the investigation and prosecution of hate crimes.

Under this legislation, hate crimes that cause death or bodily injury because of prejudice can be investigated and prosecuted by the Federal Government, regardless of whether the victim was exercising a federally protected right. The bill defines a hate crime as a violent act causing death or bodily injury "because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person."

I believe that one of our country's greatest strengths is Congress's ability to balance strong State's rights against a Federal Government that unites these separate States. I also believe that the Federal Government has a duty to provide leadership on issues of great moral imperative, especially in the area of civil rights.

Hate crimes go beyond the standard criminal motivation. We are all familiar with the horrible stories of James Byrd, Jr., who was chained to a truck and dragged to his death because of his race, of Matthew Shepard, who was beaten and tied to a wooden fence and died in freezing temperatures because of his sexual orientation, and of the attack last August at a Jewish community center because of religion.

There is no doubt that crime is morally and legally wrong and there is no one in this chamber who could possibly argue otherwise. And I understand the argument that opponents of the amendment have: How can the law punish a crime for more than what it actually and literally is?

But hate crimes are not just about the crime itself, they are about the motivation. And there is something especially pernicious about a crime that occurs because of who somebody is. There is something all the more horrific when a crime happens because of the victim's race, or color, or religion. Hate crimes are meant to send a message to a group: "you had better be careful because you are not accepted here."

The Federal Bureau of Investigation reports that in 1998—the latest data available—almost 8,000 crimes were motivated by hate or prejudice. Over half of these crimes were motivated by racial bias; nearly 20 percent of these crimes were because of religious bias; and 16 percent of these crimes were a result of sexual-orientation bias. Twenty-five of these crimes happened simply because the victim was disabled, and 754 because of the ethnicity or national origin of the victim.

The amendment before us today is not about creating a special class of crime. It is not about policing our ideas or beliefs; it is about the criminal action that some people take on the basis of these beliefs. We cannot make it a crime to hate someone. But we can make it a crime to attack because a

person specifically hates who the victim is or what the victim represents.

One of my favorite sayings is "As Maine goes . . . so goes the Nation." This adage proves true again with the Hate Crimes Prevention Act and with Senator KENNEDY's amendment. I am proud that the Hate Crimes Prevention Act, and today's amendment, are largely based on Maine's 1992 Civil Rights Law, which was enacted while my husband, John R. McKernan, was Governor of the State. And I am proud that the Hate Crimes Prevention Act is supported by our current Attorney General, Andrew Ketterer.

Mr. President, our laws are a direct reflection of our priorities as a nation. And I, along with the vast majority of Americans I would venture to say, fundamentally believe that crimes of hate and prejudice should not be tolerated in our society.

That is why I support prosecuting hate crimes to the fullest possible extent. The amendment before us today will expand the ability of the Federal Government to prosecute these immoral and pernicious crimes. I urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, no one should be victimized because of his or her skin color, national origin, religious beliefs, gender, sexual orientation, or disability.

In furtherance of this belief, I sponsored in 1993 the Hate Crimes Sentencing Enhancement Act, which required the U.S. Sentencing Commission to provide sentencing enhancements of no less than three offense levels for crimes determined beyond a reasonable doubt to be hate crimes. The Act increased the penalties for hate crimes directed at individuals not only because of their perceived race, color, religion, and national origin, but also on account of their gender, disability or sexual orientation.

Today, I am proud to be the cosponsor of the Kennedy hate crimes amendment, which would build on this effort by expanding the Justice Department's authority to prosecute defendants for violent crimes based on the victim's race, color, religion or national origin.

This important amendment would also allow the Federal government to provide assistance in state investigations of crimes against another based on the victim's gender, disability, or sexual orientation.

Sadly, hate crimes occur more often than we might think. According to the U.S. Department of Justice, there have been nearly 60,000 hate crime incidents reported since 1991. In 1998 alone, the last year for which we have statistics, nearly 8,000 hate crime incidents were reported in the United States. That is almost one such crime per hour.

In the same year, more than 2,100 Californians fell victim to a hate crime. That's a shocking number when one considers the motivation behind a

hate crime. These are truly among the ugliest of crimes, in which the perpetrator thinks the victim is less of a human being because of his or her gender, skin color, religion, sexual orientation or disability.

Even more disturbing is that nearly two-thirds of these crimes are committed by our nation's youth and young adults. The need to send a strong message of mutual tolerance and respect to our youngsters has become all too clear in recent years.

One of the most high profile hate crime cases in California involved two young Northern California men, Benjamin Matthew Williams, age 31, and his younger brother James Tyler Williams, age 29. The two brothers became poster boys for our Nation's summer of hate last year. Both men were charged with the double slaying of a prominent gay couple who lived about 180 miles north of Sacramento.

The men are also prime suspects in the wave of arson that hit three Sacramento-area synagogues two weeks before the killings, causing more than \$1 million in damage. When investigators searched the Williams brothers' home, they found a treasure trove of white-supremacist, anti-gay, anti-Semitic literature. They also found a "hit list" of 32 prominent Jewish and civic leaders in the Sacramento area, apparently compiled after the synagogue fires.

Hate crimes not only affect the victim who is targeted, but also shakes the foundation of an entire community that identifies with the victim. I grow increasingly concerned when I hear reports about the proliferation of hate in our nation, because California, the state I represent, has one of the most diverse communities in the world.

Our state has greatly benefitted from the contributions of persons from countries as nearby as Mexico and El Salvador, and as far away as India and Ethiopia. It is only through our willingness to live among each other and to respect our individual differences and gifts, that we can continue to build from the strength of our diversity.

That is why Senator KENNEDY's amendment is so important. Not only would it broaden the protection offered by Federal law to people not covered by hate crime legislation, but it will provide vital Federal assistance and training grants to states investigating these crimes.

Specifically, this legislation would compensate for two limitations in the current law: First, even in the most blatant cases of racial, ethnic, or religious violence, no Federal jurisdiction exists unless the victim was targeted while exercising one of a limited number of federally protected activities. Second, current law provides no coverage for violent hate crimes based on the victim's sexual orientation, gender or disability.

Unfortunately, there are those who would stop short of supporting this legislation because it extends protections to those targeted on account of their sexual orientation. This is especially disturbing given the fact that crimes against gays, lesbians and bisexuals ranked third in reported hate crimes in 1998, registering 1,260 or 15.6 percent of all reported incidents. Even in light of the growing number and severity of these horrific events, Congress has not seen fit to enact important Federal hate crime measures to ensure that justice is served.

I wonder, how many cases go unsolved because of the Federal government's inability to participate in the investigation and prosecution of a hate crime?

How many people have chosen not to report a serious hate crime out of fear of retribution because there is no state or federal protection?

How many more people, and families, and communities, need to be victimized by these most horrendous acts before our colleagues realize that now is time to act?

Since those who commit hate crimes seek out a category of people, rather than a particular individual, anyone of us at anytime can become a victim of a hate crime. I believe the Kennedy hate crimes amendment would send the right message: that those who commit violent acts because the victim is of a certain gender, religion, race, sexual orientation, or disability will be prosecuted because everyone—I repeat—everyone has a right to be free from violence and fear when they are going to school, work, travel, or doing something as simple as going to a movie.

While I rise in strong support for the Kennedy amendment, I must also express my opposition to the amendment offered by my friend from Utah, Mr. HATCH. While well-intentioned, the Hatch amendment would not extend protection to people targeted because of their sexual orientation, gender or disability in states that have not enacted hate crime laws or have limited their laws to crimes motivated by race, national origin or religion.

Moreover, the Hatch amendment would permit the Federal government to address hate crimes only in those very limited circumstances in which the offender crosses a state line to commit an act of hate violence. This amendment would, therefore, fail to address the majority of cases we confront today in which a hate crime results in death or serious bodily harm.

As elected leaders, it is incumbent upon us to set an example—not just by expressing outrage about these crimes—but by strengthening legislation and bolstering the ability of law enforcement—whether state or Federal—to combat hate crimes.

How many more people will become victims of hate before we act? I believe

the time has come to affirm our support for the diversity that makes our nation so great. The time has come to enact a sensible hate crime measure to address this problem of violent bigotry and hate. The time has come to enact the Local Law Enforcement Enhancement Act of 2000.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the Local Law Enforcement Enhancement Act of 2000, Senator KENNEDY's amendment to the Department of Defense authorization bill. As a cosponsor of Senator KENNEDY's Hate Crimes Prevention Act, I believe that it is past time for Congress to act to prevent future tragedies.

While as a Nation we have made significant progress in reducing discrimination and increasing opportunities for all Americans, regrettably the impact of past discrimination continues to be felt. Far too often, we hear reports of violent hate-related incidents in this country. It seems inconceivable that, in the year 2000, such crimes can still be so pervasive. Statistics from my own State of Maryland unfortunately indicate that the incidence of bias-motivated violence may be on the rise. The number of reported incidents of hate or bias-motivated violence in Maryland rose by 11.6 percent in 1999. Of the 457 verified incidents of bias-motivated violence that year, 335 were committed against individuals on the basis of their race (approximately 73%), 63 on the basis of religion (14%), 38 on the basis of sexual orientation (8%), 17 on the basis of ethnicity (4%), and 4 on the basis of the victim's disability (1%).

Data gathered under the Federal Hate Crime Statistics Act is also sobering. Beginning in 1991, the Act requires the Justice Department to collect information from law enforcement agencies across the country on crimes motivated by a victim's race, religion, sexual orientation, or ethnicity. Congress expanded the Act in 1994 to also require the collection of data for crimes based upon the victim's disability. The Department of Justice has reported that, for 1998, 7,755 bias-motivated crimes were committed against 9,722 victims by 7,489 known offenders.

Beyond these stark statistics, stories of heinous crimes continue to make headlines across the country. In 1998, James Byrd, Jr., an African-American man, was walking home along a rural Texas road when he was beaten and then dragged behind a pickup truck to his death. Later than same year, Matthew Shephard, a gay University of Wyoming Student, was beaten, tied to a fence, and left to die in a rural part of the state. And just last year, a gunman entered a Jewish community center in California, opened fire on workers and children attending a day care center, and later killed a Filipino-American postal worker.

It is nearly impossible to imagine such crimes occurring in a country that is said to lead the world in equal opportunity for its citizens. Franklin Delano Roosevelt once described America as a "nation of many nationalities, many religions—bound together by a single unity, the unity of freedom and equality." But, as the stories of James Byrd, Matthew Shephard, and the California Jewish community center all too clearly show, we are not living up to President Roosevelt's vision of America. The Federal government cannot ignore the thousands of hate crimes that are committed in the United States each and every year as long as people are afraid to walk down our streets because of their religion, or the color of their skin, or their sexual orientation.

I had the great honor of serving, during my time in the House of Representatives, with Shirley Chisholm, the first African-American woman elected to Congress, who said: "Laws will not eliminate prejudice from the hearts of human beings. But that is no reason to allow prejudice to continue to be enshrined in our laws to perpetuate injustice through inaction."

Senator KENNEDY's amendment includes crucial provisions designed to help the Federal government stop bias-motivated crimes. This amendment would extend Federal law to prohibit crimes committed against victims because of their gender, sexual orientation, or disability. Moreover, the amendment would also remove requirements of existing law that prohibit Federal government action unless the crime victim is engaged in certain "federally protected activities."

It is true that this legislation will not drastically increase the number of crimes subject to Federal prosecution. Criminal law is a matter largely enforced by the states, and the sponsors of this amendment have been careful to ensure that the Federal government will only step in and prosecute a crime if a state cannot adequately do so itself. And certainly, as Congresswoman Chisholm eloquently stated, we cannot erase the hatred and bigotry in people's hearts by passing this amendment today. But the balanced approach of Senator KENNEDY's amendment will allow the Federal government to intervene in the small number of hate crimes cases where a Federal prosecution is necessary to insure that justice is served.

Mr. President, I urge my Senate colleagues to join me in supporting the Kennedy hate crimes amendment. We have an invaluable opportunity to make a statement that the United States government will not tolerate crimes motivated by bigotry and prejudice, and that the "unity of freedom and equality" binds together all Americans—regardless of their race, religion, nationality, gender, sexual orientation, or disability.

Mrs. BOXER. Mr. President, one year ago, three synagogues in the Sacramento, California area were attacked by arsonists. Two weeks later, a gay couple was killed at their home in nearby Redding, California. Two nights after these brutal murders, a Sacramento women's health care clinic was firebombed.

These vicious crimes shocked the people of Sacramento. At the same time, it moved many members of the community to speak out and take action. Led by the late mayor Joe Serna, thousands of residents joined a Unity Rally at the Sacramento Convention Center and pledged to work together to prevent future hate crimes.

Out of this rally grew the "United We Build" project, which is bearing fruit this week. In the name of tolerance and unity, hundreds of volunteers are gathering and setting to work on community projects: planting gardens, cleaning up schools and parks, and refurbishing churches and senior centers. The week's events will culminate on Sunday with a Jewish Food Faire at one of the targeted synagogues and an afternoon rally at the State Capitol.

Mr. President, every community in America should take inspiration from the people of Sacramento. They have turned their shock, anger, and fear into positive actions. From the ashes of hatred and intolerance, they have emerged stronger and more unified than ever before.

Hate crimes seek to stigmatize persecuted groups and isolate them from the larger society. We must turn the tables to isolate those who preach hatred and commit hate crimes. This will not be easy: Today hate groups flood the Internet with venom, and hateful individuals flood the talk shows with vitriol.

To stop hate crimes, we must of course catch and prosecute the perpetrators. But we must do more than that. We must each act to root hatred and intolerance out of our daily lives. We must have zero tolerance for intolerance. If a friend or family member uses hateful speech, we must have the courage to say that this is unacceptable. If a neighbor or co-worker takes an action designed to hurt another because of that person's race or religion or sexual orientation, we must stand with the victim, not the aggressor.

Congress can pass laws to prevent and prosecute hate crimes. I voted to pass such legislation today, and I will do so again. But laws alone cannot wipe the stain of hatred off the American landscape. To do this—to truly secure the blessings of liberty for all Americans—we must each take every opportunity to teach tolerance and act against hatred.

Mr. ROCKEFELLER. Mr. President, I believe it is vital to make a clear statement against all violent hate crimes against individuals because of

race, color, religion, national origin, gender, sexual orientation, or disability. This is a basic point, and the number of hate crimes in our country is truly disturbing. When such a case claims headlines and dominates national news for a few days or a few weeks, people are troubled and sad. But we can and we should do more to oppose hate crimes.

My hope is that having leaders at all levels, including the U.S. Senate, speak against such hate crimes will send a powerful message that such violent behavior should not be tolerated. No one in our country should be afraid of violence because of their race, religion, color, national origin, gender, sexual orientation, or disability. When such crimes occur, families are devastated and entire communities are stunned and hurt.

In addition to sending a strong message, the Kennedy amendment would offer federal help to combat violent hate crimes, including up to \$100,000 in federal grants to state and local law enforcement officials to cover the expenses of investigating and prosecuting such crimes. Federal grants would also encourage cooperation and coordination with the community groups and schools that could be affected. The bipartisan Kennedy amendment is a balanced attempt to combat hate crimes by helping state and local officials.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next series of votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I admire my colleagues. I feel very much the same as they do about these heinous crimes, but I have absolute confidence that our State and local governments are taking care of them.

The problem with the Kennedy amendment is that it is unconstitutional and it is bad policy.

First, the Kennedy amendment is unconstitutional because it seeks to make a Federal crime of purely private conduct committed by an individual against a person because of that person's race, color, religion, national origin, gender, disability, or sexual orientation. This broad federalization of what are now State crimes would be unconstitutional under the commerce clause, the 13th amendment, the 14th amendment, and, possibly, the 1st amendment. This is clear in light of the Supreme Court's recent decision just last month in *United States v. Morrison*.

As Senators, we have a real duty to consider whether the legislation we enact is constitutional, and not just try to get away with all we can and hope the Supreme Court will fix it for us.

Secondly, the Kennedy amendment is bad policy. It would make a Federal crime out of every rape and sexual assault—crimes committed because of the victim's gender—and, as such, would seriously burden Federal law enforcement agencies, Federal prosecutors, and Federal courts.

In addition, the Kennedy amendment would not permit the death penalty to be imposed, even in cases of the most heinous hate crimes, such as the Byrd case, where State law permits prosecutors to seek the death penalty.

Finally, the Kennedy amendment, by broadly federalizing what now are State crimes, would allow the Justice Department to unnecessarily intrude in the work of State and local police and prosecutors without any real justification for doing so right now. That is why we need to do this study while at the same time providing monies to help the State and local prosecutors to do a better job.

The Kennedy amendment is unconstitutional, and it is bad policy. I urge my colleagues to vote against it.

Mr. DASCHLE. Mr. President, today I rise to speak on behalf of the bipartisan Kennedy-Smith Amendment—the Local Law Enforcement Act of 2000. The Senate's consideration of this important measure is long overdue. Let us pass the bill now, before another American is brutalized or killed in a hate crime.

We are all aware of the tragic deaths of James Byrd in Texas and Matthew Shepard in Wyoming. James Byrd was murdered because of the color of his skin. Matthew Shepard was murdered because of his sexual orientation.

In the Byrd killing, the federal government could help.

In the Shepard killing, the federal government could not help local law enforcement. Why? Because our current hate crimes statute is full of holes and desperately needs to be updated.

Right now the federal hate crimes law does not cover disability, gender or sexual orientation. In addition, the federal government can prosecute only those crimes where the victim was chosen because he or she was engaged in a "federally protected activity," such as attending public school or serving as a juror. That is a very narrow basis on which to bring a lawsuit.

Because Matthew Shepard was killed because he was gay, the federal government could not provide the resources Laramie, Wyoming's law enforcement so desperately needed. This is why our federal hate crimes law ought to apply whenever a hate crime occurs.

Last year Dennis and Judy Shepard, Matthew's parent, came to Capitol Hill to plead with us to broaden the hate crimes law. I suspect that no Senator who met them will ever forget their words or the anguish in their eyes. It was an anguish that probably only a parent who has lost a child can possibly understand.

During their visit to Capitol Hill, and all across America, the Shepards have found the strength to talk about their own tragic experience to help prevent other parents from experiencing their nightmare. To accept anything less than the Kennedy-Smith Amendment would be to ignore their pleas, and the pleas of so many others.

The Kennedy-Smith Amendment would end, once and for all, the contortions that federal prosecutors must undertake to exercise jurisdiction over hate crimes. The Hatch Amendment does not.

The Kennedy-Smith Amendment would allow federal authorities to assist in state and local prosecutions of hate crimes on the basis of disability, gender and sexual orientation. The Hatch Amendment does not.

We don't need to collect more data on hate crimes. We don't need to analyze the problem. We need to solve it.

We already collect information on hate crimes and the statistics are grim. In the last year for which we have statistics, 1998, almost 8,000 hate crime incidents were reported.

And we already know that state and local law enforcement needs our help because they have told us so. The National Sheriff's Association had told us so. The International Association of Police Chiefs has told us so. Both the Sheriff and Police Commander of Laramie, Wyoming have urged us to pass the Kennedy-Smith Amendment. The Laramie Sheriff and Police Commander came with Dennis and Judy Shepard to Capitol Hill. They told us what it meant for their departments to be without the assistance of the federal government in investigating and prosecuting Matthew Shepard's murder. It meant that they had to lay off 5 law enforcement officials as a result of the financial strain of the prosecution of Matthew Shepard's killers.

If the Kennedy-Smith Amendment had been law, those officers would not have been laid off.

Let's be honest. We all know that only the Kennedy-Smith Amendment will bring about substantial change. We all know that only the Kennedy-Smith Amendment will provide law enforcement, in places like Laramie, Wyoming, the tools they need to investigate and prosecute hate crimes wherever they occur. We all know that only the Kennedy-Smith Amendment will send a strong message that the federal government will prosecute every hate crime with vigor.

Before you cast your vote, I urge you to consider whether you would be willing to look into Dennis and Judy Shepard's anguished eyes and tell them you don't believe their son's death was a hate crime. Think about how you will explain why you voted against the only proposal that the Shepards—and so many others—have told us will make a real difference.

We should not let the politics of misunderstanding keep us from enacting a bill that would enable prosecutions of crimes motivated by hatred of gays and lesbians—the motivation for some of the most vicious hate crimes.

There are those who argue that this amendment is not needed because it only affects a small percentage of Americans. I am troubled by this suggestion. Hate crimes diminish us all. Did this Congress say, in 1965, that we didn't need a Civil Rights Act because racial discrimination "only" affected a small percentage of Americans? No, we are talking about basic protections that all Americans should be afforded. If they are denied to any of us, we are all affected.

We must make sure that the federal government leaves no American unprotected. The Kennedy-Smith Amendment is a bipartisan, reasonable, measured responses to a serious problem. The vote on this amendment is the vote that matters.

I urge my colleagues to vote for the Kennedy-Smith Amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3473. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—57

Akaka	Feingold	Mack
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Jeffords	Robb
Bryan	Johnson	Rockefeller
Burns	Kennedy	Roth
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Smith (OR)
Conrad	Landrieu	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Torricelli
Dorgan	Lieberman	Voinovich
Durbin	Lincoln	Wellstone
Edwards	Lugar	Wyden

NAYS—42

Abraham	Domenici	Hutchison
Allard	Enzi	Kyl
Ashcroft	Fitzgerald	Lott
Bennett	Frist	McCain
Bond	Gorton	McConnell
Brownback	Gramm	Murkowski
Bunning	Grams	Nickles
Byrd	Grassley	Roberts
Campbell	Gregg	Santorum
Cochran	Hagel	Sessions
Coverdell	Hatch	
Craig	Helms	
Crapo	Hutchinson	

Shelby Thomas Thurmond
Smith (NH) Thompson Warner

NOT VOTING—1

Inhofe

The amendment (No. 3473) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3475

The VICE PRESIDENT. Under the previous order, the Senate will now debate for 4 minutes evenly divided the Dodd amendment relating to Cuba. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, this amendment establishes a 12-member bipartisan commission to review Cuba policy and make recommendations with respect to how that policy might be altered to best serve the interests of the United States.

Mr. President, I will not read the documents, but I will leave them for my colleagues' consideration: A letter signed by Howard Baker, Frank Carlucci, Henry Kissinger, Malcolm Wallop, along with 26 colleagues, 16 from the floor, a letter from George Shultz, and one from the leading dissident groups inside Cuba calling for the commission to try to take a look at U.S.-Cuban policy.

It is time to stop, in my view, the absurd fixation we have on one individual and to remove an important foreign policy issue from the small but powerful group that doesn't allow us to think what is in our best interest as a nation. We ought to listen to foreign policy experts. This commission is not predetermined; it is not shackled. It may very well come back and recommend a continuation of the embargo. But it seems to me we ought to at least listen.

We are watching the Koreans come together. We are watching advances in the Middle East. Today, we are watching efforts around the world to bring people together to resolve historic differences.

Today, Pete Peterson, former POW, represents U.S. interests as our Ambassador in Vietnam. Does that mean we agree with the policies of the Vietnamese Government? No. We recognize, by trying to tear down the walls that have historically divided us, we can try to build a better relationship between the two countries. We will soon be voting on whether or not to have a trading relationship with China. We are watching improvements in the Middle East. Northern Ireland brings hope for resolving differences.

All I am asking with this amendment—it has been recommended by Secretaries of Defense, Secretaries of State, 26 of our colleagues, in a bipartisan letter to the President only a few months ago—is to establish a commis-

sion to examine U.S.-Cuban policies to see if we can't come up with some better answers than the historic debate which has divided us on this issue.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield myself 1 minute.

It is not our fault that Cuba is repressive. It is Castro who is to blame. Appeasing Castro by instituting the commission whose stealth objective is to lift the embargo without Castro having undertaken any reforms is nothing more than a unilateral and unwarranted concession to a regime which refuses to concede even the smallest effort to reform human rights.

This is not the appropriate vehicle for this bill, the Armed Services Committee. There are other important things with which we need to deal. Cuba should first change its policy toward its own people, and after that, the United States can change its policy toward Cuba.

I yield to Senator MACK.

Mr. MACK. Mr. President, I ask my colleagues on both sides of the aisle to vote to table this amendment. It is blatantly political in its nature. Of the 12 positions, 8 will be determined by the Democratic Party and 4 by the Republicans; 6 by the President, 2 by the majority in each of the Houses, 1 by the minority in each. That is 8 of 12—two-thirds.

We should not, today, be telling the next President of the United States what his policy should be with respect to Cuba. This Congress and this President should not be doing that.

Third, I only had the opportunity to speak with Frank Carlucci and Howard Baker. While they accept the concept of a commission, they don't support one that is so blatantly political, and they don't support one being established at this time.

I ask my colleagues to vote against this amendment, and I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment No. 3475. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—59

Abraham	Ashcroft	Bond
Allard	Bennett	Brownback

Bryan	Gregg	Robb
Bunning	Hagel	Roberts
Burns	Hatch	Roth
Campbell	Helms	Santorum
Chafee, L.	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Smith (NH)
Coverdell	Kohl	Smith (OR)
Craig	Kyl	Snowe
Crapo	Lieberman	Specter
DeWine	Lott	Stevens
Domenici	Lugar	Thomas
Enzi	Mack	Thompson
Frist	McCain	Thurmond
Gorton	McConnell	Torricelli
Graham	Murkowski	Voinovich
Gramm	Nickles	Warner
Grassley	Reid	

NAYS—41

Akaka	Edwards	Lautenberg
Baucus	Feingold	Leahy
Bayh	Feinstein	Levin
Biden	Fitzgerald	Lincoln
Bingaman	Grams	Mikulski
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dodd	Kerry	Wellstone
Dorgan	Kerry	Wyden
Durbin	Landrieu	

The motion to table was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from California.

CONGRATULATING THE LOS ANGELES LAKERS ON WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 324, introduced earlier today by Senator BOXER and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 324) to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I join my distinguished colleague from California, Senator BARBARA BOXER, in commending and congratulating the Los Angeles Lakers for their outstanding season which was culminated last night in winning the 2000 National Basketball Association Championship.

Without a doubt, the Los Angeles Lakers are one of the finest franchises in the history of professional sports. In defeating a gritty and hard-nosed Indiana Pacers team last night, the Lakers captured their twelfth NBA Championship in the true spirit of their "Showtime" years.

The Los Angeles Lakers are a true sporting dynasty. They are the second

winningest team in NBA history. Their record of 67–15, the best regular season record in the NBA's Eastern and Western Conference.

Led by coach Phil Jackson, Shaquille O'Neal and Kobe Bryant the Lakers are a formidable opponent. Shaquille O'Neal was named league Most Valuable Player, led the league in scoring and field goal percentage, won the IBM Award for greatest overall contribution to a team, and became just the sixth player in the game's history to be a unanimous selection to the All-NBA First team.

Shaquille O'Neal also was named Most Valuable Player of the 2000 All Star game scoring 22 points and collecting 9 rebounds. And he also dominated the 2000 playoffs scoring 38 points per game in the NBA Finals on his way to winning the Most Valuable Player award.

Another top player was the 21-year-old phenom, Kobe Bryant, who overcame injuries to average more than 22 points a game in the regular season and be named to the NBA All-Defensive First Team. Kobe Bryant's eight point performance in the overtime of game 4 led the Lakers to one of the most dramatic wins in playoff history.

Coach Phil Jackson, winner of seven NBA Championship rings and a playoff winning percentage of .718, has proven to be one of the most innovative and adaptable coaches in the NBA.

And when you add to this terrific trio and strong supporting cast—including Glenn Rice, A.C. Green, Ron Harper, Robert Horry, Rick Fox, Derrick Fisher, Brian Shaw, Devean George, Tyronn Lue, John Celestand, Travis Knight, and John Salley—the recipe for a championship was written.

I also congratulate team owner Dr. Jerry Buss, General Manager Jerry West and all the others who worked so hard to return the championship magic to the City of Angels. But most of all, I would like to congratulate the myriad of Lakers fans who have pulled for this team through it all.

The 1999–2000 Los Angeles Lakers will go down in history with those legendary teams of the past. And we can add the names of Shaquille O'Neal and Kobe Bryant to the tapestry of Laker greats: George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, and the incomparable Earvin "Magic" Johnson.

These Lakers demonstrated immeasurable determination, heart, stamina, and an amazing comeback ability in their drive for the championship. They have made the City of Los Angeles and the State of California proud.

The Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century. In the years ahead, I have no doubt that this team will add numerous championship banners to the rafters of the Staples Center.

Senator BOXER and I thought it would be fitting to offer this resolution today.

Mrs. BOXER. Mr. President, I rise today to salute the new reigning champions of the National Basketball Association—California's own Los Angeles Lakers.

The tradition of greatness continues in Los Angeles. Building on the excellence personified by the likes of Jerry and Wilt the Silt, and later by Magic and Kareem, today's Lakers regained that status by players known around the world by two words: "Kobe" and "Shaq."

What can you say about Shaquille O'Neal? He is the most dominating force in the game today. He was the most valuable player in the All-Star Game, the regular season and the NBA finals.

Kobe Bryant has that creative, slashing style that is pure excitement. The way he fought through tough injuries to spark the Lakers was an inspiration.

And Mr. President, I would like to acknowledge the rest of the Lakers team. The steady hand and championship experience of Ron Harper was crucial. Robert Horry's stifling defense, strong rebounding and opportunistic scoring were key. Rick Fox, whose ten years' experience and clutch three-pointer in the waning moments of Game Six were invaluable. The persistent of Glenn Rice was matched only by the beauty of his jump shot. A.C. Green, who came back to the Lakers for this championship season, reminded us of his original "Showtime" days when he was running the wing with Magic and Worthy. And Brian Shaw and Derek Fisher made big shots and took care of the ball during minutes off the bench. What a team!

Finally, the man who brought all of these elements together, is simply the best of all time—the man they call Zen master, coach Phil Jackson.

The Lakers victories were made more special by the determination of their opponents. Larry Bird and the Indiana Pacers deserve the respect of basketball fans everywhere.

Mr. President, on behalf of millions of adoring Angelenos, California and basketball fans everywhere congratulations to the 2000 World Champion Los Angeles Lakers.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin "Magic" Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

Resolved, That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENTS NOS. 3477 THROUGH 3490, EN BLOC

Mr. WARNER. Mr. President, my distinguished colleague, Senator LEVIN, and I are prepared to address a series of amendments which have been agreed to on both sides on the authorization bill for the armed services of the United States.

Consequently, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous

consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these amendments be printed in the RECORD.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3477 through 3490) were agreed to, en bloc, as follows:

AMENDMENT NO. 3477

(Purpose: To set aside \$20,000,000 for the Joint Technology Information Center Initiative; and to offset that amount by reducing the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) by \$20,000,000)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.

Of the amount authorized to be appropriated under section 201(4)—

(1) \$20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by \$20,000,000.

AMENDMENT NO. 3478

(Purpose: To authorize the establishment of United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches)

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.

(a) **AUTHORITY.**—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) **SPECIFIC ACTIONS.**—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

AMENDMENT NO. 3479

(Purpose: To provide back pay for persons who, while serving as members of the Navy or the Marine Corps during World War II, were unable to accept approved promotions by reason of being interned as prisoners of war)

On page 239, after line 22, insert the following:

SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) **ENTITLEMENT OF FORMER PRISONERS OF WAR.**—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a pris-

oner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) **PROPER CLAIMANT FOR DECEASED FORMER MEMBER.**—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) **AMOUNT OF BACK PAY.**—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) **TIME LIMITATIONS.**—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) **LIMITATION ON DISBURSEMENT.**—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) **ATTORNEY FEES.**—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) **OUTREACH.**—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) **DEFINITION.**—In this section, the term “World War II” has the meaning given the

term in section 101(8) of title 38, United States Code.

AMENDMENT NO. 3480

(Purpose: To provide for full implementation of certain student loan repayment programs as incentives for Federal employee recruitment and retention)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.

(a) **STUDENT LOANS.**—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting “(20 U.S.C. 1071 et seq.)” before the semicolon;

(2) in clause (ii), by striking “part E of title IV of the Higher Education Act of 1965” and inserting “part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)”; and

(3) in clause (iii), by striking “part C of title VII of Public Health Service Act or under part B of title VIII of such Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)”.

(b) **PERSONNEL COVERED.**—

(1) **INELIGIBLE PERSONNEL.**—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

“(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(2) **PERSONNEL RECRUITED OR RETAINED.**—Section 5379(b)(1) of title 5, United States Code, is amended by striking “professional, technical, or administrative”.

(c) **REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the “Director”) shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) **FINAL REGULATIONS.**—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) **ANNUAL REPORTS.**—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

“(A) the number of Federal employees selected to receive benefits under this section; “(B) the job classifications for the recipients; and

“(C) the cost to the Federal Government of providing the benefits.

“(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).”.

AMENDMENT NO. 3481

(Purpose: To make available \$33,000,000 for the operation of current Tethered Aerostat Radar System (TARS) sites)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.

(a) FINDINGS.—Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to \$33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

AMENDMENT NO. 3482

(Purpose: To make available, with an offset, \$7,000,000 for procurement, Defense-Wide, for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces)

On page 32, after line 24, add the following:

SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by \$7,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), \$7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by \$7,000,000.

AMENDMENT NO. 3483

(Purpose: To authorize, with an offset, \$5,000,000 for research, development, test, and evaluation Defense-wide for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased

by \$5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$5,000,000.

AMENDMENT NO. 3484

(Purpose: To permit members of the National Guard to participate in athletic competitions and to modify authorities relating to participation of such members in small arms competition)

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting “prepare for and” before “participate”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) prepare for and participate in qualifying athletic competitions.”.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

“(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).”.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

“(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.”.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

“(e) In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

“§504. National Guard schools; small arms competitions; athletic competitions”.

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking

the item relating to section 504 and inserting the following new item:

“504. National Guard schools; small arms competitions; athletic competitions.”.

AMENDMENT NO. 3485

(Purpose: To amend title 5, United States Code to provide for realignment of the Department of Defense workforce)

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30, 2001” and inserting “September 30, 2005”.

SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking “September 30, 2003” and inserting “September 30, 2005”.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after “transfer of function,” the following: “restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001).”.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting “objective and nonpersonal” after “similar”; and

(2) by adding at the end the following:

“A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.”.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) shall be paid in a lump-sum or in installments;”;

(2) by striking “and” at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting “; and”; and

(4) by adding at the end the following:

“(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).”.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after “employment with the Government of the United States” the following: “, or who commences work for an agency of the United States through a personal services contract with the United States.”.

SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting “except in the case of an employee described in subsection (o)(1),” after “(2)”; and

(2) by adding at the end the following:

“(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

“(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

“(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

“(i) One or more organizational units.

“(ii) One or more occupational groups, series, or levels.

“(iii) One or more geographical locations.

“(iv) Any other similar objective and non-personal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

“(A) A major reorganization.

“(B) A major reduction in force.

“(C) A major transfer of function.

“(D) A workforce restructuring—

“(i) to meet mission needs;

“(ii) to achieve one or more reductions in strength;

“(iii) to correct skill imbalances; or

“(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting “except in the case of an employee described in subsection (d)(1),” after “(B)”; and

(2) by adding at the end the following:

“(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

“(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

“(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

“(i) One or more organizational units.

“(ii) One or more occupational groups, series, or levels.

“(iii) One or more geographical locations.

“(iv) Any other similar objective and non-personal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early re-

tirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

“(A) A major reorganization.

“(B) A major reduction in force.

“(C) A major transfer of function.

“(D) A workforce restructuring—

“(i) to meet mission needs;

“(ii) to achieve one or more reductions in strength;

“(iii) to correct skill imbalances; or

“(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out “or (j)” in the first sentence and inserting “(j), or (o)”.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out “or (b)(1)(B)” and “(b)(1)(B), or (d)”.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following:

“(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.”

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking “if necessary” and all that follows through the end and inserting “if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.”

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

“§ 4107. Restrictions”.

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

“4107. Restrictions.”

SEC. 1118. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) **CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.**—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) **APPROPRIATE COMMITTEES.**—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

AMENDMENT NO. 3486

(Purpose: To provide for a blue ribbon advisory panel to examine Department of Defense policies on the privacy of individual medical records)

On page 270, between lines 16 and 17, insert the following:

SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

(a) **ESTABLISHMENT.**—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the "Panel").

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) **DUTIES.**—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) **POWERS.**—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the

same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) **TERMINATION.**—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) **FUNDING.**—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

AMENDMENT NO. 3487

(Purpose: To expand the authority of the Secretary of Defense to exempt geodetic products of the Department of Defense from public disclosure.)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking "or reveal military operational or contingency plans" and inserting ", reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities".

AMENDMENT NO. 3488

(Purpose: To make available, with an offset, an additional \$2,100,000 for the conversion of the configuration of certain AGM-65 Maverick missiles)

On page 31, after line 25, add the following:

SEC. 132. CONVERSION OF AGM-65 MAVERICK MISSILES.

(a) **INCREASE IN AMOUNT.**—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by \$2,100,000.

(b) **AVAILABILITY OF AMOUNT.**—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), \$2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the AGM-65H and AGM-65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) **OFFSET.**—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by \$2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE-50 Code Decoys.

AMENDMENT NO. 3489

(Purpose: To set aside for the procurement of rapid intravenous infusion pumps \$6,000,000 of the amount authorized to be appropriated for the Army for other procurement; and to offset that addition by reducing by \$6,000,000 the amount authorized to be appropriated for the Army for other procurement for the family of medium tactical vehicles.)

On page 25, between lines 13 and 14, insert the following:

SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.

Of the amount authorized to be appropriated under section 101(5)—

(1) \$6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by \$6,000,000.

AMENDMENT NO. 3490

(Purpose: To set aside funds for the Mounted Urban Combat Training site, Fort Knox, Kentucky, and for overhaul of MK-45 5-inch guns)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, \$4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

SEC. 314. MK-45 OVERHAUL.

Of the total amount authorized to be appropriated under section 301(1) for maintenance, \$12,000,000 is available for overhaul of MK-45 5-inch guns.

AMENDMENT NO. 3485

Mr. VOINOVICH. Mr. President, on June 6th, Senator DEWINE and I introduced legislation to help the Department of Defense move ahead towards addressing their future workforce needs. Our bill, the Department of Defense Civilian Workforce Realignment Act of 2000, gives the Department of Defense the necessary flexibility to adequately manage its civilian workforce and align its human capital to meet the demands of the post-cold war environment.

The amendment that Senator DEWINE and I are offering today adds the modified language of our bill to this DOD authorization bill so that the U.S. military can more adequately prepare for tomorrow's challenges.

Mr. President, before I speak on the amendment itself, I would like to discuss the human capital crisis that is confronting the Federal Government. Since July of last year, the Oversight of Government Management Subcommittee, which I chair, has held six hearings on federal workforce issues. Some of the issues we have examined include management reform initiatives, Federal employee training needs and the effectiveness of employee incentive programs.

One point that I have emphasized at each of these hearings is that the employees of the Federal Government should be treated as its most valued resource. In reality, Mr. President, Federal employees and human capital management have been long overlooked.

In fact, this past March, Comptroller General David Walker testified before the Oversight Subcommittee that the government's human capital management systems could earn the GAO's "high-risk" designation in January 2001. While there are several reasons

why the Federal Government's human capital management is in such disarray, there are suggestions that an improper execution of government downsizing has played a larger role than has been previously recognized.

Walker stated that "(GAO's) reviews have found, for example, that a lack of adequate strategic and workforce planning during the initial rounds of downsizing by some agencies may have affected their ability to achieve organizational missions. Some agencies reported that downsizing in general led to such negative effects as a loss of institutional memory and an increase in work backlogs. Although [GAO] found that an agency's planning for downsizing improved as their downsizing efforts continued, it is by no means clear that the current workforce is adequately balanced to properly execute agencies' missions today, nor that adequate plans are in place to ensure the appropriate balance in the future."

Furthermore, the Comptroller General testified that it appeared that many Federal agencies had cut back on training as they were downsizing; the very time they should have been expanding their training budgets and activities to better ensure that their remaining employees were able to effectively do their jobs.

While the problems associated with the downsizing of the last decade are becoming more apparent, the United States is faced with an even greater potential threat to the Government's human capital situation in this decade—massive numbers of retirements of Federal employees. By 2004, 32 percent of the Federal workforce will be eligible for regular retirement, and an additional 21 percent will be eligible for early retirement. That's a potential loss of over 900,000 experienced employees.

Mr. President, any other public- or private-sector manager who faced the loss of more than half of his or her workforce would recognize that immediate action was necessary to ensure the long-term viability of their business or organization. And over the next few years, the United States must seriously address this growing human capital crisis in the Federal Government workforce. It will not be easy—years of downsizing and hiring freezes have taken their toll, as will a pending retirement-exodus for "baby boomer" Federal employees. Add to that the lure of a strong private sector economy drawing more young workers away from government service, and the Federal Government will only find it harder to attract and retain the technology-savvy workforce that will be necessary to run the government in the 21st Century.

To meet this challenge, Senator DEWINE and I are offering this amendment that will help one critical depart-

ment of our Federal Government—the Department of Defense—get a head start in addressing their future workforce needs. As I stated earlier, this amendment gives the Department of Defense the latitude it needs to manage its civilian workforce as well as reshape its human capital for the 21st century. What the Defense Department is able to accomplish via this amendment may serve as a model for use throughout the government.

During the last decade, the Defense Department underwent a massive civilian workforce downsizing program that saw a cut of more than 280,000 positions. In addition, the Defense Department—like other Federal departments—was subject to hiring restrictions. Taken together, these two factors have inhibited the development of mid-level career, civilian professionals within the DOD.

The extent of this problem is exhibited in the fact that right now, the Department is seriously understaffed in certain key occupations, such as computer experts and foreign language specialists. The lack of such professionals has the potential to affect the Defense Department's ability to respond effectively and rapidly to threats to our national security.

Our amendment will assist the Department in shaping the "skills mix" of the current workforce in order to address shortfalls brought about by years of downsizing, and to meet the need for new skills in emerging technological and professional areas. In testimony before the Oversight Subcommittee, Comptroller General Walker recognized the need for such actions, noting that, "(I)n cutting back on the hiring of new staff in order to reduce the number of their employees, agencies also reduced the influx of new people with the new competencies needed to sustain excellence."

So what will workforce shaping mean to the Department of Defense? In the United States Air Force, workforce shaping will allow the Air Force research labs to meet changing requirements in their mission. For example, at Brooks Air Force Base in San Antonio, they need fewer psychologists and more aerospace engineers; at Rome Air Force Base in Rome, New York, they need computer scientists rather than operations research analysts; and at Wright-Patterson Air Force Base in Dayton, Ohio, they need more materials engineers rather than physicists.

Also, at Wright-Patterson Air Force Base, there is a need to move from the mechanical/aeronautical engineering skills that their senior engineers possess to skills that are more focused on emerging technologies in electrical engineering, such as space operations, lasers, optics, advanced materials and directed energy fields. Changing the skills requirements at Wright-Patterson will help the Base meet their needs for the next 10 to 15 years.

The U.S. Army Materiel Command determined that employees at two of its locations—St. Louis, Missouri and Chambersburg, Pennsylvania—possessed the wrong computer skills to meet the Army's new information technology requirements. Switching from COBAL to a more commercially-oriented computer language, the Army found that their employee's skills did not match the new requirements, nor were their skills readily transferable. Subsequently, this mission was contracted to a private company. Almost 450 Federal jobs were eliminated with many of those scheduled for involuntary separation by reduction in force.

If Voluntary Separation Incentive Pay (VSIP) had been available for reshaping and realignment, the Army may have been able to save some of these employees from involuntary separation by using VSIP to increase voluntary separations. The use of VSIP also could have allowed for the retention of Federal jobs since the Army could have provided separation incentives to the COBAL-trained workers and hired new, commercially-oriented technology workers in their place. Instead, the Army contracted with a private company to meet the mission requirement in a timely manner, and the existing workforce was involuntarily separated.

Even so, the most immediate problem facing the Defense Department is the need to address its serious demographic challenges. The average Defense employee is 45 years old and more than a third of the Department's workforce is age 51 or older. In the Department of the Air Force, for example, 45 percent of the workforce will be eligible for either regular retirement or early retirement by 2005.

Wright-Patterson Air Force Base is an excellent example of the demographic challenge facing many military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, and employs 22,700 civilian federal workers. By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only six percent will be age 35 to 39, and less than two percent will be under the age of 34. According to these numbers, by 2005, 60 percent of Wright-Patterson's civilian employees will be eligible for either early or regular retirement.

Although a mass exodus of all retirement-eligible employees is not anticipated, there is a genuine concern that a significant portion of the civilian workforce at Wright-Patterson and elsewhere in the Department of Defense, including hundreds of key leaders and employees with crucial expertise, could decide to retire, leaving the remaining workforce without experienced leadership and absent essential institutional knowledge.

This combination of factors poses a serious challenge to the long-term effectiveness of the civilian component of the Defense Department, and by implication, the national security of the United States. Military base leaders, and indeed the entire Defense establishment, need to be given the flexibility to hire new employees so they can develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

That is the purpose of our amendment. It addresses the current skills and age imbalance in the federal workforce before the increase in retirements of senior public employees begins in the next five years. If we wait for this "retirement bubble" to burst before we start to hire new employees, then we will have fewer seasoned individuals left in the federal workforce who can provide adequate training and mentoring.

Our amendment will allow the Defense Department to conduct a smoother transition by not waiting for these retirements before bringing new employees into the Department over the next five years with the skills the U.S. needs for the future. As they are hired, the new employees will have the opportunity to work with and learn from their more experienced colleagues, and invaluable institutional knowledge will be passed along.

As I was drafting this proposal, I wanted to make sure that those who would be most impacted by it—Department of Defense civilian employees—would have an opportunity to comment on it. I contacted the American Federation of Government Employees and asked them to provide their opinion of this proposal. After thoroughly reviewing it, AFGE informed me that they did have concerns that the Defense Department might believe this bill authorized them to hire outside contractors to perform work that is currently being done by government employees.

I want to state—emphatically—that this is not the purpose or intent of this amendment. Let me repeat: it is not the intent of this amendment, nor should any intent be construed, to allow the Defense Department to circumvent their obligations to our civilian workforce. The purpose of this amendment is to help the Department "rightsize and revitalize" its civilian workforce, not reduce the number of federal full-time equivalent employees. I encourage management officials at the Department of Defense to work closely with the Department's union representatives on the implementation of this measure.

In addition, this amendment allows the early retirement and separation pay authorities to be exercised only for workforce realignment, or for purposes specified in this amendment, or as they exist in current law.

We are not seeking to establish a program to address problems of individual employees' performance. Employee performance problems will continue to be handled by managers, who must use the performance management system under existing law—a system that gives affected employees particular procedural and substantive rights.

Further, our amendment stipulates that the offer of early retirement or separation pay may only be used under a consistent and well-documented application of relevant, objective non-personal criteria. Thus, under the amendment, as in existing law, an individual employee may not be "targeted" for early retirement or separation pay for the purpose of providing benefits to or affecting the removal of that employee.

Mr. President, our amendment would also require that, no later than six months after this bill becomes law, the Secretary of Defense shall develop a strategic plan for the exercise of the authorities provided by this amendment, and that these authorities cannot be exercised until that strategic plan has been submitted to Congress. This plan shall be consistent with the strategic plan developed by the Department pursuant to the Government Performance and Results Act.

We further expect that the Department's annual Results Act performance reports will include an assessment of the effectiveness and usefulness of these authorities and how the exercise of these authorities in helping the Department achieve its mission, meet its performance goals, and fulfill its strategic plan. Senator DEWINE and I included this section because during the 1990s, many Federal agencies downsized their workforces without first determining their human resources requirements. The purpose of this section is to make sure that the authorities provided by this act are not exercised haphazardly, but in the context of the Department's strategic plan and future requirements.

As a fiscal conservative, I believe that the monetary cost of this amendment pales in comparison to the costs we will incur if we do not begin to address our human capital issue immediately.

We cannot forget that within five years, hundreds of thousands of federal employees will begin to retire. Most of these future retirees have decades of expertise and vital institutional knowledge, and once they are out of the workforce, so too is their ability to train a new generation of federal workers.

It would be incredibly short-sighted if, in an attempt to save money, we simply wait for these hundreds of thousands of defense employees to retire before we even start to consider hiring their replacements. If we do nothing, I believe we will be left in a position

where the civilian component of the Defense Department will be subject to an "experience gap" that will take years to overcome and which would be measured not in dollars but in diminished national security.

We must give the Department of Defense the tools it needs to bring in new federal employees, with the skills necessary to meet the challenges of tomorrow. While this amendment does not address all of the human capital needs of the Defense Department, it is an important first step and will help ensure that the Department of Defense recruits and retains a quality civilian workforce so that our armed forces may remain the best in the world. It is extremely important to the future vitality of the Department's civilian workforce and the national security of the United States that we address the human capital crisis while we have the opportunity.

I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I rise to discuss provisions (Section 906) in the FY 2001 National Defense Authorization Act (S. 2549) aimed at supporting efforts within the Department of Defense to develop a set of operational concepts, sometimes referred to as "Network Centric Warfare," that seek to exploit the power of information and US superiority in information technologies to maintain dominance and improve interoperability on the battlefield. I am very pleased to have been joined in the development of these provisions by my able colleagues, Senators ROBERTS and BINGAMAN. This concept of operations generates increased combat power by networking sensors, decision makers and shooters to achieve shared situational awareness, increased speed of command, higher tempo of synchronized operations, greater lethality, increased survivability, and more efficient support operations. In the words of Vice Admiral Arthur Cebrowski, the President of the Naval War College, "Network Centric Warfare is an embodiment of the emerging theory of warfare for the Information Age."

As we strive to transform our military to meet the challenges and threats of the new century, it is clear that we must make better use of our huge advantages in information technology, sensors, networks, and computing to achieve battlefield dominance. Network Centric Warfare exploits these advantages not only by identifying, developing, and utilizing the best new networking and sensing technologies, but also by adjusting our existing doctrine, tactics, training and even acquisition, planning, and programming to reflect the network centric concepts of operations. A truly networked force can be lighter, faster, more precise, more Joint and more

able to respond to contingencies ranging from peacekeeping to major regional conflicts.

In Joint Vision 2020, the Joint Chiefs of Staff highlight the critical role that information and information systems will play in future operations, stating:

*** the ongoing "information revolution" is creating not only a quantitative, but a qualitative change in the information environment that by 2020 will result in profound changes in the conduct of military operations. In fact, advances in information capabilities are proceeding so rapidly that there is a risk of outstripping our ability to capture ideas, formulate operational concepts, and develop the capacity to assess results. While the goal of achieving information superiority will not change, the nature, scope, and "rules" of the quest are changing radically.

Information superiority provides the joint force a competitive advantage only when it is effectively translated into superior knowledge and decisions. The joint force must be able to take advantage of superior information converted to superior knowledge to achieve "decision superiority"—better decisions arrived at and implemented faster than an opponent can react, or in a noncombat situation, at a tempo that allows the force to shape the situation or react to changes and accomplish its mission. Decision superiority does not automatically result from information superiority. Organizational and doctrinal adaptation, relevant training and experience, and the proper command and control mechanisms and tools are equally necessary.

The legislation in Section 906 of S. 2549 explores many of the facets of this Joint vision of a networked force and operations.

It is clear that there have been chronic difficulties and deficiencies in our recent military operations, including Kosovo, associated with Service-centric boundaries and segmentation of operational areas by Service, which have resulted in a number of interoperability failures and inefficiencies. Reports have suggested that we continue to have difficulty collecting, processing, and disseminating critical information to our battlefields. These shortfalls, for example, severely limited our ability to make full use of the capabilities of our JSTARS aircraft or to effectively strike mobile targets. Earlier in this session, the Armed Services Committee received testimony concerning Kosovo operations from Lieutenant General Michael Short, the Commander of Allied Air Forces in Southern Europe, where he highlighted improvements made within the Air Force to move targeting information from intelligence assets (for example, U-2s) to some combat aircraft. But he also pointed out the need to expand these efforts,

*** we need to be able to do that across the fleet, to move information to A-10s and F-16s and F/A-18s and F-14s, everything we have got, *** to rapidly respond to the emerging situation.

It is also clear that these problems do not all stem from technological de-

ficiencies. In fact, many of the interoperability difficulties that we see today result from force and organizational structures, doctrine, and tactics that have not kept pace with technological change. Admiral James Ellis, the Commander-in-Chief of Allied Forces in Southern Europe, highlighted these problems for the Committee, stating about the Kosovo operation,

There are clearly opportunities for us to, through firewalls and the like, to pass data, *** that we were not able to during this effort that require attention as well, so that at a staff level as well as at a planning and execution level we have the ability to communicate as freely as we need to in order to ensure that we've got the security and the capability that the alliance is capable of delivering.

The networking of our military assets and the training of our personnel and transformation of our forces to adapt to an information-centric environment will be critical for future military operations. Theater Missile Defense is an excellent example of the need for this type of network centric approach. Given the global proliferation of missile technology and weapons of mass destruction, we are moving toward a robust missile defense capability to protect our warfighters deployed overseas. The Theater Missile Defense mission depends on the seamless linking of multiple Joint assets and on the timely passing of critical information between sensors and shooters. Earlier this year, Lieutenant General Ron Kadish testified that we have got "some long work ahead" to make our various Theater Missile Defense efforts interoperable. We must all work to ensure that we develop the space-based and airborne sensing systems, interoperable networking and communications systems, and Joint operations and organizations needed to perform this vital mission.

After extensive discussions with a variety of Agency and Service officials, I believe that although there are many innovative efforts underway throughout the Department to develop network centric technologies and systems, as well as to establish mechanisms to integrate information systems, sensors, weapon systems and decision makers, these efforts are too often underfunded, low-priority, and not coordinated across Services. In many cases, they will unfortunately continue the legacy of interoperability problems that we all know exist today. To paraphrase one senior Air Force officer, we are not making the necessary fundamental changes—we are still nibbling at the edges.

The legislation incorporated into the Defense bill calls for DoD to provide three reports to Congress detailing efforts in moving towards Network Centric forces and operations.

Section 906(b) calls for a report focusing on the broad development and implementation of Network Centric War-

fare concepts in the Department of Defense. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are asked to report on their current and planned efforts to coordinate all DoD activities in Network Centric Warfare to show how they are moving toward a truly Joint, networked force. The report calls for the development of a set of metrics as discussed in Section 906(b)(2)(C) to be used to monitor our progress towards a Joint, network centric force and the attainment of fully integrated Joint command and control capabilities, both in technology and organizational structure. These metrics will then be used in more detailed case studies described in Section 906(b)(2)(E)—focusing on Service interoperability and fratricide reduction.

The legislation also requires the Department to report on how it is moving towards Joint Requirements and Acquisition policies and increasing Joint authority in this area to ensure that future forces will be truly seamless, interoperable, and network-centric, as described in Sections 906(b)(2) (F) through (I). Many view these Joint activities as being critically necessary to achieving networked systems and operations. Unless we move away from a system designed to protect individual Service interests and procurement programs, we will always be faced with solving interoperability problems between systems. For example, strengthening the Joint oversight of the requirements for and acquisition of all systems directly involved in Joint Task Forces interoperability would provide a sounder method for acquiring these systems. We need to move away from a Cold War based, platform-centric acquisition system that is slow, cumbersome, and Service-centric. As part of this review, we ask DoD to examine the speed at which it can acquire new technologies and whether the personnel making key decisions on information systems procurement are technically trained or at least supported by the finest technical talent available. We also need to ensure that Service acquisition systems are responsive to the establishment of Joint interoperability standards in networking, computing, and communications, as well as best commercial practices.

In the operations support area, DoD can follow the example of the private sector—which has embraced network centric operations to improve efficiency in an increasingly competitive environment. Companies as different as IBM and WalMart are both moving to streamline and unify their networks and to make their distribution, inventory control and personnel management systems more modern and information-centric. Successful firms are not only buying the newest technology, they are also changing their operations and business plans to deal with the new

networked environments. Section 906(b)(2)(J) calls for the Department to study private sector efforts in these areas and evaluate their past successes and failures as they can inform future DoD activities.

Section 906(c) describes the second report, which examines the use of the Joint Experimentation Program in developing Network Centric Warfare concepts. Network Centric Warfare is inherently Joint, and the Commander in Chief of Joint Forces Command is in the best position to develop new operational concepts and test the new technologies that support it. The report calls for a description of how the Joint Experimentation Program and the results of its activities are to be used to develop new Joint Requirements, Doctrine, and Acquisition programs to support network centric operations. It also requires the development and description of a plan to use the Joint Experimentation program to identify impediments to the development of a joint information network, including the linking of Service intranets, as well as redesigning force structures to leverage new network centric operational concepts.

The final report, described in Section 906(d), focuses on the coordination of Service and Agency Science and Technology investments in the development of future Joint Network Centric Warfare capabilities. In moving towards a more Joint, networked force we must continue to ensure that we provide our nation's warfighters with the best technologies. We must increase our investments in areas such as sensors, networking protocols, human-machine interfaces, training, and other technologies outlined in Section 906(d)(2)(A), especially in the face of declining S&T budgets. The report requires the Undersecretary of Defense for Acquisition, Technology, and Logistics to explain how S&T investments supporting network centric operations will be coordinated across the Agencies and Services to eliminate redundancy and better address critical warfighter, technology, and R&D needs. This is more important than ever as we develop our next generation of weapon systems—better coordination and establishment of common standards in the technology development stages can only help to alleviate future interoperability problems.

The Undersecretary's planning and evaluation of investments in S&T for a network centric force must also address the role of the operator in a network centric system. We must pay more attention to the training of our combat and support personnel so that they can make the best use of information technologies, as well as investing more in research on learning and cognitive processes so that our training systems and human-machine interfaces are optimized.

The investments recommended in the report should also accommodate the incredible pace of change in information technologies that is currently driven by the commercial sector. To address this, Section 906(d)(2)(B) calls for an analysis of how commercially driven revolutions in information technology are modifying the DoD's investment strategy and incorporation of dual-use technologies.

I believe this legislation will help focus the Pentagon and Congress' attention on the need to move our military into a more information savvy and networked force. I hope that these three key reports set forth the needed organizational, policy, and legislative changes necessary to achieve this transformation for decision makers in the military, Administration, and in Congress. I believe that our future military operations must be network centric to preserve our technological and operational superiority. I look forward to receiving plans and proposals to help get us there efficiently and effectively.

Mr. DEWINE. Mr. President, earlier today, I voted to table Senator MURRAY's amendment to the FY2001 Department of Defense authorization bill. This amendment, which was successfully tabled, would have allowed for the performance of abortion services on our military bases. It is clear to me, Mr. President, that this amendment would have violated the spirit of the Hyde law, which prohibits Government-funded abortions.

Proponents of the amendment attempted to get around this prohibition by requiring that women receiving abortions on military installations pay for their own abortions. But, Mr. President, this simply does not eliminate government involvement in the delivery of abortion services. Military doctors would have to perform the abortions voluntarily, or our Armed Forces would have to contract with private doctors to perform the abortions.

Mr. President, we cannot turn our military bases into abortion clinics. Clearly, the federal government is prohibited from the provision of abortions, and should not be in the business of facilitating any abortion services on our military bases. Our federal government has no role to play in providing abortion services. It is that simple.

Mr. WARNER. Mr. President, if I may inquire, as I understand it, today the Senate will not further consider the armed services bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair, and I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 2522 by title.

The assistant legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the pending bill provides \$13.4 billion for foreign assistance programs. By comparison, last year the Senate voted 97-2 for a \$12.6 billion bill and the President signed a \$13.7 billion bill. Given the budget constraints, the fact that we are just below last year's final level is a tribute to Senator STEVENS' and Senator BYRD's adept management of allocations.

I think the bill strikes a good balance between meeting emerging requirements yet requiring accountability for the funds we make available.

In terms of meeting emerging global needs, we have invested \$651 million in a new, global health initiative which will help ramp up immunizations and combat malaria, tuberculosis, polio, and AIDS. Senator LEAHY deserves special recognition for his efforts to establish this initiative with adequate funding. The committee's interest in health began several years ago when we earmarked \$25 million for polio programs. The administration's initial howls of protest have been silenced since we are on the verge of wiping out the disease thanks largely to the public-private collaboration between the Rotary Club and international donors.

We have a unique opportunity, if not responsibility, to replicate the success of this public-private partnership in other health areas, given recent generous support for vaccination research and programs by pharmaceutical companies and the Gates Foundation.

The bill also increases funding for key countries in the Balkans struggling to accelerate economic and political reforms. The administration requested \$195 million in supplemental and \$610 million for 2001. Instead of adding to emergency spending, the committee has increased the overall amount made available for fiscal year 2001 to \$635 million rather than add to emergency spending. I do not think the region needs more money so much as it requires better management of American resources. With \$635 million, I think we have more than adequately responded to the needs of the region.

Within this increase we were able to provide \$89 million for Montenegro and

\$60 million for Croatia, which in each case combined the Supplemental and 2001 request. Our assistance to the government in Montenegro is a lifeline as they struggle to address mounting political and economic pressure applied by the regime in Belgrade. Within the last few weeks we have seen an escalation of political violence which can be traced to Belgrade including the assassination of a presidential bodyguard and an attack on a member of the political opposition. We need to be clear about U.S. support for the embattled Montenegrin Government.

Croatia's recent elections renew prospects for real reforms and real growth, which I expect our funding help encourage. I commend the new government for making serious commitments to allow for the return of refugees, suspend support for extremists in Bosnia, and press forward with political and economic reforms. To give the new government some leverage, the bill includes those commitments as benchmarks for releasing our assistance.

As the Croatian provisions illustrate, this bill is not just about spending. It is fundamentally about accountability—we must have more confidence that the resources we commit will, in fact, achieve results.

U.S. resources cannot singlehandedly rebuild, rehabilitate, reform, or develop a nation, but we can assure that aid is effectively administered and we must guarantee our partners—including other donors, recipients, and nongovernment organizations—all share the burden and share our commitment to free market economics and democracy.

I think it is pretty clear in Kosovo we are off track. Last year, we earmarked \$150 million for Kosovo with the requirement that our pledge would not exceed 15 percent of the total committed by European and other donors. We also made clear we would not assume any responsibility for major infrastructure reconstruction. The initial affect of this conditionality was positive, and the Secretary of State was able to determine that other donors pledged enough to meet at least 85 percent of the resource requirements. Unfortunately, those pledges have been slow to materialize. Donor support for roads, clinics, schools, utilities, courts, and industry is imperceptible.

Instead of supporting an effort to build up Kosova, we are building up a U.N. bureaucracy—and a pretty incompetent one at that. UNMIK is like a huge Macy's Thanksgiving Day float—bloated and detached—drifting far above the crowd—fluttering in a confetti cloud of rulings, edicts, ordinances, and injunctions.

Few Kosovars I talk with can point to a single meaningful accomplishment. Instead, they suggest Serb rule has been supplanted by the United Nations—a more benign influence, per-

haps, but every bit as indifferent and irrelevant to real Kosovar needs.

And, we are expected to pay the lion's share for this waste. For months, the committee has been besieged by requests to release funds because of urgent shortfalls and gaps other donors have failed to fill.

We are making the same mistake we made in Bosnia. And it isn't just the U.N.'s failure. Within weeks of setting up a mission, AID set off on a course to fund large-scale contracts with groups that had no local experience or no inclination to build up and to leave behind a strengthened local civic society.

To address these problems, the bill structures new conditions on our support for Kosovo. This year, we have modified language so that U.S. actual expenditures do not exceed 15 percent of the total actual expenditures by all donors. And, we require that 50 percent of all resources flow through local nongovernment organizations which know what they are doing and have the only, real prospect of making a difference at the community level.

Turning to Russia, the new Putin government is untested in many respects, but not in its ability to wage a ruthless war against civilians in Chechnya. After creating 440,000 refugees, Moscow not only is limiting access by international relief workers, they have stonewalled international attempts to allow investigations of alleged war crimes and atrocities.

The Clinton administration has made a bad situation worse. Not only did they refuse to vote in support the U.N. Human Rights Commissioner's call for an international investigation and tribunal, the Bureau of Refugees and the U.S. Embassy in Moscow have rejected requests to support the courageous relief workers operating in the region. The Department argues they don't want to encourage groups to enter unsafe areas. This is both disingenuous and unjust—these groups are already in Chechnya and Ingushetia desperate for contributions. What the administration refuses to admit is they simply don't want to challenge or upset the Russians. This is a dangerous, longstanding pattern which compromises our values and our interests.

Russia's war against the Chechen people makes me wonder what kind of democracy the administration has helped fund with more than \$5 billion in assistance.

Over the years, and including administration veto threats, we have tried—and often failed—to establish benchmarks and conditions on U.S. aid to Russia. This year, we have conditioned further support to the Russian Government upon certification that the Putin government is allowing relief workers unimpeded access in Chechnya and Ingushetia. We also require certification that the Russian Government is fully cooperating with international

investigations of war crimes and atrocities committed in Chechnya and relief efforts. Finally, of money made available to Russia, we have earmarked \$10 million for nongovernment organization relief operations in Chechnya and Ingushetia.

Turning to our hemisphere, after spending more than \$2 billion in Haiti, most of us are frustrated by the fact that it remains the poorest country in the hemisphere with political assassinations and violence a staple of daily life. Only real political change holds out hope of producing stability and economic progress, so we have conditioned further assistance upon certification that the Preval government has allowed free and fair elections to proceed and that a parliament is seated on schedule this month.

That may prove difficult given yesterday's news. Apparently, according to the New York Times, Haiti's top election official fled the country, "fearing for his life after he refused to approve results for last month's contested legislative and local elections."

Now, let me take a moment to describe the committee's treatment of the Colombia supplemental request. Our disposition of Plan Colombia differs from the request in four ways.

First, within the Foreign Operations area, the overall funding is lower. The administration requested \$1,073,500,000. The Committee has appropriated \$934,100,000.

Second, that lower funding level is primarily a result of providing a different helicopter package. The request was for 30 Blackhawks at a cost of \$388 million. We have provided 60 Huey IIs at a cost of \$118.5 million. These numbers include the first year's operating costs.

Third, with the savings in the helicopter package we were able to invest in a regional strategy and substantially increase aid to Bolivia, Ecuador, and Peru. I felt the administration's singular focus on Colombia guaranteed that the production and trafficking problem would simply be pushed across the border. The bill's regional emphasis on interdiction and development keeps Colombian traffickers from becoming a moving target. We more than doubled the regional request of \$76 million and provided \$205 million.

This level allowed us to fully fund Bolivia's request of \$120 million for both alternative development and interdiction programs. With an impressive track record in eradication of coca and alternative development, Bolivia deserves our continued support as the government completes the task. The results in Bolivia are truly noteworthy, almost to the point of being astonishing.

Similarly, we nearly tripled the support for Ecuador while increasing aid to the Peruvian Government as well.

Fourth and finally, we added \$50 million to the \$93 million request for

human rights monitoring. As the military pressure picks up, so will the likelihood of abuses, so we have expanded witness, prosecutor, and judicial protection programs as well as support to monitoring groups. We have also conditioned aid on the Secretary of State certifying that the Colombian military is in full compliance with their own laws requiring the prosecution of military officers in civilian courts for alleged human rights abuses. This should help end the pattern of allowing these cases to be dropped in military courts.

In addition to supplemental funds for Colombia, the administration also submitted a \$193 million supplemental request for Mozambique, only \$10 million dedicated to meeting immediate disaster needs. While there is no question the flooding in Mozambique was a disaster, the question the committee had to consider was whether the requested funds were for immediate urgent needs or long-term rehabilitation and reconstruction which should be addressed in the fiscal year 2001 regular spending bill. What we chose to provide in emergency spending will offer immediate relief on a one-time basis, rather than support the longer-term reconstruction and rehabilitation needs which can be covered by the increase we provided in the 2001 development assistance.

Finally, the committee was asked to support a \$210 million supplemental package for a contribution to the Heavily Indebted Poor Countries Initiative Trust Fund. The committee has provided an initial commitment of \$75 million pending authorization legislation currently being considered by the Banking Committee.

With that, let me pass the baton to my friend and colleague, Senator LEAHY, with whom I have enjoyed working on this legislation each year during our time together, as either chairman or the ranking member. I express my gratitude to him for his friendship and the cooperative way in which we have proceeded every year.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Kentucky for his gracious comments.

I am very pleased to join my friend from Kentucky, Senator MCCONNELL, who as chairman of the Foreign Operations Subcommittee has done a superb job getting this bill to the floor.

The Appropriations Committee reported this bill on May 9 after very little debate. The fact that it sailed through our committee was a reflection of the bipartisan way the bill was put together. We did everything possible to accommodate the wishes of Senators on both sides of the aisle.

This bill is \$780 million above last year's Senate foreign operations bill. We increased funding for global health programs, which many Senators sup-

We increased export assistance. We increased funding for a number of other important programs. That is the good news. But this bill is \$350 million below last year's enacted level, and \$1.7 billion below the President's 2001 budget request.

We were not able to fully fund several programs that have broad support, such as the Peace Corps, but I expect that more will be done in the conference committee.

The bill also does not respond adequately to the emergency disaster needs in Mozambique, which was devastated by floods earlier this year. We provided only \$25 million out of a request of \$193 million. I cannot help but compare the billions we have spent to relieve the suffering of people in Bosnia and Kosovo, with our minuscule aid to Southern Africa.

The bill provides only \$75 million of the \$435 million in emergency supplemental and fiscal year 2001 funding for debt relief for the poorest countries, which has bipartisan support in both the House and Senate. This is an international initiative led by the United States. We need to do our share.

We also fell short on the International Development Association, the soft-loan window of the World Bank. We are about \$85 million short.

I have some real concerns about the way the World Bank is handling staff complaints of misconduct, such as harassment and retaliation.

I am preparing some proposals for the World Bank to address these problems.

Several Senators, both Democrats and Republicans, have written to me urging more funding for the Global Environment Facility, which supports programs to protect the ozone, reduce ocean pollution, and protect biodiversity. We were only able to provide \$50 million, out of a request of \$175 million.

Some have complained that the GEF is funding the Kyoto Protocol. Those critics owe it to the GEF to specify which activities they oppose, rather than making vague objections that are not based on facts. We need to find common ground on addressing these critical environmental problems.

Finally, I want to address the emergency funding for Colombia, which was attached to this bill in the committee. I want to help Colombia, which is facing threats from left-wing guerrillas, right-wing paramilitaries, and drug traffickers allied with both.

I also have a lot of respect for Colombia's President Pastrana. We are already giving hundreds of millions of dollars to Colombia.

But I cannot endorse a proposal that would vastly increase our military involvement in Colombia that is so poorly thought out and suffers from so many unanswered questions.

Although the administration does not like to talk about it, this is only

the first billion-dollar installment of a multiyear, open-ended commitment of many more billions of dollars.

Nobody can say what they expect this to cost, what we can expect to achieve, in what period of time, how intensifying a war that cannot be won will lead to peace, or what the risks are to hundreds of American military and civilian personnel in Colombia or to Colombian civilians. I have asked the Administration these questions, but their answers are vague at best.

Even the goal is vague. If it is to stop the flow of illegal drugs into the United States, that is wishful thinking. If it is to defeat the guerrillas, this is not the way to do it. I think the American people deserve better answers before we spend billions of their tax dollars on another civil war in South America.

Having said that, I very much appreciate Chairman MCCONNELL's willingness to include a number of conditions on the aid, which have strong bipartisan support. If this Colombia aid passes, these human rights conditions and reporting requirements are essential to ensure that the aid is not misused and that human rights are protected.

As with many other appropriations bills, we are going to need to get a higher allocation if the President is going to sign this bill. But as the Chairman of the Appropriations Committee, Senator STEVENS, has said, this is one step in the process. I believe it is a good start and that we should pass this bill. There is no reason why we cannot wrap it up very quickly.

With the distinguished chairman on the floor, I tell him that on my side of the aisle, I urge anybody who has amendments to get them over here and let us try to wrap it up in the morning so that by early tomorrow afternoon we can go on to a different bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say in response to the suggestion of the Senator from Vermont, I believe we now do have a consent agreement that will allow us to move ahead, not quite as rapidly as the Senator from Vermont and I had hoped.

Mr. LEAHY. Mr. President, I must say that the Senator from Kentucky would probably like to do it at the same speed I would but we are both realists in this regard.

Mr. MCCONNELL. I believe this will move us toward a completion, hopefully by early evening tomorrow.

Therefore, Mr. President, I ask unanimous consent that all first-degree amendments to the pending bill must be filed at the desk by 3 p.m. on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous consent that on Wednesday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator GRAHAM of Florida be recognized in morning business for up to 40 minutes, to be followed by Senator VOINOVICH for 40 minutes, and the Senate then resume consideration of the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I further ask unanimous consent that when the Senate resumes the bill at approximately 11 a.m., Senator WELLSTONE be recognized to offer his amendment regarding Colombia, no second-degree amendments be in order prior to a vote in relation to the amendment, and there be 90 minutes for debate prior to the vote under the control of Senator WELLSTONE and 45 minutes under the control of myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, in light of that, there will be no further rollover votes this evening.

We have the Senator from Alabama on the floor ready to offer an amendment and to talk about that some tonight. I believe the occupant of the Chair is also interested in discussing an amendment of his own tonight.

Mr. LEAHY. Mr. President, before we go to the Senator from Alabama, as I understand it, anything we may do tonight would be simply in the form of discussing amendments and then laid aside.

I see the distinguished Senator from Alabama on the floor.

I don't want to delay that any further.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3492

(Purpose: To provide an additional condition on assistance for Colombia)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes an amendment numbered 3492.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 144, strike line 22 and insert the following: aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

Mr. SESSIONS. Mr. President, I would like to talk a little about this amendment tonight, in general terms, and talk a little more precisely about it in the morning. Therefore, I ask unanimous consent that there be time tomorrow for me to have approximately 30 minutes sometime during the day to speak on the amendment, unless some others would want more time on the other side.

Mr. MCCONNELL. Mr. President, will the 30 minutes for the Senator from Alabama come after the consideration of the Wellstone amendment, which we have already locked in?

Mr. SESSIONS. Yes. That would be satisfactory to me, and such other accommodations we can make to make it better for the managers.

Mr. LEAHY. Will the Senator from Alabama amend that to request that this side have an equal amount of time on his amendment tomorrow, which we may or may not use?

Mr. SESSIONS. I will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am troubled by our efforts, which I support, to help the nation of Colombia.

I serve on the Narcotics Committee. I serve on the Armed Services Committee. Over quite a number of months, we have had testimony and hearings involving this issue. I have become quite concerned about the stability of the nation of Colombia. I believe it is a democracy, and it is one of the oldest in the Western Hemisphere. It is worthy of our support.

I believe Colombia is in a critical point in its history with over 50 percent of its territory—or at least over 40 or perhaps 50 percent of its territory—under the hands of insurgent forces. This great nation is in trouble.

I hope we can devise a way to effectively assist them in their efforts to preserve democracy and freedom, economic growth and prosperity, and safety and freedom for their people.

That is the intent of my amendment. It goes to an issue that I think is important.

This is the problem we are dealing with. The President, his State Department, and his representatives have testified and said repeatedly that our goal here is to reduce drugs in America and to save lives in America.

Our goal is to fight drug dealers in Colombia. Our goal is to help defoliate and destroy coca production in Colombia. The administration has steadfastly avoided and refused to say that this Nation, the United States of America, stands with the democratically-elected Government of Panama against two major Marxist organizations that seek to overthrow the Government of Colombia, and have actually occupied large portions of that nation.

It is baffling to me why this is so. I do not understand what it is. Maybe it is an effort to appease the hard left in this country. Maybe it is an effort to appease certain liberal Members of this Senate who just can't see giving money to fight a left-wing guerrilla group anywhere in the world. Indeed, I can't recall an instance in which this administration has ever given any money to support democratically-elected governments, or other kinds of governments, for that matter, against left-wing Marxist guerrillas.

These guerrilla groups have been involved in Colombia for many years. They have destabilized the country. They have undermined economic progress. They have provided cover and protection for drug dealers. They have in fact damaged Colombia substantially.

I believe it is time for us to encourage Colombia to stand up to these organizations, to retake this country, and to preserve democracy in the country. It is a serious matter, in my view.

Colombia has been an ally. We have encouraged them to enter into peace negotiations, and President Pastrana has tried his best to negotiate with these guerrilla groups. In fact, Colombia has given a piece of their territory. I am informed, the size of Senator LEAHY's State of Vermont to the guerrillas as a cease-fire zone, a safe zone in which they can operate without fear, and that the duly constituted Government of Colombia would not enter there and do something about it while they attempt to establish peace. But this concession, this appeasement to the guerrilla groups, has not appeased them. It has not caused them to be less violent or aggressive. But in fact it appears it has encouraged them in some ways.

I believe Colombia is at the point where they can achieve stability. I believe they can drive home, through a combination of diplomacy and military efforts to these insurgent forces, that war is not going to pay off, that war is a dead-end street for everyone, that they are willing to accept divergent views in their democracy, that they are willing to hear from the underlying concerns of the guerrilla groups. In fact, President Pastrana has said that over and over again. But fundamentally they have to send a message that they are willing to pay the price, that they are going to produce an army capable of putting these guerrillas on the

defensive, and that they will take back their territory and unify their country.

There are also right-wing para-military groups in the country, a right-wing militia, that is involved in terrorist-type acts and violations of human rights. They also need to be defeated and disbanded before Colombia can be unified. There can be no higher goal than that, from my perspective, for our country at this critical point in time.

What are our goals? Why won't the President discuss them plainly? Our goal in Colombia is to produce regional stability. The collapse of Colombia can undermine nearby nations, whether Bolivia or Peru or other countries that border it. It can have a tremendous adverse effect on their stability.

Instability in Colombia, should it occur, would knock down and damage one of our strongest trading partners. Colombia has 40 million people. Those people trade with the United States to a heavy degree. It would be a tragedy if they were to sink into chaos and could not maintain a viable economy. We have a self-interest in that, but we have a real human interest in trying to make sure we utilize our abilities, our resources, to help that nation to right itself and take back its territory.

As I had occasion to say to President Pastrana recently: I want to see that we help. I want to help you strengthen your country. But I would like you to think about a great American. I would like you to think about Abraham Lincoln, who was faced with division of his country. Nearly 50 percent of his country had fallen under the hands of the Southern States. He had to make a big, tough decision. That decision was whether he was going to accede to that, was he going to allow the United States to be divided. He decided no, and he rallied the American people.

In the course of it, as I told Senator BIDEN, at one point when we discussed it, he had the occasion to have my grandfather killed at Antietam, who fought for the South at that time. But that was a tough war. It was a tough decision. But in the long run, this country is better because we are unified today.

I do not believe we can achieve any lasting ability to reduce drugs being imported into this country from Colombia if Colombia cannot control its territory. How is it possible we can expect we will make any progress at all if Colombia cannot control nearly 50 percent of its territory? It boggles the mind.

I have been a Federal prosecutor for 15 years. Prosecuting drug cases was a big part of my work starting in the mid-1970s, through the 1980s and through the early 1990s. At one point, I chaired the committee in the Department of Justice on narcotics. I had briefings from everybody. During the time I was working on this issue, we

believed and worked extraordinarily hard to achieve the end of drugs in America by stopping drug production in South America. Colombia, for well over 20 years, has been the primary source of cocaine for this country. They remain so. In fact, cocaine production in Colombia has exploded. It has more than doubled in the last 3 years. It is a dramatic increase. That is a concern of ours.

I believe we can, I believe Colombia can, make some progress in reducing that supply. My best judgment tells me that after years of experience and observation, this Nation is not going to solve its drug problem by getting other countries in South America to reduce their production. In fact, an ounce of cocaine sells in the United States for maybe \$150. The cost of the coca leaf utilized to make that \$150 product is about 30 cents. Farmers in South America are making a lot of money producing coca at 30 cents for those leaves. They could pay them \$2, \$3, \$4, 10 times what they are paying now for coca leaf, and these farmers would yield to the temptation and produce coca.

I do not believe this market of illegal cocaine is going to be eliminated from our country by efforts to shut off production in South America. The reason countries need to shut off the production of cocaine—and Bolivia and Peru have made progress in that regard—is to preserve the integrity of their own country. They do not want to allow illegal Mafia-type drug cartels to gain wealth and power to destabilize their countries in democracy and turn it into chaos and violence as has so often occurred. They have a sincere interest in achieving that goal, but that interest has to be understood to be primarily their own interest.

This administration refuses to talk about the real situation in Colombia. It refuses to be honest with the American people. Their foreign policy request was \$1.6 billion. That has been approved in the House. This bill wisely reduces that, I believe, to a little less than \$1 billion. They are requesting this much money to make a government that our Nation, the President, and the Secretary of State will not assert to be a country we support in their efforts against these guerrilla groups. I believe that is wrong. I think we need to be more clear eyed, more honest about our foreign policy. I believe that would be the healthy approach. It will help the American people to understand exactly what their money is being spent for. It will help them to understand what our goals are in the region. It will help them to understand whether or not we are achieving those goals.

If we do so correctly, we could utilize this money to inspire President Pastrana and the people of Colombia to rise up, take back their country, to

preserve their democracy, take back their territory from those who don't believe in democratic elections, who kidnap, kill, protect drug dealers, who rob and steal. That is what is going on.

We can do something about it. We have an opportunity to utilize the wealth of this country to encourage that kind of end result. If we do so, it would be a magnificent thing for the country. To say we will spend \$1 or \$2 billion in Colombia, give it to a country we don't even support in their efforts to take back their territory, is typical of the kind of disingenuousness that has characterized this administration's foreign policy. It is not healthy. It should not be done.

Therefore, I have offered a simple amendment that will say one thing: Mr. President, you can spend this money, but you have to publicly state and assert and certify to this Congress that you support the duly elected Government of Colombia in their efforts against the Marxist, drug dealing insurgents who are bent on destroying the nation.

This is more important than many know. I thank the distinguished Senator from Kentucky for allowing me to have this time, and more than that, for his leadership on a foreign operations bill that protects the interests of the United States. It is frugal, as frugal can be in this day and age. He has done his best to contain excessive spending and has improved and reduced this spending bill. I appreciate his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Alabama. We look forward to dealing with his amendment tomorrow.

In that regard, the Senator from Pennsylvania, Mr. SPECTER, has an amendment related to cooperation with Cuba on drug interdiction that he would like to have considered after the Sessions amendment is disposed of tomorrow. That has been cleared on both sides of the aisle.

Therefore, I ask unanimous consent that the Specter amendment be taken up after the disposition of the Sessions amendment on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kansas.

Mr. BROWNBAC. Mr. President, I ask unanimous consent the pending Sessions amendment be set aside so I can offer an amendment for consideration at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3493

(Purpose: To make available funds for India)

Mr. BROWNBAC. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3493.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. ____ . AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.

Funds appropriated by this Act (other than funds appropriated under the heading "FOREIGN MILITARY FINANCING PROGRAM") may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term "assistance" includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)) may not apply to India.

Mr. BROWNBACK. Mr. President, I wanted to spend some time discussing what this amendment is about. I think at the outset, the best way to capture it is to compare it to what is taking place in the news today. This is an amendment about lifting economic sanctions on India. The administration has the authority—we provided it last year and the year before—for them to lift the economic sanctions this country has against India. Those sanctions were automatically put in place after India tested nuclear weapons. We have been providing them the authority and flexibility to be able to deal with India broadly. The administration was provided that waiver authority last year and it has chosen not to use it. So currently this country, the United States of America, has economic sanctions against India, another democracy in the world.

In today's newspaper, the administration is stating they will lift economic sanctions against North Korea. This is the country that has the most weapons proliferation taking place anywhere in the world, proliferation of weapons of mass destruction. It is a country on the terrorist list. It is on the big 7 terrorist list of state sponsors of terrorism. This is the country that has a number of different violations, a country where we have been at war.

There have been some different things taking place in North Korea. I am not saying I am opposed to the administration doing this. I am just saying it is quite odd, and very striking, that at the time the administration is proposing to lift economic sanctions, they continue to insist on economic sanctions against India, the second most populous nation in the world, soon to be the most populous nation in the world; a nation we trade with, a na-

tion that is a democracy, a nation that has a free press, a nation that I think, in the future, stands to be a very strong strategic critical ally of the United States. That is India. They will be a partner of ours, working to hold stability in south Asia. Not that they don't have problems, not that we don't have issues associated with that, but this is a democracy with a free press, with capital markets, that has a number of similar aspirations to those of the United States. At the same time we are lifting economic sanctions against North Korea, this administration is going to leave them on India.

My amendment is simple. It would suspend economic sanctions against India—suspend them. While we provided the administration with the waiver authority so they could do it, they have chosen not to. By this amendment, we, the Congress, would be lifting these economic sanctions against India.

I want to say as well what this amendment does not do. My amendment does not suspend any military or dual-use technology assistance to India. The President has national security waiver authority for military-related sanctions, but we are not dealing with military-related sanctions. He has authority to waive the prohibition on sales of defense articles, but we are not doing that here. We are not dealing with defense services, foreign military financing, or dual-use technologies.

If the administration really wants to get to the Comprehensive Test Ban Treaty with India and say we want to force you to sign the CTBT, wouldn't it be better to use the military set of sanctions rather than economic sanctions that the administration is currently using? Plus, if you think about this for a moment, is it likely we are going to force India, by economic sanctions, to sign CTBT? They are a democracy. How will their people react if their leaders are seen as capitulating to U.S. economic pressure to sign something their leaders are saying they needed to do? Is that a way we are actually going to be able to force India to do this? I think not.

Plus, this is a much bigger country with much broader issues than simply the U.S. issue of CTBT. We have a broad array of issues with India. We need to grow this relationship rapidly. To hold the entire relationship hostage to one issue is bad foreign policy on our part. It is hurting us. I think it will hurt India and hurt our ability to shape things in that part of the world.

I was hopeful that during the President's recent trip to India, he would use that chance to remove the economic sanctions on India. He was there for a number of days and had the opportunity to do that. It would help set up the atmosphere for a more aggressive, broad-based relationship with India. This was a way to leapfrog this

relationship forward. This trip did improve relations with India, but he could have done so much more that he failed to do. A number of us were terribly disappointed that he did not make more use of the broad waiver authority he now has. He used it very sparingly. This was waiver authority that I fought last year to give him.

There should be no more economic sanctions on India, period. The United States should not do that. Yet the Clinton-Gore administration continues to hold up international financial institution loans which are destined for infrastructure projects which would help sustain the economic activities in rural areas where the bulk of India's poor population lives. More than a third of India's population lives in poverty today. U.S. opposition to development loans to India impedes the growth of vital infrastructure, employment, and living standards in the poorest parts of India. That is not the way to improve U.S.-India relations. These loans are being held up by the administration until India signs the CTBT.

The President of the United States has more appropriate carrots, as I mentioned at the outset, particularly in the noneconomic area, and particularly those associated with military functions, which could be used rather than these sanctions which hit the poorest people in India. Nuclear proliferation is a vitally important issue, but it should not be the only issue on which we deal with a country such as India, the largest democracy in the world.

This is all the more outrageous in view of the news I mentioned about lifting the economic sanctions on North Korea, a country which is run by one of the world's most notorious dictators, a country on the state sponsorship of terrorism list, as I mentioned, a country developing nuclear weapons and which is a direct threat to the United States and our east Asian allies.

Think about this for a moment. We are considering right now putting up a missile defense system, putting it in Alaska, and part of the reason is because of what we are fearing from North Korea. Yet we are going to lift economic sanctions there, but we are not going to do it against India? The contrast here is outrageous.

There are even recent newspapers reports out that I want to submit for the RECORD about the development of nuclear material. This was in a newspaper in Japan, about North Korea's secret underground facility producing uranium for use in its weapons programs. These are weapons programs. They are the largest proliferator around the world.

I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tokyo Sankei Shimbun, June 9, 2000]

**SANKEI SHIMBUN: DPRK SECRET
UNDERGROUND FACILITY PRODUCING URANIUM
(By Katsuhio Kuroda)**

SEOUL, 8 June.—North Korea has reportedly utilized natural uranium produced in the country as raw material for its nuclear weapons development program. Meanwhile, Sankei Shimbun has obtained a detailed report on North Korea's secret underground plant for refining natural uranium and its material production procedures. The secret underground plant is widely called "Mt. Chonma Power Plant," located at Mt. Chonma in North Phyongan Province. North Korea has operated the plant in secret since the end of 1989 for uranium production for the nuclear weapons program, the report said.

**EX-MILITARY OFFICIAL WHO FLED TO CHINA
UNVEILS EXISTENCE OF PLANT**

The report was drawn up based on statements made by North Korean military official Yi Chun-song [name as transliterated], 66, during interrogation by Chinese authorities. Yi is former vice director of the operation bureau of North Korean Ministry of People's Armed Forces who served as commander in chief at a missile station. He fled from North Korea to China last year and was held in Chinese authorities' custody.

The report said that the "Mt. Chonma facility" has a uranium refining capacity of 1.3 grams a day. By simple calculation, the production during the past 10 years of operation would amount to approximately 5 kg. Concerning North Korea's uranium production plants, there are some unconfirmed information including plants in Pakchon and Pyonsan, but this is the first time that an accurate location and details of the inside of the facility were unveiled.

According to the report, the "Mt. Chonma facility" is built in a large tunnel under the 1,116-meter mountain. Soldiers of the 2d Division of the Engineering Bureau of the Ministry of People's Armed Forces started constructing the facility in 1984 and completed the work in 1986. The uranium-producing operations started in 1989.

Approximately 400 people, including 35 engineers and 100 managers, are working at the plant. The rest are physical laborers who were all political prisoners sentenced to life in prison. The uranium minerals are brought into the facility from mines in Songchon, South Phyongan Province, and Sohung, North Hwanghae Province, by the transportation unit of the Ministry of People's Armed Forces.

The report said that the arched entrance of the tunnel is 7 meters wide and 6 meters high. A pathway of about 2.5 km is connected to the entrance, and there is a corner at the end of the pathway. Making a 90-degree right turn and going along the path about 1 km, you will find a 6-km-long main tunnel with a width of 15 meters and height of 6 meters. The inside surface of the tunnels is covered by aluminum plates, and there are 3-meter-wide drains and ventilation openings there.

The underground plant is comprised of 10 areas—two concentration grounds measuring 3,000 square meters each, a drying room of 400 square meters, four 400 square-meter-wide dissolution rooms for uranium extraction and refining, a room for packing uranium into containers, storage for the finished products, and a room where the workers change into anti-radiation suit or take breaks.

The report said there is a waste disposal facility in the plant in addition to the areas

mentioned above. The packed uranium products are carried out of the facility through a passage at the end of the tunnel and transported to an underground storage area in Anju by helicopter. The report added that although forests in the Kumchangri area, 30 km southeast of Chonma, were polluted by water discharged from the Chonma facility, the United States could not detect the Chonma plant despite the technical team's inspections in Kumchangri.

According to Yi's career record attached to the report, Yi graduated from P'yongyang University of Technology, and studied at Frunze (now Bishkek) military university of the former USSR from 1958 to 1962. A South Korean source said that Yi attempted to defect to a third country after fleeing to China, but it is highly likely that he was sent back to North Korea by Chinese authorities.

Mr. BROWNBACK. The U.S. has real, legitimate political and economic security interests with India. We need to engage India on all levels as soon as possible. In fact, seizing the opportunity we have to build greater ties should be one of our main foreign policy goals. That is one that is not taking place. We are, after all, the two most populous democratic nations in the world. Our relationship should be based on shared values and institutions, economic collaboration including enhanced trade and investment, and the goal of regional stability across Asia.

I ask the President and other Members to take into consideration how we treat India versus China as well. In China, we are on a very aggressive relationship economically. We will be considering later in this body normalizing permanent trade relations with China. We are saying we need to be engaged with them on a number of different issues. With India we then say no, we are going to put economic sanctions against you, whereas with China we are trying to open up. And China is the one that has missiles pointed this way, that threatens Taiwan, that has weapons proliferation. Religious persecution itself takes place on that continent. I myself have visited with Buddhists who have fled out of Tibet into Katmandu, a number of them walking over the Himalayas in the wintertime to get to freedom. Yet look at how we treat China. We are going to do everything favorable for China, but for India we are going to put on economic sanctions. The contrast is stark.

Again, as a major foreign policy objective, we should be looking to India over the next several years to build up this strategic relationship in some respects as an offset to China and what China is doing in South Asia and what China is aspiring to around the world.

I do not think anybody is sanguine about where China is heading today. We are going to need partners, and India is a key one for us to look at. It is tough for us to convince them of that if we are going to leave economic sanctions on them. One of the ways to reduce our dependency on China eco-

nomically is to lift economic sanctions on India and try to build up that relationship even more.

These are the key reasons that I put forward this amendment. The differences are so stark as to how we treat China and North Korea versus India. Ask yourself why. I fail to see the reasons for this policy of seeking to reward China, a country that has openly and continually challenged United States interests and values, while at the same time ignoring and punishing India.

As the example of North Korea which I mentioned earlier, the inequity of this situation is striking. Why reward a country that is aggressively working against everything for which we stand and, at the same time, punish and blackmail a country with which we share basic values and interests?

We should be engaging India as the strategic partner it can become. To do so, we should not be maintaining economic sanctions which serve only to impede the development of this relationship. Maintaining economic sanctions on India which affect the poorest parts of the country is not the way to go about this.

The Prime Minister of India, I understand, will be in Washington this fall. I believe it is incumbent upon us to lift these sanctions, and if the administration will not do it, which they have shown to date they will not, then we should.

AMENDMENT NO. 3493 WITHDRAWN

Mr. BROWNBACK. Mr. President, I understand there is a rule XVI problem with the amendment I have put forward. While I would dearly want to have a vote on the amendment on this bill, I understand it will be a problem.

Therefore, reluctantly and regretably, because I do think this body should take up this issue, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Kansas for his remarks, to which I listened carefully. He made a number of very important points.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

**ACKNOWLEDGMENT OF SENATOR
ENZI'S 100TH PRESIDING HOUR**

Mr. LOTT. Mr. President, today I have the pleasure to announce that

Senator MIKE ENZI, of Wyoming, has earned his second Golden Gavel award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

Senator ENZI is not only the first in his class to earn the Golden Gavel award, but has time and time again offered his services to preside during late night sessions, on short notice, or when a great understanding of parliamentary procedure is needed.

On behalf of the Senate, I extend our sincere appreciation to Senator ENZI for his efforts and commitment to presiding during the 106th Congress.

COMMENDING DAVID REDLINGER AND THE NATIONAL PEACE ESSAY CONTEST

Mr. DASCHLE. Mr. President, when I was in high school, there was a great deal of discussion in the Senate and across the country about our country's role in preserving and promoting world peace. With the end of the cold war, the focus of that debate has changed dramatically. The arms race with the Soviet Union and the threat of communism spreading in Europe are, thankfully, a part of our history. The challenge of promoting peace, however, is as relevant today as it was at the height of the Cuban Missile Crisis.

From Northern Ireland to the Middle East; from Africa to Asia, too many innocent lives are destroyed by war and violence. We must be creative in developing and adapting strategies for peace. Thankfully, there are young people from across the country who have given thoughtful consideration to how to create and sustain peace in the world. The National Peace Essay Contest recognizes high school students who have articulated a commitment to peace, and I am pleased to have the opportunity to recognize one of those young people.

Tomorrow, I will meet with David Redlinger of Watertown, South Dakota who is this year's South Dakota winner of the National Peace Essay Contest. David's essay on Tajikistan and Sudan is eloquent, and demonstrates his commitment to the fight for peace in the world. I would like to congratulate David, and I ask that his essay be inserted into the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

COMMITMENT TO PEACE FOR THE 21ST CENTURY
(By David J. Redlinger)

In 1991, statues crumbled along with the tyrannical governments that erected these symbols of the Cold War. As chaos manifested the potential for instability became a reality. The United States then felt obli-

gated to help to mold new democracies and promote regional security for these new nations. As globalization and the interdependency of nation takes priority, cooperation must be used as the guiding principle for the foreign policy of nations, in the benefit of both security and democracy. Unfortunately, self-interest is the dominating determinate in the formulation of foreign policy which leads to hypocritical and paradoxical policies toward other nations. In 1991, the United States was faced with injustices in Tajikistan and Sudan stemming from the polarization of the work and the lack of cooperation amongst nations. The changing nature of conflicts toward regionalism, coupled with the United States' domestic pressures to create foreign policy for the sole benefit of America, led to perpetuated inaction that has threatened both regional security and the promotion of democracy, supposedly the cornerstone to United States' foreign policy. More than just symbols of communism's bygone era crumbled in 1991; the foundation of foreign policy for the leader of the free world was also denigrated.

Regional instability pervades attempts to form legitimate governments. Tajikistan is juxtaposed with the extremely unstable areas of Afghanistan, Pakistan, China, and the other former Soviet Republics. Daniel Pipes wrote, "Peace and stability in the region depend in large part on Afghanistan, and its future will be determined by developments in Tajikistan." The fragile balance of power that has existed in the region could easily be upset. With new nuclear powers, such as Afghanistan, Pakistan, and China, it is necessary that the United States form policies that would help mitigate proliferation and support regional security.

Barnett R. Rubin, Director of the Center for the Study Central Asia at Columbia University, in testimony stated that, "... structural conditions virtually guaranteed that inevitable disputes over the future of the country would escalate into chaotic and bloody warfare, and that neighboring states would act, sometimes brutally, to protect their own security." The inability to solve these quandaries between the national themselves can lead to the destabilization of the region. The United States never took an appropriate stance for the promotion of regional security. Mr. Rubin calls for the integration of Tajikistan into a coalition of Central Asian countries to render stabilization of the region. The United States' policy must direct attention towards this region if peace and stability are to be established. Intervention, not inaction, will best reduce the animosity amongst the countries.

Democratic ideas are also critical to peace. Unfortunately, United States' policy did not help the struggling new democracy of Tajikistan. Davlat Khudonazarov, a Presidential candidate in Tajikistan of 1991 recalls in testimony to congress, "At political meetings I would talk about America and about American values, about the values of American democracy. It was my hope that these ideas would become a symbol of truth for my people, truth and justice for my people. Unfortunately, we received no help from the outside." The leader of the free world did not fulfill its duty in promoting democracy to a country that was asking for it. United States' policy remained selfish and domestically oriented in 1994 and never answered Tajikistan's cries for help.

This inaction led to Tajikistan's thrust into political turmoil, an estimated 500,000 to 600,000 internally displaced people, and left more than 1 million innocent civilians

dead. The United States never seized the opportunity for the advancement of democratic ideals in Tajikistan. Furthermore, regional security was compromised because of the absence of meaningful U.S. policies.

Said Akhmedov, Senior Lecturer of Philosophy at Tajik State University and Chairman of the Committee for Religion of the Council of Ministers of Tajikistan, relates the conflict most significantly to both religious and political struggles after the fall of communism. Mr. Akhmedov credits the political differences of the Party of Islamic Renaissance of Tajikistan (PIRT) and the Democratic Party of Tajikistan (DPT) to the social differences between these two groups. Democratic modernists were pitted against the Islamic traditionalists in the fight for control of the country, while inversely the democratic forces did not. The United States neglected to form policies to promote the democratic ideals. Thus, Tajikistan was left to fight for itself without the tools a free society could utilize. America, because of domestic pressures, was unable to promote the democratic ideals Davlat Kludonazarov and other Tajiks has asked for. Therefore, Tajikistan lost its autonomy to the repression of democracy and the destabilization of the region.

Sudan has also been plagued by struggle. The conflict has resulted in a total of 6 million people displaced, over 1 million injured, and the worst famine in the world this century. The war continues because, as according to Francis Deng, a former ambassador from Sudan, it is a "zero-sum conflict." Lengthy wars cannot reach resolution without significant intervention. The United States has not implemented effective policies that have resulted in the necessary change for the Sudanese people. The universal goals of regional security and the promotion of democracy have been discarded for a conflict which, "... Even by the tortured yardstick of Africa, a continent riven by armed conflict, the scarcely visible war ravaging southern Sudan has surpassed most measures ... The conflict rates as the continent's most deadly ..." The Sudanese People's Liberation Army (SPLA) of the southern part of the country who are generally moderate Muslims have been in conflict with the Northern Islamic Front (NIF), Islamic fundamentalists and seek to have the SPLA assimilate culturally.

In the region, Kenya, Egypt, and Uganda have all felt the effects of the conflict. Kenya has felt the economic impact of refugees, while Egypt has felt a security threat from the Islamic fundamentalists. Uganda on the other hand was politically drawn into the conflict because of President Museveni's support of the SPLA. The security of the region can easily become weakened when all these factors collide. The extension of the civil war outside the borders of Sudan means that a full scale war could easily ignite in the hot desert sand. The United States never intervened with peacekeepers or policies that would marginalize the African conflict. Instead, domestic issues and pressures took precedence, while NGO's were expected to provide humanitarian aid. Conflicts as lengthy as Sudan's war require third party intervention into the root of the conflict, and not simply surface level corrections with humanitarian aid. Clearly, Uganda cannot make effective and fair foreign policy to support Sudan, but the United States, because of its nonpartial status, can provide for the protection of the Sudanese, help to establish fair peace accords, and can objectively examine the situation and formulate policies to best support the goal of regional security.

Most recently the United States formed the wrong agenda which jeopardized its relations with Sudan. As Donald Patterson, the last United States Ambassador to Sudan, wrote, "The Clinton administration's continuing criticism of Sudan, its call for a cease-fire, and the lead it had taken in the United Nations to bring about the adoption of resolutions condemning Sudan put additional strains on U.S.-Sudanese relations." The damage to relations could have easily been avoided if cooperation would have been used. Instead, the policies were formed in the sole interests of the United States.

This is not the most advantageous way to support democratic reforms of emerging nations. Sudan has many Islamic fundamentalists who resist the modernization and liberalization of their country. This is the root cause of the hostility. The country in the mid-1980's was going through a "transitional" period where a new constitution was established along with a new government. Political fragmentation between the NIF, SPLA, and others led to a lack of cohesiveness that is necessary for a new government. This allowed for the strengthening of Islamic fundamentalist ideas and the subsequent loss of budding democratic ideals. If the United States had cultivated its relationship with the Sudanese, then the prospects for a true democracy would have had more time to flourish. Both regional security and democratic ideals were compromised because of the United States' lack of legitimate and meaningful foreign policy directed towards Sudan.

In the future, conflicts will continue to be defined by root causes of religious and social differences, but to reduce the animosity amongst these nations, it is imperative that the United States establish policy with the cooperation as the guiding principle. With globalization, only through cooperation can effective policies be created. The post-Soviet world, specifically for Tajikistan and Sudan, has meant difficulty for the formulation of United States' foreign policy. The principle of cooperation was often placed second behind the self-interests of the United States. Future conflicts, similar to Tajikistan and Sudan, deserve the United States' help and cooperation in the rendering of both regional security and the promotion of democracy. Only through these goals will the society of the 21st Century attain true and lasting peace.

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REMEMBERING KOREAN WAR VETERANS

Mr. DASCHLE. Mr. President, this weekend we will commemorate an important day in American history. June 25th, the 50th anniversary of the start of the Korean War, will provide all Americans the opportunity to pause and remember the men and women who fought and died in the Korean War.

Some historians refer to the Korean War as the "forgotten war." Perhaps the reason the Korean War has receded in our memories is because it was unlike either the war that preceded it or the war that followed it. Rationing brought World War II into every American home. And television brought the Vietnam War into every home with unforgettable images and daily updates.

But Korea was different. Except for those who actually fought there, Korea was a distant land and eventually, a distant memory. Today, as we remember those who served in Korea, it is fitting that we remember what happened in Korea, and why we fought there.

The wall of the Korean War Veterans Memorial in Washington, DC, bears an inscription that reads, "Freedom is not free." And in the case of South Korea, the price of repelling communist aggression and preserving freedom was very high indeed. Nearly one-and-a-half million Americans fought to prevent the spread of communism into South

Korea. It was the bloodiest armed conflict in which our nation has ever engaged. In three years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam War.

The nobility of their sacrifice is now recorded for all of history in the Korean War Veterans Memorial. As you walk through the memorial and look into the faces of the 19 soldier-statues, you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. It is a fitting tribute, indeed, to the sacrifices of those who fought and died in Korea.

But there is also another tribute half a world away. And that is democracy in the Republic of South Korea. Over the last five decades, the special relationship between our two nations that was forged in war has grown into a genuine partnership. Our two nations are more prosperous, and the world is safer, because of it.

The historic summit in North Korea earlier this month offers new hope for a reduction in tensions and enhanced stability in the region. We can dream of a day when Korea is unified under a democratic government and freedom is allowed to thrive.

As we continue to move forward, however, we pause today to remember how the free world won an important battle in the struggle against communism in South Korea. Let us not forget that it is the responsibility of all those who value freedom to remember that struggle and to honor those who fought it. The enormous sacrifices they made for our country should never be forgotten.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs) and adoption assistance.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	\$541,095	\$547,279
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	868,882	889,053
Adjustments		
General purpose discretionary	+470	+408

[Dollars in millions]			
	Budget authority	Outlays	
Highways			
Mass transit			
Mandatory			
Total	+470	+408	
Revised Allocation:			
General purpose discretionary	541,565	547,687	
Highways		26,920	
Mass transit		4,639	
Mandatory	327,787	310,215	
Total	869,352	889,461	

[Dollars in millions]			
	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	\$1,467,200	\$1,446,000	\$57,200
Adjustments: CDRs and adoption assistance	+470	+408	-408
Revised Allocation: Budget Resolution	1,467,670	1,446,408	56,792

IN SUPPORT OF UNDERGROUND PARKING FACILITIES

Mr. MOYNIHAN. Mr. President, today on the East Front of the Capitol ground is being broken for the new Capitol Visitor Center, a project that will take at least five years and hundreds of millions of dollars to complete. Nearly a century ago, in March 1901, the Senate Committee on the District of Columbia embarked on another project. The Committee was directed by Senate Resolution 139 to "report to the Senate plans for the development and improvement of the entire park system of the District of Columbia * * *. (F)or the purpose of preparing such plans the committee * * * may secure the services of such experts as may be necessary for a proper consideration of the subject."

And secure "such experts" the committee did. The Committee formed what came to be known as the McMillan Commission, named for committee chairman, Senator James McMillan of Michigan. The Commission's membership was a "who's who" of late 19th and early 20th-century architecture, landscape design, and art: Daniel Burnham, Frederick Law Olmsted, Jr., Charles F. McKim, and Augustus St. Gaudens. The commission traveled that summer to Rome, Venice, Vienna, Budapest, Paris, and London, studying the landscapes, architecture, and public spaces of the grandest cities in the world. The McMillan Commission returned and, building on the plan of French Engineer Pierre Charles L'Enfant, fashioned the city of Washington as we now know it.

We are particularly indebted today for the commission's preservation of the Mall. When the members left for Europe, the Congress had just given the Pennsylvania Railroad a 400-foot wide swath of the Mall for a new station and trackage. It is hard to imagine our city without the uninterrupted stretch of greenery from the Capitol to the Washington Monument, but such

would have been the result. Fortunately, when in London, Daniel Burnham was able to convince Pennsylvania Railroad president Cassatt that a site on Massachusetts Avenue would provide a much grander entrance to the city. President Cassatt assented and Daniel Burnham gave us Union Station.

But the focus of the Commission's work was the District's park system. The Commission noted in its report:

Aside from the pleasure and the positive benefits to health that the people derive from public parks, in a capital city like Washington there is a distinct use of public spaces as the indispensable means of giving dignity to Government buildings and of making suitable connections between the great departments . . . (V)istas and axes; sites for monuments and museums; parks and pleasure gardens; fountains and canals; in a word all that goes to make a city a magnificent and consistent work of art were regarded as essential in the plans made by L'Enfant under the direction of the first President and his Secretary of State.

Washington and Jefferson might be disappointed at the affliction now imposed on much of the Capitol Grounds by the automobile.

At the foot of Pennsylvania Avenue is a scar of angle-parked cars, in parking spaces made available temporarily during construction of the Thurgood Marshall Federal Judiciary Building. Once completed, spaces in the building's garage would be made available to Senate employees and Pennsylvania Avenue would be restored. Not so. Despite the ready and convenient availability of the city's Metrorail system, an extraordinary number of Capitol Hill employees drive to work. The demand for spaces has simply risen to meet the available supply, and the unit block of the Nation's main street remains a disaster.

During the 103rd Congress and thereafter I proposed the "Arc of Park," legislation that would almost completely eliminate surface parking. Under my proposal the Architect of the Capitol would be instructed to eliminate the unsightly lots, and reconstruct them as public parks, landscaped in the fashion of the Capitol Grounds. A key element of my proposal was that—to the extent we continue to offer it—parking must be put underground. I rise today to emphasize the need for us to remain focused—as we break ground for the Visitor's Center—on a project currently being designed: an underground parking structure.

One year ago the Architect of the Capitol received approval from Chairman MCCONNELL of the Rules Committee to proceed with preliminary design for an underground garage to be located on Square 724, which is just North of the Dirksen and Hart buildings. Upon completion it will replace the existing lot of surpassing ugliness. By getting cars off the streets and underground it will bring us nearer to the pedestrian walkways and parks McMil-

lan—and before him L'Enfant—envisioned.

The final garage will include three levels with capacity for 1210 parking spaces. The 1981 report on the Master Plan identified Square 724 as the site for a future Senate office building. Thus the garage will be designed and constructed to accommodate an eight story office building on top of it, should the need for such building ever arise. The current plan, however, would be to top the garage with a simply landscaped plaza. Upon approving advancement with the design of the new structure, Chairman MCCONNELL stated that, "Square 724 appears to offer the most cost-effective opportunity for phased growth of Senate garage parking within the Capitol Complex." I understand that this time next year, after I have left this Body, the Architect of the Capitol will ask Congress to appropriate the funds needed to actually build Phase I of the garage, which will accommodate 500 cars. And then funding will be crucial—with the Russell garage in dire need of renovation and the Capitol Visitor Center expected to displace some parking. I urge you to support the Architect in his request.

Today, as we break ground on a new project, one that will nearly double the size of the Capitol, let us not forget the grand vision of the McMillan Commission from a century ago. Washington is the capital of the most powerful nation on earth, and deserves to look it.

THE F.I.R.E. ACT

Mr. BURNS. Mr. President, I rise today to bring attention to America's local fire fighters who put their lives on the line every day protecting the lives and property of their fellow citizens. When the call comes in, they answer without question or hesitation. Unfortunately, local and volunteer fire departments are in dire need of financial support. The health and safety of fire fighters and the public is jeopardized because many departments cannot afford to purchase protective gear and equipment, provide adequate training, and are short staffed. It is time for Congress to lend them a helping hand.

That is why I have cosponsored a bill in the Senate called the Firefighter Investment and Response Enhancement or FIRE Act. This bill, S. 1941, authorizes a program granting up to one billion dollars for local fire departments across our great country. The money would be available to volunteer, combination, and paid departments. It would help pay for much needed equipment, training, EMS expenses, apparatus and arson prevention efforts and a variety of education programs.

Wildfires across America and Montana are a growing threat. The FIRE Act is especially critical for rural states such as Montana as we rely heavily upon our volunteer firefighters

to protect those things we hold dear. Quite often these volunteer departments are the only line of defense in these rural communities. It's time we provide them with the needed funds for proper training and equipment to better protect their communities.

I offer my sincere gratitude to our Nation's fire fighters who put their lives on the line every day to protect the property and safety of their neighbors. They too deserve a helping hand in their time of need.

I commend Senators DODD and DEWINE for introducing this important legislation, and urge all my colleagues who have not done so to sign onto this bill. I would like to encourage the Committee to hold hearings on S. 1941 and suggest that we continue to move this bill forward toward ultimate passage.

Thank you Mr. President, I yield the floor.

GUN VICTIMS OF TUESDAY, JUNE 20, 1999

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data on firearm deaths from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio, with a population of about 11,800.

But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on June 20, 1999:

Ed Barron, 20, St. Louis, Missouri, Wayne Burton, 21, Baltimore, Maryland, Nigal H. Cox, 27, Houston, Texas, Jermaine Davis, 39, Philadelphia, Pennsylvania, Myron Frenney, 22, Houston, Texas, Jose N. Garcia, 18, Chicago, Illinois, Agustin B. Gonzalez, 21, Houston, Texas, Fernando Gonzalez-Cenkeros, 35, Tulsa, Oklahoma, Jovel D. Gwinn, 22, Kansas City, Missouri, Roshon Hollinger, 5, Atlanta, Georgia, Antwaune Johnson, 29, Denver, Colorado, Edward Johnson, 36, Philadelphia, Pennsylvania, Loris Larson, 35, St. Louis, Missouri, Robert Mirabela, 20, Chicago, Illinois, Frederick Rathers, 16, Memphis, Tennessee, Coartney Robinson, 20, Dallas, Texas, Arnold Webb, 30, Detroit, Michigan.

In the name of those who died, we will continue the fight to pass gun safety measures.

I yield the floor.

ARREST OF VLADIMIR GUSINSKY IN RUSSIA

Mr. LIEBERMAN. Mr. President, I rise today to express my deep concern about the recent arrest in Russia of Vladimir Gusinsky and its negative impact on press freedom and democracy under the leadership of President Putin.

Mr. Gusinsky runs Media Most, a major conglomerate of Russian media organizations, including NTV, Russia's only television network not under state control. Media Most is a relatively independent force in Russian news reporting, and its outlets have offered hard-hitting, often critical accounts of Russia's brutal campaign in Chechnya, as well as reports on alleged Government corruption. Besides being an important media and business executive, Mr. Gusinsky is also a leading figure in the Russian Jewish community, serving as President of the Russian Jewish Congress.

On May 11, just days after President Putin's inauguration, Russian federal agents in a major show of force raided several of Media Most's corporate offices, raising immediate concerns about the direction of press freedom in the new government. These concerns intensified on Tuesday June 13 when a Russian prosecutor called Mr. Gusinsky in for questioning, and then arrested him on suspicion of embezzling millions of dollars worth of federal property. On June 16, Mr. Gusinsky was released from prison after the prosecutor formally charged him with embezzlement.

It is very difficult for anyone to address fully the specifics of such charges, and the Russian government's case against Mr. Gusinsky, when so little information has been made available by the Russian government. However, the circumstances of the case raise serious concerns about the initial direction of press freedom and democracy under President Putin. As one of the opening acts of the new Administration, the government chose to carry out a heavy-handed, much publicized raid on an organization led by high profile Government critic. It chose to arrest the leader of an organization, Media Most, that is one of the few outlets of independent news about controversial Russian government policies. The fact that this arrest took place while President Putin was traveling abroad, and that he publicly speculated that the arrest might have been excessive, serves to make the situation and the Government's policy even more confusing and unsettling. Moreover, this case is not occurring in a vacuum. After President Putin's election, but

before his inauguration, there were disturbing signs of government hostility toward Radio Free Europe/Radio Liberty, evident in the harassment of RFE/RL correspondent Andrei Babitsky.

I am encouraged to see that prominent Russians have been speaking out about the arrest of Mr. Gusinsky, and that our Government is signaling its concern too. I echo the New York Times editorial on June 15 that this is "A Chilling Prosecution in Moscow." I would ask unanimous consent that this piece, as well as similar editorials from the June 15 editions of the Washington Post and the Wall Street Journal, be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, June 15, 2000]

A CHILLING PROSECUTION IN MOSCOW

While President Vladimir Putin is traveling through Europe this week extolling the virtues of Russian democracy, his colleagues in the Kremlin have been acting like Stalinists. The arrest and detention of Vladimir Gusinsky, the owner of media properties that have carried critical coverage of the government, is an assault against the principle of a free press. Whatever the merits of the alleged embezzlement case against Mr. Gusinsky, there was no need to haul him off to prison, an action that cannot help but stir fear in a nation all too familiar with the arbitrary exercise of state power.

If the rule of law prevailed in Russia, and Mr. Gusinsky could count on a presumption of innocence, quick release on bail and a fair trial, his arrest might seem less ominous. But Russia lacks a fully independent judicial system, and the government still uses criminal prosecution as a political weapon. He is charged with embezzling at least \$10 million in federal property, apparently involving his purchase of a state-owned television station in St. Petersburg. He says the accusations are false.

There is a stench of political retaliation about this case. Mr. Gusinsky's company, Media-Most, owns numerous newspapers and magazines as well as Russia's only independent television network. Their coverage of the war in Chechnya has been aggressive and skeptical, and they have not been hesitant to investigate government corruption and other misconduct. Last month heavily armed federal agents raided the Media-Most office in Moscow, the first signal that the Kremlin might be trying to intimidate Mr. Gusinsky.

Mr. Putin seemed surprised by the arrest, calling it "a dubious present" when he arrived in Madrid on Tuesday. That offers little comfort to anyone concerned about Russia's fragile freedoms. If the arrest was meant to embarrass Mr. Putin while he is visiting Western Europe, it is disturbing evidence of palace intrigue and political instability in the Kremlin. If Mr. Putin received advance notification about the arrest and failed to order the use of less draconian tactics, he has done a disservice to the press freedoms he says he supports.

[From the Washington Post, June 15, 2000]

MR. PUTIN SHOWS HIS KGB FACE

The most recent defining act of Russia's new president, Vladimir Putin, is more Soviet than democratic. In an apparent effort

to intimidate the press, Mr. Putin has engaged in police-state tactics so crude that even his severest critics seem stunned. For those who wonder whether Mr. Putin's Russia will move toward joining civilized Europe, and whether it will nurture the legal protections that could attract investment and encourage prosperity, the latest news is ominous.

On Tuesday Mr. Putin's prosecutors summoned Russia's leading media tycoon, ostensibly simply to answer some questions about an ongoing case. When Vladimir Gusinsky appeared, without lawyers, the government threw him into the Moscow hellhole known as Butyrka Prison. He remains there, though he has not yet been formally charged with any crime.

The case has significance beyond the rights of any one person. Mr. Gusinsky heads a media company that owns the only Russian television network not under Kremlin control. The company also owns a radio station and publishes a daily newspaper and a weekly magazine (the last in partnership with Newsweek, which is owned by The Washington Post Co.). All of these properties have challenged official orthodoxy by reporting an official corruption and on Mr. Putin's savage war in Chechnya. The arrest will be seen, and no doubt was intended, as an attempt to silence President Putin's critics. "There is a pattern here, and we have seen it for some time," U.S. Deputy Secretary of State Strobe Talbott told The Post yesterday. "It has a look and feel to it that does not resonate rule of law. It resonates muscle; it resonates power; it resonates intimidation."

Some Russian officials have presented the arrest as a normal, even commendable, sign of Mr. Putin's determination to fight corruption and establish a "rule of law." Mr. Gusinsky is one of a band of Russian businessmen who became wealthy after the Soviet Union's dissolution in 1991 in part by exploiting close ties to those in power. Whether a plausible case can be made against Mr. Gusinsky or any of the other oligarchs is something we cannot judge. But that Mr. Putin's government should choose as its first target the only businessman who has dared challenge Mr. Putin (and by far not the wealthiest of the oligarchs) shows that this affair is not about the rule of law.

Mr. Putin's KGB background is widely known, but when he ascended to power, many analysts expected him to wield power with some subtlety. The audacity of the government's assault is almost as stunning as the assault itself. The arrest is a slap at President Clinton, who recently in Moscow urged Mr. Putin to respect freedom of the press and who chose to speak on Mr. Gusinsky's radio station. With how much spine will Mr. Clinton and other Western leaders who have been even more eager to embrace Mr. Putin, such as Britain's Tony Blair, now respond? Many Russians will be watching.

[From the Wall Street Journal, June 15, 2000]
PUTIN V. GUSINSKY

The arrest Tuesday of mogul Vladimir Gusinsky is either the first salvo in a Kremlin war against rent-seeking oligarchs or a return to the Soviet-era practice of taking political prisoners. It was either carried out with the knowledge of the Russian President, or (as he says) it was done behind his back while he is on a foreign trip. However you serve it, it doesn't look good.

Mr. Gusinsky may fit the stereotype of a Russian oligarch, but his arrest is significant because his Media-Most group includes Rus-

sia's only independent national television channel, NTV. While state television in Russia often has all the objectivity of a broadcast in Castro's Cuba. NTV is regarded as relatively objective in its news coverage. In commentary, however, NTV and other Media-Most holdings have been fiercely critical of the Kremlin, President Putin and the war in Chechnya, which remains his main policy achievement to date. For this reason, any campaign against Media-Most, wittingly or not, sends a chill throughout Russia's free press.

The allegations against Mr. Gusinsky are unclear. A statement said he is accused of embezzling \$10 million from the state, though no details were given. Even taking the explanation of embezzlement at face value, one is left with the question of just what is the Kremlin's agenda. After all, as the chief of the oligarchs and Gusinsky rival Boris Berezovsky noted, "There is no doubt that any person who did business in Russia over the last 10 years broke the law, directly or indirectly in part because of the contradictory nature of Russia law." Mr. Berezovsky may be thinking, there but for the grace of the Kremlin go I, but he has a point.

The lack of precise laws and enforcement and the ease with which insider contacts could be parlayed into millions has contributed to the moral turpitude and general disregard for law and fair play in much of the Russian establishment. Now even Boris Yeltsin's daughters are under investigation by Swiss authorities for allegedly running up large credit card bills at the expense of a Swiss company that was awarded lucrative Kremlin building contracts.

In Moscow yesterday, 17 prominent businessmen, including Mr. Berezovsky, wrote an open letter to the prosecutor general, saying Mr. Gusinsky's arrest threatens to destroy confidence in Russian as a place to do business. "Until yesterday we believed we live in a democratic country," they wrote. "Today we have serious doubts about that."

If Mr. Putin really want to tackle corruption, he may have to put the worst offenders in jail. But more important, he will have to overhaul the Russian legal system and its enforcement mechanisms and reduce the bureaucracy and regulation that give rise to so much graft and make government more transparent. Since most successful or powerful people in Russia have something to hide. It is not hard for the Kremlin to wield the "law" as a political weapon to badger its enemies. But that's not cracking down on corruption; that's just cracking down.

[From the Financial Times, June 15, 2000]
PUTIN'S PRESSURE

A move by Vladimir Putin, Russia's new president, to clip the wings of his country's formidable business barons was widely anticipated. If he is going to reassert the power of the state over the financial oligarchs who usurped much of its authority during the Kremlin rule of Boris Yeltsin, that is necessary. But the decision to arrest Vladimir Gusinsky, the media tycoon, raises a number of questions.

He is neither one of the most powerful nor one of the most notorious of that group. His real claim to fame is that his Media-Most group owns the television station NTV and Sevodnya newspaper among others—outspoken critics of Mr. Putin's government. In particular, they have questioned the conduct of the war in Chechnya. They have undoubtedly reflected the inclinations of their owner but they have also been healthily outspoken.

In so doing, they have been helping ensure that the press acts as a critic of government—an essential element in Russia's slow progress towards democracy.

Mr. Gusinsky now appears to be paying the price. Although his arrest is ostensibly on suspicion of fraud and the illegal acquisition of state property worth \$10m, the action follows a particularly heavy-handed raid by security police, armed to the teeth and wearing balaclava helmets, on his headquarters—all suggesting a deliberate campaign of intimidation. Other actions by Mr. Putin's administration indicate a similarly harsh attitude to any sign of media opposition. The TV station controlled by Yuri Luzhkov, Moscow's mayor, is having to fight in the courts to renew its license. The registration system for new publications has been greatly tightened.

The president does not appear to be a believer in glasnost, the openness introduced by Mikhail Gorbachev into the Russian media. More than any other reform, that probably guaranteed the end of Communist rule and the Soviet Union. By allowing exposure of the iniquities, incompetence and corruption of the previous regime, glasnost ensured there was no going back. By definition, however, glasnost was inimical to the old KGB security service—Mr. Putin's secretive former employer.

President Bill Clinton has already expressed his concern about signs of restrictions on press freedom in Russia. When Gerhard Schroeder, the German chancellor, meets Mr. Putin today, he should do the same, in strong terms. The Russian president has said he knew nothing of Mr. Gusinsky's arrest. He should have done, particularly in view of the widespread protests that followed. An unfettered press is an essential part of a market economy. He has a lot to learn.

ADDITIONAL STATEMENTS

WEST VIRGINIA DAY

● Mr. ROCKEFELLER. Mr. President, today we celebrate West Virginia's 137th year as a state. West Virginia joined the Union in the midst of the Civil War when President Lincoln admitted it to the Union as the 35th state on June 20, 1863.

The spirit of pride and determination that gave the first West Virginians the courage to start anew can still be seen in the ever-innovative and evolving ways that West Virginians have adapted to changing economics and culture. This is apparent in the transitions of the coal and steel industries as well as in the increasing cultivation of the tourism industry. However, through the continual change, West Virginians have held a heritage that remains rich in song, craft, and tradition. It is as visible at the State Fair of West Virginia in Lewisburg, the Appalachian Heritage Festival in Shepherdstown, and the Tamarack Arts Center in Beckley as it is at Bob's Grocery in Lindside. The state has an abundance of coal, steel, forests, rivers, and mountains, but her greatest resource has always been her people.

This natural charm of West Virginians is reflected in the scenic treasures that crown the state. Though born

during a time of turmoil, present-day West Virginia is an emblem of peace and tranquility. Ernest W. James captured it perfectly:

There autumn hillsides are bright with scarlet trees;
And in the spring, the robins sing,
While apple blossoms whisper in the breeze
And where the sun draws rainbows in the mist
of waterfalls and mountain rills,
My heart will be always in the West Virginia hills.

So on this, West Virginia's 137th birthday, I am enormously proud to invite my colleagues to join me in recognizing and celebrating this West Virginia Day.●

ALASKA RECIPIENTS OF PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

● Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to congratulate three exceptional teachers in Alaska—Douglas Heetderks of Anchorage, Lura Hegg of Palmer, and Gretchen Murphy of Fairbanks. President Clinton named these Alaskans as recipients of the 1999 Presidential Awards for Excellence in Mathematics and Science Teaching. This is our Nation's highest honor for mathematics and science teachers in grades K through 12.

Each year, a national panel of distinguished scientists, mathematicians and educators recommends one elementary and one secondary math teacher and one elementary and one secondary science teacher from each state or territory to receive a presidential award. The 1999 recipients were selected from among 650 finalists.

The Presidential Awards for Excellence in Mathematics and Science Teaching Program is administered by the National Science Foundation (NSF) on behalf of the White House. The program was established in 1983 and is designed to recognize and reward outstanding teachers. In addition to a presidential citation and a trip to Washington, DC, each recipient's school receives a NSF grant of \$7,500 to be used under the direction of the teacher, to supplement other resources for improving science or mathematics programs in their school system.

Douglas Heetderks, Lura Hegg and Gretchen Murphy are exceptional and highly dedicated teachers. Douglas Heetderks teaches Elementary Science at Susitna Elementary in Anchorage; Lura Hegg teaches Secondary Science at Colony Middle School in Palmer; and Gretchen Murphy teaches Elementary Math at University Park Elementary School in Fairbanks. In addition to having extensive knowledge of math and science, they have demonstrated an understanding of how students learn and have the ability to engage stu-

dents, foster curiosity and generate excitement. Mr. Heetderks, Ms. Hegg, and Ms. Murphy have displayed an experimental and innovative attitude in their approach to teaching and are highly respected for their leadership.

Mr. President, our nation's future depends on today's teachers. Currently, 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's 12th graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses.

If we are to turn these dismal statistics around we are going to need more and talented teachers like Mr. Heetderks, Ms. Hegg and Ms. Murphy. I applaud them for their hard work and dedication to our children. They are educating those who will lead this country in creating, developing, and putting to work new ideas and technology.●

LIEUTENANT GENERAL RONALD B. BLANCK

● Mr. INOUE. Mr. President, I would like to take a moment to honor Lieutenant General Ronald B. Blanck as he retires from the United States Army after more than thirty-two years of active duty service. For the last four years, General Blanck has served as the United States Army Surgeon General and Commander, U.S. Army Medical Command General. During his tenure, he had significant oversight of eight Department of Defense activities as well as the management of the Army's \$6.6 billion, worldwide integrated health system.

Beginning his career as a general medical officer in Vietnam, General Blanck went on to hold a variety of executive positions that include: professor and teaching chief in graduate medical education at the Uniformed Services University; medical consultant to the Army Surgeon General; Commander of Walter Reed Army Medical Center and the North Atlantic Regional Medical Command; and finally as the U.S. Army's 39th Surgeon General. General Blanck has met every challenge with enthusiasm and zeal. His team-building, compassion, and vision have resulted in greater cooperation among the Federal Health Services and improved delivery of medical care to our nation's military, past and present.

General Blanck guided the Armed Forces Institute of Pathology (AFIP) through a period of re-engineering and instituted collaborative missions with the Department of State, Department of Treasury, Federal Bureau of Investigation, Drug Enforcement Agency, National Aeronautic and Space Admin-

istration, National Transportation and Safety Board, and the Veterans Administration. These partnerships have fostered unparalleled advances in science and facilitated the reputation of AFIP as being known as the "People's Institute."

He re-energized the Army Medical Department and instituted best business practices to ensure the provision of comprehensive, quality healthcare to service members, retired and active, and their family members. Faced with a military medical end-strength reduction of 34%, a reduction in Army medical treatment facilities of 45%, and medical force structure requirements reduction of 77%, General Blanck met the challenge. His brilliant leadership, compassionate vision and unprecedented achievements will guide the Army Medical Department and the entire federal health care system into the new millennium.

General Blanck's contributions to Persian Gulf Illness and Anthrax programs, his interactions with Congress and the Office of the Assistant Secretary of Defense (Health Affairs), and his commitment to the delivery of world-class medical care in support of contingency operations, national emergencies, and potential weapons of mass destruction scenarios are unsurpassed. Mr. President, while General Blanck's many meritorious awards and decorations demonstrate his contributions in a tangible way, it is the legacy he leaves behind for the Army Medical Corps, the United States Army, and the Department of Defense for which we are most appreciative. It is with pride that I congratulate General Blanck on his outstanding career of exemplary service.●

PACENTRO, ITALY, REUNION 2000

● Mr. ABRAHAM. Mr. President, on July 2, 2000, a very special event will take place in Sterling Heights, Michigan: the first reunion of United States citizens who trace their roots back to the town of Pacentro, Italy. Over 800 people will attend the event, some of them with ancestors who immigrated to the United States over 150 years ago. In addition, the Mayor of Pacentro himself, Mr. Fernando Caparso, will be attending the event. I rise today to welcome Mr. Caparso to the State of Michigan.

Pacentro is a small town located east of Rome. It sits in the Abruzzo region in the province of L'Aquila. Born in medieval times, the town is famous for its three castle towers, the oldest of which was built by Count Boarmondo and dates back to the thirteenth century. Another dates from the fifteenth century, and is recognized as the loveliest castle in the region. More recently, Pacentro has gained fame as the birthplace of the rock star Madonna's grandparents.

Mr. Caparso was born there on February 12, 1951, to Antonio and Rosina Fabiilli. He was one of five children; three sisters remain in Pacentro and the oldest sister resides in Washington, Michigan.

After completing high school in Pacentro, Mr. Caparso graduated from Liceo Classico Ocidio in Sulmona, Italy. He followed his studies there at La Sapienza University in Rome, where he received a doctorate degree. Finally, he attended Gabriele d'Annunzio University in Chieti, where he specialized in sports medicine. Mr. Caparso is presently caring for three towns in the Abruzzo region: Secinaro, Gagliano Aterno and Castel Di Ieri.

The sport of soccer has also played a very large role in Mr. Caparso's life. While completing his studies, he always played for an amateur team in the Peligna Valley Region. And, when his playing days were behind him, he became a referee. Mr. Caparso has refereed women's major league games throughout Italy, and is currently the President of the Sulmona Referee Administration.

Mr. Caparso was elected Mayor of Pacentro in 1999. Having decided that the city needed a better administration, an administration which tended to the needs of all its citizens, he further decided to do something about it. Mr. Caparso was elected Mayor along with a list of conservative councilmen.

Mr. President, I am sure that the Pacentro, Italy, Reunion 2000 will be a wonderful success. I know that a great number of individuals have put their hearts and souls into this reunion, and I applaud their many efforts. On behalf of the entire United States Senate, I welcome Mr. Fernando Caparso, Mayor of Pacentro, Italy, to the State of Michigan.●

CAPTAIN JOSEPH P. AVVEDUTI

● Mr. LEVIN. Mr. President, I rise to honor Captain Joseph P. Avveduti who is retiring from the U.S. Navy in July after thirty years of outstanding service to our nation. From September 1995 to August 1996, Avveduti commanded the U.S.S. *Kalamazoo*. This ship is named after Kalamazoo, Michigan and the history of its service is of particular interest to Michigan residents.

Captain Avveduti graduated from the United States Naval Academy in 1974. Following his graduation he was designated a Naval Aviator and went on to command several Helicopter Anti-Submarine Squadrons. Among his many leadership positions, Captain Avveduti served as the Executive Officer of U.S.S. *Independence* from January 1993 to June 1995. In 1997, Captain Avveduti graduated from the National War College in Washington, D.C. He currently holds the Chief of Naval Operations Chair at that institution where he serves as a great role model for the

many young men and women in the Navy. During his career, Captain Avveduti received the Legion of Merit, the Bronze Star, three Meritorious Service Medals, the Air Medal and various campaign and service medals.

Mr. President, Captain Joseph Avveduti's service to the U.S. Navy, and in particular his command of the U.S.S. *Kalamazoo*, is to be commended. The United States will lose a respected and well accomplished naval officer upon Captain Avveduti's retirement. I know my Senate colleagues will join me in congratulating Captain Avveduti on his outstanding service.●

TRIBUTE TO LIEUTENANT COLONEL DAVID ARMAND DEKEYSER

● Mr. SESSIONS. Mr. President. It is with great pleasure that I rise today to pay tribute to Lieutenant Colonel David A. DeKeyser for his dedicated military service to our country.

LTC DeKeyser retired on June 5, 2000 from the United States Army Reserve after serving 28 distinguished years as an officer in the Transportation Corps. I have known him well for many years and since I joined the Senate in 1997, he has served as my Chief of Staff. I came to know LTC DeKeyser personally during the 1970's and 1980's when we were both assigned to the 1184th Transportation Terminal Unit (TTU) in Mobile, Alabama. For 8 years we trained at monthly drills and annual training. We have worked with one another since that time in a series of increasingly important and difficult assignments.

LTC DeKeyser was born March 21, 1950 in Mobile, Alabama. He was commissioned as a Second Lieutenant in 1972 from Auburn University. Throughout his career—with duty assignments in Europe, the United States, the Middle East during Operation Desert Storm, and most recently with duty at the United States Transportation Command—he consistently distinguished himself. During times of peace and war, in both command and staff positions, he has achieved excellence. He was activated with the 1184th TTU for duty during the Gulf War and spent 6 months away from his family in Kuwait. LTC DeKeyser was decorated with the Joint Service Commendation Medal, and the Southwest Asia Service Medal. His other notable military awards include the Legion of Merit, the Defense Meritorious Medal, and two awards of the Meritorious Service Medal.

LTC DeKeyser's professionalism and leadership as a military officer earned him the respect and admiration of his soldiers, fellow officers, and members of the U.S. Congress. No officer was better liked or respected—from the newest private to the commanding officer—than LTC DeKeyser. He is known for his integrity, compassion, humor, and ability to inspire men and women

from all walks of life. These are the qualities of a soldier who deserves the thanks of a grateful nation for a job well done. In addition, he made notable contributions in his community as a member of various civic organizations to include the Gulf of Mexico Fishery Management Council, the Alabama Coastal Resources Advisory Council, the Mobile Area Chamber of Commerce, the Alabama-Mississippi Sea Grant Consortium Advisory Committee, Goodwill Industries Board of Directors, the American Heart Association Board of Directors, the Mobile Jaycees, and the Reserve Officers Association.

Armand has served his country for 28 years in the Army but he has also provided magnificent services to the Nation in a number of other crucial government assignments.

I know about these because we are partners. In the 1980's, I asked him to leave his business career to serve as a law enforcement coordinator for the office of the United States Attorney. As was typical of Armand's nature he eagerly looked to expand our work and we decided to initiate a "Weed and Seed" program in an attempt to revitalize the Martin Luther King area of Mobile.

This historic neighborhood had fallen victim to decay, crime and drugs. Working with our other law enforcement coordinator, Eric Day, Armand gave himself to the project with his typical enthusiasm. Mr. President, I can say that the program was a great success. I once told Armand, when they put you in the grave, your work to make this neighborhood a much better place may be your greatest accomplishment.

Later in 1994, I was elected Attorney General of Alabama and I asked him to leave his beloved Mobile to come to Montgomery to serve as my Administrative Officer.

When we took office, we faced a huge financial problem as a result of terrible financial management. Armand responded with great effectiveness—closing several off-site offices, disposing of one-half of the office automobiles, reducing staff, and helping us reorganize. Personnel was reduced by one-third and legal work improved.

Then, when I was elected to the U.S. Senate, I asked him to serve as my Chief of Staff. Once again, he agreed. He has done a magnificent job and there can be no doubt that his military service has played a key role in helping our office achieve the high level of effectiveness that we currently enjoy.

Armand is a soldier's soldier. He has given his best to the Army. It has caused him to be away from home and family and called for personal sacrifice. But, for 28 years, he has answered the call and served with great distinction.

I salute Armand for his faithfulness to the nation, and wish him, his wonderful wife Beverly, and sons David and

Phillip many wonderful years of happiness and good health in his retirement.●

TIM RUSSERT'S ADDRESS TO HARVARD LAW SCHOOL

● Mr. MOYNIHAN. Mr. President, Tim Russert, who served for many years as a member of the Senate staff, and who now serves the Nation as moderator of "Meet The Press" gave the Class Day Address this past Wednesday at the Harvard Law School. It is wonderfully reflective and just as emphatically exhorting. I ask that it be printed in today's RECORD.

The address follows:

ADDRESS BY TIM RUSSERT, HARVARD LAW SCHOOL CLASS DAY, JUNE 7, 2000

Well today I finally got into Harvard. And I thank you. But most respectfully my perspective is different today than when I applied to law school 27 years ago.

You have chosen for your class day speaker the son of a man who never finished high school . . . who worked two jobs—as a truck driver and sanitation man—for 37 years and never complained.

And so may I dare suggest to you I now believe that my dad taught me more by the quiet eloquence of his hard work and his basic decency than I learned from 16 years of formal education.

With that caveat, let me begin.

Former White House Chief of Staff John Sununu. Legend has it, in 1991 he encountered some difficult times. He approached the First Lady Barbara Bush and said "Barbara . . . I need your advice . . . your wisdom . . . your counsel . . . why is it that people here seem to take such an instant dislike to me?" She replied, "because it saves time John."

Justice Frankfurter said it this way. "Wisdom too often never comes and so one ought not to reject it merely because it comes late." In that humble spirit. Congratulations!

But before you can begin to move on to the next phase of your lives—you must undergo the last grueling hurdle in your career here at Harvard Law school.

The Class Day Address.

Let me be honest with you about my experiences with class day or commencement addresses. I've been through several of my own and I've sat through dozens of others. And I can't recall a single word or phrase from any of those informed, inspirational and seemingly interminable addresses. Despite that, others wiser and more learned than I, have decided there continues to be virtue in this tradition so I will speak to you, but I will try not to delay you too long.

In 1985, I was granted an extraordinary opportunity—a private audience with the Holy Father.

I'll never forget it. The door opened—and there was the Pope—dressed in white. He walked solemnly into the room, at that time it seemed as large as this field. I was there to convince His Holiness it was in his interest to appear on the Today show. But my thoughts soon turned away from Bryant Gumbel's career and NBC's ratings toward the idea of salvation. As I stood there with the Vicar of Christ, I simply blurted, "Bless me Father!" He put his arm around my shoulder and whispered—you are the one called Timothy—I said yes, "the man from

NBC"—"yes, yes, that's me." "They tell me you are a very important man." Somewhat taken aback, I said, "Your Holiness, with all due respect, there are only two of us in this room, and I am certainly a distant second." He looked at me and said "right." That was not the last time I pleaded *nolo contendere*.

In preparing for this afternoon, I had thought about presenting a scholarly essay on the media coverage of the private lives of Presidents and their interns, but I demurred because as you've been taught *res ipse loquitur*.

Television has a very hard time conveying complicated issues. It is a medium that seems to seek out simplicity over nuance.

It is said that David Brinkley recently reminisced that the way television news would cover Moses in the year 2000 would be as follows: "Moses came down from the mountaintop today with the 10 commandments . . . here is Sam Donaldson with the three most important."

So let me skip the temptation of crafting an article for your law review or honing a compelling oral argument.

Let me instead take a few minutes to have a conversation with you.

You have chosen a profession and a university that is unique and you made the choice deliberately.

The education you've received at Harvard Law School isn't meant to be the same as you could have received at medical, engineering or business school.

You've been given an education that says it's not enough to have skill. Not even enough to have read all the books, mastered all the briefs or shepardized all the cases.

The oath you will take, the ethics you must abide by, demand more than that.

Embarking on a legal career will bring some uncertainty, insecurity, apprehension. But fear not. I've overcome worse. You should try being a Buffalo Bills fan in Washington! I actually took Meet the Press to the Super Bowl one year. At the end of the program, I looked into the camera and said, "It's now in God's hands. And God is good. And God is just. Please God, please make three a charm. One time. Go Bills!"

My colleague Tom Brokaw turned to me and said, "you Irish Catholics from South Buffalo are shameless."

Well, as I moped back from the stadium after the Dallas Cowboys snuck by 38-10. The first person I saw was Brokaw—he came up put his arm around me and said, "Well, pal, I guess God is a Southern Baptist." I've had the opportunity to work for Senators and Governors, meet Popes and interview Presidents—I do know one thing to be true. The values you have been taught, the struggles you have survived and the diploma you are about to receive tomorrow, have prepared you to compete with anybody, anywhere in the world.

But let us not forget—and Harvard Law graduates, if you hear anything, hear this—it is people, not degrees, who defend, protect and help those in need.

You will be the foot soldiers—the frontline of our legal system dealing day in and day out with the problems and needs of the ordinary folks, the common citizens—the ones the Court calls plaintiffs and defendants.

Even if you choose to be a super lawyer/lobbyist in Washington . . . a rainmaker on Wall Street . . . the clerk of a prestigious court you must do your part that true justice prevails for everyone.

Recall the admonition of Justice Learned Hand "If we are to keep our democracy, there must be one commandment:

Thou shalt not ration justice. Your contributions as a lawyer can be significant. You can help save lives, protect the innocent, convict the guilty, provide prosperity, guarantee justice and train young minds.

In words of an American Olympics coach, "You were born to be players. You were meant to be here. At this time. At this moment. Seize it."

And so, too, with the Harvard Law graduates of 2000. You were born to be players in this extraordinary game called life, in this extraordinary vocation called the law.

So go climb that ladder of success and work and live in comfort. And enjoy yourself.

You earned it. For that is the American dream. But please do this work and your honorable profession one small favor. Remember the people struggling along side you and below you. The people who haven't had the same opportunity, the same blessings, the same education.

Recognize, comprehend, understand the society into which you are now venturing . . .

13 children a day are shot dead in the United States of America. We—you—have an obligation to at least ask why?

Be it criminal law, family law, corporate law, poverty law, politics, litigation, academic—you cannot—you must not—ignore these problems. They threaten the very foundation of our system of jurisprudence—the very fabric of our society.

These are the real numbers—real problems—involving real people.

Liberals may call it doing good; conservatives may call it enlightened self-interest.

Whatever your ideology, reach down and see if there isn't someone you can't pull up a rung or two—someone old, someone sick, someone lonely, someone uneducated, someone defenseless. Give them a hand. Give them a chance. Give them a start—give them protection. Give them their dignity. Indeed there is a simple truth. "No exercise is better for the human heart that reaching down to lift up another."

That's what I believe it means to be a Harvard Law School graduate—a lawyer in the year 2000. For the good of all of us, and most important to me—my 14-year-old son, Luke—please build a future we all can be proud of.

And one last thing, laugh at yourself . . . keep your sense of humor.

One of your alumni, John Kennedy class of 1940, used to send these words to his close friends:

"There are three things which are real.

God . . . human folly and laughter. The first two are beyond our comprehension so we must do what we can with the third." A friend once told me. The United States is the only country he knows that puts the pursuit of happiness right after life and liberty among our God given rights.

Laughter and liberty—they go well together.

Have an interesting and rewarding career and a wonderful and fulfilling life.

Thank you for inviting me to share your class day. I now have the best of both worlds: a Jesuit education and a Harvard baseball cap!

Take care.●

CONGRATULATIONS TO SCOTT GOMEZ OF ANCHORAGE

● Mr. MURKOWSKI. Mr. President, I rise today to congratulate the National Hockey League's Rookie of the Year,

Scott Gomez of the Stanley Cup champion New Jersey Devils. Scott was born and raised in Anchorage, Alaska and is only the eighteenth Alaskan to play in the National Hockey League and the first to make such a huge impact in his first year.

This past Thursday, Scott was awarded the Calder Trophy for best rookie performance in the 1999-2000 season. He led all rookies with 19 goals and 51 assists in 82 regular season games. During the playoffs, he earned 10 points. Past winners of the Calder include Bobby Orr and Ray Bourque.

Scott Gomez is an amazing young man. At the age of only 20, he has accomplished his lifelong dream of playing in the National Hockey League and winning the Stanley Cup, all in one year. He was a rising star in Anchorage where he began playing as a child. From very early on, it was evident that he would be a big star in the NHL. He was twice named Player of the Year by the Anchorage Daily News/State Coaches. In his junior year of high school, he led the Alaska All-Stars team, ages 16-17, to the USA Hockey Tier I national championship. After graduating from East High School in Anchorage, Scott played for Team USA in the World Junior Championship. In addition to this, he is the first Latino to play in the NHL. His father, Carlos, is Mexican and his mother, Dalia, is Colombian.

Mr. President, Scott Gomez is a wonderful example of a young, talented Alaskan who, I am sure, will continue to impress us all in the years to come.●

50TH ANNIVERSARY REUNION OF "COMPANY K"

● Mr. DODD. Mr. President, I rise today to pay tribute to the men of the National Guard's 169th Infantry Regiment of the 43rd Division, or Company K, as they were called, who answered the call to serve their country 50 years ago in securing peace and democracy in Germany during the Korean War. The men of Company K were an elite group of civilian soldiers hailing from Middlesex County in my home state of Connecticut.

When Communist-led North Korea invaded South Korea on June 25, 1950, President Truman decided to strengthen United States forces by calling up the National Guard. Worried that the Korean attack was only a diversion for a planned Soviet attack on Berlin, the Truman administration deployed troops in Germany to thwart any plans for aggression. In order to make this possible, Truman relied heavily on support from the National Guard.

Company K, headquartered in Middletown, Connecticut, became part of this defense effort and reported for roll call on September 5, 1950, officially becoming part of the United States Army. While training at the A.P. Hill

Military Reservation in Virginia, Company K received word from Major General Kenneth F. Cramer that they were to report for duty in Germany. It was July 10, 1951, 12:10 p.m.

The Major General recalled the history of the 43rd, noting that never before had it been assigned such a task. It was to be the first time in history that a National Guard division went to Europe in peace time. Major General Cramer said to his troops:

We are now participating in a determined effort by western civilization to maintain its freedoms and to preserve the peace through the cooperative effort under the Atlantic Pact. . . . As we move into Europe, the eyes of that continent will be upon us. All these people will judge the America of today by us. By our conduct, by our appearance, by our soldierly qualities, we must make certain that their judgments are most favorable to our own country, whose ambassadors we shall be.

And great representatives of America they were. On January 4, 1952, the Hartford Courant wrote that the 43rd Division had become an elite force of respectable and dutiful soldiers. They further praised them for their consideration towards the people of Germany, among whom they lived and interacted on a daily basis.

Company K stayed in Germany for more than two and a half years. Through their efforts there in building defense systems, organizing the border defenses, and strengthening the NATO forces, they successfully helped to prevent any Soviet attacks.

The soldiers of the Company put the preservation of freedom and democratic society ahead of themselves. They proved that their loyalty to our society's ideals and their desire for peace was their first priority. As such, our nation could not have asked for finer ambassadors in Europe.

On June 25, 2000, the members of Company K will be celebrating their 50th Anniversary Reunion gathering. I am grateful to them for their actions 50 years ago and on behalf of the people of Connecticut, and the nation as a whole, I wish to extend a heartfelt thank you to the men of Company K. I hope that their reunion is a success and I wish them well in the future.●

A TRIBUTE TO DR. DENISE DAVIS-COTTON

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Denise Davis-Cotton, who will be honored this morning during the Millennium Commencement Ceremony at Detroit Symphony Orchestra Hall. Dr. Davis-Cotton is being honored for her many contributions to the Detroit Public School System. In particular, she will be honored for her role as the founding principal of the Detroit High School for the Fine and Performing Arts, and for the work she has done in this capacity.

In founding the Detroit High School for the Fine and Performing Arts,

which opened its doors to students in the fall of 1992, Dr. Davis-Cotton established a unique center for learning: a small inner city public school dedicated primarily to the study of the arts. She designed the school curriculum, developed its program components, and wrote the philosophy and mission statement for the school, all of which are based upon a strong commitment to the study of the arts.

After an initial application process, students are asked to audition in one of the following areas: instrumental music, vocal music, speech and theater, dance or visual arts. Only after this audition are students accepted to the school. Upon acceptance, students partake in a rigorous college preparatory curriculum, along with an intensive study in their selected art field.

The results of this demanding program have been resoundingly successful. 100 percent of the first graduating class received acceptance to college; the school holds a 97 percent student retention rate; a 95 percent student attendance rate; and the Class of 2000 had an overall grade point average of 3.08. Mr. President, the 107 students who comprised the Class of 1998 were awarded seven and a half million dollars in scholarships and grants for higher education. The school has had national champions in Academic Games and the Tri-Math-A-Lon, and its Forensics Team has won the Michigan State Championship four consecutive years.

Another important aspect of the Detroit High School for the Fine and Performing Arts is the unique relationship the school has formed with the Detroit Symphony Orchestra. Through this partnership, students have been given the opportunity to work with jazz greats Brandford Marsalis and Frank Foster; award winning composer Alvin Singleton; Detroit Symphony Orchestra Music Director Neeme Jarvi; and Detroit Symphony Orchestra Assistant Conductor Ya-Hui-Wang. In addition to instrumental students studying privately with members of the Detroit Symphony Orchestra, an annual joint concert is presented featuring Detroit High School for the Fine and Performing Arts and Detroit Symphony Orchestra.

This partnership was taken to an even higher level in 1996. With financial assistance from the Detroit Medical Center, an \$80 million dollar project was undertaken, to be called Orchestra Place. Orchestra Place, when completed, will be an office, retail, education and arts complex centered around the historic home of the Detroit Symphony, Orchestra Hall. It will also include the new home of the Detroit High School for the Fine and Performing Arts. It is expected to be an important regional performing arts complex, which will offer professional and student performances in the world class Orchestra Hall.

Mr. President, all of these many accomplishments would not have been possible were it not for the many efforts and the incredible vision of Dr. Denise Davis-Cotton. Not only has she provided the youth of Detroit with an entirely new opportunity in education, she has also provided the nation with a blueprint for success in inner city public education. On behalf of the entire United States Senate, I congratulate Dr. Davis-Cotton on her many contributions to the State of Michigan, and wish her continued success in the future.●

COMMENDING FOUR BRAVE COAST GUARDSMEN

● Mr. MURKOWSKI. Mr President, I rise today to commend a helicopter crew from the Coast Guard Air Station in Sitka, Alaska. These four brave men rescued three fishermen from a fierce storm at sea last November. Pilot Lt. Robert Yerex, co-pilot Lt. James O'Keefe, and Petty Officers Third Class Christian Blanco and Noel Hutton flew their helicopter into 40- to 60-knot winds and pulled three fishermen from 35- to 40-foot high swells. The Coast Guard awarded this intrepid crew the Distinguished Flying Cross, the highest peace time honor that can be awarded, earlier this month.

On November 12, 1999, the four-member crew of the *Becca Dawn* was caught in a storm 160 miles southwest of Sitka, on the coast of Southeast Alaska. The storm caused the 52-foot vessel to begin sinking so quickly the crew had no time to radio a mayday. Instead, an emergency position-indicating radio beacon was triggered. The signal from the beacon was picked up by the Coast Guard and the helicopter crew was immediately sent out. When they arrived, they found the fishermen had already abandoned ship.

The storm made the rescue extremely difficult. The gusting winds made it extremely difficult to maintain the helicopter's stability, and blowing snow made visibility extremely low.

Once the Coast Guard crew arrived on the scene they pulled up three of the four crew members. This operation took thirty minutes. With winds gusting to 60 knots, the crew of the bucking helicopter became nauseous, but persevered in their search for the missing fourth fisherman in the cold, turbulent water. They only returned to land at the last moment, almost out of fuel, when staying longer would have made them into casualties themselves. Unfortunately, the fourth fisherman was never found and is presumed lost at sea.

Obviously, this brand of courage and tenacity is worthy of the Distinguished Flying Cross and I am very proud of my fellow Coast Guardsmen and Alaskans and I congratulate their hard

work and dedication. All Coast Guardsmen pride themselves on being "always ready," and these four courageous rescuers showed just what that spirit is all about. I salute them.●

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

H.J. Res. 101. A joint resolution recognizing the 225th birthday of the United States Army.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Environment and Public Works.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2000, he had presented to the President of the United States the following enrolled bills:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9263. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report involving exports to Chad and Cameroon; to the Committee on Banking, Housing, and Urban Affairs.

EC-9264. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the corrected 2000 annual report of the Board; to the Committee on Finance.

EC-9265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Refugee Resettlement Program for fiscal year 1998; to the Committee on the Judiciary.

EC-9266. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, a notice relative to an A-76 study of the Pentagon Heating and Refrigeration Plant; to the Committee on Armed Services.

EC-9267. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a notice relative to a pilot program for revitalization of DOD laboratories; to the Committee on Armed Services.

EC-9268. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Australia; to the Committee on Foreign Relations.

EC-9269. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Russia; to the Committee on Foreign Relations.

EC-9270. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of export licenses to Germany, Italy, Russia, and Kazakhstan; to the Committee on Foreign Relations.

EC-9271. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9272. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the report of the IG for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-9273. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "The Review of Quantum Meruit Payments Made By District of Columbia Government Agencies"; to the Committee on Governmental Affairs.

EC-9274. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-345 entitled "Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000" adopted on May 3, 2000; to the Committee on Governmental Affairs.

EC-9275. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-352 entitled "Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000" approved on May 3, 2000; to the Committee on Governmental Affairs.

EC-9276. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-353 entitled "Procurement Practices Human Care Agreement Amendment Act of 2000" approved on May 3, 2000; to the Committee on Governmental Affairs.

EC-9277. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-354 entitled "Closing of Public Alleys in Square 4335, S.O. 98-234, Act of 2000" approved on May 3, 2000; to the Committee on Governmental Affairs.

EC-9278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-355 entitled "Solid Waste Transfer Facility Site Selection Advisory Panel Report Deadline Extension Temporary Amendment Act of 2000" approved on May 3, 2000; to the Committee on Governmental Affairs.

EC-9279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-356 entitled "Tenant Protection Temporary Amendment Act of 2000" approved on May 3, 2000; to the Committee on Governmental Affairs.

EC-9280. A communication from the Deputy Assistant Administrator, Office of Diver-

sion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Addition of Gamma-Hydroxybutyric Acid to Schedule I; Extension of Application of Order Form Requirement for Certain Persons" received on June 16, 2000; to the Committee on the Judiciary.

EC-9281. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Mandatory Electronic Filing" received on June 16, 2000; to the Committee on Rules and Administration.

EC-9282. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597" (RIN:31 CFR chapter V, Appendix) received on June 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9283. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 17Ac2-2 and Form TA-2" (RIN:3235-AH44) received on June 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9284. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts" (RIN:3235-AH32) received on June 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9285. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled "Tenant Participation in Multifamily Housing Projects" (RIN:2502-AH32(FR-4403-F-02)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9286. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled "Public Housing Assessment System (PHAS); Technical Correction" (RIN:2577-AC08(FR-4497-C-06)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9287. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule "12 CFR Parts 716 and 741; Privacy of Consumer Financial Information; Requirements for Insurance" received on June 7, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9288. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule "12 CFR Part 714; Leasing" received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9289. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule "12 CFR Part 707; Truth in Savings" received on June 14, 2000;

to the Committee on Banking, Housing, and Urban Affairs.

EC-9290. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 1, 2000; to the Committee on Governmental Affairs.

EC-9291. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 7, 2000; to the Committee on Governmental Affairs.

EC-9292. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 14, 2000; to the Committee on Governmental Affairs.

EC-9293. A communication from the Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Circular 97-18" received on May 31, 2000; to the Committee on Governmental Affairs.

EC-9294. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled "Public Use of NARA Facilities" (RIN:3095-AA06) received on June 2, 2000; to the Committee on Governmental Affairs.

EC-9295. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled "Records Declassification" (RIN:3095-AA67) received on June 2, 2000; to the Committee on Governmental Affairs.

EC-9296. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled "Employment in the Senior Executive Service" (RIN:3206-AI58) received on May 24, 2000; to the Committee on Governmental Affairs.

EC-9297. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled "Federal Employees Health Benefits Program and Department of Defense Demonstration Project Amendment to 5 CFR Part 890" (RIN:3206-AI63) received on June 5, 2000; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment and with a preamble:

S. Res. 277: A resolution commemorating the 30th Anniversary of the Policy of Indian Self-determination.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR for the Committee on Agriculture, Nutrition, and Forestry.

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture.

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring October 13, 2000.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring October 13, 2006. (Reappointment)

(The above nomination was reported without recommendation. The nominee has agreed to appear before any duly constituted committee of the United States Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or act upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 324. A resolution to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship; considered and agreed to.

By Mr. ABRAHAM:

S. Res. 325. A resolution welcoming King Mohammed VI of Morocco upon his first official visit to the United States, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

UTAH WEST DESERT LAND EXCHANGE ACT OF 2000

Mr. BENNETT. Mr. President, today I rise to introduce the Utah West Desert Land Exchange Act of 2000. I am pleased that my friend and colleague, Senator HATCH, joins me in introducing this important legislation.

The Utah Enabling Act of 1894 granted to the state four sections, each section approximately 640 acres in size, in each 36 square-mile township. These lands were granted for the support of the public schools, and accordingly are referred to as school trust lands. The location of these lands, as they are not contiguous to each other, has made management by the state difficult. In addition, as school trust lands are interspersed with Federal lands, Federal land designations, such as wilderness study area, have further complicated the state's ability to manage its lands.

The Utah West Desert Land Exchange Act of 2000 seeks to resolve these problems through an equal-value, equal-acreage land exchange between the state of Utah and the Federal Government. The lands that will be exchanged are located within the West Desert region of Utah. Each party will exchange approximately 106,000 acres. The Federal government will receive state lands located within wilderness study areas, lands identified as having wilderness characteristics in the Bureau of Land Management's Utah Wilderness Inventory, and lands identified for acquisition in the Washington County Habitat Conservation Plan. The state will receive federal lands that are more appropriate to carry out its mandate to generate revenue for Utah's public schools.

I would like to address two issues some have raised about this land exchange. The first issue is regarding land valuation. Both the state of Utah and the Department of the Interior firmly believe that this exchange is approximately equivalent in value. The parties have reached this conclusion after many months of thorough research and evaluation of the parcels to be exchanged. The process of research

and evaluation included review of comparable sales, mineral potential, access, and topography. One may ask why each parcel of land was not appraised individually. The answer is that for many of the 175 state parcels it would have cost more to have appraised those lands than their agreed upon value. Please note that the average value of the school trust lands outside of Washington County is \$85 per-acre; if each individual parcel was required to be formally appraised the high appraisal costs would place this land exchange, and all of its benefits, in jeopardy. Nevertheless both the state of Utah and the Department of the Interior have maintained their fiduciary responsibility by putting together a package that is equal, in both value and acreage.

The second issue that has been raised is in regard to the LaVerkin tract. Governor Leavitt, in his testimony before the United States House of Representatives Committee on Resources, stated: "I want to assure you the state of Utah will be sensitive to local needs as this tract is developed, and will comply with, and participate in, local planning and zoning decisions. Also, you can be assured the scenic views at the entrance to Zion National Park will be protected to the maximum extent practicable." It is my hope that this commitment made by Governor Leavitt will satisfy those concerned by the exchange of the LaVerkin tract.

The Utah West Desert Land Exchange Act of 2000 is the result of over 12 months of negotiations between the state of Utah and the Department of the Interior. For too long the school trust lands in the West Desert have been held captive by neighboring federal lands, unable to produce the revenue that are legally required to for Utah's schools. This bill provides that Congress with an opportunity to reduce the state of Utah's holdings in Federal wilderness study areas and other sensitive areas while increasing lands that are more suitable for long-term economic development to the state of Utah for its school children. Additionally, the Federal Government will consolidate its ownership in the existing wilderness study area, which will allow for more consistent management. This bill is a win-win proposal, and the right thing to do. I look forward to working with my colleagues to pass this legislation in the remaining months of the session.

Mr. HATCH. Mr. President, I rise today to announce my support for the West Desert Wilderness Land Exchange Act, introduced by my good friend and colleague, Senator ROBERT BENNETT. This is a proposal of importance to the citizens of my home state of Utah and to all Americans.

Utah is the home to some of the most environmentally diverse lands in the nation. These lands contain environmentally significant plants, animals,

geology, and many priceless archaeological sites.

This legislation will transfer 106,000 acres of state school trust lands that are currently held within Wilderness Study Areas to areas where they may better benefit Utah schools. School trust lands are intended to raise revenue for Utah's schools. The economic benefits of these lands are vital to Utah schools and their funding. Trapped within Wilderness Study Areas, these lands have not been able to be developed, and Utah's school children have been left holding the short end of the stick. This proposal will allow for a land swap between the Department of the Interior and the State of Utah, and both parties have given their blessing to this proposal.

The lands that will be given to the Department of the Interior are home to a variety of endangered and threatened species of plants and animals. A few of these are: the desert tortoise, the chuckawalla, purple-spined hedgehog cactus, and the golden and bald eagles. These lands also contain some of the most magnificent vistas in the western United States with views of Zions National Park, Elephant Butte, and the Deep Creek Mountains. This land exchange will preserve the unparalleled landscapes characteristic of Utah.

The Utah State School Lands Trust was established at the time Utah became a state with lands deeded to the trust by the federal government for the purpose of creating a reliable source of income to support our state's educational system. Every student in Utah benefits from the resources made available by the school trust lands. It is a critical source of support for Utah education.

This proposal, therefore, has the backing of all major Utah educational organizations, including the Utah PTA and Utah Education Association. This land exchange will unlock our school trust lands for the long-term benefit of Utah's school children. And, quite frankly, we will never be able to designate more wilderness in Utah without protecting the integrity of our Utah State School Lands Trust.

This is one proposal where everyone benefits—our schools as well as our environmental interests. It is a logical proposal; it is a fair proposal. I urge my colleagues to support this legislation, and I look forward to working with them on this important piece of legislation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

THE SOUTHERN HIGH PLAINS GROUNDWATER
RESOURCE CONSERVATION ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which will bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland: the southern High Plains stretching from the middle of Kansas through Oklahoma and the Texas Panhandle and including eastern portions of the State of Colorado, and the eastern counties of my home state of New Mexico. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala aquifer, which allows for irrigated agriculture.

The Natural Resource & Conservation Service estimates that there are over six million acres of irrigated farmland overlying the southern Ogallala. These farms use between six and nine million acre-feet of water each year. The problem is that current use of the aquifer is not sustainable, and it is being depleted rapidly.

As shown on this U.S. Geological Survey Map, the High Plains Aquifer, which is mostly the Ogallala Aquifer, starts in South Dakota, encompasses most of Nebraska and parts of Wyoming, and then continues down into the southern High Plains.

This next chart shows the change in water levels in the aquifer over a seventeen year period from 1980 to 1997. As shown by the gray and blue markings on this map, the northern portion of this aquifer is in pretty good shape. The rate of water recharge from rainfall and irrigation water from the Platte River, for the most part matches or is greater than the rate of water depletions.

However, the story is quite different in the southern High Plains. In just the 17 years characterized on this map, we have seen large areas of the southern aquifer experience a 10 to 20 foot drop in their water table. That is shown in the dark orange areas on the map. More alarming is that for an almost equal area, as depicted in red on the map, the drop in the water table has been 40 feet or greater.

These changes in the level of the water table mean that it takes more wells at a greater pumping cost to produce the same amount of water, and that's if the wells don't go completely dry. This raises the serious question about the viability of continued farming on the southern High Plains. However, while irrigated agriculture uses the lion's share of the water, farm viability is only part of the economic story. This aquifer is also the primary source for municipal water on the southern High Plains. Diminishing productivity from municipal wells and the increased cost of pumping can place huge strains on local and county resources.

The insecurity of groundwater resources on the southern High Plains is

a multi-state issue with significant economic and social consequences for America as a nation. We must act now to help steer the communities on the southern High Plains toward a sustainable use of the Ogallala aquifer. Ignoring the problem and allowing continuing uses to go unabated invites tremendous economic dislocation for a large section of our country.

To address this issue I am introducing the Southern High Plains Groundwater Resource Conservation Act. This bill creates three levels of approach to the problem.

First, it recognizes that to guide government decision makers and private investors, accurate, up-to-date, scientific information about the groundwater resources in their area is necessary. Therefore it calls upon the United States Geological Survey to initiate a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala, to provide a report to Congress and to the relevant states with maps and information on a county by county basis, and to renew and update that report every year.

Second, it acknowledges that an effective water conservation plan can only be measured against a multi-year goal. Also, modeling by the U.S.G.S. indicates that groundwater conservation is not economically effective if implemented on a small scale basis. Measures must be implemented over a sufficiently large area in order to see a long-term groundwater savings, and return on the investment in conservation. To ensure groundwater savings over an appropriate area, this bill would authorize the Secretary of Agriculture to provide planning assistance, on a cost-share basis, to states, tribes, counties, conservation districts, or other local government units to create water conservation plans designed to benefit their groundwater resource over at least 20 years.

Finally, if the Secretary certifies that such a plan is in place, this bill would provide two primary forms of assistance for groundwater conservation on individual farms. They are a cost-share assistance program to upgrade the water use efficiency of farming equipment, and the creation of an "Irrigated Land Reserve."

The cost-share program is based on the knowledge that, while significant water savings could be made from moving farms from historical row or center-pivot irrigation to more modern techniques, the upfront cost is often prohibitive to family farmers. However, estimates by the Natural Resources Conservation Service and the High Plains Underground Water Conservation District in Lubbock, Texas, are that an initial \$20,000 in Federal investment in equipment on a cost-share basis would save between 325 to nearly 490 acre-feet of water over a ten year

period. A bargain price, considering water prices on the West.

The Irrigated Land Reserve in this bill, is designed to convert 10 percent, or approximately 600,000 acres, of the irrigated farmland on the southern High Plains to dryland agriculture. Dryland agriculture, obviously, is less productive than irrigation. So this bill would provide for a rental rate to farmers to ease the economic impact of changing over. It is estimated that when fully implemented this program would save between 600,000 and 900,000 acre-feet of water per year at a cost of \$33 to \$50 per acre-foot.

These two programs, the cost-share program for water conservation, and enrollment in an Irrigated Land Reserve are completely voluntary. However, from the interest I have received in discussions with farmers on the southern High Plains, I expect that there will be no shortage of participants.

The program outlined in this bill would cost \$70 million per year if fully implemented. Given the opportunity to move the southern High Plains communities to a sustainable use of their groundwater without massive dislocations in their economy, I think it will be an investment worth making.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2755

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern High Plains Groundwater Resource Conservation Act."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress Finds that—

(1) A reliable source of groundwater is an essential element of the economy of the communities on the High Plains.

(2) The High Plains Aquifer and the Ogallala Aquifer are closely related hydrogeographic structures. The High Plains Aquifer consists largely of the Ogallala Aquifer with small components of other geologic units.

(3) The High Plains Aquifer experienced a dramatic decline in water table levels in the latter half of the twentieth century. The Average weighted decline in the aquifer from 1950 to 1997 was 12.6 feet (USGS Fact Sheet 124-99, Dec. 1999).

(4) The decline in water table levels is especially pronounced in the Southern Ogallala Aquifer, reporting that large areas in the states of Kansas, New Mexico, and Texas experienced declines of over 100 feet in that period (USGS Fact Sheet 124-99, Dec. 1999).

(5) The saturated thickness of the High Plains Aquifer has declined by over 50% in some areas (1186 USGS Circular 27, 1999). Furthermore, the Survey has reported that the percentage of the High Plains Aquifer which has a saturated thickness of 100 feet or more declined from 54 percent to 51 percent in the period from 1980 to 1997 (USGS Fact Sheet 124-99, Dec. 1999).

(6) The decreased water levels in the High Plains Aquifer coupled with higher pumping lift costs raise concerns about the long-term sustainability of irrigated agriculture in the High Plains. ("External Effects of Irrigators' Pumping Decisions, High Plains Aquifer," Alley and Scheffter, American Geophysical Union paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123-1130, July 1987).

(7) Hydrological modeling by the United States Geological Survey indicates that in the context of sustained high groundwater use in the surrounding region, reductions in groundwater pumping at the single farm level or at a very local level of up to 100 square miles, have a very time limited impact on conserving the level of the local water table, thus creating a disincentive for individual water users to invest in water conservation measures. ("External Effects of Irrigators' Pumping Decisions, High Plains Aquifer," Alley and Scheffter, American Geophysical Union, paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123-1130, July 1987).

(8) Incentives must be created for conservation of groundwater on a regional scale, in order to achieve an agricultural economy on the Southern High Plains that is sustainable.

(9) For water conservation incentives to function, federal, state, tribal, and local water policy makers, and individual groundwater users must have access to reliable information concerning aquifer recharge rates, extraction rates, and water table levels at the local and regional levels on an ongoing basis.

(b) PURPOSES.—To promote groundwater conservation on the Southern High Plains in order to extend the usable life of the Southern Ogallala Aquifer.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(a) HIGH PLAINS AQUIFER.—The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(b) HIGH PLAINS.—The term "High Plains" refers to the approximately 174,000 square miles of land surface overlying the High Plains Aquifer in the states of New Mexico, Colorado, Wyoming, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(c) SOUTHERN OGALLALA AQUIFER.—The term "Southern Ogallala Aquifer" refers to that part of the High Plains Aquifer lying below 39 degrees north latitude which underlies the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas.

(d) SOUTHERN HIGH PLAINS.—The term "Southern High Plains" refers to the portions of the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas which overlie the Southern Ogallala Aquifer.

(e) SECRETARY.—The term "Secretary" refers to either the secretary of the Interior or the Secretary of Agriculture as appropriate.

(f) The term "water conservation measures" includes measures which enhance the groundwater recharge rate of a given piece of land, or which increase water use efficiencies.

SEC. 4. HYDROLOGIC MAPPING, MODELING, AND MONITORING.

(a) The Secretary of the Interior, working through the United States Geological Survey, shall develop a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala Aquifer. The pro-

gram shall include on a county-by-county basis—

(1) A map of the hydrological configuration of the Aquifer; and

(2) An analysis of:

(A) the current and past rate at which groundwater is being withdrawn and recharged, and the net rate of decrease or increase in aquifer storage;

(B) the factors controlling the rate of horizontal migration of water within the Aquifer;

(C) the degree to which aquifer compaction caused by pumping and recharge methods in impacting the storage and recharge capacity of the groundwater body; and

(D) the current and past rate of loss of saturated thickness within the Aquifer.

(b) ANNUAL REPORT.—One year after the enactment of this Act, and once per year thereafter, the Secretary shall submit a report on the status of the Southern Ogallala Aquifer to the Senate Committee on Energy and Natural Resources, to the House Committee on Resources, and to the Governors of the States of New Mexico, Oklahoma, Texas, Colorado, and Kansas.

SEC. 5. GROUNDWATER CONSERVATION ASSISTANCE.

(a) FEDERAL ASSISTANCE.—The Secretary of Agriculture, working through the Natural Resources Conservation Service, is hereby authorized and directed to establish a groundwater conservation assistance program for Southern Ogallala Aquifer.

(b) DESIGN AND PLANNING.—The Secretary shall provide financial and technical assistance, including modeling and engineering design to states, tribes, and counties, conservation districts, or other political subdivisions recognized under state law, for the development of comprehensive groundwater conservation plans within the Southern High Plains. This assistance shall be provided on a cost share basis ensuring that:

(1) The federal funding for the development of any given plan shall not exceed fifty percent of the cost; and

(2) The federal funding for groundwater water conservation planning for any one county, conservation district, or similar political subdivision recognized under state law shall not exceed \$50,000.

(c) CERTIFICATION.—The Secretary shall create a certification process for comprehensive groundwater conservation plans developed under this program, or developed independently by states, tribes, counties, or other political subdivisions recognized under state law. To be certified, a plan must:

(1) Cover a sufficient geographic area to provide a benefit to the groundwater resource over at least a 20 year time scale; and

(2) Include a set of goals for water conservation; and

(3) Include a process for an annual evaluation of the plan's implementation to allow for modifications if goals are not being met.

SEC. 6. IMPLEMENTATION ASSISTANCE.

Farming operations within jurisdictions which have a certified conservation plan in accordance with subsection (5)(c) of this title shall be eligible for:

(a) WATER CONSERVATION COST-SHARE ASSISTANCE.—The Secretary, working through the Natural Resources Conservation Service, may provide grants to individual farming operations of up to \$50,000 for implementing on farm water conservation measures including the improvement of irrigation systems and the purchase of new equipment: *Provided*, that the Federal share of the water conservation investment in any one operation be no greater than 50%: *Provided further*, that each

water conservation measure be in accordance with a conservation plan certified under section 5(c) of this title.

(b) **IRRIGATED LAND RESERVE.**—Through the 2020 calendar year, the Secretary shall formulate and carry out the enrollment of lands in a groundwater conservation reserve program through the use of multiple year contracts for irrigated lands which would result in significant per acre savings of groundwater resources if converted to dryland agriculture.

(c) **CONSERVATION RESERVE PROGRAM ENHANCEMENT.**—Lands eligible for the Conservation Reserve Program established under 16 U.S.C. 3831 which would result in significant per acre savings of groundwater resources if removed from agricultural production shall be awarded 20 Conservation Reserve Program bid points, to be designated as groundwater conservation points, in addition to any other ratings the lands may receive.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated \$70,000,000 annually through the fiscal year 2020 to carry out this Act. Of that total amount:

(1) There are authorized to be appropriated \$5 million annually through the fiscal year 2020 for hydrogeologic mapping, modeling, and monitoring under this Act;

(2) There are authorized to be appropriated \$5 million annually through fiscal year 2020 for groundwater conservation planning, design, and plan certification under this Act;

(3) There are authorized to be appropriated \$30 million annually through fiscal year 2020 for cost-share assistance for on farm water conservation measures; and

(4) There are authorized to be appropriated \$30 million annually through fiscal year 2020 for enrollment of lands in an Irrigated Lands Reserve.

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL CLEAN WATER TRUST FUND ACT
OF 2000

• Mr. ROBB. Mr. President, I'm introducing a bill that will help clean up and restore our nation's waters. This bill, The National Clean Water Trust Fund Act of 2000, creates a trust fund from fines, penalties and other monies collected through enforcement of the Clean Water Act. The money deposited into the National Clean Water Trust Fund would be used to address the pollution problems that initiated those enforcement actions.

A highly publicized case in Virginia illustrated the need for this legislation. On August 8 1997, U.S. District Court Judge Rebecca Smith issued a \$12.6 million judgement against Smithfield Foods for polluting the Pagan River in Isle of Wight County, Virginia. The judge stated in her opinion that the civil penalty imposed on Smithfield

should be directed toward the restoration of the Pagan and James Rivers, tributaries to the Chesapeake Bay. Unfortunately, due to current federal law, the court had no discretion over the damages, and the fine was deposited into the Treasury's general fund, defeating the very spirit of the Clean Water Act.

Today, there is no guarantee that fines or other money levied against parties who violate provisions in the Clean Water Act will be used to correct short and long term damage from water pollution. Instead the money is directed into the fund of the U.S. Treasury with no provision that it be used to improve the quality of our water. Pollution from spills or illegal discharges can have a profound effect on our environment and can degrade our public water supplies, and recreational areas. Water pollution causes long term damage to fish and shellfish habitat and destroys the livelihood of watermen, and leads to the long term degradation of scenic areas. While the Environmental Protection Agency's enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, we are missing an opportunity to pay for the cleanup and restoration of pollution problems for which the penalties were levied. To ensure the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up the nation's waters.

This legislation will establish a National Clean Water Trust Fund within the U.S. Treasury to earmark fines, penalties, and other funds, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into the Treasury's general fund. The EPA Administrator would be authorized, after consultation with the States, to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from the violations of the Clean Water Act. This legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects as part of settlements related to violations of the Clean Water Act or any other legislation. The bill also provides court discretion over civil penalties from Clean Water Act violations to be used to carry out mitigation and restoration projects. In this bill, EPA is directed to give priority consideration to projects in the watershed where the original violation was discovered. With this legislation, we can avoid another predicament like the one faced in Virginia.

Mr. President, it only makes sense that fines occurring from violations of the Clean Water Act be used to restore the waters that were damaged. This bill provides a real opportunity to im-

prove the quality of our nation's waters.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Clean Water Trust Fund Act of 2000".

SEC. 2. NATIONAL CLEAN WATER TRUST FUND.

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

“(h) NATIONAL CLEAN WATER TRUST FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (referred to in this subsection as the ‘Fund’) consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

“(2) TRANSFER OF AMOUNTS.—For fiscal year 2001, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other funds obtained through judgments from courts of the United States for enforcement actions conducted under this section and section 505(a)(1), excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a).

“(3) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals.

“(B) ADMINISTRATION.—The obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, the obligations shall be credited to the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

“(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damage resulting from violations of this Act that are subject to enforcement actions under this section or from the discharge of pollutants into the waters of the United States, including—

“(i) soil and water conservation projects;

“(ii) wetland restoration projects; and

“(iii) such other similar projects as the Administrator determines to be appropriate.

“(B) CONDITION FOR USE OF FUNDS.—Amounts in the Fund shall be available under subparagraph (A) only for a project conducted in the watershed, or in a watershed adjacent to the watershed, in which a violation of this Act described in subparagraph (A) results in the institution of an enforcement action.

“(5) SELECTION OF PROJECTS.—

“(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project described in paragraph (4) that is located in the watershed, or in a watershed adjacent to the watershed, in which there occurred a violation under this Act for which an enforcement action was brought that resulted in the payment of any amount into the general fund of the Treasury.

“(B) CONSULTATION WITH STATES.—In selecting a project to carry out under this section, the Administrator shall consult with the State in which the Administrator is considering carrying out the project.

“(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation under this section or section 505(a)(1).

“(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

“(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.”.

SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.

(a) IN GENERAL.—Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: “The court may order that a civil penalty be used for carrying out mitigation, restoration, or other projects that are consistent with the purposes of this Act and that enhance public health or the environment.”.

(b) CONFORMING AMENDMENT.—Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended in the last sentence by inserting before the period at the end the following: “, including ordering the use of a civil penalty for carrying out mitigation, restoration, or other projects in accordance with section 309(d)”.

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington; to the Committee on Energy and Natural Resources.

LAND TRANSFER AND WITHDRAWAL OF CERTAIN LANDS IN MELROSE AIR FORCE RANGE, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to offer legislation that would allow for the transfer of administrative jurisdiction over the Melrose Air Force Range in New Mexico and the Yakima Training Center in Washington to the appropriate Service in the Defense Department. Both of these affected areas are public domain lands under the Department of Interior. This legislation simply transfers authority from the Department of Interior to the Secretary of the Air Force in the case of the Melrose Range and to the Sec-

retary of the Army in the case of the Yakima Training Center.

Transfer and conversion of the lands to real property is proposed in lieu of the more customary withdrawal pursuant to the Act of February 28, 1958. The affected lands are multiple parcels of public domain lands within a large block of Military Service acquired real property. Enactment on this transfer would provide for simplified management of these lands by the respective Defense Department Service.

Melrose Air Force Range in Roosevelt County, New Mexico, is comprised of six parcels of public land, totaling about 6,714 acres. Over 1,118 acres are utilized as bomb impact zone; the remainder is required as a safety buffer. The transfer is needed to provide the Air Force with complete control over land uses on the Range. This should serve to minimize potential safety concerns, liability of the United States, and land use conflicts that could interfere with the training mission.

The lands have been used as part of the Range since 1957, under lease or other arrangement with the State of New Mexico which had ownership of the lands at the time. Expansion of the Range was authorized by Public Law 89-568, in September 1966. In 1970 and 1973, the Bureau of Land Management (BLM) acquired the lands through a land exchange with the State. During this same period, a land acquisition program to enlarge the Range was being conducted by the Air Force through the U.S. Army Corps of Engineers. The BLM exchange was undertaken in aid of that effort. In 1975, the U.S. Army Corps, on behalf of the Air Force, applied for withdrawal of the lands that the BLM had acquired.

The lands that would be transferred through enactment of this legislation are an integral part of the Range, and continue to be suitable for training purposes. These lands will continue to be needed for Air Force training for the foreseeable future.

The second installation affected by this legislation is the Yakima Training Center in Kittitas County, Washington. Congress authorized a 63,000 acre expansion of the existing Center by the National Defense Authorization Act for fiscal years 1992 and 1993 and the Military Construction Appropriations Act of 1992.

The lands to be transferred at the Center consist of 19 scattered small tracts of public lands totaling 6,649 acres within the expansion area. The remaining approximately 56,400 acres of real property within the expansion have already been acquired by the Army. There are an additional 3,090 acres of public domain mineral estate associated with the acquired land to be withdrawn from the general mining laws.

In conclusion, Mr. President, this bill provides for the transfer of public do-

main lands to the Secretaries of the appropriate military service to complete the acquisitions at both installations as authorized by previous Acts of Congress. The consolidation of these lands as real property with the surrounding military acquired lands would provide a common management situation for the Military Service. This should serve to increase the efficiency and effectiveness of their range operations and natural resource management.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following my statement.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 2757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO PRIME MERIDIAN

T. 1 N., R. 30 E.

Sec. 2: S½.

Sec. 11: All.

Sec. 20: S½SE¼.

Sec. 28: All.

T. 1 S., R. 30 E.

Sec. 2: Lots 1-12, S½.

Sec. 3: Lots 1-12, S½.

Sec. 4: Lots 1-12, S½.

Sec. 6: Lots 1 and 2.

Sec. 9: N½, N½S½.

Sec. 10: N½, N½S½.

Sec. 11: N½, N½S½.

T. 2 N., R. 30 E.

Sec. 20: E½SE¼.

Sec. 21: SW¼, W½SE¼.

Sec. 28: W½E½, W½.

Sec. 29: E½E½.

Sec. 32: E½E½.

Sec. 33: W½E½, NW¼, S½SW¼.

Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction

needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.

Sec. 22: S½.

Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.

Sec. 26: All.

T. 16 N., R. 21 E.

Sec. 4: SW¼SW¼.

Sec. 12: SW¼.

Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.

T. 17 N., R. 21 E.

Sec. 30: Lots 3 and 4.

Sec. 32: NE¼SE¼.

T. 16 N., R. 22 E.

Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.

Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.

Sec. 10: All.

Sec. 14: All.

Sec. 20: SE¼SW¼.

Sec. 22: All.

Sec. 26: N½.

Sec. 28: N½.

T. 16 N., R. 23 E.

Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.

Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.

Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.

Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.

Sec. 12: All.

Sec. 18: Lot 4 and SE¼.

Sec. 20: S½.

T. 16 N., R. 21 E.

Sec. 4: Lots 1, 2, 3, and 4, S½NE½.

Sec. 8: All.

T. 16 N., R. 22 E.

Sec. 12: All.

T. 17 N., R. 21 E.

Sec. 32: S½SE¼.

Sec. 34: W½.

Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. L. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

THE MEDICARE OUTPATIENT DRUG ACT (THE MOD ACT)

Mr. GRAHAM. Mr. President, I rise today with Senators BRYAN, ROBB, CONRAD, CHAFEE, BAUCUS, ROCKFELLER, and LINCOLN to introduce the Medicare Outpatient Drug Act of 2000.

We are all aware of the fundamental changes in Americans' life expectancy throughout the century. When Medicare was created in 1965, the average life expectancy for a woman who reached the age of 65 was 80 and for a man 78 years of age. In 1998, the life expectancy jumped to 84 years for a woman and 81 for a man. Projections for the year 2100 assume that the average life span for an individual who reaches 65 will be 94 years for a woman and 91 for a man.

These statistics paint a clear picture—seniors are living longer and to ensure their quality of life, they must have guaranteed access to prescription medications. The Republicans say that they want a prescription drug benefit. The Democrats say that they want a prescription drug benefit. The question facing both parties is this: Do they really want a benefit or just an election year bully pulpit? If the answer is a benefit, we're here today to help.

On far too many occasions in the last few years, important legislation has been knocked off the tracks by election year, partisan train wrecks. We hope that this year can be different. That is why we are offering a new Medicare prescription drug benefit—one that we believe represents a workable compromise between the Democratic and Republican positions.

Our Proposal—the Medicare Outpatient Drug Act of 2000—is centrist. It is bipartisan. It is innovative. And we think it can pass Congress this year. I must mention that this effort has been a truly collaborative one from start to finish. The MOD Act has several key components:

Universality—access for everyone;

Consistency—keeps with the important tradition of the Medicare program by providing a defined, reliable benefit for all seniors alike. A senior in Fargo, North Dakota is assured access to the same defined benefit structure as a senior in Miami, Florida;

Voluntary participation, like Medicare Part B;

Special protections for low income Americans;

True stop-loss protection, which ensures seamless insurance without gaps in coverage;

A ramp-up payment system, which decreases beneficiary payments based on their increased prescription medication needs; and

The use of Multiple Pharmacy Benefit Managers (PBMs) to administer the benefit and promote competition and choice.

For many years I have spoken about the need to move the Medicare program from one based on acute care and illness to one focused on prevention and wellness. The Medicare Wellness Act of 2000, of which many of my colleague are cosponsors and which ensures seniors access to a variety of preventive programs and screenings, represents the first piece of this puzzle—The MOD Act represents the second step in my three-point plan for accomplishing this goal.

Prescription drugs are an integral part of health care and must be integrated in to the current Medicare system as a defined benefit—not as an “add on.” It is my understanding that the House Republicans have proposed a bill that entrusts the private insurance market to provide a prescription drug benefit to seniors. Though, on the surface these ideals have appeal and they are initially less expensive or claim to be “more flexible” than a comprehensive, universal benefit, I find myself asking the question: Are there other Medicare benefits that are or should be treated in this capacity?

Let's take the example of physician services, for example, anesthesiology services. Would we ask private insurance companies to create anesthesiology-only insurance packages? Would beneficiaries purchase such policies? Would they be available? What would be the result of extricating this benefit from the Medicare program.

With prescription drugs representing one of the most prevalent treatments in health care today—I ask myself, “Is it wise to look toward an approach to providing coverage of prescription medication which is arguably unworkable in every other sector of medicine?”

Leaders in the health insurance industry have stated that “Lawmakers should avoid drug insurance-only coverage, which is unlikely to get off the ground and which would be impossible to price affordably.” The MOD Act creates a defined, affordable, consistent prescription drug benefit within the Medicare system where it should be.

The third piece to solving the Medicare puzzle lies in the need to give the Medicare program the tools to compete in the current health care market place. My colleagues and I will soon be introducing a reform bill that will have the dual effect of providing significant savings to offset the bill that we are introducing today.

I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. BRYAN. Mr. President, I am very pleased to join my colleagues in unveiling this important bipartisan legislation. Our proposal to offer a prescription drug benefit for all Medicare beneficiaries is sound, comprehensive, and workable.

We are introducing this bill for a very simple reason: the majority of Medicare beneficiaries lack meaningful prescription drug coverage, and we have an historic opportunity to do something about.

The inadequacy of the current Medicare benefits package is clear. It simply does not make sense for a health insurance program to exclude coverage of one of the most critical components of health care.

In 1996, 90 percent of Medicare beneficiaries had at least one chronic condition; drugs are frequently the best way to manage those conditions. Why offer hospitalization and physician visits to treat high blood pressure, heart problems, and depression, but not one of the most effective treatment options?

Many Medicare beneficiaries are faced with the choice of paying extremely high prices at retail outlets—much higher than the prices paid by those with coverage—or going without medically necessary prescription drug.

With bipartisan support and unprecedented budget surpluses we can give our seniors and those with disabilities another choice: to enroll in a Medicare prescription drug plan that is guaranteed to be accessible and affordable.

What should this plan look like? The Medicare Outpatient Drug Act contains several important provisions:

First, it provides prescription drugs as a defined, comprehensive and integral component of the Medicare Program. We need to be able to say exactly what we are promising seniors, and we need to make sure they will get it—the only way to do that is to include it in the basic Medicare benefits package along with everything else.

Relying on private insurers to offer this benefit “would result in a false promise” to use the words of the President of the HIAA.

Second, our bill provides the greatest help to those with the greatest need—beneficiaries with the lowest incomes and the highest drug expenditures.

We do that by providing additional subsidies for those with the lowest incomes, increasing the government's share of coinsurance as the beneficiaries out-of-pocket costs increase, and income-relating the premium for high-income beneficiaries.

The bottom line: all seniors will be guaranteed access to affordable drugs, and will have the peace of mind of knowing that full coverage is provided for any and all expenses above \$4000.

Third, “The Medicare Outpatient Drug Act” encourages maximum competition to achieve the greatest discounts, and uses the private sector to deliver and manage the benefit.

Finally, it is consistent with the need to strengthen and modernize the Medicare program overall. Providing drug coverage is the first step, but more work is needed. We will be introducing legislation soon that takes the next steps.

The bill we are offering today bridges the gap between the proposals offered by the President and the House GOP.

It gives beneficiaries what they need: long-overdue coverage of prescription drugs, and also injects competition into the program and provides choices for beneficiaries.

This is the first bill to offer universal, guaranteed, affordable, fully-defined comprehensive coverage—no limits, not gaps, no gimmicks.

Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

“The Medicare Outpatient Drug Act” is not a tough call. It will accomplish our goals of providing affordable, accessible coverage, and it will work.

This is legislation that Congress should enact this year. I look forward to working with my colleagues on both sides of the aisle to ensure that we do just that.

Mr. ROBB. Mr. President, 2 weeks ago, at a health care forum I sponsored in Virginia, a doctor told me of a woman with breast cancer splitting her Tamoxifen pills with two other breast cancer patients, because the drug was so expensive that the other two couldn't afford it. This is a touching story from the perspective of a woman trying to help two peers, but from a health care perspective, it's an abomination. Not only does splitting a dose for one person into three negate the effects of the drug for all three women, but the lack of access to this drug only makes them sicker.

Unfortunately, stories like these are all too common today. Modern medicine has become more and more dependent on prescription drugs, yet the Medicare program, which provides health care for our nation's elderly and disabled, has not changed with the times. As a result, Medicare often finds itself in the position of paying for expensive hospital care, yet not paying for the prescription drugs that could help keep a patient out of the hospital. And as prescription drugs become more essential to seniors' health care, we hear many stories like the one I've told you today.

It's time we did something to change this. While over 90 percent of private sector employees with employer-based health insurance have prescription drug coverage, the 38 million Medicare beneficiaries in America today have no basic prescription drug benefit. At the same time, the average Medicare beneficiary fills eighteen prescriptions each year, and will have an estimated average annual drug cost of nearly \$1,100 in

2000. We have an obligation to our seniors, and future generations of seniors, to strengthen and modernize Medicare by adding a prescription drug benefit.

Unfortunately, both the House and Senate have made little progress toward passing a drug benefit this year. By and large, moderate, bipartisan solutions have been absent from the debate.

I am pleased to join my colleagues Senator GRAHAM, Senator BRYAN, Senator CONRAD, Senator CHAFEE and Senator BAUCUS in introducing a bill which we believe will break this logjam, the Medicare Outpatient Drug Act, or MOD Act, of 2000. In crafting the MOD Act, we have combined the best elements of insurance-based plans—which aim to promote competition and innovation—and the President's plan—which offers a dependable, universal benefit to all seniors. The result is a bill that all sides should be able to agree on.

Like the President's plan, our bill will offer a defined Medicare benefit that will be available to all seniors, regardless of their health status or place of residence. But unlike the President's plan, our bill will allow private entities to compete for Medicare beneficiaries—allowing seniors and the disabled to choose from a variety of options that are custom-tailored to their specific prescription drug needs.

Moreover, the MOD Act is the first prescription drug bill to offer Medicare beneficiaries a comprehensive drug benefit, with no gaps in coverage, and full protection against sky-high out-of-pocket costs. The MOD Act gradually increases its level of coverage as beneficiaries get sicker, so that the greatest assistance is devoted to those who need it most.

There is only a handful of legislative days left in the Senate this year, and if we're going to get anything done on the prescription drug front, we'll have to settle on a proposal that is moderate and bipartisan. The Medicare Outpatient Drug Act is that bill, and I urge each of my colleagues to give it their full support.

Mr. L. CHAFEE. Mr. President, I am pleased to join Senators GRAHAM, BRYAN, ROBB, CONRAD, and BAUCUS in introducing the Medicare Outpatient Drug (MOD) Act of 2000 today.

The Medicare Outpatient Drug Act addresses an area of great concern to our nation's seniors: the need for a Medicare prescription drug benefit. Seniors today are facing staggering and burdensome drug prices. Studies show that the average American over 65 spends more than \$700 per year on drug prescriptions. In Rhode Island, seniors pay twice as much for certain prescription drugs as the drug companies' most favored customers (for example, Medicaid and the Veteran's Administration). On average, Rhode Island seniors pay 84 percent more than prescription drug consumers in Canada or Mexico.

We must update the Medicare program to include a prescription drug benefit. This bipartisan, comprehensive bill will provide universal coverage to all 39 million Medicare beneficiaries in this country. As you know, Medicare was established in 1965 at a time when prescription drugs were not widely used. These days, drug therapies have replaced overnight stays in hospitals and long convalescence in nursing facilities. In light of this, we must update the Medicare program to keep pace with these scientific and medical advances.

This legislation does many things that other legislative proposals do not. First, it provides universal coverage on a voluntary basis to every Medicare-eligible individual. Second, it is based on a standard insurance model, with coinsurance, a deductible, and a defined stop-loss benefit. In other words, once a senior pays \$4,000 in annual drug costs, our plan covers the rest. Third, the amount of a senior's premium would be directly related to his/her income, on a sliding scale. In other words, the lowest-income senior will receive the greatest subsidy. Conversely, the highest-income senior will receive the lowest federal subsidy.

Finally, this legislation emulates market-based insurance coverage by allowing multiple "pharmacy benefit managers" (PBMs) to contract with Medicare to provide the pharmaceutical benefit to seniors. This would ensure competition in the delivery of this benefit, which means a better benefit and lower prices for consumers. This competition would also prevent the government from "setting" drug prices. In my view, price setting would weaken the ability of pharmaceutical companies to conduct valuable research and development into new drug therapies that one day may cure diseases such as cancer, Parkinson's Alzheimer's, diabetes, and HIV/AIDS.

In sum, I believe our proposal to be one of the most responsible and comprehensive drug bills in Congress. It achieves these twin goals while relieving seniors of the huge burden of high drug bills. Seniors should never have to choose between filling a prescription for needed medication or buying groceries. Sadly, this is often the case today.

This past April, I received a letter from an elderly couple in Rhode Island, with a list of their prescription drug expenses for 1999 enclosed. This couple spent almost \$7,000 in 1999 on these prescriptions. They are living on a fixed income, and told me that their savings are being wiped out by the high cost of prescription medications. In addition, the grandmother of one of my staffers cannot afford Prilosec, which she needs to prevent nausea. She cannot hold down food without this drug. This grandmother has to get her Prilosec prescription from her daughter, who

has it prescribed and then ships it to her mother.

This should not be happening. Our bill will ensure that these seniors will get the prescription medications they need without having to wipe out their personal savings or resort to getting the prescription through a relative.

I urge my colleagues to join us in supporting this important legislation and finally provide this necessary medical coverage to our nation's seniors.

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. INOUE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2125

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2125, a bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2358

At the request of Mr. INHOFE, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Connecticut

(Mr. DODD), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S.RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from West Virginia (Mr. BYRD), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 303

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 303, a resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor

of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 309

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 309, a resolution expressing the sense of the Senate regarding conditions in Laos.

AMENDMENT NO. 3252

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3252 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3473

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3473 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 324—TO COM- MEND AND CONGRATULATE THE LOS ANGELES LAKERS FOR THEIR OUTSTANDING DRIVE, DISCIPLINE, AND MASTERY IN WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin "Magic" Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

Resolved, That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

SENATE RESOLUTION 325—WEL- COMING KING MOHAMMED VI OF MOROCCO UPON HIS FIRST OFFI- CIAL VISIT TO THE UNITED STATES, AND FOR OTHER PUR- POSES

Mr. ABRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful exchanges in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken treaty relationship in the history of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

DODD AMENDMENT NO. 3475

Mr. DODD proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ____ . ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) **SHORT TITLE.**—This section may be cited as the “National Bipartisan Commission on Cuba Act of 2000”.

(b) **PURPOSES.**—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the National Bipartisan Commission on Cuba (in this section referred to as the “Commission”).

(2) **MEMBERSHIP.**—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) **SELECTION OF MEMBERS.**—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) **DESIGNATION OF CHAIR.**—The President shall designate a Chair from among the members of the Commission.

(5) **MEETINGS.**—The Commission shall meet at the call of the Chair.

(6) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum.

(7) **VACANCIES.**—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) **DUTIES AND POWERS OF THE COMMISSION.**—

(1) **IN GENERAL.**—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) **CONSULTATION RESPONSIBILITIES.**—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of non-governmental organizations operating in those countries.

(3) **POWERS OF THE COMMISSION.**—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) **REPORT OF THE COMMISSION.**—

(1) **IN GENERAL.**—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) **CLASSIFIED FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) **INDIVIDUAL OR DISSENTING VIEWS.**—Each member of the Commission may include the

individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

**BAUCUS (AND ROBERTS)
AMENDMENT NO. 3476**

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ____ USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

**WARNER (AND OTHERS)
AMENDMENT NO. 3477**

Mr. WARNER (for himself, Mr. STEVENS, and Mr. INOUE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.

Of the amount authorized to be appropriated under section 201(4)—

(1) \$20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by \$20,000,000.

**LEVIN (AND LANDRIEU)
AMENDMENT NO. 3478**

Mr. LEVIN (for himself and Ms. LANDRIEU) proposed an amendment to the bill S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) SPECIFIC ACTIONS.—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

MCCAIN AMENDMENT NO. 3479

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term "World War II" has the meaning given the term in section 101(8) of title 38, United States Code.

**DURBIN (AND OTHERS)
AMENDMENT NO. 3480**

Mr. LEVIN (for Mr. DURBIN (for himself, Mr. AKAKA, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting "(20 U.S.C. 1071 et seq.)" before the semicolon;

(2) in clause (ii), by striking "part E of title IV of the Higher Education Act of 1965" and inserting "part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)"; and

(3) in clause (iii), by striking "part C of title VII of Public Health Service Act or under part B of title VIII of such Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)".

(b) PERSONNEL COVERED.—

(1) **INELIGIBLE PERSONNEL.**—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

“(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(2) **PERSONNEL RECRUITED OR RETAINED.**—Section 5379(b)(1) of title 5, United States Code, is amended by striking “professional, technical, or administrative”.

(c) **REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the “Director”) shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) **FINAL REGULATIONS.**—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) **ANNUAL REPORTS.**—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

“(A) the number of Federal employees selected to receive benefits under this section;

“(B) the job classifications for the recipients; and

“(C) the cost to the Federal Government of providing the benefits.

“(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).”.

DEWINE (AND OTHERS) AMENDMENT NO. 3481

Mr. WARNER (for Mr. DEWINE (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. BREAUX, Ms. LANDRIEU, Mr. MACK, Mr. GRAHAM, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) **AVAILABILITY OF FUNDS.**—Of the amount authorized to be appropriated by

section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to \$33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

LANDRIEU AMENDMENT NO. 3482

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.

(a) **INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.**—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by \$7,000,000.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), \$7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) **OFFSET.**—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by \$7,000,000.

INHOFE AMENDMENT NO. 3483

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.

(a) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased by \$5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) **OFFSET.**—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by \$5,000,000.

KERREY AMENDMENT NO. 3484

Mr. LEVIN (for Mr. KERREY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) **PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.**—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting “prepare for and” before “participate”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) prepare for and participate in qualifying athletic competitions.”.

(b) **CONDUCT OF COMPETITIONS.**—That section is further amended by adding at the end the following new subsection:

“(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).”.

(c) **AVAILABILITY OF FUNDS.**—That section is further amended by adding at the end the following new subsection:

“(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.”.

(d) **QUALIFYING ATHLETIC COMPETITIONS DEFINED.**—That section is further amended by adding at the end the following new subsection:

“(e) In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”.

(e) **CONFORMING AND CLERICAL AMENDMENTS.**—(1) The section heading of such section is amended to read as follows:

“§ 504. National Guard schools; small arms competitions; athletic competitions”.

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

“504. National Guard schools; small arms competitions; athletic competitions.”.

VOINOVICH (AND DEWINE) AMENDMENT NO. 3485

Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30, 2001” and inserting “September 30, 2005”.

SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) **EXTENSION OF AUTHORITY.**—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking “September 30, 2003” and inserting “September 30, 2005”.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after “transfer of function,” the following: “restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001).”.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting “objective and nonpersonal” after “similar”; and

(2) by adding at the end the following:

“A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.”.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) shall be paid in a lump-sum or in installments;”;

(2) by striking “and” at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting “; and”; and

(4) by adding at the end the following:

“(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).”.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after “employment with the Government of the United States” the following: “, or who commences work for an agency of the United States through a personal services contract with the United States.”.

SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting “except in the case of an employee described in subsection (o)(1),” after “(2)”; and

(2) by adding at the end the following:

“(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

“(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function

may not be considered to be a removal for cause.

“(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

“(i) One or more organizational units.

“(ii) One or more occupational groups, series, or levels.

“(iii) One or more geographical locations.

“(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

“(A) A major reorganization.

“(B) A major reduction in force.

“(C) A major transfer of function.

“(D) A workforce restructuring—

“(i) to meet mission needs;

“(ii) to achieve one or more reductions in strength;

“(iii) to correct skill imbalances; or

“(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting “except in the case of an employee described in subsection (d)(1),” after “(B)”; and

(2) by adding at the end the following:

“(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

“(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of De-

fense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

“(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

“(i) One or more organizational units.

“(ii) One or more occupational groups, series, or levels.

“(iii) One or more geographical locations.

“(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

“(A) A major reorganization.

“(B) A major reduction in force.

“(C) A major transfer of function.

“(D) A workforce restructuring—

“(i) to meet mission needs;

“(ii) to achieve one or more reductions in strength;

“(iii) to correct skill imbalances; or

“(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out “or (j)” in the first sentence and inserting “(j), or (o)”.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out “or (b)(1)(B)” and “(b)(1)(B), or (d)”.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following:

“(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee’s agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.”.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking “if necessary” and all that follows through the end and inserting “if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

“§ 4107. Restrictions”.

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

“4107. Restrictions.”.

SEC. 1118. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DoD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

BOXER AMENDMENT NO. 3486

Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

(a) ESTABLISHMENT.—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the “Panel”).

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) POWERS.—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) FUNDING.—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

WARNER AMENDMENT NO. 3487

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking “or reveal military operational or contingency plans” and inserting “, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities”.

BINGAMAN AMENDMENT NO. 3488

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 31, after line 25, add the following:

SEC. 132. CONVERSION OF AGM-65 MAVERICK MISSILES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by \$2,100,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), \$2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the AGM-65H and AGM-65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by \$2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE-50 Code Decoys.

SANTORUM AMENDMENT NO. 3489

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2549, supra; as follows:

On page 25, between lines 13 and 14, insert the following:

SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.

Of the amount authorized to be appropriated under section 101(5)—

(1) \$6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by \$6,000,000.

WARNER AMENDMENT NO. 3490

Mr. WARNER proposed an amendment to the bill S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, \$4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

SEC. 314. MK-45 OVERHAUL.

Of the total amount authorized to be appropriated under section 301(1) for maintenance, \$12,000,000 is available for overhaul of MK-45 5-inch guns.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

**BINGAMAN (AND OTHERS)
AMENDMENT NO. 3491**

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. WARNER, Mr. ROBERTS, Mr. CLELAND, Mr. SMITH of New Hampshire, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. 591. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading "FOREIGN MILITARY FINANCING PROGRAM" should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

SESSIONS AMENDMENT NO. 3492

Mr. SESSIONS proposed an amendment to the bill S. 2522, supra; as follows:

On page 144, strike line 22 and insert the following:

aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

BROWNBACK AMENDMENT NO. 3493

Mr. BROWNBACK proposed an amendment to the bill, S. 2522, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. —. AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.

Funds appropriated by this Act (other than funds appropriated under the heading "FOREIGN MILITARY FINANCING PROGRAM") may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term "assistance" includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)) may not apply to India.

NICKLES AMENDMENT NO. 3494

Mr. NICKLES submitted an amendment intended to be proposed to the bill, S. 2522, supra; as follows:

On page 155, between lines 18 and 19, insert the following:

SEC. 6107. CUSTOMS TRAINING AND STANDARDIZATION FACILITY.

Of the funds appropriated under this chapter, \$20,800,000 shall be made available to the United States Customs Service to establish a program to standardize aviation assets in order to enhance operational safety and facilitate uniformity in aviation training, to be headquartered at the Customs National Aviation Center at Will Rogers International Airport in Oklahoma City, Oklahoma, which shall also be the site for the 3 new light enforcement helicopters and any other assets or support facilities necessary for standardization of operation or training activities of the Customs Service Air Interdiction Division.

MCCAIN AMENDMENT NO. 3495

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. —. SENSE OF SENATE REGARDING ZIMBABWE.

(a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Government of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

SESSIONS AMENDMENT NO. 3496

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SENSE OF SENATE REGARDING THE INSURGENT CRISIS IN THE REPUBLIC OF COLOMBIA

SEC. 591. (a) FINDINGS.—The Senate makes the following findings:

(1) The armed conflict and resulting lawlessness and violence in Colombia present a danger to the security of the United States and the other nations in the Western Hemisphere and to law enforcement efforts intended to impede the flow of narcotics.

(2) Colombia is the second oldest democracy in the Western Hemisphere with a history of open and friendly relations with the United States.

(3) In 1998, two-way trade between the United States and Colombia was more than \$11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in Latin America.

(4) Colombia is faced with multiple wars, against the Marxist Colombian Revolutionary Armed Forces (FARC), the Marxist National Liberation Army (ELN), paramilitary organizations, and international narcotics trafficking kingpins.

(5) The FARC and ELN engage in systematic extortion and murder of United States citizens, profit from the illegal drug trade, and engage in indiscriminate crimes against Colombian civilians and security forces. These crimes include kidnapping, torture, and murder.

(6) Thirty-four percent of world terrorist acts are committed in Colombia, making it the world's third most dangerous country in terms of political violence.

(7) Colombia is the kidnapping capital of the world, with 2,609 kidnappings reported in 1998.

(8) During the last decade more than 35,000 Colombians have been killed.

(9) The conflict in Colombia is creating instability along its borders with neighboring countries Ecuador, Panama, Peru, and Venezuela.

(10) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the inherent problems associated with Colombian drug trafficking and production.

(11) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the strong economic and political relationship that exists between the two countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to effectively resolve the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA-21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a two day hearing entitled "HUD's Government Insured Mortgages: The Problem of Property 'Flipping.'" This Subcommittee hearing will focus on the current nationwide mortgage fraud crisis.

The hearings will take place on Thursday, June 29, 2000, and Friday, June 30, 2000, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building.

For further information, please contact K. Lee Blalack of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 20, 2000. The purpose of this meeting will be to mark up new legislation and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 10:15 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 20, 2000 at 10:00 a.m. in SD-215 for a public hearing on Dispute Settlement and the WTO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Service Programs during the session of the Senate on Tuesday, June 20, 2000 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the subcommittee on Housing and Transportation be authorized to meet during the session of the Senate on Tuesday, June 20, 2000, to conduct a hearing on proposals to promote affordable housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, on behalf of Senator HUTCHINSON of Arkansas, I ask unanimous consent that Lt. Col. Tim Wiseman, a

legislative fellow on Senator HUTCHINSON's staff, and Andrea Smalec, also a member of Senator HUTCHINSON's staff, be granted the privilege of the floor for the remainder of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask Unanimous Consent that Gary Tomasulo, a legislative fellow in the office of Senator MIKE DEWINE, be granted floor privileges during consideration of the foreign operations, export financing, and related programs appropriations bill.

Mr. President, I also ask unanimous consent that the privilege of the floor be granted to Eric Akers of the Senate Caucus on International Narcotics Control during the consideration of the Senate foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that John Underriner, a fellow in Senator HARKIN's office, be granted floor privileges for the duration of the Senate's consideration of S. 2522.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOMING KING MOHAMMED VI OF MOROCCO

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, submitted earlier by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 325) welcoming King Mohammed VI of Morocco upon his first official visit to the United States of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ABRAHAM. Mr. President, I am pleased the Senate is considering a resolution today that commemorates the state visit of the King of Morocco. I extend my warmest welcome to His Majesty King Mohammed VI of Morocco on the occasion of his first official visit to the United States of America. It is my hope that my colleagues will join me in welcoming the King with swift adoption of this resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful ex-

changes in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken treaty relationship in the history of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. With regard to the Sessions amendment No. 3492, I ask unanimous consent that no second-degree amendments be in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow

and will be in a period for morning business until approximately 10:45 a.m. Under the order, Senator GRAHAM of Florida and Senator VOINOVICH of Ohio are in control of the time. Following the use of that time, the Senate will resume consideration of the foreign operations appropriations bill, with Senator WELLSTONE to be recognized to offer his amendment regarding Colombia. Under the previous order, there will be 2 hours 15 minutes for debate on the Wellstone amendment. As a reminder, first-degree amendments must be filed to the foreign operations appropriations bill by 3 o'clock tomorrow afternoon. A vote on final passage of this important spending bill is expected prior to adjourning tomorrow evening. Therefore, all Senators may expect votes throughout the day and into the evening.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from West Virginia, Mr. BYRD, and the remarks of the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator from West Virginia would give me 1 to 2 minutes before his remarks, I would be finished and glad to yield the floor to him.

Mr. BYRD. Mr. President, I learned a long time ago that a good Boy Scout should do a good deed every day. I want to do my good deed at this moment. I am very happy for the Senator to speak as long as he wishes, and then I will follow him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from West Virginia for his courtesy.

COMMENDING SENATOR BROWNBACK FOR HIS STATEMENT ON INDIA

Mr. SESSIONS. Mr. President, a few moments ago the Senator who is presiding over the Senate spoke on the floor, expressing some views about the nation of India. I believe the Senator raised a very important matter that is too little discussed in our Government, in our news media, and in this country. It seems to me every time I have heard the Senator speak on it, he makes perfectly good sense.

I believe the Senator is on the right track with a very important issue for our country. I simply want to say to the Senator, thank you for raising it. I believe it is a matter we need to discuss more.

India is soon to be the most populous nation in the world. It is a democracy. There is no reason for us to have an adversarial relationship with them. The CTBT issues can be overcome. It is time for us to rethink our policy in that area.

I thank the Senator for raising the issue.

I yield the floor.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from West Virginia.

WEST VIRGINIA DAY

Mr. BYRD. Mr. President, today, on June 20, 2000, the 35th star on the American flag—the star on the third row up from the bottom, second from the left—glows just a little bit brighter than the rest, at least for me and my fellow West Virginians. For today is the 137th anniversary of West Virginia's statehood in 1863. And like the star, I think that I, too, glow just a bit with pride, basking in the reflected beauty of my home State of West Virginia.

I am especially glad that West Virginia's birthday falls in June. While every month has its special joys, June is an exceptionally beautiful month in West Virginia, full of wildflowers and birdsong, of neat gardens laid out in orderly rows, of trees still fresh and richly green. June is a month of optimism, of outdoor weddings and picnics, of fresh corn still just a promise on the stalk, of children learning to fish along quiet streams, and of knobby-kneed colts and calves peeking shyly from between their mother's legs in meadows lush with grass. June is a month for celebrating.

We celebrate a fairly young State laid over a very old foundation. The history of West Virginia as a State has lasted for but an instant in the geologic scale of the steeply curving mountains that comprise most of the State's landmass. The soil and the rock of these mountains was first mounded up some 900 million years ago in the Precambrian era. Over time, this first Appalachian mountain chain eroded to form a seabed during the shifting movement of the continents. Then, about 500 million years ago, during the Ordovician period, the continents drifted back together, and these titanic forces pushed that sea floor up, creating the multiple parallel ridges that form the Appalachian mountains today. During the subsequent Triassic and Jurassic periods, known to every schoolchild as the age of dinosaurs, the continents settled into the configuration we know today. They are still settling. In the most recent period, 200 million years of wind and rain and snow and ice have eroded the Appalachian mountains to about half of their original height—a happenstance that I am sure West Virginia's early

settlers appreciated as they hauled their belongings over rough tracks in wooden-wheeled carts.

West Virginia's topography has always been important. It shaped the kind of agriculture still seen today—smaller family farms carved out of sheltered hollows, small valleys, and steep hillsides. It shaped the kind of industry that developed, favoring resource extraction of fine timber, rich coal deposits, and chemicals over land-intensive, large-scale manufacturing. It shaped the politics of West Virginia's history, creating a divide between the independent mountaineers who settled these hills and the rest of what was then the Commonwealth of Virginia. And the mountains have always served as a kind of fortress wall around the hidden beauty of the State. Before the advent of modern highways—which came late to the State of West Virginia, and which are still coming—it took a special determination to make one's way into our mountain fastnesses.

A child of war, West Virginia has the somewhat dubious honor of hosting the first major land battle of the Revolutionary War, at Point Pleasant, as well as the last skirmish of that war, at Fort Henry in Wheeling, in 1782.

Now, this information I came upon in a history of West Virginia, written by a West Virginian.

West Virginia gained her statehood during the Civil War, and her hills are dotted with battlefields from that conflict. Many historians, in fact, consider the clash at Philippi between Union Colonel Benjamin F. Kelly and his First Virginia Provisional Regiment and the forces under Confederate Colonel George A. Porterfield on the morning of June 3, 1861, to be the first land battle of the Civil War. So, from these violent beginnings, West Virginia has come a long way in just 137 years to host an international peace conference earlier this year in Shepherdstown.

West Virginia has come a long way, as well, from her early days as a resource-rich provider of building-block essentials like coal, and chemicals, and timber to a diversified economy of old staples and leading-edge, information-age high technology. And West Virginia has come a long way from being a quiet backwater region of narrow, winding, gravel and dirt roads that kept people isolated and insular to a State traversed by modern, safe, business-attracting highways.

I have seen these changes happen. I can remember the old dirt roads, the old gravel roads. I can remember when there were only 4 miles of divided four-lane highways in my State. And I can remember prior to that. When I was in the State legislature, in 1947, West Virginia only had 4 miles of divided four-lane highways.

Let me say that again. In 1947—53 years ago—when I was in the West Vir-

ginia Legislature, West Virginia only had 4 miles of divided four-lane highways.

It is much different now. West Virginia has at least between 900 and 1,000 miles of four-lane divided highways. Now there are some people who would like to see us go back to the time when we only had 4 miles of divided four-lane highways. In some ways I would like to go back to that time, too. But certainly I do not want to go back to that circumstance.

West Virginia has blossomed as she has matured, reaching out gracefully to the future while preserving and honoring the rich history of her past.

As a State, West Virginia is aging, and her population is aging, as well. West Virginia boasts the oldest median age in the Nation. I like to think that this statistic, in part, proves that West Virginia is as attractive a place in which to retire as are some of the more steamy States in the Nation. Of course, West Virginia's bracing climate, with its breathtaking seasonal changes, may be responsible for keeping West Virginia's elders active long after retirement. There is always a garden to plant, or leaves to rake, or simply beautiful walks to take, activities that keep the joints—joints of the arms and legs—agile and the mind busy. Age, and the wisdom that can only be accumulated with experience, is respected in the Mountaineer state. Just two weeks ago, the State hosted the first-ever United Nations International Conference on Rural Aging, taking its place at the forefront of efforts to keep the 60 percent of seniors around the world who live in rural areas healthy, active, and independent.

Yet despite all the changes, one thing has remained constant in West Virginia; namely, the down to earth, faith-in-God values of her people. We have no hesitancy in using that word and not using it in vain. There is a tendency these days to kind of put the lid on using the word "God." No, don't use his name; don't use God's name. I am against using his name in vain. I can't say that I have not done that in my time, but I am very much opposed to that. But I am not opposed to using God's name in schools and anywhere else. I am for that. I will have no hesitancy to do it myself, no hesitancy whatsoever.

West Virginians are taught to honor their mother and father and to do what is right, even if that is not the easiest path. In West Virginia, we try to live by the Golden Rule, and always remember to give thanks to the Creator for the many blessings he has bestowed upon us. We ought to go back and read the Mayflower Compact and see how those men and women felt about God. In a time when society is focused on speed and instant gratification, West Virginians know the value of taking time to enjoy the beauty around them.

Those values, which have survived for 137 years, I expect will be around for another 137, at least.

So, at age 137, the 137th birthday, West Virginia is a youngster on the geologic time scale and just entering her middle age on the political scale. In terms of her population's age, well, let us be polite and say only that she is "of a certain age," still at least a few steps way from becoming, a grand dame. All that I will say is, she certainly is grand!

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:

Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers "FREE!"

Always free! Repeat the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder
Madly flung from hill to hill,
In a wild reverberation
Adds a mighty, ringing thrill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: "I'm free!"
And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
"Mountaineers are always free!"

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. on Wednesday, June 21, 2000.

Thereupon, the Senate, at 7:16 p.m., adjourned until Wednesday, June 21, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, June 20, 2000

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2000.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4475) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUE, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PUTTING A FACE ON THE VICTIMS OF GUN VIOLENCE

Mr. BLUMENAUER. Mr. Speaker, I am proud to have spent my adult life in public service, but one element that disappoints me is the failure of our society to address the critical problem of reducing gun violence in our society.

Since I started my career, over 1 million Americans have become victims to gun violence. This is more than all the Americans who have died in all the battles since the Civil War.

One of the reasons, I think, that we have failed to make progress in reducing this epidemic of gun violence is because we have failed to put a face on a million victims. One of the things that I would like to do, as a small contribution towards the reduction of this gun violence, is to help put faces on those victims. We cannot afford for them to be anonymous.

Today I would like to spend a couple of minutes talking about young Kevin Imel. He was visiting a school mate during spring vacation. The evening before, an 11-year-old friend had been playing with his parents' gun. The guns were not safely stored. They did not have trigger locks. They had bullets. Kevin was not comfortable and would not play with his friend and made it clear to him.

The next morning as they were watching Saturday cartoons, the friend suggested again that they play with this gun. Kevin was evidently forceful in indicating that one should not play with guns. It angered his 11-year-old classmate, who went to his parents' room while his mother was putting on makeup, marched out of the room with a rifle, announcing, "Kevin, you are dead."

He fired a bullet that went through Kevin's shoulder. His little sister who was there helped carry him to the car, and Kevin bled to death on the way to the hospital.

Kevin Imel's parents are well-known in my community. His mother is characterized with courage and warmth, who helps others by deed and leads by example in terms of leadership of what people in the disabled community can do.

Lon, the father, was a labor leader. He worked for our former colleague, Congresswoman Elizabeth Furse, and he too has been active in the community. Their service is all the more poignant, I think, because their son Kevin today is a series of warm memories and a life tragically cut short rather than growing into adulthood and

being productive and carrying forward himself.

It is time for America to remember the Kevin Imels of this world, to put a face on those million victims. I do think that it is time for our friends in the Republican leadership in this Congress to allow us to deliberate on items that would reduce gun violence. For almost a year now, the conference committee on juvenile crime has not met. The provisions that have passed the Senate, three simple common sense provisions that would help reduce gun violence, that are supported by the overwhelming majority of the Americans and indeed of American gun owners, have not been deliberated. It is time for the Republican leadership to honor the memory of people like Kevin Imel, allow us to deliberate, allow us to put these into action, allow us to help make sure that those million people who have died to gun violence have not died in vain.

IN HONOR OF ASIAN PACIFIC ISLANDER VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise this morning to recognize the contributions of Asian and Pacific Island veterans. Tomorrow, President Clinton will be presenting this Nation's highest military award for valor, the Congressional Medal of Honor, to 21 Asian American veterans who previously won the Distinguished Service Cross.

President Clinton approved the Army's recommendations for the upgrades this past May. Nineteen of the twenty-one veterans were members of the all-Japanese 100th Infantry Battalion, or 442nd Regimental Combat Team. For their size, it was amongst the most highest decorated units in U.S. military history. Members of this noble unit earned an amazing number of decorations, 18,000 individual decorations, including one wartime Medal of Honor, 53 Distinguished Service Crosses, 9,486 Purple Hearts and 7 Presidential Unit Citations, the Nation's top award for combat units.

The upgrading of the medals stems from efforts made by Senator DANIEL AKAKA of Hawaii, who authored the provision in the 1996 Defense Authorization Act mandating a review of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

service records of Asian Pacific Americans who received the Distinguished Service Cross.

The recommendation by Secretary of the Army Louis Caldera, and the subsequent order by President Clinton, serves to correct the injustice of racial discrimination that was prevalent against Asian Pacific Americans during World War II. Many of the Japanese Americans who served in the 442nd volunteered from internment camps, where their families had been relocated at the outbreak of the war. These men fought in 8 major campaigns in Italy, France and Germany, including battles at Monte Cassino, Anzio and Biffontaine. Despite the ferocity of the fighting they endured and the degree of bravery exhibited by these men, the climate of racism precluded many from due recognition of their actions under fire. Tomorrow's White House ceremony will finally redress this past wrong.

One of those honored for valor is Senator DANIEL INOUE who distinguished himself when leading his platoon against the enemy at San Terenzo on April 21, 1945. Though hit in the abdomen by a bullet that came out his back and barely missed his spine, he continued to lead the platoon and advanced alone against a machine gun nest that had pinned down his men.

He tossed two hand grenades with devastating effect before his right arm was shattered by a German rifle grenade at close range, according to the senatorial bio. INOUE threw his last grenade with his left hand, attacked with a submachine gun, and was finally knocked down the hill by a bullet in the leg.

After 20 months in Army hospitals, INOUE returned home as a captain with a Distinguished Service Cross, the Nation's second highest award for military valor, the Bronze Star Medal, Purple Heart with oak leaf cluster and 12 other medals and citations, and of course he now has a distinguished career in the other body.

Many of these names which I will enter into the RECORD will add to the Pantheon of true American heroes, names like Hajiro, Hayashi, Kobashigawa, Ono, Wai and Davila, add to the great tradition of American military history, and it should be noted, and I have noted here in my extended remarks, that these men endured, along with many other Asian Pacific Islanders during the war, a climate of racism that continued to persevere, and made their contributions in a number of combat units throughout the war, men from Pacific Islands like American Samoa and Guam, people who served in the Philippine armed services under the American flag, and, of course, many who joined the regular armed forces of the U.S. and who were limited to service and transportation units.

The other soldiers who will be honored are: Staff Sgt. (later 2nd Lt.) Rudolph B. Davila, Pvt. Barney F. Hajiro, Pvt. Mikio Hasemoto (posthumous), Pvt. Joe Hayashi, Pvt. Shizuya Hayashi, Tech. Sgt. Yeiki Kobashigawa, Staff Sgt. Robert T. Kuroda (posthumous), Pfc. Kaoru Moto (posthumous), Pfc. Kiyoshi K. Muranaga (posthumous), Pvt. Masato Nakae (posthumous), Pvt. Shinyei Nakamine (posthumous), Pfc. William K. Nakamura (posthumous), Pfc. Joe M. Nishimoto (posthumous), Sgt. (later Staff Sgt.) Allan M. Ohata, Tech. Sgt. Yukio Okutsu, Pfc. Frank H. Ono (posthumous), Staff Sgt. Kazuo Otani (posthumous), Pvt. George T. Sakato, Tech. Sgt. Ted T. Tanouye (posthumous), and Capt. Francis B. Wai (posthumous).

In honoring the heroism of these Asian Pacific veterans, I am reminded of the sacrifices of all our minority veterans. Today, several weeks after Memorial Day, I would like to take a few moments to talk about the tens of thousands of minority Americans who set aside political, economic and social disenfranchisement, to answer the call to arms against the forces of tyranny.

Minorities have served in the American military since the early days of the republic and valiantly fought in every major engagement including the Civil War, Spanish-American War, WWI, WWII, Korea, Vietnam and the Persian Gulf.

The moment of truth for most minority veterans was solidly demonstrated in WWII. Undaunted by discrimination and racism, they endeavored to serve their country. In the beginning of the war, many minority servicemen were relegated to serve only in "rear echelon" positions or support positions during the war. They served as munitions men, truck drivers, cooks, stewards, and in cleaning and repair details. I am reminded of Uncle "Bob" Lizama, a native son of Guam who served in the U.S. Navy as a steward. His naval career spanned over 30 years including service in three major wars.

Minorities also labored in the factories and farms throughout the United States working towards the war effort. In many cases, when in combat zones, the men in these positions manned weapons and fought honorably side-by-side with white soldiers and sailors during furious engagements.

Later in the war, after tremendous lobbying efforts by minority civic leaders, combat units were established for minority populations. These brave men and women came from all walks of life but were bound by a love of the principles of duty to God and country. They lived in a separate component of American society that was defined by an unfortunate climate of prejudice. African-Americans, Hispanics, native Hawaiians, Chamorros, Samoans, Asian Americans, Filipinos, American Indians, and Native Alaskans all served honorably in many capacities with the U.S. military to combat the hegemonic forces of Germany, Italy and Japan.

In segregated units, often led by white officers, these noble men distinguished themselves in combat and proved to the entire nation that they too were willing to lay down their lives for freedom. The Tuskegee Airmen, the famed 442nd Regimental Combat Team, the 100th Infantry Battalion, the Navaho Code-

Talkers, the U.S. Navy's Fita Fita Guard (a U.S. Navy auxiliary unit in American Samoa), the 1st Samoan Battalion, U.S. Marine Corps, and the Guam Combat Patrol (a U.S. Marine Corps auxiliary unit in Guam) are just a few of the organizations where minorities fought valiantly in some of the most difficult combat assignments anywhere in World War II.

After WWII, President Harry S. Truman desegregated the U.S. military. Beginning with the Korean war, minority soldiers, sailors, and airmen have fought alongside with all Americans. Recently, Congress passed a resolution honoring all of America's minority veterans. I am very pleased to have worked with both Representative SHEILA JACKSON-LEE and Senator EDWARD KENNEDY to ensure that the Pacific Islanders were represented in the resolution's text.

Mr. Speaker, in light of the level of dedication, sacrifice and honor, that minority veterans displayed while serving in our nation's military, we must in every way possible ensure that any past instance of wholesale discrimination be addressed and corrected. In this light it may be prudent to have legislation that establishes a commission to ensure that minority veterans during the Korean and Vietnam conflicts were not denied awards for valor on account of the color of their skin or on the basis of their national origin. At the beginning of the 21st Century, we should conclusively and exhaustively rectify as many of these past racial injustices so that we can finally proceed forward in unity and in the spirit of brotherhood. The noble sacrifices of our forbearers who fought valiantly for our freedom should never go unrecognized, nor be tarnished by societal ignorance. We, the benefactors of their sacrifice owe them at least that much.

THE REPUBLICAN PRESCRIPTION DRUG PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the last couple of weeks have produced some of the most spectacular propaganda we have seen here in some time. It relates to the Republicans Medicare prescription drug proposal. First PHRMA, the drug industry and prescription drug manufacturers' lobbying group, launched an advertising campaign in the newspaper Roll Call and other papers claiming that a plan like the Republican proposal could cut prices by 30 to 39 percent.

By expressing their exuberant support for this plan and its alleged results, the drug industry as much as said it can comfortably weather price cuts in the 30 to 39 percent price range. If that is the case, the drug industry should do us all a favor and simply make the cuts in price. It is a lot easier than requiring seniors to go into a prescription drug coverage market that does not exist to purchase a stand-alone product that cannot stand alone.

The second wave of rhetoric came yesterday when Chairman THOMAS announced the GOP prescription drug plan which relies on private insurers to offer individual prescription drug coverage saying it would cut prices twice as much as the Democrats Medicare based plan. If only it were true. The Congressional Budget Office said the Republican drug plan may cut costs by 25 percent, not through lower prices but by restricting access to medically necessary drugs.

It is an important division. I will say it again. The Republican plan saves money not by miraculously convincing drug companies to lower their prices but instead by limiting access for senior citizens to medically necessary prescription drugs. It cuts costs by decreasing the value of the prescription drug benefit. The insurers win, the drug companies win, the government wins but senior citizens lose.

The Republican plan gives insurance companies carte blanche to do what they are doing today, that is, put price tags on treatment decisions and deny coverage for medically necessary treatment. Sound familiar? The President's plan is explicit in requiring coverage, on the other hand, for any medically necessary drug prescribed by a doctor, which makes sense given it is the doctor, not the insurer, who should be and is making medical decisions and who is actually treating the patient.

The Republican plan guarantees nothing other than assistance for low income seniors. Prescription drugs, however, are not just a low income problem. Seniors who thought they were financially secure are watching their savings go straight into the pockets of drug makers. Some of my colleagues are trying to tell seniors that there will be a choice of reliable, affordable private prescription drug insurance plans available to them. Based on what? Certainly not history. Even the insurance industry is balking at the idea. It says something that insurers do not sell prescription drug coverage on a stand-alone basis today, even to young and to healthy individuals. That is because it does not make sense.

Medicare is reliable. Medicare is a large enough insurance program to accommodate the risks associated with prescription drug coverage. Individual stand-alone prescription drug policies are not.

Some in this body are actually trying to convince seniors who stand firmly behind Medicare that expanding the current benefit package is less efficient, more onerous, than manufacturing a new bureaucracy, as the Republican plan does, and conjuring up a new insurance market. Seniors are simply too smart for that.

I do not want to ask seniors in my district and across the country to rely on a market that does not want the

business to provide a benefit not suited to stand-alone coverage to a population that, let us face it, has never been served well by the private insurance market.

I do not want seniors in my district and across the country to be coerced into managed care plans in order to avoid dealing with three different insurance plans, with Medicare, with Medigap and with individual prescription drug coverage.

I do not want seniors in my district or across the country to receive a letter from their employer telling them that their retiree prescription drug coverage has been terminated on the premise, quote, that the government is offering private insurance now.

I do not want to forsake volume discounts and economies of scale by segmenting the largest purchasing pool in this country, and then waste trust fund dollars on insurance company margins, on insurance company market expenses, on insurance company huge executive salaries.

I do not think the individual health insurance market is a reasonable model for Medicare prescription drug benefits. In fact, as anyone who has had to purchase or sale coverage in that market knows the individual health insurance market is not even a good model for individual health insurance. It is the poster child for selection problems, for rate spirals and for insurance scams.

The very fact that the drug industry backs Citizens for a Better Medicare supports the private plan approach is a giant strike against it. The drug industry and their puppet organization clearly feel that undercutting seniors' collective purchasing power, relegating seniors to private stand-alone prescription drug plans, is the key, underscore this, is the key to preserving discriminatory monopolistically set outrageously high prices.

Mr. Speaker, I hope that Members of this Congress read the fine print when we decide these Medicare prescription drug bills.

RESOLUTION OF KASHMIR ISSUE MUST INCLUDE THE KASHMIRI PANDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, in recent years the United States and the world community have been forced to confront the need for a resolution of the conflict in Kashmir. This conflict in the Himalayan Mountains has for decades poisoned relations between India and Pakistan.

The conflict has also poisoned life within Kashmir itself. People from all

ethnic and religious groups have suffered from the violence, be they Hindu, Muslim or Sikh, but the most forgotten victims have been the Pandits.

Recently, it was reported by the Indo-American Kashmir forum that Karl Inderfurth, the U.S. Assistant Secretary of State for South Asia, reiterated the view that Pandits should not be ignored in upcoming discussions of the Kashmir issue. In a meeting with the National Advisory Council on South Asia at the State Department earlier this month, Mr. Inderfurth acknowledged that the U.S. has not always mentioned the Pandits in its statements on the Kashmir, but assured the Council that the displaced status of the Pandits is a matter of concern to the United States.

As a U.S. official who has frequently sought to give more attention to the plight of the Pandits, I am encouraged by Mr. Inderfurth's recent statement. I will urge our State Department to continue to draw attention to the suffering that the Pandits have endured and continue to endure in its statements on the Kashmir issue.

I have also called for the U.N. and international organizations to devote greater attention to what I consider a case of ethnic cleansing that is afflicting the Kashmiri Pandit community.

Mr. Speaker, India's Prime Minister Vajpayee has indicated that his government would be willing to meet with Kashmiri groups to address their concerns but the prime minister has stressed that Pakistan should not have any role in this dialogue, which is in fact an internal matter for India.

Some of these separatist elements within Kashmir, the same organizations involved in the terrorism that has uprooted the Pandit community, are clearly working to promote greater Pakistani involvement in this process. Mr. Speaker, there is overwhelming evidence of Pakistani support for the continued terror campaign in Jammu and Kashmir. Indeed, Pakistani involvement and terrorist activities in Kashmir has been acknowledged by our State Department and a Congressionally appointed advisory panel has recommended that Pakistan be designated as the government that is not fully cooperative against terrorism.

The Pakistani government itself has at least tacitly acknowledged, under heavy international pressure, that it must take action to curb the network of militants that has taken root on its soil. The one aspect of this tragedy that frequently is overlooked is the plight of the Hindu community of this region, the Kashmiri Pandits. As I have gotten to know the Kashmiri American community, and hearing about the situation facing the Pandits, I have been increasingly outraged not only at the terrible abuses they have suffered but at the seeming indifference of the world community. At the same time, I

am impressed by the dignity and the determination that the Kashmiri Pandits have maintained despite their horrible conditions, and I am touched by the deep concern that the Kashmiri Americans feel for their brothers and sisters living in Kashmir in the refugee centers set up in India to accommodate the Pandits driven from their homes in the Kashmir Valley.

Mr. Speaker, in the great international debates that we have, it is sometimes all too easy to overlook the so-called small problem of one persecuted ethnic group, but I hope that the United States and India, as the world's two largest democracies, will show determination to finally address this humanitarian catastrophe in an effective and humane way.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 21 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 10 a.m.

PRAYER

The Reverend Ken L. Day, Level Cross United Methodist Church, Randleman, North Carolina, offered the following prayer:

Most Holy Lord God, You have created and designed us for intimate fellowship with You, one another, and all Your creation. We acknowledge that You are the giver of all good and perfect gifts we are endowed with for this fellowship to be realized. We also acknowledge that You continually present us with opportunities to exercise these gifts and abilities. These representatives, staffs, and aides have assembled here this day to freely exercise these gifts and abilities in service to You and our country.

We confess that we have not always exercised these gifts and abilities faithfully. We have occasionally allowed selfish desires and personal agendas to cloud our visions and influence our actions. Forgive us, Lord, when we fail to esteem others higher than ourselves. And in forgiving us, allow us continued opportunities to serve You, one another, and our country. In Christ's holy name we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. LINDER) come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REVEREND KEN L. DAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I thank you for the privilege to recognize our guest pastor today who is from my district. He serves the Level Cross United Methodist Church in Level Cross, North Carolina. I said to him yesterday, "I address my minister as Preacher. Ken, are you comfortable with that endearing title?"

He said, "That is an ascribed title, not earned. I like it."

So, Preacher, it is good to have you with us here today. Your family is in the gallery. I know your parishioners are watching today.

SAFEGUARDING SECRETS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, my mother makes a great carrot cake. For generations the recipe has been a guarded secret. In fact, the recipe to our family's carrot cake is probably more secure than this country's nuclear secrets. However, based on the lack of concern from the Vice President, you would not think our national security was a major issue. The Vice President has had no problem taking credit for discovering Love Canal, inspiring the novel "Love Story," inventing the Internet, and just last week he took credit for the strength of our economy. But when this administration has repeated security lapses, putting our citizens at risk, he is nowhere to be found.

The Vice President and the other side of the aisle have spent most of their time and energy on this floor worried about political attacks when instead we should be concerned about defending this Nation from nuclear attacks.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to continue in my efforts to bring to light the problem of international child abduction. Every day possible I have come to the House floor to deliver a 1-minute on the issue and including in that 1-minute the story of an individual child. Today I will tell you about Benjamin Eric Roche.

Benjamin was abducted when he was 3 years old by his mother Suzanne Riley and taken to Germany. Ms. Riley had physical custody of Benjamin at that time, but both she and his father, Mr. Ken Roche, shared joint custody. Under the Hague Convention, a German court ordered Benjamin to be returned to the United States in August of 1993.

Mr. Roche had not heard from his ex-wife or his son until February 1, 2000, when Ms. Riley initiated contact with him. However, since that contact, Mr. Roche has once again not heard from her or his son.

Mr. Speaker, there are 10,000 other children who are in the same shoes as Benjamin. They have been kidnapped across international borders. We must continue to work to make sure that they are returned. We must bring our children home.

PRESCRIPTION DRUG CHOICES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last year a 75-year-old woman in Las Vegas had to let her homeowners insurance policy lapse just to pay for her prescription heart medicine. Tragically her home was destroyed in the floods that ravaged the Las Vegas valley last year as well.

Mr. Speaker, such a tragedy should never have been allowed to happen. This Congress has an opportunity to provide a voluntary, affordable and accessible Medicare drug benefit plan to all our Nation's seniors. The House bipartisan prescription drug plan will solve this very serious problem currently facing our Nation's seniors. With this plan, senior citizens will no longer have to choose between food, shelter and medication. Instead, the only choice they will have to make is which prescription plan best meets their individual needs.

I urge my colleagues to support the House bipartisan prescription drug plan. It is the fair thing to do, but, more importantly, it is the right thing to do.

OIL COMPANIES REPORT RECORD PROFITS IN WAKE OF RISING GASOLINE PRICES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, as gasoline prices throughout the United States go from \$2 a gallon and even towards \$3 a gallon, I think it is instructive for this Congress to review the profits of the major oil companies even before this round of increases in the price of gas.

Listen to this, the profit increases over the last year: Texaco, 473 percent increase in profit. Phillips Petroleum, 257 percent increase in profit. Conoco, 371 percent increase in profit. Chevron, 291 percent increase in profit. BP Amoco, 296 percent increase in profit.

I do not know of anyone in America who is getting a raise of a few hundred percent. The American people are struggling to survive and the oil companies are ripping them off. We need a windfall profits tax. We need to make sure that there is some balance brought back in this economy. It is time to go after the oil companies.

INTRODUCTION OF RESOLUTION EXPRESSING CONCERN FOR WELL-BEING OF CITIZENS INJURED IN MEXICO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to commend my colleague the gentleman from California (Mr. HUNTER) for sponsoring a resolution that expresses the concern of the Congress for the safety and well-being of United States citizens injured while traveling in Mexico and calls for the President to begin negotiations with the government of Mexico to establish a humanitarian exemption to that country's exit bond requirements.

No American should have to live through the nightmare faced by Michael and Lorraine Andrews, a couple from my congressional district, on a recent trip to Mexico. What was supposed to be a peaceful vacation cruise became a life-and-death situation after a serious car accident required Michael's immediate transfer to the United States to receive adequate medical treatment for a spinal cord injury. The Andrews couple was delayed by Mexican authorities and had to pay off several individuals in order to board the plane to head home.

Humanitarian considerations should be allowed to supersede any regulatory bond that may delay an American's departure to receive proper medical care so that emergencies like that of Michael and Lorraine Andrews will be prevented in the future.

POLITICAL CORRECTNESS RULES AT SUPREME COURT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. The Supreme Court says pornography is okay and it is okay to burn the flag, that Communists can work in our defense plants, that it is okay to teach witchcraft in our schools and that it is okay for our students to write papers about the devil.

But the Supreme Court says it is illegal to write papers about Jesus, it is illegal to pray in school, and now the Supreme Court says it is even illegal to pray before a football game.

Beam me up. I thought the founders intended to create a Supreme Court, not the Supreme Being. Think about that statement.

I yield back a Supreme Court that is so politically correct they are downright stupid, so stupid they could throw themselves at the ground and miss.

SUPPORT LINDER-COLLINS AMENDMENT TO VA-HUD APPROPRIATIONS BILL

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, today I rise in support of an amendment the gentleman from Georgia (Mr. COLLINS) and I plan to offer later today to the VA-HUD appropriations bill. The amendment would simply ensure that Federal, State and local governments do not waste precious taxpayer dollars on air quality standards that have been rendered unenforceable by a Federal appeals court.

This would not be the first time the Congress has done this. In 1998, the 105th Congress passed TEA-21 which included language that extended the designation time line for a year because the matter was in court. That time line has now run out. Two hundred ninety-seven Members of this House supported that language. This change recognized both the burdens placed on States and localities by these standards and the need to stop any process that would interfere with litigation surrounding the standards.

The gentleman from Georgia and I bring our amendment before the House today in the same spirit. We have no interest in preventing reasonable clean air standards from being enforced. We just want to make sure that the Supreme Court has an opportunity to rule in the case first. Continue the congressional tradition of holding harmless our constituents while the lawyers and bureaucrats debate the merits of policy. Support the Linder-Collins amendment today.

SUPPORT HATE CRIMES PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would think that America would want its leadership to make the right kind of statement to the world. I do not know why we have not been able to pass the Hate Crimes Prevention Act of 1999, and now 2000. The other body vigorously debated Senator KENNEDY's legislation yesterday and today they vote. I think it is very important that today the Senate takes the first step to tell the world that America abhors hatred.

Just yesterday, I met with the relatives of James Byrd, Jr., and they told me that even today people are desecrating on his grave, trying to intimidate the community. Hate crimes are not individualized. It is a statement that says, We don't like you because you're different. Because you're African American, Hispanic, you're a woman, you are disabled, you have a different life-style, you are Asian, you practice your religion differently.

Can America not come under the umbrella of the Statue of Liberty that encouraged all of us to come to this free land? It is important that we stand up as legislators and denounce hatred in this Nation by voting for the Hate Crimes Prevention Act of 1999 and 2000.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded it is against the rules of the House to urge action in the other body.

PRESIDENT'S SCHOOL REFORM TOUR NEEDS GEOGRAPHY LESSON

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, President Clinton has often used bus tours and the like to promote his latest proposals for new government programs. As you recall, his most notable tour advocated the First Lady's massive Federal health care plan. The President's latest road trip involves his school reform tour which will take him to four different cities in the United States. But before the President leaves for his tour, he may want to consult with a geography teacher. Apparently, the President's first official school reform tour website showed the State of Kentucky relocated to the area currently known as Tennessee. The White House, justifiably embarrassed by the incident, has corrected its website. However, it begs the question, should a White House that cannot even correctly identify which States are which be mapping out key education reforms that will affect our children? This concerns me and it should concern the American people.

□ 1015

AMENDMENT TO VA/HUD BILL TO PREVENT EPA MOVING FORWARD ON DESIGNATION OF NEW NONATTAINMENT AREAS

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, when a lower court ruled in 1999 against new Federal air standards, reasonable persons expected the EPA to delay further implementation of the standards until the Supreme Court ruled on the agency's appeal.

Instead, the EPA is pushing forward with rules that force State and local governments across the country to spend thousands of dollars to comply with new invalid standards.

To stop this waste of taxpayer money, the gentleman from Georgia (Mr. LINDER) and I will offer an amendment to VA/HUD later today which will prevent the EPA from moving forward with the designation of new non-attainment areas until such time as the Supreme Court makes a decision.

State and local governments could better use their resources to help their communities to comply with the rules that may never become legally enforceable.

Our amendment is simple. It does not affect existing air quality standards, nor does it render judgment on the new standards. It only requires EPA to postpone further action until the Supreme Court issues a final ruling.

It is common sense to postpone the designation process until we are certain that it will not be a huge waste of Federal, State and local resources.

LOS ALAMOS LEAKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Founding Fathers saw a national security as the very first duty of government. First amongst the powers given to Congress is the power to provide for the common defense. The first duty listed for the President is to be Commander in Chief of the Army and Navy of the United States.

National security is a very serious matter; and when nuclear secrets are lost, our national safety is threatened. Then why have we seen repeated security breaches at the Los Alamos National Laboratory?

Dr. Wen Ho Lee is still in jail awaiting trial for mishandling secret data a year ago. When that happened, Energy Secretary Richardson opposed new security measures, insisting that he wanted to be in charge and that he could handle the security himself.

Clearly, he has failed to do that. Some think we have better security at

Wal-Mart than we do in Los Alamos. Richardson blamed the University of California, but even his director of counterintelligence says we cannot rule out espionage.

If the Secretary of Energy cannot provide security for our Nation's top nuclear secrets, the President needs to find someone who can.

LAX SECURITY AT LOS ALAMOS NATIONAL LABORATORY

(Mr. VITTER asked and was given permission to address the House for 1 minute.)

Mr. VITTER. Mr. Speaker, last year, following disturbing reports of lax security at the Los Alamos National Laboratory, the Congress passed and the President signed a law creating an Under Secretary for national security at the Department of Energy. This new position was created to strengthen security at our labs. Now Secretary Richardson objects to filling this post; and as a previous speaker said, he specifically took personal responsibility for security.

Now we know of another massive security breach at the lab. But is Secretary Richardson taking personal responsibility for these lapses occurring on his watch? Nope, not a chance. He has found a scapegoat in the University of California.

Madam Speaker, UC does have a contract to manage the lab, but responsibility for security lies with the Secretary.

Mr. Speaker, blaming the University of California for the security breakdown at the lab is like the captain of the Titanic blaming the head waiter for the iceberg. Of course, the captain did not; he took responsibility and went down with the ship. It is time for the Secretary of Energy to do the same and resign.

SUPPORTING LEGISLATION CALLING FOR APOLOGY FOR SLAVERY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I am pleased to support and cosponsor the legislation of the gentleman from Ohio (Mr. HALL) that calls for an apology for slavery. I have heard the snickers, the snide comments, the perplexed faces from Members baffled by the gentleman's quest for justice. I think we all need to check ourselves.

This great Nation of ours did something terribly wrong during its infancy: I was written out of its Constitution, and it turned its head on slavery. And when our country actually saw itself for the first time in a mirror, its response was to proclaim that the black man had no rights that a white man was bound to respect.

It took a second look, however, and began to exorcise its demons; that is what reparations to Native Americans, Holocaust victims, and Japanese Americans was all about. Sadly, nobody thought about me. Yet an unarmed black man can be murdered on the streets of America and no one blinks an eye.

Innocent black men disappear to death row. Crack cocaine dumped into our neighborhoods. Malcolm X and Dr. Martin Luther King, Jr., murdered in conspiracies.

The gentleman from Ohio (Mr. HALL) is trying to close these wounds, not reopen them.

NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Commerce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; (2) a further amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by representative Markey of Massachusetts or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 527 is a fair rule providing for consideration of H.R. 4201, the Noncommercial Broadcasting Freedom of Expression Act of 2000. H. Res. 527 provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule provides that the amendment recommended by the Committee on Commerce now printed in the bill shall be considered as adopted. In addition, the rule provides for the consideration of the amendment in the nature of a substitute, printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Massachusetts (Mr. MARKEY) or his designee, which shall be considered as read, debatable for 1 hour equally divided between proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, like most Members, I have been contacted by a number of my constituents regarding the Federal Communication Commission's ruling on religious programming. By way of background, since 1952, the FCC has reserved a limited number of television channels for educational broadcasters, known as noncommercial education channels, provided that the nonprofit groups, including religious organizations, can show that they will devote more than half of their programming to general education purposes.

However, in the December 29, 1999, ruling granting a noncommercial educational television station license, the FCC included a section on "additional guidance" and ruled that programming largely "devoted to religious exhortation, proselytizing, or statements of personally held religious views and beliefs" would not count as educational.

I am disheartened that the FCC initially believed that religious programs do not serve the educational, instructional, and cultural needs of the community as defined by NCE regulations. I have no doubt that the millions of Americans who attend and watch church services find culture and education in the teachings of a sermon. I am pleased, however, that the FCC has since vacated its order.

Despite the fact that the decision has been reversed, many Members did, I know, have concerns about the FCC's interpretation of the law in this matter. In addition, we are concerned that the FCC ruled without the benefit of public comment, taking unilateral action without consulting those who would be affected. Moreover, in clarifying NCE television rules, the FCC established a new benchmark for evaluating the content of religious broadcasts. In effect, the FCC created a precedent that could have required the FCC to monitor and evaluate religious programming and decide what is educational.

Mr. Speaker, I find this course of action intrusive and question a decision that replaces programming decisions based on the community with FCC guidance.

This is why we need to consider H.R. 4201 this morning. This bill ensures

that the FCC does not engage in regulating the content of speech broadcast by noncommercial education stations, except by means of a formal agency rulemaking. This is responsible legislation that will answer the policy questions that arose following the FCC decision on this matter.

Nonetheless, there is an amendment that deserves consideration of the House on the House floor. In the Committee on Commerce, the gentleman from Massachusetts (Mr. MARKEY) offered an amendment to amend the bill, and the rule we had before us will permit the gentleman from Massachusetts (Mr. MARKEY) the opportunity to offer his substitute amendment.

I also want to applaud the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Mississippi, my friend (Mr. PICKERING), and the gentleman from Ohio (Mr. OXLEY), for the work on this legislation. I encourage every Member to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time. Mr. Speaker, this is a restrictive rule which will allow for the consideration of H.R. 4201.

As my colleague, the gentleman from Georgia (Mr. LINDER), has explained, this rule provides for 1 hour of general debate to go equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

Under current rules, the Federal Communication Commission grants noncommercial broadcasting licenses for programming that is primarily educational in nature. This bill expands the qualifications to include cultural or religious programming.

The bill also restricts the FCC's authority to establish requirements on programming by noncommercial broadcasters.

The rule makes in order just one amendment that can be offered during floor consideration of the bill. The amendment offered by the gentleman from Massachusetts (Mr. MARKEY) would maintain an educational requirement to obtain a noncommercial broadcast license. No other amendments may be offered to the bill.

I regret that the Committee on Rules approved such a restrictive rule. I see no reason why this bill cannot receive an open rule. Also, Members have not been given enough notice that the bill would be taken up on the House floor and that a restrictive rule was under consideration.

However, because the gentleman from Massachusetts (Mr. MARKEY) was the only Member testifying at yesterday's Committee on Rules hearing in

support of an amendment and the rule does make in order that amendment, I will not oppose the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I have no speakers. If the gentleman from Ohio (Mr. HALL) is prepared to yield back, I will yield back.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this is a very important bill to a large number of people in my district. I am a little surprised that it has come up so abruptly and then we had no time to prepare for it, but I want to register my strong support for the steps that are being taken by the Federal Communications Commission to make broadcasting available, the opportunity to broadcast to small and nonprofit groups.

There is a whole array of groups beyond the obvious ones that are mentioned, the religious groups, educational groups that particularly want to push some aspect of education to the numerous ethnic and nationality groups in my district. There are a large number of people who are of Caribbean descent in my district and have had a great deal of problems with trying to get radio broadcasts which focus on their particular interests, Haitian, Jamaican, Canadian, and numerous others.

I think it is very appropriate that we take a step in this direction and leave it as broad and open as possible, following the general approach of the Federal Communications Commission without any restrictions. Indeed, the restrictions have been too great all these years. The broadcasting is regulated by the Federal Government. It is a form of free speech; and because it is regulated by the Federal Government, I think efforts should have been made many years ago to make it freer.

We have not had free speech using radio waves or free speech using television or any of the regulated broadcast bands that the Government is in control of.

□ 1030

The Government is in control, and that means that all of the people are in control; all the people should be served. It should not be a matter of those who have the necessary capital to be able to capitalize a radio or television station. We are talking primarily here about radio now, which is the simplest and the cheapest way to provide some means of broadcasting for people who do not have means.

Certainly, if we are going to have freedom of speech, freedom of speech ought to mean that everybody has a chance to speak over the airwaves, especially if that is regulated by government. We have freedom of speech in

terms of printed matter, and anybody who can afford it can, of course, print matter. Of course the big newspaper chains and people that have money are able to take advantage of that even more so. But the Government does not regulate anybody out of the print business.

If one has the money, if one has the wherewithal, one can get into the print business at one level or another. That may mean passing out pamphlets, it may mean finding a newspaper, or it may mean starting a magazine. But it is not so in the broadcast arena. One cannot, even if one has the wherewithal, enter the broadcast arena, because that is tightly regulated by the Government, more than it should have been all of these years.

Mr. Speaker, we need more freedom and more opportunities, not fewer.

So I wholeheartedly support the steps that are being taken by the Federal Communications Commission, and I think that any attempts to restrict it in any way are steps that are moving us backwards in the wrong direction. I think it is long overdue that we allow small groups to have their voice, and perhaps we should look at the bill and look at the regulations being proposed by the Federal Communications Commission and make them broader and more liberal. The range of areas that are covered by these nonprofit stations in many cases is too small, and we would like to see them broadened. We would like to see efforts made to make it even less costly to begin a nonprofit station.

Full freedom of speech means that the freedom ought to be able to be a freedom that we can utilize over the free and regulated Federal airwaves.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN) to clarify some information for the gentleman from New York.

Mr. TAUZIN. Mr. Speaker, I simply want to clarify for my friend from New York that this is not the low-power FM bill dealing with the Commission's decision to authorize the expansion of radio broadcasting to FM low power. This bill merely deals with the noncommercial television and radio licenses that are already issued by the commission. There are about 800 to 1,000 radio licenses; and there are 15 television licenses, eight more in the pipe, that are held by religious broadcasters. And the issue today that this rule authorizes the legislation on will be to limit the FCC's capacity to regulate the content of the religious broadcasting that goes on these noncommercial television and radio stations that are already on the air.

So the gentleman's concern about the FM low-power issue is obviously a very important one, and we dealt with that issue I think several weeks ago. This is a separate issue dealing with re-

ligious radio and television broadcasting.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 527, I call up the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 527, the bill is considered read for amendment.

The text of H.R. 4201 is as follows:

H.R. 4201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncommercial Broadcasting Freedom of Expression Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In the additional guidance contained in the Federal Communication Commission's memorandum opinion and order in WQED Pittsburgh (FCC 99-393), adopted December 15, 1999, and released December 29, 1999, the Commission attempted to impose content-based programming requirements on noncommercial educational television broadcasters without the benefit of notice and comment in a rulemaking proceeding.

(2) In doing so, the Commission did not adequately consider the implications of its proposed guidelines on the rights of such broadcasters under First Amendment and the Religious Freedom Restoration Act.

(3) Noncommercial educational broadcasters should be responsible for using the station to primarily serve an educational, instructional, or cultural purpose in its community of license, and for making judgments about the types of programming that serve those purposes.

(4) The Commission should not engage in regulating the content of speech broadcast by noncommercial educational stations.

SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

"(1) IN GENERAL.—A nonprofit organization or entity shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization or entity determines serves an educational, instructional, or cultural purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

"(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

"(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, or cultural purposes;

"(B) prevent religious programming, including religious services, from being determined by an organization or entity to serve an educational, instructional, or cultural purpose; or

"(C) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively."

SEC. 4. RULEMAKING.

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendment made by section 3).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 3 within 270 days after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment recommended by the Committee on Commerce printed in the bill is adopted.

The text of H.R. 4201, as amended pursuant to House Resolution 527, is as follows:

H.R. 4201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncommercial Broadcasting Freedom of Expression Act of 2000".

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(1) In the additional guidance contained in the Federal Communication Commission's memorandum opinion and order in WQED Pittsburgh (FCC 99-393), adopted December 15, 1999, and released December 29, 1999, the Commission attempted to impose content-based programming requirements on noncommercial educational television broadcasters without the benefit of notice and comment in a rulemaking proceeding.

(2) In doing so, the Commission did not adequately consider the implications of its proposed guidelines on the rights of such broadcasters under First Amendment and the Religious Freedom Restoration Act.

(3) Noncommercial educational broadcasters should be responsible for using the station to primarily serve an educational, instructional, cultural, or religious purpose in its community of license, and for making judgments about the types of programming that serve those purposes.

(4) Religious programming contributes to serving the educational and cultural needs of the public, and should be treated by the Commission on a par with other educational and cultural programming.

(5) Because noncommercial broadcasters are not permitted to sell air time, they should not be required to provide free air time to commercial entities or political candidates.

(6) The Commission should not engage in regulating the content of speech broadcast by noncommercial educational stations.

SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

(a) **SERVICE CONDITIONS.**—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

“(m) **SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.**—

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“(2) **ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.**—The Commission shall not—

“(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or

“(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.

“(3) **RULES OF CONSTRUCTION.**—Nothing in this subsection shall be construed as affecting—

“(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or

“(B) the requirements of section 396, 399, 399A, and 399B of this Act.”.

(b) **POLITICAL BROADCASTING EXEMPTION.**—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting “, other than a noncommercial educational broadcast station,” after “use of a broadcasting station”.

(c) **AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.**—Section 396(l)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(l)(3)(B)(ii)) is amended—

(1) in subclause (I), by inserting before the semicolon the following: “, and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)”;

(2) in subclause (II), by inserting before the semicolon the following: “, except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)”.

(d) **IMPLEMENTATION.**—Consistent with the requirements of section 4 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930–73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.

SEC. 4. RULEMAKING.

(a) **LIMITATION.**—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency

rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 3).

(b) **RULEMAKING DEADLINE.**—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 3 within 270 days after the date of enactment of this Act.

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Massachusetts (Mr. MARKEY) or his designee, which shall be considered read and shall be debated for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I yield myself 7 minutes.

I rise in support of H.R. 4201, the Noncommercial Broadcast Freedom of Expression Act of 2000. While this is indeed a good bill, I am frankly disappointed that it is necessary. It is necessary to correct a gross blunder by the FCC and to prevent it from ever happening again.

Earlier this year, in the WQED Pittsburgh station case, a television transfer case, the FCC sought to quantify the service obligations of noncommercial television licenses by requiring that “more than half of the hours of programming aired on a reserved channel must serve an educational, instructional, or cultural purpose in the station's community of license.” But they went on to say that while programming which teaches about religion would count toward that new benchmark, programming that was “devoted to religious exhortation, proselytizing, or statements of personally held religious views and beliefs” would not. In short, the Commission was drawing substantive distinctions between what religious message would qualify in the content of that station's broadcasting.

Now, the FCC has licensed quite a number of religious broadcasters on the noncommercial airwaves of America. About 800 to 1,000 radio licenses are currently held and operated by religious broadcasters. There are 15 television stations operated by religious broadcasters as a noncommercial license. The FCC has never before now tried to regulate the content of those religious messages in religious broadcasting. But in this situation, the FCC tried to do so.

I do not have to tell my colleagues that they were met with a huge outpouring of objections, not only from Members of Congress, but from people across America. Indeed, the gentleman

from Ohio (Mr. OXLEY) and I, along with the gentleman from Mississippi (Mr. PICKERING), the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Florida (Mr. STEARNS), and about 140 additional Members of the House, including, by the way, the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and the gentleman from Oklahoma (Mr. WATTS) all joined forces against the commission's action.

Fortunately, in response to the collective public outcry against these actions, the FCC wisely decided to vacate the additional guidance, these new instructions that they were issuing in this order, and they vacated that order by a vote of four to six.

In other words, they back-peddled quickly. They quickly tried to undo the mistake they made. In fact, the concern that they might make that mistake again is, unfortunately still with us, because despite this four to one reversal, when we held a hearing at the Subcommittee on Telecommunications of the Committee on Commerce, one of the commissioners, Commissioner Tristani asserted, and this is a quote, that she, “for one, will continue to cast the vote in accordance with the views expressed in the additional guidance.” In other words, there is still a sense that the commission, at least by some of the members of the FCC, that they would like to dictate the content of religious broadcasting in America.

Mr. Speaker, imagine that. Federal bureaucrats telling us what we can and cannot hear on a religious broadcast station, what qualifies as a good message and what does not. Government telling religious broadcasters what they can and cannot say in a religious television or radio broadcast. What a horrible notion. And yet, at least one of our commissioners says, given the chance, she would do it again. Therefore, this bill becomes necessary.

This bill, which we have constructed and passed out of the Committee on Commerce and brought to the floor today, H.R. 4201 authored by the gentleman from Mississippi (Mr. PICKERING) on behalf of the gentleman from Ohio (Mr. OXLEY), myself, the gentleman from Oklahoma (Mr. LARGENT), and the gentleman from Florida (Mr. STEARNS), takes the appropriate stance against what the FCC tried to do. It basically codifies the old rule of the commission. The old rule of the commission, which basically is encapsulated in the commission's reversal, by which they reversed their bad decision, is as follows. This is what the Commission said when it finally backed up and corrected the bad mistake it made: “In hindsight, we see the difficulty of minting clear definitional parameters for educational, instructional, or cultural programming. Therefore, we vacate our additional guidance. We will

defer to the editorial judgment of the licensee unless that judgment is arbitrary or unreasonable."

That has always been the standard. The commission has always left it up to the licensee to decide what messages were broadcast on these religious non-commercial airwaves. That has always been the rule; this bill codifies that rule. In fact, the bill says that from now on, the commission shall not have the authority to change it, to try to dictate the content of religious broadcasting.

Now, in just a few minutes we will hear from my good friend, the gentleman from Massachusetts (Mr. MARKEY), and others about their objections to the bill. They come in two forms. One, they will argue that the bill broadens the eligibility standard for noncommercial educational licenses. That is not true. We simply codify the current standards. Under current standards, the FCC, licensing over 800 to 1,000 radio stations and now, nearly 23 television stations, uses either a point system or a lottery system that has nothing to do with religious affiliation and simply awards these stations on that basis. Nothing we do changes that. But the gentleman from Massachusetts (Mr. MARKEY) will offer an amendment later to try to reinsert into the bill the capacity of the FCC to determine whether the station is educational enough; that is, again, to give it the right to get in and dictate what messages qualify, which do not; which religious messages are educational and which, in the opinion of the FCC, are not.

For example, they could not tell us whether Handel's Messiah performing in the Kennedy Center would be educational; but it would not be educational on a religious broadcast station. We can see the difficulty and why this amendment needs to be defeated. It was defeated in the committee; it should be defeated on the floor.

Finally, I want to point out that the bill does exactly what the Constitution says it ought to do when it comes to religion. It simply provides a no-nonsense statement that instructional, educational, cultural, and religious programming are treated exactly the same, no difference. No preference for religion, no penalties for religious broadcasting. In short, it literally abides by the Constitution, protects free speech, protects religious broadcasting from government interference. This is a good bill and we need to pass it, and we need to defeat the Markey amendment when it is offered.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin this debate by clarifying for anyone who may be listening what we are fighting about. In the United States, we have two

types of television stations. We have commercial television stations. On commercial television stations people see the evening news, *Who Wants to Be a Millionaire*, *Survivor*, a whole host of programs which are basically commercial.

Now, it is possible, and frequently it occurs, that individual religions purchase commercial TV stations because they want to use them as the vehicle by which they are able to communicate their message into a community. Those are commercial television stations.

Then we have the other kind of television stations, public TV stations. Most often we consider them to be PBS. We turn to them, we actually consider them just to have a number, in Boston it is channel 2, WGBH; and we have another smaller public television station as well. Those television stations are meant to serve the non-commercial, educational needs for the entire community. Commercial: *Who Wants to Be a Millionaire*, or any religion that wants to purchase a commercial station in order to advance the goals of that religion; noncommercial educational, a separate category, stations meant to serve the educational needs of the entire community.

This is a debate over one of those noncommercial, educational television stations. And the story is one which really does not deal with whether or not religions can purchase commercial stations in order to advance their goals within a particular community; they may continue to do so. This debate is over whether or not if a religion gains control over a noncommercial educational station, whether or not that religion can use it in order to advance full time, all day long the goals of its own religion, and not serve the non-commercial educational needs of the entire community.

□ 1045

That is the debate in a nutshell, should we, in other words, continue to maintain the special purpose for which these noncommercial educational stations have always been reserved while allowing religions to run them if they want but under the guidelines that historically they have always had to maintain in order to ensure that the entire community is served.

If we allow this wall to be broken down, then we are going to wind up in a situation where individual religions are able to move into community after community with populations that have very diverse religious backgrounds and to use one of these very small number of public TV stations in a community exclusively for the religious purpose of that one religion. I believe that that is very dangerous, very dangerous, especially since each one of these religions has the ability to buy a commercial TV station.

Now, as we move forward in this debate, this very important debate, it is

going to be critical for everyone to understand the historic nature of what we are talking about here today. If in any way there is a misunderstanding with regard to whether or not any of us believes there should be any restrictions placed upon the ability of religious broadcasters on commercial stations to, in fact, proselytize if they want, then they misunderstand the nature of what it is we are proposing.

The essence of this debate is whether or not we want to continue to keep a distinction in place which separates public TV stations from commercial TV stations, commercial stations from noncommercial stations intended to educate the entire community.

So, Mr. Speaker, this is a debate which, unfortunately, has developed connotations which do not accurately reflect the core of the debate, the issues that are at the essence of this controversy. Our hope is that, in the course of this couple of hours, that we are going to be able to explain the very real differences of opinion that exist here with the hope that we can maintain this wall that historically we have created between the State and the establishment of religion, which I am afraid is being broken down by the legislation which is on the floor here today.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. PICKERING), the author of the legislation, who has done an enormously excellent job in bringing this bill through the committee and to the floor.

Mr. PICKERING. Mr. Speaker, I rise in strong support and as a proud sponsor of this legislation. This is a critically important debate, as the gentleman from Massachusetts (Mr. MARKEY) indicated. Whereas, usually we try to find common ground on the Committee on Commerce, and I have with the gentleman from Massachusetts (Mr. MARKEY) on many occasions found that common ground, but today we are debating something that gives us a fundamental disagreement or provides a fundamental disagreement.

The gentleman from Massachusetts said the wall could be or will be or is being broken that separates church and State. He is correct. But it is not the breaking from the religious, but it is the heavy hand of government coming crashing down on that wall saying this is acceptable or this is unacceptable speech. It is the hand of the government coming in to regulate and to control and to set up a police of our speech, of our religious freedom and expression.

It is a very critical issue. Are we going to maintain the current tradition of our religious liberties and expression? Make no mistake, this is not about changing our current practice at

the FCC. This is about something that the FCC did that changed, fundamentally changed, and set a new course and a new policy for how religious broadcastings and noncommercial licenses would be regulated, the guidelines for that.

Let me read, this is from the FCC, "This is unacceptable speech: Programming primarily devoted to religious exploitation, proselytizing, or statements or personally held religious views and beliefs." They went on to say, "church services would not qualify."

So if Martin Luther King were alive today, and he were giving a speech or a sermon at a church, that would not be educational. It would not be cultural. It would provide no instructional benefit to any communities. That is the FCC's view.

So if one is Catholic or one is Protestant or African American or serving a rural community or urban, and it is a church service where one has moral instruction, one has cultural benefit, where one has teachings of educational importance, under the FCC's view, no value.

This is what the debate is about. Do we value the voice of the religious in the public square, or do we ban, do we exclude, or do we shovel them aside? Does it have value in our culture? Should they be in our public square?

Let me read a quote that I think captures this debate. "Americans feel that, instead of celebrating their love for God in public, they are being forced to hide their faith behind closed doors. That is wrong. Americans should never have to hide their faith. But some Americans have been denied the right to express their religion, and that has to stop. It is crucial that government does not dictate or demand specific religious views. But equally crucial that government does not prevent the expression of specific religious views."

The person who said those words was Bill Clinton at an address at James Madison High School in Vienna, Virginia. He was talking about this issue, does the religious voice have a place in our public square? He was making the case that it does. What is more public than our public spectrum, our licenses that the FCC gives, the greatest way to communicate on a broad basis.

What does this legislation do and what does it not do? Now, if one was listening to the gentleman from Massachusetts (Mr. MARKEY) one would think that no religious institution has had one of these noncommercial educational licenses in the past, that they were reserved solely and strictly for educational institutions, for the CPB or the public stations.

The reality is that we have had a tradition and a precedent and a practice of religious broadcasters holding these licenses. What we are doing is not changing current practice, current precedent. We are simply trying to prevent

and prohibit the FCC from going down a dangerous path of regulating religious speech, religious expression.

We have to do it because the FCC has tried to deem itself the holy trinity of the Constitution. They woke up one day and said, we can decide the establishment clause without a public comment or a public process, we can set a legislative policy that is reserved for this branch, not the executive branch.

So they have decided that they are both the court, the Congress, the executive branch in one, and they try to do something that is fundamentally unfair in a closed process that fundamentally challenged our core beliefs of religious freedom and religious expression.

What we are saying in this legislation today is not only, must one do everything in a public process, in a public fashion, in an open fashion, there will be no dark of nights but we are not going to allow one to undo the fundamental premises of our founding. We will not allow one to come in and regulate and control the religious speech and the religious beliefs of our people of this great Nation.

What is at stake? Do we honor our heritage? Do we say that government has the right to discriminate against religion and control religious speech? Should it be free of government regulation? Is the religious voice valuable in the public square? Is there a place for the religious voice?

With this debate, with these votes, we shall say that we will not have government intervention, interference, and regulation of the religious beliefs and religious views. We will find a value for the religious voice in the public square. We will protect that. We will not let the heavy hand of government come crashing down on the wall that separates and protects our people from an intrusive government.

I ask my colleagues to continue to vote in support of what we are trying to do today.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, just so it is very clear, if the bill being proposed today is adopted, there will no longer ever again be a requirement that a public television station must serve the educational needs of a community. They will not have that requirement any longer. It is gone. They can serve that community under this new bill as long as they are broadcasting religion all day long. They have fulfilled a requirement now under the new law. No education at all is required.

So here is a public television station. It has been in a community for 50 years, it has served the educational needs of the entire community, everyone who lives within that 1 million, 2 million, 3 million, 4 million person area, and all of a sudden it is now being run by a religion that has absolutely no responsibility to serve the edu-

cational needs of that community, none, zero, gone, do not have to ever again put on a single educational program. That is their new law.

Now, how does that serve a community? Some religion comes in, it could be a cult by the way, some cult comes in and buys a noncommercial educational station and says we are not going to serve the local educational needs of the community any longer. We are just going to have our own little cult on this TV station. Under this law, that is legal. That is legal. One cannot say anything about it.

The language in the bill says that, as long as one serves the religious purpose in a nonarbitrary or reasonable way, which the FCC would have to move in and challenge, then one is serving the entire community.

Now, how can that be a good thing? How can it be a good thing for one religion to move in, a cult potentially, buy one or two public television stations in town, and just broadcast their religion all day long.

Now, the only way in which that can be challenged is if the FCC, under their bill, the FCC comes in and determines that there is something wrong with this cult or that it is acting in an arbitrary or unreasonable way; that is this cult, this religion, that is now operating the public television station in town.

Well, let us take it a step further. Let us say two religions come along, and each one of them wants to run this public television station in the town. Now, who determines who gets this public television station? Well, under the bill, the FCC has to determine which of the two religions is more religious. Which of the two religions has the better likelihood of serving one community on the public television station, on potentially the only public television station available in town.

How can that be a good thing? How can we have the FCC in determining which religion is better, not based upon whether or not, by the way, they are going to serve the educational needs of the community, because there is no requirement, once this bill passes, that the educational needs of the community is served. They do not have to do it at all. They can, 100 percent of the time, just broadcast their religion, their cult potentially.

The FCC determines which of the two religions or cults is the better religion or cult to be the only religion on the public television station in a community that had historically been served as a noncommercial educational station, serving the entire community for the last 30 or 40 or 50 years. This is not a good idea. This is not what we intended noncommercial educational, that is, public television stations, to play as a role in communities across this country.

The deeper we get into this debate, the more troubling it becomes, because

it is very evident that, at the end of the day, there will be a small number of religions who will try their best to get ahold of these TV stations, these public TV stations, all across the country just to proselytize, just to run their religion into people's homes in these individual communities.

Again, we have nothing against any religion purchasing a commercial television station. They can do so, and they do in every single community across this entire country. We have no problem with any individual sect running a noncommercial public television station as long as they fulfill the requirements that they serve the educational needs of every child, every child who lives within that area. Every child within a 2 million or 3 million person area is not going to be served by one religion broadcasting its religion into the minds of every child in that broadcasting area.

□ 1100

That is not an educational purpose, as far as most parents are going to be concerned. Most parents are not going to want the public television station in their community broadcasting one religion into the minds of their children all day long. If a religion wants to do that, they should purchase a commercial television station. If they want to purchase the public television station in town, they should be required to serve every single child.

Now, some religions say by broadcasting their religion, even if 90 percent of the community is not of that religion, that they are furthering the educational needs of that community. Well, I would contend and maintain that almost every parent is of the belief that their child is not going to be served by listening to one religion all day long on the public television station in their community. They are going to be of just the opposite opinion; that their child is being mis-served; that their child should not be watching that TV station; that it is no longer an educational TV station but it is a religious broadcasting station which should be a commercial station.

So in every one of our hometowns we have a public television station, and it has Sesame Street on it and it has all the rest of that programming that children across our country watch on an ongoing basis. Now, if this new law passes, and a particular religion gets access to one of these public TV stations, they do not have to put on anything except their own religion all day long. That cannot be a good idea. That is a complete perversion of the notion that was established 50 years ago about having these public television stations, that are public parks, in essence. They are public parks that every child, every adult can go to. It is common ground. It is not offensive to anyone. It is programming that everyone feels that

they are benefiting from, not just one sect, one sub part of a community.

So, my colleagues, this bill takes the public parks that are the public television stations in our country and they turn them into private preserves of one religion, one sub part of the community. And if we want to play in that park, if we want to watch that public television station, we have to assume that our children or our families are going to be exposed continuously, 100 percent of the time, to the religious tenets of that one religion.

Again, no one has any objection to any religion purchasing a commercial television station. They do so by the hundreds across the country. No one has any objection to a particular religion running a noncommercial television station, a public television station, as long as they abide by the rules that they are serving the entire community's educational needs, not religious needs. One religion should not be able to say, here is the religious programming that this one community needs and we are going to put it on 100 percent of the time on the educational television station in town. That is wrong, and that is why this legislation should be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

My friend from Massachusetts, Mr. Speaker, made an interesting speech, but he has it all wrong. We are not talking about the Sesame Street stations. There are 800 to 1,000 noncommercial religious broadcasters today on the radio. There are 23, counting the television stations in the pipe, religious television broadcasters on television holding noncommercial television licenses. That is the current state of the law. We are not talking about anything different than what currently occurs.

If those religious broadcasters were not qualified to hold those licenses, because they are producing religious programming, they would not hold them today. The FCC tried to take them away, in effect, by deciding they were going to decide what programming could be on those programs. They were going to decide what religious messages were going to be on all those stations. This bill prevents that.

Secondly, let me point out that for years these stations have operated as religious broadcasters. The FCC has always considered that the religious messages they promote all day long are currently considered primarily educational. That is the current law. The bill incorporates the current law only.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), who has been a leader in the fight to prevent the FCC from content regulation of religious broadcasting.

Mr. OXLEY. Mr. Speaker, let us review a little bit of history. Back in De-

cember of last year, late December, between Christmas and New Year's, the FCC determined, in a rather ordinary license swap that goes on virtually every day, in this case a Pittsburgh license swap where the religious broadcasting was changing from a commercial to a noncommercial broadcasting license, the FCC determined at that date, when Congress was not in session, under what would be considered to be an ordinary license swap that the FCC would determine what would be educational, and they would determine whether, in fact, that particular broadcaster was broadcasting enough of what they would consider to be educational programming in nature. This was essentially a determination by the FCC what was educational or what was not, for the first time basically setting up the Government as the arbiter of what was to be considered educational broadcasting. It was a brazen attempt to force traditional religious programming off noncommercial channels.

At that point, working with the gentleman from Mississippi (Mr. PICKERING), the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Florida (Mr. STEARNS), we all immediately wrote a letter to the FCC and then later introduced a bill, as soon as Congress returned, which overturned that directive. Religious viewers and listeners flooded Capitol Hill. I am sure many of the Members received phone calls and letters and faxes and E-mails regarding this outrageous decision by the FCC.

Because of the public outcry, the FCC almost immediately then vacated the order that they had first introduced after our bill was put in the hopper. But ultimately they never acknowledged, that is the FCC majority, their procedural, legal, or constitutional errors. And let me point out that the original vote, with two strong dissents from Republican Members, was a 3 to 2 vote, basically ruling that the FCC had that ability to determine what was educational. They quickly retreated and that vote was a 4 to 1 vote, with Commissioner Tristani voting in the negative to vacate the ruling.

But the interesting thing about the original decision and the vacation of the ruling was that the FCC never acknowledged their procedural, legal, or constitutional errors. They blamed the controversy on "confusion over their intent." I do not think there was ever any confusion about what the intent of the majority was. One commissioner, Commissioner Tristani, even dissented from overturning the order, saying that she would continue to vote as if the original directive were still in place, and she, in fact, testified to that before the committee.

Against this backdrop we worked together to craft a bill, which is now 4201, sponsored by the gentleman from Mississippi, which is on the floor today. It

would prevent the FCC from restricting religious content in the future by affirmatively stating that cultural and religious programming meet the educational mandate.

Now, I assume my friend from Massachusetts probably supported the original decision by the FCC; and as a result, we are here today. Some public broadcasting stations are opposing the bill. I can only conclude that they do not want to share their free non-commercial spectrum with religious broadcasters. But let us make one thing clear. Public broadcasters do not have a special claim to noncommercial channels. Indeed, if they did, C-SPAN would not be on the air. Religious broadcasters and others have an equal right to hold such licenses.

H.R. 4201 is a measured response to the effort to single out religious content for special scrutiny. The FCC has no business discriminating against faith-based programming. H.R. 4201 merely spells out that religious and cultural programming deserve the same treatment as educational and instructional programming. Nothing more and nothing less.

Ultimately, the issue is about freedom of religious expression and, indeed, whether government can control content. That is the ultimate issue. And the Constitution is pretty clear on that; that government shall not determine content.

Now, my friend from Massachusetts is worried about a cult getting a radio station. I would point out that the bill states that broadcasters' determinations that their programming serve as an educational, cultural, or religious purpose may not be arbitrary or unreasonable. So I would say the argument is fallacious.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

The bottom line on this bill is that under current law the FCC decides whether the programming is educational. That is their job: Does, in fact, the public TV station fulfill the educational requirement to serve the entire community. If we adopt this bill, the FCC will have to decide whether the programming is religious. That is its responsibility.

Now, no one believes that it is the job of the FCC to make religious determinations, yet that is exactly what this legislation asks it to do. We will have turned the Federal Communication Commission into the faith-based content commission, all the time saying that they did not mean to. They did not mean to do that; they did not mean to have the FCC determining whether or not this public television station had served the religious needs of the community. But it will have to do that.

If we support public television, we should vote against this bill. If we support keeping Federal bureaucrats out

of religion, we should vote against this bill. But if we want the Federal Communications Commission deciding whether a broadcast applicant is sufficiently religious to qualify for a brand new licensing category, entitled "primarily religious," then this bill is the right bill. This takes the public television stations across America and has the Federal Communication Commission determining whether or not they are primarily religious; that is, are they religious enough.

Again, there is nothing wrong with some religion running a public television station. There is nothing wrong with them having a religious component. Much of what can be done with a public television station can include a lot of religious educational broadcasting. Educational. Not proselytizing, but educational. And that occurs today. It occurs today on a thousand radio stations across the country. It occurs on public television stations today that are being operated by individual religions, but it does not allow that religion to turn it into nothing more than a sanctuary for their own religion broadcasting 24 hours a day into the homes of every person that lives in that community.

Now, just so it is clear, there are a lot of people that oppose this particular bill. The Interfaith Alliance opposes it, the National Council of Churches of Christ in the United States opposes it, the National Education Association opposes this bill, the National PTA, the prime supporters of public television in America, especially because of its children's television component, opposes it. The National PTA opposes this bill. The Unitarian Universalists Association of Congregations opposes this bill.

This should send chills up the spine of any person that really does respect their own religion. Because rather than having a public television station in a community any longer serving the entire community, we are going to wind up with individual religions thinking that they can take one of the small number of public television stations in each community and just turning it into their own private preserve.

Again, nothing wrong with information on a public television station that is educational when it relates to religion, but when it turns into something that is nothing more than a pulpit for one church, I think there are real problems.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. TAUZIN. Mr. Speaker, I first yield myself 30 seconds to read my colleagues a list of associations in support of this legislation: The Christian Coalition; the American Family Association; Concerned Women for America; Family Research Council; Home School

Legal Defense Association; American Association of Christian Schools; Justice Fellowship; Religious Freedom Coalition; Republican Jewish Coalition; Traditional Family Property, Inc.; Traditional Values Coalition; Vision America.

There is huge support among the religious community for this bill.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, the first amendment to our Constitution establishes the freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and freedom to petition for redress of grievances.

This debate combines two of our most precious freedoms, the freedom of speech and the freedom of religion. These freedoms are the core of the first amendment and the Bill of Rights.

Do we really believe our Founding Fathers wanted the Federal Government to restrict or regulate free religious speech on our airwaves? This legislation will send a strong message to the FCC that they cannot and should not restrict free speech of religious broadcasters.

The Federal power to issue licenses to regulate commerce is a powerful one. It should not be misused to restrict, control, or regulate our freedom to speak or worship as we see fit. There is nothing that teaches children more that something is irrelevant than to require something be completely ignored. To require silence teaches irrelevance. We might as well teach religious bigotry.

The FCC tried once to restrict religious speech in the public square. This bill will make sure they will not do it again. Mr. Speaker, I urge my colleagues to vote for the legislation and reject the amendment.

Mr. TAUZIN. Mr. Speaker, I yield 4½ minutes to my good friend, the gentleman from Florida (Mr. STEARNS), from the Committee on Commerce.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, this is a very easy bill to understand. What the gentleman from Massachusetts (Mr. MARKEY) wants to do is have a government-based content bill; and what we want to do is continue the status quo.

Now, there are five FCC commissioners who decided this ultimately in a 4-1 decision. On the commission there are five commissioners. Two are Republicans, and three are Democrats. They voted 4-1 in favor of what the gentleman from Louisiana (Mr. TAUZIN) has tried to do.

So, in this case, two Democrats on the commission who have all the information that is necessary and understand it much better than the gentleman from Massachusetts (Mr. MARKEY), perhaps better than anyone else

here, voted with the gentleman from Louisiana (Mr. TAUZIN). They felt the status quo and the precedent had been established and that they did not want to have government-based content.

In my home State of Florida there are three stations, one out of Boca Raton, Ft. Pierce, and Jacksonville, 24-hour a day with religious broadcasting. More than 125 noncommercial television broadcasters would be forced to completely drop their programs.

Under the amendment of the gentleman from Massachusetts (Mr. MARKEY), it would be almost impossible for a broadcaster to walk this line created by his bill. In fact, we had a hearing. Ms. Tristani, who is one of the commissioners, was asked to actually tell us if she could determine what was educational and what was religious broadcasting. And she admitted she could not.

In fact, I asked her during the hearing, would a TV show on collecting comic books or wrestling magazines be educational or not. She could not answer. Instructions on living with the Ten Commandments, is that religious or is that educational? Shows on collecting pet rocks. In all three cases, she had no idea whether that was educational or religious broadcasting. And that shows the confusion that people would have to culturally decide what is educational and what is religious broadcasting.

Let me quote from Furchtgott-Roth, who is one of the commissioners. He said, "The scariest moment, the most frightening moment, the most chilling moment" in all of his tenure at the FCC is when his staff asked him if he wanted to review videotapes to make the decision whether it was educational or religious. And he went on to say, "I will never support any move to have the Government in a position of deciding whether programming fits into any one pigeon hole or another."

So if my colleagues want more FCC regulation, then vote for the Markey amendment. If they believe in restricting, changing the precedent changing the status quo, then they should vote for the Markey amendment.

I believe, actually, the Markey amendment is unconstitutional because it allows the Federal Government to scrutinize and grade the content of religious broadcasting. It would insert the word "educational" in front of "religious broadcasting," which would give the FCC discretion to determine whether religious broadcasting is, in fact, educational.

I think it creates a loophole for allowing the FCC to continue to regulate unabashedly in this country and avoids the original intent of H.R. 4201.

So I ask my colleagues to vote no for the Markey amendment and yes for the Tauzin bill and understand that when they are voting for the Tauzin bill, they are voting for the present status

quo, the tradition which has existed in this country for so many years.

Many of us believe the FCC should be reformed. We do not have an FCC with the computer industry. With all the information we have coming to Americans today, up to 250 channels through direct satellite broadcasting, wireless, the Internet, cable, and all the myriad of new innovations that are coming, do we need the FCC standing in the gap and saying to Americans this is what they will watch and this is what they will not watch?

In fact, we probably should go back to the licensing of educational broadcasting stations and reform that because of the information that is available.

So I urge no on the Markey amendment and yes on the Tauzin.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I do thank my good friend from Massachusetts (Mr. MARKEY) for yielding me the time, and I hope the House has been listening to him.

Mr. Speaker, if my colleagues want to start the religious wars, if they want to create all manner of trouble, if they want to put together a piece of legislation that is going to bring the Government into real conflict over religion, if they want to have a massive amount of trouble at some future time when the broadcasters and the people and the religious institutions in this country find out what we have done, then, by all means, vote for this legislation.

First of all, this legislation is opposed by religious groups who are smart enough to know the evil that we are sowing amongst ourselves today. That includes the National Council of Churches of Christ in America and a large number of other religious institutions which know that they do not want Government in their business.

Second of all, it is fully possible for a religious broadcaster to purchase a station which they can use for religious purposes in any fashion they want. It is also possible for them to bid on an educational station and to simply establish that they will provide good educational services in addition to religious services. They are doing that all over this country and are exercising that right. No one has been kicked off.

The FCC, in its great folly, and I want to point out I was as critical of the FCC on that matter as was anybody else in this Chamber, has withdrawn the rather silly set of rules which they were proposing. So there is no threat to religion, no threat to religious broadcasters under practices as they exist today.

Now, I would point out that what this does is to give essentially a situation to the American people in which, first of all, anybody who calls himself religious or a religious institution can

proceed to go about getting one of these. And let us talk about who would receive special preference and special treatment under this.

The World Church of the Creator, a White Supremist Institution; the Aum Supreme Truth, that is the institution which gassed the Japanese subways; the Branch Davidians and Mr. David Koresh; Heaven's Gate, where there were suicides in March of 1997 outside of San Diego; the People's Temple, run by Mr. Jim Jones, who poisoned people with Kool-Aid. These are all subject to very special and preferential treatment under the legislation which is presented to us today.

The Movement for the Restoration of the Ten Commandments of God in Uganda, where, on March 17 of this year, some 1,000 people were killed. Charles Manson and family, who had a religious mission we are so told. Satanism would qualify because it is a religion. And witchcraft or the local coven could seek to get special preference under this.

The result of this kind of situation is the FCC is shortly going to be compelled to come forward and to hold comparative proceedings between religious institutions. This is something which the FCC since its creation has prudently, carefully, wisely, and successfully avoided.

The practical result of comparative proceedings between two religious groups or between a religious group and an educational group, without having clear definition of what the purposes of the legislation are or what must be the defined behavior of the applicant, is to create a massive opportunity for real religious difficulties and troubles which will come back to plague not only this Chamber but the people of the United States.

I think that the amendment offered by the gentleman from Massachusetts (Mr. MARKEY), which will shortly be before us, is perhaps a way out of this thicket because it again restores the responsibility of the FCC to see to it that the judgment on channels which are now educational, and they are required under law to be educational but may also be religious, is the way to resolve the problem to keep the FCC and this Congress and this Government out of the business of making selections with regard to whose religion will receive a preference in terms of receiving a license to broadcast on airwaves which are a public trust.

If we want to get away from that, then vote for the bill and vote against the Markey amendment; and we are going to have all kinds of trouble, and there are going to be lots of red faces around this place; and lots of people who are going to be trying to lie out of what it was they did at some prior time.

Now, I repeat, I am no defender of the FCC. I have gone after them harder

than anybody else in this institution and with excellent good reason. And I think their original judgment in this matter was wrong. But they have withdrawn that and that issue is no longer.

I would observe that to do what we are doing here is no correction of anything which is wrong in broadcasting. Religion broadcasters can now broadcast under full license of the FCC. There are no end of religious broadcasters who are running religious and educational stations who have gotten the right to do that under the regular practices now in force. There is no reason to change that. And they broadcast both educational, they broadcast cultural things, like music. And they also broadcast religion, something which I applaud.

There is no threat to religious broadcasting in this country at this time. The FCC has withdrawn anything which offered any peril to religion broadcasters and to the use of our airwaves for religious purposes. But to take this legislation and to put the FCC in a position of having comparative hearings over the question of who is going to broadcast should gray the hair of anybody in this Chamber.

I urge colleagues to vote against the bill, vote for the Markey amendment, and to support the views that are held and brought forward by responsible religious groups and religious broadcasters.

H.R. 4201 purports to correct a particularly unwise decision made by the Federal Communications Commission last year. As many Members are aware, I am not generally known to be a great fan of the FCC. It is an agency that often blunders badly, and this mistake was certainly no exception. However, what makes this FCC foul-up unusual is that the Commission admitted its error and quickly corrected it.

So why is this bill before us? The sponsors say that legislation is needed to make sure the FCC does not make the same mistake again down the road. Ordinarily, I would agree. A prophylactic measure often is called for when dealing with an agency—like the FCC—that seems to take great sport in pushing the limits of its authority on a regular basis.

Unfortunately, the bill before us is not a simple prophylactic measure. It goes well beyond its stated purpose. In fact, it could not be clearer from the text that its drafters intend to fundamentally change the character of public broadcasting in this country.

For nearly 50 years the government has set aside specially reserved radio and television channels for public, noncommercial use. These channels are available to qualified organizations free of charge, with a catch. The catch is that these groups must have an educational mission, and must broadcast some educational programming.

This bill would change all that. It would actually abolish the educational requirement for public television programs. The bill's sponsors seem to think that promoting education is too much to ask of groups that receive this special license.

The fact is that the majority of Americans support public broadcasting as we know it today. An even greater number believe that education should be among the nation's top priorities. This bill manages to eviscerate not one, but both of these important American values in one fell swoop.

The bill suffers additional infirmities. It contains no definition of "nonprofit organization" or "religious broadcasting" to help determine who is eligible to receive this special license. As a result, any religious extremist or cult group would be eligible for a noncommercial license—at the expense of the American taxpayer—and program anything it sees fit, whether educational or not.

Hate speech, religious bigotry, and doom-day prophecies are all fair game, so long as the group asserts a "religious purpose." Parents who today rely on public television as a safe haven for their children may have nowhere to turn if this bill is enacted. Sesame Street and Mr. Rogers' Neighborhood could be displaced by programming produced by cult leaders like Jim Jones and David Koresh—each of whom would have been eligible to receive a specially reserved television channel under this bill.

The Markey amendment, which will be offered later, is an extremely simple, but significant, improvement to this legislation that I support. I would note a particular oddity in the underlying bill. While it eliminates the educational requirement for public broadcasting, the drafters still use the term "noncommercial educational license" throughout the text. The Markey amendment would simply restore proper meaning to this term by requiring an educational commitment of all public broadcasters—religious or secular—who hold this special license.

I urge my colleagues to support the Markey amendment and oppose H.R. 4201 as reported.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds to correct the RECORD.

Mr. Speaker, nothing in this bill creates a requirement on the commission to do comparative hearings to decide which religious broadcaster get a station. Nothing could be further from the truth.

The current law which is incorporated in this bill has a four-point system that is purely sectarian, has no religious connotations at all. It deals with diversity, statewide networks, technical parameters, and establishes local entity points that are awarded to the winner of these licenses, totally no connection at all to whether or not this entity is religious.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL), who is in support of the legislation.

□ 1130

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the Noncommercial Broadcasting Freedom of Expression Act. It is a bill, as has been said here many times, that will ensure that Americans are going to continue to enjoy the broadcasting of church

services and other religious programming that is on our Nation's broadcast channels. I have high regard for the gentleman from Michigan (Mr. DINGELL) who just spoke. He named off a group of people that really should not have had access to the channels. They did have. But of the 12 the Master picked, one of them was bad, that was Judas, and that is about the only one most people can name.

This is a bill that would preserve the freedom of religion and religious expression, and I think prevents the FCC from regulating the content like they did some time back.

H.R. 4201 is an outgrowth of a decision by the FCC that would have restricted religious broadcasting on television. This action, and I think it was done without the benefit of any public comment or any congressional input, I believe it was done December 28 or 29 when Congress was not even in session and Congress was not even in town, would have forced some religious television broadcasters to either alter their programming or risk losing their licenses. The FCC ruling was wrong from both a procedural and a constitutional standpoint. It would have set a dangerous precedent that would have suppressed religious broadcasting and narrowed the definition of what is considered educational.

In response to this ruling, several of us got together and thousands of Americans in protesting the action of the FCC and called for an immediate reversal of this ruling. Now, something happened after we made that calling and that insistence. The gentleman from Mississippi (Mr. PICKERING) was among those, the gentleman from Ohio (Mr. OXLEY), and others of us. The FCC backed down on it. And unless they were definitely and totally wrong not only in their action but in how they took that action, they would not have taken that backward step. I also joined several of my colleagues in cosponsoring the Oxley bill, the Religious Broadcasting Freedom Act, which could have required the FCC to follow established agency rule-making procedures.

H.R. 4201 is an outgrowth of these efforts and goes a step further by making it a little bit easier for religious broadcasters to obtain noncommercial educational broadcast licenses. I am pleased to join the gentleman from Mississippi (Mr. PICKERING) and others on both sides of the aisle as a cosponsor of this important legislation.

In closing, we need this bill to ensure that there will be no erosion of freedom of religious programming in America. Mr. Speaker, we need this bill to ensure that Americans will continue to enjoy the religious broadcasting that they have come to depend upon. And we need this bill to ensure that the Federal Government does not become involved in regulating content of our broadcast programming.

I urge my colleagues to vote to uphold freedom of expression by voting in support of H.R. 4201 as it is now written.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume in conclusion on this portion of the debate.

The gentleman from Louisiana contends that there will be no comparative test that has to be put in place by the Federal Communications Commission in order to determine which one of two religions is better qualified for the maintenance of a particular public television station in a particular community. But the reality is that once his language is adopted, once a television station, a public television station, can be primarily religious, then necessarily that test is incorporated into the historical set of criteria which must be looked at by the Federal Communications Commission to determine which potential applicant is more qualified to operate a public television station in a particular community.

In other words, Federal Communications Commission which historically has meant Federal Communications Commission, will be changed from FCC, Federal Communications Commission to FCC, Faith Content Commission. The FCC will have to determine which of the two religions is better qualified to run a public television station.

Now, do we really want the FCC to be in the business of determining which religion is better qualified, which one is more primarily religious in its operation of a public television station? I do not think we really want that. I think that the historical standard of which of the applicants will better serve the educational needs of a community is the standard which we should maintain, it has served our country well, and it is one which I believe once the debate moves to the Markey amendment will be better understood by all who are watching it, and ultimately I think, hopefully, supported so that we can maintain that status which has served our country so well.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX), a member of the Committee on Commerce.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California (Mr. COX) is recognized for 2 minutes.

Mr. COX. Mr. Speaker, I agree with essentially all of the arguments that were advanced by the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) just now in opposition to this bill because everything that they said makes sense. We ought not to have the FCC become the Faith-based Content

Commission. The reason we are here on the floor is that that is exactly what the FCC tried to do.

Six months ago, the FCC ruled that church services would not qualify as general education programming. Six months ago, the FCC ruled that the broadcast of religious views would not constitute educational programming. The FCC ruled that the broadcast of religious beliefs would not qualify as educational programming. The FCC put this out in the form of a rule. They, not the Congress, put the word "religion" into the test for whether or not you could get a broadcast license. And so this legislation is necessary to take away that discretion. So much for the arguments made by the gentleman from Massachusetts.

The gentleman from Michigan then says, "Well, it's not necessary to be here on the floor because the FCC has withdrawn their stupid rule," and many of the minority who spoke against this bill called the FCC's action stupid. It was withdrawn, they said, because the FCC should not have ventured into this area. This legislation is necessary to take away power that the FCC apparently thinks it has, but no one in the majority or the minority wishes them to have, to adopt such a significant policy change as they attempted to do here to take religious broadcasting off the air without any public notice or input.

We should vote for this legislation for this reason. Here is what it says: The Commission should not engage in regulating the content of speech. That is what this is all about. Vote aye.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 4201, the Non-Commercial Broadcasting Freedom of Expression Act. This legislation eliminates the educational requirement from non-commercial public radio and television stations that receive free spectrum. This program was created by the Federal Communications Commission (FCC) nearly fifty years ago to serve the needs of our communities and provide educational programming to all of our families. I simply cannot watch this scarce and valuable resource be endangered by this bill. Pressure for spectrum is more intense than ever. I believe it is important to maintain the longstanding commitment to programs of broad public educational content.

As it stands, religious broadcasters are currently eligible for a license for non-commercial educational (NCE) broadcast television channels if they can demonstrate that their programming will be "primarily educational" in nature. H.R. 4201 eliminates the requirement that programming have an educational content.

This bill would set the stage for unwelcome government interference into religion. It would place the FCC in the untenable position of picking between

competing claims of various denominations and religions—a dangerous precedent in which the government would be expressing a preference of one religion over another. With this legislation, the FCC would be forced into a position in which it must choose between two opposing religious groups that are competing for the same license. This is in clear violation of the First Amendment. Moreover, the elimination of the educational requirement opens the door to allow any fringe group in America to qualify for a free broadcast license.

Some have said that the Non-Commercial Broadcasting Freedom of Expression Act was spurred on by a misguided ruling on the part of the FCC this past December. The FCC approved Cornerstone TeleVision Inc.'s application for an NCE license with "additional guidance" intended to clarify the current standards and stating that at least one-half of Cornerstone's broadcasting needed to meet an educational purpose. The FCC also offered guidance as to what constituted educational programming. After a great deal of criticism from across the political spectrum for the undue meddling of the FCC, the agency rescinded the "additional guidance" section of the license approval offer. The problem had been solved. Yet, this legislation, which aims to prevent undue government interference in the future, creates a new problem as the FCC determines which religious organizations warrant a license and which do not.

Mr. Speaker, the whole proposition raises many troubling questions which leaves me convinced we are better off under present law. I fully support religious organizations being eligible to apply for and receive non-commercial broadcast licenses as prescribed under current statute. Many of these organizations are already broadcasting educational programming successfully and adding to our greater understanding of faith and religion. The goal here is to preserve the integrity of a program that brought our children high quality shows such as Sesame Street and Mr. Roger's Neighborhood. At its very core, public broadcasting was meant to have an educational purpose. To eliminate that provision is to place this entire program at risk.

Mr. BLILEY. Mr. Speaker, let me start by thanking my colleagues on the Commerce Committee, Subcommittee Chairmen TAUZIN and OXLEY as well as CHIP PICKERING, for their hard work on this important issue.

Last December, while we were all back in our Districts for the holidays, the FCC attempted to get into the business of determining acceptable programming for public broadcasters.

Included a decision regarding a specific radio station in Pittsburgh, the FCC created "additional guidelines" that could have had sweeping changes to the way many broadcasters operate.

The FCC tried to claim that the changes were simple clarifications.

Further, the FCC also tried to make these changes without appropriate notice and comment.

The fact is that some in the FCC wanted to make the statement that religious expression is not educational and thus calling into question the noncommercial broadcast licenses held by religious organizations.

The truth of the matter is that these changes were more than clarifications. Beyond bad policy, the FCC's failure to allow the general public a chance to comment is equally harmful.

And criticism of these changes was universal. In fact, the outrage was so overwhelming that FCC rescinded their order in twenty-nine days. The FCC knew it was in the wrong and quickly tried to get out of the mess.

But what happens if in the future the FCC tries the same thing? What happens if instead of an explicit policy, the proposed additional guidance is implicitly used by staff behind closed doors?

It is now up to Congress to make sure something like this doesn't happen again. We have a responsibility to prevent the FCC from making content regulations for religious broadcasters using our nation's airwaves. We can achieve this today by passing H.R. 4201.

We are here not because the Federal Communications Commission simply made a mistake. We are here to make it abundantly clear that the FCC shall not have authority to impose such requirements now, or in the future.

Congress must act now and H.R. 4201 is the right legislation. I urge all Members to support this bill.

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MARKEY:

H.R. 4201

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncommercial Broadcasting Freedom of Expression Act of 2000".

SEC. 2. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

"(1) IN GENERAL.—A nonprofit educational organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instruc-

tional, cultural, or educational religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

"(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

"(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or

"(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.

"(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting—

"(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or

"(B) the requirements of section 396, 399, 399A, and 399B of this Act."

(b) POLITICAL BROADCASTING EXEMPTION.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting ", other than a noncommercial educational broadcast station," after "use of a broadcasting station".

(c) AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.—Section 396(1)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(1)(3)(B)(ii)) is amended—

(1) in subclause (I), by inserting before the semicolon the following: ", and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)"; and

(2) in subclause (II), by inserting before the semicolon the following: ", except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)".

(d) IMPLEMENTATION.—Consistent with the requirements of section 3 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930-73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.

SEC. 3. RULEMAKING.

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 2).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 2 within 270 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Louisiana (Mr. TAUZIN) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume. This amendment is very straightforward and very simple. It restores the word "educational" in two key areas. First, in establishing eligibility to obtain a noncommercial educational license, a public TV station, it stipulates that one must not merely be any nonprofit organization but rather a nonprofit educational organization.

Secondly, it restores the educational basis for the programming by adding the word "educational" before the word "religious" in the underlying legislation.

The point here is that noncommercial educational licenses should have an educational basis. If we do not pass the Markey substitute, the underlying bill has the effect of gutting the educational basis for public television because it would permit religious programming to qualify for such licenses 24 hours a day, 7 days a week.

Now, many of us would be very happy to have religious organizations broadcast in our communities, and many do so today under commercial licenses. A few also do so on noncommercial educational licenses, yet adhering to the educational requirements that such licenses hold. Nothing in this amendment would prevent religious programming. It simply states that in order to have a public TV license, a noncommercial educational license, you must be primarily educational in your programming.

I know that we have a difference of interpretation of what the sponsors of the bill believe their bill does. The sponsors believe that their bill does not change the eligibility requirements and operational requirements of noncommercial educational licenses, that is, public TV stations across the country. I continue to believe that the deletion of the word "educational" from the eligibility requirements so that noncommercial educational licenses are able to be licensed to any nonprofit organization as well as the inclusion of the word "religious" as a category of broadcast material for which these licensees must primarily serve their communities is a fundamental change.

The FCC has indicated that some religious programming will certainly qualify as educational. It always has. But we must remember that we have set these broadcast licenses aside to serve the community with educational programming. We have exempted these licenses from the auction process.

Again, that is not to say religious organizations cannot be noncommercial educational licensees. Many already hold such licenses under the current licensing regime. The only question is whether we are going to change the nature of the trusteeship of the public's spectrum. Again, these are our public

airwaves. We ought to ensure that these licenses that have been specifically set aside to serve the community, the entire community, with educational, noncommercial programming serves to the maximum extent possible the educational needs of the whole community. Religious organizations can certainly fulfill that role. We welcome them in that role. But we do not have to change the eligibility and operational requirements for them to effectively participate.

Again, I believe that we tread on very dangerous ground where sectarian messages intended for the followers of a particular religion are licensed to displace nonsectarian educational messages intended for the entire community. Again, I believe we go too far where the government favors religious messages by specifically blessing them by exempting them from spectrum auctions.

My amendment simply restores the educational focus for these licenses, and I hope that the House supports it.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say the gentleman from Massachusetts' amendment is not simple at all. It is not simple at all. By reinserting the word "educational" in front of the word "religious," what the gentleman from Massachusetts is doing is giving the FCC the authority to decide which religious programming is educational enough according to their standards. That is precisely what they tried to do in December. It is precisely the wrong, stupid action they took in December that even my colleagues on the other side have condemned as stupid and for which they turned around with a 4-to-1 vote and reversed themselves. This amendment would give them the power to do it again. And at least one of the commissioners said, given the chance, she will do it again, she will put the commission in the business of deciding which religious program, which religious message is educational enough to satisfy a Federal bureaucrat.

□ 1145

If it is not, the license can get pulled. Would that not be wonderful in America? Would we not be really blessed to have this amendment in the law, to give five federally appointed bureaucrats the right to say which religious messages are okay on these noncommercial stations and which are not?

Now, the gentleman will make us believe that there are only a few of these stations, just a little rare exception somewhere. My friends, there are 800 to 1,000 religious radio broadcasters holding noncommercial licenses today in radio. All across America, there are religious organizations and family groups

who have religious programming on these stations, and nobody until December, nobody in Washington had the nerve, had the audacity under our Constitution to suggest that they knew better than those programmers what was good religious programming, what was educational enough to satisfy the bureaucrats up here in Washington.

Like bureaucrats in Washington know the value of religion in our homes and in our communities. Let me tell you where these stations are, they are across America. There are 23 religious television stations in America, 23, I say to the gentleman from Massachusetts (Mr. MARKEY), not just a few.

There is one, for example, in Takoma, Washington, the Korean American Missions Incorporated. There is one in San Antonio, Texas, the Hispanic Community Educational TV, Incorporated. There is one in West Milford, New Jersey, Family Stations of New Jersey, Incorporated; The Word of God Fellowship in Denver, Colorado. They are across America.

There are stations that own these noncommercial licenses and do religious broadcasting for the good of this country and the good of families all over America; and the bureaucrats in Washington would like the right to put them off the air because their religious views are not educational enough to satisfy whatever the standards of five commissioners sitting at the FCC are.

For heaven's sake, do we really want to give them that power? If we really do, adopt this amendment; that is what it does. If we want to take the power away from the FCC to decide whether a religious message or program or religious church service is educational enough to meet these standards, whatever they are, then vote for this bill; that is all it does.

It simply says for the future the FCC can no longer try to do the stupid thing they tried to do in December and the thing they would be allowed to do if the Markey amendment is adopted. We need to defeat this amendment and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of the Markey amendment, and I urge my colleagues to do the same. The bill we are voting on today is quite simply an overreaction. The FCC attempted to clarify a rule. It then made a controversial decision and subsequently withdrew it, as they should have.

Today, my Republican friends at the behest of conservative religious groups are seeking to make sure that the FCC can never again venture into this area. They are seeking to use the power of the Congress to write a statute that fences the FCC off from this area.

Now, some may think this is the way that the Congress should spend its time. I think the FCC acknowledged that it made the mistake that it did; but it is overreaction, because the bill goes even beyond overreaction.

The bill is showpiece legislation for religious groups in my view. It is unnecessary. It is very, very poorly drafted, and it creates a bad precedent; but these are not criteria which exclude us from considering it. It goes beyond that.

The bill contains a very dangerous constitutional flaw. It opens the door for religions to qualify for a free noncommercial educational license provided at taxpayer expense.

We should strike that portion of the bill, by at least passing this amendment. Without this amendment, in my view, the legislation makes clear that the majority intends to change the fundamental nature of public broadcasting in America.

No longer will anyone have to prove their educational mission to obtain an educational noncommercial television license.

That standard will be changed. It will be relaxed to require only that a religious purpose exists. And how will the FCC define that religious purpose? It cannot; because the Government really has no business defining it. Therefore, anyone calling itself a religion can qualify; anyone including cults and charlatans that have called themselves prophets and even some that spread hate in our country, people like David Koresh, and Jim Jones others.

I do not think the Congress wants that. I do not think the country wants that. Mr. Speaker, without this amendment, the bill will present the FCC with the choice of choosing between religious groups. On its face it presents an unconstitutional predicament for the FCC.

In practice, it will allow potentially anyone to qualify for this free license. I appreciate the intent of those that support this bill. Many Members on the Committee on Commerce expressed what I think were somewhat sincere views. Protecting religious expression is not only a worthwhile objective for this Congress, it is our duty.

Remember the oath that we all took, when we were sworn in. Mr. Speaker, we should pass this amendment, if we do not, we will be passing legislation that will be overturned as unconstitutional. And more importantly, if we do not, we are providing television time and taxpayer money to underwrite religion. This is a slippery slope of government sponsorship of religion itself.

Mr. Speaker, I urge support of this amendment. It makes sense. It is good for the country. We do not need to be taking up the time of the Court to strike down the unconstitutional work of the Congress.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, again, to correct the RECORD, without the Markey amendment, the legislation, standing as it is, does not create any new standards to judge these licenses. The legislation codifies the words and the status quo, the old standard, the commission always used until December. It simply says that they will yield to the discretion of the religious broadcaster in its own programming, unless that discretion is exercised in an arbitrary or unreasonable manner, and they have always had that standard, that is, the standard in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, I rise in opposition to the Markey amendment. It is always a good debating point to set up a straw man. In this case, my friend from Massachusetts (Mr. MARKEY) sets up this straw man as being some kind of a cult that would somehow get a noncommercial license and proselytize through that operation.

I would simply say to my friend from Massachusetts (Mr. MARKEY), that the legislation that was debated in committee, now being debated on the floor, is pretty clear, that unless it is unreasonable or arbitrary that the decision by the broadcaster will maintain and, in fact, that is the way it was from time immemorial until the FCC in this middle-of-the-night decision over the holidays determined that they would use a rather ordinary license swap to try to maintain their ability to determine what content was in the area of religious broadcasting; and had it not been for the Congress and Members of the Committee on Commerce acting quickly to point out what problems that decision would bring, had it not been for that outcry and the outcry from the people of this country, the FCC would have never decided to rescind that decision.

This bill makes certain that no matter who is at the FCC, no matter who appoints an FCC in the future, that these kinds of arbitrary decisions based on educational or cultural content basically determining what that content is by the Government shall not maintain, and that is really why this legislation is absolutely necessary.

If I was confident that in the future any FCC would follow the standard procedures that they had in the past and license swaps and decisions on licenses, I would feel a lot more comfortable. But I have to say that we have evidence to the contrary. Three FCC commissioners, the three Democrat FCC commissioners made the determination that they would determine what content in religious broadcasting was all about.

We are, indeed, representatives of the people. The FCC, despite being an independent agency, is essentially bureaucrats that interpret the law. We write the laws, so this legislation sets us

back where we were very comfortably before understanding what the purview of the status was and understanding the role of the FCC.

Ultimately, the FCC cannot, should not be an arbiter of what content is in this form of broadcasting, and that is ultimately what this decision is all about.

I do not know whether my friend from Massachusetts (Mr. MARKEY) supported the original decision by the FCC or the decision to overturn it, but I do know where he stands on this issue. This legislation is absolutely critical.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I have never met a group of people who so were irked by the possibility of straw men being set up, who have demonstrated such massive talent to create a straw man, and I want to salute my good friend from Ohio for his ability to create a straw man. His straw man is the FCC. Now, the FCC has totally withdrawn the order. I opposed it; the gentleman from Massachusetts (Mr. MARKEY) opposed the order. The order is no longer a reality; it is gone.

The FCC is still the skunk at the picnic. Now, I have been more critical of the FCC than anybody in the body. I am quite delighted to castigate them when they are wrong. The simple fact of the matter is, they are not a factor in the debate before us.

Now, let us look at what the amendment does. It inserts the word educational in two places in the legislation, one at page 4 and one at page 3; and the purpose of that is to see to it that the organizations which seek this are, in fact, setting it up for educational purposes and that they are, in fact, educational organizations. That is what existing law is.

Mr. Speaker, the practical effect of this is to assure that the FCC will not be compelled to hold comparative hearings, as they must do when there is a contest, to choose between two different religious organizations, or between a religious organization and a secular organization.

I think if this country wants to proceed down the path of triggering the religious wars, which have plagued this race of men, and I am not talking about in the United States, but in England, to set up a situation where government is going to have to choose between religions, between religious teachings or between applicants who might have a religious purpose, is probably the finest way to return to the unfortunate days of the religious wars.

Mr. Speaker, what happens if several religious organizations apply to the FCC to get a license to broadcast under the bill as it is drawn? Then the FCC must commence a process of comparative hearings which will then choose. Now the only thing these applicants

must do under the legislation which is before us is to set out that their purpose is to teach certain kinds of religion.

Mr. Speaker, I do not know which one it would be, but that would be then the problem before the FCC, which religion? Which religious groups? Which religious tenets must they choose?

I would note that the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) generally restores existing law. It does not make possible the FCC to return to its follies which have triggered this sorry mess, but I would note for the benefit of my colleagues on the other side that it prevents the FCC from making a decision on religious grounds.

It also prevents the courts from having before them a question which is bottomed on a religion-based application by an applicant for a particular license and for a particular wave length.

Now, I think we ought to understand that this is not the kind of choice that we want to have made in this country. Government must stay out of religious matters and leave these as private judgments to the people who wish to believe and to allow them to choose that which they believe without any kind of government preference.

Now, it would appear that this is some question of religion against secularism. Nothing is further from the truth. I would remind my colleagues that there are many religious broadcasters who oppose the legislation and who support the principles of the Markey amendment, not the least of whom are the National Council of Churches of Christ in America, the Interfaith Alliance, and the Unitarian Universalist Associations of Congregations.

I would note something else. We are not without a prospering group of religious broadcasters; there are over a thousand of them. They have a regular program of mailing and discussing issues with Members of Congress.

□ 1200

I have met with my religious broadcasters; and I receive large amounts of mail, which I respond to as courteously and carefully as I know how. They are a valuable force in our community, and they are not threatened by either the status quo or the Markey amendment. The responsible ones amongst them will agree, there is no peril to them.

If you want to put government in the midst of picking religions, picking religious broadcasters, supporting religious tenets and teaching, and opposing to others, to vote for the bill as it is submitted is a fine way to accomplish that purpose.

If you want to see that government stays out and that we take care of not only religious broadcasters, as they should in a fair and proper way, but that we take care of education, because I would remind my colleagues, this is a

raid on the educational broadcasting system, the educational broadcasting networks and upon public broadcasting, I would point out if this legislation is passed, you are going to find any imaginable form of religious crank or crackpot to come forward to claim priority in terms of religious broadcasting licenses. Reverend Koresh, Jim Jones, any one of many, can come in and then force your government, your agency, the FCC and this Congress, to address who is entitled to a broadcasting license.

Mr. TAUZIN. Mr. Speaker, the Chair is pleased to yield 5 minutes to the gentleman from Mississippi (Mr. PICKERING), the author of the legislation.

Mr. PICKERING. Mr. Speaker, again I rise, this time in opposition to the Markey amendment. Let me do two or three things: One, establish what the real agenda is in this case; establish the record; and then talk a little bit from personal experience.

One, what is the agenda? What happened in the case that was decided in December, the license in Pittsburgh? After the guidelines came out, the Pittsburgh station, the religious broadcaster withdrew its application because it did not want to submit itself to the FCC guidelines.

The real agenda here is to banish, to remove, to exclude, the religious voice, the religious broadcasters, from non-commercial licenses, educational licenses. The gentleman from Massachusetts has been very clear. He sees this as public, as educational, not as religious. They have plenty of commercial space, but they should not be on the public and the educational. He does not see them as performing an educational role, a cultural role or instructional role. The agenda is clear: Banish the religious voice from the non-commercial spectrum.

If there is a public park, do not let the religious children play. Make them go to the commercial strip mall, and that is the only place we will let them play. But not in the public park. There is no place for the religious voice in our park.

Now, we are all somewhat motivated and guided by our own personal experiences. I think many on the other side look at the religious discrimination and religious bigotry and religious bias that has occurred in our history and they see the religious practices as dangerous devices.

I have to admit I come to this floor with great concern and disappointment in my heart. I have great respect for the gentleman from Massachusetts and the gentleman from Michigan, but what has taken place today on this floor is that they try to take the worst examples, the David Koreshes, the Jim Joneses, and they demonize and they isolate and they marginalize the religious voice.

They take the whole group of religious broadcasters, and there are over

800 non-commercial religious broadcasters today on radio, and there is not one case, not one case that they can cite of any extreme, hate or group that has not behaved responsibly in performing their public interest, their community service, their educational, their cultural, their instructional roles and responsibilities in the community. Not one example.

In the Supreme Court case, *Peyote*, the Supreme Court said there is no government obligation to protect those who incite hate or who incite violence. So if there is a David Koresh or if there is a Jim Jones who wants this license, they will not be protected under Supreme Court precedent and under the language of our legislation.

Look at the report language: "... that the organization determines serves an educational, instructional, cultural or religious purpose in the station's community of license." The new section also mandates that such determination by the broadcaster may not be arbitrary or unreasonable. If it is a hate-based, extreme group, they will be viewed as unreasonable and arbitrary. They will not be able to maintain their license if they are those types of groups.

But by tainting those who are responsibly serving their community now, I think it is frankly wrong, and it is doing exactly what those on the other side hate. They are demonizing, they are marginalizing, they are isolating, which then leads to discrimination.

The religious voice in the public square or in the public park is good for our country. It has been that way from our beginning, it is that way today, and we simply want to protect and preserve that and prohibit the FCC from coming in and regulating and controlling and stifling religious expression.

The gentleman from Michigan and the gentlewoman from California say that the Markey amendment will simply return us to the past precedent, the past practice. That is not the case. It will return us to the FCC guidelines issued in December, which they both said was wrong, which led to a regulatory regime of a speech police at the FCC, determining what is and what is not acceptable or unacceptable religious speech, what is educational in their eyes.

I urge all of my colleagues, let us not divide, let us not demonize; let us protect our fundamental history and legacy of religious liberty. There are those that are now performing vital roles in their communities. Let us not prevent them from doing so in the future.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, again, let me come back to clarify once again. Under existing law, religious broadcasters are able to operate public television stations in

the United States. However, they do so accepting the responsibility that they must serve primarily the educational needs of the entire community, although they are free to also broadcast their own religious beliefs. But, primarily under existing law, they must serve the educational needs of the entire community.

Under the bill being proposed here today, that very same religion will now be freed up to broadcast exclusively their own religious beliefs, 24 hours a day, 7 days a week. Now, that is a big change, a big change, in the history of public broadcasting in our country.

No one has any objection to the existing religious broadcasters on non-commercial educational broadcasting stations. No one has any objection to the existing standards continuing to be used in order to define whether or not they are serving the community well. But we do object to the standard which the majority is seeking to propound here today, which, in my opinion, will be a violation, an encroachment, on the establishment clause of the United States Constitution, of the first amendment, which creates a very strong line of demarcation between the state and religion.

Here a public broadcasting station will be used by an individual religion to propound primarily religious messages all day long on a public broadcasting station, and I think at the end of the day that is wrong and it is something which should be rejected, as the Markey amendment seeks to correct it on the House floor here today.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Let me point out that the problem is that the FCC got into doing that. It got into trying to say which religious content was educational enough to please the gentleman from Massachusetts (Mr. MARKEY) or anyone else in this country. That is what was wrong. It basically said a church service was not educational enough, a sermon perhaps by the Reverend Jessie Jackson on the Ten Commandments would not be educational enough for these commissioners, and they were going to decide when these religious broadcasters were or were not meeting the standards of the FCC, as to whether or not their religious beliefs, sermons, and services were educational enough. How crazy. Thank God they backed down from it. We need to make sure they never go back to it. That is why the Markey amendment needs to be defeated.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, what we are talking about with the Markey amendment is the FCC deciding what the educational religious intent of television broadcasting is. So I pose these questions for the gentleman from Massachusetts (Mr. MARKEY).

Will the Christmas Mass at the Vatican be able to be broadcast under his

amendment? Obviously it is religious. Under the gentleman's amendment, you would no longer see the Christmas Mass at the Vatican on non-commercial TV.

What about the performance of the Messiah at the Washington National Cathedral here? Under the gentleman's amendment, no longer shall we see this.

The National Day of Prayer here in Congress, which is televised, many of the non-commercial religious stations broadcast that. No longer.

Opening prayer of House and Senate. You could stretch this on and on and on and on. Teaching the Ten Commandments. Under the Markey amendment, all of this would be gone, and that is why two-thirds of the Democrats who are on the commission voted to overturn their own ruling, because they realized what they did was wrong.

What we have today is the FCC creating a category of politically correct, government-approved religious speech. Let me repeat that. The Markey amendment is creating a category of politically correct, government-approved religious speech.

Interesting, as one commissioner said, "If you believe what you are saying about religion, you cannot say it on the non-commercial television band; but if you don't believe what you are saying, then you can." That is the paradox that the Markey amendment is providing here.

As I mentioned earlier, I think it is unconstitutional to let the FCC have this amount of power. Many of us think the FCC as an agency could be done away with. This whole idea of educational TV is being replaced through the Internet, through broadband, through wireless, through the cable. You get 250 channels through direct television. And here we are coming down on religious broadcasting that has been around since the start, the very start, of television broadcasting. We are totally changing this with this amendment. It has far-reaching implications.

So I ask my colleagues, do they want to do away with religious broadcasting completely and strip all religious broadcasting from television? Then they should vote for the Markey amendment. If they believe that they want to do away with the broadcasting of the Christmas Mass at the Vatican, vote for the Markey amendment. If they believe that the performance of the Messiah at the Washington Cathedral is wrong and they do not want to see it on non-commercial television, then they should vote for his amendment. In fact, simply the instructions for proselytizing or talking about religion on television will become history under the Markey amendment.

So I would close, Mr. Speaker, with these comments: The Markey amendment would create an educational reli-

gious purpose and play into the hands of those at the FCC that want to have the say over content of religious programming. Instead of providing clarity, which the Pickering amendment does, and protection from a hyperactive FCC, and I think Members on both sides of the aisle would agree that the FCC is hyperactive, instead of that, in reining in their power, we are giving them more power, and we are creating confusion for religious broadcasters and threatening their very existence.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

□ 1215

Mr. Speaker, just so we can once again clarify, under existing law, the way we have operated for the last 50 years in this country, Christmas mass can be on a public television station. Handel's Messiah can be on a public television station, as long as the operators of that public television station are serving primarily the educational needs of the community. However, under this amendment, Christmas mass can be on 24 hours a day, 7 days a week, 365 days a year, if that religion decides that that is the only thing that they want to put on. They do not have to any longer serve any of the educational needs of the community at all.

Under existing law, Christmas mass is on; Handel's Messiah is on. The educational needs are served. Under their amendment, their bill, all day long, religion 24 hours a day, one particular religion operating the public broadcasting station in town with no requirement to serve the educational needs of the community in any other way, shape or form. The children in the community, the local institutions in the community, and no one else.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to correct the record.

Again, there are over 1,000 religious broadcasters who do religious broadcasting all day long, today. They do not do educational programming and also religious programming; they do religious programming all day long. Never in the history of that broadcasting has any government bureaucrat ever had the audacity to come in and decide which of that religious broadcasting was educational enough for their purposes, whether the mass was educational enough, a sermon was.

But I will tell my colleagues what this commission tried to do in December. They tried to say that if 50 percent of it did not meet their standards, then they are off the air. This bill will prevent that ever happening again. The Markey amendment gives them a back door to do exactly what they did in December, to come in and say, we decide that 50 percent of it needs to be religious broadcasting that we think is educational enough; and if it is not, they are off the air. That is why it needs to be defeated.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. Cox).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

We are all agreed here, I think, having listened to the debate, we are all agreed on both sides of the aisle and on all sides of this question that the Government should not regulate the content of speech of noncommercial broadcasters and that the Government should not discriminate against some religious speech in favor of other religious speech. Both sides of this argument are claiming that high ground and saying, vote for us and we will vindicate those principles.

The legislation that is before us says, and I quote, "the Commission," referring to the Federal Communications Commission, "should not engage in regulating the content of speech broadcasted by noncommercial educational stations." That is the principle of this bill, to keep the Government out of the business of regulating speech.

Now, the Markey amendment does something very straightforward, at least mechanically. It inserts a word, one word, the word "educational," as an adjectival modifier in front of another word, "religious," so that we have an adjective on an adjective, a modifier on a modifier, and we now have something called "education religious programming." The term "educational religious programming" is nowhere defined in statute. It is nowhere defined in the rules or the regulations of the Federal Communications Commission. I do not know what it is, and the author of the amendment does not know what "educational religious programming" is.

But let us do what a judge or a court would have to do faced with this language. A judge or a court would have to say, we have an adjective in front of "religious." That means that we have something called "educational religious programming," and presumptively something that is not "educational religious programming." Two categories we have now created, this kind of religious programming and that kind of religious programming. Who decides which is which? Obviously, because of the way the statute is written and the way the gentleman has written his amendment, the Federal Communications Commission will decide which is educational religious programming on the one hand and which is the other category, presumably non-educational religious programming.

What does the bill do without his amendment? The bill, without his amendment, simply creates a presumption. It says, and I quote, "Religious programming contributes to serving the educational and cultural needs of the public and should be treated by the Commission on a par with other educational and cultural programming."

So the FCC has no decision to make. The FCC does not decide which religious programming is good and which religious programming is bad; it does not run afoul of the establishment clause of the first amendment to the Constitution as it would under the Markey amendment.

This new category that the Markey amendment would create of educational religious programming, which as I say, I have never seen, does not appear in statute, does not appear anywhere in the regulations, would create a lot of confusion. It would be a legal unicorn. Nobody having seen it before would not know quite what to make of it, or maybe it would be more like the Loch Ness Monster of the United States Code. We would see a vague apparition, but we would not quite know what to make of it. One court might decide one way; another court might decide another way.

I think that the colloquy between the gentleman from Florida and the gentleman from Massachusetts about the broadcasting of a church service makes the vagueness, the hopeless vagueness of this amendment's wording very obvious. Because the author of the amendment does not really know, at least I listened to his remarks and I inferred this much, does not really know whether or not under his standard, the broadcast of a church service would be acceptable or not. We ought not to put the FCC into that kind of legal muddle.

Remember the reason that we are here is that just 6 months ago the FCC said this, quote: "Church services generally will not qualify as general educational programming under our rules." They tried to change the status quo. The Democrats said that was stupid, the Republicans said that was stupid, and so the FCC quickly backed down.

Mr. Speaker, that leaves but one question. If we reject the Markey amendment and we have this base text, why do we need this bill to make sure the FCC does not do again what they did in December? After all, they have backed down and that argument has been forcefully made by the gentleman from Michigan.

The answer is that the commissioners have let it be known, certainly one of them, that they would go forward in this course of action again, given the opportunity. So what we are saying in this legislation is the following: the Federal Communications Commission shall not establish, expand or otherwise modify requirements relating to the service obligations of non-commercial educational radio or TV stations, except by means of agency rulemaking conducted in accordance with the law.

Because the FCC not only did something that the Democrats thought was stupid and the Republicans agreed was stupid, a word used several times to de-

scribe their action during the course of this debate, but they did so without any, without any public notice or input, or any warning to the broadcasters whose licenses were at stake. The policy change was announced as part of an adjudicatory proceeding relating to the transfer, as we have discussed here earlier in this debate, of a Pittsburgh TV station. By acting in this manner, the Federal Communications Commission circumvented the Administrative Procedure Act which requires public review and comment before any major policy change is adopted.

Mr. Speaker, I urge my colleagues to vote in favor of this legislation so that we will have a transparent process, so that we will not have bureaucrats run amok, so that we will not find ourselves 6 months from now on the floor of this House complaining that the FCC action directed towards broadcasters was stupid. I urge that we reject the Markey amendment so that we do not render this legislation unconstitutional and hopelessly vague, so that we keep the Government out of the business of regulating religious speech.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying bill allows, allows the Federal Communications Commission to determine that a broadcaster's programming, which is primarily religious, is arbitrary or unreasonable. In other words, the FCC, under the bill as written, can step in and make judgments on religion. We are not getting away from the FCC making content decisions. We are simply letting the FCC into judging religious programming and whether it is sufficiently religious. We should not allow the FCC to become the Faith Content Commission.

The gentleman from California referenced the bill's findings, and I am sure Judge Scalia will appreciate the findings. However, the actual legislative charge to the FCC goes much further in the legislation. Let me read. It says under Service Conditions on Non-commercial Educational and Public Broadcast Stations: "A nonprofit organization shall be eligible to hold a non-commercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves a religious purpose in the station's community of license, unless that determination is arbitrary or unreasonable."

There is no requirement that the broadcaster has to have an educational content; there is no requirement that it has to have served the needs of the entire community. The FCC is put in a position where, if two particular religions want one station, that they have to determine, the Federal Communications Commission, the Faith Content Commission, has to determine which of the two religions can better serve a

particular community without even judging whether or not either religion is going to serve the educational needs of the community. Only which one is sufficiently more religious.

So in fact, while the legislation's ostensible purpose is to remove the Federal Communications Commission from content-based decisions, in fact, what the legislation is about to do is to open wide the gates for religions all across America to begin to lay claim to individual educational public broadcasting stations all across America, and to argue before the Federal Communications Commission that their religion is more religious than another religion in taking over those public broadcasting stations. And, as part of the test, the Federal Communications Commission will not be able to look at whether or not the religion serves any educational need whatsoever in the community.

Now, that may be the goal, because I know that there is a latent hostility on the part of many Members on the other side towards the public broadcasting system. I understand that. They have never liked the public broadcasting system; they have never enjoyed at all their particular mission; they do not like the fact that they, in fact, do educate the entire community. I understand how many Members on the other side do not like the public broadcasting system. But we are going to have to set up an aquarium down here in the well of the House to deal with all of the red herrings that have been spread out here on the floor.

What, in fact, the majority is trying to do here today is to take public broadcasting stations and turn them into religious stations, plain and simple. That is the goal. So if you have a public television station back in your hometown and it has historically served the educational needs of the community, under this new language, they will no longer have to do so, and the FCC will have to intervene in order to determine which religion best serves the religious needs of that religion, of that community, but will be able to go no further.

So I say to my colleagues, if ever there was an unconstitutional piece of legislation out here on the floor, this is it. If ever there was a piece of legislation that is going to be struck down for violation of the establishment clause or the separation between church and State, this is it.

□ 1230

But for those who hate the Public Broadcasting System, this is just a natural further extension of their attempts to undermine its historic and thus far successful mission in every community in the United States. It will result ultimately, without question, in a transfer of stations over to individual religions with no educational goals whatsoever except for

the proselytizing of their own individual sect.

That should be allowed. They should be able to purchase commercial TV stations. In fact, let us be blunt, under the existing clause, as long as the religion does serve primarily the educational needs of a community they can talk about their own religion on that public broadcasting station, but they cannot do so to the exclusion of all other educational content, of all other service to the community, of all other service to children within that community.

Mr. Speaker, this amendment which I am propounding is one which very simply ensures that the word "educational" is inserted before the word "religious," that there is an educational component to any of this religious broadcasting which is going to be primarily broadcast on these public television stations.

If we do not do that, there is going to be a fundamental change in public broadcasting in our country. I know it is the goal of the majority, but it should not be the goal either of the Members of this House or of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first let my friend, the gentleman from Massachusetts, know that I do not particularly like characterizing motives. I do not like it when we do this on the floor. I do not like it when my side does it or the gentleman's side does it.

However, if the gentleman wants to ask about motives, let me explain them. I do not think the gentleman can characterize the motives of people regarding public broadcasting. Many like public broadcasting but do not like the way it is being funded.

Many of us think there is enough diversity in television that we do not necessarily have to use tax dollars to fund a separate category of public broadcasting.

There are many who were offended when public broadcasting shared its donor list only with Democratic organizations. Members might look at that and see some real cause for anger and concern on this side. When a public institution funded with taxpayer dollars decides to help one political party to the exclusion of the other, I guess it is going to cause a little anger and upset on this side. It well should have.

But I have not accused nor would I question the motives of the gentleman's side in offering this amendment. I have not said the gentleman was against religious programming. I am not suggesting that the administration is out to shut down religious programming, or the FCC tried to shut down religious voices on noncommercial stations. There were some people saying that. I never said that.

What I have said, what I will continue to say, is that what the FCC did in December was stupid. It tried to inject government decisions into what was proper religious programming on a religious broadcast station. We ought to put a stop to that. It ought to be the decisions of the religious programmers themselves to decide what religious programming they are going to put on television and radio stations dedicated to religious programming.

Mr. Speaker, the FCC did something very different in December. Up until December, it was always the presumption that religious programming was presumed to be educational. I happen to think it is. The FCC thought it was for years and years, never questioned it.

Then in December it decided it was going to set up two categories of religious programming: educational religious programming and I guess noneducational religious programming. If there was not enough of one or too much of the other, they would shut them down.

What an offensive, arbitrary decision by the FCC, which is supposed to be carrying out the law, not making up their own law, not deciding as a matter of law what was good religious speech on television and radio and what was unacceptable. That is wrong. That is what is wrong. That is what is unconstitutional.

This bill will end it. It will not only say to the FCC, you cannot do it in the dead of night without public input and proceedings; it will say, you cannot ever do it again.

The gentleman's amendment will give them the right to do it again. The gentleman's amendment says, exactly as the FCC wanted to say, that there are two categories of religious broadcasting, one educational religious, and then something else. They do not define it, do not know what it is, and guess who defines it under the gentleman's amendment? The same FCC that did the stupid thing they did in December.

That is the reason the gentleman's amendment needs to be defeated; not because the gentleman had bad motives, not because our side has better or weaker motives than the gentleman, but because the amendment is wrong. It gives the FCC the power to do the stupid thing they tried to do in December. That amendment needs to be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this issue is historic in its nature. Many on the other side contend that they support the historic mission of the public broadcasting stations across the United States. Yet, in their amendment, their bill, they are going to remove the educational re-

quirement for public broadcasting stations across the country, remove it.

No longer will there be a mandate that as part of the stewardship, part of the responsibility of controlling a public broadcasting station, that those individuals must serve the educational needs of the entire community. They are removing that. It is without question the core principle, the constitution that underlies the foundation of the public broadcasting stations in our country.

That is why the national PTA opposes their bill and supports the Markey amendment, the national PTA, the teachers, and the parents; and the National Education Association as well, and the Unitarian Universalist Association of Congregations, the Interfaith Alliance, the National Council of Churches of Christ. All of them support the Markey amendment and oppose the underlying bill.

The reason is that they have removed the educational requirement from educational TV. They are going to allow for religion to be the only thing which is on a public broadcasting station all day long, regardless of whether or not it has any educational content whatsoever.

Even though we concede that under existing law, existing law, that religious organizations are able to run and do run very well public broadcasting stations across this country, and they include a religious component to the maintenance of those TV stations, and that is fine. That should continue. Whether it be Christmas mass or Handel's Messiah, it should stay on public broadcasting TV stations. We agree with that.

Where we disagree and where the Markey amendment is so important is that we must ensure that the religious component does not replace the educational role as the primary responsibility of public broadcasting stations in this country.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I do not think anybody has really given on this side much thought to what this legislation does. Let us take a situation where a religious broadcaster or person who would be a religious broadcaster puts in an application and a group of educational broadcasters or would-be educational broadcasters put in an application. Then we have this occurring, we have a comparative proceeding before the FCC at which the FCC has to choose between the educational purpose for that station and essentially a religious purpose, with literally no real review, with no criteria whatsoever.

I challenge my friends on this side to come up with any criteria that a religious or would-be religious broadcaster

has to present to the FCC. So we have two situations, probably a priority given to the religious broadcasters, but certainly, in any event, a choice has to be made then between the FCC having to decide whether they are going to have a bona fide religious broadcaster broadcasting on that particular wavelength or some religious group broadcasting nothing, nothing, there is no requirement for anything but religion on that particular wavelength.

We are setting up a most dangerous situation here. I would simply point out to my friend, the gentleman from Louisiana, he is going to bear the guilt of having done this to broadcasting, for having stripped the American children of opportunities to have real educational broadcasting.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, to use a ploy to say he (Mr. TAUZIN) bears a guilt is incorrect. Remember, two-thirds of the Democrats and 100 percent of the Republicans already voted to overturn the decision. So if the gentleman wants to point guilt, then he should point it to the gentleman's side of the aisle—namely, Democrats where two-thirds of the Democrats of the FCC Commission supported what we are doing today.

I point out in closing to the gentleman from Massachusetts (Mr. MARKEY), if the Christmas mass is broadcast at Fort Pierce, Florida, at midnight on Christmas Eve, and then suddenly that station decides, it wants to also broadcast it on New Year's Eve, what happens? Suddenly the FCC is going to call them up and say, no, and using the gentleman's words, the FCC would say there is primarily not enough educational TV so we are going to have to stop you from broadcasting on New Year's Eve.

Vote against the Markey amendment.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT), a prime sponsor and supporter of the legislation.

Mr. LARGENT. I thank the gentleman for yielding time to me, Mr. Speaker.

I am afraid that some people over at the FCC have been holding their cell phones too close to their brains, because this winter they have come up with a decision and decided that they know what is best for the American people, that they understand the difference between what is religious and what is educational, so they have issued an edict.

They said, Hi, I am from the FCC. We would like to offer you additional guidance in determining what is religious versus what is educational, and if it is not religious, then it does not count as

educational; thus, no license. The FCC has really done this. They have made a value statement by saying that religious broadcasting is not educational.

It was an unprecedented move by the FCC to become the arbiter determining what constitutes religion and what does not. Do Members know what? The American people have rejected the decision and the help and the additional guidance by the FCC. Today this House will reinforce the view of the American people by rejecting the FCC's notion that they know what is best.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that is on the floor today takes the word "education" out of public broadcasting. The bill that is on the floor here today takes the word "education" out of nonprofit educational television stations. The bill that is on the floor here today changes 50 years of American history with regard to the public's relationship with public broadcasting stations and removes the word "education" as a requirement, as a mandate, with regard to how the managers of a particular public broadcasting station have to serve an individual community.

If this bill passes, never again will there ever be a test applied by the Federal Communications Commission that ensures that the educational needs of the community are being served by a public broadcasting station. Instead, they insert the word "religious" without any definition, without any restrictions in terms of how many hours a day, how many weeks out of the year, how many years in a row; the totality, the entirety of the broadcasting can be religious on a public broadcasting station.

Historically, religions have been able to run public broadcasting stations, but using the guidance that they must be primarily educational. That is what the Markey amendment does. It requires that the educational goals that historically have been the core of public broadcasting stations are maintained, while still allowing for there to be a religious component, but within the larger context of educating the entire community and not just a subpart of that community.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me read the bill without the Markey amendment. It says that these licenses are reserved to people who prove "that their organization serves an educational, instructional, cultural, or religious purpose."

We have not taken "educational" out. What the gentleman from Massachusetts (Mr. MARKEY) wants to do is take "religious" out. He wants to insert "educational religious." The word "educational" is still in. "Educational, cultural, instructional, or religious" is what the bill now says.

□ 1245

Proof it is just not so. What we are doing in the bill, what the Markey amendment would undo, is to prevent the Commission from qualifying which religious broadcasting is permitted.

I just attended the D-Day Museum dedication in New Orleans where we celebrate the greatest generation, what they fought for in World War II. They were fighting to preserve our Constitution and our freedoms. Our Constitution says the government needs to stay out of the business of religion in our country. Yet, this FCC tried to get into it. This bill keeps them out. The Markey amendment lets government get back in.

We need to defeat the Markey amendment and adopt the original bill.

Mr. BLILEY. Mr. Speaker, I rise in opposition to the substitute amendment offered by the gentleman from Massachusetts.

The substitute amendment by Mr. MARKEY will effectively gut the legislation before us.

Mr. Speaker, make no mistake, the goal of the substitute amendment is to require all public broadcasters to serve an "educational" purpose. It even creates a new category of programming serving an "educational religious purposes." This sounds acceptable on its face as education is a very high priority and I commend the public broadcasters that focus on education.

However, a good number of public broadcasters use public television stations to provide religious programming to their communities. And the FCC tried quite unsuccessfully in December to restrict what type of programming could be done. They tried to put a clamp on programming that they viewed as not having an educational message, like church services.

Some people within the FCC want to be in the content regulation business. They want to be able to dictate to religious broadcasters what religious programming is acceptable and that which is not.

Picture, if you will, several of the over 2000 bureaucrats at the FCC watching and listening to religious programming and deciding which parts serve an "educational religious purpose." To me, this picture is frightening and unacceptable.

This amendment would serve only to continue the confusion as to who is eligible for noncommercial licenses.

I do not want the FCC involved in content regulation of public television stations, especially those that provide a religious message and content.

The substitute amendment is clearly harmful to the original intent of the H.R. 4201 and would make the bill meaningless.

This is why I must respectfully oppose Mr. MARKEY's amendment and urge all Members to do the same.

The SPEAKER pro tempore (Mr. SHAW). All time has expired.

Pursuant to House Resolution 527, the previous question is ordered on the bill and on the amendment by the gentleman from Massachusetts (Mr. MARKEY).

The question is on the amendment in the nature of a substitute offered by

the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 174, nays 250, not voting 10, as follows:

[Roll No. 294]

YEAS—174

Abercrombie	Gilman	Moakley
Ackerman	Gonzalez	Moore
Allen	Gordon	Moran (VA)
Andrews	Gutierrez	Morella
Baird	Hall (OH)	Nadler
Baldacci	Hastings (FL)	Napolitano
Baldwin	Hill (IN)	Neal
Barrett (WI)	Hilliard	Oberstar
Becerra	Hinchee	Obey
Bentsen	Hinojosa	Olver
Berkley	Hoeffel	Owens
Berman	Holt	Pallone
Biggert	Hooley	Pascarell
Blagojevich	Horn	Pastor
Blumenauer	Hoyer	Payne
Boehlert	Inslee	Pelosi
Bonior	Jackson (IL)	Pickett
Borski	Jackson-Lee	Pomeroy
Boucher	(TX)	Porter
Brady (PA)	Jefferson	Price (NC)
Brown (FL)	Johnson (CT)	Rangel
Brown (OH)	Johnson, E. B.	Rivers
Capps	Jones (OH)	Rodriguez
Capuano	Kanjorski	Rothman
Cardin	Kaptur	Rush
Carson	Kennedy	Sabo
Clay	Kilpatrick	Sanchez
Clayton	Kind (WI)	Sanders
Clyburn	Klecza	Sawyer
Conyers	Klink	Schakowsky
Coyne	LaFalce	Scott
Crowley	Lantos	Serrano
Cummings	Larson	Sherman
Danner	Lee	Slaughter
Davis (FL)	Levin	Smith (WA)
Davis (IL)	Lewis (GA)	Stabenow
DeFazio	Lofgren	Stark
DeGette	Lowey	Stupak
DeLaunt	Luther	Tanner
DeLauro	Maloney (CT)	Tauscher
Deutsch	Maloney (NY)	Thompson (CA)
Dicks	Markey	Thompson (MS)
Dingell	Mascara	Thurman
Dixon	Matsui	Tierney
Doggett	McCarthy (MO)	Towns
Dooley	McCarthy (NY)	Udall (CO)
Edwards	McDermott	Udall (NM)
Engel	McGovern	Velazquez
Eshoo	McKinney	Visclosky
Etheridge	McNulty	Waters
Evans	Meehan	Watt (NC)
Farr	Meek (FL)	Waxman
Fattah	Meeks (NY)	Weiner
Filner	Menendez	Wexler
Ford	Millender-McDonald	Weygand
Frank (MA)	Miller, George	Woolsey
Frost	Minge	Wu
Gejdenson	Mink	Wynn
Gephardt		

NAYS—250

Aderholt	Barrett (NE)	Bishop
Archer	Bartlett	Bliley
Armey	Barton	Blunt
Baca	Bass	Boehner
Bachus	Bateman	Bonilla
Baker	Bereuter	Bono
Ballenger	Berry	Boswell
Barcia	Bilbray	Boyd
Barr	Bilirakis	Brady (TX)

Bryant	Holden	Regula
Burr	Hostettler	Reyes
Burton	Houghton	Reynolds
Buyer	Hulshof	Riley
Callahan	Hunter	Roemer
Calvert	Hutchinson	Rogan
Camp	Hyde	Rogers
Canady	Isakson	Rohrabacher
Cannon	Istook	Ros-Lehtinen
Castle	Jenkins	Roukema
Chabot	John	Royce
Chambliss	Johnson, Sam	Ryan (WI)
Chenoweth-Hage	Jones (NC)	Ryun (KS)
Clement	Kasich	Salmon
Coble	Kelly	Sandlin
Coburn	Kildee	Sanford
Collins	King (NY)	Saxton
Combest	Kingston	Scarborough
Condit	Knollenberg	Schaffer
Cooksey	Kolbe	Sensenbrenner
Costello	Kucinich	Sessions
Cox	Kuykendall	Shadegg
Cramer	LaHood	Shaw
Crane	Lampson	Shays
Cubin	Largent	Sherwood
Cunningham	Latham	Shimkus
Davis (VA)	LaTourette	Shows
Deal	Lazio	Shuster
DeLay	Leach	Simpson
DeMint	Lewis (CA)	Sisisky
Diaz-Balart	Lewis (KY)	Skeen
Dickey	Linder	Skelton
Doolittle	Lipinski	Smith (MI)
Doyle	LoBiondo	Smith (NJ)
Dreier	Lucas (KY)	Smith (TX)
Duncan	Lucas (OK)	Snyder
Dunn	Manzullo	Souder
Ehlers	Martinez	Spence
Ehrlich	McCrery	Stearns
English	McHugh	Stenholm
Everett	McInnis	Strickland
Fletcher	McIntyre	Stump
Foley	McKeon	Sununu
Forbes	Metcalf	Sweeney
Fossella	Mica	Talent
Fowler	Miller (FL)	Tancredo
Franks (NJ)	Miller, Gary	Tauzin
Frelinghuysen	Mollohan	Taylor (MS)
Galleghy	Moran (KS)	Taylor (NC)
Ganske	Murtha	Terry
Gekas	Myrick	Thomas
Gibbons	Nethercutt	Thornberry
Gilchrest	Ney	Thune
Gillmor	Northup	Tiahrt
Goode	Norwood	Toomey
Goodlatte	Nussle	Trafigant
Goodling	Ortiz	Turner
Goss	Ose	Upton
Graham	Oxley	Vitter
Granger	Packard	Walden
Green (TX)	Paul	Walsh
Green (WI)	Pease	Wamp
Greenwood	Peterson (MN)	Watkins
Gutknecht	Peterson (PA)	Watts (OK)
Hall (TX)	Petri	Weldon (FL)
Hansen	Phelps	Weller
Hastings (WA)	Pickering	Whitfield
Hayes	Pitts	Wicker
Hayworth	Pombo	Wilson
Hefley	Portman	Wise
Herger	Pryce (OH)	Wolf
Hill (MT)	Quinn	Young (AK)
Hilleary	Radanovich	Young (FL)
Hillery	Rahall	
Hobson	Ramstad	
Hoekstra		

NOT VOTING—10

Campbell	McCollum	Vento
Cook	McIntosh	Weldon (PA)
Emerson	Roybal-Allard	
Ewing	Spratt	

□ 1307

Messrs. CUNNINGHAM, KUCINICH, BOSWELL, COSTELLO, and REYES changed their vote from “yea” to “nay.”

Mr. DAVIS of Florida changed his vote from “nay” to “yea.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHAW). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 264, noes 259, not voting 11, as follows:

[Roll No. 295]

AYES—264

Aderholt	Etheridge	Leach
Archer	Everett	Lewis (CA)
Armey	Fletcher	Lewis (KY)
Baca	Foley	Linder
Bachus	Forbes	Lipinski
Baker	Fossella	LoBiondo
Baldacci	Fowler	Lucas (KY)
Ballenger	Franks (NJ)	Lucas (OK)
Barcia	Frelinghuysen	Manzullo
Barr	Frost	Martinez
Barrett (NE)	Galleghy	Mascara
Bartlett	Ganske	McCrery
Barton	Gekas	McHugh
Bass	Gibbons	McInnis
Bateman	Gilchrest	McIntyre
Bereuter	Gillmor	McKeon
Berry	Goode	Metcalf
Biggert	Goodlatte	Mica
Bilbray	Goodling	Miller (FL)
Bilirakis	Gordon	Miller, Gary
Bishop	Goss	Mollohan
Bliley	Graham	Moore
Blunt	Granger	Moran (KS)
Boehner	Green (TX)	Murtha
Bonilla	Green (WI)	Myrick
Bono	Greenwood	Napolitano
Boswell	Gutknecht	Nethercutt
Boyd	Hall (OH)	Ney
Brady (TX)	Hall (TX)	Northup
Bryant	Hansen	Norwood
Burr	Hastings (WA)	Nussle
Burton	Hayes	Ortiz
Buyer	Hayworth	Ose
Callahan	Hefley	Oxley
Calvert	Hill (MT)	Packard
Camp	Hilleary	Paul
Canady	Hobson	Pease
Cannon	Hoekstra	Peterson (MN)
Castle	Holden	Peterson (PA)
Chabot	Hostettler	Petri
Chambliss	Houghton	Phelps
Chenoweth-Hage	Hulshof	Pickering
Clement	Hunter	Pitts
Coble	Hutchinson	Pombo
Coburn	Hyde	Portman
Collins	Isakson	Pryce (OH)
Combest	Istook	Quinn
Condit	Jackson-Lee	Radanovich
Cooksey	(TX)	Rahall
Costello	Jenkins	Ramstad
Cox	John	Regula
Cramer	Johnson, Sam	Reyes
Crane	Jones (NC)	Reynolds
Cubin	Jones (OH)	Riley
Davis (FL)	Kasich	Rogan
Davis (VA)	Kelly	Rogers
Deal	Kildee	Rohrabacher
DeLay	King (NY)	Ros-Lehtinen
DeMint	Kingston	Roukema
Diaz-Balart	Knollenberg	Royce
Dickey	Kolbe	Ryan (WI)
Doolittle	Kucinich	Ryun (KS)
Doyle	Kuykendall	Salmon
Dreier	LaHood	Sandlin
Duncan	Lampson	Sanford
Dunn	Largent	Saxton
Ehlers	Latham	Scarborough
Ehrlich	LaTourette	Schaffer
English	Lazio	Sensenbrenner

Sessions	Strickland	Vitter
Shadegg	Stump	Walden
Shaw	Stupak	Walsh
Shays	Sununu	Wamp
Sherwood	Sweeney	Waters
Shimkus	Talent	Watkins
Shows	Tancredo	Watts (OK)
Shuster	Tanner	Weldon (FL)
Simpson	Tauzin	Weldon (PA)
Sisisky	Taylor (MS)	Weller
Skeen	Taylor (NC)	Weygand
Skelton	Terry	Whitfield
Smith (MI)	Thomas	Wicker
Smith (NJ)	Thornberry	Wilson
Smith (TX)	Thune	Wise
Souder	Tiahrt	Wolf
Spence	Toomey	Young (AK)
Spratt	Trafiacant	Young (FL)
Stearns	Turner	
Stenholm	Upton	

NOES—159

Abercrombie	Gonzalez	Morella
Ackerman	Gutierrez	Nadler
Allen	Hastings (FL)	Neal
Andrews	Hill (IN)	Oberstar
Baird	Hilliard	Obey
Baldwin	Hinchey	Olver
Barrett (WI)	Hinojosa	Owens
Becerra	Hoefel	Pallone
Bentsen	Holt	Pascarell
Berkley	Hooley	Pastor
Berman	Horn	Payne
Blagojevich	Hoyer	Pelosi
Blumenauer	Inslee	Pickett
Boehlert	Jackson (IL)	Pomeroy
Bonior	Jefferson	Porter
Borski	Johnson (CT)	Price (NC)
Boucher	Johnson, E. B.	Rangel
Brady (PA)	Kaptur	Rivers
Brown (FL)	Kennedy	Rodriguez
Brown (OH)	Kilpatrick	Roemer
Capps	Kind (WI)	Rothman
Capuano	Kleczka	Rush
Cardin	Klink	Sabo
Carson	LaFalce	Sanchez
Clay	Lantos	Sanders
Clayton	Larson	Sawyer
Clyburn	Lee	Schakowsky
Coyne	Levin	Scott
Crowley	Lewis (GA)	Serrano
Cummings	Lofgren	Sherman
Danner	Lowey	Slaughter
Davis (IL)	Luther	Smith (WA)
DeFazio	Maloney (CT)	Snyder
DeGette	Maloney (NY)	Stabenow
Delahunt	Marky	Stark
DeLauro	Matsui	Tauscher
Deutsch	McCarthy (MO)	Thompson (CA)
Dicks	McCarthy (NY)	Thompson (MS)
Dingell	McDermott	Thurman
Dixon	McGovern	Tierney
Doggett	McKinney	Towns
Dooley	McNulty	Udall (CO)
Edwards	Meehan	Udall (NM)
Engel	Meek (FL)	Velazquez
Eshoo	Meeks (NY)	Vislosky
Evans	Menendez	Watt (NC)
Farr	Millender	Waxman
Fattah	McDonald	Weiner
Filner	Miller, George	Wexler
Ford	Minge	Woolsey
Frank (MA)	Mink	Wu
Gejdenson	Moakley	Wynn
Gephardt	Moran (VA)	
Gilman		

NOT VOTING—11

Campbell	Emerson	McIntosh
Conyers	Ewing	Roybal-Allard
Cook	Herger	Vento
Cunningham	McCollum	

□ 1327

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4201.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1330

DEBT REDUCTION RECONCILIATION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, as amended.

The Clerk read as follows:

H.R. 4601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debt Reduction Reconciliation Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) *FINDINGS.—The Congress finds that—*
 (1) *fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;*

(2) *fiscal pressures will mount in the future as the aging of the population increases budget obligations;*

(3) *until Congress and the President agree to legislation that strengthens social security, the social security surplus should be used to reduce the debt held by the public;*

(4) *strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and*

(5) *it is fiscally responsible and in the long-term national economic interest to use an additional portion of the nonsocial security surplus to reduce the debt held by the public.*

(b) *PURPOSE.—It is the purpose of this Act to—*

(1) *reduce the debt held by the public with the goal of eliminating this debt by 2013; and*

(2) *decrease the statutory limit on the public debt.*

SEC. 3. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) *IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:*

"§3114. Public debt reduction payment account"

"(a) *There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').*

"(b) *The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.*

"(c) *If the Congressional Budget Office estimates an on-budget surplus for fiscal year 2000 in the report submitted pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 in excess of the amount of the surplus set forth for that fiscal year in section 101(4) of the concurrent resolution on the budget for fiscal year 2001 (House Concurrent Resolution 290, 106th Congress), then there is hereby appropriated into the account on the later of the date of enactment of this Act or the date upon which the Congressional Budget Office submits such report, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, an amount equal to that excess. The funds appropriated to this account shall remain available until expended.*

"(d) *The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.*

"(e) *Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.*

"(f) *The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.*

"(g) *Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.*"

(b) *CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:*

"3114. Public debt reduction payment account."

SEC. 4. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "\$5,950,000,000,000".

SEC. 5. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) *the budget of the United States Government as submitted by the President,*

(2) *the congressional budget, or*

(3) *the Balanced Budget and Emergency Deficit Control Act of 1985.*

SEC. 6. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) *IN GENERAL.*—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) *SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.*—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

SEC. 7. REPORTS TO CONGRESS.

(a) *REPORTS OF THE SECRETARY OF THE TREASURY.*—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2000, and October 31, 2001, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) *REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.*—Not later than November 15, 2001, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4601.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important moment for the House of Representatives because with this bill we will be accelerating our effort to pay down the debt to give relief, badly needed relief

to future generations. I am hopeful that in the end there will be a strong bipartisan vote for what is truly historic, and, that is, to reduce for the first time since 1917 the statutory debt limit.

In the past, the debt simply was an afterthought. While we were deficit spending, we spent and spent and frequently raised taxes, sometimes cut taxes. What was left over at the end of the year in deficit increased the debt, and we simply rubber-stamped that. Today in a time of surplus, we are doing the same thing. Everything that is left over at the end of the year in the surplus pays down the debt automatically. The problem is that once you satiate the spending opportunities during the year, what is left at the end of the year is much, much smaller to pay down the debt. So we are taking a step here to lock up the increase in surplus over and above what we anticipated when we passed our budget earlier in the year, lock that up in a special account in the Treasury which can be used only to pay down the debt. That is why we can reduce the debt ceiling.

The Debt Reduction Reconciliation Act of 2000 has been designed by the gentleman from Kentucky (Mr. FLETCHER), the gentleman from Ohio (Mr. KASICH) and myself, and it will put us on a path to pay off the debt by 2013 or sooner.

I have already explained what the bill does and how it works. It applies only, however, to this year's extra surplus, the year 2000. But once it is put in place, it will be a model for future years. That is why the Concord Coalition, one of the best known bipartisan groups that fights for balanced budgets and fiscal discipline, supports this bill. They said in a letter that this bill is fiscally responsible. It recognizes the benefit of using today's prosperity to improve the Nation's long-term fiscal health.

Mr. Speaker, I ask that the full letter be inserted in the RECORD.

THE CONCORD COALITION,
Washington, DC, June 8, 2000.

Chairman BILL ARCHER,
House Ways and Means Committee, Longworth
House Office Building, Washington, DC.

DEAR CHAIRMAN ARCHER: The Concord Coalition is pleased to support "The Debt Reduction and Reconciliation Act of 2000," which seeks to ensure that any increase in the projected FY 2000 on-budget surplus will be used to pay down the publicly held debt.

The Concord Coalition has long urged both Congress and the Administration to resist using projected surpluses as a treasure trove of money to be spent on any number of spending or tax cut proposals. "The Debt Reduction and Reconciliation Act of 2000" is a fiscally responsible measure that recognizes the benefit of using today's prosperity to improve the nation's long term fiscal health.

We are heartened by the improvement in the federal government's short-term fiscal position in recent years and encouraged by the prospect of continued projected surpluses. Members of both parties deserve a share of the credit for this dramatic turn

around and the resulting projected surpluses. The Concord Coalition fully supports the commitment in this bill to use a portion of these surpluses for debt reduction. We further hope that Congress and the Administration will muster the political will to make good on this commitment.

At the same time, it is important to remember that our work is far from complete. Reducing the publicly held debt is a positive step, but is one of many steps required to bring about fiscal policies that are sustainable over the long-term. Welcome as it is, today's prosperity has not turned back the coming age wave or the growth in age-related entitlement programs such as Social Security, Medicare, and Medicaid. Left unchecked, the inevitable growth in spending on these programs will put pressure on discretionary spending, revenues, and public debt.

That said, in the absence of substantive Social Security and Medicare reform, the next best thing we can do to prepare for the future is to devote every penny of the surpluses that come our way to reducing the publicly held debt. Debt reduction will enhance net national savings, thereby freeing up resources for investments leading to greater productivity, which will lead to stronger economic growth in the future. A larger economy will, in turn, help ease the burden on today's children who, when they become working age taxpayers, will face the daunting challenge of financing the retirement and health care costs of a dramatically older population.

The Concord Coalition commends you for your effort to reduce the publicly held debt. We are pleased to support your efforts and look forward to working with you to take future steps to improve our nation's long term fiscal health.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

Mr. Speaker, when we balanced the budget and the budget surplus became a reality, Alan Greenspan told the Committee on Ways and Means that his first preference would be to pay down the debt. He also said the worst alternative would be more government spending. Today we are following his wise counsel. Paying down the debt is good for our country, good for working families, and good for the economy.

I strongly urge a bipartisan vote to support this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Iowa (Mr. NUSSLE) so that he can further yield it.

The SPEAKER pro tempore. Without objection, the gentleman from Iowa will control the balance of the time.

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I say this in no disrespect to any of my colleagues on the floor of the House of Representatives, and certainly I intend to support this legislation; but I have to say that I think we are going to spend perhaps up to 40 minutes debating something that is not particularly relevant and it is probably somewhat a waste of our time.

The reality is that any surplus over and above the current surplus that we

have, and most people predict that for this coming fiscal year it will be about \$15 billion, will go into debt reduction in any event. The only thing that could change it is if the majority party decides not to show the kind of fiscal discipline that I think the rhetoric kind of indicates they intend to. And so we will be doing this, we are all probably going to vote for it, but again as I said this is more of a political act than it is an act of substance.

Under current law, if at the end of the fiscal year we do not spend any of the additional surplus that we have, it will go automatically for debt reduction. Under this bill, it is appropriated into a fund set up by the Treasury Department that will go for debt reduction. And so it will not hurt, but it does not really help either. If for some reason the Senate or the House or any party should decide through a majority vote that they want to spend more money, then obviously that would change the situation. But then that is a judgment to be made by Members as time goes on.

Again, as I said, we will vote for this; but it really does not do a lot of good. But it does give me an opportunity actually to bring out some things, if I may. Governor George W. Bush indicated earlier this year that he has a tax cut proposal and over the next decade his tax cuts will be \$1.7 trillion. He also suggested individual Social Security accounts which would take away from the current beneficiaries. And he suggested somewhere in the range of 2 percent although he has not really elaborated on it. But assuming it is 2 percent, that basically then means that you would have to make that up for current beneficiaries, and that comes as somewhat a little over \$1 trillion.

So we are talking about \$2.7 trillion of additional debt or money out of the surplus over the next decade. Right now the projected on-budget surplus is \$877 billion. And so essentially the Governor will spend over the next decade three times what that surplus will be. Now, we understand by the end of this month, OMB and CBO will come in with another \$1 trillion worth of surpluses over the next decade, and so that means that you can actually say that actually he will only then be over-budgeted, or over the surplus by \$1 trillion.

Now, if we were really being honest about this, what we would do is not just make it for this fiscal year but we would do it for the next 10 fiscal years. But this is only for the next 18 months or so.

So we will save \$15 billion, but that money is going to be saved in any event. Obviously we are going to recommend that our colleagues vote for this; but the reality is again, it is a political act. It is not a substantive act. I am just kind of sorry that we are

spending our 40 minutes of debate time on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), the author of this legislation and somebody who does concern himself with debt reduction.

Mr. FLETCHER. Mr. Speaker, it is really with a great privilege that I get to stand here and introduce this legislation. I recall back just after I was first sworn in, we heard the President of the United States stand up and say he wanted to spend 38 percent of the Social Security. We met in the Committee on the Budget, and we were able to save 100 percent of the Social Security surplus. We continue to exercise fiscal discipline. Because of that, we have surpluses now and will have paid off the publicly held debt by about \$300 billion over the last several years.

This bill is about several things. One, it is about priorities, about setting our priorities. Are we going to spend money on more and bigger government? Let me say the minority and the President have offered continually budgets and amendments that would spend and spend and spend on more government programs, on larger government, not on paying down the debt or giving some relief to the American people. So this allows us to say, Look, we have a priority here, and our priorities are, yes, let's pay down the publicly held debt.

Some have said it is not significant but, believe me, I had a young lady, a Girl Scout here last week that came up and we talked about this bill. She figured her family's debt and how many boxes of Girl Scout cookies she would have to sell to pay off her family's portion of the publicly held debt. She would have to sell 19,000 boxes of Girl Scout cookies for her to pay off her family's publicly held debt. That to me is significant to folks back home. To somebody who thinks \$16 billion is insignificant and to historically appropriate that to an account in the Department of Treasury, it is just beyond my belief that anyone would believe that that is not significant.

Lastly, this is historic. Why is it historic? Because it is the first time we have said, "Let's appropriate money." We take it off the table. And if people who have been around Washington too long do not understand that, then it is clear they need to go back home and visit with their folks. This takes the money off the table and will allow us to pay down the debt.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, Groucho Marx said that the main requirement to be a good politician is to

appear to be serious. The Washington Post recently commented on the performance of the majority in this Congress by calling this "the pretend Congress."

This is one of the new acts. This debt reduction bill here pretends to do something. We are all called here together, we are going to be serious, we are going to give pompous speeches about how we are going to reduce the debt, and we are saving America, and all those Girl Scout cookies and all that stuff will just be fixed by this bill.

Now, the chairman at least was honest, and I really acknowledge the gentleman from Texas (Mr. ARCHER) honesty. This bill is effective from now until September 30, 2000. It does not quite make it all the way through the election. So it is not really a very good pretend item. It would be better if it went at least until November 8. But this is a bill for 4 months.

Now, you ask yourself, why would anybody be doing such a thing? Well, if you come up to a new reestimate of the revenue estimates here very shortly, the CBO and the OMB are going to come out with a whole bunch more money. Clearly the majority is afraid that they are going to spend it. They cannot save themselves. They have all the votes. This is your problem. We have the votes, as the majority over there, and they are going to put more money on the table and if you do not pass this bill, you will not be able to stop yourself from spending it. That is what this is about, I guess. Or maybe it is not about that.

The fact is that we have a situation where the Treasury does not need this bill to pay off more debt. If we get to the end of the fiscal year and there is some money there, they reduce the debt. They do not have to borrow. It is real simple. They do not need us to pass H.R. 4601 to tell them what they have been doing for 200 years. If they have a surplus, they buy down some of the debt. But this is a symbolic act, as my colleague from California says. I thought this would be on Friday, because this is usually the news cycle on Friday, they want to have something that says the Republicans today have passed a bill to encourage reduction of the debt.

Now, if you think about it, if you want to reduce the debt, you do not give big tax breaks, because taxes bring in money. And if you cut the taxes, there will not be any money to pay off the debt. So when you come out here and vote for tax cut after tax cut after tax cut and then say, And we want to reduce the debt, you simply are not making any sense. There are only two ways to have the money to pay off the debt, either take the taxes and pay it off or reduce the spending and pay it off, one or the other.

□ 1345

I do not see any evidence so far in this appropriations process that we are

actually reducing spending. In fact, we are going up a little bit, and probably we are going to need some of this money along about September the 15 to solve the problem to buy off this program or that program so we can get out of here. All we have to do under this bill, we do not have to repeal the act, we do not have to do anything, just pass the supplemental appropriation.

This can be violated by the most simplistic legislative act of all, just bring out another bill, spend some more money, in spite of the fact that we have passed H.R. 4601, the debt reduction bill. This bill will die in the Senate from laughter. There will not be anybody over there that takes this seriously.

Mr. NUSSLE. Mr. Speaker, we on the majority side appreciate the very strong endorsement, bipartisan way of this debt reduction bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, by the way, lowering taxes increases the revenue to the Government and, unfortunately, gives us a surplus, which is what has happened since the Republicans have been in for 40 years. The Democrats ran the House and the Democrats ran up the debt by spending your money like it was their own.

The Democrats used deficit spending to fund more and more Washington programs. The debt ballooned and they raised taxes over and over again. Paying down the debt was never on the Democrat agenda. Well, times have changed. In just 5 short years with the Republicans in charge, we have turned a billion-dollar deficit into trillion-dollar surpluses.

Under our plan, we are going to eliminate publicly held debt by 2013 or sooner; that is because we believe debt relief is a top priority. That is why this bill mandates that any increase in the surplus must be used to pay down the debt.

This year we believe that will be close to \$40 billion. Paying down the debt is going to help all Americans. It will lower mortgage costs and interest rates. More importantly, the American people expect our books to be balanced and our debts to be paid. We have to do it in our own homes, and we must do it in the people's House.

The American people are fed up with 40 years of out-of-control spending by the Democrats, and they want Washington to get its house in order. Those who oppose this bill or believe it is not necessary are playing games with the American people and their money.

Today, we are going to tear up the Democrats' big-spending playbook and get serious about our children's future by eliminating our Nation's debt once and for all.

Mr. MATSUI. Mr. Speaker, we reserve the balance of our time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Iowa (Mr. NUSSLE) for yielding me the time.

Mr. Speaker, it is interesting to hear some of the protests from the left. My good friend, the gentleman from Washington (Mr. McDERMOTT), professionally trained as a psychiatrist, seemed to suggest that somehow this was pretend.

Mr. Speaker, I believe a common definition of insanity is doing the same thing over and over again and expecting a different outcome. And if we take a look at the history of the late 20th century, when this House was in different hands, Mr. Speaker, the folks on the left spent and spent and spent and spent and spent some more and raided Social Security and took everything not nailed down and added inflation and did the whole thing, the whole bit, spending money we did not have and yet would return home, Mr. Speaker, to talk about the importance of debt relief.

Let no one be mistaken. This is not delusional. This is not pretend. It is not a political stunt. Mr. Speaker, for the first time since 1916 we are voting to lower the debt ceiling.

We have heard loud and clear from our constituents that they are tired of seeing deficit spending; that as we have put our House in order, by reducing taxes and thereby increasing revenues to the Federal Government, by actually generating more business in the free market and more commerce, at the same time we need to get our fiscal House in order and the gentleman from Kentucky has offered a device to do exactly that.

It is not symbolic. In fact, it is historic, because we lower the debt ceiling. We signal our commitment to reduce deficit spending; and unlike those who have tried different outcomes over and over again expecting a different result, we make a difference today.

Mr. MATSUI. Mr. Speaker, we reserve the balance of our time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. NUSSLE) for yielding me the time.

Mr. Speaker, let me explain why this is important: although most Americans assume that a Federal budget surplus in any year is automatically used to reduce the national debt or at least the debt held by the public, this actually is not the case.

The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed or if they proceed slowly, then the surplus revenue just builds up

in the Treasury-operating cash accounts.

This excess cash could be used in the future, yes, to pay down the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes.

Consequently, the current surplus will not automatically reduce the publicly held national debt of \$3.54 trillion, unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

That is exactly what this bill H.R. 4601 does; and, frankly, this offers a first step toward paying down the debt, because it protects the on-budget surplus for the remainder of this fixed fiscal year, and it appropriates it directly for debt reduction.

This money will be deposited in a designated public debt reduction account. Appropriators would be able to reallocate these funds only by first passing a law to rescind the money from this account.

Now, the debt is a huge drain on the Federal Treasury at a time when the impending Social Security crisis looms closer. Our current national debt problem pales in comparison to the unfunded liabilities already committed to current and future Social Security recipients. It is important we pay down this debt.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, we are hearing today from our colleagues on the other side that perhaps this measure is more symbolic than substantive and might not really accomplish that much. I could not more strongly disagree. The previous speaker, my colleague, the gentleman from California (Mr. ROYCE), made it very clear, and quite rightly, that absent this measure, there is absolutely nothing to stop Congress from spending this money. Of course, if one knows anything about the history of Congress, one knows that that is indeed the proclivity of this body, as well as the other Chamber to do exactly that.

Let me touch on a specific situation and put this in some context. Where are we right now in the 2001 appropriations process? We are trying to pass a series of measures and the President is insisting that he needs another \$20 billion or \$25 billion above and beyond that record high level of spending that we are proposing.

We hear our colleagues from the other side come down here every time we debate an appropriations bill to tell us we are not spending enough money. One of the ways that this spending can occur is by a devious little budget gimmick which involves reaching back into the previous year, in this case

that would be fiscal year 2000, and spending the money there so that we create the illusion of some modicum of fiscal restraint, when, in fact, it is not recurring.

One of the things we need to do is take this money off the table so that it is not available for that kind of gimmickry, so that the American public gets the budget that they are being told and so that we pay down this debt, this mountain of debt which we have made some progress on but need to make much more.

There is one other point that I would like to make on this. Why is it important that we not just spend this money? Why is it important to limit the growth and the spending of the Federal Government? It is important because we need to remember every dollar that is spent by the Federal Government is the political allocation of other people's money, and we need to minimize that whenever we can and allow the hard-working men and women across this country who are producing the wealth in this country to spend their own hard-earned money as they choose rather than the way that politicians choose. That is why this measure is so important.

Mr. MATSUI. Mr. Speaker, before I call on the next speaker, I yield myself such time as I may consume.

Mr. Speaker, I might just point out to the gentleman and previous speakers on the other side of the aisle that the public debt for the fiscal year 2000 is \$5.628 trillion, \$5.628 trillion; and under the Republican budget in 2005, 5 years from now, the public debt will go to \$5.936 trillion, so it is going to go up under the Republican budget.

I might just point out that instead of all of this talk about reducing it, it is actually going to increase. I might want to emphasize that it is going to increase. I just hope that they would look at the budget document; and perhaps they could clarify it if they so choose.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me the time.

It is interesting, Mr. Speaker, that one of our candidates for President is running under the theory that it is time to change the old concept that if it feels good, do it. But the bill that we have before us today fits into that. Now, I know my colleagues on the other side have this new-found desire to put their imprimatur on paying down the debt.

It is interesting, because over the last couple of years, they really have not been in that position. They wanted to spend the surplus as fast as they could get their hands on it. In fact, they wanted to spend it far into the future and not even knowing what it is.

I offered amendments, as my dear friend from Iowa (Mr. Nussle) will remember, when we marked up the budget resolutions over the last couple of years, just to have hard freezes and pay down the debt as fast as we could, and I was lectured by the other side that this did not make any sense, and we really should not do it, we should not shackle the Congress' future ability to make the investments that it needs.

Today, we have this bill before us; and we are all going to vote for it, because we all or at least most of us do believe in at least some form of debt reduction whether we do with the belts and suspender approach like this or just do it as it works automatically under current law, but it does not comport as well with the budget resolution that this House passed not too long ago. Because the budget resolution we passed not too long ago says that in future years, if the Congressional Budget Office finds that the surplus projections are actually higher than what was assumed earlier this year, then we could spend that money on additional tax cuts or spending programs or whatever.

Mr. Speaker, now we have decided in this midcourse correction that we are going to say, no, we are going to set this very static limitation on what we ought to be doing with this money.

I just have to say, Mr. Speaker, that I am very happy to welcome my Republican colleagues to the party of paying down the public debt. I do not think this bill is as well written as it could be. I do not think it comports with the budget resolution that my colleagues passed earlier this year. Hopefully, this will move them a little closer in the right direction of continuing what has been the greatest expansion in the American economy under this administration.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, let me address a few things. First of all, when it comes to the other side after years and years of running up deficits over \$200 billion a year, I can think of no more amazing conversion than Paul on the road to Damascus.

We certainly have seen a conversion from the other side now that all of a sudden they are the party of fiscal responsibility wanting to pay down the debt. So we certainly appreciate that conversion and hope that as these appropriation bills come up that we do not see some of their regular antics.

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As we close out this year, we have set aside this \$16 billion, which is significant, very much different than any time before. The publicly held debt is not over \$5 trillion, the debt limit is, the publicly held debt is \$3.5 trillion. So let me correct that. Obviously,

when you add up the debt we owe ourselves and the other trust funds, Social Security, et cetera, it does exceed \$5 trillion.

But the publicly held debt is \$3.5 trillion. We pay interest on that, about 11 cents of every dollar that comes in in revenues. That would increase our revenue, if we paid that down, which we plan on doing with the principle of this bill. By the year 2013, we will pay it down. By 2013, that will increase our revenues by about \$180 billion a year. So I wanted to rebut these misstatements.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we will support this bill because there is no reason to oppose it. All it does is enact the inevitable. You see, when Treasury takes in more money than it spends, it simply uses the surplus, the excess money, to pay off debt. It does not sit on the money. It has debt coming due at all times. It pays the debt off, retires the debt, uses the surplus in that manner. So I am mystified when I read this bill by what substantively it is supposed to do.

The majority acts as though if we do not put this money in this debt reduction payment account and seal it off, we are going to spend it. But this just begs the question. This is June 20th. The fiscal year ends on September 30. We will not have the incremental additional surplus numbers until some time in July. We are out a whole week in July, we are out for the whole month of August. When are we going to spend it, and who is going to spend it?

Who controls the appropriations process? The majority does. They determine what comes to the floor, what is in it and what passes, because they have the votes. So it is hard to see how this money is going to be spent between now and September 30, when they control the process, unless they elect to spend it on a fast track.

That raises the next question. If debt reduction is such a good idea, and I think it is a good idea, why does this bill just apply to this fiscal year? Why does the bill present itself in this form applicable for just 3 months remaining in this fiscal year? Why does it just apply to the increase in the surplus, for that matter? There is a \$24 billion base surplus already projected. If debt reduction is a good idea, why do we not set aside some of that surplus, allocate it to debt reduction?

Why not even go further? Why do we not take a bill and put it on this floor, a bill that does not just apply to fiscal year 2000, but to the next 10 fiscal years, until we have retired the total debt, which simply says out of every surplus we actually realize in the next

10 years we will set aside 50 percent, or make it 33 percent, or 65 percent, some fixed percentage every year allocated by law to debt reduction, if it is such a good idea?

I think it is, and I think it would be a good idea before we actually have that money and it is burning a hole in our pocket, some wanting to use it for tax cuts and others wanting to use it for spending increases, let us allocate a certain amount of it by black letter law to debt reduction. We could do that in this bill, but it does not do that. This bill only applies for 90 days.

If debt reduction is the majority's top priority, I am also mystified, because I was on the floor here when we presented the budget resolutions, our competing resolution and their resolution, which passed and which became the concurrent budget resolution for fiscal year 2001. It allocates all of the additional surplus, all of the surplus that CBO finds over and above the baseline surplus they project now, it takes all of that additional surplus and allocates it to tax cuts. There is a specific clause in their budget resolution for this year under which we are now operating which permits and encourages them to use all of the additional surplus for tax cuts.

If it is such a good idea to use it for debt reduction, why did they not make the allocation there in the budget resolution, which is the operative resolution we have got?

As a result of that allocation in their budget resolution, we presented a budget resolution that would reduce debt over the next 5 years by \$48 billion and over the next 10 years by \$365 billion. Their budget resolution, by contrast, reduced debt by only \$12 billion, because it allocated all of the additional surplus not to debt reduction, as this bill would imply, but to tax reduction.

So, what do we have here? We have a bill that is absolutely minimal in its impact on the national debt, if it has any at all. The chairman, whom I respect, the distinguished chairman said this could be a model for future years. If it is a model, let us take it and apply it to future years. Let us say a certain amount of the surplus every year is going to be set aside to debt reduction. Let us not fool ourselves and the American people by adopting something which will have little if any impact on the actual reduction in the national debt.

Mr. NUSSLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there has been a lot of very interesting discussion here today. You have the minority party rushing down here to support this legislation, but, boy it is tough. It is tough. I mean, the speeches we are hearing today, about, gee, we would really like to reduce the debt, but there are all these other priorities out here; and, yeah, we will vote for it, but, gosh, it is really tough.

You know, it is tough. I talked to a financial planner one time about how he counsels people that find themselves in debt, and the first thing he says when he counsels people is, when you find yourselves in a hole, stop digging. That is rule number one. It makes sense. And that is what we did a few years ago. We found ourselves in deficits, we were adding to the national debt, we wanted to end that 40-year practice, and we said stop digging, balance the budget, and that is what we did.

But then the second rule that the financial planner from Manchester, Iowa, taught me is he said start filling in the hole. Start filling in the hole that you dug. And you do not do that at the end of the year after you have bought all of the Girl Scout cookies; you do not do that at the end of the year after all of the things you want you have purchased and you have made decisions about. You put debt as a priority.

That is the difference with this bill. The gentleman from South Carolina is exactly correct. If we did nothing else this year, the Treasury at the end of the year will take what is in excess and they will pay down the debt. There is one problem: We do not know what that excess is going to be.

The difference with this bill and the difference with this Congress and the difference with this priority is that we are deciding today that debt reduction is a priority. Yes, we can wait until the end of the day, and the gentleman is correct when he said yeah, you are the majority party, you can decide whether or not you are going to spend it or not, whether you are going to use it for tax cuts or whether you are going to reduce the debt. We are deciding today. Let us reduce the debt.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say this: The gentleman from Iowa said that we think this is tough to vote for this. I do not think any Member on our side of the aisle said anything about this being a tough bill. If anything, this is one of the easiest pieces of legislation in my 22 years in this institution to vote for, because it does not mean anything, it is irrelevant, and it is, I guess, kind of fun sitting up here for 40 minutes talking about something that is meaningless, when we have all these appropriations bills we have to pass by the end of next week. But, nevertheless, I guess we will do it. There is nothing else to do here.

But I would like to just reiterate what my colleague said from South Carolina, that, you know, we should probably make this for 10 years, because if in fact we have the wrong presidential candidate elected, we are going to spend two or three times over the surplus here. As I said in my opening remarks, Mr. Bush intends to re-

duce the surplus, if there is a surplus, by \$2.7 trillion over the next decade, and right now we only are projecting \$877 billion in surplus. We may get another \$1 trillion, according to CBO and OMB. So he will still be twice over the surplus.

So perhaps we should make this a proposal that will go for the next decade, because, after all, we saw what happened in the early 1980s when we let our emotions get ahead of our discipline. We finally got the budget under control under President Clinton. I would hate to see us lose control over it when he leaves office, but we very well could. So perhaps we should use some kind of gimmick like the debt limit to impose discipline, since it appears the majority party cannot use that discipline on its own.

I might just conclude by saying what Nancy Reagan said when it came to drugs: "Just say no." That is leadership.

Mr. NUSSLE. Mr. Speaker, we are about to just say no to more spending.

Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky (Mr. FLETCHER), the author of this bill.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Kentucky is recognized for 3½ minutes.

Mr. FLETCHER. Mr. Speaker, I am certainly very pleased to have bipartisan support and bipartisan rhetoric on this floor. Let me first correct a few things though. This does do something different than what is done. Right now, at this point, it is really contrary to popular convention. There is no Federal law that exists that requires surpluses at the end of the fiscal years to be used to reduce the debt. It is the stated practice of the Treasury. In reality, there is some cash the Treasury holds.

Let me give an example. Despite the surplus of \$124 billion in fiscal year 1999, the Treasury reduced publicly held debt by just \$87 billion. Even when accounting for the seasonal variation, the Treasury will have a cash balance of about \$60 billion if this rate continues over the next 2 years.

What this piece of legislation does and what is historical about it is it will set a pattern for the next decade. It allows us, like we do every year when we are appropriating money, to have an account to which we can appropriate money for debt reduction, and certain instruction is given to the Department of Treasury to reduce the debt with that money in that account.

Now, the Treasury has the responsibility to reduce it in a responsible and efficient way, so that the taxpayer's money is used most efficiently, so that we buy the most expensive bonds and redeem those so that we reduce the cost to the taxpayers as much as possible.

This bill also reduces the publicly held debt limit and the total debt limit

of government, the first time it has been done since 1916. This bill sets us on a pattern to totally eliminate the publicly held debt by the year 2013.

I think that is a noble goal. That will increase our revenues tremendously as more money goes back out into the economy to continue the economy's growth. Yet in this last budget, they have talked about tax reductions versus this debt reduction bill. Let me remind you, the President offered a bill that increased spending and programs, that offered 83 new programs. This money was going to be spent, and if we do not take it off of the table right now, it will be spent here in Washington before the end of the year.

This money is appropriated to a new debt reduction account in the Department of Treasury. That is historical. Every year we have this pattern by which when we go through appropriations we can set debt reduction as a priority and set aside that money into this debt reduction account. If the majority decides that they want to spend more on government, they have that option, or if they decide they want to make our taxes fair, which I think is important.

We heard the minority talk about when we tried and did pass out of this House the marriage penalty tax, how they spoke about it being unfair and about how it was too much to give back to the American people, and it really points out the difference in philosophy here.

Let me show you this check. Some have said it is insignificant. \$16 billion. Look at the number of zeros on that. That is not an insignificant number that is going to be deposited in this debt reduction account to pay down the publicly held debt. Now, maybe some have been in Washington too long if they think that is an insignificant amount, and maybe some have been in Washington too long if they think if they do not take off the money it will be spent. But, believe me, I have only been here a year and a half, and I understand if you do not take it off the table, it will be spent.

I am very proud of this legislation, and I want to thank the leadership, the chairman, the gentleman from Iowa (Mr. NUSSLE), the gentleman from Pennsylvania (Mr. TOOMEY), the gentleman from Ohio (Mr. KASICH), and others that worked to write this legislation, and I encourage my colleagues to vote for it.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4601, a bill to pay down our public debt. I urge my colleagues to support this worthy legislation.

H.R. 4601 requires that at the end of fiscal year 2000, an amount equal to the non-Social Security surplus be used to pay down the public debt. These funds will be deposited in an off-budget account within the U.S. Treasury, referred to as the "public debt reduction payment account."

Moreover, within thirty days after the end of fiscal year 2000, the Treasury Department must report to Congress the amount of money deposited into the account, and how those funds were used to pay down the debt. The amount stipulated in this report must be verified by the Comptroller General of the United States.

While current law stipulates that surplus money at the end of the fiscal year must be used to pay down the debt, this legislation ensures that these excess monies are placed in a fund to prevent their use during the next fiscal year for any other purpose.

Mr. Speaker, the Congress has made great progress in the last three years with ending our long-standing pattern of deficit spending. This bill will further aid the effort to "live within our means," and to avoid a return to spending more than the revenues raised. As we continue to make progress in reducing our overall level of public debt, we will free up billions of dollars that are currently being used to finance the interest on that debt. Lower interest leads to more discretionary dollars to use on investing for the future, and an avoidance of mortgaging the future of our children.

Accordingly, I urge my colleagues to support this timely and appropriate legislation.

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of H.R. 4601, the Debt Reduction and Reconciliation Act of 2000. More importantly, I rise in support of paying down \$14 billion of the debt that will otherwise be left to our children and grandchildren.

The fiscal restraint we can show today by passing this legislation is critical to avoiding the tax and spend trap that brought us into deficit in the first place.

Just five years ago, many in Washington, including the President, did not believe we could balance the budget by the year 2005, let alone 2002 or, as it turned out, 1998. But with the help of the American people and a strong economy, we did it.

Last year, we made another commitment—to balance the federal budget without spending one penny of the Social Security surplus in the year 2000. Once again, we were able to accomplish that goal one-year ahead of schedule.

Now, we have a new challenge—to find a way to pay back the mortgage of federal debt that we owe rather than leaving it to generations to come. We want to pay down the publicly held debt by 2013. Looking back at our track record, I think we can do it—maybe even ahead of schedule.

Mr. Speaker, I encourage all my colleagues to join this effort to eliminate the publicly held debt and pass this bill today with an overwhelmingly, bi-partisan vote.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of H.R. 4601, the Debt Reduction Reconciliation Act of 2000, and encourage my colleagues to enthusiastically pursue its enactment as soon as possible.

Since Republicans took over the majority in Congress in 1995, we have worked hard to bring fiscal responsibility back to Washington. H.R. 4601 is one more step on this long road. This bill will ensure that the federal government's days of spending beyond our means are really behind us.

Mr. Speaker, those who claim that this bill is irresponsible or merely a publicity stunt are way off-base. In fact, the Debt Reduction Reconciliation Act is an eminently sensible compromise that allows us to cut taxes for hard working American families and small businesses, reduce the federal debt, and protect 100 percent of our Social Security system for our seniors and retirees. At the same time, it also provides sufficient funding for important government programs—like allowing us to increase funding for such essential programs as education, national security, and prescription drug benefits for our seniors.

H.R. 4601 is very straightforward. It will take all of this year's federal non-Social Security surplus funds over and above the anticipated \$24.4 billion surplus we were told to expect earlier this year, and lock it away in a new special "off budget" account that will be used exclusively for paying off the national public debt. In fact, the Congressional Budget Office is expected to announce this summer that this year's budget surplus will be at least \$40 billion. That's \$14.6 billion that, under this legislation, would be dedicated to debt reduction this year.

In addition, for every dollar locked away into this national debt-payment account, H.R. 4601 will lower the authorized federal debt ceiling that the federal government is allowed to borrow up to, dollar for dollar. This ceiling is like an authorized federal credit line and it currently allows the government to incur up to \$5.95 trillion in debt. Can you imagine—\$5.95 trillion of debt? Not too long ago, Democratic budgets projected this kind of debt as far as the eye could see. Now, Mr. Speaker, with enactment of this legislation, Congress for the first time since 1917, will lower the debt ceiling instead of increasing it.

Why should we care about reducing our national debt? Beyond the fact that past irresponsible government borrowing has mortgaged the future of our children and grandchildren and saddled them with a debt that they did not create—reducing our multi-trillion national debt will lower government interest payments which currently consume hundreds of millions of taxpayer dollars each and every year. Anyone who has a credit card knows, as long as you are only paying for the interest charges, you will never dig yourself out of the hold and can only find yourself at best treading water, and at worst sinking in to a quagmire of red ink. Thanks to decades of Democratically-controlled Congresses, America has been in the red for far too long. By dedicating these funds to paying down the debt, we will not only reach our goal to eliminate the public debt by 2013, we will also be able to continue to cut taxes to further relieve American workers of the heavy tax burden they bear and even increase savings. In addition, lowering the federal debt will also relieve the debt's upward pressure on interest rates, which means cheaper car loans, school loans, mortgage loans, and even home improvement loans for hardworking American families.

To be frank, Congress also needs this debt reduction legislation to remove the temptation to spend any unexpected budget surpluses. Let's face it folks, Washington is not known for keeping their hands out of the cookie jar. It's time to get the chain and padlock and secure

these funds out of temptation's way and keep ourselves, and those who follow us here in Congress and in the White House, on this hard-fought road to fiscal responsibility.

I urge my colleagues to join me in supporting this much needed legislation, and encourage an enthusiastic "yes" vote on H.R. 4601.

Mr. CRANE. Mr. Speaker, deficit spending has run rampant for too long. The federal debt has ballooned to nearly \$6 trillion. With this legislation for the first time since 1917 we are reversing this trend.

Uncle Sam will actually begin to pay off our \$6 trillion credit card bill. Paying off our huge debt should be a top priority, not an afterthought.

Under current law, any money left over at the end of the year is used to reduce the debt. This bill makes debt reduction a priority by setting aside the money up front.

Reducing the public debt is good for the country. It increases national saving and makes it more likely that the economy will continue growing strong. American families benefit through lower interest rates on mortgages and other loans, more jobs, better wages, and ultimately higher living standards.

Reducing the public debt strengthens the government's fiscal position by reducing interest costs and promoting economic growth. This makes it easier for the government to afford its future budget obligations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4601, as amended.

The question was taken.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2000

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms, as amended.

The Clerk read as follows:

H.R. 3859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Lock-box Act of 2000".

SEC. 2. PURPOSE.

The purpose of this Act is to—

(1) ensure that social security trust fund surpluses shall be used to pay down the debt held by the public until social security reform legislation is enacted; and

(2) ensure that the projected surplus of the Federal Hospital Insurance Trust Fund shall

be used to pay down the debt held by the public until medicare reform legislation is enacted.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

“(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

“(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(A) the enactment of that bill or resolution as reported;

“(B) the adoption and enactment of that amendment; or

“(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

“(3) EXCEPTION.—Paragraph (2) shall not apply to social security reform legislation as defined by section 7(1) of the Social Security and Medicare Lock-box Act of 2000.

“(4) DEFINITION.—For purposes of this section, the term ‘on-budget deficit’, when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.”.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

“(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;”.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

SEC. 4. PROTECTION OF MEDICARE SURPLUSES.

(a) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by adding at the end the following new subsection:

“(h) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—

“(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget surplus for any fiscal year that is less than the projected surplus of the Federal Hospital Insurance Trust Fund for that fiscal year (as assumed in that resolution).

“(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in

order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(A) the enactment of that bill or resolution as reported;

“(B) the adoption and enactment of that amendment; or

“(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the on-budget surplus for any fiscal year to be less than the projected surplus of the Federal Hospital Insurance Trust Fund (as assumed in the most recently agreed to concurrent resolution on the budget) for that fiscal year or increase the amount by which the on-budget surplus for any fiscal year would be less than such trust fund surplus for that fiscal year.

“(3) EXCEPTION.—Paragraph (2) shall not apply to medicare reform legislation as defined by section 7(2) of the Social Security and Medicare Lock-box Act of 2000.

“(4) DEFINITION.—For purposes of this section, the term ‘on-budget surplus’, when applied to a fiscal year, means the surplus in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.”.

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting “312(h),” after “312(g),”.

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting “312(h),” after “312(g),”.

SEC. 5. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) SOCIAL SECURITY.—(1) Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

“§1100. Protection of social security surpluses

“The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget unless it includes proposed legislative language for social security reform legislation as defined by section 7(1) of the Social Security and Medicare Lock-box Act of 2000.”.

(2) The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item relating to section 1101 the following:

“1100. Protection of Social Security Surpluses.”

(b) MEDICARE.—(1) Chapter 11 of subtitle II of title 31, United States Code, is amended by adding after section 1100 the following:

“§ 1100A. Protection of medicare surpluses

“The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget surplus for any fiscal year that is less than the projected surplus of the Federal Hospital Insurance Trust Fund for that fiscal year unless it includes proposed legislative language for medicare reform legislation as defined by section 7(2) of the Social Security and Medicare Lock-box Act of 2000 or social security reform legislation as defined by section 7(1) of that Act.”

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting after the item relating to section 1100 the following:

“1100A. Protection of Medicare Surpluses.”

SEC. 7. DEFINITIONS.

As used in this Act:

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term “social security reform legislation” means a bill or a joint resolution to save social security and includes a provision stating the following: “For purposes of the Social Security and Medicare Lock-box Act of 2000, this Act constitutes social security reform legislation to save social security.”

(2) MEDICARE REFORM LEGISLATION.—The term “medicare reform legislation” means a bill or a joint resolution to save Medicare and includes a provision stating the following: “For purposes of the Social Security and Medicare Lock-box Act of 2000, this Act constitutes medicare reform legislation to save medicare.”

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply to fiscal year 2001 and subsequent fiscal years.

(b) EXPIRATION.—(1) Sections 301(a)(6) and 312(g) of the Congressional Budget Act of 1974 shall expire upon the enactment of social security reform legislation.

(2) Section 312(h) of the Congressional Budget Act of 1974 shall expire upon the enactment of medicare reform legislation.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3859.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for over 30 years, surplus dollars in the Social Security

Trust Fund were raided and spent on unrelated programs. Last year, this Congress took the first step towards stopping the raid on Social Security bypassing legislation I introduced, the Social Security lock box, by an overwhelming 416 to 12 vote. Our efforts paid off, and last year, not one penny of the \$124 billion Social Security surplus was spent.

But Social Security is not the only trust fund to be raided over the years. Over the next 5 years, taxpayers will pay an estimated \$126 billion more into the Medicare trust fund part A which pays for in-patient hospital care than will be taken out for Medicare expenses. Without a Medicare lock box, those surpluses will be spent.

Mr. Speaker, it is time to raise the bar and protect Medicare. The 40 million seniors and disabled in this Nation that depend on Medicare deserve to know that their Medicare money is not being spent on anything else.

In March, I introduced the Medicare lock Box we are debating today. Through a point of order, this Medicare lock box prohibits the consideration of any legislation that spends any of the Medicare part A surplus. The Medicare lock box also prevents Medicare surpluses from being intermingled with the rest of the budget. Additionally, under this measure the protected Medicare surpluses will go towards paying down public debt, accelerating our efforts to pay off the public debt by 2013.

Mr. Speaker, this bill is a win-win. It is a win for fiscal discipline, it is a win for fairness in budgeting and, most importantly, it is a win-win for our seniors.

I urge my colleagues to stand up for our seniors and vote for the Medicare lock box.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, the Vice President introduced the idea of taking the Medicare part A Hospital Insurance Trust Fund off budget, putting it off budget completely. There was no such plan on the other side. Their budget resolution, which they pushed through 2 months ago, used all of the projected surpluses, including the Medicare surplus for tax cuts and a few program increases. To the extent that anyone deserves credit here, I think we should say the Vice President has initiated an idea which the Republican majority is today embracing, but in a different form. They do not go as far as he proposes.

The version of this bill that is before us now was not drafted until last night. It was not introduced or referred to the Committee on Budget, which has jurisdiction. Section 306 of the Budget Act gives us jurisdiction specifically over this kind of legislation. We have not held hearings, we have not taken testi-

mony, and our debate is limited to 40 minutes without any amendments in order.

For that reason, I would like to put some questions to the gentleman from California (Mr. HERGER), who is the sponsor of the bill, if he would answer them for clarification and for legislative history.

Why does the gentleman propose not to take the Medicare part A Trust Fund off budget as the Vice President proposed? Why has the gentleman elected not to take it off budget and have a clean separation between it and the rest of the budget?

Mr. HERGER. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. HERGER. Mr. Speaker, my original bill actually did take it off budget. That is what I would like to see done eventually. However, as the gentleman knows, I did pass legislation last year, which I believe the gentleman supported, on taking Social Security off budget which we cannot even get out of the Senate, which the Vice President seems to be opposing his President on over there. So what we are doing is taking it one step at a time.

I might mention that even though it passed here overwhelmingly, and even though the Vice President, who brought this out 2 weeks ago, and I congratulated him, I authored it last March, it is better to come late than not come at all, and I am glad he is joining us.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the gentleman begs the question. If this is what we did with Social Security in order to protect it, why not do the same with Medicare? Has the gentleman made a compromise?

Mr. HERGER. Mr. Speaker, why do we not pass this first, and then we will do it next year.

Mr. SPRATT. Mr. Speaker, section 3(b) of the gentleman's bill adds a new requirement to the congressional budget resolution. It requires the resolution to show receipts, outlays, and surpluses of deficits in the Old Age and Survivors, OASDI Social Security Trust Fund. This is a new requirement, for since 1991, budget resolutions have excluded Social Security. Why does the gentleman now require budget resolutions to show the Social Security surplus when, for a decade, they have been prohibited from showing the Social Security surplus?

Mr. HERGER. Mr. Speaker, if the gentleman will again yield, I believe we need to do that, because as the gentleman knows, during the years that the Democrats controlled this House for over 40 years that these surpluses were spent, they were counted as part of the ongoing budget. So the intention is to separate them, to actually determine what is being spent and what is

not being spent, so that we can hold each of our Members, 435 here in the House and 100 in the Senate, responsible if they vote for spending that goes into that. That is why we want it separate.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the gentleman is not separating them. That is just the point. By putting them back in the budget, the gentleman is undercutting the whole idea of having Social Security off budget. It boggles my mind why the gentleman would want to do that, when the idea is to separate these accounts and treat them differently from the ordinary accounts of the budget.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I believe it was 1985 that we passed the law to take Social Security off budget; and as everybody is aware, even with that designation, we continued to spend the Social Security surplus. So it would seem to me, I would say to the gentleman, it is not how the gentleman might construct it where we put these numbers, but it is the final decision whether we spend the money or not.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the problem we have is that section 3(b) requires that the congressional budget resolution show receipts, outlays, and surpluses in the OASDI trust fund, while section 5 prohibits it. Am I correct? I had to ask staff to make sure I am correctly interpreting that. Why the contradiction? Is this a result of midnight compromises made on how this bill was to be drafted?

Mr. HERGER. Mr. Speaker, if the gentleman will yield further to me, again, looking back since 1935, almost all of those years were controlled by the Democrats. These were, number one, being spent and were included as part of the budget.

My ultimate goal is to do as we did last year with Social Security and take it completely off budget. My concern is, because of opposition on the gentleman's side and the fact that the Vice President evidently, and Senator DASCHLE, a Democrat from South Dakota, are not allowing us to vote on it over there, we thought we would take it one step at a time.

The first step would be that at least we were not going to count it, that it would be seclused, that we would see the number and it would have to be reported as a separate number, taking that as a half a loaf, and then come back next year, which I can assure the gentleman I am going to do, and go with the rest of the loaf to make sure it is completely off budget.

Mr. SPRATT. Mr. Speaker, reclaiming my time, just to say in conclusion that we will take the whole loaf. If the

gentleman wants to go with setting it off completely, we will vote for that; and we do not understand why the gentleman has not gone that far.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Members are reminded that they should not criticize positions of Members of the other body during the debate.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

What our goal is, since 1935, we have been spending both Social Security and the Medicare part of Social Security on ongoing programs. I am very grateful that we have a bipartisan bill here, we have Members of the other party; and I am very grateful for the gentleman from Texas (Mr. STENHOLM), who has been working with us on our last bill last year and this one this year; and the goal is that we not spend it, and that is what we are attempting to do.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), who has spent many, many hours working on Social Security; and I appreciate the gentleman's efforts.

Mr. SMITH of Michigan. Mr. Speaker, it is a good start. We need to remind ourselves that simply not spending the money does not fix the solvency problem of Social Security or fix the solvency problem of Medicare. Mostly because of demographics, the actuaries have determined that both of these programs are going broke, the challenge is, where do we get that money to keep the commitment we have made to seniors that those promised benefits are going to be there.

I think all Members can support this kind of legislation that encourages not spending any of the Social Security or Medicare surplus money on other government programs. This commitment is going to help some with the huge problem of keeping Social Security and Medicare solvent.

I was hoping in this presidential election that we could come debate real specifics in terms of how we are going to save Social Security and Medicare. Sadly, it would be demagogued because it is so easy to scare the seniors that depend on these programs. This President, I think, had a unique opportunity to lead us, in the last three years to keep Social Security solvent forever. That did not happen, and now we are hoping that the next President will do that. I congratulate the gentleman from California (Mr. HERGER) for moving us ahead, at least in the effort to encourage this Congress to have some fiscal responsibility, fiscal discipline, of not using the Social Security surplus or the H I trust fund surplus for either tax cuts or for spending on other government programs. That is good.

Mr. Speaker, for the record, I have introduced legislation that provides a

sequester if we were to use either of these trust fund surpluses for either of those purposes. So anybody that would like to join me in cosponsoring H.R. 4694, I welcome their cosponsorship. Let us pass Mr. HERGER's bill. Let us make it unanimous, and let us have the courage and fiscal discipline we need to save these two important programs.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, it is always fun to come out here on press release day and to see what the majority has got in mind for press releases for the weekend.

As I look at this, this is a bill that reminds me of an automobile. I remember there was an automobile called the Pinto, and it was out there and it kept exploding and burning and people got in a terrible mess, so they had a recall.

□ 1430

Now, this is a recalled bill, because the gentleman from California (Mr. HERGER) passed the bill last year to protect social security. By George, we passed it 414 or whatever it was out of here. Now here we are back fixing it.

What was the matter with the one we did last year? Was it the fact that they left out Medicare, and the Vice President said that we ought to take Medicare off-budget, too, like the President said in his State of the Union message? Was it those issues that finally lead to, well, as soon as the Vice President said it, the next thing we know we have this bill here? It is the history of this bill.

I think, Mr. Speaker, and I am really serious about this, the reason this is a pretend Congress is because nobody on the gentleman's side takes this Congress seriously and its procedures when we have a bill introduced and it never has a hearing, never has a hearing, no testimony whatsoever, and then suddenly the Committee on Rules meets all by itself and they pop a bill out that is not even the one that was introduced into the Congress, so it has had no hearings in the Committee on the Budget, who is going to have to work with us in the future.

The gentleman from South Carolina (Mr. SPRATT) and I have sat there and watched this process, and this is going to make it even worse because we are having bills introduced affecting that committee by members of the Committee on Rules who apparently, I do not know, they must have had some revelation come down from heaven in the dark of the night that this was the bill.

The Congressional Budget Act prohibits that, specifically prohibits bills being considered on the floor of the House that have not been considered in the committee that handles them, the Committee on the Budget. So they broke the rules of their own Congress. It is like, well, those are just rules, who cares, right?

In doing so, they do things that make no sense at all, because they have section 3(b) that says we have to show the social security surplus, and we have section 5 that says we cannot show it. Now, we cannot have it both ways. We cannot show it and not show it. So they did not even take the time last night to even proofread the bill.

This is a travesty and a joke. The other body will consider it the same.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Just to quickly respond to the gentleman, again, this legislation was authored last March 6. I am pleased that the Vice President came out 2 weeks ago and does not want to spend social security-Medicare trust funds now.

Really, that is what it is all about, are we going to continue, as the last Congresses have for over 30 years, spending social security and Medicare trust funds, or are we going to save it just for that?

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), who serves on the Committee on the Budget and has worked on this issue very diligently.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from California for all his hard work. He and I have worked on this issue quite a bit in the last Congress, and the gentleman has worked on this in prior Congresses. Let us clear this issue up and bring it out of the process and the mechanistic talk. What we are talking about here is stopping the raid on social security, stopping the raid on Medicare, and equipping Congress with the tools to do that.

Does this bill go all the way and save social security and Medicare? No. We are not suggesting it does.

As a member of the Committee on the Budget, as a new Member of Congress, I dedicated my time this year to trying to change the culture in Washington. For the last 30 years there has been a culture in Washington which has basically said this: If we are going to pay our FICA taxes off of our paycheck for social security and Medicare, Washington does not care if we pay it for social security and Medicare, because Washington is going to take it and spend it on other government programs that have nothing to do with social security and Medicare.

We need to stop those days, Mr. Speaker. We need to stop the days of raiding social security, of taking money from Medicare and social security and spending it on programs that have nothing to do with it. What this bill does is fix the rules in Congress so we do not consider that kind of legislation.

We have a point of order saying we are not going to consider legislation if it attempts to raid social security and Medicare. We are going to make sure that when we analyze our budgets,

when we total up the numbers of the Federal Government's budget, we are not counting the social security and Medicare trust fund against our deficits or against our debts. We are saying, honest accounting, stop the raid on the program.

I have a bill which has some of these provisions in it which stops the raid on the social security program indefatigably, stops it by law. This bill changes the culture in Congress, a culture that has occurred here for 30 years where people would vote for legislation that would raid social security.

The President gave us a budget 2 years ago that took 38 percent of social security out of social security and spent it on other government programs. We are saying no to that.

This Congress, this Committee on the Budget, last year stopped the raid on social security for the first time in 30 years. We are following up on that promise. We are following up on that policy by saying that we are changing the culture in Washington. We are changing the rules in Congress so when we do legislation here from now on, we are not going back to those old days of raiding social security and raiding Medicare. If we pay our FICA taxes off of our paycheck, that money will go to social security and will go to Medicare, period, end of story.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Lockbox Act. I want to commend the gentleman from California (Mr. HERGER) for his work in introducing the legislation.

I was proud to join him in sending out Dear Colleagues twice to our colleagues encouraging them to support this legislation. But I must say, I am rather disappointed that the gentleman's leadership chose to change the legislation significantly last night between the time we wrote the letter encouraging them to support it and what we have before us today.

Why they did that only the gentleman and they know. That is not a reason for us not to vote for the legislation today. It is still a step in the right direction. By creating a firewall around Medicare trust fund surpluses to protect these revenues for exclusive use in the Medicare program, this bill will take another step forward in maintaining fiscal discipline and improving our ability to meet the fiscal challenges of the future.

For the last several years I have joined with my Blue Dog colleagues to offer budgets that would truly balance the budget without counting either Medicare or social security surpluses. As has already been discussed, recently the Vice President put the issue on the national agenda by proposing that the newly calculated surpluses be used to take Medicare off-budget.

I want to congratulate those, now the House leadership, for endorsing the wisdom of the Blue Dog position and following the Vice President's lead on the issue, and following the lead of the gentleman from California (Mr. HERGER), although I must say, I wish the gentleman on this side of the aisle would have seen the wisdom, and more on our side of the aisle would have seen the wisdom, in voting for our Blue Dog budget earlier this year in which we would have already had this done.

While congratulating my Republican colleagues for bringing this legislation to the floor today, I also remind them that this legislation applies to both spending increases and tax cuts that would dip into the Medicare surplus. Every Member who votes for this legislation today and brags about protecting Medicare should keep that in mind when talking about either large tax cuts or new spending proposals later this year.

At the moment, the Medicare trust fund is running a surplus. That story will change drastically in the next decade when the baby boom generation begins retiring and depends on Medicare for their health coverage. Rather than consuming current surpluses through large tax cuts and new government spending, we should use them to prepare for the challenges Medicare faces. That is what we do with this legislation today.

I again repeat, I am disappointed the bill before us was changed last night so it no longer excludes the Medicare trust fund from calculations of the on-budget surplus, and would allow us to continue the practice of using the Medicare surplus to inflate surplus totals. It is not as good a bill as the gentleman from California (Mr. HERGER) introduced or that I cosponsored, but it is still a good bill.

Whether we technically take Medicare off-budget or not, I hope all Members will honor the spirit of this legislation and not count the Medicare surplus when talking about the amount of surpluses available to be divided between tax cuts, increased spending, and debt reduction.

We are headed in the right direction. We are headed in the right direction by agreeing to save the Medicare trust fund surpluses to pay down the national debt and protect the long-term solvency of both social security and Medicare. However, we should go further by walling off some of the on-budget surpluses beyond social security and Medicare for debt reduction. Doing so would represent a much stronger commitment to paying down our \$5.7 trillion national debt.

Saving a portion of the non-social security and Medicare surpluses for debt reduction would start to make up for the years in which we borrowed from those surpluses instead of saving them, as we should have done. In addition,

walling off a portion of the on-budget surplus for debt reduction provides a cushion if budget projections change for the worse.

We should not kid ourselves that this legislation alone solves the long-term challenges facing Medicare, but until we can reach agreement on comprehensive Medicare reforms to put the program on a stronger financial footing, the next best thing we can do is pay down the debt by saving the entire Medicare surplus.

I encourage all Members to support this legislation, which is a good step forward, and continue to move toward further fiscal responsibility. Again, I congratulate the gentleman from California (Mr. HERGER) for his leadership in this endeavor.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank my good friend, the gentleman from Texas (Mr. STENHOLM), for his longtime support and work on walling off both social security and Medicare.

Let me just point out again that this does take Medicare off the table. It would require a special vote in order to spend anything above that. It does not go quite as far as the gentleman from Texas and I want to go. Hopefully next year in further Congresses we will do that, but I do thank the gentleman for his help.

Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE), and I want to again thank him for his tireless support in working in this area.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me. I thank him for his great leadership on this issue.

In fact, the gentleman is such a great leader that the Vice President has adopted the Herger position for his campaign, which I think speaks to the power and potency of this issue.

Last year, the Republican Congress did the right thing. We said that we are going to rope off social security and make sure it does not get spent for other purposes, because for far too long in this Congress social security and Medicare surpluses and trust funds have been Washington's cookie jar to fund all these other programs in government.

We said last year, categorically, this has to stop. The American people deserve better, our seniors deserve better. We made that commitment with social security. Unfortunately, the legislation has been stalled in the Senate, yet we need to move forward to ensure that we have the same level of protection for Medicare, and that is what this legislation would do today. Hopefully we can get action on the social security lockbox as well as the Medicare lockbox.

Last year, Mr. Speaker, the Federal government dipped into Medicare by

about \$21 billion to fund unrelated government spending in other areas. We do not need bigger government and we do not need to finance bigger government with social security and Medicare payroll taxes, taxes that people pay with the expectation that those programs are going to be there some day for them.

What we need is fiscal responsibility, and to provide more security for all of Americans' retirement. This bill does just that, and it provides the basis and foundation upon which we can build the Medicare reform that the gentleman from Texas was talking about.

Mr. Speaker, my State of South Dakota is a very rural State. It is not uncommon in South Dakota to have in a hospital 70 percent of the patient load being Medicare-dependent. When Medicare funding is used to fund other programs of government, it deprives that important program of those funds that are necessary to fund the investment in technology to make sure that grandfathers and grandmothers and parents in rural areas have access to critical hospitals and to the other health care requirements that they have to deal with. So it is important that this funding in the Medicare trust fund be protected for just that purpose.

I signed onto this legislation, Mr. Speaker, because it is the right thing to do for America's seniors and it is the right thing to do for America's taxpayers. We need to continue to be guardians of these trust funds. Before last year, they were raided for some 40 years. It is time that we stop the raid on these trust funds and ensure that we are doing everything that we can to end the waste, fraud, and abuse in government, and to put the additional safeguards in place to ensure that social security and Medicare dollars are not stolen to pay the other government bills that are wrapped up by this Washington government, but that they are locked away and put to the use for which they were intended. That is to provide health care for our parents, our grandparents, and hopefully some day for our children.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill walls off the surplus in the Medicare Part A trust fund. It says in effect that the surplus in the President's budget and in the congressional budget resolution should be at least as large every year as the Medicare Part A surplus. In addition, of course, tax cuts and spending increases could not reach that target.

The idea of taking the Part A trust fund off the table, not off the budget, is a small step forward, because it means that a slightly higher share of the projected surpluses over the next 10 years are going to be devoted to paying down publicly-held debt. That is good for social security, that is good for Medicare, that is good for the economy. That is why I voted yes.

But this is just a small step, a token step, since preserving the Medicare surplus does not really extend Medicare solvency for one day. Our long-term fiscal situation implies that over the course of the next 10 years, while we are generating these on-budget surpluses, we should be devoting a significant share of them to Medicare solvency, to debt reduction, and to social security solvency for the long run.

□ 1445

That is why I said earlier on the previous bill that we ought to have a piece of legislation here which simply says we resolve that now, and into the future; we will set aside some fixed percentage of our own budget surplus every year for debt reduction or for contribution to these trust funds.

The Clinton administration and our congressional Democratic budget resolution devoted more than 40 percent of the projected on-budget surplus to debt reduction; and we took \$300 billion out of the general fund, that is out of the on-budget surplus, and put it in the Medicare trust fund in order to extend the solvency of the Medicare program into and past 2020. The Blue Dog budget, which was offered as an alternative, committed 50 percent of the projected on-budget surplus to debt reduction.

But the Republican plan devoted essentially none of the surplus to debt reduction and took none of it, none of it, and put it into Medicare where it would ensure, at least extend the solvency of the program.

Unlike the proposal made the other day by Vice-President GORE, as I have noted, this bill fails to take the Medicare trust fund off budget. It simply takes it off the table or out of the calculation. In addition, it has something in it that I would call a trap door. In fact, it was in the Social Security legislation, too. Specifically, any legislation that identifies itself as Social Security reform or Medicare reform, it only has to recite those magic words, "is automatically exempt without further proof from the provisions of this lockbox."

This is very much like the emergency spending exemption that we have got in current law. Any legislation that is designated an emergency by somebody, no matter how routine, is exempt from the spending caps. The same can happen with Medicare reform and Social Security reform.

The bill itself says in black letters, all one has got to do is recite "this bill is for Medicare reform, this bill is for Social Security reform," and, bang, these provisions no longer apply to one.

Finally, Mr. Speaker, if the majority were really serious about using projected surpluses to reduce debt and save and protect Medicare and Social Security, then I think they would take this bill, this occasion, to repeal section 213 of the budget resolution which

they passed weeks ago. In just a few weeks, the Congressional Budget Office is going to increase its estimate of the projected on-budget surpluses by \$800 billion, a trillion dollars, maybe \$1.2 trillion, maybe more.

Section 213 of their budget resolution will allow the chairman of the Committee on the Budget to commit, give, devote as much as 100 percent of that increase in the projected surplus to the Committee on Ways and Means for additional tax cuts instead of debt reduction, instead of saving Social Security, instead of protecting Medicare, use 100 percent of it for tax reduction.

If my colleagues were serious about debt reduction, serious about protecting Medicare and Social Security, surely, surely we would say some of these additional surpluses will be retained, set aside, and protected for these essential programs and this essential purpose, and that is debt reduction.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just briefly responding to the gentleman from South Carolina (Mr. SPRATT), who mentioned this is at least a small step, I really believe this is a major step. It is the first step, because it is saying that, for the first time in more than 40 years, we are not going to do as previous Congresses have done, the party of the gentleman from South Carolina did, for all the years it controlled this House, in that they spent it all. They counted it, included it as part of the ongoing budget and spent it.

What we are saying is that this money is being removed from the table. We are not going to spend it. We are dedicating it as the first step to be used to saving and preserving and improving Medicare.

Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, as a relative newcomer on the block in Washington, people ask me all the time in my district if it seems different to be in Congress, if Washington is different, if it is different than our State legislatures, if it is different than our local councils. I always tell them it is astoundingly different; that, in fact, there is a culture of spending in Washington that is really unmatched anywhere else around this country.

As a member of the Committee on Appropriations, it is an everyday take-your-breath-away experience as I see one amendment after another to spend millions, hundreds of millions, billions more dollars.

In fact, last week, there was an all-day markup that, that day alone, Members made proposals to raise spending \$10 billion. The culture that there is no limit to the dollars, that there is no

pain, that there is no working family at the other end of those tax dollars that paid that money in, in tax dollars and took it out of what they could spend for their children has been just an amazing culture for me to behold.

I am proud to be part of a Congress that is trying to change that culture that has been with us for 40 years, that one could spend every dollar one could take, and that one could spend it when it is meant for future obligations in what feels good today or programs that we have today or new ideas that people have, that there is no limit.

So we are maybe making beginning steps, but they are powerfully important. One of them is to take the Medicare dollars off the table from what we consider as surplus. For years, we have used Medicare dollars to fund new programs and programs that exist that we want to put more dollars into.

What we have done, in essence, is to put an IOU in the cookie jar and said, someday, when Medicare needs this money, they can take it out. But of course when Medicare opens the cookie jar, there are no assets there to pay the bills. We are not going to be able to sell off our assets, our airports, our schools, our roads in order to recoup this money for Medicare.

So this bill today, it is for our fathers and our grandparents. It is for those who put the money in for so many years when it was not respected for the purpose it was expected to be spent for. But it is also for our children, our children who want the best for their grandparents and for their parents who want to know that they can live up to their responsibilities and who we owe them the possibility of a program that is solvent enough that they can assume their responsibilities.

I am lucky; I have both of my parents who are 78 who, for years, contributed to this country and made their contribution. Let us recognize that as we pass this bill today.

Mr. SPRATT. Mr. Speaker, may I inquire of the Chair how much time I have remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from South Carolina (Mr. SPRATT) has 2 minutes remaining. The gentleman from California (Mr. HERGER) has 4½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank all the colleagues that have come to the floor today to support this incredibly important first step toward protecting Medicare surpluses. Over the next 5 years, an estimated \$126 billion more will be paid into the Medicare trust fund by taxpayers than is currently being taken out for Medicare expenses.

Our seniors deserve to know that these Medicare surplus dollars are not

being spent on unrelated programs. The Medicare lock box prohibits legislation that spends the Medicare surplus from being considered and separates Medicare funds from future budget projections.

Last year, we locked away the Social Security surplus. Today we have the opportunity to take it one step further and protect our seniors' Medicare surpluses.

I urge my colleagues to support this. Mr. Speaker, I reserve the balance of my time to close.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to vote for this bill because I think basically we should segregate the part A trust fund. But I am going to plead the abuse of process before acceding to the bill, because this is not the way to make important law.

As I said earlier, this bill was not drafted, to the best of my knowledge, until last night. We did not see it this morning until 10 o'clock or 11 o'clock. It was not introduced or referred to the Committee on the Budget. It did not come through the Committee on Rules. The Committee on the Budget has jurisdiction, but we have held no hearings on it. We have taken no testimony.

Now the debate is limited to 40 minutes, and there are no amendments in order. That is too bad. The House ought to be able to come out here and work its will on a piece of legislation this important. If we were allowed to, we could have corrected some of the flaws in the bill. I think if we put it to the House as a whole, do we want Medicare taken cleanly off budget, it would be an overwhelming yes. We still do not know why that compromise was made.

Secondly, there are glitches in this bill that honest, open debate, an amendment, could, number one, ferret out and, number two, correct. For example, as I pointed out, section 3(b) adds a new requirement to congressional budget resolutions. It requires the resolution to show the receipts and outlays and surplus of the Social Security Trust Fund.

Then section 5 of the same bill flat prohibits any agent or instrumentality of the Federal Government from including the Social Security surplus in any document that shows the Federal surplus or deficit. Any instrumentality. What if we were to do that in a newsletter? Are we an instrumentality of the Government? This is a kind of drafting error that we could wash out of the bill if we had an opportunity to do; but we do not, not on the House floor today.

This bill requires that Medicare part A be set aside, but it does not require the congressional budget resolution specify exactly how much is being set aside. That seems to me elementary.

Why would it not provide that this is the part A trust fund, this is the amount we expect, and we are setting it aside, taking it off the table, out of calculation.

So the House has not had an opportunity to do its will, and we are passing a bill that is a lot weaker than it could be if we had an opportunity to make it better.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a complicated bill. It is very simple. It is basically saying that, for the first time in more than 40 years, that we are not going to spend the surplus, whatever that surplus is. That is, in Medicare and Social Security, we are not going to spend it. Very simply, whatever it is, we are not going to spend. It brings about a point of order to ensure that we do not.

Look how far we have come. It was only a few years ago that we were looking at deficits of \$200 billion and \$300 billion, and that did not even include the surplus of Social Security or Medicare. Then a few years ago, we were reporting \$80 billion, \$90 billion, \$100 billion surpluses; but that did include, I am afraid, Medicare and Social Security.

But guess what, those surpluses were only half true. Every penny of those surplus dollars were really Social Security dollars. So what did we do? We passed a Social Security lock box last year that said that we would not spend any of the surplus of Social Security, and that passed. Now Congress and the President speak of budget surpluses without Social Security being included in it. This amount is estimated to be \$40 billion this year.

Now we are raising the bar one notch higher. We are saying that we are now going to stop raiding Medicare, just as we stopped raiding Social Security last year. What we are doing is ensuring that Social Security recipients deserve to know that their Medicare dollars are not being spent on anything else except Medicare.

This bill is a win-win. It is a win for fiscal discipline. It is a win for Medicare. Most importantly, it is a win for our seniors.

I urge all my colleagues to support this Medicare and Social Security lock box.

Ms. ROS-LEHTINEN. Mr. Speaker, it is common knowledge that most of today's American families can no longer live comfortably on one sole income, in fact, most households depend on at least two incomes, and as if that wasn't enough, today's American employees average more hours at work than employees from other nations.

It is crystal clear that Americans work hard for their paychecks, which is why it is disheartening to know that when a significant percentage of their hard earned money is involuntarily removed for a Medicare fund, our government will use it as a slush fund to operate com-

pletely unrelated programs from which our seniors will never benefit.

Our nation's population is rapidly aging and in response to this, Congress must make the protection of Medicare dollars a high priority in order to deliver healthcare for seniors.

Our seniors deserve the health care benefits they were promised.

Our seniors need to know that they will receive adequate healthcare when they need it most.

They need not be terrified, as many are, about whether their doctor visits, treatments and even prescriptions will be covered.

Today, the House of Representatives hopes to put seniors' worries at ease as we will vote on H.R. 3859, the Social Security and Medicare Safe Deposit Box Act.

I thank my colleague, Congressman WALLY HERGER for creating this legislation which will reserve Medicare surplus dollars only for responsible debt reduction or spending on the Medicare program.

Soon after today's vote, seniors will no longer need to fear that the money set aside for their Medicare and well being will be used as a big government slush fund.

Similarly to the Social Security lock box which passed by a vote of 417-2 last year, this Medicare lock box is the right thing to do; the responsible thing to do.

Today's vote is the first step in ensuring our nation's seniors that they will no longer need to fear about whether they will be taken care of in their old age.

Today, Congress will make history because today we begin the guarantee of security in healthcare for our senior citizens.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3859, the Social Security and Medicare Safe Deposit Box Act of 2000, and urge my colleagues to join in support of this bill.

H.R. 3859 amends the Congressional Budget Act of 1974 to protect the net surplus of the Medicare Part A or Social Security trust funds by moving them "off budget." Specifically, they may not be counted as part of the overall federal surplus by either the President or the Congress. The bill further amends the Budget Act of 1974 to allow a point of order to protect Social Security surpluses in both the House and Senate from legislation whose enactment would either cause or increase an on-budget deficit for a fiscal year, with the exception of Social Security reform legislation.

Moreover, H.R. 3859 also makes it out of order for either chamber to consider any measure whose enactment would cause the on-budget surplus for a fiscal year to be less than the projected surplus of the federal hospital insurance trust fund for that fiscal year. This provision makes an exception for Medicare reform legislation.

Finally, H.R. 3859 requires that any statement or official estimate issued by the Congressional Budget Office or the Office of Management and Budget must exclude any surplus in the Social Security trust fund when issuing totals of the surplus or deficit of the United States Government. The legislation applies to fiscal year 2001 and future years.

Mr. Speaker, the Congress has made significant strides in the past three years with regard to ending the practice of raiding the So-

cial Security Trust Fund to mask the true size of the Federal outlays. This legislation will ensure that our practice of fiscal restraint will continue.

By approving this bill, the House will demonstrate to the American people its commitment to protecting the long term solvency of both the Social Security and Medicare systems. For that reason, I urge my colleagues to lend it their strong support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3859, as amended.

The question was taken.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

CONGRESSIONAL GOLD MEDAL TO ASTRONAUTS NEIL A. ARMSTRONG, BUZZ ALDRIN, AND MICHAEL COLLINS.

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2815) to present a congressional gold medal to astronauts Neil A. Armstrong, Buzz Aldrin, and Michael Collins, the crew of Apollo 11.

The Clerk read as follows:

H.R. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Astronaut Neil A. Armstrong, as commander of Apollo 11, achieved the historic accomplishment of piloting the Lunar Module "Eagle" to the surface of the Moon, and became the first person to walk upon the Moon on July 20, 1969.

(2) Astronaut Buzz Aldrin joined Neil A. Armstrong in piloting the Lunar Module "Eagle" to the surface of the Moon, and became the second person to walk upon the Moon on July 20, 1969.

(3) Astronaut Michael Collins provided critical assistance to his fellow astronauts that landed on the Moon by piloting the Command Module "Columbia" in the Moon's orbit and communicating with Earth, thereby allowing his fellow Apollo 11 astronauts to successfully complete their mission on the surface of the Moon.

(4) By conquering the Moon at great personal risk to their safety, the three Apollo 11 astronauts advanced America scientifically and technologically, paving the way for future missions to other regions in space.

(5) The Apollo 11 astronauts, by and through their historic feat, united the country in favor of continued space exploration and research.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, gold medals of appropriate design to astronauts Neil A. Armstrong, Buzz

Aldrin, and Michael Collins, in recognition of their monumental and unprecedented feat of space exploration, as well as their achievements in the advancement of science and promotion of the space program.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. PROCEEDS OF SALE.

Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on a clear sunny Wednesday in July 1969, the first human journey to the surface of the moon began at Launch Complex 39 of the Kennedy Space Center in Florida. With the liftoff of Apollo 11, Commander Neil Armstrong, Commander Module Pilot Michael Collins, and Buzz Aldrin were about to make history.

These three men accomplished what others had been dreaming about for centuries and what President John F. Kennedy declared was a national priority during the height of the Cold War. In response to the Soviet Union's stunning surprise with the first manned flight into space, the Americans astonished the world by surpassing the Soviet Union's space program in a few short years. This accomplishment demonstrates the greatness of the American spirit, one based on free enterprise, determination and patriotism.

Mr. Speaker, we should have honored these three men years ago. It has been over 30 years ago since this accomplishment.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROGAN), and I want to commend him at this time as the sponsor, the originator, of this legislation to honor the Apollo 11 astronauts. I would like to thank him on behalf of the entire House for bringing this legislation forward.

Mr. ROGAN. Mr. Speaker, I thank first my good friend from Alabama, the

distinguished subcommittee chair, for yielding me this time.

Mr. Speaker, I was 11 years old on July 20, 1969. For anybody of my generation, particularly who was a young person on that date, and who can remember, as I do, sitting in front of a somewhat flickering black and white television to see the grainy image of a human being coming down the ladder of the lunar module and setting foot on the moon, that was an incredible moment, not just in our Nation's history but in the history of all mankind. Because Americans were the ones to first do what people for generations and for centuries and for a millennia had merely dreamed about: Setting foot on the surface of another celestial body.

As the distinguished subcommittee chairman noted, this is about 30 years too late. The Congress of the United States, in 1969, should have taken the step of awarding these three heroes, these three explorers, these three great patriots Congress' highest award, the Congressional Gold Medal, and the time has come to recognize these three extraordinary individuals, Neil Armstrong, Buzz Aldrin, and Michael Collins with this honor. Together, these three pioneers propelled America ahead in the space race. They united a country and a Nation and a world torn in conflict, and inspired future generations to continue the pursuit of space exploration.

Who were these men that did this monumental feat? Neil Armstrong was born on August 5, 1930 in Wapakoneta, Ohio. He received his bachelor's degree in aeronautical engineering at Purdue and a master's degree at USC.

Neil made seven flights in the X-15 program, reaching an altitude of over 207,500 feet. He was then the backup command pilot for Gemini 5. He was the command pilot for Gemini 8. He was the backup command pilot for Gemini 11 and the backup commander for Apollo 8. And, finally, the reason we are here today, he was the commander of the epic Apollo 11 flight on that day in July, 1969.

Following the mission, Neil worked as Deputy Associate Administrator for Aeronautics at NASA. He then became professor of aeronautical engineering at the University of Cincinnati. He served on the National Commission on Space from 1985 to 1986, and on the Presidential Commission on the Space Shuttle Challenger Accident in 1986.

Buzz Aldrin, the second man to walk on the moon, was born in 1930 in Montclair, New Jersey. He received his bachelor's degree at the U.S. Military Academy in 1951 and a Ph.D. in astronautics at MIT in 1963. Buzz's study of astronautics contributed to the perfection of space walking.

His spaceflights included also piloting a Gemini 12 mission in 1966, and piloting the Apollo 11 lunar module in 1969. Buzz was backup pilot for Gemini

9 and backup command module pilot for Apollo 8.

He resigned from NASA in 1971 to become Commandant of the Aerospace Research Pilot's School at Edwards Air Force Base.

Buzz retired from the Air Force in 1972 and became a consultant. Currently he resides in Southern California and lectures and consults on space sciences with Starcraft Enterprises. He has authored two books, *Return to Earth* and *Men From Earth*.

The third member of that historic mission, Michael Collins, was born in 1930 in Rome, Italy. He received his bachelor's degree at the U.S. Military Academy in 1952.

He piloted the Gemini 10 space flight in 1966. He served as a command module pilot for Apollo 11 in July 1969. Mike also served as backup pilot for Gemini 7 and pilot for Gemini 10. He had been assigned to Apollo 8 but was removed to undergo surgery.

He resigned from NASA in 1970 and was appointed Assistant Secretary of State for Public Affairs. In 1971, he became Director of the National Air and Space Museum here in Washington, and became Under Secretary of the Smithsonian in April 1978.

Mike retired from the Air Force with the rank of Major General. He later became vice president of the Vought Corporation. He currently heads Michael Collins Associates, a Washington, D.C. consulting firm.

Mr. Speaker, I never dreamed that 31 years ago, as a young boy watching that flickering screen at my Great Aunt Della's house, that I would have the incredible privilege of serving as a Member of this body and sponsoring legislation for our Nation and our Congress to recognize the contribution of these three great heroes. They are Columbus, Galileo, and Lindbergh all rolled into three, the three pilots of Apollo 11. They served our country, they served the cause of peace, and the spinoffs in technology that emanated from that massive Apollo program are being felt every day today in our country, in biotech, in medicine, in health care, in computers. The list goes on and on.

We owe it all to the men and women who put their time and their efforts and their belief into our space program, and that is symbolized in the person of the three men who boarded Apollo 11 on that day, almost 31 years ago, soared off into space, and did as Neil Armstrong proudly proclaimed from the moon, made one small step for man and one giant leap for mankind.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives would honor with a Congressional Gold Medal to three American heroes, Neil Armstrong, Buzz Aldrin, and Michael Collins, the crew

of Apollo 11. Together, these three astronauts conquered territory that countless generations of astronomers and philosophers gazed at from afar but considered unconquerable; the surface of Earth's only satellite, the Moon.

On July 20, 1969, President Kennedy's dream of seeing American astronauts exploring the moon became a reality when the brave groundbreaking crew of Apollo 11 landed on the moon's surface and proclaimed to a spellbound America, in the words of Neil Armstrong, "One small step for man, one giant leap for mankind." By awarding them with a Congressional Medal, we honor their bravery and valor and their major contributions to humankind's greatest technological achievement: sending humans into outer space to set foot on a celestial body outside Earth.

The Apollo 11 landing ushered in a new era of space exploration, thereby contributing to the advancement of scientific inquiry and the improvement of the human condition. We owe much of NASA's and the United States' space program's current success to the pioneering efforts of the Apollo 11 crew. Our now routine space shuttle flights and the scientific experiments in weightlessness that they have facilitated are a direct outgrowth of the Apollo 11 mission to the Moon.

Many of us recall that July day in 1969, when the Apollo 11 crew mesmerized the Nation and the world as they took that historic leap for humankind. As the entire Nation watched their television sets in amazement, the Apollo 11 crew undertook their simple mission of performing a manned lunar landing, collecting lunar samples, and returning to Earth with utmost professionalism and care. It was a greater success than anyone could have hoped for, not to mention a major milestone in human history. And the successful mission will forever remain etched in our collective conscience as a national symbol of our unity.

Mr. Speaker, I strongly support this long overdue honor to the crew of Apollo 11, three great American heroes who will forever remind us of the greatness of our country's pioneering spirit.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL), who has in his district the headquarters of the U.S. Space and Missile System Command.

Mr. KUYKENDALL. Mr. Speaker, I, like one of the earlier speakers, can sit back and remember what I was doing that night. For me, it was in the evening, as I recall, and I remember laying on the floor over at my girlfriend's apartment. She and her mother were sitting there; and we were watching that on television, watching these three pioneers, three people that nobody really knew who they were

other than they were astronauts. But here we were watching on TV what they were doing, landing on the moon. I remember I was almost more astounded at the fact that I could watch them do it than I was that we technologically had figured out how to send them there and bring them back in one piece.

That was during a time of strife in our Nation. In my case, I was en route to Vietnam. Yet here was an action taken by three heroes who stepped up, and when they made that trip the whole country could focus on them. The whole country could. It did not make any difference whether a person was for or against that war, or whether they were involved in college or whether they were a little kid or an elderly member of our society, everybody watched. Everybody did.

We all remember what we were doing that night, what we were doing when these three men soared away and they stepped down off of that module and we could see the dust kind of kick up from his steps on the moon. There are footprints up there that will be there for eternity because of what these three men did. I think we all will remember that as probably the most important thing many of us have ever watched on TV.

We soared above any strife we had in our country, and that was the power of that mission. Not only did we prove our dominance to the world, as far as technologically being able to accomplish it, but we proved to ourselves as a Nation that, even in the midst of this terrible war we were in, we could coalesce behind a cause that would better this place we live in and expand our horizons as Americans to look for in the future.

I am pleased to be here supporting and recognizing their actions. This is one of the best things we can do as a country.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 2815, a bill to award the Congressional Gold Medal to Neil Armstrong, Buzz Aldrin, and Michael Collins, the crew of Apollo 11.

When a young president named John Kennedy described his vision in 1961 of landing a man on the moon, he encountered many skeptics. Some said it could not be done; others said it would cost too much money. But when I watched Neil Armstrong take his first step on the moon 8 years later, I knew that the naysayers were wrong, and so did my high school students, who huddled around that television set we have heard about on that unforgettable day.

□ 1515

I saw the gleam in their eyes that inspired them to become our future engineers and scientists.

The Apollo 11 lunar landing is one of the events in American history that stands out as a moment that connects every American who was alive in July of 1969. Six hours after landing on the surface of the moon on July 20, with less than 30 seconds of fuel remaining, Commander Neil Armstrong took the "one small step for man, one giant leap for mankind" when he stepped off the lunar module onto the surface of the Moon.

Minutes later, joined by Buzz Aldrin, the two astronauts spent a total of 21 hours on the lunar surface. After their historic walk on the Moon, they successfully docked their lunar module with the command module, piloted by fellow astronaut Michael Collins, who made the mission possible by providing the crucial communications link between the Moon and the Earth.

Public opinion polls, the universal tool of politics today, tell us that the lunar landings are seen by Americans as one of the greatest achievements during that century, on the level of winning World War II. Together, these men propelled America ahead in the space race, united a country torn over the conflict in Vietnam, and inspired future generations to continue the pursuit of space exploration.

The time has come to recognize these three extraordinary individuals, Neil Armstrong, Buzz Aldrin, and Michael Collins, with the Congressional Gold Medal. And here we are, 31 years after Apollo 11, nearing the completion of the construction of the International Space Station, having seen a remarkable record of NASA accomplishments, the first space plane, the space shuttle, capable of carrying a crew and payload into space to do research, new wing designs for civilian aircraft, a revolution in Earth science as we have begun to recognize the need to understand the changes occurring in the Earth's lands and oceans and atmosphere and new views of the universe.

Space exploration has evolved over the past 30 years to more than just romantic notions of collecting Moon rocks and taking pictures of other planets in our solar system, and now is the time to award a Congressional Medal to three individuals who contributed to our Nation's knowledge of space.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 20, 1969, after a 4-day trip, the three Apollo astronauts arrived on the surface of the Moon. Upon arriving, Armstrong announced "Houston, Tranquility Base here. The Eagle has landed."

These words ushered in a new era of human exploration as the first man

flight to the Moon touched down with less than 40 seconds of fuel remaining in its tanks. The astronauts had managed to make one last-minute maneuver to avoid landing on a field of boulders and a large crater, demonstrating the importance of manned space flight, the human ability to adapt to demanding circumstances.

After hours of exploring and experiments and those famous words "one small step for man, one giant leap for mankind" uttered by Neil Armstrong, the astronauts left a plaque stating: "Here men from the planet Earth first set foot upon the Moon July 1969, A.D. We came in peace for all mankind." The plaque was signed by Armstrong, Collins, Aldrin, and President Richard Nixon.

The final phase of President Kennedy's challenge was realized on July 24, 1969, when these three astronauts safely returned to Earth, splashing down aboard the Columbia, 812 nautical miles southwest of Hawaii. Prior to splashdown, Buzz Aldrin summarized their magnificent accomplishments with these words: "We feel this stands as a symbol of the insatiable curiosity of all mankind to explore the unknown."

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), my good friend.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I commend the author of this piece of legislation, the gentleman from California (Mr. ROGAN).

Landing on the Moon has been considered to be the crowning achievement of the 20th century. I am proud to say that, in my congressional district, Kennedy Space Center was the departure point for this incredible adventure.

On July 20, 1969, the culmination of man's dream to go to the Moon was realized. For the first time, people were taking their first steps on a new world. America led the way and showed the world how a republic can harness its power for scientific and peaceful purposes.

Thirty years ago, American know-how and technology and its technological might was demonstrated in a way that benefited every human on the planet. Thirty years ago, we aimed higher than ever and accomplished that goal.

The names Michael Collins, Buzz Aldrin, and Neil Armstrong will forever be etched in the edifice of human history next to the names of Columbus and Lindbergh.

We all know by heart the phrases oft repeated this afternoon, "The Eagle has landed" and "That's one small step for man, one giant leap for mankind."

Every one of us who was of age at the time can recite to our children and grandchildren where we were at that historic moment. The magic of tele-

vision helped take the whole world on that most fantastic of voyages. We all thought that by now, in the year 2000, we would have bases on the Moon and people on Mars. Sadly, we are not at that point.

And it is even more sad that today we will be taking up the funding bill for NASA, the VA-HUD bill, and there will again be attempts by some to cut our investment in the space program, keeping us further bound here on Earth.

Our efforts into space have an uncanny ability to unite all peoples and excite the imagination like nothing else, particularly the imagination of our young people. We should be proud of our space program and continue to support it to the fullest extent possible, supporting this effort to award these three historic pioneers in this very, very appropriate way.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my colleague, the chairman, for yielding me the time. I want to also congratulate the gentleman from California (Mr. ROGAN), my friend, for moving forward with this important legislation to finally present our Apollo 11 astronauts Neil Armstrong, Buzz Aldrin, and Michael Collins with a much deserved Congressional Gold Medal.

I am particularly interested in this legislation because it involves a constituent of mine, a friend of mine and a neighbor of mine, Neil Armstrong, who inspired all of us by becoming the first person to set foot on the Moon.

Facing tremendous personal risks and very difficult technological challenges, Neil Armstrong and his fellow astronauts left an indelible impression on those of us on Earth. And the Apollo mission will certainly go down as one of the most memorable achievements of the 20th century.

I certainly remember it. I was a 13-year-old exchange student living with a family outside of Malmo, Sweden. We all crowded around a TV set in an apartment complex outside of Malmo that night. I was the only American in the apartment complex. But we all watched it, as citizens of the world, to watch that memorable mission. And the success of it when we heard "the Eagle has landed" was the cause for celebration and applause. I remember it well.

Neil Armstrong has certainly compiled a remarkable record of legacy of service to our Nation as a fighter pilot, as an astronaut, a test pilot, a NASA official, a scientist, a teacher, and now a successful businessman. And although his name has been forever linked with that historic Apollo 11 mission and his famous words announcing "a giant leap for mankind," Neil Armstrong has never sought the limelight

and he has never exploited his fame for personal gain.

Instead, he has quietly and effectively found ways to give back to others. He has helped NASA in their space program. He has worked with another famous Cincinnati, Dr. Henry Heimlich, to develop a miniature heart-lung machine, the forerunner of the modern Micro Trach machine that is used to deliver oxygen to patients.

He has become a civic leader in greater Cincinnati, including enriching our community as chairman of the board of the Cincinnati Museum of Natural History, where he led the successful effort to give the museum a rebirth in its new home at our Union Terminal.

Neil also owns a small farm in Warren County, Ohio, outside of Cincinnati; and there he has been an active participant in civic activities. He has assisted with the annual Warren County Fair livestock auctions to support local 4-H programs. He has participated in local Boy Scouts troops. He has worked with other community leaders to establish an impressive YMCA, called the Countryside YMCA, outside of Lebanon, Ohio. And, yes, he has even helped coach the high school football team. This is the Neil Armstrong I know.

Neil Armstrong and the brave men of Apollo 11 deserve this special congressional recognition for the remarkable accomplishments over 30 years ago and their amazing legacy that inspires future generations.

My constituent, Neil Armstrong, also deserves recognition for his continued efforts to make our world a better place.

I urge my colleagues to support the legislation.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding the time to me.

Mr. Speaker, this is an excellent example of bipartisan cooperation. I want to congratulate the gentleman from California (Mr. ROGAN) for introducing this resolution.

I rise today in support of the resolution to honor three American heroes with the Congressional Gold Medal: Neil Armstrong, Buzz Aldrin, and Michael Collins. They inspired a generation of Americans, and their accomplishment continues to stand as a testament to bravery and determination.

"Houston, Tranquility Base here. The Eagle has landed." Almost 31 years ago, these words were uttered and the world was forever changed. Just a few minutes later, Neil Armstrong, commander of the Apollo 11 mission, descended down the ladder of the lunar module and took the first step in the powdery surface of the Moon, the first

person to walk on another world. Shortly after, he was joined on the dusty landscape by the mission's lunar module pilot, Edwin Buzz Aldrin.

The journey began 8 years earlier when President Kennedy issued the decree before Congress: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth."

America answered the call.

Among the thousands of dreamers who applied for the handful of positions in the newly created astronaut corps were Neil Armstrong, Michael Collins, and Buzz Aldrin. Already brilliant pilots and engineers, these men came to NASA to do a job as best they could.

Neil Armstrong served in 78 combat missions in Korea for the Navy before joining NASA in 1955 in the high-speed flight research program. He participated in cutting-edge flight tests, pushing the envelope to go faster and higher. He was selected in the second group of astronauts and commanded the Gemini 8 mission, which first accomplished the task of docking with another spacecraft in orbit. The lunar missions would have been impossible without the ability to perform this task.

□ 1530

Buzz Aldrin was also a combat pilot in Korea. He graduated from West Point third in his class before receiving his commission in the Air Force. He attended MIT, receiving a doctorate after completing his thesis concerning guidance for manned orbital rendezvous. He flew as the pilot of the Gemini 12 mission, setting the record at the time for the longest space walk, testing important mobility characteristics of his space suit, essential for future astronauts to walk on the Moon.

Michael Collins also graduated from West Point before receiving his commission in the Air Force. He was a test pilot at Edwards Air Force Base, like Neil Armstrong. He stayed at Edwards as a flight test officer until he was selected as an astronaut. He flew on Gemini 10 which docked with an Agena spacecraft and he successfully used that spacecraft's power to maneuver into a higher orbit and rendezvous with another Agena target space craft. He also conducted two space walks.

These three men were already heroes when they were selected to be astronauts for the Apollo 11 mission. The dazzling success of Apollo 8's 10 orbits around the Moon on Christmas the previous year and the successful tests of the lunar module in Earth's orbit on Apollo 9 and in lunar orbit on Apollo 10 set the stage for the first mission to land on the Moon.

On July 16, 1969, these brave astronauts lifted off the launch pad in Florida aboard a Saturn 5 rocket and began the 4-day journey to the Moon. On July

20, the lunar module Eagle left Michael Collins behind in the command module Columbia and began its descent to the lunar surface. Missing the landing site, it took all the courage, determination and skill of the astronauts to set the Eagle safely in the ground in the Sea of Tranquility with only a few seconds of fuel left.

It was their ability and their bravery that saw America accomplish its dream. The work of thousands of people culminated in those few moments of suspense just before the Eagle touched down. Many words can be said to express the grandeur of the moment but just a few hours later, Neil Armstrong said it best: "That's one small step for man, one giant leap for mankind." One small step for men and women, one giant leap for people.

Mr. LAFALCE. Mr. Speaker, this past Sunday was Father's Day. Yesterday we passed a resolution honoring fatherhood.

It is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. BENTSEN) the father of young Meredith Bentsen who is present today.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of this bill. I can remember 31 years ago at the time that this event occurred, it was a typical steamy Saturday afternoon in the summer in Houston. As a young boy as we often did on Saturday afternoons, we were at a movie. I do not remember the title of the movie. As I recall I think it was about a tidal wave hitting an island. Anyway, it was a great action film that young boys and girls would like at the time. I can remember they stopped the film and they said, "Apollo 11 has landed on the Moon." It was the most amazing event for a young boy and my friends and I sitting there to see that this had happened. This was the crowning event of our childhood, to grow up in Houston with the Johnson Space Center right there, and we had all visited it as children in school, that this really showed that America could do something if America wanted to do something. It was under the guise of NASA but also these three astronauts, Neil Armstrong, Buzz Aldrin, and Michael Collins, who instantly became American heroes, particularly to this young Houston boy at that time.

I want to commend my colleague from California for having the foresight to introduce this bill. I am not going to add to what has already been said. But as a native Houstonian, I am particularly proud to have had the opportunity and now as a Representative for part of Houston to be able to speak in favor of this bill and vote in favor of it.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Alabama will control 5 additional minutes.

There was no objection.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for yielding me the time. Let me say before I yield that time to another speaker that I am wearing a Father's Day gift from my oldest son. I am sure my colleagues have been admiring it and his good taste.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California (Mr. COX) who has in his district Buzz Aldrin as a constituent.

Mr. COX. Mr. Speaker, I too am pleased to rise in strong support of this resolution which will present the Congressional Gold Medal to the three astronauts who flew in the historic 1969 Apollo 11 mission. I want to congratulate the gentleman from California (Mr. ROGAN) for bringing this to the floor and to the attention of the Nation. Those three men who first set foot on the Moon's surface and flew to the Moon, Neil Armstrong, Buzz Aldrin, and Michael Collins, stand out as heroes to us now and in even greater relief after the passage of so many decades.

We are now in a new century. We can look back to the events of the mid-20th century and see what were the great events and what were the minor ones. This is truly an outstanding achievement not only of the 20th century but of all time. So it is appropriate that we are here today to recognize and honor these three American heroes.

These men were tasked with a mission that was never before attempted by men or women. They participated in a space program that was then and is now still fraught with danger. My brother-in-law, Mike Gernhardt, is an astronaut. I have had the opportunity to watch him go up on the space shuttle more than once, and even today that is an extraordinarily risky venture. But think what it was like for those first astronauts, think what it was like for the Apollo astronauts and those on the Apollo 11 mission who were supposed to carry out all that had been tested before them.

They proved to the world that we were still a Nation that when it sets its mind to something can do almost anything. With those few minutes of videotape, of Neil Armstrong and Buzz Aldrin skipping across the surface of the Moon and planting the American flag, confidence in American ingenuity was reborn. Landing on the Moon may have been an American feat, but more than that it was a pioneering event for the entire world, an achievement of humanity, and it opened to the entire world a whole new realm of possibilities.

As was mentioned, I have had the privilege of representing Buzz Aldrin as a constituent. I would like to say a few words in particular about him. Buzz's

own life can be best illustrated by his impressive resume and his dedication to government service. He was a graduate of West Point. He distinguished himself flying combat missions in the Korean War. After his military service, he earned an advanced degree from the prestigious Massachusetts Institute of Technology. He then returned to serving his country when he piloted one of the first manned rockets into space before joining NASA and the Apollo program.

Although it is hard to eclipse being one of the first men to set foot on the Moon, Buzz has continued to contribute to the advancement of space exploration and become a nationally recognized advocate for the space program. Even today, he earns national attention for his humanitarian efforts and his efforts with Sharespace, an organization which advocates human space travel. It is Buzz's notion that we can raise money for the space program by letting Americans participate in the opportunity to be in space. He is convinced that someday soon, sooner than later, that will be a real opportunity for ordinary Americans. But it is not just Buzz Aldrin, it is each of these three men, Neil Armstrong, Buzz Aldrin, and Michael Collins that deserves the recognition that Congress is seeking to bestow upon them today.

I urge my colleagues to support this important legislation to present the Congressional Gold Medal to the three astronauts who flew in the historic 1969 Apollo 11 mission.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Today we not only honor the three astronauts, we also honor those other heroes at NASA, for their achievement is a tribute to the thousands of engineers, scientists and others at NASA whose extraordinary efforts made the journey possible. It is fitting that we do so this year as we begin both a new century and a new millennium. America again faces new and bold challenges both in space and here on Earth. As we do so, the ingenuity, courage and determination shown by the astronauts can be our guide. Their love of freedom and pursuit of knowledge for the betterment of all mankind symbolizes the greatness of America.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROGAN), the sponsor of the bill.

Mr. ROGAN. Mr. Speaker, I thank my friend and colleague for yielding me this time. I also want to thank the distinguished ranking member and all of my colleagues for their support in this most worthy legislation and for their comments today.

We have spent the last few minutes reflecting upon the feat of the Apollo 11 astronauts that occurred 31 summers ago. Yet their greatest gift to mankind was not the footprints they left behind on the Moon. Their greatest gift was

what they brought home. They brought home a limitless concept of what Americans are capable of doing and a limitless potential of what sheer imagination can bring. Their bravery, their humility, and their contribution to man has brought unending honor to our people and to our Nation. And now it is the day and the time for the Congress on behalf of the American people to honor them in this most appropriate manner.

I urge adoption of this resolution. I once again thank both the chairman and the ranking member for their graciousness in supporting this.

Mr. BACHUS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, Buzz Aldrin and I went through flying school together. I just want to make that comment. He is a true American hero. Probably a little known fact about him is his mother's name was Moon. Quite a coincidence. He graduated from West Point with honors, third in his class, but just to show how really smart he is, he ended up in the Air Force. I could not resist that.

He is working on a spacecraft system now that would make perpetual orbits between Earth and Mars. I hope Members will join me in honoring these three American heroes.

Buzz Aldrin is a true American hero. A perhaps little-known fact about Buzz is that his mother's maiden name was Moon. Quite a coincidence. But Buzz Aldrin was a great patriot long before he ever set foot on the moon!

He graduated from West Point with honors in 1951, third in his class. And to show you just how smart he really is, he ended up in the Air Force after West Point.

I first met Buzz Aldrin when we were in flying school together in 1951 in Bartow, Florida. And we were sent off to fight in Korea together. Buzz flew 66 combat missions in Korea as part of the 51st fighter interceptor wing, where he shot down 2 MiG-15s.

Buzz earned his doctorate in astronautics from the Massachusetts Institute of Technology and the manned space rendezvous techniques he devised were used on all NASA missions, including the first space docking with Russian cosmonauts.

Buzz was selected as one of NASA's original astronauts in October of 1963. And on July 20, 1969, the world watched in amazement as Apollo 11 touched down on the moon and Buzz Aldrin became the 2nd man to set foot on another world.

I was in solitary confinement in a Vietnam prison with no news from the outside world. But, Buzz Aldrin, paused to remember me that day. He took a POW bracelet with my name on it and an American flag to the moon to remember all the prisoners of war in Vietnam. And we will never forget that, Buzz.

You would think that after a man walks on the moon, he could sit down and rest for awhile.

But not Buzz Aldrin. Today, having retired from NASA, from the Air Force as a colonel,

and from his position as commander of the test pilot school at Edwards Air Force Base, he is still working tirelessly to ensure a leading role for America in manned space exploration.

He is working on a spacecraft system that would make perpetual orbits between Earth and Mars.

Buzz has received numerous awards and medals, including the Presidential Medal of Freedom, the highest honor our country bestows.

So, I believe this Congressional Medal of Honor is long overdue for my friend Buzz Aldrin and other Apollo 11 astronauts—Neil Armstrong and Michael Collins.

I hope you will join me in honoring these three American heroes.

Mr. SENSENBRENNER. Mr. Speaker, I'm honored and excited to join Congressman JIM ROGAN and my colleagues today in authorizing the President to present astronauts Neil Armstrong, Buzz Aldrin, and Michael Collins—the crew of the historic Apollo 11 mission—with a congressional gold medal. As a cosponsor of this legislation and as Chairman of the House Science Committee, I have observed how these three leaders of America's space program continue to inspire generations of Americans to dream beyond Earth and entertain the infinite possibilities of space exploration.

I doubt any American alive on that memorable day in late July of 1969—the 20th to be exact—will ever forget the image of Neil Armstrong first stepping foot onto the Lunar surface. Commander Armstrong presciently declared, "That's one small step for man; one giant leap for mankind," and America and the rest of the world watched in awe of the greatest feat in space history.

These men provided courage and service to the U.S. beyond this memorable and daring mission. Mr. Collins co-piloted the Gemini 10 mission and later served as assistant secretary of state for public affairs. Mr. Aldrin flew over 60 combat missions in Korea and survived a 5½ hour space walk on the Gemini 12 mission. Mr. Armstrong left NASA in 1971 but continued his service through the National Commission on Space and helping lead the presidential commission investigating the Challenger explosion.

Mr. Speaker, these outstanding leaders embody the values, principles, and dedication that make our country the greatest in the world. I'm proud to join my colleagues in working to recognize Buzz Aldrin, Neil Armstrong, and Michael Collins with a congressional gold medal on behalf of the Congress and the people of the United States.

Mr. OXLEY. Mr. Speaker, I am honored today to speak in tribute of three of our country's bravest—pioneers who united this nation through their heroic feat: the astronauts of the Apollo 11 mission.

Thirty-one years ago next month, Commander Neil A. Armstrong, Lunar Module Pilot Edwin E. "Buzz" Aldrin, Jr., and Command Module Pilot Michael Collins completed what was an almost unthinkable task: a successful manned moon landing. It is often noted that each one of us remembers where we were when Neil Armstrong spoke the words, "The Eagle has landed." Indeed, a part of each of us traveled with these adventurers into space on their record-breaking mission.

I am especially honored to salute the visionary Neil Armstrong, born in Wapakoneta, Ohio, which I am privileged to represent. Wapakoneta boasts the recently renovated Neil Armstrong Air and Space Museum, which has on display various Apollo 11 artifacts, a moon rock, and the Gemini 8 spacecraft Armstrong commanded in 1966.

Mr. Speaker, the accomplishments of these three heroes are too numerous to compile. All three had distinguished military flying careers prior to their NASA days. All three were part of the monumental Gemini program, which saw the first spacewalk by an American and the first docking with another space vehicle. In the heart of the space race, these pioneers set the stage for today's continuing exploration of the new frontier. They conquered the moon despite the many unknown dangers of doing so, and thereby paved the way for NASA's space shuttle program and the International Space Station. Their bravery has inspired thousands of young people around the nation to pursue their hopes and dreams.

Indeed, their bravery cannot be heralded enough. Before the mission, Michael Collins commented: "I think we will escape with our skins . . . but I wouldn't give better than even odds on a successful landing and return. There are just too many things that can go wrong." Despite the obstacles and potentially fatal problems, the Apollo 11 astronauts did achieve a successful landing and return, bolstering the adventurous spirit of all Americans.

Neil Armstrong once noted, "We were three individuals who had drawn, in a kind of lottery, a momentous opportunity and a momentous responsibility." Armstrong, Aldrin, and Collins fulfilled this opportunity with dignity, courage, and honor. It is right that we recognize their supreme accomplishment today by presenting them with a congressional gold medal in commemoration of their sacrifice. They "came in peace for all mankind," as reads the plaque they left on the moon. Their achievements in the advancement of space exploration have revolutionized America, and renewed our sense of unity, pride, and hope for the future.

□ 1545

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2815.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2815.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

JOHN BRADEMAS POST OFFICE

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office".

The Clerk read as follows:

H.R. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the "John Brademas Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Brademas Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2938.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us today, as the Clerk just designated, a bill that will name the facility of the United States Post Office located at 424 South Michigan Street in South Bend, Indiana, as the John Brademas Post Office.

As is the practice under the government reform procedures of this bill, I am proud to state it does carry the co-sponsorship of the entire Indiana delegation. Mr. Speaker, as I do on all of these bills, I have had the opportunity to read the real life story of Mr. Brademas, and it is a remarkable one.

I am very proud of the record that the House Subcommittee on the Postal Service has accrued and are working in partnership together. I want to thank certainly the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Illinois (Mr. DAVIS), a very distinguished Member of that subcommittee, thank the gentleman from Illinois (Mr. DAVIS) for his efforts, not just on this bill, but in all of our work and, of course, for his managing the minority side of the discussion here this afternoon. The ranking member of the full committee, the gentleman from California (Mr. WAX-

MAN), and, of course, the full committee chairman, the gentleman from Indiana (Mr. BURTON), for what is yet another demonstration of bipartisanship in advancing this bill.

I particularly want to pay tribute to the main sponsor of the bill, the gentleman from Indiana, (Mr. ROEMER) for really his tireless efforts in ensuring that we have this moment today.

As I mentioned, Mr. Brademas has just a remarkable career that expands over so many years, and I do not want to take away from what I expect will be rather thorough comments by the gentleman from Indiana (Mr. ROEMER) to whom I will yield to his side in just a moment. So I will not recount all of the many, many achievements of this distinguished gentleman, but let me say in relationship to the others who have received similar tributes on this House floor, that even by those very, very high standards, Mr. Brademas really excels.

Mr. Speaker, of course he was a colleague and Member of this great body from 1959 to 1981, more than 2 decades, 22 years, in fact, of distinguished service to the people of his district in Indiana and, of course, to the people of this country; and he achieved so much that it is hard to define them all.

Certainly, I think as we take an overview, his efforts on behalf of education particularly stand out. It is a dedication that he brought virtually to every effort that he made, and it is a dedication that predated his time here in Washington and certainly continues even past that to this moment.

I want to say as someone who has the honor of representing one of the districts of New York, we are particularly pleased that we can claim a bit of a piece of Mr. Brademas. Certainly, that becomes possible through his exemplary service as the president of New York University, the largest private university in the United States, where he led that great institution for some 11 years, transforming it from what was then really a regional commuter school into a national and international residential research university.

Even today, he continues to serve as the president emeritus of that great facility and a trustee of the university. As I mentioned, we have before us today a distinguished gentleman, one for whom I think we can all direct a great deal of admiration and from whom we can draw a great deal of inspiration.

Again, to the gentleman from Indiana (Mr. ROEMER), a great deal of thanks for bringing this very, very fine nominee to our attention; and I would certainly encourage all of our colleagues here to support this very, very fine bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on the Postal Service, I am pleased to join my colleague in the consideration of H.R. 2938, legislation designating the United States Postal Service facility located at 424 South Michigan Street in South Bend, Indiana, after the Honorable John Brademas, a former Member of Congress.

H.R. 2938 was introduced by the gentleman from Indiana (Mr. ROEMER) on September 3, 1999, and reported unanimously from the Committee on Government Reform on September 30, 1999.

This measure is supported and cosponsored by the entire Indiana congressional delegation. Mr. John Brademas was born in Mishawaka, Indiana, in 1927 and graduated from South Bend Central High School in 1945. He joined the Navy and was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a BA magna cum laude and was elected to Phi Beta Kappa.

He was a Rhodes Scholar at Oxford University and received the doctor of philosophy in social studies degree in 1954. Dr. Brademas, the first native born American of Greek origin to be elected to Congress, represented with honor and distinction the 3rd Congressional District of Indiana for 22 years, from 1959 to 1981.

He served on the Committee on Education and Labor and was House majority whip for his last 4 years in Congress. As a Member of the Committee on Education and Labor, Congressman Brademas played a key role in authorizing legislation concerning student financial aid, elementary and secondary education, vocational education and support for libraries, museums and the arts and humanities.

After serving in Congress, Dr. Brademas became president of New York University, the largest private university in the United States, for 11 years, transforming NYU from a regional commuter school into a national and international residential research university. He is currently serving as president emeritus of this university.

Dr. Brademas has been awarded honorary degrees by 50 colleges and universities and serves on numerous boards of nonprofit and for-profit organizations. The gentleman from Indiana (Mr. ROEMER) is to be commended for seeking to honor the caliber of a man such as former Congressman John Brademas.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Illinois (Mr. DAVIS) for yielding me the time and for his kind comments about our colleague, Mr. Brademas. I want to thank also the gentleman from New York (Mr. MCHUGH), from the great State of New York, for his help in putting up with my tireless efforts and helping us pass this legislation here today.

I want to thank the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), and special gratitude goes to the entire Indiana delegation, who not only agreed to cosponsor this legislation, but also to help push this legislation and see the success that we have today. I also want to thank all nine of the other members of the Indiana delegation for their help.

I am joined today by a distinguished Member, the gentlewoman from Indianapolis, Indiana (Ms. CARSON), who also will say some words about John Brademas.

Ms. CARSON. Mr. Speaker, I am honored to rise in support of H.R. 2938, a bill I introduced several months ago to designate the United States Post Office located at 424 South Michigan Street in my hometown of South Bend as the John Brademas Post Office.

John Brademas is one of the most distinguished people to serve in Congress from the 3rd Congressional District of Indiana, as a matter of fact, from the State of Indiana and probably in the country. While John Brademas was serving in the House, I briefly worked as a staff assistant in his congressional office. His guidance has been a constant source of inspiration to me, and I have always tried to serve in Congress with the same degree of honor and integrity and respect for the institution and the office to which I have now served and which John Brademas served for 22 years.

John Brademas helped teach me the importance of family and community and the value of public service. John Brademas graduated from South Bend Central High School in 1945. After service in the U.S. Navy, he was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a Bachelor of Arts. He also served as executive assistant to the late Adlai Stevenson in 1955 and in 1956.

Dr. Brademas was in charge of the research on issues during that 1956 presidential campaign. Three years later, he was elected to the U.S. House of Representatives for the 3rd district of Indiana.

Over the years, John Brademas has made numerous enduring contributions for the great State of Indiana and for our Nation. His accomplishments and contributions are as impressive as they are numerous. As those of us who served with John know, he was for 22 years a particularly active member of

the Committee on Education and the Workforce, where he earned a highly distinguished reputation for his leadership in promoting education.

He also worked tirelessly in support of landmark legislation, such as the Higher Education Acts of 1972 and 1976, which cleared the way for more Americans to gain access to financial aid. Dr. Brademas was also the primary sponsor of legislation improving elementary and secondary education, vocational education, as well as services for the elderly and the handicapped.

Following his retirement from Congress, Dr. Brademas served by appointment of the House Speaker Tip O'Neill on the National Commission on Student Financial Assistance and chaired its Subcommittee on Graduate Education. Upon leaving Congress, John Brademas became president of NYU, New York University, our Nation's largest private university, a position in which he served for 11 years.

In 1984, he initiated fund-raising campaigns that produced a total of \$1 billion over 10 years. The New York Times headline from that time read, "A decade and a billion dollars put New York University in first rank."

Now, president emeritus, Dr. Brademas is also chairman, by appointment of President Clinton, of the President's Committee on the Arts and Humanities. In 1997, this committee released Creative America, a report to the President recommending new and innovative ways to strengthen support and improve on private and public education for these two fields.

In addition to his responsibilities at NYU, Dr. Brademas is currently the chairman of the board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States.

□ 1600

I am proud to sponsor this bipartisan legislation, and am pleased that all 10 members of the Indiana delegation of the House of Representatives are original cosponsors.

This measure is a fitting tribute to one of the great leaders and educators to have served in Congress, and I strongly encourage my colleagues to support H.R. 2938.

Mr. ROEMER. Mr. Speaker, I am honored to rise in support of H.R. 2938, a bill I introduced with the entire Hoosier delegation to designate the United States Post Office located at 424 South Michigan Street in my hometown of South Bend, Indiana, as the "John Brademas Post Office."

John Brademas is one of the most distinguished predecessors as the U.S. Representative in Congress of the Third Congressional District of Indiana. While John Brademas was serving in the House, I worked as a staff assistant in his congressional office. In that time, I learned a great deal from him about the importance of family and community and the value of public service. His guidance has been

a constant source of inspiration to me, and I have always tried to serve in Congress with the same degree of honor and respect for the institution and the office to which I was elected.

John Brademas graduated from South Bend Central High School in 1945. After service in the U.S. Navy, he was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a Bachelor of Arts, magna cum laude and was elected to Phi Beta Kappa. He wrote his doctoral dissertation at Oxford University, where he was a Rhodes Scholar. As Executive Assistant to the late Adlai Stevenson in 1955–56, Dr. Brademas was in charge of research on issues during the 1956 presidential campaign. Three years later, he was elected to the U.S. House of Representatives to represent Indiana's Third Congressional District.

Over the years, John Brademas has made numerous enduring contributions for the great state of Indiana and our Nation. His accomplishments and contributions are as impressive as they are numerous. As those of you who served with John Brademas know, he was for 22 years (1959–1981), a particularly active member of the Committee on Education and Labor, where he earned a highly distinguished reputation for his leadership in promotion education. He also worked tirelessly in support of landmark legislation such as the Higher Education Acts of 1972 and 1976, which cleared the way for more Americans to gain access to student financial aid. Dr. Brademas was also the primary sponsor of legislation improving elementary and secondary education, vocational education, as well as services for the elderly and handicapped. I am very proud to follow John Brademas' as a member of the same committee, now known as the Committee on Education and the Workforce. He served his last four years in the House as the Chief Majority Whip.

Following his retirement from Congress, Dr. Brademas served, by appointment of House Speaker Thomas P. "Tip" O'Neill, Jr., on the National Commission on Student Financial Assistance and chaired its Subcommittee on Graduate Education. In 1983, the Commission approved the Subcommittee's study, *Signs of Trouble and Erosion: A Report of Graduate Education in America*. Upon leaving Congress, John Brademas became president of New York University, our nation's largest private university, a position in which he served for 11 years (1981–1992). During that time, Dr. Brademas led the transition of NYU from a mostly regional school to a national and international residential research university.

In 1984, he initiated a fundraising campaign that produced a total of \$1 billion over ten years. The New York Times headline from that time read, "A Decade and Billion Dollars Put New York University in [the] First Rank." Now president-emeritus, Dr. Brademas is also chairman, by appointment of President Clinton, of the President's Committee on the Arts and the Humanities. In 1997, this committee released *Creative America*, a report to the President recommending new and innovative ways to strengthen support, private and public, for these two fields.

In addition his responsibilities at NYU, Dr. Brademas is currently the chairman of the

board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States. He is co-chairman of the Center on Science, Technology and Congress at the American Association for the Advancement of Science. He earlier served on the Carnegie Commission on Science, Technology and Government and chaired its Committee on Congress.

I am proud to sponsor this bipartisan legislation and am pleased that all ten members of the Indiana delegation in the House of Representatives are original cosponsors of the bill. This measure is a fitting tribute to one of the greatest leaders and educators to have ever served in Congress. I strongly encourage my colleagues to support H.R. 2938.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I certainly thank the distinguished gentleman from Illinois (Mr. DAVIS), as well as the gentleman from New York (Mr. McHUGH).

Mr. Speaker, I rise today to reiterate my support for the designation of the South Bend Post Office in honor of a former colleague, Mr. John Brademas.

Throughout the 22 years Mr. Brademas' devoted to representing Indiana's Third District in the United States Congress, his demonstrated commitment to improving our country's education system was extremely significant. As former House Majority Whip and a former member of the Committee on Education and Labor, Mr. Brademas led the efforts to enact much of the legislation regarding education produced during his tenure in Congress. The State of Indiana is quite proud to have been represented by a man of such distinction and intellect.

After his Congressional service, Mr. Brademas led New York University as its president from 1981 to 1992 and was appointed by President Clinton to chair the President's Committee on the Arts and Humanities in 1994.

Mr. Speaker, I strongly support this measure that will honor a very accomplished former Member and will make tangible our appreciation for his tireless commitment to serving the public.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we have had this matter before us today for consideration. Certainly again I commend the gentleman from Indiana (Mr. ROEMER) for giving us the opportunity to pay tribute to such an outstanding American.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, briefly and in closing, let me add my words to that of the gentleman from Illinois (Mr. DAVIS) and thanks to the gentleman from Indiana (Mr. ROEMER), and, as the gentleman so graciously noted too, his colleagues within the In-

diana delegation, for providing us with this opportunity.

As we have certainly heard here today, this nominee, I think, demonstrates the kind of achievement, the kind of devotion and dedication that should make all of us very proud for this moment and this opportunity to extend to him a very deserving recognition.

Mr. Speaker, I am proud as well of the initiative and the efforts of all of the Members of this body to take ourselves into sometimes uncharted water. However, I would note on occasion it is worthy and I think comforting to note that we follow others.

I think it is significant as sort of a capstone to the very gracious things rightfully said about Mr. Brademas, that over the course of his very distinguished career and lifetime he has been awarded 50 honorary degrees by distinguished colleges and universities such as the University of Athens; Brandeis; the City College of New York; my father's alma mater, Colgate; the University of Cyprus; Fordham University; the University of Southern California; Indiana University; Notre Dame; and just on and on and on. So we follow perhaps rather well-trod, but I think very, very fine ground here today. I would urge all of our colleagues to support this legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my strong support for H.R. 2938, which will designate a post office in South Bend, Indiana, as the John Brademas Post Office.

I had the honor of serving with John Brademas from 1965 through 1976. We served together on the Education and Labor Committee, and I remember well his leadership in developing legislation to improve education, to provide services for the elderly and handicapped, to support libraries, museums, the arts, and humanities, and to help develop early childhood education.

Dr. Brademas was a major sponsor of the Higher Education Acts of 1972 and 1976, which greatly expanded college opportunities by strengthening student financial aid. He was the chief House sponsor of the Education for All Handicapped Children Act, the Humanities and Cultural Affairs Act, the Arts and Artifacts Indemnity Act; the Older Americans Comprehensive Services Act; and the Museum Services Act, which created the Institute of Museum Services. The impact of his vision and leadership in education, culture and the arts, and seniors issues is evidenced by the centrality of these programs in the work of the Education Committee a quarter century after he left the Congress.

John Brademas served as chair of the Education Subcommittee which heard countless witnesses on the subject of comprehensive early childhood education. This was an area of my greatest personal interest and priority. In fact, Congress passed such a bill in 1972, which was vetoed by President Nixon. Since that time, Congress has failed to legislate in this critical area.

I also remember John as a valued mentor and friend. His integrity, his dedication to providing America's children and young people with the best possible educational opportunities, and his concern for the most vulnerable members of our society—children, the disabled, the elderly—were deeply inspiring to me.

After leaving Congress, Dr. John Brademas further distinguished himself as president of New York University from 1981 to 1992. Under his leadership, New York University went from being a regional commuter school to a national and international residential research university. Dr. Brademas is currently president emeritus of NYU, chair of the President's Committee on the Arts and Humanities, co-chair of the Center on Science, Technology and Congress, and board member of Americans for the Arts, Kos Pharmaceuticals, Loews Corporation, Oxford University Press-USA, and Scholastic, Inc. He is also chair of the Board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States.

The people of the Third District of Indiana can be justly proud of this great man whose legacy deserves to be memorialized in the designation of The John Brademas Post Office.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2938.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4601, by the yeas and nays; and
H.R. 3859, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DEBT REDUCTION RECONCILIATION ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4601, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4601, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 5, not voting 10, as follows:

[Roll No. 296]

YEAS—419

Abercrombie	Cubin	Hilliard
Ackerman	Cummings	Hinchey
Aderholt	Cunningham	Hinojosa
Allen	Danner	Hobson
Andrews	Davis (FL)	Hoeffel
Archer	Davis (IL)	Hoekstra
Armey	Deal	Holden
Baca	DeFazio	Holt
Bachus	DeGette	Hooley
Baird	DeLauro	Horn
Baker	DeLay	Hostettler
Balducci	DeMint	Houghton
Baldwin	Deutsch	Hoyer
Ballenger	Diaz-Balart	Hulshof
Barcia	Dickey	Hunter
Barr	Dicks	Hutchinson
Barrett (NE)	Dingell	Hyde
Barrett (WI)	Dixon	Inslee
Bartlett	Doggett	Isakson
Barton	Dooley	Istook
Bass	Doolittle	Jackson (IL)
Bateman	Doyle	Jackson-Lee
Becerra	Dreier	(TX)
Bentsen	Duncan	Jefferson
Bereuter	Dunn	Jenkins
Berkley	Edwards	John
Berman	Ehlers	Johnson (CT)
Berry	Ehrlich	Johnson, E. B.
Biggert	Engel	Johnson, Sam
Bilbray	English	Jones (NC)
Bilirakis	Eshoo	Jones (OH)
Bishop	Etheridge	Kanjorski
Blagojevich	Evans	Kaptur
Bliley	Everett	Kasich
Blumenauer	Farr	Kelly
Blunt	Fattah	Kennedy
Boehlert	Filner	Kildee
Boehner	Fletcher	Kilpatrick
Bonilla	Foley	Kind (WI)
Bonior	Forbes	King (NY)
Bono	Ford	Kingston
Borski	Fossella	Klecza
Boswell	Fowler	Knollenberg
Boucher	Frank (MA)	Kolbe
Boyd	Franks (NJ)	Kucinich
Brady (PA)	Frelinghuysen	Kuykendall
Brady (TX)	Frost	LaFalce
Brown (FL)	Gallegly	LaHood
Brown (OH)	Ganske	Lampson
Bryant	Gejdenson	Lantos
Burr	Gekas	Largent
Burton	Gephardt	Larson
Buyer	Gibbons	Latham
Callahan	Gilchrest	LaTourette
Calvert	Gillmor	Lazio
Camp	Gilman	Leach
Canady	Gonzalez	Lee
Cannon	Goode	Levin
Capps	Goodlatte	Lewis (CA)
Capuano	Goodling	Lewis (GA)
Carson	Gordon	Lewis (KY)
Castle	Goss	Linder
Chabot	Graham	Lipinski
Chambliss	Granger	LoBiondo
Chenoweth-Hage	Green (TX)	Lofgren
Clay	Green (WI)	Lowey
Clayton	Greenwood	Lucas (KY)
Clement	Gutierrez	Lucas (OK)
Clyburn	Gutknecht	Luther
Coble	Hall (OH)	Maloney (CT)
Coburn	Hall (TX)	Maloney (NY)
Collins	Hansen	Manzullo
Combest	Hastings (FL)	Markey
Condit	Hastings (WA)	Martinez
Conyers	Hayes	Mascara
Cooksey	Hayworth	Matsui
Costello	Hefley	McCarthy (MO)
Cox	Herger	McCarthy (NY)
Coyne	Hill (IN)	McCrery
Cramer	Hill (MT)	McDermott
Crane	Hilleary	McGovern
Crowley		McHugh

McInnis	Pryce (OH)	Stark
McIntyre	Quinn	Stearns
McKeon	Radanovich	Stenholm
McKinney	Rahall	Strickland
McNulty	Ramstad	Stump
Meehan	Rangel	Stupak
Meek (FL)	Regula	Sununu
Meeks (NY)	Reyes	Sweeney
Menendez	Reynolds	Talent
Metcalfe	Riley	Tancred
Mica	Rivers	Tanner
Millender-	Rodriguez	Tauscher
McDonald	Roemer	Tauzin
Miller (FL)	Rogan	Taylor (MS)
Miller, Gary	Rogers	Taylor (NC)
Miller, George	Rohrabacher	Terry
Minge	Ros-Lehtinen	Thomas
Mink	Rothman	Thompson (CA)
Moakley	Roukema	Thompson (MS)
Mollohan	Royce	Thornberry
Moore	Rush	Towns
Moran (KS)	Ryan (WI)	Traficant
Moran (VA)	Ryun (KS)	Turner
Morella	Salmon	Udall (CO)
Murtha	Sanchez	Udall (NM)
Myrick	Sanders	Upton
Napolitano	Sandlin	Velazquez
Neal	Sanford	Visclosky
Nethercutt	Sawyer	Vitter
Ney	Saxton	Walden
Northup	Scarborough	Walsh
Norwood	Schaffer	Wamp
Nussle	Schakowsky	Waters
Obey	Scott	Watkins
Olver	Sensenbrenner	Watt (NC)
Ortiz	Serrano	Watts (OK)
Ose	Sessions	Waxman
Owens	Shadegg	Weiner
Oxley	Shaw	Weldon (FL)
Packard	Shays	Weldon (PA)
Pallone	Sherman	Weiler
Pascrell	Sherwood	Wexler
Pastor	Shimkus	Weygand
Paul	Shows	Whitfield
Payne	Shuster	Wicker
Pease	Simpson	Wilson
Pelosi	Sisisky	Wise
Peterson (MN)	Skeen	Wolf
Peterson (PA)	Skelton	Woolsey
Petri	Slaughter	Wu
Phelps	Smith (MI)	Wynn
Pickering	Smith (NJ)	Young (AK)
Pickett	Smith (TX)	Young (FL)
Pitts	Smith (WA)	
Pombo	Snyder	
Pomeroy	Souder	
Porter	Spence	
Portman	Spratt	
Price (NC)	Stabenow	

NAYS—5

NOT VOTING—10

Cardin	Oberstar	Thurman
Nadler	Sabo	
Campbell	Ewing	Roybal-Allard
Cook	Klink	Vento
Davis (VA)	McCollum	
Emerson	McIntosh	

□ 1626

Mr. SABO changed his vote from "yea" to "nay."

Messrs. PETERSON of Pennsylvania, PORTER, and HINCHEY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT OF 2000

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 3859, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3859, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 12, as follows:

[Roll No. 297]

YEAS—420

Abercrombie	Costello	Hall (TX)
Ackerman	Cox	Hansen
Aderholt	Coyne	Hastings (FL)
Allen	Cramer	Hastings (WA)
Andrews	Crane	Hayes
Archer	Crowley	Hayworth
Armey	Cubin	Hefley
Baca	Cummings	Heger
Bachus	Cunningham	Hill (IN)
Baird	Danner	Hill (MT)
Baker	Davis (FL)	Hilleary
Baldacci	Davis (IL)	Hilliard
Baldwin	Deal	Hinchey
Ballenger	DeFazio	Hinojosa
Barcia	DeGette	Hobson
Barr	Delahunt	Hoefel
Barrett (NE)	DeLauro	Hoekstra
Barrett (WI)	DeLay	Holden
Bartlett	DeMint	Holt
Barton	Deutsch	Hooley
Bass	Diaz-Balart	Horn
Bateman	Dickey	Hostettler
Becerra	Dicks	Houghton
Bentsen	Dingell	Hoyer
Bereuter	Dixon	Hulshof
Berkley	Doggett	Hunter
Berman	Dooley	Hutchinson
Berry	Doolittle	Hyde
Biggert	Doyle	Inslee
Bilbray	Dreier	Isakson
Bilirakis	Duncan	Istook
Bishop	Dunn	Jackson (IL)
Blagojevich	Edwards	Jackson-Lee
Bliley	Ehlers	(TX)
Blumenauer	Ehrlich	Jefferson
Blunt	Engel	Jenkins
Boehlert	English	John
Boehner	Eshoo	Johnson (CT)
Bonilla	Etheridge	Johnson, E. B.
Bonior	Evans	Johnson, Sam
Bono	Everett	Jones (NC)
Borski	Farr	Jones (OH)
Boswell	Fattah	Kanjorski
Boucher	Filner	Kaptur
Boyd	Fletcher	Kasich
Brady (PA)	Foley	Kelly
Brady (TX)	Forbes	Kennedy
Brown (FL)	Ford	Kildee
Brown (OH)	Fossella	Kilpatrick
Bryant	Fowler	Kind (WI)
Burr	Frank (MA)	King (NY)
Burton	Franks (NJ)	Kingston
Buyer	Frelinghuysen	Kleczka
Callahan	Frost	Knollenberg
Calvert	Galleghy	Kolbe
Camp	Ganske	Kucinich
Canady	Gejdenson	Kuykendall
Cannon	Gekas	LaFalce
Capps	Gephardt	LaHood
Capuano	Gibbons	Lampson
Cardin	Gilchrest	Lantos
Carson	Gillmor	Largent
Castle	Gilman	Larson
Chabot	Gonzalez	Latham
Chambliss	Goode	LaTourette
Chenoweth-Hage	Goodlatte	Lazio
Clay	Goodling	Leach
Clayton	Gordon	Lee
Clement	Goss	Levin
Clyburn	Graham	Lewis (CA)
Coble	Granger	Lewis (GA)
Coburn	Green (TX)	Lewis (KY)
Collins	Green (WI)	Linder
Combest	Greenwood	Lipinski
Condit	Gutierrez	LoBiondo
Conyers	Gutknecht	Lofgren
Cooksey	Hall (OH)	Lowey

Lucas (KY)	Peterson (PA)	Snyder
Lucas (OK)	Petri	Souder
Luther	Phelps	Spence
Maloney (CT)	Pickering	Spratt
Maloney (NY)	Pickett	Stabenow
Manzullo	Pitts	Stark
Markey	Pombo	Stearns
Martinez	Pomeroy	Stenholm
Mascara	Porter	Strickland
Matsui	Portman	Stump
McCarthy (MO)	Price (NC)	Stupak
McCarthy (NY)	Pryce (OH)	Sununu
McCrery	Quinn	Sweeney
McDermott	Radanovich	Talent
McGovern	Rahall	Tancredo
McHugh	Ramstad	Tanner
McInnis	Rangel	Tauscher
McIntyre	Regula	Tauzin
McKeon	Reyes	Taylor (MS)
McKinney	Reynolds	Taylor (NC)
McNulty	Riley	Terry
Meehan	Rivers	Thomas
Meek (FL)	Rodriguez	Thompson (CA)
Meeks (NY)	Roemer	Thompson (MS)
Menendez	Rogan	Thornberry
Metcalfe	Rogers	Thune
Mica	Rohrabacher	Thurman
Millender-	Rothman	Tiahrt
McDonald	Roukema	Tierney
Miller (FL)	Royce	Toomey
Miller, Gary	Rush	Towns
Minge	Ryan (WI)	Trafficant
Mink	Ryun (KS)	Turner
Moakley	Salmon	Udall (CO)
Mollohan	Sanchez	Udall (NM)
Moore	Sanders	Upton
Moran (KS)	Sandlin	Velazquez
Moran (VA)	Sanford	Visclosky
Morrell	Sawyer	Vitter
Murtha	Saxton	Walden
Myrick	Scarborough	Walsh
Napolitano	Schaffer	Wamp
Neal	Schakowsky	Waters
Nethercutt	Scott	Watkins
Ney	Sensenbrenner	Watt (NC)
Northup	Serrano	Watts (OK)
Norwood	Sessions	Waxman
Nussle	Shadegg	Weiner
Oberstar	Shaw	Weldon (FL)
Obey	Shays	Weldon (PA)
Oliver	Sherman	Weller
Ortiz	Sherwood	Wexler
Ose	Shimkus	Weygand
Owens	Shows	Whitfield
Oxley	Shuster	Wicker
Packard	Simpson	Wilson
Pallone	Sisisky	Wise
Pascrell	Skeen	Wolf
Pastor	Skelton	Woolsey
Paul	Slaughter	Wu
Payne	Smith (MI)	Wynn
Pease	Smith (NJ)	Young (AK)
Pelosi	Smith (TX)	Young (FL)
Peterson (MN)	Smith (WA)	

NAYS—2

NOT VOTING—12

Nadler	Sabo
Campbell	Ewing
Cook	Klink
Davis (VA)	McCollum
Emerson	McIntosh

□ 1634

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall No. 297, I was unavoidably detained. If present, I would have voted "aye" on rollcall No. 297.

PERSONAL EXPLANATION

Mr. DAVIS of Virginia. Mr. Speaker, I was unfortunately unable to be here earlier today,

and should I have been present, I would have voted in the affirmative on Roll No. 296 for H.R. 4601, the Debt Reduction Reconciliation Act. I would have also voted in strong favor of Roll No. 297 for H.R. 3859, the Social Security and Medicare Lock-Box Act.

CORRECTION OF PRINTING ERRORS IN HOUSE REPORT 106-645 ACCOMPANYING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise to make the following statement to correct a printing error in the RECORD.

Mr. Speaker, the report to accompany the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2001, House Report 106-645, includes a printing error. On page 204, roll-call vote number 4, the amendment dealing with ergonomics, under the column for Members voting "nay," there is a name "Mr. Lextra."

That name should not be in that column. There is no such person on the Committee on Appropriations or in the House of Representatives.

Under the column for Members voting "present," the name of the gentleman from California (Mr. DIXON) appears. The report the committee filed with the House shows that the gentleman from California (Mr. DIXON) voted "nay," not "present." His name should not have been printed in the "present" column but in the "nay" column.

Mr. Speaker, I ask unanimous consent that this statement reflecting the accurate vote of the gentleman from California (Mr. DIXON) on the ergonomics issue appear not only in today's RECORD but in the permanent record for the day that this legislation was initially considered, June 8, 2000.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would just like to inquire of the gentleman from Florida how many other times has Mr. Lextra voted in this or any other committee, even though he is not a member of the committee and, to my knowledge, is not a Member of the House?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, as the gentleman is well aware, he and I read every word and every comma of each report. I have not seen the name Mr. Lextra ever, and I doubt the gentleman from Wisconsin has.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4635, and that I may be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4635.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, June 19, 2000, the amendment offered by the gentleman from California (Mr. WAXMAN) had been disposed of and the bill was open to amendment from page 9, line 1, to page 9, line 3.

REQUEST FOR EN BLOC CONSIDERATION OF AMENDMENTS NUMBERED 40, 28, AND 26

Mr. WALSH. Mr. Chairman, I ask unanimous consent that it be in order at this time that the Ney amendment No. 40, the Guttierrez amendment No. 28, and the Tancredio amendment No. 26 be considered en bloc.

I further ask unanimous consent that after disposition of these amendments, that the House return to the reading of the bill on page 9, line 8.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. OBEY. Mr. Chairman, I feel constrained to object to the request at this time.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) will state his parliamentary inquiry.

Mr. WAXMAN. I have another amendment on the same subject as yesterday, Mr. Chairman, and I would like to inquire if this is the appropriate time in the bill to offer that amendment.

The CHAIRMAN. As the Committee proceeds further on page 10 the gentleman will be in order in the reading, but at the moment another Member of the House, a member of the committee, is seeking recognition to strike the last word.

After that the Clerk will read to the proper point in the bill.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I am pleased, Mr. Chairman, to see that a number of Members have recognized that the VA medical research account is underfunded in this bill, and that they want to increase this funding through amendments that we are going to consider soon. The chairman and the ranking member have done a good job under tough constraints on this legislation, but this is one item that we really need to tend to here today. I am glad to see that we will have the opportunity to do so.

I have been a strong proponent of VA medical research, and I offered an amendment during the full Committee on Appropriations markup that would have increased that account by \$23 million. I want to take just a minute today to explain why I support increasing the VA medical research account and why it is so important for us to find a way of doing so.

The original request from the VA to OMB was to fund the research account at \$397 million. Outside supporters of the program believe the program should be funded at \$386 million. These recommendations are both well above the current bill's level of \$321 million.

Most of us have heard about the Seattle foot, that remarkable artificial limb that has been depicted in television commercials by a double amputee playing pick-up basketball or by a woman running a 100-yard dash. It is not obvious that she has two artificial legs until the camera zooms in at the end of the commercial. The technology for this prosthesis was developed by VA researchers in Seattle.

Research at VA hospitals is important because it is clinical research, mainly. The researcher, who is almost always affiliated with a neighboring teaching hospital, also treats patients, veterans. The VA research program is the only one dedicated solely to finding cures to ailments that affect our veteran population. It is not interchangeable with other research efforts.

At the Durham, North Carolina, VA, which is affiliated with Duke University, there is a great range of research

being done, from working to find a cure for AIDS to finding a shingles vaccine to important advances in brain imaging and telemedicine. This work, of course, assists veterans, but it also helps the population at large.

The VA does a great job of leveraging its funds. Dr. Jack Feussner, the director of the VA medical research program, testified that for every dollar of increase that the program has received over the last 5 years, it has received \$3 from other sources. Therefore, if we were to add \$23 million here today, it could translate into \$92 million more for research.

What will these additional funds be used for? Eleven million dollars is needed just to maintain current services, to keep up with medical inflation. Another \$12 million could be used for any number of research projects.

The VA is starting a research oversight program vital to the integrity of the human-based research programs. It could be a model for other federally-assisted research. This program needs \$1 million.

To bring the program back to the high water mark of 1998 would take \$43 million. Dr. Feussner has listed four areas that would benefit particularly from additional research dollars: Parkinson's Disease, end-stage renal failure, diabetes, and Post-Traumatic Shock Disorder. Additional research into the treatment and cure for hepatitis C would also be looked at carefully.

□ 1645

We also need to increase the commitment to training the next generation of clinician and nonclinician investigators. To keep that program on track would take an additional \$10 million.

Now, Mr. Chairman, difficult decisions will need to be made on these upcoming amendments, and there are several of them. They all offer an offset of some sort. Most of the offsets I would not support if they stood alone. But the overall allocation for our VA-HUD subcommittee is just not sufficient, and these difficult trade-offs must be made.

I am hopeful that, at the end of this process, an additional allocation will be available and that we will be able to fund VA medical research at close to \$386 million and that any offsets that we adopt can largely be restored. However, it is very important to raise the appropriations level here today for medical research before this bill goes any farther in the appropriations process.

I hope this is helpful, this overview of how these monies might be spent and why we need them. Additional funding for VA research will benefit our veterans and our country, and I hope Members will pay attention closely to the arguments on the amendments to follow.

The CHAIRMAN. Are there further amendments to this section of the bill?

AMENDMENT NO. 20 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. FILNER:

Page 9, after line 3, insert the following:

In addition, for "Medical Care", \$35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided*, That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I have an issue which has been before this House before, an issue of, I think, great moral urgency but financially responsible; and that is to right a wrong that was committed in this country by the Congress of 1946, which took away the veterans' benefits that had been promised to our Filipino allies who were drafted into World War II, fought bravely at Corregidor and Bataan. Many died. But were ultimately extremely helpful, if not responsible, for our slowing up of the Japanese advance and then our ultimate victory in the Pacific.

What we did do to these brave men was to take away their benefits after the war, and they have yet to be recognized in this way. Many are in their late 70s and early 80s. Many will not be here in a few years. I think this is an emergency item that ought to be considered by this House.

My amendment would provide \$35,200,000 for health care benefits to these veterans of World War II. This is the benefit that they need the most in their twilight years.

Like their counterparts, they fought as brave soldiers. They helped to win the war. Many of them marched to their deaths, in fact, in the famous Bataan death march. Yet we rewarded them by taking away their benefits. We owe them a fair hearing. We owe them the dignity and honor of considering them veterans. My amendment would restore just some of those benefits to these veterans.

I think all of my colleagues know that veterans are entitled to, under certain conditions provided by law, certain preventions and certain medical care. But this amendment divides the benefits from the pensions from the medical benefits and says let us at least now, within our budget means, give health care to those brave Filipino soldiers.

My amendment would make available monies for care in this country, a small portion also for our VA clinic in Manila to serve the Filipino World War II veterans and U.S. citizens there alike. What we are saying here is that the honor and bravery of veterans of World War II will finally be recognized by this Congress 54 years after they were taken away.

I would ask this body to recognize the bravery of our allies, the Filipinos who we drafted, provide them with eligibility for benefits, health care benefits that are given to American soldiers who fought in the same war for the same honorable cause.

Now, Mr. Chairman, this amendment is being challenged on a point of order because authorization has not been given. I would make the point that, not only did these veterans earn this benefit in the war, not only are there dozens of programs in this bill that are not authorized, but that, through the regular legislative process, we have not been allowed to bring this bill up.

I ask the floor, I ask the Chair to allow us to finally grant honor and dignity to these brave soldiers, many of whom, as I said, are in their 80s, and finally right a historical wrong of great proportions.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, let me first begin by applauding the gentleman from San Diego, California (Mr. FILNER), for his efforts. I know he has done this over many years, trying to fight for the justice of many of the veterans for World War II who fought under the flag of the United States, in fact fought at the insistence of this country.

Simply put, what the gentleman is trying to do is trying to restore benefits to which these individuals as veterans were entitled to but were stripped of by affirmative action by this Congress back in the late 1940s. But for the action of this Congress, some 50-odd years ago, these individuals would be receiving these benefits that the gentleman from California are now trying to restore.

So I would like to add my voice to the many in this Congress who are supportive of the gentleman's efforts, and, unfortunately, at this time is unable to proceed with this particular amendment. I would hope that my colleagues would recognize the efforts of the gen-

tleman from San Diego, California (Mr. FILNER), and at some point soon recognize that we must do something for the ladies and gentlemen who fought in the 1940s to defend this country and are now at the point of passing on. It is time for us to recognize their effort and recognize that this Congress some 54 years ago or so denied them the rights that they had under this Constitution.

So I applaud the gentleman for what he does.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order against the amendment?

Mr. WALSH. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand that this amendment may be struck on a point of order. Many of us have been trying for many, many years to get this through, both under Democrat and Republican administrations.

I served in the United States military, and a large portion of that was in Southeast Asia, eight different deployments on carriers all going through the Philippines, and based there for training. I was also stationed there at San Miguel for some 18 months.

I rise in support of the gentleman's amendment, and I would hope that the conference chairman, in some way, even though this may be struck with a point of order, see that the gentleman is correct, there was a promise made by the United States Government, if these individuals fought on the side of the allies, that we would give them certain benefits. The gentleman from California (Mr. FILNER) is not asking even for the full-blown benefits that were promised, but even a neck-down version so that the cost is not too high. This does not affect the health care of American veterans; this will actually enhance it.

I hope there is some way that in the conference when additional monies from revenues come into the coffers that we can find some way in the conference to support the amendment of the gentleman from California (Mr. FILNER).

The Negrados were like the Native Americans to the United States; they were native to the Philippines. They are infamous on their ability to disrupt the enemy's lines during World War II in the Philippines.

The Filipino people, as the gentleman from California (Mr. FILNER) mentioned, actually walked in the Bataan death march with us; and many of those people died right alongside of Americans. Many of them died trying to free Americans in hiding and protecting them. They were executed. I mean, there is movie after movie depicting their heroism.

I also want my colleagues to take a look at the involvement of the Filipino

Americans in this country and what they have done for the United States of America. Every university we see is filled with Filipinos. Why? Because they believe in education. They believe in patriotism. They believe in the family unit. There has been no better group to immigrate to this country.

Secondly, the United States Navy for many, many years used the Filipinos. They would give up their lives, in some cases actually give up their lives, to serve in the military.

During Desert Storm, they would volunteer to serve in the military, even though they were killed, their spouses may have been shipped back to the Philippines, giving their life. We thought that that was wrong also.

But I rise in support, and I would say to the Filipino community—the gentleman from California spoke in Tagalog—which means I will love the Philippines forever. I was stationed there, so I speak a little Tagalog.

But in this case, the gentleman from California (Mr. FILNER) is absolutely correct. I hope we can work in a bipartisan way to bring about this amendment. It is a very small measure of what we have been trying to do for a long time.

Mr. Chairman, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me. The gentleman from California is adjacent to me in San Diego. He is a powerful voice for our Filipino American citizens. I thank him. There are no two people I would prefer to have talking on this from the other side of the aisle than the gentleman from New York (Chairman GILMAN) and the gentleman from California (Mr. CUNNINGHAM), and I appreciate the support.

This is a bipartisan effort. It is a matter of historical and moral righteousness and truth. I so appreciate the statement of the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wanted to commend the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. FILNER) for espousing the cause of our Philippine veterans.

Mr. Chairman, I rise today in strong support of this amendment to provide \$35.2 million in VA health care benefits for our Filipino nationals who fought with our American troops against the Japanese in World War II.

For almost 4 years, over 100,000 Filipinos of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippines from the Japanese. Regrettably, in return, what did Congress do? Congress enacted the Rescission Act of 1946. Despite President Truman having approved all of this,

that measure limited veterans' eligibility for service-connected disabilities and death compensation and also denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of our own Armed Forces.

A second group, the special Philippines Scouts, called New Scouts, who enlisted in the U.S. Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific were simply excluded.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. FILNER, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 3 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I believe it is long past time to try to correct this injustice and to provide the members of the Philippine Commonwealth Army and the Special Philippine Scouts with a token of the appreciation for the courageous services that they valiantly earned during their service in World War II.

Given the difficulty in extending full veterans' benefits without adversely impacting other domestic veterans programs, health benefits are the most appropriate to extend. With this in mind, the amendment of the gentleman from California (Mr. FILNER), with the support of the gentleman from California (Mr. CUNNINGHAM), provides funding for such benefits which are sorely needed by an aging population of veterans well into their twilight years.

I commend both gentleman from California, Mr. FILNER and Mr. CUNNINGHAM, for supporting this amendment. I urge our colleagues to lend their full support.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming the balance of my time, I would say that this is a promise made by the United States Government.

Most of us were not here when that promise was made, much like our friends from Guam. But there is a promise, and that promise was taken away after the war. They fulfilled their contract, and this government reneged on that particular contract.

I ask my colleagues on this side of the aisle and the chairman to give this consideration in the conference even though it will probably be struck with a point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is worth standing here for the next few minutes

to continue this dialogue. I want to congratulate the words of the gentleman from California (Mr. CUNNINGHAM) who just spoke, along with those of the gentleman from San Diego, California (Mr. FILNER), as well. Both of the gentlemen from California have spoken very righteously about this particular issue.

□ 1700

And while we know this amendment will be ruled out of order in the next few minutes, it does bear saying.

I do not know if all my colleagues are aware of what we are talking about here, nor perhaps the American people who might be watching; but what we are talking about here is the fact that during World War II Americans encountered a very rough time in the Pacific. There was a point there where it was not clear how the battles would turn and how the war would turn; and in the Philippines, things were tough. It got to a point where our President, President Roosevelt, called upon the Filipino people to come forward and fight under the American flag. In fact, it was an edict. They were to serve under the American flag. And, sure enough, they did, and they did so with honor.

These were individuals from the Philippines who were fighting not just for their country but for the United States of America. They were under the command of U.S. forces. They were under the direction of generals of the United States of America. When they were told to go to battle, it was by American generals; and it was to provide for the security and safety not just of Philippine soldiers but of American soldiers. When many of these Philippine soldiers died, they died under the American flag.

At the conclusion of the war, these Filipino veterans who fought so valiantly were entitled, because they had fought under the flag of the United States and at the direction of our President, to receive the benefits of Americans who had served under our flag. And had everything proceeded as it normally would, these Filipino veterans would have received every single type of benefit that an American soldier received having fought for this country at the direction of this government. But in 1946, Congress affirmatively took steps to rescind those rights that those veterans from the Philippines had. The Rescission Act of 1946 stripped Filipino veterans of any rights they had as American veterans.

Last session, this Congress, working in a bipartisan manner, actually restored a modicum amount of those benefits. It allowed some of those Filipino veterans who were in this country, had been here for the last 50-some-odd years, and who actually decided to go back to the Philippines, to retain their SSI benefits, these are folks that are in

their 80s, at reduced levels. In fact, we ended up saving money having them do that. Because rather than having them collect supplemental security income at the price of what it would cost by their staying here in America, if they did it in the Philippines, it would cost even less. That was, in a way, a token to those Filipino veterans, but it actually saved us money.

What the two gentlemen from San Diego are talking about is trying to restore some semblance of decency, who are now in their 80s and dying away, and it is the right thing to do. It is something we owe them. Because when it was time to take to that battle and they were charged to do so, they did not ask what would happen; and they did not ask what would be the return, they just did so.

For that reason, we should try to work in support of the amendment by the gentleman from California (Mr. FILNER), which would simply say give these veterans, now in their 80s, for the most part, access to health care that most American veterans are entitled to receive. That is the right thing to do. And I would join with my two friends from San Diego who are fighting for this, to say that it is something I hope that the conference committee will take up, that the chairman and ranking member will consider, because we should do this. At a time when many of these veterans may not see the next year, as we come closer to doing this, it is the right thing to do.

In the last session of Congress, in the 105th Congress, we had 209 Members of Congress who cosponsored legislation that contained these precise provisions. Just eight sponsors away from having a majority of this House saying they wanted to see this happen. We are very close. Most Members do support this when they are told about this, but it is just so difficult bureaucratically, procedurally, to get this done. I would hope that the chairman and the ranking Members and the committees of jurisdiction, when in conference, would consider this.

I join with my colleagues from California who have spoken, along with the many others who would like to speak on this, to say it is the right thing to do and we should move forward.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members that remarks in debate should be addressed to the Chair and not to a viewing or listening audience.

Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the requisite number of words.

I too rise in support of the amendment offered by my good friend, the gentleman from California (Mr. FIL-

NER), that would provide health care benefits for Filipino World War II veterans that were excluded from benefits by the 1946 Rescission Act.

For all the reasons that have been stated by the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. BECERRA), this is an issue that is really a no-brainer. It is an issue that when people hear the entire story, they will support full equity, full World War II benefits for Filipino World War II veterans.

These veterans are comprised mostly of Filipino volunteers and recruits, augmented by American soldiers, who were the defenders of Bataan and Corregidor and who delayed the Japanese effort to conquer the western Pacific. This enabled U.S. forces to adequately prepare and launch the campaign to finally secure victory in the Pacific theater of World War II.

Filipino veterans swore allegiance to the same flag, wore the same uniforms, fought, bled, and died in the same battlefields alongside American comrades, but were never afforded equal status. And even after the surrender of American forces in the initial part of the battle of the Philippines, they continued to fight on in guerilla units.

Prior to the mass discharges and disbanding of their unit in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits that they were promised, and lacking proper recognition, General MacArthur's words, "No army has ever done so much with so little," truly depicts the plight of the remaining Filipino veterans today as they certainly did a half century ago.

In terms of my own people of Guam, since we are closest to the Philippines, I guess of all the areas that are represented in Congress, and the people of Guam share deep cultural and historic ties with the Philippines, we also understand the trauma and the tragedy that they endured because we too suffered horrendous occupation, a long and painful and brutal occupation under the Imperial Japanese Army. And we certainly appreciate, understand, and support the efforts of peoples who are trying to resolve the issue of Filipino World War II veterans.

I urge my colleagues to support the Filner amendment. I know that I certainly will probably be ruled out of order here before too long, but the issue will not go away until we certainly see justice for these veterans no matter how many are left. And I must remind the Members of the House that they continue to pass away as we continue to not address this issue fully.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know we cannot fix this problem here today, but I want the gentlemen to know that we are sympathetic on this issue.

These Filipino veterans enlisted in the United States Armed Services during World War II to fight against the Japanese. At the time, the Philippines were a protectorate of the United States and not an independent country. They fought bravely, at great sacrifice, under the orders of the U.S. military commands, and had every reason to expect full veterans benefits.

For the reasons which I do not fully understand, however, in 1946, the law established for this particular group of veterans a two-tier system with less benefits. In particular, they have less health care and lower rates of disability compensation, even when they now live in the United States.

I would hope that the authorizing committee could look into this situation, and hopefully look into it expeditiously, and make appropriate adjustments for these Filipino veterans who fought both for their country and for the United States.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentleman very much for his remarks, and I thank the gentleman from California (Mr. FILNER) for the amendment, as well as the gentleman from California (Mr. CUNNINGHAM) for his support, and the others who have spoken on this amendment.

I rise in strong support of this amendment. Unfortunately, I guess a point of order has been raised against it. But I agree, I would hope that the authorizing committee would report this legislation out so that these Filipino veterans would get what is in fact due to them under the promises that we have made, and I look forward to working with the others supporting this matter.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the ranking member for his warm support of this. He is absolutely right.

And, again, the gentleman from California (Mr. BECERRA) indicated that well over 200 Members of the House signed onto legislation. I would point out to the House that that legislation was for both health care and for pension benefits. So if 209 Members of this body supported a bill which was costed out at roughly \$500 million or \$600 million, surely this session of Congress could approve just the health benefits at \$35 million. But I thank the gentleman for his kind words.

Mr. MOLLOHAN. Reclaiming my time, Mr. Chairman, I would just say

that I think the authorizing committee has been invited to bring that legislation to the floor.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Filner amendment.

I do not quite understand the legislative precedence which, in some instances, allow appropriation bills to come to the floor with a waiver of points of order which would allow the inclusion of appropriations for matters that have not cleared the authorizing committee. When so many Members of this Chamber support this legislation, it seems to me in order for the rule to have come out allowing this amendment to be made to correct this very, very grave injustice that has been permitted to exist for these numbers of years.

These Filipino veterans, if they were aged 20 at the time they were enlisted to help the United States Government, if they were 20 years old, today they are at least 80 or 85. There will not be much more time for this Congress to rectify this injustice, so I plead with the people who are taking this bill over to the other side to give consideration to the emergency of this situation and to find a way to at least provide the health care which the Filner amendment allows this Congress to permit these individuals.

A lot has been said about the sacrifice that these individuals made. I want it to be made perfectly clear that it was 5 months before the Japanese attack on Pearl Harbor that President Roosevelt issued an Executive Order calling upon the Filipino Commonwealth Army into the service of the United States Forces in the Far East. The date was July 26, 1941, long before Pearl Harbor. The Filipino soldiers complied without hesitation. They were part of the United States in their hearts and in their minds.

The Philippines was considered a possession of the United States. In fact, perhaps they had no choice but to agree to enlist and become a part of the U.S. forces. They had grown up under the U.S. rule. They spoke English. They knew a lot about our government and about our democracy. And so when they were called upon to defend this freedom for which we fought and died, they willingly signed up, stood in line and gave of their lives. And it seems to me that the promises made to them at the time that they went into service should be honored.

The fact of the matter is that there is almost a concession that the promises were made. Why else do we have a rescission, which is a cancellation, of benefits that were promised? We do not

have a rescission if there is not an acknowledgment that there were promises made and commitments given to these veterans. But, anyway, in 1946, the Congress of the United States passed a rescission bill and took away all possibility that the promises made to the Filipino veterans would be honored by the United States Government. And that is the shameful act that we are seeking at least partially today to correct.

These veterans are very old. They are in their 80s, 85, perhaps 90s. Many of them live in my district. I see them every time that there is a veterans holiday or a Memorial Day or a gathering in the community, and I know how deeply they feel about this issue. They see the Congress dealing with it, and yet due to some legislative thing there is a point of order and the matter cannot be brought to a vote.

I think it is a very, very sad travesty that we are permitting, through a parliamentary situation, not to bring up to the House of Representatives. Because I feel sure, as the previous speaker from California indicated, that more than 218 Members of this House would vote for this measure. This is not the full measure that we feel they are entitled to, but it is the most urgent piece of this promise, and that is the health care that they so desperately need.

Many of these veterans have returned back to the Philippines because that is probably the only way that they could be cared for by their families or some friends, or perhaps the health system there would permit them to be cared for.

□ 1715

But for those few thousand veterans that are here in the United States, the delay of a day, a month, a year means a delay in perpetuity.

So I call upon those who will be working on this matter, taking it to conference and discussing it, not to wait another day but to call the compassion and the commitment and the moral obligation that this country has to these veterans and enact it into law this year.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) now insist on his point of order?

Mr. WALSH. Mr. Chairman, I do. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

Mr. Chairman, there are any number of Members who sympathize with the intent of this language. The problem is it is unauthorized. This decision needs to be determined in the committee of authorization, the Committee on Veterans' Affairs, not in the context of an appropriation. And, therefore, I insist on my point of order.

Mr. FILNER. Mr. Chairman, first of all, I appreciate the courtesy of the gentleman from New York (Mr. WALSH) in not insisting on the point of order until we had a chance for those who wanted to speak on it, and I sincerely thank him for that courtesy.

But I would point out to the Chair of our committee and to the Chair of the Subcommittee on Appropriations that this insistence on this point of order is rather arbitrary. The same argument could be made, as I have said earlier, to dozens of programs in this bill.

Under FEMA there are many programs not authorized. The whole NASA, apparently, is not authorized. The Neighborhood Reinvestment Corporation is not authorized. Major projects of construction in the veterans' affairs budget are not authorized. And I can go on and on.

The point here is that this House can pick and choose which items to protect in a point of order in an appropriations bill. I think that is not only illogical, but it does not show the reality. In this case, we have had to face really the obstruction of only one person that would prevent this from even coming to the floor and being authorized.

So I would ask at some point in the future that the chairman and the ranking member look kindly on this amendment, this legislation. We only have a few years left before these brave veterans are no longer with us. And so, I understand his insistence on the point of order, but I wish he would grant the same latitude that he had to dozens of other programs in this bill.

Mr. CUNNINGHAM. Mr. Chairman, I would like to echo the words of the gentleman from California (Mr. FILNER). This is not a partisan issue. The 40 years following the war, the Congress was controlled by the other side. We have gone through 5 years of Republican control of this House; and it is time, especially with the cosponsors, that we bring this to fruition.

I would like to repeat to the ranking member and the ranking minority member of the committee on authorization, there is a determination here by both sides of the aisle to see this through to fruition. Whether we do it this time or we do it the next time, this will pass. I would ask the chairman to consider it in the conference.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment earmarks funds in a manner not supported by existing law. The amendment also proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures in law. As such, it constitutes legislation, in violation of clause 2(c) of rule XXI. The point of order is sustained.

Mr. WALSH. Mr. Chairman, I again rise to ask unanimous consent that it may be in order to consider at this time the Ney amendment No. 40, the

Gutierrez amendment No. 28, the Tancredo amendment No. 26, and that they be considered en bloc.

I ask further that after disposition of these amendments that the House return to the reading of the bill on page 9, line 8.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FILNER. Mr. Chairman, reserving the right to object, I just want to clarify that amendments under the Medical Research paragraph are still eligible with the unanimous consent request of the gentleman. Is that correct?

Mr. WALSH. Mr. Chairman, our intention is not to preclude anyone's ability to comment on these amendments or offer amendments.

Mr. FILNER. Mr. Chairman, I just wanted to see, before I pursue the objection, whether amendment No. 19 would be in order, given this unanimous consent agreement.

The CHAIRMAN. The Chair cannot prejudge an amendment that has not yet been offered.

Mr. FILNER. Then I will have to object. I want to know if it is eligible for offering at the point of line 8, as the amendment requests. I have to ask this, otherwise I will have to object to the unanimous consent request.

I think the intent is to keep my amendment eligible. I just want to make sure that it is.

The CHAIRMAN. First of all, the gentleman from New York (Mr. WALSH) should understand that reading is to commence at page 9, line 4, not line 8. His request is a bit premature.

Mr. WALSH. Mr. Chairman, I would, then, amend that we return to reading of the bill on page 9, line 4.

The CHAIRMAN. The Clerk will read. The Clerk read, as follows:

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, \$321,000,000, plus reimbursements.

The CHAIRMAN. There has been no unanimous consent agreement in the Committee, nor is there an amendment pending.

Does the gentleman from New York (Mr. WALSH) wish to offer an amendment or a unanimous consent request?

Mr. WALSH. Mr. Chairman, may I restate my unanimous consent request?

The CHAIRMAN. The gentleman may.

Mr. WALSH. Mr. Chairman, I would ask that I may offer Ney amendment No. 40, Gutierrez amendment No. 28, and Tancredo amendment No. 26, and that they be considered en bloc; and I further ask that after disposition of the amendments the Committee return to the reading of the bill on page 9, line 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENTS OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. WALSH:

H.R. 4635

AMENDMENT NO. 40 OFFERED BY: MR. NEY

Under the heading "MEDICAL AND PROSTHETIC RESEARCH" of title I, page 9, line 8, insert "(increased by \$5,000,000)" after "\$321,000,000".

Under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" of title III, page 59, line 6, insert "(reduced by \$5,000,000)" after "\$1,900,000,000".

AMENDMENT NO. 28 OFFERED BY: MR. GUTIERREZ

Page 9, after line 8, insert after the dollar amount the following: "(increase by \$25,000,000)".

Page 73, line 3, insert after the dollar amount the following: "(reduced by \$25,000,000)".

AMENDMENT NO. 26 OFFERED BY: MR. TANCREDO

Page 14, line 13, insert after the dollar amount the following: "(increased by \$30,000,000)".

Page 73, line 18, insert after the dollar amount the following: "(reduced by \$30,000,000)".

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the hard job that the distinguished chairman and the members of the committee faced as they drafted this bill. It is a good bill, and I intend to support it.

The amendment has been agreed to by the parties involved. It is about giving our veterans the facilities they need as they grow older and the care that they were promised as they chose to defend the country.

Our bipartisan amendment will restore the State Extended Care Facilities Construction Grant Program funding to the FY 2000 level of \$90 million. Currently the bill cuts the funding in this program to \$30 million.

In 2010, one in every 16 American men will be a veteran of the military over the age of 62. That is an amazing statistic. The increasing age of most veterans means additional demand for medical services for eligible veterans as the aging process brings on chronic conditions needing more frequent care and lengthier convalescence.

This surge of older veterans will undoubtedly put a strain on our Nation's veterans' health services. At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs.

The Veterans Millennium Health Care Act, passed by this House and signed into law in 1999, places new requirements on State care facilities that must be funded immediately. With the ranks of those requiring VA care growing on a yearly basis, States already face huge financial burdens in helping to care for our veterans.

Finally, State care facilities are cost effective. In Fiscal Year 1998, the VA spent an average of \$255 per day on long-term care nursing home care for residents, while State veterans homes spent an average of \$40 per resident. This economic trend continued in 1999.

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, this is an important amendment. It is about nursing home care for our veterans.

Unfortunately, when the administration came forward with its budget this year, they proposed a significant cut in State grants, grants to our States to provide veterans nursing homes.

As we have seen growing need, as particularly our veterans of Korea and Vietnam and World War II-era veterans need nursing home care, there is tremendous demand. And State care facilities operated through the State of Illinois and others have proven cost effective.

The VA spends on average \$225 a day for care for long-term nursing care residents, whereas State nursing homes provide about \$30 a day. They are effective and they provide quality care.

I am proud to say that in Illinois we have four veterans homes. Two are in the district that I represent. One of them, the LaSalle Veterans Home, has a waiting list 220 veterans, veterans having to wait as long as 18 months in order to obtain nursing home care. Imagine that, if they need nursing home care and they have to wait 18 months. That is an eternity for veterans.

Other veterans homes in Illinois, Manteno is owed a million dollars for its compliance with ADA. The State of Illinois is owed \$5 million for other home updates. The bottom line is this money is needed.

I want to salute the gentleman from New York (Chairman WALSH) for accepting this amendment. I also want to salute my friend, the gentleman from Colorado (Mr. TANCREDO), for his leadership in fighting for veterans.

The bottom line is this legislation deserves bipartisan support. Let us support our veterans. Let us ensure the dollars are there to ensure nursing home care for our veterans and their needs.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to briefly discuss the amendments that the chairman proposes to merge here. I want to

begin by expressing my agreement with the premise of these amendments that the Veterans Medical Research account and the State Grants Account for extended care facilities are both underfunded.

Two of the amendments in this unanimous consent request, those of the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Ohio (Mr. NEY), would together increase the VA Medical Research Account by \$30 million.

As I said before, VA research has been widely praised for its quality and medical advances. Indeed, this Congress has clearly demonstrated its interest in medical research, specifically in the National Institutes of Health, which received a \$2.2 billion increase last year, an increase of over 14 percent.

We should be doing the same for VA medical research. And although these amendments do not get us to that point, they are a good start.

In addition, the amendment of the gentleman from Colorado (Mr. TANCREDO) would increase the State Grant Account for the construction of extended care facilities by \$30 million, for a total of \$90 million, the same level as was enacted for Fiscal Year 2000. The need for extended care facilities is great, and this increase will help meet that need.

All that being said, I do have concerns regarding the offsets of these amendments. One offset would take \$25 million from NASA's Human Space Flight Account. It is a small cut relatively, but I am a bit apprehensive about making any cuts to this account, particularly at a time when we are literally months away from establishing a permanent human presence in the Space Station.

This account also funds the Space Shuttle Program, and reductions could either force delays or cuts in the mission manifest or, even worse, force cuts to important shuttle safety upgrades planned by NASA.

The other NASA offset is also somewhat distressing. It would take \$30 million from NASA's Science Aeronautics and Technology Account.

□ 1730

This account funds almost all of NASA's activities other than the Space Shuttle and the Space Station, such activities as space science, aeronautics, earth science and NASA's academic programs.

This account was also the only NASA account in this bill to receive less than the President's request. Mr. Chairman, NASA's budget has been cut for years and this amendment cuts an already anemic account.

Finally, the last of these amendments would take \$5 million from EPA's operating programs account, which includes just about all the agen-

cy's activities other than science research and Superfund. Although this is a very small cut, the relevant account is already 10 percent below the President's request.

All that being said, I supported the gentleman's unanimous-consent request and the acceptance of the underlying amendments. I do look forward to working with the chairman and the other body in conference to restore the NASA and EPA funding as we move forward.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today for an amendment that I believe is critically important to the health and well-being of our veterans and to the future of the VA health care system. I urge all of my colleagues to support this amendment and make a strong statement of support for an effective, cost-efficient, and important program, the VA medical research program.

Unfortunately, the appropriation bill before us calls for no increased funding, zero, in the VA medical research program. Given inflation and increased program needs, this amounts to a significant reduction in the amount of work and research the VA will be able to perform. This is a shortsighted and extremely damaging budget decision.

Few government programs have given our Nation a better return on the dollar than VA medical research. The VA has become a world leader in such research areas as aging, AIDS-HIV, women's veterans health, and post-traumatic stress disorder. Specifically, VA researchers have played key roles in developing cardiac pacemakers, magnetic source imaging, and in improving artificial limbs.

The first successful kidney transplant in the U.S. was performed at a VA hospital and the first successful drug treatments for high blood pressure and schizophrenia were pioneered by VA researchers. Quite simply, VA medical research has not only been vital for our veterans, it has led to breakthroughs and refinement of technology that have improved health care for all of us. Given this record of accomplishment with a very modest appropriation, the reduced commitment to the VA medical research budget is unjustified and unwise.

At the proposed level of funding, the VA would be unable to maintain its current level of research effort in such vital areas as diabetes, substance abuse, mental health, Parkinson's disease, prostate cancer, spinal cord injury, heart disease, and hepatitis. In fact, research projects currently in progress would be put in jeopardy.

I am asking for a very reasonable increase, enough to save the current level of research and to allow for a modest improvement. My amendment calls for a \$25 million increase in fund-

ing. Approximately \$10 million is needed to maintain the current research level and approximately \$15 million will help to fund new research projects in such vital areas as mental health and spinal cord injury. This is money well spent on proven, effective research projects that benefit not only our Nation's most deserving population, our veterans, but that eventually benefits us all.

Again I believe in this Congress, we must reexamine our priorities and in our current economic climate, \$25 million is hardly a budget-breaking commitment. We cannot in any honest fashion say the money is not there. The money exists. It is simply a question of what we want to invest it in, what priorities are most important to us. What better choice, what better investment than the health care of our veterans? The average research grant is \$130,000. My amendment will help pave the way for as many as 250 new ones. Which of those grants will help to find a cure for Parkinson's disease? Or ease the pain of post-traumatic stress? Or discover new ways to prevent prostate cancer or protect against heart disease? Or which of these grants will never be funded because we were not willing to make this reasonable and effective appropriation? Which grant will we lose because once again we made speeches praising our courageous members of the Armed Forces when they fought and sacrificed to keep our country safe only to make them sacrifice again when we turn our backs on their health care needs?

This amendment shows us that we do not have to sacrifice any of these research projects. The amendment has the strong support of the American Legion, the Disabled American Veterans and Vietnam Veterans of America. I urge my colleagues to join these veterans advocacy groups and please support the funding. It is effective, it is necessary, it is reasonable, and our veterans deserve it. I hope Members will stand with me in support of VA medical research.

Mr. Chairman, I would like to thank the gentleman from New York (Mr. WALSH) for including this amendment in the en bloc package that he has offered to the House and to wish him a belated happy birthday.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I also want to thank the gentleman from New York (Mr. WALSH) for including my amendment in the en bloc.

My amendment reduces the EPA's program and management budget which is \$1.9 billion by \$5 million and transfers the dollars to medical research in the VA. The EPA's account in this section encompasses a broad range of things, including travel and expenses for most of the agency. I believe the EPA can tighten their belts on some

travel to the tune of \$5 million so that our veterans can continue to receive the medical care that they need and deserve.

With passage of Public Law 85-857 in 1958, Congress gave official recognition to a research program with a proven record of contributing to the improvement of medical care and rehabilitation services for the U.S. veteran. The law formally authorized medical and prosthetic research in the VA and led to the establishment of four organizational units, medical research, rehabilitation research and development, health services research and development, and the cooperative studies program.

There are over 75 some groups which I have listed here that, in fact, support the increase for VA medical research. I want to again thank the gentleman from New York for his indulgence to support the veterans.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe with the allocations made by the leadership, and I appreciate the \$30 million additional in terms of nursing homes for veterans, but still we need \$80 million to take care of existing costs. I feel compelled to speak out on this amendment which would inadequately fund the State Veterans Home Program. It is imperative that the veterans and their families be able to be taken care of in the twilight of their years.

Getting the funding increase is only the first step. While I am primarily concerned about the dire need of these homes in Texas, veterans all across the country need these services. The key to strong recruitment into our military is a strong evidence of helping veterans throughout their life. On behalf of the nearly 1.7 million veterans in Texas, I want to boost this appropriation for the Department of Veterans Affairs' grants for construction of State extended care facilities to \$140 million for fiscal year 2001. The \$30 million would only give us \$90 million. We need \$80 million additional to bring us up to \$140 million to be able to take care of existing costs.

This increase of \$80 million, if you add \$50 million to your request from the VA, was recommended by both the chairman and the ranking member of the House Committee on Veterans' Affairs in their letter to the House Committee on the Budget expressing our views and estimates of the House Committee on Veterans' Affairs.

I look forward to working with the gentleman from New York in securing necessary resources to fund this crucial program which is very important. Providing for the long-term health care needs of veterans remains one of our most important commitments to those who have served our Nation. I feel that providing this stepped up level of fund-

ing for 2001 sends a strong signal to our veterans and their families across this country that Congress is committed to serving veterans in the twilight of their years.

Texas has only received 3 percent of the funding from these types of programs in the past since its inception even though we have over 7 percent of the Nation's veterans. As they get older and are in more need of nursing home care, we must be there for them and be able to provide that service. Texas has been a newcomer to this program, and we have not taken advantage of it in the past which provides funding for State nursing homes for veterans.

We have begun construction of four sites in Texas. Those sites are in Floresville, Texas; Temple, Texas; Bonham; and in Big Spring. The reality is that the way it is structured now, Texas will not be entitled to a red cent, to not a single penny of the resources that are there unless we go beyond the existing resources because of the wording that you have for renovation and not for new construction.

I am hopeful that we can continue to work on this to provide the additional resources that are needed. Once again, it was unfortunate the administration had only recommended \$60 million. Your \$30 million will bring it up to \$90 million. We really need to look in terms of bringing it up to \$140 million to meet the needs. That is one of the recommendations that was made from our committee.

I want to ask the committee to please consider the possibility of increasing these resources beyond the \$30 million that is there before us.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, it is no secret that our veterans population is aging. In fact, in 2010—over half of the veterans population will be over the age of 62. Currently, 36 percent of all veterans are over the age of 65 and that number is expected to increase exponentially over the next eight years.

The increasing age of most veterans means additional demands for medical services for eligible veterans. This surge of older veterans will undoubtedly put a strain on our nation's Veterans Health Services.

The House and Senate approved \$90 million in funding for the State Extended Care Facilities Construction Grant Program for FY99 and FY00. This year, however, the Committee has funded the program at \$60 million—\$30 million below last year's funding.

This amendment would increase funding for these States Care Facilities by \$30 million to the fiscal year 2000 level of \$90 million.

Last year, 354 Members of Congress voted to support our aging veteran population by

voting for a similar amendment to restore funding the State Nursing Homes Construction Grant Program in the VA—HUD Appropriations Act for Fiscal Year 2000. Once again, this amendment must be offered to prevent a massive, 33 percent cut in funding to this vital, cost-effect program for our veterans.

The Veterans Millennium Health Care Act, passed by the House and signed into law in 1999, places new requirements on state care facilities that must be funded immediately. With the ranks of those requiring VA care growing on a yearly basis, states already face huge financial burdens in helping to care for our veterans.

In fiscal year 1998, the VA spent on average \$255.25 per day to care for long term nursing care residents, while, state veterans homes on average spent \$40.00 per resident. This economic trend continued in 1999—proving that state care facilities are in fact cost-effective.

Mr. Chairman, taking care of our nation's veterans is clearly one of the government's prime responsibilities Congress has a track record of supporting veterans program as we have increased the President's request for VA funding for several consecutive years now.

At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs. The State Nursing Homes Construction Grant Program is an important program that meets our veterans health care needs. I urge my colleagues to support this amendment.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the Tancredo amendment and to the Gutierrez amendment. I would like to say straight out, though, that I certainly am very sympathetic to the idea of plussing up these veterans accounts. I believe I have the fourth largest number of veterans in my congressional district and the veterans in my congressional district have been historically very underserved. I believe the gentleman from Texas just related a very similar story to what has gone on in Texas and many other Sunbelt States that have not been receiving the appropriate amount of veterans care for their communities.

My objection is based on the issue of cutting funding out of NASA. NASA, unlike most Federal agencies here in Washington, has actually seen its budget decline in real dollars over the past 8 years. NASA from the time period of about 1982 to 1992 saw its budget double and then over the past 8 years of the Clinton administration, it has actually gone down by several hundred millions of dollars.

When we factor in inflation on this, it is actually about a 30 percent reduction in the purchasing power of the agency. I would like to point out to my colleagues because there have been many eloquent comments about the need to plus up veterans research, the funding that has gone to NASA has played a critical role in enhancing our breakthroughs in medical technology and medical research. I would just

point out to my colleagues that much of the technology that goes into current pacemakers currently employed by hundreds of thousands of veterans, the technology used in scanning, MRI scanning, CAT scanning, the technology used in cardiac catheterization, many of the material science that goes into the prosthetic devices which some people have been talking about today, it is all actually a spin-off from our space program.

So what we are really talking about doing here is the proverbial borrowing from Peter to pay Paul. We have an agency that has been cut year after year after year and now for the first time we are actually talking about plussing it up. I think it would be very, very inappropriate for us to go into this agency. There are many other places in this bill where we could find the appropriate reductions to be made.

I would certainly hope that if this amendment considered en bloc passes that the subcommittee chairman and the full committee chairman work in the conference process to get these NASA reductions plussed back up. I would like to also point out that some of this money that is being cut is going for flight safety for our shuttle program which is very, very critical to making sure that the Space Station program succeeds.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. I thank the gentleman for yielding. This amendment will basically require, or almost make it assured that the 30 Members from Texas will have to vote no despite the fact that we feel very strongly about the need for nursing homes because they are taking it from NASA and not only that they are taking it from NASA, but in addition to that \$30 million that is going to nursing homes, none of that with the exception of \$10 million would be qualified to where we could even begin to participate because we cannot even get that first \$80 million for Texas for nursing homes. So not only are they taking the money from there but we are not going to be able to benefit from that, either.

□ 1745

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I would just like to point out to my colleagues here that my congressional district has no veterans nursing home, even though it has needed one for years; and I certainly would support increasing funding for veterans nursing care, veterans medical research. I just object to the place where these reductions are being made.

Mr. JOHN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, the Tancred-

Weller-John-Ryan-Hilleary and others amendment to the VA-HUD appropriations bill. I want to personally thank the gentleman from Colorado (Mr. TANCREDI) for his work on this issue that is so critical to our Nation's veterans across America.

Mr. Chairman, veteran State homes are the most cost-effective programs in the Veterans Administration. These homes receive Federal funding of 65 percent for construction costs and the remainder is provided by the different States. Once the home is constructed and ready to go, the Veterans Administration pays on an average only \$40 a day for its patients. However, the other long-term facilities drain the Veterans Administration of some \$250 per day.

This amendment would save the Veterans Administration lots of money, over \$200 a day to provide long-term health care for our veterans. This amendment will prevent a massive 33 percent reduction in the State Nursing Home Construction Grant Program at a time when the number of elderly veterans are dramatically rising.

Mr. Chairman, in just a very, very few short years, half of the veteran population of this Nation will be over the age of 65, and we must have the facilities to provide them this quality care. There is already a long list of States on a waiting list for these homes. In fact, many of the States have already appropriated dollars and allocated funds for these homes. Yet Washington has failed to uphold its end of the bargain.

This is a win-win situation for the Federal Government and for our Nation's veterans. By agreeing to this amendment, we will renew our commitment to America's veterans.

Our amendment maintains, does not increase, but maintains the past 2 years' level of funding of \$90 million in order to ensure our continued investments in our veterans health care facilities. If you remember, Mr. Chairman, last year, a similar effort to increase funding for this account was supported by over 350 Members of this Congress.

Mr. Chairman, I support the increase of \$30 million as provided in the Tancredi amendment, and I urge my fellow Members to support this much needed amendment to help out the people that have helped us out so many times, the veterans of America.

Mr. Chairman, I rise in support of the Tancredi, Weller, John, Ryan, Hilleary amendment to the VA-HUD Appropriations Bill.

I would personally like to thank the cosponsors for their work on our amendment, especially Mr. TANCREDI. This is a critical issue to our nation's veterans.

As you know Mr. Chairman, Veteran State Homes are one of the most cost-effective programs within the Veterans Administration, and there is an ever-growing list of grant requests from states working to fulfill the health care

needs of our veterans. While I appreciate all the difficulties associated with constructing this bill, it is not the time to ignore the needs of our senior and disabled veterans.

State Homes receive federal funding for 65 percent of the construction costs, and the remainder is provided by the state. Once the home is providing care, the Veterans Administration pays an average of \$40 per day for patients. However, other long term nursing facilities drain the Veterans Administration of over \$250 per day. By comparison, the State Extended Care Facilities Program saves the federal government approximately \$200 per day per veteran.

This amendment will prevent a massive 33 percent reduction in the State Nursing Homes Construction Grant Program at a time when the number of elderly veterans is dramatically increasing. In a few years, half of the veteran population will be over the age of 65, and we must have facilities available to provide quality care. There is already a long waiting list for state veterans homes, and we cannot prolong this necessary action.

Mr. Chairman, this is a win-win situation for the federal government and for our nation's veterans. Many states have already approved and allocated funding for their homes; yet Washington is failing to uphold its end of the bargain. By agreeing to this amendment, we are renewing our commitment to this successful federal-state partnership.

I need not remind this body that this Congress and our President acted decisively in improving the quality of health care when we passed the Veterans Millennium Health Care Act last fall. Just as that bill improved the quality of care that our nation's veterans receive, so then this amendment would ensure that those veterans have adequate facilities through which such care can be rendered. More simply, we must not fall short on our commitment to our nation's veterans by not building the facilities that provide for their care. Our amendment will maintain the past two years' funding level of \$90 million in order to ensure continued investment in our veterans' health care facilities.

Last year, a similar effort to increase funding for this account was supported by 354 Members of this House. Once again, we have an opportunity to address an inadequacy in VA funding by leveraging much needed, scarce federal resources in a very successful program.

I support the increase of \$30 million as provided in the Tancredi, Weller, John, Ryan, and Hilleary amendment, and I urge that my fellow Members join me in adopting this amendment.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is unusual that I follow my colleague, the gentleman from Louisiana (Mr. JOHN), because the gentleman and I normally are of the same mind. Maybe the river that separates Texas and Louisiana might have more than that.

Mr. Chairman, I rise in reluctant opposition to the amendment. While I appreciate the gentleman's efforts to increase funding for a number of important satisfactory veterans programs, I

cannot support the way in which they are going about obtaining the funding.

To pay for these worthwhile programs, the amendment seeks to transfer funds from the Human Space Flight account of NASA and also NASA Science, Aeronautics and Technology.

While the contribution of our veterans to the greatness of our Nation should never be forgotten, and while we fulfill our special obligations to care for those who fought for these freedoms that we enjoy and sometimes we take for granted, this amendment is not right the way it goes. In fact, my good friend, the gentleman from Texas (Mr. REYES), who has fought many years not only in the State legislature, but now here in Congress for veterans nursing homes, tells me that Texas will not benefit from this plus-up yet with the cuts from NASA. The men and women at NASA run an exceptional government agency that has always done innovative work with limited funds that Congress appropriates.

They have been leaders in cutting expenses and making their agency more financially streamlined and we should recognize that. If anything, I fear that perhaps they carried their zeal for faster, cheaper, better, a step too far.

With the recent high-profile setbacks, particularly in the Mars missions, I think we need to prod NASA in the other direction, to ensure that in their efforts to do more with less that they have not sacrificed safety to save money. Again, this amendment has benefit but not in this area.

NASA is a fine example of an effective agency. If we wish to have the world's preeminent space program, we must work to fund it, not to cut their budget.

Our space program is the envy of the world. Despite recent stumbles, NASA continues to expand the frontiers of knowledge and probe the vast unknown reaches of outer space.

Space exploration will play a critical role in our Nation's future both for technology development and for health care, and we need to push for the development of these new technologies.

It will push our children, our students, to learn more math and science; and we need to make sure that responsible agencies like NASA have the necessary funds to carry out their mission and to continue to provide us with the invaluable source of innovation and information.

I support veterans nationwide, but I also want to make sure our Texas veterans can benefit. Again, this amendment does not go that far, and so I would hope in their effort to support veterans nationwide that we would come up with an amendment that not only would not cut NASA, but would help veterans in all 50 states instead of 49 of them and not just punish the ones in Texas.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion and the amendments show a couple of things about the processes which we are undergoing in discussing this bill. Number one, it shows that everybody agrees that there are accounts in the veterans budget that are underfunded, and the chairman of the committee seems to agree that we should plus-up the research account in this case by \$30 million, plus-up the construction of the State veteran homes by \$30 million, and I support that and would go even further.

It also makes the point that many Members are caught up in a conundrum here. The absurdity of our rules where we have to do something good in order to do something good in the veterans budget, we have to do something bad in the space budget. This at a time when we have surpluses.

I do not think the public understands why we should go through such an exercise that we have to cut \$60 million out of the space program in order to fund \$60 million in the veterans account when we have the money to do both, and this is what we should be doing.

We should be plussing-up the account in research, as an amendment I had on the floor to do. We should be plussing-up the account for the State veterans homes, which I have an amendment to do, without having to take from NASA.

My colleagues, we all know, we all know we have the money to do this. This is an absurdity. This is a game we are playing here that puts us in very low esteem with our constituents who say, when the gentleman from Florida said he represents the place where they have the fourth highest veterans and he also is strongly in support of the space station, his constituents have to say well, why not do both, and they are right.

We should be doing both, and though I support the plus-up of \$30 million in the State veterans home account, I would have to underline what my colleagues from Texas said, this does not allow us to make up for previously approved projects and projects that have already been approved by their States which, with appropriated funds, we cannot make up that backlog with this plus-up.

We need an additional \$50 million more. The amendments are absolutely right in that we need these plus-ups, and I am glad the chairman of the subcommittee understands that we were falling behind in those accounts and this House has caught up, but I need to point out the absurdity of the rules we are under, which force us to take money from another account which is absolutely vital also to our future as a civilization.

Mr. Chairman, I would urge somehow that the Committee on the Budget and the Committee on Appropriations would put us into realistic situations

without forcing us to make these kinds of choices which are not mandated by the reality of our funds today.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of the Ney-Gutierrez-Tancredo en bloc amendment that adds funding for VA medical research and for grants to states for extended care facilities for our aging veterans.

This bill before us tonight demonstrates the effect of poorly-placed priorities created when the majority voted for a budget agreement that spent too much on military largesse and tax breaks for the wealthy. We did not place a sufficiently high priority on our nation's veterans programs in this year's budget allocations. As my colleague BARNEY FRANK observed, we are suffering from a self-inflicted wound.

In fact, this VA-HUD bill provides \$2.5 billion less than the Administration's FY 2001 budget request. We have a responsibility to keep our promises to our veterans.

As a nation, we have special obligation to our veterans. They have earned benefits that they receive from a grateful nation. The service and sacrifice, blood, sweat and tears of men and women who have served in our Armed Forces has allowed for the historic prosperity we now enjoy. Caring for our veterans is a legitimate cost of national security, yet we do not seem willing to spend an adequate amount on that care.

This year, we are spending 52% of our discretionary budget on the military but not enough on those who have already served: our nation's veterans whose funding is dependent on this much smaller appropriations bill that is before us tonight.

We are spending \$46.8 billion for veterans' health care, research, and medical facilities. Funding for military activities, including our nuclear weapons stockpile, will total some \$311 billion this year. We owe our veterans more than they are receiving.

We are spending \$22 billion more in this year's defense appropriations bill than we did in last year's; by comparison, funding for Department of Veterans Affairs medical and prosthetic research is the same in this bill before us last year's funding: a mere \$321 million.

The \$62 million for major construction and improvement of VA facilities is 5% less than we spent last year. "Minor" construction projects—those costing less than \$4 million per project—and extended care facilities are each given a third less funding than they received last year.

This budget falls half a billion dollars short of the level called for in The Independent Budget, proposed by Disabled American Veterans, Paralyzed Veterans of America, and other veterans' groups. Over the past decade, federal spending for veterans' health care has fallen dramatically short of keeping pace with medical inflation. These shortfalls have forced VA medical facilities nationwide to cut services, delay and even deny care to veterans in need.

Without adequate funding, the VA, created to meet our nation's obligation to its former defenders, will be unable to meet its obligations to veterans. It is time to acknowledge the sacrifices our veterans made and to honor our commitment to them. They answered their call to service long ago; now we must answer

back by ensuring them a secure and stable future.

Mr. HILLEARY. Mr. Chairman, first I would like to commend Chairman WALSH for the hard work he and his staff put into crafting such an excellent bill. I would also like to thank him for including this, as well as the other important amendments in his en bloc request. For the second year in a row, he has made astounding and much needed increases in many veteran's programs.

Today I rise in support of this amendment to increase the funding for the veterans state-extended care facilities. These facilities in my opinion are imperative to the mission of providing quality health care to those who dutifully served our country.

These veterans homes are the largest provider of long-term nursing care to our veterans. They enable the Veterans Administration to ensure quality nursing care to veterans that cannot receive proper treatment through any other means. Many of the men and women who served our country are bedridden due to service-related injuries. It is these veterans that the state-extended care facilities will serve.

Not only are these homes, nursing care units and hospitals necessary for proper care, they are also cost effective. If a veteran is forced to go to a private nursing home, the VA will reimburse that home on average \$150 dollar per diem. Contrast that with the approximately \$51 dollar per diem reimbursement to the State veterans homes for the same care. The same care for approximately one-third of the cost. I think you will agree that for this reason alone we should vigorously support these facilities.

Even with the Tancredo, Weller, Johns, Ryan, and Hilleary amendment enacted, we will fall far short of the funding commitment we have made to the States. The Federal Government has agreed to fund 65 percent of the construction costs for the state-extended care facilities. At this time, many States have already appropriated their share of the construction costs.

Aside from the current \$126 million backlog of work due to years of underfunding, the Federal Government could be responsible for over \$200 million in additional construction money, if all pending applications, as well as those that were grandfathered in under the Veteran's Millennium Health Care Act, are approved. Even with this amendment, we may still owe various States across the Nation up to \$236 million.

There are approximately 10 million veterans over the age of 65. Our almost 67 million World War II veterans continue to require extensive health care that we are proud and obligated to provide. This country and the VA must be adequately prepared through proper funding to handle the challenge of ensuring the best possible care for the men and women who bravely served this Nation.

I ask that we strongly support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this amendment.

Being fiscally responsible sometimes means making tough decisions. The gentleman from Colorado's amendment presents one such choice. It requires us to choose between

spending more money to help states construct extended care facilities for veterans versus funding NASA research programs at the appropriated level.

Certainly, we owe our veterans a great debt, and nursing home facilities for men and women who served this country are important. But I urge my colleagues to remember that H.R. 4635 already provides funding for this grant program. So even if this amendment fails, these grants will still be available for veterans' care.

I oppose this amendment because I believe it sacrifices one of our Nation's most important investments in order to achieve the amendment's goals. This investment, in science and engineering research, is critical to developing the technologies and know how that save lives, strengthen the economy, and help keep our defenses strong and our troops protected. Veterans are alive today because of past investments in science and technology. Don't we owe the veterans of tomorrow the same advantages? I think we do, which is why I oppose the amendment.

Investments in research and technology rarely pay off right away—certainly they cannot compete with the construction of a new building in terms of clearly recognizable short-term accomplishments—but they do pay off. The evidence for long-term payoffs from research and technology investments is impressive.

The research programs this amendment would take away from represent part of this long-term investment in research and technology. I urge my colleagues to protect them, and to vote "no" on the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

NASA's science programs are a critical component to enabling many of the technological breakthroughs that all of us enjoy. The importance of research and development and scientific discovery on our every day lives cannot be overstated. NASA in partnership with industry, academia, and other federal agencies perform research and develop technology which is fundamentally important to keeping America capable and competitive. Our nation's economic growth and prosperity are tied more closely than ever to technological advancement. We must ensure that NASA gets the funding necessary to continue to maintain America's leadership in technology.

The White House's recently released report on Federal R&D investment challenges the Congress to "demonstrate strong bipartisan support for R&D" and "instead of slashing science and technology, we should accelerate the march of human knowledge by greatly increasing our investments in R&D." It took Congress five years to convince the Administration that past cuts to the space program were counterproductive. Now that the Administration has seen the light, I hope Congress will maintain its past commitment to science and technology by rejecting this amendment.

The amendment proposes to cut \$23 million from NASA's Human Space Flight program. Although the amendment appears to save money by reducing a program's budget, in reality it only increases costs in the future by stretching out the program and delaying the

scientific results and advances that the research promises.

We must continue to make investments in research and development, so that everyone will benefit from the discoveries and innovations which will improve our quality of life. I urge my colleagues to oppose the Gutierrez amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. WALSH).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendments offered by the gentleman from New York (Mr. WALSH) will be postponed.

Pursuant to a previous order of the House, the Clerk will resume reading at page 9, line 4.

The Clerk read as follows:

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, \$321,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$62,000,000 plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,006,000,000: *Provided*, That of the funds made available under this heading, not to exceed \$50,050,000 shall be available until September 30, 2002: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:
Under "Department of Veterans Affairs, Departmental Administration", on page 10, line 10 after the number \$1,006,000,000, insert: (increased by \$4,000,000 for transfers authorized by law; decreased by \$4,000,000 from general administrative expenses)

Mr. WAXMAN. Mr. Chairman, last night we spent several hours debating the tobacco rider in this bill. As I explained last night, this rider defunds the VA lawsuit against the tobacco industry. I offered an amendment last night that would have allowed the VA to use funds from the VA medical care account to pay for the lawsuit. In opposing my amendment, I heard Member after Member say that they were not opposed to VA's tobacco litigation, rather they were just opposed to the source of funding.

My amendment today addresses this point. It lets VA fund the litigation from its general operating expenses, such as salaries and travel, not the medical care account.

Let me just quickly review the situation. In 1998, Congress voted to stop cash payments to veterans suffering from tobacco-related illnesses. As part of the Transportation Equity Account, Congress decided these payments could be better used paying for highway projects than to support our veterans. This was a bitter blow to our veterans. To lessen the impact on veterans, Congress told the VA and the Department of Justice to sue the tobacco industry. We promised that we would support this litigation and that if any funds were recovered, we would devote them to paying for medical care for veterans.

Now, we were very clear when Congress voted to take away the cash payments to veterans for tobacco-related illness. We promised veterans we would help them recover from the cigarette manufacturers the costs of treating tobacco-related illnesses.

The administration did what we asked them to do in 1998. The VA and the Justice Department filed a suit to recover the medical expenses incurred by the Veterans Administration in treating tobacco-related illnesses. And under the legal provisions they are using, the Medical Care Recovery Act, all the money recovered will go back to the Veterans Administration, just as Congress urged.

This amendment that I am now offering, I think, meets the objections that were raised last night. The funds will not be transferred out of the VA medical account, even as we tried to limit it last night from that VA medical account for legal and administrative expenses. Instead, it will come from the operational funds from the Veterans Administration as well.

I know that the chairman of the appropriations subcommittee thought this was unnecessary, because he thought the Veterans Administration had the authority to do this, but we want to make it very clear that those funds will be available for this lawsuit; and I think we are addressing the main argument that I heard last night that our amendment was objectionable, because it took funding from medical care for veterans.

I hope that this amendment will be acceptable to the majority, and I would hope that they would agree with us and allow us to pass this amendment and to permit the lawsuits to be funded that I think will have enormous benefits for the veterans and for the taxpayers of this country. On that basis, I ask your support for the amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we had some discussion on this yesterday, about 3½ hours' or 4 hours' worth; and we tried to make the point over and over that veterans' medical care funds were sacrosanct.

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We were not going to those precious funds to be used for anything other than what they were intended.

So when the gentleman came back with an amendment that talked about using administrative funds, I have no objection to that amendment. We believe the amendment is superfluous. It really accomplishes nothing. The amendment really is not necessary. We made that point again and again, that it is the medical care funds that we were protecting in the bill.

Our language specifically denotes medical funds shall not be used. All other funds within the bill are open and available. There was no prohibition, no restrictive language on any of those other 17 areas of funding.

So the gentleman's amendment makes administrative funds available for the Justice Department lawsuit. We believe in effect they already are. The practical upshot of this is the Veterans Administration will have to come back to the Congress and ask for a reprogramming of these funds, and I would have no objection to that.

So, for those reasons, this side is prepared to accept the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not rise to be argumentative, and I am very grateful that the chairman has accepted the very wise amendment of the gentleman from California (Mr. WAXMAN), and I do want to add my support to it.

Mr. Chairman, let me also acknowledge that I wish to briefly comment on the previous amendment that was offered en bloc by the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Ohio (Mr. NEY), the gentleman from California (Mr. FILNER), and I believe the gentleman from Colorado (Mr. TANCREDO), to offer my opposition to the expenditures of funds on the amendment that would take monies out of the human space flight and other space programs, noting that those programs have been particularly efficient.

I comment on that particular amendment because the debate has been in

this bill on the cutting of funds across the board. I think that is what defeated the Waxman amendment yesterday, which was the thought we were taking money out of the veterans health care.

I simply want to say this bill overall is bad because it cuts everyone, and we have enough money to be able to fund these important programs under the VA-HUD bill.

So I am hoping that we will have a bill ultimately, though I applaud the work of the committee, that will fund the various programs as they should, veterans health care, human space flight, NASA science aeronautics and technology, EPA programs and other programs that my colleagues would desire to support.

I support the Waxman amendment, and I oppose the previous amendment that was discussed.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I appreciate the gentlewoman's support and the willingness of the chairman of the subcommittee to work out this issue so that we have this amendment before us today. I just want to note for the record that it is not my understanding that this will require a reprogramming of funds. We believe that this amendment authorizes the use of those funds. That may have to be determined later. I do want to note we may have a disagreement on the consequences.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, there is some confusion about exactly how this would come back. If it was in the budget request, then it would be clearly not subject to reprogramming. I will be willing to work with the gentleman as we go down the road on this issue. But, as I said, I have no objection to the gentleman's amendment.

Mr. MORAN of Virginia. Mr. Chairman, tobacco use kills 430,000 people a year. That's more than the number who die from murder, suicide, AIDS, alcohol and all illegal drugs combined.

The number of people suffering from tobacco-related illnesses today is in the millions. A great many of these deaths are attributable to deliberate congressional action over the years of subsidizing tobacco companies financially through farming, marketing and export.

The Congress gave support and credibility to the public statements of tobacco companies that smoking tobacco wasn't harmful.

And perhaps the most culpable congressional act was to include cigarettes in the package of sea rations and authorized supplies that we provided our soldiers, sailors and airmen.

We encouraged our brave, strong, patriotic servicemen to smoke cigarettes. We instructed them to "light 'em if you had 'em"—and of

course because we supplied them, most of them had 'em.

And now those very same soldiers are now paying the price of that official policy. They're suffering from emphysema, cancer of the lungs, and the larynx, and the mouth and the throat.

Well, the decades of deliberate deceit by the tobacco companies has finally been exposed.

But they've already made their millions selling cigarettes to the military, they've made their billions selling to the American public and they're still making billions marketing an instrument of death and suffering to the rest of the world.

But what of our veterans who sacrificed their lives to serve their country. Those strong, brave soldiers are lying in homes and hospitals, suffering ignominious suffering and death. They're paying the real price of corporate deceit and congressional consent.

Why shouldn't those tobacco companies at least pay for some of the price of those trusting soldiers' health care?

This amendment says they should. We protect tobacco companies from the legal means of making them responsible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, \$106,889,000: *Provided*, That travel expenses shall not exceed \$1,125,000: *Provided further*, That of the amount made available under this heading, not to exceed \$125,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$46,464,000: *Provided*, That of the amount made available under this heading, not to exceed \$28,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$62,140,000, to

remain available until expended: *Provided*, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2001, for each approved project, shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than \$4,000,000, \$100,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131-8137, \$60,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans

cemeteries as authorized by 38 U.S.C. 2408, \$25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7904 or 42 U.S.C. 5141-5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) Notwithstanding sections 1710B(e)(2) and 1729B(b) of title 38 United States Code, and any other provision of law,

any amount received or collected by the Department of Veterans Affairs during fiscal year 2001 under any of the following provisions of law shall be deposited in the Department of Veterans Affairs Medical Care Fund, to be available in accordance with section 1829A(c) of title 38 United States Code:

(1) Section 1710B of title 38 United States Code.

(2) Section 1722A(b) of title 38 United States Code.

(3) Section 8165(a) of title 38 United States Code.

(4) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117; of title 38 United States Code).

(b) Provisions of law referred to in subsection (a) shall be treated as provisions of law referred to in subsection (b) of section 1729A of title 38 United States Code, for purposes of subsections (d), (e), and (f) of that section during fiscal year 2001.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103-335) under the heading "Research, Development, Test and Evaluation, Defense-Wide".

SEC. 110. As HR LINK\$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK\$ services from the Franchise Fund shall be transferred to the General Administration portion of the "General operating expenses" appropriation in the following amounts: \$78,000 from the "Office of Inspector General", \$358,000 from the "National cemetery administration", \$1,106,000 from "Medical care", \$84,000 from "Medical administration and miscellaneous operating expenses", and \$38,000 shall be reprogrammed within the "General operating expenses" appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed \$1,600,000 from the "Medical care" appropriation shall be transferred to the "General operating expenses" appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Section 9305 of Public Law 105-33, The Balanced Budget Act of 1997, is repealed.

SEC. 113. None of the funds in this Act may be used to procure information technology systems, engage in new initiatives, or implement a policy affecting total procurement costs over \$2,000,000 in non-medical resources and \$4,000,000 in medical resources without the approval of the Department of Veterans Affairs Capital Investment Board.

VACATING REQUEST FOR RECORDED VOTE ON AMENDMENTS OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on the amendments offered by myself be vacated, to the end that the voice vote thereon be taken *de novo*.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. WALSH).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND (HCF)

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, \$13,275,388,459 and amounts that are recaptured in this account and recaptured under the appropriation for "Annual contributions for assisted housing", to remain available until expended: *Provided*, That of the total amount provided under this heading, \$9,075,388,459 and the aforementioned recaptures shall be available on October 1, 2000, and \$4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 ("the Act" herein) (42 U.S.C. 1437): *Provided further*, That of the total amount available for use in connection with expiring or terminating section 8 subsidy contracts, up to \$37,000,000 shall be available for assistance under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act for use in connection with the renewal of contracts, which contracts may be renewed non-competitively and for one-year terms, in addition to amounts otherwise available for such renewals: *Provided further*, That the foregoing amounts be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (47 U.S.C. 1437f(t)), and contracts entered into pursuant to section 441 and, for terms of one year, section 473 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) pursuant to section 24 of the Act or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; (6) for renewal of assistance under the shelter plus care program; and (7) for the renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Hous-

ing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the total amount provided under this heading, up to \$25,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further*: That up to \$192,000,000 from amounts available under this heading shall be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That of the total amount provided under this heading up to \$66,000,000 shall be available for very low income families living in properties constructed under the low-income housing tax credit program as authorized, as long as the vouchers are awarded within four months after the rule implementing this program is finalized: *Provided further*, That of the total amount provided under this heading, up to \$60,000,000 shall be made available for incremental vouchers under section 8 of the Act on a fair share basis to those PHAs that have a 97 percent occupancy rate: *Provided further*, That any funds appropriated in the immediately preceding proviso that are not awarded by February 1, 2001, shall be transferred to and merged with the appropriation for the "Public housing capital fund": *Provided further*, That the Secretary shall use up to \$660,000 of the amount provided under this heading for monitoring public housing agencies that increase payment standards under the authority under section 8(o)(1)(E)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(E)(i)) and for conducting detailed evaluations of the effects of using assistance as authorized under section 8(o)(1)(E): *Provided further*, That \$11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That amounts provided under this heading shall be available for use for particular activities described in any proviso under this heading only to the extent that amounts provided under this heading remain available after amounts have been made available for the activities under all other preceding provisos under this heading in the full amounts provided in such provisos; except that for purposes of this proviso, the first, second, and third provisos under this heading shall be considered to be a single proviso: *Provided further*, That of the balances remaining in the HCF account, \$275,388,459 shall be rescinded on or about September 30, 2001: *Provided further*, That any obligated balances of contract authority that have been terminated shall be canceled.

AMENDMENT NO. 38 OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. MOLLOHAN:

Page 23, strike the provisos that begin on lines 6, 12, and 16.

Page 24, after line 19, insert the following: For incremental vouchers under section 8 of the United States Housing Act of 1937, \$593,000,000, to remain available until expended: *Provided*, That of the amount provided by this paragraph, \$66,000,000 shall be available for use in a housing production program in connection with the low-income housing tax credit program to assist very low-income and extremely low-income families.

Page 25, line 1, after the dollar amount, insert the following: “(increased by \$200,000,000)”.

Page 25, line 19, after the dollar amount, insert the following: “(increased by \$127,000,000)”.

Page 27, line 23, after the dollar amount, insert the following: “(increased by \$30,000,000)”.

Page 29, line 24, after the dollar amount, insert the following: “(increased by \$43,000,000)”.

Page 30, line 20, after the dollar amount, insert the following: “(increased by \$395,000,000)”.

Page 35, line 16, after the dollar amount, insert the following: “(increased by \$215,000,000)”.

Page 35, line 17, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

Page 36, line 13, after the dollar amount, insert the following: “(increased by \$80,000,000)”.

Page 37, after line 5, insert the following new item:

AMERICA'S PRIVATE INVESTMENT COMPANIES
PROGRAM ACCOUNT

For the cost of guaranteed loans under the America's Private Investment Companies Program, \$37,000,000, to remain available until September 30, 2003, of which not to exceed \$1,000,000 shall be for administrative expenses to carry out such a loan program, to be transferred to and merged with the appropriation under this title for “Salaries and Expenses”: *Provided*, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is guaranteed, not to exceed \$1,000,000,000.

Page 37, line 12, after the dollar amount, insert the following: “(increased by \$114,000,000)”.

Page 37, line 13, after the dollar amount, insert the following: “(increased by \$90,000,000)”.

Page 38, line 2, after the dollar amount, insert the following: “(increased by \$24,000,000)”.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, this bill unfortunately represents a series of missed opportunities, and housing is one of the areas in which those missed opportunities are most severe. The amendment I am offering proposes to

alleviate some of the most serious shortfalls by adding just over \$1.8 billion to the HUD title of the bill.

In saying the bill falls short of what is needed, I mean no criticism of the gentleman from New York (Chairman WALSH) and others involved in putting this bill together. They did the very best they could with the resources available to them. Indeed, the chairman and his staff have included some useful and innovative provisions that will do real good, such as the language allowing increases in the payment standard for Section 8 housing vouchers in areas with tight rental markets and high rents.

The basic problem for this bill is simply the majority party's budget plan provides insufficient resources for overall domestic appropriations, mainly in order to focus on an agenda of tax cuts targeted to the high end of the income scale.

My amendment contains no offsets. There really are not places in this bill with excess funding that could be diverted to other purposes. I understand my amendment is subject to a point of order, and I will withdraw it at the appropriate time. My purpose in offering the amendment is simply to encourage a debate about the levels of funding that are necessary and appropriate for housing programs.

Housing is an area where national needs seem to be more acute, despite the booming economy. Yes, more people have jobs than before and incomes are rising, but in many areas rents are rising faster than incomes. People working at modest wages are often finding it harder and harder to keep a roof over their family's heads.

HUD's latest report on housing conditions tells us that there are 5.4 million very low-income households with worst case housing needs; that is, households with incomes below 50 percent of the local median who are paying more than half of their income for rent and receiving no housing assistance whatsoever. The fastest growing segment of that group is people working full time.

According to a recent survey of six cities by the Conference of Mayors, waiting times to get in public housing average 19 months in most cities. Waiting times for Section 8 vouchers averages 32 months. Officials in those cities estimate that their housing assistance programs serve just 27 percent of eligible households.

Considering that we are in a period of strong economic growth and that the Federal budget is in the best shape it has been for decades, you might think we would be taking steps to deal with these housing problems. But, unfortunately, the bill before us takes a step backward in funding for housing and community development.

Some of our colleagues may disagree and insist that the bill really improves several billions of dollars of spending

increases for HUD. Those increases are largely illusionary, Mr. Chairman. They reflect the fact that the subcommittee found less unused budget authority to rescind this year than last, and that old, long-term Section 8 housing assistance contracts have been expiring and now require new appropriations just to continue the old levels of assistance. When you remove those accounting factors, you find that essentially all HUD programs in this bill are either flat or decreased a bit. Now, that makes no sense.

For example, the bill provides funds for about 100,000 additional housing assistance vouchers as proposed by the administration to try to make at least a small reduction in the number of families with worst case housing needs. That is what this amendment does, Mr. Chairman. It provides funds for about 100,000 additional housing assistance vouchers.

Vouchers alone, however, are not enough. There is also a need for programs to help stimulate production of low-income housing. Ultimately, we may need some new programs in that area. As an interim step, my amendment puts a bit more money into those housing production programs that are in place, the home block grant for local governments, the Section 202 and Section 811 programs that finance development of housing for low income elderly and disabled people, and the Native American Housing Block Grant, just for example.

We should also remember the key role played by public housing. My amendment adds a bit for public housing capital grants to help chip away at the \$22 billion backlog in public housing modernization needs, and gives operating grants a 4 percent increase to help cover rising utility and payroll costs. It provides a \$100 million increase for Community Development Block Grants, instead of the \$295 million decrease in the bill. The amendment also funds the administration's APIC initiative, as recently agreed to by President Clinton and Speaker HASTERT.

□ 1815

Unfortunately, that agreement between the Speaker and President Clinton is not funded.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. MOLLOHAN) has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. Mr. Chairman, the increases in my amendment are fairly modest. Most programs would still be smaller than they were 6 years ago after adjustment for inflation. Indeed, several, such as housing for the elderly and the disabled, and homeless assistance, would remain below where they were 6 years ago in actual dollar

amounts with no adjustment for inflation or for anything else. There are very real needs for modest expansion of housing and community development programs. We can and should do better than the Subcommittee on VA, HUD and Independent Agencies had the resources to do in this bill. I very much hope we will be able to do better by the time this bill reaches the President's desk, and I know the gentleman from New York (Mr. WALSH) shares that hope as well.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentleman from West Virginia for a most excellent statement. I would like to talk about housing and put it in the context of our national economy and try to talk about it in human terms.

We have had an absolutely wonderful economic run for the past 7 or 8 years. We have had unparalleled prosperity in almost all regions of the country. But unfortunately, there have been some people who have been left behind by that prosperity. Our economy is a dynamic capitalist economy, and we do not want to do things that get in the way of the entrepreneurial class being able to make the investments and take the risks that create progress in the economy and create jobs and create an even stronger economic tomorrow.

However, there are those in this society who are either not as lucky or who are not as innovative, or as aggressive as others; there are lot of them who are not as healthy as some of the big winners in our society. So in any humane society, what we try to do is to take the rough edges off what would otherwise be a Darwin capitalism and try to make capitalism safe for human participation. The way we do that is not by stifling entrepreneurship; the way we do that is by trying to recognize that there are certain basics that humans need no matter how lucky they are. One of them is a decent education, another is protection from environmental abuse and corruption, a third is the right to decent health care when they need it, and fourth is the need for shelter.

Now, we have seen one thing in this society which creates a lot of problems. We have seen the gap between the very wealthy and most others in this society grow at an astronomical rate. We see at this point that the wealthiest 1 percent of people in our society own about 90 percent of society's assets, economic assets. The number 1 asset which most families strive for is to own a home so that they can begin to build equity and get a piece of the American dream. But very often, in some of our own neighborhoods, the

very prosperity that is experienced by some of our most fortunate citizens operates to reduce the ability of some segments of our society to even gain decent shelter.

Example: in some neighborhoods, the ability of those who have done very well in our society, to be able to afford to pay for anything they want, means that they raise tremendously housing costs in certain neighborhoods, they drive whole groups of people out of neighborhoods, and they make the costs for those who stay much, much higher. It is the job of government to try to mitigate that. That is what this bill is inadequate in doing.

The gentleman from West Virginia has laid out in specific programmatic terms what some of the problems are in this bill. I would simply say that the result of this bill failing to fully meet its responsibilities in order to provide additional very large tax cuts for those at the top of the economic heap, the result is that we do not create the kind of opportunity that we should for all Americans to have at least the basics in life.

Pope John Paul said many years ago that there ought to be certain norms of decency in determining who has how much of economic goods in any society, and I think that is a good way to put it. We are not meeting those norms of decency when we fail in our obligation to assure decent housing for every American, and this bill most certainly falls short. I, for one, cannot support it until it does.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just wanted to cite a statistic that I actually did cite in my remarks to bolster the gentleman's argument, that in this robust economy, that the housing conditions in the HUD report recently completed tells us that there are 5.4 million very low income households with worst case scenarios, they are called worst case households, that is households with incomes below 50 percent of the local medium who are paying more than half of their incomes for housing needs and receiving no assistance whatsoever. A great shortfall in the Section 8 vouchers.

There is a great need out there, as the gentleman is describing, and this amendment, if we get the money, eventually, hopefully we can, the budget resolution that was passed by the majority falls far short of that that would be adequate to meet these basic housing needs.

So at the end of the day, we hope that that money is available. However, as of this point in time, the budget resolution supported by the majority which supports tax reductions for high-income individuals and no support for those who are the most neediest in our society for the most fundamental need, which is housing, that this Nation should be providing, rather than considering the tax cuts. The priorities of the budget resolution are simply upside down when they provide for tax cuts for wealthy Americans and do not provide resources for the most needy in our society.

Mr. OBEY. Mr. Chairman, reclaiming my time, I very much agree with the gentleman.

I would close by saying just one thing. We talk a lot in this Congress and in this society about generational inequities. One of the worst things we do to the younger generation is to make it harder for them to buy that first house. I know that when I was first married, my wife and I were able to afford a house only because she cashed in her teacher retirement fund. We had the \$900 that it took to get a down payment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, there are not very many young couples today who can afford to buy a house for \$900. I can see it in many of the young couples who I talk to back home during the weeks that I am back home, and I can see their frustration when they continually fall just short of being able to afford a first home or when rising interest rates put just out of reach that home that so many people desire.

It is very clear when we look at some of the sociological studies that one of the key ingredients to having a stable society and a society with a low crime rate and a high work ethic is housing ownership. People who own a stake in this economic are quick to try to protect that economy and the society that has made it possible. That is why I would urge the majority to review their decisions in this area.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words. I do insist on my point of order. I would like to explain briefly on the merits of the point of order. First of all, the expenditures that are suggested are not offset, and that is, in the parlance around here, offset. The idea is that if we offer expenditure changes

within the bill, we have to provide funds to back them up, to transfer funds from one account to another. This amendment does not comply, and it does not provide those funds.

There is also additional new authorization in the amendment. As the Chairman knows, this is the Committee on Appropriations. The authorizing committee, the Subcommittee on Housing of the Committee on Banking and Financial Services should pass that legislation on to us and then we appropriate the funds. This has not been accomplished.

So for those reasons, I believe this amendment is out of order.

On the issue of Section 8 housing vouchers, I would just like to make a couple of points. We have provided \$13.275 billion for Section 8 housing vouchers, \$4 billion above last year. No matter how much money we provide, the administration wants more. No matter how much money our side is willing to spend on any item, the other side is always ready to spend more. But these expenditures need to be based on reality. Part of the reality here is that the Department of Housing and Urban Development has been provided billions of dollars for housing vouchers for poor people, and by the way, the Section 8 program initially was sponsored by people on this side of the aisle. We think it is a good program. As we reduce the amount of public housing, the incremental vouchers take up the slack, people go out and they find an apartment, and the government helps to subsidize the cost of that apartment for people with low incomes. It works pretty well if it is administered properly, but right now, Mr. Chairman, it is not being administered properly. Mr. Chairman, 247,000 vouchers that we appropriated and provided for, that Congress provided for have gone begging; 247,000 American families that need those new commerce are not getting them. My good friend and colleague pointed out that HUD had a study that there are millions of Americans that need these vouchers, and yet, HUD is not complying with the law. They are not providing those individuals those vouchers.

That is what we appropriate these funds for. When those funds do not get spent, what has happened in the past is that the administration then comes back and says, "Aha, we have money laying around that did not get spent, we will use that for other expenditures." So they use HUD as a bank to come back and find money and then redistribute it somewhere else, so it looks like they have helped poor people, but, in fact, they have not. The administration has taken that money and used it for defense or for transportation or some other area of expenditure. We do not think that is the right way to proceed.

So we funded the section 8 vouchers fully; and we have also said that those

funds, if there are any funds laying around at the end that do not get spent, and as history would show, that is what will happen, we said, those funds must also be used for an additional 10,000 vouchers. We think that is what these funds were for.

So I would reserve my point of order against the amendment and await the ruling of the Chair.

□ 1830

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am standing to support the Mollohan amendment, and having come from an area such as the one I represent, many of the arguments that I hear regarding housing I have to refute many times because of my experience in working with low-income people.

I think that our chairman and our ranking member have done a very credible job, Mr. Chairman, at the level of the subcommittee funding. But there are numerous funding problems in the bill which I have alluded to before.

The one that I have specific interest in at this point is the lack of funding to help the poorest of the poor people obtain decent housing. I want Members to look at this picture and put a face on it, as I have to almost every day in my district. That is, we are living in the era of the greatest economic prosperity that this Nation has ever had, but even this economic boom has created a housing crisis for many Americans.

Because of the population growth, many of the problems we have heard our very fair chairman, the gentleman from New York (Mr. WALSH) talk about must be viewed from the point of view of putting a face on this problem.

Let us look at vouchers. In terms of these housing authorities having enough vouchers, I think that the chairman has a point there, but what the chairman has not realized is that many of the large urban areas like Miami and some of the other areas cannot get enough vouchers to meet the need because some other areas have the vouchers and are not using them. We cannot get them to the people in Liberty City as much as we should.

Whenever there is any kind of crisis there, when the sewers run over and when there is a crisis regarding housing, we cannot get the number of vouchers that we need. We cannot get them because they have utilized all that they had.

The other thing is that we must realize that there is a crisis in housing. We are not just dealing with pious platitudes here, we are dealing with real live people who do not have housing. There are over 5 million families who pay more than half of their income in housing.

We are told all the time, and we hear this all the time, that housing assist-

ance is important to this affordability problem. We believe that. But these incremental vouchers are not what they are cooked up to be.

First of all, when we hand a poor person a voucher and tell them, look, go and find someplace to live, that is not as easy as it sounds here on this floor. It is very, very difficult. There are many people who I am hearing from every day in my district. Some people over on this aisle do not want any more middle- and low-income people coming to those areas. We have to fight that. The other thing is, rental housing is hard to find in some of these areas.

So I want Members to look at this picture I am talking about because it paints a new face on this problem of vouchers. Vouchers work, but the average waiting period for a Section 8 voucher is about 2 years. There is a backlog in the cities, the large urban areas I have spoken about.

In virtually every urban area in this country people making the minimum wage cannot even afford a medium-priced apartment rental. Housing vouchers make that possible and they do it by putting in private sector housing.

Yet, the bill fails to fund the President's request for 120,000 additional incremental housing vouchers. Despite the claims, it is debatable whether or not this bill would provide HUD with any new vouchers to help our families find safe, decent, and affordable housing. The bill as written claims to allow HUD to provide up to 20,000 additional vouchers, but we think this is just funny math, Mr. Speaker, or what we call creative accounting, because these additional vouchers are only funded in the bill through overly rosy and optimistic estimates of recaptures of unused Section 8 funds.

HUD will only have these vouchers available if the Department recaptures more funds than the amount HUD itself says can be recaptured. According to what I have learned, Mr. Speaker, HUD does not even expect these recaptured funds to be available.

We would never treat rich people this way. We can bet they get hard cash to meet their needs. Yet poor families are shunted aside with the promise that they may even get a voucher, and it may not pan out.

Refusing to provide these additional incremental housing vouchers means that families will have to continue to live in substandard housing, housing that is overrun by roaches and rats and vermin. We can do better in this country. We are a very prosperous country. I appeal to the committee to accept the Mollohan amendment. It is a credible amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Much has been said

and made about the housing vouchers, and that our bill turns its back on those most in need. However, it is not this bill but the Department of Housing and Urban Development itself which has, through its own dinosaur-like behavior, contributed to the very housing crisis that some have ascribed and attributed to Congress.

HUD has, by any admission through our public hearings, been seen to be incredibly slow in awarding Section 8 vouchers. This results in the recapture that the gentleman from New York (Chairman WALSH) alluded to of funds because HUD does not spend them fast enough on the programs for which they were intended by Congress. The recapture would be equivalent to about 237,000 vouchers, because they do not spend down the money quickly enough.

With our tight budget allocation today, it makes no sense to fund a richer program that HUD has shown it simply cannot deliver. The Congressional Budget Office has estimated the spend-out rate at an extremely low 6 percent to begin with. Now the spend-out rate is projected by the CBO at an unbelievably low 1 percent.

This inefficiency is unacceptable; even more unacceptable given the fact that Secretary Cuomo has the use of his community builders to expedite the process and overcome bureaucratic hurdles within this huge bureaucracy.

HUD's policy should be, Mr. Chairman, to get the programs to the people as soon as possible. We have the same situation where fiscal year 1998 funds did not reach the street until October of 1999. Congress provided 50,000 vouchers in fiscal year 1999 and 60,000 vouchers in fiscal year 2000. We should not double the amount of vouchers, as some have suggested, when HUD does not award the ones already in the pipeline.

The bill before us includes language, thank goodness, to push HUD to do a better job, to move this huge bureaucratic dinosaur to do the job for the people who need public housing.

This bill also provides sufficient money to renew all expiring Section 8 contracts at a 100 percent rate, and to provide relocation assistance at the requested funding level. HUD should administer the current programs with a higher degree of efficiency before Congress expands it.

I oppose the amendment and support the bill, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the indulgence of the chairman of the subcommittee, and I want to speak strongly in support of the Mollohan amendment.

Mr. Chairman, this appropriations bill as it comes before us exemplifies a very dangerous trend in America, and we have been manifesting it in various ways in this House.

We are at a time of great prosperity. The free market system as it works in this country with the cooperation of many branches of government, of the private sector, obviously, of labor unions, that private sector is generating wealth at a rate unheard of in human history.

That is a very good thing. A large percentage of our population is living in material terms better than we ever thought such a large number of people could live. But that very fact, as the gentleman from Wisconsin and others, the gentleman from Florida, have pointed out, exacerbates the problem for those among us, and they are in the millions, who through no fault of their own are not the beneficiaries of this prosperity.

Alan Greenspan has acknowledged that trade, globalization, helps some Americans and hurts others, not because of their inherent worth or lack of worth but because of where they were placed in the economy.

So we have a situation where, in many of the metropolitan areas in this country, it has become more and more expensive to live. That reflects the fact that a large number of people who want to live in those metropolitan areas have more and more money, but it also means that those who do not have money, and they number in the millions, the tens of millions, are disadvantaged.

In this bill, in other appropriations bills, in immigration legislation, in tax legislation, in public policy area after public policy area we help the wealthy, which is a good thing. That is part of our job, to help people who are productive and are making wealth do better, and we do that well; but we at the same time turn our backs on people at the low end.

People wondered, how come there was such a debate over China trade? Because there are so many economists and financial sector people, that was an easy one. Why is there resistance among America's historically generous people to globalization?

Here is why, because when we have a situation in which the rich get richer and the poor and working class gets poorer, that is a problem. It is not simply that the rich are getting richer and the poor are not getting richer at the same pace. We are talking about real drops in people's incomes if they are in basic manufacturing. We are talking about people living in cities for whom housing prices have gone out of sight, who have to move out of areas where they already live, who cannot find decent housing, who find housing only if they have to pay far too much money.

Mr. Chairman, it is not simply housing. We have had a big debate on Sec-

tion 8s. I agree there are Section 8s that do not get used. I will tell the Members why in the area I represent, because we do not put enough money into the Section 8s. Housing rents have outpaced the fair market rents that we pay, so we make it worse when we cut the budget, when we begrudge relatively small amounts of the vast resources this country has for low-income people.

They say it is because it is not administered well. What about community development block grants? The community development block grant program is a Nixon program whereby the Federal government simply passes through money to cities and to States and they are allowed to spend it within a broad range of flexibility.

What have they done? They have cut it. This budget cuts community development block grants, a program on which HUD simply serves as a pass-through to local communities.

A few years ago Congress changed under the Republican rule the way public housing is governed. We were told they have really fixed it up. Why, then, is the public housing capital fund underfunded? Why then are the people who live in public housing, who live in an area now where they say they have improved the administration, are they given less money than they need significantly, less money than they got last year for the physical repair of public housing?

Part of what is going on is that we know, some of my friends on this side will privately acknowledge, this is not a real budget. They understand that this is too little. What they are saying is, let us get this budget through, this appropriations bill, and let it go over to the Senate, and let us get into negotiations with the President. Then the real budget will emerge.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. In other words, to the Members of this House, do not expect to make the real decisions. Pass through a budget, an appropriations bill, that we know is inadequate, that we know denies to the very needy people important programmatic resources, many of which are well spent.

We talk about the Section 8 problem being terrible, but the previous speaker, the gentleman from New Jersey, correctly pointed out that one of the things we have done is to spend money to preserve the existing Section 8 tenancies. Why are we preserving them? Overwhelmingly, we do that because the people who live in those units which were created by Federal funds are so fond of their housing that they put pressure on Members of Congress,

so Members of Congress who voted against the program, who voted against funding the programs, vote to keep the programs going so people can continue to live there.

We have housing programs that are not perfect, but they do a very important job of trying to alleviate the severe economic distress of tens of millions of our citizens who are not participating in the general prosperity.

When we bring forward a bill that say we will do less of that this year in real terms than last year in the face of this great prosperity, we are not serving the basic values of the country. So I hope the amendment is adopted.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will ask for a colloquy with the gentleman from New York (Mr. WALSH), the distinguished chair of our subcommittee.

Mr. Chairman, as the chairman knows, I have an ongoing concern regarding the adequacy of HUD's programs for providing housing for the mentally ill. This year the committee is recommending level funding at \$201 million for the Section 8-11 disabled housing program, and this is \$9 million below the administration's request. These funds provide housing for both mentally and physically disabled people.

The administration's request estimated that 5,454 new housing units for the disabled would be available with this increase in funds. Would the chairman kindly tell me how many new units of housing for the disabled would be available under the committee bill?

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, let me thank the gentlewoman for offering this colloquy and for her service on the subcommittee. She does a great job. I am sorry I missed my cue there, but I think I am back in form.

□ 1845

According to HUD, the bill provides sufficient funds for 3,321 new units, which, according to HUD's estimates, is a reduction of 200,133 units.

Ms. KAPTUR. Mr. Chairman, as I know the gentleman from New York (Chairman WALSH) is aware, appropriate housing and services for the disabled can vary widely. In the case of some mentally disabled individuals, their needs may simply be a home where they can feel safe without any special physical adaptations. But for those with severe physical disabilities, a home might require significant physical accommodations. The administra-

tion's justification for section 811 funds is unfortunately silent on how this continuum of care for the disabled is and will be met.

Will the gentleman from New York (Chairman WALSH) agree to assist me in assessing how well HUD is progressing in achieving the goal of providing adequate and appropriate housing for all of America's disabled populations?

Mr. WALSH. Certainly, Mr. Chairman. As the gentlewoman from Ohio knows, the gentleman from New Jersey (Mr. FRELINGHUYSEN) has been a very active advocate for the housing needs of the disabled population, and I have worked very well with him in the past on this issue, and I am pleased to have the participation and support as well of the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. My impression, Mr. Chairman, is that the disabled are currently underserved by section 811, and I am sure that the gentleman from New York would agree with me that we are not currently meeting the housing needs of the disabled. I further ask the gentleman from New York (Chairman WALSH) to work with me as we go to conference to improve the overall level funding for section 811.

Mr. WALSH. Mr. Chairman, the concerns of the gentlewoman from Ohio (Ms. KAPTUR) are quite valid, and they deserve our attention. I will certainly do my best as this bill goes through the appropriations process.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from New York (Chairman WALSH) very much for his leadership on this issue and so many others.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come to the floor to certainly join my colleagues, and I do appreciate the work of this committee; and I think it has been stated earlier the frustration in which we are operating because, in contrast to what the appropriators have had to work with, we have an enormously booming economy.

So this amendment of the gentleman from West Virginia (Mr. MOLLOHAN) is one that really should garner all of our support. Unfortunately, it is subject to a point of order; and, frankly, it should not be because we are in one of the most prosperous times that we could ever be in in both the last century and in this century.

I would venture to say, if we took some of the most prosperous cities in America, we would still find individuals who are unhoused, who are in housing that is unacceptable, who are homeless and are in need of the funds particularly utilized in programs of HUD.

HUD is one of the larger agencies, and it has one of the largest cuts in this appropriations process. Although my colleagues have supported the FHA loans, which certainly are meritorious, and the renewal of existing section 8A subsidies, my colleagues, however, on this appropriation on this subcommittee has provided less money for the housing programs than we have seen over the years.

I believe that it is time that we acknowledge the prosperity and to function with that. We do not have funding for empowerment zones. We do not have funding for new markets. We do not have funding for APIC. The section 8 that we do fund can afford to have more dollars. The good news is that section 8 vouchers can be utilized for buying housing.

What greater opportunity for those who are working and have less opportunities for them to take the dollars that were used previously for rental subsidies to be able to buy a home.

But if we continue to cut and undermine the housing subsidies that are given through the Federal Government, then we continue to emphasize that those who cannot meet the market cannot buy in the market because their income does not allow them to do so, a continuously increasing market, then we will not provide for them; they just do not get housing.

I believe inadequate housing is indicative of many things: dysfunctional families, children moving from place to place, children not having a home school, if you will, a school that they go to on a regular basis because they are living with relatives because their family members cannot afford decent housing.

I do not believe that, in this most prosperous time, that we commend ourselves well as a body that has a responsibility for funding programs that help the least of those if we do not provide the adequate funding.

The billion-dollar amendment that the gentleman from West Virginia (Mr. MOLLOHAN) offers that spreads out through a variety of HUD programs answers the needs that we have and particularly the needs of those who are not housed.

A recent study on housing needs found that more than 5.3 million low-income families do not receive any Federal housing assistance at all. We must ensure that these families receive the help that they need, and mostly because they are low-income working families and they do not meet the status or the standards or there is not enough money to assist them.

We can only do that if funding meets that need. By funding HUD by less than 8 percent than the President requested, we cannot possibly accomplish this goal. But more importantly, even if we underfund what the President has asked for, we are underfunding this

agency in great amounts, generally speaking, because there are large numbers of people who are still on waiting lists for public housing assistance and for section 8 certificates and for elderly housing.

So I would commend the gentleman from West Virginia (Mr. MOLLOHAN) for realizing that, in prosperity, we must always do more; we must accept the question or answer the question, can we do more. Yes we can. We can do more with the housing that most of the people in America would support when they find that people cannot get the housing that they need.

I am disappointed that we have not gone the extra mile. I would think that those who are in need would likewise challenge us to do more than we have done. Our elderly, our people who are unhoused, our people who do not have a sufficient amount of housing would ask us to object or eliminate the point of order and support the Mollohan amendment.

Mr. Chairman, I rise today to oppose H.R. 4635, the VA-HUD-Independent Agencies Appropriations for FY 2001. Although this legislation retains our commitment to the American people in some areas like NASA, it falls far short of an appropriations measure that the American people expect from the 106th Congress. Accordingly, the President would veto the bill in its current form.

The measure increases spending for VA programs (6 percent more than the current level), NASA (1 percent more) and NSF (4 percent more), but it cuts EPA, FEMA and other vital programs. This bill is lacking in basic funding needs that are critical to the American people.

The President's FY 2001 Budget is based on a sound approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit, and funds critical priorities for our future.

H.R. 4635 severely reduces our ability to address basic issues like poverty and the shortage of affordable housing and undermines investments in our communities. The elimination of funding for the Americorps program would deny over million young and impressionable Americans the opportunity to provide community services and become better citizens as participants in the Corporations' Americorps (62,000 participants) and Learn and Serve (1 million participants) programs. Nevertheless, we are living in unprecedented times of economic growth in America. Mr. Speaker, we cannot squander this historic opportunity to invest in America's future; the VA-HUD Appropriations measure risks doing just that.

I am very disappointed that the legislation increases spending for merely two HUD programs—FHA loans and renewal of existing section 8 rental subsidies—while providing less than even the current level for other HUD activities. Utilizing advance appropriations next year's budget and various gimmicks to give the impression that there isn't enough money

to fund basic priorities is inconsistent with the needs of the American people. The reality is that we have a historic opportunity to continue paying down the debt while passing an appropriations measure that adequately meets the needs of those that have been left behind in the New Economy.

A recent study on housing needs found that more than 5.3 million low-income families do not receive any federal housing assistance at all. We must ensure that these families receive the help they need, and we can only do that if funding meets that need. By funding HUD by less than 8 percent than the President requested, we cannot possibly accomplish this goal.

Economic growth has done little to solve the housing problem in America. During the early part of the 1980s, the United States faced a slowing economy and worsening housing affordability. Even in the 1990s, the economy grew at a healthy pace; yet housing affordability for the poor continued to deteriorate. Today, housing needs are so acute that they are painfully visible in the neighborhoods of every major city in the United States, as the homeless have become a persistent part of our daily lives.

Although no requests for specific requests in congressional districts are permitted under the rule, we should recognize that the housing shortage in America continues unabated.

I have requested \$35 million for the Supportive Housing Project for rental assistance to low-income families in Houston; \$2 million for the Single Room Occupancy program which provides homeless persons in Houston with a private room to reside in, as well supportive services for health care, mental health; and job training; and \$300 million for the Housing Opportunities for Persons with AIDS program that provides states and localities with resources and incentives to devise long-term, comprehensive strategies for meeting the home needs of persons with AIDS and their families.

We cannot afford to forget those in our society who are not reaping the rewards of this economic boom. Housing is a critical component of keeping America's families first.

Compared to current levels, the bill decreases funding for public housing modernization (3 percent), revitalizing severely distressed public housing (2 percent), drug elimination grants (3 percent), the CDBG program (6 percent), "brownfields" redevelopment (20 percent), and the HOME program (1 percent).

Moreover, the measures provides no funding for urban and rural empowerment zones, welfare-to-work vouchers, the Moving to Work program or communities in schools. What are we saying here today as a collective body? Are we saying we don't care about those in poverty-stricken areas? Should we ignore the hopes and fulfillment of dreams that the empowerment zones have shown in certain areas? We can and we should do better, Mr. Speaker.

I am also disappointed that this measure would prohibit the Veterans Administration from transferring any medical care funding to the Justice Department for use in the government's lawsuit against tobacco companies. This is merely a partisan tactic to distract debate from how to spend the federal budget to

ongoing litigation by the Department of Justice, which has nothing to do with the underlying measure. Such riders make little sense and frustrate the goal of funding critical programs for our future.

Despite the shortcomings of this bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the pre-eminent country for space exploration. Last year, NASA's budget was needlessly cut and I support every effort to increase funding during the FY 2001 appropriation process. Although this measure is destined to be vetoed in its current form, I believe the \$13.7 billion appropriation, \$322 million (2%) less than requested by the administration, could have been even more generous.

The measure provides \$2.1 billion for continued development of the international space station, and \$3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this legislation so that we can get back to work on a bill that invests in America's future, especially to strengthen our resolve to make affordable housing a reality across America.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOAKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I favor very much the amendment of the gentleman from West Virginia (Mr. MOLLOHAN). I hope it passes. But, Mr. Chairman, the VA-HUD appropriations bill that we are considering is really seriously underfunded. It is underfunding so many housing programs which is so vital to so many people in our country and many in my own Commonwealth of Massachusetts.

In this time of economic prosperity, it is important to remember where many people who are still struggling to get by every day, what is going to happen to those people and those who need the housing programs to put a roof over their heads.

Mr. Chairman, not everyone in this Nation is so lucky to own dot-com stocks. Not every family has seen the tremendous financial windfall that the Nation's booming economy has created.

This bill severely cuts housing programs by \$2.5 billion less than President Clinton's requested amount. Nearly every program in HUD's budget is cut from the President's request.

I just cannot figure out why my Republican colleagues would not choose to fully fund affordable housing, which is so crucial to so many people in our country. Contrary to the belief of some of my colleagues, the HUD budget is not increased. In fact, this year's VA-HUD appropriations bill turns its back on the need for affordable housing. While the administration has requested 120,000 new section 8 vouchers, this bill does not include a single new voucher.

Community Development Block Grants, which are used to rebuild housing, improve infrastructure, and provide job training, among other things, are cut by almost \$300 million.

Mr. Chairman, this bill cuts the HOME program, which helps local governments expand low-income housing, resulting in nearly 2,500 fewer households receiving critical assistance.

This bill provides no new funds for elderly housing, for homeless assistance grants, for Native American block grants. Mr. Chairman, it cuts housing opportunities for people with AIDS to the extent of 5,100 fewer people with HIV/AIDS will not receive housing assistance.

Mr. Chairman, this bill also cuts \$60 million in Hope 6 funds which are used to revitalize severely distressed public housing.

This bill has a devastating effect on my own congressional district as well. In Boston, overall funding from HUD would be cut by \$16.1 million. In Boston, these cuts would mean we would not be able to provide English language to GED instruction, youth programming and after-school care to more than 1,300 children and adults.

Under this bill, Boston would be forced to turn away 3,000 potential first-time homeowners from the home buying classes. My city would also have to scale back its main street programs which develop neighborhood business districts.

Mr. Chairman, these are real programs. They help real people across this entire country as they strive to live with dignity. But today this Congress is going to cut those programs. Why? Because, Mr. Chairman, my Republican colleagues are so committed to providing tax relief for the wealthy Americans on the backs of those who literally need the programs to survive.

I hope the amendment is adopted, but I hope the bill is defeated.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am moved sitting here to think I am living in la la land

somewhere. May I please ask the gentleman from New York (Mr. WALSH), chairman of this subcommittee, where is he from?

Mr. WALSH. Mr. Chairman, will the gentleman yield.

Mr. HASTINGS of Florida. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I am from the State of New York.

Mr. HASTINGS of Florida. Mr. Chairman, is the gentleman from a city in the State of New York?

I yield to the gentleman from New York.

Mr. WALSH. Yes, Mr. Chairman. I was city council president in the city of Syracuse, and I served on the city council for 8 years.

Mr. HASTINGS of Florida. Mr. Chairman, that is what I thought. I ask the gentleman from New York, is there low housing stock in Syracuse?

Mr. WALSH. Mr. Chairman, if the gentleman will yield, we have a public housing authority, one of the best run housing authorities in America.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, the gentleman from New York also has a ghetto. We have ghettos all over this country. I am surprised that we would come down here and argue to the people that we want to cut out an opportunity for low-income people to have adequate housing.

One of the problems in this country is the inseparable triumvirate of inadequate jobs, inadequate housing, and inadequate educational opportunities. One can go to Syracuse, and I have been there, and I will show one where the ghetto is. One can go to Fort Lauderdale or in Miami, the district of the distinguished gentlewoman from Florida (Mrs. MEEK), who spoke earlier, and I will show one a place where there is a necessity for added housing in this country.

At one point in the 1960's, I considered, as a lawyer, changing my entire practice to trying to help the low-income people of this country. At that time, the then HUD-FHA programs were 221D(3), 221D(4), 221H that did rehab of all properties. Along came Richard Nixon in 1968 and doggone if we did not cut out all of those opportunities. Real estate investment trusts attracted those persons who had high income to come into low-income areas to help build the housing stock.

Now, from the gentleman from New Jersey (Mr. FRELINGHUYSEN), who I heard argue that the spend-down rate has been poor, one cannot spend where there is nowhere for a person to buy.

We do not have adequate housing in this country. Therefore, if one had all of what everybody is arguing, one still would not have low-income housing stock because it has been on the decrease.

Please come go with me in Washington, D.C., and let me show my col-

leagues boarded-over places, just like in Syracuse, I say to the gentleman from New York (Mr. WALSH), just like in New York City, just like in Chicago and all over this country we find this.

Our charge is to help the least of those among us. What we have done is turn it on its head in this House of Representatives. We have helped the least all right. The least which control most of everything in this country are now gaining the most. None of us are to begrudge them, but that does not mean that the least of us should not be helped.

How dare we not accept the program like the gentleman from West Virginia (Mr. MOLLOHAN) has offered and allow for us to be able to at least address minimally a problem that all of us know that is developing.

The gentlewoman from Texas (Ms. JACKSON-LEE) spoke about how this creates dysfunctional families. It also helps to breed crime. It helps to breed all of those things about our society that all of us find repugnant. Yet, we come here and think that these people are supposed to be ignored.

This is the same Federal Government that allowed for banks to build all of these things all over this Nation and redline other communities and not give them an opportunity to have their communities developed.

In the area where I am from, from Fort Lauderdale, I have supported every Chamber project, I have supported every one of the tax situations that allowed for the development of the downtown area. All around me, everywhere around me, other than where I live, has developed in a mighty way.

I am proud to be a part of that community. But I will be doggone if I can stand here and say that I am proud so much that I ignore those people in the areas that all of that prosperity is looming around, booming all over them, and busting them right in the mouth by saying to them that we cannot do a minimal housing program that will be advantageous to all of society.

□ 1900

Shame on this House. Shame on every one of us that does not support the Mollohan amendment, and shame on all of us that cannot believe that it is necessary to put a fair roof over the heads of every American no matter where he or she lives; those that are disabled, those that are sick, those that are elderly, those that are children, those that need the kind of assistance that we can adequately provide in the kind of prosperous times that we have. How dare we not do that.

I find it absolutely abhorrent, and I call on every Member of this House of Representatives to support the Mollohan measure. Yes, the gentleman from New York (Mr. WALSH) will move a point of order, but I can order him to look in Syracuse, where the gentleman

needs help in housing, and I certainly do in Ft. Lauderdale, and there are 433 other Members of this House with impoverished and rural areas that need adequate housing.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WALSH. I do, Mr. Chairman. I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, as I stated earlier, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, therefore violating clause 2 of rule XXI. It also provides no offsets for the expenditures that are proposed, as called for under section 302 of the Budget Act.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. MOLLOHAN) wish to be heard on the point of order?

Mr. MOLLOHAN. No, Mr. Chairman. I recognize that the gentleman has a valid point of order. We appreciate the opportunity to debate the issue here, and again we recognize the validity of the point of order.

The CHAIRMAN. The point of order under clause 2 of rule XXI is conceded and sustained.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Mollohan amendment and in opposition to the VA-HUD appropriations bill, because I have some serious concerns about the negative impact this legislation will have on the quality of life for veterans and for those citizens who need public housing assistance.

This budget for VA-HUD proposes to cut \$180 million for Section 202 housing programs, notwithstanding the fact that this is the funding which allows distressed housing authorities to demolish and replace decrepit housing which was mandated in the Omnibus Budget Act of 1996. The Congress has mandated that housing authorities in New Orleans, Philadelphia, Chicago, and other cities comply with new rules and new directives while, at the same time, cutting the money to make it happen. We cannot get blood out of a turnip, and we cannot make wood cabinets without lumber.

In Chicago, the Chicago Housing Authority has unveiled a bold plan for transformation. Components of this plan includes completely replacing the old out-dated, outmoded, socially irresponsible high-rise, densely populated semi-prisons with 25,000 new or newly rehabbed units of housing for families and the creation of new housing opportunities for senior citizens and people with disabilities.

Since half of the Chicago Housing Authority's existing stock falls under the Section 202 mandate, the CHA is counting on competing for Hope VI

grants as the primary vehicle for change. The CHA will need to win Hope VI revitalization grants in fiscal year 2001 to begin rebuilding of its housing properties, with the one primary example being the infamous Robert Taylor Homes, which has produced 13 of the poorest 15 census tracts in the Nation, and is known as the center of poverty.

Under plans being drawn up with residents, the CHA is proposing to create new low-rise mixed income neighborhoods. These neighborhoods will be filled with quality housing, 50 percent of which is scheduled to be built by minority firms who will hire public housing residents. There will be new parks, new schools, new roads and infrastructure. These relics of past public policy failures will rise and give hope to thousands of people.

This fall, the CHA will take HUD's commitment to fund the CHA over the next 10 years and do something quite extraordinary. The CHA will sell bonds to the private market. And let me reiterate this last point. A public entity is taking Federal commitments from HUD for funding and taking them to the private market and asking them to underwrite the revitalization of the Nation's poorest neighborhoods. This type of public-private partnership to fund revitalization has never been done before.

A social nightmare has the possibility of being eliminated as we get rid of some of the worst housing in the Nation and create thriving new neighborhoods. And how is Congress proposing to respond to this bold Chicago plan for renovation? This House is proposing to cut \$180 million needed to fund the first phase of this resurgence. We are stating to the private sector that this House does not have enough confidence in HUD or its funded agencies to pull off reform. We are saying that this Congress does not honor its commitments. We ask for the private sector to do its part, but we will not do ours. In short, we have dictated reform and retracted financial support. We want the rain without the thunder and the lightning. We will have summarily doomed reform before it has begun.

And what are the consequences? Instead of creating 25,000 units of quality housing, Congress will mandate the Chicago Housing Authority to demolish 19,000 units and keep 19,000 substandard ones. Instead of creating new construction jobs and business opportunities for small- and medium-sized minority ventures, Congress will close the door of opportunity. Instead of new schools, parks, roads, and needed housing opportunities for people of all incomes, Congress will have refueled segregation and pockets of poverty. And instead of demonstrating that government can be an active productive partner with private industry in the recreation of new opportunities for business and future customers, Congress will

keep demanding compliance and reinvestment without demonstrating the will to put its money where its mandates are.

So I say to this Congress that without additional Hope VI funding, there is no hope. A promising future will be nothing more than broken promises. Those towers of misery will continue as barricades to advancement, locking future generations into poverty and preventing this country from wiping a terrible stain from its past.

Mr. Chairman, I urge support of the Mollohan amendment and urge that we vote down the cuts and raise hope.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

I appreciate the hard work that my colleague, the gentleman from New York (Mr. WALSH), has done with the low funding allocations that he was given, however this spending bill makes cuts in Housing and Urban Development's efforts to address affordable housing, community development and economic development issues. I am pleased to take this opportunity to speak in support of the Mollohan amendment to increase the funding for the HUD housing programs by \$1.8 billion.

This amendment addresses the drastic underfunding in this bill of several important HUD programs in the country and in my district. Under the President's budget, the Rochester, New York area would have received an increase of \$4 million over last year. But, instead, under this bill being considered this evening, my district will have its programs cut by \$400,000. These cuts mean fewer people will be able to purchase a home, fewer people with HIV/AIDS will receive housing assistance, less money is available to enforce fair housing laws, less money to fight against the widespread predatory lending practices, less money that can be used to deliver services to the homeless, and less money for elderly housing.

An elderly woman in Rochester contacted me frustrated about the critical shortage of affordable housing. The waiting list for this housing and the low maximum income limits on new and existing homes were a very great barrier to her, and she correctly pointed out that it will only get worse as seniors live longer.

She and her husband are "too rich" for low-income housing by \$500 and too poor for assisted care senior housing. They also cannot find handicapped accessible housing, which is necessary for her husband, who has had a stroke. They are being forced to sell the home they live in and they do not know where they are going to move. She remarks, "Our golden years have been very tarnished."

Unfortunately, she is not an isolated case. With a record of \$5.4 million unassisted low-income households in this

country having worst-case housing needs, and spending over 50 percent of their income on rent, the bill's low funding is inadequate. I urge my colleagues to do better in conference.

Mr. MEEKS of New York. Mr. Chairman, I move to strike this last word.

Mr. Chairman, I stand here in amazement over what we are about to do. We stand in this Nation on high moral ground as we criticize other nations across the world about human rights' violations and all other kinds of violations when we are about to do the worst violation we can do of one; the pride of one who is less fortunate than us to not have a decent roof over their heads.

How can we, in this time of fiscal prosperity, deny those who do not have a roof over their heads? How can we not increase funding for Section 8 when we have hundreds of millions of people who are waiting for decent homes in this day and age of fiscal prosperity? What is wrong with us? What is wrong? We talk about, and many of the individuals particularly on the majority party always speak of, fostering family values. How can we foster family values if we do not value the family? These families need a decent place to live and we must increase the HUD-VA budget.

When we had times of budget deficits, we were enacting in this Congress a sort of reverse Robin Hood, because everything that we did was take away from the poor so that we can balance a budget. Well, we have a balanced budget. We have a situation where we no longer are trying to figure out where dollars are coming from. In fact, we have surplus budgets, yet we will not restore budgets to where they once were.

What is wrong with us when we do not care about the elderly, the disabled? How can we stand here, the greatest Nation in the world, and talk about how great we are. What kind of example do we set for other countries when we do not take care of the least of our own? It is ultimately our responsibility to make sure that we take care of the least among us.

This Congress, in the manner that it is behaving, if we do not support the Mollohan amendment, will be convincing me more and more each and every day that Robin Hood was right.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Mollohan amendment because this bill does not meet our great need for affordable housing. I represent Chicago, where the waiting list for public housing is 35,000 families long. Thirty-five thousand people is as big as some cities. That is like having the entire city of Atlantic City waiting in line to get a decent place to live.

It is even worse than that in Chicago. In Chicago, right next to that line is

another line of 24,000 people waiting for Section 8 vouchers. In fact, that line is so long they had to close it. The need for affordable housing is so great in Chicago that not only can a person not get a rental voucher, they cannot even get in line to get a rental voucher. That is what we are facing in Chicago. And it is the same in communities across this country.

This bar graph shows the latest available national figures; 5.4 million households facing what is called worst case housing needs. That means that they either pay 50 percent or more of their income for rent or they live in substandard housing; 5.4 million men, women, and children, more than any other time in our history. But this bill does nothing, absolutely nothing, to help even one additional family, and does nothing to reduce the lines, and actually cuts money to improve housing.

□ 1915

The press asked for additional funds for public housing. That is money to do the repairs and upkeep that every home requires, including our public housing. And that is money for the HOPE 6 program, which would rebuild public housing that is uninhabitable like the kind we suffer in Chicago. And that is money for the Drug Elimination Grant program to fight the drugs and gangs and guns that are chewing up our children.

But this bill does not make any of that a priority. It actually cuts money for public housing from last year's funding levels. And these cuts are on top of the cuts that we had last year and the year before and every year since 1994, totaling over \$1 billion in cuts for public housing.

In Chicago we have a line as long as Atlantic City waiting for public housing, and this bill does nothing to help them. And it does not help our cities and neighborhoods, either.

The U.S. Conference of Mayors, Republicans and Democrats, wrote us a letter detailing what they need to revitalize their cities and bring home jobs and homeowners back into their community. The mayors want \$2 billion for HOME, the major Federal homeownership program that gives mortgage counseling to would-be home buyers and helps build cities and repair homes. This bill, however, does not make homeownership a priority. This bill actually cuts the HOME program. And it does not do enough for the homeless. This is a housing budget.

If we help anybody, we should at least help the people who have no house at all. Instead, we keep homeless funding at the same inadequate amount that we gave them last year. It is not that there are any less homeless people. In fact, there are more homeless people.

The Urban Institute recently updated their study on homelessness. The new

study showed that over 840,000 people live on the street any given night. We should be ashamed. Twenty-five percent of those people are children. That is more people than live in Detroit or Milwaukee or San Francisco. Imagine on any given night that everybody in San Francisco, even the children, have to line up in a homeless shelter. This bill leaves them out in the cold.

There are lines of people waiting for affordable and decent housing in Chicago, in Washington, in San Francisco, in Boston, in rural America, in the South, in the North, everywhere. And this bill does not enough, almost nothing, and certainly nothing additional to help them.

With a booming economy and budget surpluses, we can help the families, the seniors, the communities, and the homeless. The President asked for that money to provide more help. The majority leadership could have found the money. I am voting against this bill until they do. I urge my colleagues to do the same.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

PUBLIC HOUSING CAPITAL FUND
(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), \$2,800,000,000, to remain available until expended, of which up to \$50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and \$43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: *Provided further*, That of the total amount, up to \$75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$3,138,000,000, to remain available until expended: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 25, line 19, after the dollar amount, insert the following: "(increased by \$1,000,000)".

Page 45, line 12, after the first dollar amount, insert the following: "(reduced by \$1,000,000)".

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent for the amendment to be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Chairman, this is a very simple amendment that the CBO has certified is budget and outlay neutral. This amendment increases funding for the Public Housing Operating Fund by \$1 million. To offset the cost of the amendment, it reduces funding for the HUD Management and Administration Salaries and Expenses by the same amount.

As a member of the House Committee on Banking and Financial Services, Subcommittee on Housing and Urban Development, I have worked in an oversight role for HUD for a number of years. In that time, I have witnessed a great deal of change at HUD. I can unequivocally state that HUD does an excellent job at public relations.

Listen, if HUD dedicated the same energy toward ensuring a decent, safe,

and sanitary home and suitable living environment for every American, I believe we would have the smallest of tasks before us today. Unfortunately, that is not the case, and we have a long way to go to recognize those laudable goals.

It is unfortunate, but today's HUD is plagued with problems that simply cannot be blamed on passive administrations. Countless reports of the GAO and the HUD Office of the Inspector General cite deep-rooted government waste, fraud, abuse, mismanagement, and a general lack of oversight.

For instance, the General Accounting Office recently reported that in 1998 HUD made nearly \$1 billion in section 8 overpayments because the agency cannot validate the income eligibility of housing assistance applicants. This wasted money could have provided housing for some 150,000 more families.

Another example is the HUD Office of the Inspector General, which has re-

ported for years that HUD operations suffer from systematic management weaknesses. HUD's response has been the HUD 2020 Management Reform Plan, but the IG reports that the agency remains far from addressing the systematic management weaknesses.

These problems demand action. Yet, instead of acting on recommendations of independent investigations, HUD has thrown good money after bad, writing their own reports and hiring consultants to write glowing reports about what a great job HUD is doing. Unfortunately, these reports do not magically fix HUD's deep-rooted problems.

I have received from the HUD Inspector General's office a list of these reports by outside consultants on which HUD has spent well over a million dollars. Mr. Chairman, I include the following list for the RECORD:

Contract No.	Task Order No.	Contractor Name	Date of Award	Amount of Contract	Purpose
OPC-21273	5	Price Waterhouse Coopers	Unknown	Indefinite Quantity	Responding to audits and findings (the GTR is from Housing)
OPC-21217	4	Price Waterhouse Coopers	9/30/99	\$1,000,000	FILA Audit Response
OPC-18542	14	Price Waterhouse Coopers	10/30/98	126,984	Evaluate the accomplishments of 7 critical projects of HUD 2020
OPC-21387	Basic	Squire, Sanders & Dempsey	3/31/99	200,000	Legal Services to assist in defense of claims asserted
Purchase Order		Day, Berry & Howard	5/26/98	48,000	Investigation of EEO complaint
Purchase Order	4	Williams & Connolly	5/26/98	49,875	Investigation of EEO complaint
OPC-18531		Ernst & Young	9/21/99	146,962	Independent analysis of CB effectiveness
OPC-18532	8	Booz-Allen	9/26/97	37,576	2020 Technical Assistance
OPC-18532	9	Booz-Allen	12/18/97	412,724	2020 Assessment, includes subcontracts with Champey and Osborne
OPC-18533	4	Andersen Consulting	7/15/99	155,713	HUD Customer Survey

Above is a listing of HUD initiated contracts that were intended to dispute OIG audit or investigative matters. A comprehensive listing would be difficult to compile. The procurement data system (1) has hundreds of vendors, (2) does not identify subcontractors, (3) is not linked to the HUDCAPS disbursement system, and (4) the tasks descriptions provide minimal detail. Also, the amount column is the obligation amount, actual payments would need to be verified with the payment system (HUDCAPS). We suspect that costs were greater for some contract items, but we are uncertain as to if and when these payments were made.

The National Academy of Public Administration (NAPA) has conducted several reviews of HUD activities at the specific direction of Congress. NAPA's contract activity with HUD has been a little over \$1 million. NAPA's reviews of procurement and staff resources are two recent examples where HUD used favorable portions of these reports to dispute issues developed during OIG audits.

Mr. Chairman, these reports were compiled by Price Waterhouse, Coopers, Booz Allen, Anderson Consulting, Ernst & Young, and others. While outside evaluations are helpful, my concern is that HUD directed their focus away from their problem areas or limited the scope of the consultants' report to such a point that they could not properly evaluate the program.

For instance, Ernst & Young was paid nearly \$150,000 last September to evaluate the effectiveness of the Community Builders program. Unfortunately, they were limited to a select 40

community builders, each chosen by HUD of the more than 800 in place.

I ask, how can we see any value in such an investigation? We cannot allow such problems at HUD to continue. We have to send a strong message that the HUD mission is safe, clean, strong, and affordable housing and not a good public relations effort.

My amendment is reasonable. We move \$1 million from the Management and Administration Salaries and Expenses account to the Public Housing Operating Fund, where I am confident it will be spent on providing a suitable living environment for people dependent on public housing. It was my hope that the Public Housing and Operating Fund could have been funded at a higher level.

With the budgetary constraints placed on my good friend from New York, the chairman of the VA-HUD subcommittee, the levels in this bill are admirable. I look forward to continuing our work to raise to fund further.

Passage of this amendment certainly is a step in the right direction. I urge my colleagues on both sides of the aisle to join me in favor of an amendment to send a clear message to HUD on the proper use of HUD funds.

The waste, fraud, abuse, poor oversight, and mismanagement indicative of HUD must be properly addressed and denied no longer.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to speak in favor of the Kelly amendment. This amendment would help ensure that funds will be spent on helping individuals purchase housing and not on the wasteful self-promotional activities of HUD. It would direct funds to a program which promotes self-worth and strong neighborhoods by replacing the worst public housing, turning around troubled neighborhoods, and implementing rent policies that reward and encourage work. This program requires greater responsibility on the part of the tenant as a condition for assistance.

Many HUD programs have continually been criticized for their waste, fraud, and abuse. The Federal Housing Administration is a perfect example of one such program. HUD has used taxpayers funds to finance all kinds of studies and reports, including one self-congratulating report that had a price tag of \$400,000. The waste, fraud, and abuse within HUD has cost taxpayers and potential home buyers millions and maybe even billions of dollars.

I appreciate this opportunity to highlight the waste within HUD, some of which was recently revealed in reports by the HUD Inspector General and the General Accounting Office.

One of the most horrific examples of waste, fraud, and abuse within these

reports has been discovered in the management of the FHA. HUD's inventory of unsold homes last year was the highest that it has been in 10 years, which is amazing in such a tight housing market.

Due to the increased number of these unsold properties, HUD hired contractors at the cost of \$927 million to maintain and restore the properties. HUD's lack of oversight led to rampant fraud.

One of these contractors was a company called InTown, who had seven of these 16 contracts. Due to InTown's inability to maintain existing HUD property or refurbish the run-down properties, the Government had to terminate their contract, but not before paying them. Then InTown filed for bankruptcy and the subcontractor hired by InTown put liens against these HUD properties. This resulted in a loss to the Federal Government of \$7 million.

HUD's lack of efficiency, management, and oversight continues to deny homeownership assistance to the most needy individuals. HUD is denying the opportunity for more people to participate in their programs by allowing their taxpayer dollars to be wasted in this manner.

I want to thank the gentlewoman from New York (Mrs. KELLY) for her amendment and for her continued diligence on stopping this waste, fraud, and abuse that goes on in so many of our government agencies and programs. HUD is a perfect example of an institution in need of fiscal reform.

I urge support of the Kelly amendment.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment. The Kelly amendment stops HUD from spending money on self-promotion and puts money where it will be spent on families who need public assistance housing. It is simply wrong for HUD to spend one penny on self-promotion while people in need remain on waiting lists.

In her semiannual report to the Congress for the period ending March 31, HUD Inspector General Susan Gaffney found "massive fraud schemes." Gaffney also reported "a very significant breakdown" in program controls designed to prevent such fraud. Gaffney also said, "Our work in the areas identified serious control weaknesses that expose the Department to fraud, waste, and abuse."

We do not have to look very far to see evidence of the Department's inefficiency and poor oversight. Just look at HUD's payment of excessive section 8 rental subsidies to the tune of \$935 million in 1998 and \$8.5 million for storefront operations that never benefited the public. Or we may look to HUD's staffing shell game. For years HUD had complained about having inadequate funds for a required staff of 9,300 full-time employees and has threatened a reduction in force.

However, even though Congress provided funds for 9,300 FTEs in current year, HUD only had 9,040 full-time on staff. We must believe that this inflated personnel requirement represents an attempt by HUD to secure a larger than necessary appropriation.

Examples like this leave us no reason to question Inspector General Gaffney's claim that HUD will remain on GAO's high-risk list for the foreseeable future.

The Kelly amendment is another step in the Republican majority's goal of eliminating waste, fraud, and abuse. This amendment strikes \$1 million from the Operating and Expense budget and puts it into the Public Housing Operating Fund, where every penny will be spent on housing.

This amendment will not cut any staff, as my colleagues on the other side may claim. This amendment will merely reduce the expense fund, which HUD uses as a slush fund to operate its current Secretary's political PR machine.

Under the current Secretary, we have witnessed the absolute politicization of HUD. We saw HUD sweep in and seize control of public housing programs from the City of New York. We have watched the current Secretary bend and contort HUD's mission to now include industry lawsuits and gun control programs.

In my home State of Nebraska, soon after a member of our congressional delegation endorsed the wrong presidential candidate, programs that HUD had funded for years mysteriously had their funding cut off. For me, it is all too clear, what is intended to be a public housing agency has, sadly, become a public relations agency for the current administration. The Secretary should not use taxpayer funds to promote his own ambitions.

This amendment stops HUD from spending money on public relations and puts the money back into public housing. HUD should not spend money on what amounts to political advertising while we still have families in need on waiting lists.

I urge my colleagues to support this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening in support of the Kelly amendment. But I want to be clear on this. I rise in support of the amendment not because of any insensitivity to affordable housing, as the other side seems to suggest, but, instead, because I care passionately about affordable housing.

I come from a State where breaking the bonds of poverty has been one of our highest priorities.

□ 1930

I believe that the dollars we spend on affordable housing are about the most

important dollars we as an institution spend. Now, I want to believe that the leadership of HUD shares that philosophy, the importance of these precious dollars. But, Mr. Chairman, to be honest at times that is awfully hard to believe. We have heard reference to the Office of Inspector General's report. That report is damning. It shows that there is a lack of accountability at HUD. HUD could not produce reliable financial records for 1999. Yet these dollars are precious. HUD's newly installed financial system, something called HUDCAPS, could not even meet basic financial system requirements. Yet they say these dollars are precious. The Inspector General's report listed example after example of fraud, waste, and abuse.

As my colleagues have mentioned over and over again this evening, HUD spends an awful lot of money on self-promotion while people, while families stand in line waiting for help with affordable housing. The Community Builders Program quite frankly has been little more than a public relations effort. The Inspector General's report says that it is full of, quote, inappropriate hiring. That is putting it mildly. The Inspector General, not me, not the House Republican Conference, not the RNC, says that this program does very little if anything, very little if anything, to address the core mission of affordable housing. This directs valuable dollars away from where we need it most. We need to get back on track.

The Kelly amendment is simple. It is common sense. It helps HUD to refocus on its core mission of providing affordable housing. It does not cut staff. It does not cut core programs. It cuts self-promotion. It sends the money back to where it belongs. A number of my colleagues have and will tonight speak about the lack of funding for affordable housing, and I share some of their values and some of their concerns. This amendment is a simple, common sense way to meet the needs that my colleagues have enunciated. If we want to put more money in affordable housing programs, this amendment is the way to do it.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Kelly amendment. I would anticipate after all the rhetoric we heard on the preceding amendment that this would receive strong bipartisan support given the concern that the minority has expressed for doing more in the key operating accounts of this bill. This is a case where the Representative merely wants to take \$1 million from non-essential expenses, from report writing, from promotion within the Housing Department and put it into an account that will help people receive affordable housing, \$1 million, from nonessential administrative overhead into a program that will enable more people to get the housing that they deserve.

We have heard about waiting lists for some of these important programs, and I think that there is a tremendous amount of merit in this common sense amendment. But it is a very modest amendment, let us face it. We can do even more. We should be doing even more. I have been fortunate to be the chairman of the task force on the Committee on the Budget that has looked at other ways to find the resources to put into these key accounts that help people with a certificate and a voucher program, for example. One of the problems that we uncovered within HUD was an inability to truly verify the income of those that receive housing benefits.

Now, that is important because if HUD is underestimating the income of beneficiaries, it is overpaying subsidies. And if it is overpaying the subsidy to someone who is in public housing, then there is someone else that is not in the housing that cannot benefit because someone is taking their place, perhaps inappropriately, because they have misreported their income.

Well, it stands to reason that we should be able to verify the income of those that are relying on the Federal Government for such a significant and important subsidy. Unfortunately, HUD cannot. How big is this problem? Is it \$1 million? No. Is it \$10 million? No. Is this a \$100 million problem in HUD? No. Is this a \$500 million problem? It is even bigger than that. HUD and the GAO estimates there are \$935 million in subsidy overpayments every year. This is not a historical problem. This is a yearly problem. Last year they estimated it at over \$800 million. This year \$900 million. What does that mean? That means over 100,000 families on the waiting lists cannot get access to existing affordable housing.

Now, the members of the administration that testified said, "Well, we don't know for sure that it's \$935 million." I am the first to admit it is very difficult to estimate the exact amount of the overpayments. But even if we are off by a factor of two, that is still nearly \$500 million that taxpayers are sending to Washington that we are appropriating to HUD that everyone in this body and across the country thinks is going to affordable housing and it is not. We need to do better. This is a very modest step in the right direction, taking \$1 million from administrative overhead and helping people get the housing that they need. I very much hope that this will be supported on a bipartisan basis because it is not just a good amendment, it is common sense.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot imagine this amendment being supported on a bipartisan basis. The fixes that we need to HUD were contained in the Mollohan amendment, to increase funding for in-

cremental Section 8 vouchers, for public housing capital fund, for the public housing operating assistance, for Native American housing block grants, for Housing Opportunities for Persons with AIDS, for community development block grants, all programs that were cut significantly in this bill, as was the very account that the gentleman proposes to cut another \$1 million out of, the S&E account.

Obviously it takes money, it takes people to administer these programs. The request from the President for the FTEs, that is, the number of people to work at HUD to help people with housing problems, to administer all of these programs that are short-sheeted in this bill, the President's request was for 9,300 FTEs. This bill funds 9,100, already a significant cut. The President requested \$1.095 billion for the S&E account, the account that the gentleman takes \$1 million out of. This bill appropriated \$90 million less than the President's request already, or an 8 percent cut the S&E account took from the President's request in this bill.

We can ill afford to take more money out of the S&E account. If we have administrative challenges at HUD, the way to address them is not by further cutting the account from what this bill already cuts but to appropriate not only the programmatic requests at the requested level but also the S&E account, the people who administer, who are out there delivering the services to people. We cannot continue to cut the programmatic side and the S&E side and deliver adequately the housing needs of the most needy in our society. We cannot continue to do that.

This is really, let us face it, a symbolic cut, a symbolic amendment, just taking a jab at HUD by taking another jab at the civil servants who work hard every day in every way to deliver these needed services to people who are the most needy in our society. No, I cannot imagine this amendment being supported on a bipartisan basis because I think we understand the motives behind it.

Mr. OSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know quite where to begin. I do rise in support of the amendment offered by the gentleman from New York. I want to emphasize it is long overdue. The gentleman from West Virginia has very eloquently stated the difficulty in cutting the salaries and expenses account. But for the benefit of the Members in the Chamber, I would just like to go through a few of the issues that we are struggling with in the overall picture rather than in a very narrow focus.

As a member of the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform, I have come to understand that the auditor over at HUD cannot even issue an unqualified

opinion regarding the financial affairs at HUD. Yet the argument is being made on the other side to increase the resources available to HUD.

I would urge all Members as a first step to familiarizing themselves with the affairs there that they read the Inspector General's report for 1999. In that, the Inspector General cannot even close their books on HUD. Are Members also aware of the fact that HUD cannot establish the condition of the units under its control? Literally they cannot. I would commend to all Members that they read the recent article in *The Washington Post* by Judith Havemann regarding HUD's efforts to see what kind of shape the 4.6 million units it controls are in. HUD has hired contractors to inspect its portfolio and report back on the conditions that exist therein. Perhaps we should applaud this effort.

After all, each day that this inspection continues provides us with information about the condition of another 120 to 150 living units. Let us see. 4.6 million, 120 to 150 a day. That means in the year 2084, the complete report will be available. I can hardly wait to see it. We should applaud this effort.

Are Members aware of the new program under the auspices of Secretary Cuomo called Community Builders? Before I share this with my colleagues, I want to read something from the 105th Congress regarding what is allowed under Public Law 105-277 and what is not:

No parts of any funds appropriated in this or any other act shall be used by an agency of the executive branch other than for normal and recognized executive-legislative relationships, nor for publicity or propaganda purposes, and for preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress except in presentation to the Congress itself.

Now, that is put in there so that the agencies do not go to Congress and lobby for their own interests. However, I want to share with the Members here what the reality is. On September 9, 1999, the public affairs officer for HUD sent out the following instructions to the field public affairs staff. Again this relates to the community builders area of HUD's operations.

It says:

Attached is an op-ed penned by the Secretary, that would be Secretary Cuomo, regarding the proposed cuts to the HUD budget. Here is what I need you all to do ASAP. Again this is a memorandum sent to the 800-odd community builders.

Number one, localize the opinion editorial, in other words, suggesting to them that they send to their local media an opinion or an editorial piece

to be published in the paper. Do whatever will get your specific media interest. Here is the local information in case you deleted the earlier copy. Find out who to send it to. Call your local daily newspapers. Fax the localized op-ed to the editorial editor. After all, the House is voting on the budget today or tomorrow. We expect the Senate to take up our appropriations bill very soon. Please send me an e-mail of all of your local op-eds and your plan of attack for getting the piece placed in as many newspapers as possible in your area.

Now, on the one hand in the 105th Congress we have a law that says you are not to do this and in virtually that same year we have the employees of HUD actually doing that under the auspices of Community Builders.

Let me share with Members the financial details of the Community Builders Department. This program has 440 temporary slots and 372 permanent slots. One might ask, what does a community builder do? That would be very appropriate. Because the Inspector General found that HUD could not document what the community builders were even doing.

□ 1945

Further, in one sample by the Inspector General, of 59 Community Builder individuals interviewed, 39 reported that they spent over 50 percent of their time on public relations activities.

The CHAIRMAN. The time of the gentleman from California (Mr. OSE) has expired.

(By unanimous consent, Mr. OSE was allowed to proceed for 2 additional minutes.)

Mr. OSE. Mr. Chairman, just think, they spent 50 percent of their time on public relations activities. Just think, we have a whole new cadre of people out in our community doing public relations work on behalf of HUD, in this case, 812 people whose task it is to highlight the accomplishments of HUD. According to the Subcommittee on VA, HUD and Independent Agencies who exercises oversight, these individuals are paid an average of \$91,000 per year, \$91,000 per year on average. Just think, 812 of them, what a great job. That is \$73 million a year for public relations, not for housing; for public relations.

I could go on. Believe me, I could go on; but we do not have enough time today. The amendment of the gentlewoman from New York (Mrs. KELLY) is long overdue. There is not a clearer or a more compelling case that highlights the failures of HUD as respects their financial conditions or their public relations efforts.

Just think, almost \$73 million that Secretary Cuomo decided to spend on public relations instead of housing, and the gentleman from West Virginia (Mr. MOLLOHAN) is telling me we do not have a million dollars to cut out of S&E.

I hope that Secretary Cuomo can soon report to us that his public relations are in order so he can then concentrate on the task that HUD was created for. What a great thing, HUD focusing on housing.

Support the symbolic effort presented by the amendment from the gentlewoman from New York (Mrs. KELLY). Vote yes on the Kelly amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. KELLY) will be postponed.

The Clerk will read.

The Clerk read as follows:

DRUG ELIMINATION GRANTS FOR
LOW-INCOME HOUSING
(INCLUDING TRANSFER OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, \$300,000,000, to remain available until expended, of which \$5,000,000 shall be solely for technical assistance, technical assistance grants, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to \$150,000 for the cost of necessary travel for participants in such training) for oversight training and improved management of this program, and \$10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: *Provided*, That of the amount under this heading, \$10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home.

REVITALIZATION OF SEVERELY DISTRESSED
PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, \$565,000,000, to remain available until expended, of which the Secretary may use up to \$10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the Chairman of the VA/ HUD subcommittee regarding the current level of funding for veterans medical care and H.R. 4635. I am very thankful for the good work of the Members on the House Committee on Appropriations for bringing to the floor a bill with a \$1.35 billion increase in spending for veterans medical care.

An increase of this size would not have been possible without the hard work of the subcommittee chairman, my good friend, the gentleman from New York (Mr. WALSH). Unfortunately, according to James Farsetta, the Director for Veterans Integrated Service Network 3, which includes lower New York and northern New Jersey, we will again face funding shortfalls in our region, despite the overall increase in funding.

This is due to the VERA program, inflationary costs, and the exploding epidemic of hepatitis C. Despite the help of the Chairman, the VA's diligence in responding to this program has been sorely lacking.

Mr. Chairman, last October, our VISN director requested \$102 million in reserve funding, and while the VA announced in January that they would provide \$66 million of the amount, that money did not reach the VISN until 3 weeks ago. Additionally, VISN 3 has requested \$22 million to test and treat veterans infected with hepatitis C.

The VA budget request states, and I quote: "Hepatitis C virus is a serious national problem that has reached epidemic proportions." To date VISN 3 has the highest number of veterans infected with hepatitis C nationwide, and in a one-day, random screening for hepatitis C in March 1999 found the hepatitis C infection rate in VISN 3 was nearly double the national average.

To date, the VA has not provided any additional funding for hepatitis C and has not provided any reason as to why VISN 3 is being denied this funding. It costs \$15,000 a year for 1 year of treatment for a veteran who has tested positive for hepatitis C virus.

Mr. Chairman, this situation has gone on long enough. I am asking for your assurance to ensure that the VA ends their delay tactics and provides critical supplemental funding to VISN 3 that is so desperately needed. I understand that it is possible that VISN 3 will need reserve funding again next year.

I hope that the gentleman will continue to work with me and with other concerned Members to make sure that the VA is responsive to the needs of VISN 3 and does so in a timely manner.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman (Mrs. KELLY) for bringing these important concerns to

my attention, and I would like to assure her and other Members that I am well aware of the problems faced by VISN 3, particularly in regards to funding levels. I will continue to work with the gentlewoman and our colleagues, the Senate and the Administration to ensure that VISN 3 is not just disproportionately disadvantaged under the funding levels contained in this bill and ensure that the VA ends their delays on the hepatitis C funding issue.

I also want to assure the gentlewoman that I, too, find the delays and unresponsiveness of the VA intolerable. I will continue to make my displeasure clear with the VA officials to ensure that the proper reserve funding is sent both this year and next.

Mr. Chairman, I thank the gentlewoman for her comments and her hard work.

Mrs. KELLY. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for his continued efforts on behalf of our veterans, and I look forward to continuing to work with the gentleman to assure proper medical care for our veterans.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

NATIVE AMERICAN HOUSING BLOCK GRANTS
(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104-330), \$620,000,000, to remain available until expended, of which \$2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA, and \$6,000,000 shall be to support the inspection of Indian housing units, contract expertise, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel and \$2,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That of the amount provided under this heading, \$6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to \$200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and

Community Development Act of 1992 (106 Stat. 3739), \$6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT
HOUSING OPPORTUNITIES FOR PERSONS WITH
AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), \$232,000,000, to remain available until expended: *Provided*, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the first dollar amount, insert the following: "(increased by \$18,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the first dollar amount, insert the following: "(reduced by \$18,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the second dollar amount, insert the following: "(reduced by \$18,000,000)".

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to increase the appropriation for the Housing Opportunities for Persons with AIDS, or HOPWA, program by \$18 million. This was \$10 million less than the President requested and far less than is truly needed to adequately fund this program, but represents the amount necessary to ensure that those already in the program do not receive a cut in service.

I am delighted by the bipartisan nature of this amendment, and I would like to specifically thank the gentleman from Connecticut (Mr. SHAYS), the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. HORN), the gentleman from Florida (Mr. FOLEY), and the gentleman from Maryland (Mr. CUMMINGS) for joining me in offering this amendment and demonstrating the bipartisan support that this program enjoys.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, this amendment is tremendously important for thousands of people. It funds the Housing Opportunities for People with AIDS. We are requesting an increase. Consider these facts: HIV prevalence within the homeless population alone is estimated to be 10 times higher than the infection rates in the general population. Primary care providers and people living with HIV/AIDS repeatedly cite the lack of affordable housing as the single most detrimental barrier to accessing real health care.

When the number of individuals living with AIDS increases, the number of eligible housing sites also needs to increase. HOPWA-funded beds in residential facilities are 80 to 90 percent less expensive than an acute-care hospital bed. The HOPWA program reduces the use of emergency care services by \$47,000 per person per year.

Last year, this vital Federal program provided over \$27 million for California alone. Across our Nation this year, there are four new eligible metropolitan statistical areas that will be added to the program. Those are the new areas, Albany, New York; Baton Rouge, Louisiana; Columbia, South Carolina; and Oklahoma City.

Other States will also qualify for HOPWA funds. In this appropriation bill, the HOPWA level is level funded at last year's level. Without the adoption of our amendment, every HOPWA recipient will experience a funding cut. That is why this modest increase of \$18 million dollars is so desperately needed. I encourage all of my colleagues to vote for the bipartisan Shays-Nadler-Horn-Crowley-Cummings-Foley amendment. That amendment provides needed services and justice, Mr. Chairman.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, the housing provided by HOPWA allows people to improve the quality of their lives and access to life extending care. With the longer life span comes the need for more assistance both in medical care and in housing. No person should have to choose between extending their life or keeping a roof over their head, and the fact is without adequate housing and nutrition, it is extremely difficult for individuals to benefit from the new treatments.

Let us give the HOPWA program the necessary money it needs to provide those services. I ask all of my colleagues to join me in supporting the Nadler-Shays-Crowley-Horn-Cummings-Foley amendment.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman from New York for yielding, and I rise in support of this

amendment, as well, and on behalf of the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Florida (Mr. FOLEY), who are also cosponsors of this amendment. I know the gentlewoman from New York (Mrs. MALONEY) as well has expressed support of this. We are prepared to vote.

Mr. NADLER. Mr. Chairman, I urge everyone to support this amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word. I will not take all of the time provided. I appreciate the brevity of the statements of the speakers who are advocating for this. We have no objection to this amendment on this side. The committee recommended funding for HOPWA's budget at last year's level; however, like many other accounts in this bill, I had hoped to increase funding for this account but could not, because such a decision would have adversely impacted other accounts.

On those grounds, I am prepared to accept the amendment. These funds would normally go to National Science Foundation, those funds are not wasted there either, but this is a priority program; and the additional funds are necessary.

I would register for the record, a concern, however, that the formula that HOPWA uses is outdated by many estimates and other programs, including the Ryan White program, which have updated their formula for dispersal of funds; and we would urge HOPWA to consider seriously looking at that.

Other than that reservation, Mr. Chairman, I am prepared to accept the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nadler amendment.

Mr. Chairman, I rise in strong support of the Nadler amendment to increase by \$18 million the appropriations for the Housing Opportunities for Persons With AIDS (HOPWA) program.

As we all know, AIDS is the number one public health problem in this nation and in many places throughout the world. And in my District back in Chicago, AIDS has reached epidemic proportions. In fact, there are at least a thousand reported cases of AIDS in my district and since 1980, more than 10,000 people have died of AIDS in Chicago.

Although the mortality rate among individuals living with AIDS is declining as a result of better medical treatments, combination therapies, and earlier diagnosis, the housing opportunities for those living with the disease have not improved accordingly. It is important that this Congress respond with compassion and support.

This bill in its current form does not meet this objective, for there are still far too many victims of AIDS who are living, but have no place to live.

Fortunately, this amendment seeks to correct this gap and help to meet this need, \$18 million is no panacea, but will help many per-

sons living with AIDS to have a place in which to live.

Therefore, I urge passage of the Nadler, Shays, Crowley, and Horn amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I likewise, rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Nadler/Shays/Crowley/Horn amendment to increase HOPWA funding by \$18 million to \$250 million.

HOPWA allows communities to design local-based, cost-effective housing programs for people living with AIDS.

It supports patients with rent and mortgage assistance and provides information on low-income housing opportunities.

While basic housing is a necessity for everyone, it is even more critical for people living with AIDS. Many AIDS patients rely on complex medical regimens and have special dietary needs. Lack of a stable housing situation can greatly complicate their treatment regimen.

We must not forget that while medical science has made important advances in treating AIDS, a cure remains elusive. In the meantime we must do what we can to help people living with this disease.

Mr. Chairman, I implore my friends on the other side of the aisle who often speak about "Compassionate Conservatism" to support this amendment.

This vote presents an opportunity for my colleagues to match their rhetoric with a small federal funding request.

The people who benefit from the HOPWA program are some of our nation's most needy. They are living in a very difficult circumstance.

Mr. Chairman, I eagerly look forward to the day when medical breakthroughs render the HOPWA program unnecessary. However, today in the present I call on my colleagues to people living with AIDS this modest increase in support.

Ms. LEE. Mr. Chairman, I rise today in strong support to an increase in funding for Housing for People with AIDS—HOPWA.

HOPWA is the only federal program that provides community based HIV-specific housing. It is vital to the lives of persons who are living with HIV/AIDS because it allows people to benefit from their treatments and helps to keep them from being exposed to other life-threatening diseases, poor nutrition and lack of medical care.

Up to 60 percent of people living with HIV/AIDS will need housing assistance at some point in the course of their illness. According to the National AIDS Housing Coalition, one-third to one-half of all people living with HIV/AIDS are either homeless or in imminent danger of losing their homes.

In my district, Alameda County, the Ryan White Planning Council Needs Assessment Surveys in 1998 and 1999, ranked housing as the highest area for "unmet need" and "served but unsatisfied" of eight service categories. This study also indicates that antiretroviral therapies are helping people living with HIV/AIDS live longer healthier lives, thus our responsiveness to their housing needs is more urgent than ever.

In the Bay Area community I represent, housing costs are reaching astronomical heights and are becoming increasingly impossible for even moderate wage earners to meet. The working poor and the disabled, including persons with HIV/AIDS, are in great jeopardy.

Since 1992, HOPWA funding has provided essential development awards for projects ranging from a rehabilitated five bedroom house in north Berkeley to a newly constructed 21 unit complex in East Oakland. HOPWA has also provided the resources and support for 20 emergency housing beds, 40 transitional housing shared units, and 174 permanent units throughout my district. Yet, these programs have only addressed a small portion of the housing needs for persons and families affected by HIV/AIDS.

The rental market vacancy rate in my district is less than 1% and market rents throughout Alameda County far exceed Fair Market Rents (FMRs). With the limited rental assistance available from the HOPWA program, people living with HIV/AIDS are unable to find and rent affordable housing. Additionally, HIV/AIDS Housing Programs operate at capacity and routinely maintain lengthy waiting lists.

While, HOPWA has provided the much needed gateway for people with HIV/AIDS to access housing, treatment and care services, we need to do better. Many persons living with HIV/AIDS are forced to make difficult decisions between life sustaining medications and other necessities, such as housing. These decisions become even more dire when the cost of housing is taken into consideration. For many people with HIV/AIDS, HOPWA has been life saving.

In August 1999, the County Board of Supervisors declared a State of Emergency with respect to AIDS in the African-American Community of Alameda County. The Congressional Black Caucus' Minority Health Initiative, partnered with HOPWA to push forward a community wide response to the State of Emergency including closing the housing gap for people with HIV/AIDS.

In my district we are finally seeing positive results from our efforts. For example, the Department of Housing & Community Development (HCD) has been able to successfully partner with county agencies like the Office of AIDS & Communicable Diseases, and CalPEP, a community-based AIDS service organization, to provide access to short-term transitional housing for people living with HIV/AIDS, who have recently been released from incarceration. Often times, the incarcerated population is over looked or under served regarding AIDS services. HOPWA has helped to close that gap by providing housing and treatment services, but also to render prevention education services on post-exposure and secondary exposure risks for HIV/AIDS.

Mr. Chairman, like all of us, people living with HIV/AIDS dream of living in suitable and quality homes. We must ensure that all people have a place they can call home. We have to do everything we can to close the housing gap.

I urge you and my colleagues to support this amendment because HOPWA will help close the housing gap, but also will help to reach our goal of eradicating HIV/AIDS. It is the right thing to do.

Mr. CROWLEY. Mr. Chairman, I rise today with colleagues from both sides of the aisle, Mr. NADLER and Mr. CUMMINGS, and Mr. SHAYS, Mr. HORN, and Mr. FOLEY to offer an amendment to increase funding for the Housing Opportunities for Persons with AIDS by \$18 million dollars. I know many of my colleagues will ask why this one program, out of many others that were cut or also "level" funded deserves an increase, and I hope we can effectively explain why. You have supported us in the past—by ensuring that HOPWA maintained its funding last year.

And this past winter, you overwhelmingly voted for our amendment to increase the authorization amount for the HOPWA program. We need your support again now.

We have made great strides in the treatment of AIDS. New medications have increased life expectancy by years, even after the onset of full-blown AIDS. Currently, there are about one million Americans living with HIV and AIDS. More than 200,000 of these currently need housing assistance. Additionally, 60% of people with HIV/AIDS and their families will need housing assistance at some point during their illness.

The HOPWA program provides rental assistance, mortgage assistance, utility payment assistance, information on low-income housing opportunities and technical support and assistance with planning and operating community residences. These important services assist individuals and families financially—not forcing them to choose between housing and medicine. Currently, HOPWA benefits 52,000 people in 415,000 housing units. HOPWA is the only federal housing program addressing the housing crisis facing people living with AIDS.

The housing provided by HOPWA allows people to improve the quality of their lives and access life-extending care.

With a longer life span comes the need for more assistance, both in medical care and housing. Life-saving drugs are costly, forcing many people to decide between essential medicines and other necessities—such as food and housing. No person should have to choose between extending their life or keeping a roof over their head. And the fact is, without adequate housing and nutrition; it is extremely difficult for individuals to benefit from the new treatments.

Longer life spans mean less space in HOPWA programs. Additionally, since 1995, the number of Metropolitan areas and states qualifying for HOPWA formula grants has increased significantly.

In fact, 4 new regions are to be added this next year. The result of these two factors means that level-funding HOPWA at \$260 million will mean cutting the program. The current funds will need to stretch further. Let me give you an example from my home state. In Fiscal Year 2000, New York State received 3.25 million in HOPWA funding. In Fiscal Year 2001, with level funding, New York State will only receive \$3.1 million. This will result in a loss of services. In fact, HUD informs me that 5,170 fewer people with HIV/AIDS will be receiving assistance. Let's make this real—this means the over 5,000 people and their families will be living on the streets. Housing is essential to help individuals with treatments for this disease.

This year's appropriations limits make it very difficult to find an offset for any increase. My colleagues and I do not want to take money away from any program. But when confronted with the reality that over 5000 individuals and their families in New York State will be living on the street, we need to make a way. My colleagues and I have proposed an \$18 million offset from the National Science Foundation's Polar and Antarctic Research Program. I want to make it clear that I am not opposed to science research and understand the value it can have on our lives and the future of the human race. However, the Polar and Antarctic research program is coordinated by NSF but has 12 other federal agencies also contributing funds over \$150 million.

We ought to be farsighted in looking at problems in our global atmosphere and scientific research, but we must not be so shortsighted that we harm the citizens of this country in our efforts. I am not saying that NSF's programs are not worthwhile, but we need to have compassion for those people who struggle to live each day with AIDS. They need our assistance and we cannot leave them out in the cold.

Let's show compassion. Vote for the Nadler-Shays-Crowley-Horn-Cummings-Foley.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from New York, which would reduce funding for polar research at the National Science Foundation by \$18 million and increase funding at Housing and Urban Development by a like amount.

I would suggest to the gentleman from New York that if he seeks to increase funding for housing people with AIDS, he could find the resources within HUD's nearly \$30 billion appropriation. This agency is far better able to accommodate the amendment's purpose through efficiencies than by cutting NSF, an agency having a budget that is a small fraction of HUD's appropriation.

Cutting the appropriation for the Nation's premier science agency, as the gentleman from New York proposes, is ill-advised. The Congress has affirmed the importance of an active U.S. presence in Antarctica. Stable funding for polar programs is necessary because of the long lead time required for these operations. If this amendment passes, funding probably will have to be shifted from basic research programs to support polar operations already in the pipeline.

As the White House recently pointed out in its June 15, 2000 press release, any cuts to the NSF budget would put the "new economy" at risk. The basic research NSF funds in the biological and other sciences is a vitally important part of the overall Federal research portfolio, adding to our store of knowledge in valuable, and often unpredictable ways.

Mr. Chairman, we can all sympathize with the plight for those who have contracted AIDS, but I do not think that it is in their best interests to cut funding for our premier basic research agency that may one day help provide the underlying research needed to find a cure for this and other debilitating diseases.

The House should reject Mr. NADLER's amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment. The gen-

tleman from New York proposes to reduce funding for the National Science Foundation by \$18 million in order to increase funding at the Department of Housing and Urban Development by the same amount. This is a remarkably short-sighted idea.

This appropriations bill adds \$4 billion to HUD's already \$25.8 billion budget for FY2000—that's an increase that represents more than NSF's total budget. To this increase, the gentleman wishes to add \$18 million raided from NSF's significantly smaller appropriation.

This House has continually recognized the important role NSF and basic research have played in our Nation's economic and technological development. Research funded by NSF, including research at the poles, has led to the development of new pharmaceuticals and new diagnostic and therapeutic tools that have preserved and protected the health of people worldwide. Our understanding of viruses, of pathogens, of carcinogens, has been aided immeasurably by the type of basic research NSF enables. This is a fact not lost on the current Administration, which pointed out in a press release last week that cuts to NSF will put at risk "longer, healthier lives for all Americans."

While I commend my colleague for the intent of his amendment, I must take issue with its effect. Moving this funding from a well-run agency like NSF to one with a history of mismanagement like HUD sends the wrong message to all federal agencies. It's worth noting a GAO report issued last summer taking HUD to task for its management deficiencies. The report noted significant weaknesses in internal control, unreliable information and financial management systems, organizational deficiencies, and staff without proper skills. GAO concluded that "HUD's programs are a high-risk area" based on "the status of [these] four serious, long-standing Department-wide management deficiencies that, taken together, have placed the integrity and accountability of HUD's programs at high risk since 1994."

In that light perhaps the gentleman should look within HUD's \$30 billion appropriation to find the offsets his amendment requires, rather than force cuts in the Nation's premier science agency. I urge the House to reject this amendment.

Mr. CUMMINGS. Mr. Chairman, I am pleased to work with my colleagues to bring forth such an important amendment to increase funding for Housing Opportunities for People with Aids (HOPWA).

For individuals with AIDS and other HIV-related illnesses, adequate and safe housing can be the difference between a person's opportunity to live life with self-respect and dignity and being relegated to a life of poor, unhealthy and safe conditions often leading to homelessness and possibly death.

At any given time, 1/3 to one-half of those living with HIV-related illnesses are either homeless or in imminent danger of losing housing. And 60% of these persons will face a housing crisis at some time during their illness due to discrimination and increased medical expenses. Moreover, as their health declines, persons with HIV-related illnesses may lack the ability to work or at least to earn up to their full potential, leaving them vulnerable

to either not being able to find appropriate housing or losing their housing.

Sadly, this problem disproportionately impacts low-income communities where homelessness is often a paycheck away. And the CDC has estimated, in past studies, that HIV infection rates are 24% among the homeless, and in some urban areas as high as 50%.

HOPWA is the only, federal housing program designed to address his crisis. 90% of HOPWA funds are distributed by HUD to cities and states that are hardest hit with the AIDS pandemic. These jurisdictions then determine how best to utilize the funding to meet locally-determined housing needs and services for persons living with HIV-related illnesses, such as short-term housing, rental assistance, home care services, and community residences.

In 1998, HUD estimated that for each additional \$1 million in HOPWA funding, an additional 269 individuals and families living with HIV and AIDS would have access to vital housing and housing-related services. Moreover, HOPWA funding has been demonstrated to reduce emergency health care expenses by \$47,000 per person.

Consequently, increased HOPWA funding is critical. As the number of AIDS cases continues to rise, the ability for localities to address increased housing needs must keep pace. Without significant increases, we will continue to fight a losing battle that no other federal program can combat. While Section 8 housing waiting lists swell, other programs prove more politically popular than those addressing AIDS, and persons with HIV/AIDS are discriminated against, housing opportunities created specifically for these individuals are crucial.

As such, I urge my colleagues to support the Nadler-Shays-Crowley-Horn-Cummings-Foley HOPWA amendment to increase FY 2001 funding by \$18 million to level of \$250 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Clerk will read.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORBES:

Page 29, line 24, after the dollar amount, insert the following: “(increased by \$16,000,000)”.

Page 36, line 13, after the dollar amount, insert the following: “(increased by \$20,000,000)”.

Page 37, line 12, after the dollar amount, insert the following: “(increased by \$78,000,000)”.

Page 37, line 13, after the dollar amount, insert the following: “(increased by \$69,000,000)”.

Page 38, line 2, after the dollar amount, insert the following: “(increased by \$9,000,000)”.

Page 52, after line 6, insert the following new sections:

REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.

SEC. 207. (a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b))

is amended by adding at the end the following new paragraph:

“(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

“(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

“(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

“(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

“(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

“(i) under which the mortgagor is an individual who—

“(I) is employed on a full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); and

“(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

“(ii) made for a property that is located within the jurisdiction of—

“(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

“(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.”.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking “Notwithstanding” and inserting “Except as provided in paragraph (3) and notwithstanding”; and

(2) by adding at the end the following new paragraph:

“(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(11)(B):

“(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

“(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(11)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.”.

HYBRID ARMS

SEC. 208. (a) IN GENERAL.—Section 251 of the National Housing Act (12 U.S.C. 1715z-16) is amended—

(1) in subsection (a), by inserting “IN GENERAL.—” after “(a)”; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) DISCLOSURE.—In the case of any loan application for a mortgage to be insured under any provision of this section, the Secretary shall require that the prospective mortgagee for the mortgage shall, at the time of loan application, make available to the prospective mortgagor a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act (15 U.S.C. 1601 et seq.).”.

(3) in subsection (c), by inserting “LIMITATION ON INSURANCE AUTHORITY.—” after “(c)”; and

(4) by adding at the end the following new subsection:

“(d) HYBRID ARMS.—The Secretary may insure under this subsection a mortgage that—

“(1) has an effective rate of interest that shall be—

“(A) fixed for a period of not less than the first 3 years of the mortgage term;

“(B) initially adjusted by the mortgagee upon the expiration of such period and annually thereafter; and

“(C) in the case of the initial interest rate adjustment, shall be subject to the limitation under clause (2) of the last sentence of subsection (a) (relating to prohibiting annual increases of more than 1 percent) only if the interest rate remains fixed for 5 or fewer years; and

“(2) otherwise meets the requirements for insurance under subsection (a) that are not inconsistent with the requirements under paragraph (1) of this subsection.”.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement section 251(d) of the National Housing Act (12 U.S.C. 1715z-16(d)), as added by subsection (a) of this section, in advance of rule-making.

Mr. FORBES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SANFORD. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order.

The Chair recognizes the gentleman from New York (Mr. FORBES) for 5 minutes.

Mr. FORBES. Mr. Chairman, I rise this evening offering an amendment to deal with the housing crisis in the United States. The costs of housing is rising far faster than the average working family can afford. I propose an amendment, first of all, that would make it easier for police, fire fighters and our public school teachers to get an FHA loan. It would create a new FHA adjustable-rate mortgage for all people to use; and the revenues that would be generated would help to fund additional housing for people who are disabled, the elderly, people with AIDS, and the homeless.

This is a critically important issue, not just to the people that I represent, in suburban Long Island New York, but across the country, where we have seen the price of housing skyrocket.

Like other areas around the country, they are plagued with high property taxes and very expensive, ever-increasing real estate prices. Despite the booming economy, no place is it more evident that the haves are doing better and the have-nots are doing worse than in the housing market.

Despite the booming economy, the rents and real estate prices are simply rising far faster than wages. The costs of housing is clearly becoming more elusive and further out of reach for the middle class.

According to a study by the National Low-income Housing Coalition, housing costs on Long Island, for example, are the fourth highest in the country. Just to be able to afford a two-bedroom apartment on Long Island, a family needs to have an average household income of \$45,000; and buying a home is an even greater challenge, even for middle-income families in Long Island, and I believe most of the Nation. Suburban America particularly is mired in perhaps the worst affordable-housing crisis ever.

Median home sales on Long Island, New York, run about \$200,000; median home sales prices have shot up from \$134,000 to \$160,000 in my county alone over the last 5 years.

□ 2000

I would reference a firefighter living in Suffolk County, New York, Dennis Curry, who is with the North Patchogue Fire Department, and his fiancée, Michelle, who have been looking for a house for months. They want a modest three bedroom home so that they can have room for Michelle's son and the child that they one day hope to have, but the only houses they were able to find were selling at best at \$170,000.

The down payment requirements were staggering to them, and it would

have meant every bit of their savings would have been taken up on the down payment alone, with little money left over to fix up this house that was sorely in need of repair. So what are they forced to do? They have to postpone their dream. This fire fighter who dedicates himself to protecting our community cannot afford to buy housing in that same community.

Mr. Chairman, I would suggest that this is an issue that in previous times has gotten overwhelming support from this House. We have been honored, frankly, to see that almost 400 Members of this House have approved legislation that would allow public servants like our school teachers, our fire fighters, and our police officers to get into affordable housing with a minimum of 1 percent down. The fees generated, which would amount to about \$114 million, would help pay for the extra housing needs that have been addressed at various times during this debate.

The elderly, the disabled, the people with AIDS, and the homeless would benefit from these increased fees. We would allow those who certainly work for the betterment of our community, who educate our children, who provide for the safe and secure communities we enjoy, we would allow these folks to get into affordable housing.

I think this is a good initiative, and I would ask that we have an opportunity, Mr. Chairman, to vote on this measure.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I understand it, this amendment is the same amendment that we dealt with in committee which attempts to add housing for the elderly, add housing for the disabled, add housing for homeless assistance grants and add housing opportunities for people with AIDS.

The gentleman from New York in this amendment is attempting to pay for this amendment by taking three actions which the House has already endorsed and which would in fact raise money for the Treasury, which could then be used to finance these amendments.

Now, we have had objections raised on this floor for 2 weeks that we did not, in the amendments we were offering to these bills, provide proper offsets to those amendments. We suggested that those offsets ought to come from the majority party's over generous tax package, over generous certainly in what it provides for the very wealthiest of Americans.

This House has given away already, just on the minimum wage bill alone, this House has voted to provide \$90 billion in tax relief to people who make \$300,000 a year or more. If this House

can do that, it ought to be willing to get around a bookkeeping transaction in order to provide assistance to some of the folks who need it the most. Certainly these folks mentioned by the gentleman from New York do.

Mr. Chairman, it is suggested that this offset is out of order only because it is not authorized. I would say that that is the narrowest of technicalities, Mr. Chairman, because this House has already approved the legislation that contains the same transactions, and, if my memory is correct, or I should say more accurately if my notes are correct, it was approved with 8 dissenting votes and 417 in favor.

It seems to me Dick Bolling when he was here, who is probably the greatest legislator I ever served with, Dick Bolling, always attacked the idea that legislators were more focused on what he called "legislative dung hills" than they were policy issues. By that he meant that Members often spent more time defending committee jurisdiction than they did defending the interests of their constituents. It seems to me that allowing this minor technicality to stand in the way is doing just what Dick Bolling derided so eloquently in the years that he served in this House.

There is no public purpose to be served by admitting that this authorization is not going to become law, and, if that authorization becomes law, the offsets which the gentleman is talking about would be in perfect order.

I would simply ask, can we not bend even a little to help the people who are most in need of shelter in this country? If the answer is no, that is indeed regrettable. But this amendment is something that we should do.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I share the gentleman from Wisconsin's lack of interest in jurisdictional fights, but for those who are inclined to disagree with us, I should note that the committee of legislative jurisdiction on this particular set of offsets passed it unanimously, so there is certainly no quarrel there, and the gentleman from Wisconsin is correct, this is a technicality.

I do recognize the right of people fairly to insist on technicalities, if they are, in fact, people who have been consistently technical. But the notion of legislating in an appropriations bill, my word, what will they think of next? We have seen appropriations bills in this Congress that had more legislation than appropriation. Indeed, as you people drop the appropriation, you increase the legislation. It is kind of a zero sum game.

Being accused by my Republican colleagues of legislating in an appropriations bill is like being accused by Wilt Chamberlain of being too tall. I mean, it just boggles the mind that a party

which regularly legislates whenever it wants to in an appropriations bill would do this, and that is why the gentleman from Wisconsin's parliamentary argument had such force.

We have a bill which has been supported by the authorizing committee unanimously, which was overwhelmingly supported on this floor, in fact, it was amended somewhat on the floor. There were some concerns raised by the gentleman from Florida, who has been a very diligent watchdog in the interests of lower income people. So the form in which it survived, it was not some accident or some oversight, it received a lot of work, a lot of compromise. In fact, we worked this one out. And now to be told, well, we are going to knock it out because it has not yet completed the authorization process is very hard to live with.

But I will make this proposition, because obviously a single Member has the ability to pursue this, it could have been protected by the Committee on Rules, but the Committee on Rules apparently had a rare fit of opposition to legislating in an appropriations bill, so they did not do this one. But by the time this bill goes to House-Senate conference, we will, I believe, have finished the authorization process.

So I guess I would say to the gentleman from New York who has offered an excellent amendment, and let us be clear, the gentleman seeks to add funds to programs of uncontested popularity and moral worth, for helping the homeless, for housing for the elderly. These are programs which are overwhelmingly supported by local governments, by constituents, by the people who benefit from them.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would simply make the point that I think that the charge that the gentleman is laying is an incorrect one, because we are really not talking about the Republican Conference as a whole. What we are talking about was that I was one of the eight that happened to vote against this when it came to the floor. In the same way that you so skillfully have used every arrow in essence in the legislative quiver, this is simply a way of blocking legislation that I disagree with.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I accept that. I thank the gentleman, and I would say, yes, the gentleman has been consistent in this regard, so my charge of inconsistency does not lie against him. It is true, the gentleman is the one individual Member who raised that, and I appreciate that.

All the more reason though to say when we get into the conference committee and when this comes back to the floor, unless the gentleman's num-

bers multiply more than I expect, and unless 8 becomes twice 80, 3 times 80, then this will be law. So we can ask, I hope, if the only reason we are not going to accept this now is the admirable consistency of the gentleman from South Carolina, he has been admirable in his consistency and I appreciate that, but if that is the only problem we have to adopting it now, I would hope when this bill finally comes before us as a real bill, and not the Halloween fake skeleton that it is now is, this amendment of the gentleman from New York will be in it, and the gentleman from New York's proposals will be accepted.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to point out also that the pay-fors which the gentleman is trying to use in this amendment in fact help additional families, because the hybrid ARMs provision that the gentleman seeks to use tonight would help about 55,000 more families purchase houses in fiscal year 2001, and reducing FHA down payments for teachers and uniformed municipal employees would again increase the volume of FHA single-family lending.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would certainly think in a period where Mr. Greenspan and company have begun an upward ratcheting of interest rates, that we would be especially anxious to do these things.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I thank the gentleman for making the point. For those who may not be fully familiar with our jargon, let me make the point that "hybrid ARMs" referred to a particular form of mortgage, and it is not a hotel for people of uncertain genealogy.

With the renewed hope that in conference, once the point of order does not lie, the very sensible prioritization of the gentleman from New York will survive, I yield back.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned on speaking, but listening to the last speaker, I think it was a good dialogue, but the ranking minority member, my friend the gentleman from Wisconsin (Mr. OBEY) continually talks about tax breaks for the rich.

The left, in any fashion, cannot even stand or comprehend giving people their money back. It is not your money. To do that cuts power in this place, the ability to rain money down to different interest groups. It is just wrong.

The tax break for the rich, when we said the marriage penalty, people that get married, I do not think there should be a penalty for that. We do things backwards in this country with the IRS. I do not think we ought to tax work. I do not think we ought to tax savings. I think we ought to reward those. I think we ought to tax consumption. A different system.

The death tax, you know, I do not mind someone owning the Ponderosa. This country is so great, because you can work hard and you can do anything. Look at the people that have achieved, primarily those that have an advantage of education, but even the immigrants that come to this country. What a great country it is. I do not mind someone having the Ponderosa. As a matter of fact, I am excited about it, because that is part of the American dream. But my colleagues on the other side would have Little Joe and Hoss have to sell the Ponderosa because they cannot afford to pay the taxes on it.

The \$500 deduction per child, that is not for the rich, that is for families. We pay too much taxes, and families are struggling to support their children. The Social Security tax, my colleagues on the other side, they just could not help themselves in 1993. They increased the tax on Social Security, and we did away with that. But yet that is a tax for the rich and our senior citizens.

□ 2155

After rhetoric and rhetoric and rhetoric, they said, in 1993, we want to give tax relief to the middle class, tax relief to the middle class, but yet the Democrats gave us one of the highest tax increases in the history of this country; and again, they could not help themselves, they had to tax the middle class as well. That was extra revenue for their spending here. They increased the tax on Social Security. Every dime out of the Social Security Trust Fund, they put up here and they used that with the tax increase to increase spending, and then they cut defense \$127 billion. We think that is wrong.

Mr. Chairman, I would say to my colleagues on the other side, the rhetoric of tax breaks for the rich, they may get some of their people to believe it, but it is not so. They know it and I know it. They fought against the lock box for Social Security because it is a political issue, and we fought for a balanced budget. Alan Greenspan said it would cause lower interest rates, and in 1993, the Democrats' budget had deficits of \$200 billion and beyond, forever; and they still increased spending and increased taxes and took Social Security

money to even increase that and then drove us further in debt.

Mr. Chairman, we have a vision. With the balanced budget, locking up Social Security and paying down the debt, we pay nearly \$1 billion a day on the national debt. Can we imagine, \$1 billion a day. Can we imagine what we can do in this body without having a tax burden on the American people and our children and our grandchildren? I mean, that is a vision worth going after.

My colleagues fought against welfare reform, the left did, because they want to just keep dumping more money; and on every single bill, my Democratic colleagues would say, well, we could fund this if it was not for the tax break for the rich. They just cannot bring themselves to give people their money back. They have to spend it. Of course, there is one area in which the left will cut and that, of course, is defense in many cases. We tried to protect Medicare and they used it as a political pawn in the last election, but the President overrode them and signed the Medicare bill. The same thing with Social Security and tax relief.

This exercise up here of the left for the November elections is almost laughable. One of the most difficult things that we have to do, when we sit up here and we try and get more dollars to the classroom in education and the left says oh, you are cutting education; well, we actually increased education. A good example is the Democrats, the maximum they ever contributed to special education was 6 percent. In 5 years, we got that, including Medicaid, up to 18 percent. We increased the budget \$500 million this year for special education, which none of the Democrats, or very few of them voted for, supported it; but yet they say, the Republicans are cutting education. That is rhetoric, the same as tax breaks for the rich.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that there is a lot of that rhetoric that ought to be corrected, and I think we have an opportunity to do so.

I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

We have heard a very interesting rewrite of history, and I would like to give the facts rather than fiction.

Before Ronald Reagan came to office, we never had a deficit larger than \$70 billion. Then he ran through this Congress a proposal which doubled military spending at the same time that it provided very large tax cuts. The result, we wound up with deficits ap-

proaching \$300 billion, and we have been trying to dig out from those deficits for the last 18 years. Those deficits have added almost \$4 trillion to the Nation's indebtedness.

President Clinton proposed that we change course, and he passed his budget in 1993 with not a single Republican vote in either House, and that budget put us on the road to deficit reduction. It was predicted at the time by the majority leader of the House and by the Speaker of the House that it would lead to record unemployment and a doubling of deficits. Instead, it did just the opposite, and anyone except fiction readers and writers recognize that.

When George Bush walked out of the White House, his prediction for the deficits for that year was \$323 billion. A little different picture today. We now have surpluses in very large amounts, despite the fact that the Republican-controlled Congress in each of the last 2 years actually appropriated more money than President Clinton asked for, and so now we have surpluses, and the question is, what should we do with them.

The Republican Party's answer has been that we should provide a minimum wage bill of \$11 billion worth of benefits to minimum wage workers, tied to a tax cut of \$90 billion for people that make over \$300,000 a year. They have proposed eliminating the inheritance tax. They claim that they are defending farmers and small business. Only one out of every 6,000 beneficiaries in that bill is a farmer or small businessman. So in contrast to our inheritance package, which would have exempted inheritances of up to \$4 million per family, they said no, take off the whole lid. So they gave Bill Gates a \$6 billion break; they gave the 400 richest people in this country \$200 billion in tax cuts over 10 years.

Now they begrudge us our effort to provide this tiny little bit of housing for the poorest people in this country, paid for by an amendment that will raise money by providing additional housing for yet other people.

Mr. Chairman, it seems to me the record is clear. It seems to me our obligation is clear. We ought to pass this amendment.

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Chairman, very quickly, I thank the gentleman for yielding. This is critically important. I mean, the gentleman from California just a moment ago referenced the rich and the poor. Well, let us look at these public servants. Let us look at these public school teachers who cannot afford to buy a home in the community where they teach. Let us look at the firefighters who are protecting our communities who cannot afford to buy a home where they are protecting our communities and our property and our

lives. Look at the police officers who keep us safe and secure in our communities, and yet they cannot afford to buy a home in that same community.

I think this is a critically important need. As the gentleman from Wisconsin referenced, we come to the floor with the opportunity to do good for these public sector employees and, at the same time, raising the necessary revenue from fees that are a part of the FHA program that would further allow the disabled, people with AIDS, the elderly, to get into homes. I applaud my friend from New York, the chair of the subcommittee and the members of the subcommittee who, frankly, were working against great odds and very limited allocations.

But we have given them a way to solve this particular problem. They can allow school teachers, police officers and firefighters to get into housing; and at the same time, they can fill the need that so many in this Congress who have provided bipartisan support for the need to provide additional housing for the elderly, for people with AIDS, and the disabled.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, nice spin from the left. I would tell my colleague that in every case when the Speaker was Newt Gingrich, he voted every single time with the then majority until the gentleman went to the Democrat side.

Mr. FORBES. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not. The Contract with America the gentleman supported; the gentleman supported impeachment.

Mr. FORBES. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not yield.

Mr. FORBES. Mr. Chairman, if the gentleman from California (Mr. CUNNINGHAM) is going to characterize my record, I should be allowed to respond.

Mr. CUNNINGHAM. Mr. Chairman, those are the gentleman's actual votes.

Mr. FORBES. Mr. Chairman, the gentleman is using a broad generalization. The CHAIRMAN. The gentleman from New Jersey (Mr. FRELINGHUYSEN) controls the time.

Mr. CUNNINGHAM. Mr. Chairman, in every case, in most of the cases, the gentleman voted with the majority; but now it has changed.

Mr. Chairman, I would like to respond to the spin on Ronald Reagan. Ronald Reagan only had the Senate for one term, and if we take a look at who controls the spending in this place, it is the Congress, not the President.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman from New Jersey yield for corrections? It is the gentleman from New Jersey's time. Will the gentleman from New Jersey yield?

Mr. FRELINGHUYSEN. Mr. Chairman, I am yielding to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I will be happy to yield in a minute.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Is it not the person who controls the time who has the right to yield?

The CHAIRMAN. That is correct.

Mr. CUNNINGHAM. Mr. Chairman, in the case of Ronald Reagan, it is the Congress that controlled spending, not the President.

The President talks about the economy and how good it is. He has not passed a single budget since we took over the majority, except in 1993 when the Democrats controlled the House, the White House, and the Senate. The only mistake that I think that Ronald Reagan made was that he did not veto enough bills, but at that time the Democrats had such a large majority, it would have been difficult to override a veto.

Mr. Chairman, it is the Congress that spends, not the President. The President worked with the Congress, a Democrat majority, to reduce taxes, just like President Kennedy did, because both President Kennedy and Ronald Reagan knew that if we reduce taxes, we are going to increase revenue into the Treasury, and that is a fact. You can try to dispute it, but it is a fact.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman from New Jersey yield for disputing?

Mr. FRELINGHUYSEN. Mr. Chairman, I will not yield, only to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, my colleagues will continually bash Ronald Reagan; they will continually say tax breaks for the rich, but it just is not so. They can spend, they can try and rewrite history, but it just will not work. The fact is that the left cannot stand tax relief, even if it is for the middle class. They increased the middle-class tax in 1993, they increased the tax on Social Security, they increased the gas tax, they cut the military, they even gave us a retroactive tax, if my colleagues remember that. Not many people remember that one.

We have tried to go back, and we have reduced the Social Security tax; we have given working families and their children a \$500 deduction. Capital gains paid for itself; ask Alan Greenspan. It gives us lower interest rates, putting Social Security into a lock

box; it helps us pay down the debt, the national debt, which will take away from our children the burden that is on our backs. Yet my colleagues on the other side, in every single one of these bills, you watch, line item by line item, they want to spend more money, spend more money for this; and we could spend this if it was not for the tax break for the rich.

I can see my colleagues do not like that, but it is the truth. Over and over and over again, they cannot stand tax relief. That is why they fought us on the balanced budget; that is why they fought us on welfare reform, because it takes their ability to spend away. When they spend and spend and spend more than we have coming in, that builds up the debt, and over a long period of time, it has taken its toll.

Mr. Chairman, our vision is different. We pay down the national debt, keep the balanced budget going, and then we will be able to really help the people of this country by having a smaller, more efficient government, and again, which the left cannot stand.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back my time.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding. I was disappointed that the gentleman from New Jersey, when we thought we were having some back and forth, would not give us time.

□ 2030

I did want to point out to the gentleman from California that Ronald Reagan had a Republican Senate for 6 of his 8 years. That is a fact that even I believe the gentleman from California would probably have a hard time disputing. At no point was there ever in the House a majority approaching an override, so the notion that Ronald Reagan was facing this overwhelmingly Democratic Congress is one more figment of the imagination of the gentleman from California.

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Forbes amendment. Unlike the bill before us and many of the amendments we have considered, this amendment takes us in the right direction. I know that the chairman and the ranking member indeed were working with constraints, but nonetheless, this bill takes us in the wrong direction.

I listened to the debate in the Mollohan amendment. The Mollohan

amendment was timely and urgent. I regret a point of order was raised against it, and I regret my colleagues raise a point of order against this amendment.

It is for that reason that I intend to oppose the bill. The bill does not go far enough, deep enough. It is not about spending but it is about the priorities of the American people. It is not deep enough in addressing the serious and growing housing problem confronting this Nation.

For some, Mr. Chairman, this is the best of times. The United States is enjoying the longest sustained period of economic growth in the history of the Nation. Despite these rosy economic pictures, many are being left out. For those, these are the worst of times.

For at least 20 years now, there has been a troubling trend, a trend that affects the very quality of life for most Americans. It is an alarming and disturbing trend because fewer Americans can afford healthy meals, fewer can afford health care, fewer can afford education, fewer can afford decent housing and other means to a better life.

Housing is basic. Housing affects every person alive on the Earth, regardless of gender, race, class, religion, nationality, educational attainment, or marital status. The lack of adequate housing is a problem, but the lack of affordable housing is even a greater problem. A growing number of poor households have been left to compete for a shrinking supply of affordable housing.

Some may find this surprising in light of the economy. However, there are many, many, almost 1.5 million, who are said to be homeless in America today.

A recent article in the Washington Post described the high-tech homeless. In its profile several individuals were cited who were employed, in fact were earning good salaries, and they found themselves homeless because of the high cost of housing where they live. It is shocking. An executive in Silicon Valley who was earning \$125,000 annually, when he lost his job suddenly, he was evicted from his apartment within one month. Another woman who earns \$36,000 could not find affordable rental housing for her and her family.

It seems that while 250,000 new jobs have been created in Silicon Valley for the past 10 years, only a little better than 40,000 new housing units have been constructed, leaving a fierce demand and limited supply.

Recently there have been records in mortgage interest rates, leaving many people to believe that housing in the United States is more affordable than ever. That is not true. Despite the low mortgage rate, fewer people are able to afford to purchase homes. That is principally because income growth for the poor and the working poor has been weak.

This group of Americans are called cost-burdened, according to HUD. That means they are spending more than 30 percent of their income for housing. The poor and the working poor find themselves on a treadmill going nowhere. While all the attention has been placed on low interest rates and affordable mortgages, the spiralling costs of rental housing has been completely ignored.

There are actions we can seek to begin to take, and we should do it indeed by accepting these amendments. I want to put on record that the Congressional Black Caucus has made a pledge, and it is working in partnership with the private sector, to help and indeed to promote 1 million new homeowners in the next 5 years.

Our pledge was recently also reinforced by the Secretary of HUD, Secretary Cuomo, who said he wanted to build 750,000 new homeowners.

I know a point of order indeed will be considered. I think we must oppose this bill. It is wrong for America. It is moving in the wrong direction.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of my dear friend and colleague, the gentleman from New York (Mr. FORBES) which will help firefighters, public school teachers, and police obtain better housing, affordable housing.

Every year the majority party underfunds affordable housing. Every year the President and Secretary Cuomo are forced to negotiate for every last family. Unfortunately, it looks like we are headed down the same road again. The VA-HUD bill is cut \$6.5 billion below the President's request, and the President would be right to veto this bill.

Mr. Chairman, earlier my colleague, the gentleman from Wisconsin (Mr. OBEY), pointed out the record of this administration in balancing the budget deficits that haunted our country throughout the 1980s, deficits created during the Reagan years which he pointed out reached \$4 billion. But this administration understands that the way to balance the budget is not to prevent low- and moderate-income people from having access to homes.

One critical area that the bill is very bad in is public housing. The bill cuts public housing funds \$120 million compared to last year's level. Nationally, the average waiting list for Section 8 housing is more than 2 years. While the administration proposed 120,000 new Section 8 housing vouchers, this bill merely holds out the possibility that 20,000 may be funded if some overly optimistic Section 8 recapture levels are achieved.

This bill is especially hard on New York City and New York State. In New York City, the housing authority reports that there are over 131,000 families waiting for public housing. There are over 216,000 waiting for Section 8. These two lists combined is over 303,000 people who are waiting for low-income affordable housing in New York City alone, and this bill does them a great disservice.

The turnover rate in housing in New York is minuscule, 3.8 percent for public housing and less than 5 percent for Section 8. The only way to help needy people and needy people across the country find homes is to provide new vouchers and fair funding for public housing, and I would say the passage of this amendment.

We also have a huge problem in New York with expiring Section 8 contracts. In my district this is affecting thousands of people. In recent years I have been successful in working with HUD to preserve some of this housing through the mark to market programs. Thanks to HUD funding, thousands of people living in Renwick Gardens and 209 East 36th Street complexes in my district retained their Section 8 housing.

Today my biggest concern is the Marine Terrace complex in Queens, where again Section 8 contracts have run out for thousands of families and thousands of families may lose their homes.

Mr. Chairman, we keep hearing about compassionate conservatism in the press, but there is no compassion in this bill. Programs under VA-HUD benefit some of our Nation's most needy citizens, and this bill does them wrong. This bill provides no new increased funds for elderly housing, for homeless assistance grants, for housing opportunity for people with AIDS, or for Native American block grants.

The record of this Congress on housing matters is exceptionally poor for New York State, New York City, and I would say the entire country over the past 6 years. In fact, this bill funds homeless prevention programs at a level 21 percent lower in real terms than 6 years ago, when the Democrats were in the majority. Elderly housing is funded 53 percent lower than 6 years ago, public housing is 27 percent less than 6 years ago, and home ownership counseling is funded 70 percent less than 6 years ago.

Mr. Chairman, the people who benefit from these programs do not have high-paying lobbyists representing them with these secret 527 groups pushing their special interests. They are simply needy Americans who need housing assistance.

So I call on my colleagues to support my colleague's bill, which is doing something to help affordable housing across the country, but overall, this bill hurts housing. It is a bad record. It has been a bad record for housing for

the past 6 years. I urge my colleagues to support my colleague's amendment, but the overlying bill is just plain bad policy, especially in a time when we have surpluses.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. Yes, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had the privilege of serving as ranking member of the Subcommittee on VA, HUD, and Independent Agencies under the service of our very distinguished and able chairman, the gentleman from New York (Mr. WALSH) for a year, and this is my second year.

It has been a distinct pleasure to serve with the chairman and serve under the chairman as he has processed these bills, and as I said in my opening remarks, he has been extremely fair and responsive to the minority as we have worked through them.

One of the areas of the bill that I have been very impressed about his support for is the area of the bill that we now are debating, which we are debating, the HUD section. He has been a real advocate on the committee, and exercised his leadership role to the advantage of public housing and all the programs that this amendment really speaks to.

I have to conclude from that that the chairman overall, and not speaking specifically about any particular provision, supports this idea of funding these programs that we were not able to fund at the President's request.

The other gentleman from New York (Mr. FORBES), I am extremely impressed with the amendment he has come up with here. He has not only expressed his concern for our level of funding, an inadequate level of funding for housing for the elderly, for housing for the disabled, for homeless assistance grants.

He has not only expressed his concern with it and come up with dollar increases for it, but he has done what many amendments, including my amendment, did not do tonight: He has come up with the funding for it. It is an excellent source of funding. I think the gentleman from New York (Mr. FORBES) is to be commended for his ingenuity here. He has taken a piece of legislation that we have passed on the House floor, H.R. 1776, the American Home Ownership and Economic Opportunity Act, and taken provisions out of that to fund this bill, to find \$114 million in the first year.

What is significant about that? What is significant about it is that the House has already expressed its attitude about the provisions of this legislation. We passed this act in the House on April 6 of this year by a vote of 417 to 8, so the House has already expressed

its will on the authorizing provisions that the gentleman from New York (Mr. FORBES) is offering to fund the increases in these worthy housing programs that I support and I have to imagine the majority supports.

I want to commend the gentleman for that and speak in particular favor of it, because all that has to happen for us to have the increase in housing for the elderly up to the President's request of \$779 million, all that has to happen to increase funding for Section 8-11 housing for the disabled up to the President's request to \$210 million, and to increase homeless assistance grants, which is desperately needed, by \$20 million, would be for the gentleman from South Carolina (Mr. SANFORD) to release his point of order on this amendment.

Mr. Chairman, I would suggest if that were to occur and we had no other objection raised we would be affirming, if you will, a vote that has already occurred in the House, as I say, on April 6. With an overwhelming majority 417 to 8, the Members of this body approved the funding mechanisms that the gentleman from New York (Mr. FORBES) is suggesting to fund this, if the gentleman from South Carolina would release his point of order.

If he did that, we would be funding these accounts, authorizing the provisions in the appropriation bill, doing what the House wanted to do with the American Home Ownership and Economic Development Act, do what the National Association of Realtors is asking us to do, to authorize these provisions, and at the same time increasing funding to the President's request in some cases, and in some cases, like the homeless, providing \$20 million more to programs that are extremely worthy.

I would ask the gentleman from South Carolina (Mr. SANFORD) if he would release his point of order and we could move forward and, perhaps on a real bipartisan basis, approve the amendment offered by the gentleman from New York (Mr. FORBES) to fund these projects.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. Unfortunately, I do, Mr. Chairman.

The CHAIRMAN. The gentleman reserves his point of order.

□ 2045

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to respond to my colleague, I would simply say that my colleague from New York and, frankly, a lot of other colleagues both on the Democratic and Republican side of the aisle have been very consistent in their advocacy, whether it is for helping fire fighters or policemen or teachers; and I admire that. I really do.

My contention and the reason I raise this point of order tonight is simply tied to a belief, again, I was outvoted on this, but a belief that our Founding Fathers set up a rule of law based on equality under the law.

Any time that I see a fire fighter and a policeman and a teacher, all of whom do great benefit to our society, I also have to ask, well, does a welder do great benefit to our society, or does a private school teacher do great benefit to our society, or does a nurse working for a private hospital do great benefit to our society. I believe that they, too, help out. They are not in the public sector, but they do make a contribution to the society.

So my objection is solely based on the idea of equality under the law, and that is the reason I would insist on my point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Certainly I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to say that I raise the question about the legitimacy of the point of order. I want to make it very clear the gentleman from South Carolina (Mr. SANFORD), given his intellectual honesty, has every right to raise a point of order. I would just say this, any Member who, unlike other Members, sticks by his term limits pledge is entitled to raise this point of order.

POINT OF ORDER

Mr. SANFORD. Mr. Chairman, I raise a point of order. Reluctantly, I raise it, not against the gentleman from New York (Mr. FORBES), but against the underlying amendment in that it directly amends existing law in several respects in violation of clause 2 of rule XXI specifically.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

The Chair is prepared to rule.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation. The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$20,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

AMENDMENT NO. 36 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mrs. MEEK of Florida:

Page 30, after line 14, insert the following new items:

URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, \$150,000,000 to the Secretary of Housing and Urban Development for "Urban Empowerment Zones", including \$10,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, \$15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mrs. MEEK of Florida. Mr. Chairman, my amendment is an amendment that would include \$150 million to Round II Urban Empowerment Zones and \$415 million to Rural Empowerment Zones, the full amount proposed in the President's budget for fiscal year 2001. It would serve as a down payment on the funds which were promised and have been due to Round II funds.

I realize, Mr. Chairman, that this amendment does not include an offset. We hear a lot on this floor about offsets. I think we hear too much of that. We are hearing it because it is an intellectual cop-out that we use when we do not want to fund something.

But I am pleading with this body to understand the importance of the Empowerment Zone. It is a major economic development initiative designed to revitalize deteriorating urban and rural communities. Its purpose is to create jobs and business opportunities in the most economically distressed areas of the inner city and rural heartland.

The growth of the economy has bypassed these communities. Take my home county of Miami-Dade. We were given a designated Empowerment Zone, and the unemployment rate is 15 percent, and the poverty rate is 48 percent. Clearly, trickle-down economics is not working for these communities.

The Empowerment Zone discussion in this Congress is a well-kept secret. No one talks about it. No one wants to discuss it. Yet, there are Empowerment Zones in Round II that have been designated for many communities of people who are on this floor, who have

promised and told their constituents that they would get Empowerment Zones: Southwest Georgia; Riverside, California; Boston, Massachusetts; Cincinnati, Ohio; St. Louis, Missouri; Knoxville, Tennessee; New Haven, Connecticut; Columbus, Ohio, are just a few of them. The one in Miami is in my district. The growth of the economy has bypassed these districts.

These distressed communities will benefit enormously by a strong and committed Federal investment that leverages private sector dollars. This is not government money alone. They leveraged private sector dollars. In fact, the comparatively modest Federal investment of \$1.5 billion over 8 years for the 15 urban Round II Empowerment Zones alone will generate an additional \$17 billion in local investment, 35 percent of which will be contributed by the private sector, Mr. Chairman.

These are important zones. I want my colleagues to know that Empowerment Zone designation is not an easy process. Distressed communities had to work long and hard before being designated as Empowerment Zones. It is a very competitive process. The prospect of having an Empowerment Zone brings together all segments of the community, public and private.

Every year that we do not fully fund Round II Empowerment Zones, the harder it becomes to get these coalitions together. Imagine, Mr. Chairman, bringing the private sector to the table, working with public entities, and planning for an Empowerment Zone; yet when it is time to have them funded, it is a very solid issue.

I know firsthand about the process. I cochair, along with the gentleman from Florida (Mr. DIAZ-BALART), the Empowerment Zone Committee for Miami. We spent many months and countless hours working with the local government, businesses, community development corporations, and community leaders preparing the Empowerment Zone application. When we were finally chosen, there was no funding. That was a cruel joke for the gentleman from Florida (Mr. DIAZ-BALART) and myself for Round II Empowerment Zones.

A key element of the program for Round I participants was Federal funding, the Federal Government came through with that, made available through the Title XX Social Service Block Grant Program. Mandatory Social Service Block Grant funds provide a consistent and reliable source.

The CHAIRMAN. The time of the gentleman from Florida (Mrs. MEEK) has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, getting the funding for the Round II Empowerment Zones has been impossible. Last year, the VA-HUD appro-

priations bill for fiscal year 2000 included \$3.6 million for each Round II Empowerment Zone instead of the expected \$10 million for the first year.

Recently, in the agreement announced by the White House and the Speaker, funding was again promised as a part of the deal, not to mention a third round of Empowerment Zones.

I am just asking this committee and this House to keep faith with the promise they have made to the American people for Empowerment Zones, and working very hard toward trying, through this process, to do what is right, to fund these zones.

Mr. Chairman, we must finish the work which we have begun and fund these Empowerment Zones. I ask the Members to vote positive for my amendment because it is a people's amendment.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order.

Mr. WALSH. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to tell the gentlewoman from Florida (Mrs. MEEK) that many of us on this side of the aisle, reaching way back in history to Jack Kemp, when Jack Kemp talked about Enterprise Zones and reducing the burden, what we found in the inner cities is that a lot of the businesses left, crime erupted because the businesses left because of crime; and then it became a vicious cycle of welfare and drugs and the rest of the things. People had no place to work.

In Los Angeles, during the riots, the Enterprise Zone worked very good because many of those small businesses, already depressed, produced no revenue. It put people out of work. They were then drawing welfare or unemployment. Instead, then Governor Pete Wilson set up Enterprise Zones to reduce the taxes on those particular areas so that they would have a chance to start. Guess what, those small businesses came back with reduced tax rates. They hired people. So instead of drawing welfare or unemployment, it put working people to work.

The Enterprise Zone, or I am not sure of the Empowerment Zone, but I would imagine it is very simple, and it worked very, very well. I do not know, but I would think that that would be under the Committee on Ways and Means. I am not sure if it is under the jurisdiction of this committee or not since it deals with taxes, but maybe the gentlewoman from Florida is talking about something different. But the concept of going in and helping people to help themselves is a good one.

Mr. Chairman, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding to me. The Empowerment Zone concept is a well-kept secret. In terms

of what committee of reference it should preside, it is hard to say in that, since we have been relegated, been given an Empowerment Zone, I do not think any committee has dealt with it, particularly with the Round II short-changes we have had.

I thank the gentleman for really letting the Congress understand what Empowerment Zones do, because if they are funded, they can bring the community together. It is one of the strongest economic development initiatives, and I wish we could fund it.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Reluctantly, Mr. Chairman, I do.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words to speak briefly in support of the amendment to increase the funding committed for Empowerment Zones.

But I also want to say the value of the gentlewoman's amendment is far understood. I ask the gentlewoman from Florida (Mrs. MEEK) to enter into a colloquy with me.

My understanding is there was an appropriation both for urban and rural. Since I come from rural America, I can tell the gentlewoman that we need to have the tax incentives to stimulate the economic development.

I was in New York over the weekend like the gentlewoman from Florida was and saw the impact of an Empowerment Zone which had become an economic engine using high-tech and Bell Atlantic to generate jobs. To have that kind of partnership between the public and the private sector, the city, the State, and the Federal Government working together, I think it was an excellent example, some of the best practices how we can have economic development.

Now, coming from rural America, I want to see that, whatever increase comes, it would also have an opportunity for those of us who live in rural America because we have been short-changed by this economy, short-changed by sometimes the appropriation; and we do not want to be left out of the formula.

I support the concept and support the gentlewoman's amendment, but I want to make sure that I heard that rural America had the same opportunities.

Mr. Chairman, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Yes, Mr. Chairman. I think the gentlewoman from South Carolina is right. There is just as much opportunity in rural areas as in urban areas. They have the same needs for economic development. The gentlewoman has been a strong proponent of rural housing since she has been here. What any better way than to have an appointment as an Empowerment Zone.

I also want the gentlewoman to know that the Round II Empowerment Zones

have many rural communities involved in them. Many of them were enterprise communities, but there were some who had Empowerment Zones as well.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, did it include Empowerment Zone and enterprise community, both rural and urban areas?

Mrs. MEEK of Florida. Mr. Chairman, if the gentlewoman will yield, that is correct, both of them.

Mrs. CLAYTON. Mr. Chairman, Round II would have meant that they would have continued those that were in existence?

Mr. Chairman, I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. At the funding level they were promised, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, we had one in our district, and I will tell the gentlewoman they are suffering. We had water and sewage provided, but we have not had the second provision for the enterprise community. We did not get an Empowerment Zone.

But even the enterprise community allowed us to bring water and sewer and to entice economic development. Now that they are almost ready, we do not have that additional resource to make sure we have the kind of infrastructure that would attract the businesses to those communities. We do not have the money for the staff capacity. As the gentlewoman well knows, the collaboration to make this hatch requires a lot of people working together, and you need to have staff in order to do that, and that is what we are suffering from.

□ 2100

Mrs. MEEK of Florida. If the gentlewoman will continue to yield, I thank her for her contribution, because she has really applied the cause for enterprise zones in rural communities.

I am just hoping as we go along that the chairman, in all of his work with the committee and in conference and with the ranking member, will work forward to getting monies into empowerment zones and the enterprise communities. They are both very worthy causes.

Mrs. CLAYTON. Reclaiming my time, Mr. Chairman, if I entertain the chairman in a colloquy, and I know the chairman is committed, because I know he is one of the most committed persons to economic development and housing. I know it pains him that he cannot provide all these resources, but does the gentleman still persist that he must have a point of order?

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would just respond to the gentlewoman that the reason for this is because it is clearly the jurisdiction of the Com-

mittee on Ways and Means, and we cannot usurp that jurisdiction. It would be a problem.

I have listened to the gentleman from California (Mr. CUNNINGHAM) speak and listened to the gentlewoman from Florida (Mrs. MEEK) speak. I am a supporter of empowerment zones and enterprise zones. I am a former city council president. I am a city person. I know the need and I know they are needed in rural areas too. But we just cannot encompass that in this bill. It would also put us over our allocation in violation of the Budget Act. So, reluctantly, I have to insist on the point of order.

POINT OF ORDER

The CHAIRMAN. Will the gentleman from New York (Mr. WALSH) state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Florida (Mrs. MEEK) wish to be heard on the point of order?

Mrs. MEEK of Florida. No, I do not.

The CHAIRMAN. The Chair is prepared to rule.

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority. The amendment offered by the gentlewoman from Florida (Mrs. MEEK) would, on its face, increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act. The point of order is, therefore, sustained. The amendment is not in order.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just say first of all that I am reminded tonight of the fact that really the right to decent and affordable housing should really be a basic human right and this bill goes in the opposite direction.

As a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, I am acutely aware of the enormous housing needs of our Nation, and especially in the State of California. Housing costs in northern California, which I represent, are particularly alarming. Housing costs are reaching astronomical heights and are becoming increasingly impossible for

moderate wage earners to meet. The working poor, the disabled, and our senior citizens are in greater jeopardy than ever.

Today, I talked to a constituent who is a senior citizen in my district, and who is in desperate need of housing. She has been told that there are from 3 to 5 years in terms of a waiting list. Now, that can be a lifetime for an elderly individual. If anyone needs confirmation of this crisis, I direct their attention to the State of the Cities report released by HUD this past Monday in Seattle.

This report outlines the paradox between economic growth that is increasing employment and homeownership and the dramatic increases in rents and housing prices. The report also notes that over the 1997 to 1999 period, house prices rose more than twice the rate of inflation and rent increases exceeded inflation for all 3 years. Furthermore, among the top 10 markets that HUD identifies as the hottest high-tech markets, house prices rose more than 18 percent in the last 2 years, and in 1999 rose by 27 percent. That is outrageous.

In this best of all economic times, deservedly celebrated as unusual in its longevity, why are we now talking about cutting out the bare necessities for those who absolutely cannot survive without help? Why are we cutting the bare bones of housing and the economic opportunities to really reach some level of self-sufficiency?

We kick people off welfare and tell them to be independent and we keep a few scaffolds to hold them up until the foundations and the pillars can be reinforced. With the cuts in this bill, we are kicking out these few scaffolds and supports that remain. So what do we suppose will be the outcome?

Congress must do more than maintain the status quo with the underfunded Section 8 program. Congress should do better than ignore the moving to work program and dismissing welfare to work vouchers. We can also do better than underfunding elderly and disabled assistance programs by \$78 million.

Mr. Chairman, the American Dream is one of living in suitable and quality homes. It rightfully gives us a serious stake in this society. Having safe, clean affordable housing really allows us to have a solid place from which we can accumulate some wealth, for those who can afford to buy a home, to care for our families, to send our kids to decent schools and to invest in dreams for the future. This bill really does turn those dreams into nightmares.

This Congress is elected to serve everyone in this Nation, as well as to be particularly attentive to our own constituents. This bill is neither attentive nor cognizant of the fact that millions are homeless or live in substandard housing. It also ignores the fact that millions are living from paycheck to

paycheck or are neglecting other basic needs, such as nutrition or health needs, because of the high cost of housing. This bill really does not serve everyone. And I cannot in good conscience, and I hope many of us here tonight, will not vote for this and neglect our constituents and other Americans. Housing really should be a basic human right.

So let us go back to the drawing board and put forth a budget that values the housing requirements of the poor, of our senior citizens, of the disabled, of the homeless, of our working men and women, who deserve a decent and affordable place to live. That is the right thing to do.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to H.R. 4635, the VA-HUD Independent Agencies appropriations bill. I stand opposed to this bill because the American people cannot stand here today and demand to be heard. I stand opposed to the bill's funding levels because, in the midst of economic prosperity for many, others have been left out of the process. We must provide hope with support for children, families and communities suffering all across this Nation.

I cannot support this bill that turns its back on the affordable housing crisis in America. I cannot support a bill that overlooks 5.3 million households, or 12.5 million Americans, with serious housing needs. Moreover, with the average waiting period for Section 8 vouchers or public housing units being over 2 years, we cannot afford to wait. We must provide relief to this ever growing problem. We must provide increased funding not only for affordable housing and public housing but for elderly housing as well.

CDBG, the Community Development Block Grants, were developed for those with low to moderate incomes. Since 1974, CDBG has been the backbone of communities. It has provided a flexible source of grant funds for local governments to devote particular development projects and priorities.

I am tired of hearing about Wall Street's prosperity. Let us see a little prosperity running down East 105th Street in Cleveland, which is in my district. This bill cuts progress that would come to communities via Community Development Block Grant funds.

Within CDBG, this bill cuts \$44 million from Section 108 loan authority, cuts every community development program, and also cuts \$275 million from last year's CDBG funding level.

Let us talk about homeownership and affordable housing. Housing and expanding homeownership is of great concern to the 11th Congressional District. We must find solutions to provide affordable housing for all. H.R. 4635 does not get us there.

This bill cuts the President's housing request by more than \$2 billion. This

reduction denies the request for 120,000 new rental assistance vouchers, has a \$78 million cut in elderly and disabled housing, and a \$28 million cut in providing housing assistance for people with HIV/AIDS. Shame on this Congress if we do not provide the necessary aid for those who need it most.

In addition to neglecting housing, economic development is forgotten as well, for this bill provides zero funding for empowerment zones, zero funding for APIC loan guarantees, cuts in the New Markets Initiative, and a 20 percent cut in funding for Brownfields redevelopment.

This appropriations bill is a reverse Robin Hood. Yes, it robs neighborhoods all over this Nation. It robs communities that use CDBG funds for child care, Meals on Wheels, and other community programs.

If we want to expand homeownership opportunities, let us do it the right way. Include funding for HOME funding, which funds low-downpayment homeownership programs and affordable housing construction. This bill cuts HOME funding by \$65 million. Let us fund housing counseling, which helps in the fight against the growing problem of predatory lending. This is counseling which is needed across this country as the predators continue to prey on low-income persons who really need counseling advice.

What is the reality here? The reality is that this appropriation bill does an injustice to Americans all over this Nation who need help. We cannot continue on this road of denial and neglect. We cannot in clear conscience support H.R. 4635 and then move to the upcoming celebration of independence on July 4, for there are people who are still not free: Homeless persons, those without decent housing and living conditions, and those living in deteriorating communities.

We must never forget the words inscribed at the Statute of Liberty: "Bring me your tired, your poor, your huddled masses yearning to breathe free." Let us breathe free by being a just Congress, a just House of Representatives, a House of the people, by the people and for the people.

Support housing, support community development, support the elderly. Oppose H.R. 4635.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

COMMUNITY DEVELOPMENT FUND
(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$4,505,000,000: *Provided*, That of the amount provided, \$4,214,050,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), to remain available until September 30, 2003: *Provided*, That \$67,000,000 shall be for flexible grants to In-

dian tribes notwithstanding section 106(a)(1) of such Act, \$3,000,000 shall be available as a grant to the Housing Assistance Council, \$3,000,000 shall be available as a grant to the National American Indian Housing Council, and \$39,500,000 shall be for grants pursuant to section 107 of the Act: *Provided further*, That \$15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That \$20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the department.

AMENDMENT NO. 37 OFFERED BY MRS. MEEK OF
FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mrs. Meek of Florida:

Page 30, line 20, after the dollar amount, insert the following: "(increased by \$395,000,000)".

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order against the amendment.

The gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Chairman, it is really heart wrenching and heartbreaking when a point of order is usually coming from the floor regarding some of the things that people back home do not even understand.

Someone who does not have housing, someone who is living in a run-down dilapidated community knows nothing about the nomenclature of this Congress. That nomenclature includes off-sets, it includes point of order, it includes authorize. All of those types of terminology is based on a stalling technique to hold back growth in the cities. Now, our cities are rundown, they are dilapidated, and we need to do something about it. That is what Community Development Block Grant money is supposed to do.

Now, I have fought very hard on this floor for CDBG funds. They are being dissipated with everything but what they were designed to do. Many times that is by design. But, anyway, I want to increase the funding in the bill for Community Development Block Grant programs, and I want to increase it by \$395 million to raise the funding level in the bill to \$4.9 billion. That is the President's request.

□ 2115

Now, Mr. Chairman, I understand my amendment raises community development funding only to the level of \$4.9 billion. So we can see that my amendment is a very reasonable compromise that I am certain the subcommittee chairman and my colleagues can enthusiastically support.

I also understand that there is no offset for this particular amendment. But I want to raise the consciousness of this Congress as well as to have them realize that something has to be done to improve Community Development Block Grant funds.

I have a letter here, Mr. Chairman, from the Conference of Mayors, in which I am sure, just reading this, there are more than 200 signatures on this letter; and they are calling for a community development funding level of \$5 billion.

We keep saying we want to return the money back to the people. What is any better way to return this money we keep hearing about back to the people? The \$5 billion that we are asking for will help these crumbling cities, and it will keep us going in our cities and in our rural communities, as well.

It is important to note that the bill's total for CDBG, \$4.505 billion, is \$95 million less than the \$4.6 billion provided 6 years ago. Six years ago there was more money provided for CDBG than there is now. Think about it. Someone is mathematically challenged here. With 6 years of inflation, the cut in CDBG purchasing power since fiscal year 1995 is actually about 15 percent, which is a huge cut in a program that works so well and does so much good.

All of my colleagues realize and understand the CDBG program. It is one of the most popular government programs. We keep saying we want to adequately fund proven programs. CDBG is a proven program. It provides communities with flexible funding to develop and build housing and economic development projects that primarily benefit low and moderate income people.

Probably most of my colleagues have CDBG projects in their district that have either been completed or are under way. CDBG funding has been provided locally. We are going back again to sending the money back home. It is not administered from here but back home. Very often they are able to leverage it.

This is the right time, Mr. Chairman, to increase Community Development Block Grant appropriations to take advantage of this real strong economy. What better time can we have that we can leverage it than now?

My amendment, Mr. Chairman, presents a tremendous opportunity to help this Nation's poor. It is one of the first tools that cities can turn to. When we drive through Washington, Virginia, wherever we go in this country, we will see these low, run-down communities.

Why can we not build our communities? We have more money being sent to foreign nations than we have trying to build our distressed communities. There is something wrong with that, Mr. Chairman. It is wrong-headed. There is something wrong in poking ourselves in the nomenclature of denial. That is what we are doing. We are denying these people who can help their communities, who can leverage this. There are so many people in this country who want to invest, Mr. Chairman, in some of these communities.

So I am asking my colleagues to support this amendment. It does not involve an offset. The VA bill is terribly underfunded as it is.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Florida (Mrs. MEEK) has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, my amendment does not include an offset. This VA-HUD bill is already terribly underfunded as it is. The chairman and the ranking member have worked very hard to try to get us better funding than we have, but we are still in that position. We are tied down by the constraints, our own constraints. We put an albatross around our own necks.

When we go back to our communities, our people will not know anything about offsets. They do not know anything about that. But they do know when their communities are crumbling under their feet.

So I am hoping that no one will make that point of order, that this House will adopt my amendment today and adequately fund the CDBG program, the lives of those who have been left behind by the booming national economy.

I spent some time on Wall Street the other day, Mr. Chairman. I was shocked. I am a senior citizen. I have never been on Wall Street where I was at the Stock Exchange. And it was marvelous to see where the money is turned over. But do my colleagues know what? It is not getting back to those communities, to those poor people whose government can help these people.

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman. I continue to reserve my point of order.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate can go on and on and on and it probably will sort of ad nauseam. I support the gentleman from the great State of Florida (Mrs. MEEK).

For the life of me, it is difficult to understand where some of my colleagues are coming from when they

talk about cutting efforts and reducing resources toward an issue that seeks to expand homeownership.

The one sort of valuable asset that most people ever own in their lives, we all hope to invest in stocks that will generate huge yields and make a lot of money for us, but the truth be told, the one major asset, the most valuable asset that most Americans will control or own in their lives is a home.

We are close to 5½ million people. In this Congress, we often use the term "low income" to describe some of the folks that will benefit from this initiative. But whether they are low income or middle income or even high income, they are still Americans. There are 5.4 million who have worse-case housing scenarios.

Empowerment Zones and Community Development Block Grants really empower cities and local players working with the market and those in the private sector to come up with solutions to help expand homeownership and expand economic opportunity of all Americans.

I was on that trip with my colleague from Florida (Mrs. MEEK) to New York and did not have the opportunity to visit the New York Stock Exchange as some of my other colleagues did, but have had opportunity in the past.

I hear so many of my colleagues often talk about how government is around people's necks and it is squishing innovation and creativity and wealth in America. Let us deal with a few facts for one moment.

The Dow has grown three times over the last 8 years. Some people suggest that this President has not been a good one, but I think he deserves just a small bit of credit for not standing in the way of those entrepreneurs and business people from growing this economy.

Wealthy Americans have seen their wealth. Some of them have doubled, tripled. Some have even quadrupled. I love that. I support that. That is what distinguishes our Nation from so many other countries around the globe, why so many people seek to come to this great Nation.

We in government in a lot of ways have a responsibility to ensure that we bring the market to those communities and those neighborhoods that ordinarily might not benefit and might not, I should say, see the benefits of a strong economy.

When we bring the market to communities that ordinarily do not see it, and I applaud the President's new market initiative and even some on that side that have come up with innovative ideas, my colleague from Oklahoma and other members in that caucus on the other side, finding ways to bring more people into this new economy, it would seem to me that Empowerment Zones and Community Development Block Grants would be something that

those on the other side would be eager, would jump to support.

In many ways, it is the public and the private partnering, working together to empower people who ordinarily might not be empowered. We have an opportunity, unlike any generation of Congresspeople, searching for solutions at a time when we are not running a deficit. We still have an enormous debt that we have to service and ensure that we pay down, and there are plans on the table in which to do that, but we now have a chance to help empower new groups of people and not worry as much as perhaps a generation before.

My dad served in this Congress for 22 years. He never had this chance, never had this opportunity. What do my friends on the other side choose to do with this chance and this opportunity? In my estimation and in many of my colleagues' on this side, and I would agree with the young gentlewoman from Florida (Mrs. MEEK) the nomenclature, the terminology we use here is confusing not only to those at home but even sometimes to those of us in this Congress, we choose, in my estimation, to squander this moment.

Instead of taking the opportunity to invest in folks who want an opportunity, who want a chance, we have chosen not to. Shame on us as a Congress. We will have only ourselves to blame if we look back a few years from now and realize that this window is closed and we took no opportunity to expand HOPE, to expand opportunity to hundreds of thousands and perhaps millions of Americans crying out for this chance.

From a parochial standpoint, I have thousands of people on the section 8 waiting list, Mr. Chairman; meaning they want to own their own home, they want to realize the American dream. All they are wanting is a hand up. We have an opportunity to do that this evening and in the coming days in this Congress. But based on what has been put before this Congress, H.R. 4635, it seems once again we are going to fail not only those in Florida, not only those in Texas, not only these in New York and Tennessee and even my dear friend from New York, but we are going to fail the 5½ million people scattered across this country who are doing nothing more than asking what every stockbroker in the stock exchange asks for, and I support that, what every high-tech executive in Silicon Valley and Silicon Alley and Austin and Boston and Northern Virginia are asking for, just a chance and just an opportunity.

We have a chance in this Congress to do that this evening and in the coming days. I would hope my colleagues on the other side would take a second look at what they propose and make the effort to fix it. This is one way to fix it, to support the amendment of the gen-

tlewoman from the great State of Florida.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) reserve his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentlewoman from Florida (Mrs. MEEK) has presented us with an excellent opportunity. I wish I could waive the procedural wand. And I do respect the chairman retaining and reserving his point of order.

I stood on this floor before, and I have acknowledged the hard work of the chairman and the ranking member. I did that as I supported the effort of the ranking member to add \$1 billion to this legislation, this appropriations bill. And now I come to acknowledge the good work of the gentlewoman from Florida (Mrs. MEEK) on two elements that she has offered to explain to the American people and to our colleagues.

I said that I wished I had a magic wand, because I think the message that we are trying to portray and to explain is that this is a return on America's tax dollars. We have come to the floor of this House and eloquently debated the importance of giving an estate tax relief; and, frankly, I believe that over the long haul we can collectively, in a bipartisan way, do something for those individuals who deserve some estate tax relief.

The bill we passed the other day, of course, was just to fatten the pockets of about 1 percent of America's people.

But when we begin to talk about an Empowerment Zone and Community Development Block Grants, we are talking to the working men and women of America; and we are saying to them, we are not grabbing hold of their tax dollars, holding them close to our chest, never to return them back to the highways and byways of the local community.

What the gentlewoman from Florida (Mrs. MEEK) is arguing for is to give back to the people of America who live in rural areas and urban areas who are sometimes keeling over from decay, give them back the tools that they can work themselves.

Our President and the leadership gathered together to understand the concept and promote the concept of empowerment and they named it Empowerment Zones. I understand that my colleague from Florida has an Empowerment Zone. The good citizens of Houston and other parts of Texas are seeking to secure an Empowerment Zone.

It is not a handout, Mr. Chairman. It is putting the mind and the intellect and the engine of ingenuity together in our local communities coming up with a plan that will take Federal dollars

and invest them wisely. That is an Empowerment Zone.

So I support the \$150 million that we should be putting into this legislation to be able to support the many applicants around this Nation, rural and urban alike, who have sought the opportunity to invest in their own neighborhoods. It is a tragedy that we would deny them that. It is a tragedy that we do not explain to the people of America what the Empowerment Zone means and what these Community Development Block Grants means.

Let me tell my colleagues what they mean in Houston, Texas. They mean a new police station. They mean a new library. They mean a new inner city park where there were no parks. They mean a new health clinic. Because the City of Houston can take these block grants and embrace them and utilize them for the needs of the community. They need help in historic zones and help in the areas that they are claiming to be a historic zone.

They can also be used to help people suffering from AIDS in a variety of support services. They can be a multi-service center where my elderly come every day in a safe and secure and air-conditioned location. And I tell my colleagues that if they live in Houston, Texas, in August, if they live there in July, if they live there in September, they need air-conditioning. This is what Empowerment Zone monies mean, and this is what CDBG monies mean.

As I said on this floor before, in the most prosperous of times, when we have the most prosperous time in our history, the question will be asked of us, what have we done for those who are voiceless, who cannot speak for themselves. I would imagine that the working men and women and that the children that are part of these working families look to our local governments and to our county governments to provide these kind of resources for them.

I joined a group of youngsters at a library the other day. I could not have been more excited about their excitement about being in a library funded by CDBG monies.

□ 2130

I want to applaud the gentlewoman from Florida for adding the \$150 million for an empowerment zone. There is a whole long line, Mr. Chairman, of applications for the empowerment zone, and for CDBG moneys because there is more than a long line. As was quoted by a staff member, I think the good staff member of the gentlewoman from Florida (Mrs. MEEK), there is not a rural county or hamlet or village or city in America that has not received community development block grant dollars. What a tragedy to be able to tell them in this most prosperous of times that we will deny them the right kind of proper investment of their tax

dollars and that is returning it back to them to do what is best for their community.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. REYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of full funding for the 15 Round II Urban Empowerment Zones. My community of El Paso is one of those 15 designated empowerment zones. El Paso was designated based on its low per capita income, high unemployment rate, and maintaining the poorest ZIP code in the Nation. Within this context, El Paso worked hard to achieve a Round II Empowerment Zone designation. My community has sought to utilize the full benefits of the designation to quickly raise the standard of living and quality of life for all El Pasoans since receiving this designation in 1999.

Unfortunately, my community has continued to suffer because Congress has failed over the past 2 years to provide the full \$10 million in annual appropriations for each of the urban empowerment zones in Round II. This year's bill continues that dismal track. The goal of the Empowerment Zone initiative is to leverage private sector resources with Federal funds to create economic and job development in areas which have lagged behind the national economy.

The first round of empowerment zones showed that with adequate funding and tax incentives, distressed communities like ours could create valuable new jobs, adequately train workers, develop affordable housing and child care, and generate business opportunities to raise the overall quality of life. Each of the first round empowerment zones received \$100 million in Federal grant funding over the 10-year span of the Empowerment Zone designation along with various other tax incentives to attract and spur economic growth. This combination of resources and tax incentives was critical to addressing the needs of those historically underserved communities such as El Paso.

In contrast, the Round II empowerment zones have received only a small portion of the grant funds that they were promised and that they had anticipated. They have received annual funding below \$4 million for the past 2 years, more than \$14 million less than they expected. This underfunding has stymied long-term plans for development and growth. It has further undermined the tremendous leveraging capability of using public funds to draw private investment through a multiplier effect.

As our Nation enjoys one of the strongest economies in generations, it is incumbent that we provide opportunities for our distressed communities.

The empowerment zone residents deserve to reach their full potential, but this can only take place if they receive full funding. Both President Clinton and Speaker HASTERT committed to \$200 million in funds for the Round II empowerment zones and enterprise communities in fiscal year 2001. This bill has failed to include those dollars for empowerment zones and enterprise communities. The citizens of my community and other empowerment zones are awaiting the opportunity to share in our strong economy. With the full funding as promised for Round II, we can truly improve the quality of life of empowerment zone residents and no longer delay their opportunity to share in the American dream.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 20, 2000. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under subsection 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from Florida would, on its face, increase the level of new discretionary budget authority. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

Of the amount made available under this heading, \$23,450,000 shall be made available for capacity building, of which \$20,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing", for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), as in effect immediately before June 12, 1997, with not less than \$4,000,000 of the funding to be used in rural areas, including tribal areas, and of which \$3,450,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to \$55,000,000 for supportive services for public housing resi-

dents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: *Provided*, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, \$10,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes.

Of the amount made available under this heading, notwithstanding any other provision of law, \$45,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That of the amount provided under this paragraph, \$3,750,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, \$10,000,000 shall be available for grants for the Economic Development Initiative (EDI), to finance a variety of economic development efforts.

For the cost of guaranteed loans, \$28,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,217,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, \$1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$20,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,585,000,000 to remain available until expended: *Provided*, That up to \$15,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That \$17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS
(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$1,020,000,000, to remain available until expended: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance and management information systems.

HOUSING PROGRAMS
HOUSING FOR SPECIAL POPULATIONS
(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, \$911,000,000, to remain available until expended: *Provided*, That \$710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services

associated with the housing, of which amount \$50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount \$50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use: *Provided further*, That of the amount under this heading, \$201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That \$1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That the Secretary shall designate at least 25 percent but no more than 50 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND
(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION
FHA—MUTUAL MORTGAGE INSURANCE PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$100,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$330,888,000, of which not to exceed \$324,866,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed \$4,022,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative

contract expenses, \$160,000,000, of which \$96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2001 an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$101,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$21,000,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000; of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$211,455,000, of which \$193,134,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which \$18,321,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$144,000,000, of which \$33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2001, an additional \$19,800,000 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

GOVERNMENT NATIONAL MORTGAGE
ASSOCIATIONGUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$9,383,000 shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$40,000,000, to remain available until September 30, 2002, of which \$10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$44,000,000, to remain available until September 30, 2002, of which \$22,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL
LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, \$80,000,000 to remain available until expended, of which \$1,000,000 shall be for CLEARCorps and \$10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$1,004,380,000, of which \$518,000,000 shall be provided from the various funds of the Federal Housing Administration, \$9,383,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from

the "Community development block grants program" account, \$150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, and \$200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: *Provided*, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act for employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: *Provided further*, That the community builder program shall be terminated in its entirety by October 1, 2000.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 46, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH:

Page 45, line 25, strike "*Provided*" and all that follows through page 46, line 2, and insert the following:

Provided further, That the community builder fellow program shall be terminated in its entirety by September 1, 2000: *Provided further*, That, hereafter, no individual may be employed in a position of the Department of Housing and Urban Development that is designated as "community builder" unless such individual is appointed to such position subject to the provisions of title 5, United States Code, governing appointments in the competitive service: *Provided further*, That any individual employed in such a position shall be considered to be an employee for purposes of the subchapter III of chapter 73 of title 5, United States Code (commonly known as the Hatch Act).

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WALSH. Mr. Chairman, this is a technical and clarifying amendment regarding the termination of the Community Builder Fellow program. This amendment simply clarifies language that was included in the bill and in the fiscal year 2000 appropriation that terminates the Community Builder Fellow program. In addition to clarifying language, language is added requiring that any former community builder fellows at HUD be subject to the provisions of the Office of Personnel Management and the Hatch Act. I believe the other side has reviewed this amendment with us, and I believe they are in agreement and that they are prepared to accept the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word. Mr. Chairman, I accept the gentleman's amendment. I appreciate the hard work

that he has put into considering our concerns for the language as it was drafted in the bill. I appreciate the fact that we have reached a satisfactory compromise on this issue. I again compliment the gentleman on his good work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$83,000,000, of which \$22,343,000 shall be provided from the various funds of the Federal Housing Administration and \$10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for "Drug elimination grants for low-income housing": *Provided*, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE
OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than \$0.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 46, line 21, after the dollar amount, insert the following: "(increased by \$4,770,000)".

Mr. HINCHEY. Mr. Chairman, this is an amendment that would add \$4.77 million to the budget of the Office of Federal Housing Enterprise Oversight.

OFHEO, as it is known, is an independent regulatory agency within the Department of Housing and Urban Development. It was created by Congress in 1992 to oversee the safety and soundness of Fannie Mae and Freddie Mac, the two largest government sponsored enterprises.

Fannie Mae and Freddie Mac are private companies that were chartered by Congress to encourage homeownership by creating a secondary market for

mortgage debt. They have been very successful in this endeavor. They own or guarantee nearly half of all home mortgages and almost 80 percent of middle-class mortgages. While they are not Federal agencies, the two housing GSEs enjoy some advantages that other private financial institutions do not. Nevertheless, as a result they are able to issue debt at rates that rival the Treasury because the market presumes that their securities are backed by the U.S. Government.

Although the law specifically states that this is not the case, Fannie and Freddie are, in reality, too big to fail. They are exposed to more than \$2 trillion in credit risk from the mortgages they guarantee. They are also subject to \$850 million of interest rate risk from the whole loans and mortgage-backed securities they hold in their portfolios.

Both GSEs are adequately capitalized, well managed and are in excellent financial condition. Times are good and homeownership rates are at all-time record levels as a result. Fannie Mae and Freddie Mac should be commended for their role in this success. But we should not forget that we are entering a period of interest rate volatility.

The Federal Reserve has raised the prime rate five times during the past few months and it seems poised to do so again. As a result, the GSEs which are exposed to considerable interest rate risk could be vulnerable to a slowdown in the economy. I do not mean to suggest that they are in any trouble or that they would not be able to weather a downturn, but there have been times in the past when both Fannie Mae and Freddie Mac have suffered financial difficulties.

□ 2145

Indeed, this is why Congress created this regulatory body in the first place, to ensure the safe and sound operation of the GSEs in troubled times. OFHEO will soon round out its regulatory program when it implements a risk-based capital standard that has been 6 years in the making.

After completing a thorough analysis of its needs in light of the \$2 trillion housing finance market it oversees, OFHEO requested \$26.77 million from Congress this year. While this is a substantial increase over last year's budget, the extra funds will be used for some very necessary purposes.

They include hiring additional examiners to ensure compliance with the new capital rules; train staff to understand the complicated financial transactions and risk management techniques used by the GSEs, to upgrade technology, including the purchase of faster computers and sophisticated risk management software, and also to implement a series of organizational reforms recommended by OFHEO's outside auditors.

The Congressional Budget Office has scored this amendment as budget neutral. The funds for OFHEO's budget come from semiannual assessments on the GSEs, subject to Congressional approval. No offset is necessary to approve this increase.

Fannie Mae and Freddie Mac are not opposing this amendment. They believe that OFHEO should have the resources it needs to do its job. They know that the investment in safety and soundness pays dividends in market confidence. Investors need to know that the GSEs are adequately capitalized and soundly managed.

In summary, Mr. Chairman, I encourage my colleagues to cast a vote for safety and soundness and support this amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York (Mr. HINCHHEY).

Mr. Chairman, OFHEO requested an increase this year and the Committee on Appropriations gave them one. OFHEO's budget has increased from \$19.5 million to \$22 million, a 15 percent increase over last year's funding level. That is as great an increase as any budget within this bill.

The increase is consistent with past increases and based on OFHEO's budget justifications is fair and adequate; but OFHEO wants a 50 percent, 5-0, 50 percent increase in their budget, and they claim the increase is necessary to finalize the risk-based capital standard and to adequately monitor the safety and soundness of the GSEs. But if past performance is any indicator of future action, I suspect OFHEO will not be able to do as they assert.

My doubts are well founded, as OFHEO has never met their promises as they relate to risk-based capital standard despite a statutory requirement to do so by April of 1994. I remind you, we are in the year 2000; that is 6 years ago. So they did not keep that commitment.

Despite the GSE Safety and Soundness Act of 1992, OFHEO was 5 years late issuing the preliminary rule, 5 years late. We are asked to give them a 50 percent increase in their budget?

Their tardiness cannot be blamed on the Committee on Appropriations. Every year since 1994, OFHEO promised this committee that they would get the rule out. Every year, the committee increased funding to the requested level, and every year for 5 years OFHEO has failed to keep their promise.

This is just one of the reasons I am not persuaded that OFHEO requires a 50 percent increase in their budget request. We are aware that OFHEO has recommended that they be removed from the appropriations process. They feel their mission is compromised because they must justify their expenditures to this committee; however, until the law is changed, refueling OFHEO's budget is our concern.

Let me describe the review this committee conducts on this account. First, the fact that discretionary funds are not needed to pay for the account is none of our concern. We dig much deeper and are far more comprehensive because we take the responsibility seriously. We look at how many staff are currently on board, whether staff will increase, what the staff duties are, the costs of travel and equipment.

This review is then coupled with the performance of the agency, which has been abysmal, to see if the staff hours are having the intended results, because OFHEO's request was so out of line with past requests. Rather than dismissing it entirely, we requested OFHEO to provide us with additional documentation to justify the increases.

Mr. Chairman, I asked that OFHEO make comparisons between their responsibility to regulate the safety and soundness of the GSEs and the responsibilities of other similarly situated regulators. Mr. Chairman, they never responded to the subcommittee's request. Instead, OFHEO resorted to press releases accusing my subcommittee and me of being "subject to the maneuverings of the entities" that OFHEO regulates. Not only is this accusation insulting, but it borders on slander.

I certainly have not been approached by Fannie Mae or Freddie Mac about OFHEO's budget, and I am fairly certain that no one on the subcommittee was approached. In fact, those entities make it a habit of never discussing OFHEO's budget with me, with other Members or with our staff.

In my opinion, this highly inappropriate accusation was not merely foolish, but it was petulant and naive. Furthermore, this statement and the agency's inability to act in a timely way on risk-based capital rule has forced me to reconsider whether this agency has the credibility and the independence it takes to be an effective regulator.

Certainly, we have no intention of rewarding this type of behavior and refusal to comply with the subcommittee requests by getting OFHEO an increase in funds.

I urge everyone in this body to vote a resounding no on this amendment. OFHEO does not deserve the attention.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Hinchey amendment that would restore the \$4.7 million in the budget for Office of Federal Housing Enterprise Oversight, otherwise known as OFHEO. And I want to say to the chairman of the subcommittee, the gentleman from New York (Mr. Walsh), while I understand his frustration with how this matter has been debated, I think that this cut in OFHEO could not come at a worst time.

Let me say, as the chairman of the subcommittee, the gentleman from

New York (Mr. WALSH), mentioned, that OFHEO is the only Federal financial regulatory agency which is subject to the appropriations process, and there is no doubt that that ought to be changed; and I would hope that the Committee on Banking and Financial Services, which I am a member of, would take that up along with the Committee on Appropriations and treat OFHEO like the Comptroller of the Currency and the FDIC and the Office of Thrift Supervision. But obviously that is not going to happen before this bill is enacted.

The problem with not providing OFHEO with the proper resources compounds an existing problem that the Committee on Banking and Financial Services is already looking at. As the gentleman from New York might know, the Subcommittee on Capital Market, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services is in the process of considering legislation as to whether or not the GSEs, Freddy Mac, Fannie Mae, as well as the Federal Home Loan Bank, which are not under OFHEO, are sufficiently capitalized. And we have been going through a number of hearings on this, and the linchpin in all of this is going to come down to the final regulations issued by OFHEO as it relates to the capital oversight of the GSEs.

Mr. Chairman, this reduction in the amount of resources that they need to carry out their job, quite frankly, could not happen at a worse time.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I just wanted to clarify, this is not a reduction. This is an increase of 15 percent in their budget.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I appreciate the gentleman's comments, but I would also add that their activities have increased as they are in the final stages. As the chairman knows, they are in the final stages of preparing the regulation that will set capital standard for Freddie Mac and Fannie Mae.

They are in the process of reviewing the comments on the initial regulations that were published in the Federal Register, so their workload clearly has gone up. And I think the chairman would concur that the responsibility as laid out in the 1992 act is quite important.

To go back to my original point, we are in the midst of a debate in the authorizing committee as to whether or not the GSEs are properly capitalized, whether or not their structure ought to be changed. And we are relying greatly on what OFHEO is going to come up with, so I think it would be a mistake at this time not to provide them with the proper resources.

I would hope that the gentleman would accept the Hinchey amendment. Let me say I know the gentleman quite well; we have traveled together. I have nothing but the greatest respect for him. I think that if OFHEO, and I have no reason to question what he said, if OFHEO did what he said, they were wrong to do that.

I would hope that the chairman would not allow some bad judgment on the part of the agency in trying to get in the way of the resources that they need to carry out their duty that we on the authorizing committee have asked them to do and the Congress has asked them to do.

Mr. Chairman, I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I consider the gentleman from Texas (Mr. BENTSEN) a good friend and someone I admire in this body, and I want to assure the gentleman that there is absolutely nothing personal. We are talking about performance.

This is an agency that has failed its mission for 6 consecutive years, and for us to give them a 15 percent increase I think is pretty generous, but not a 50 percent increase.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I would just hope that the gentleman would see to accepting the Hinchey amendment. We need this information if we are going to carry out our oversight functions with respect to the GSEs. The House is in a great deal of debate about this, and it would be, I think, counterproductive to undercut the one regulatory agency over the GSEs at this point in time, and so I would hope the House would adopt this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of my colleague, the gentleman from New York (Mr. HINCHEY), for his thoughtful amendment. He is a former member of the Committee on Banking and Financial Services, and he has worked with OFHEO for over 7 years here in this body.

I want to offer my support for providing the Office of Federal Housing Enterprise Oversight, OFHEO, with the full resources it needs to comprehensively regulate Fannie Mae and Freddy Mac and to regulate their safety and soundness. As my colleagues are aware, OFHEO funding comes from assessments on Fannie Mae and Freddy Mac, not from the taxpayers. However, approval for OFHEO assessments is tied to the appropriations bills.

The GSEs play a critical role in our Nation's housing finance system, increasing the availability of home mortgage funds and increasing homeownership.

In recent months, the gentleman from Louisiana (Mr. BAKER) of the Committee on Banking and Financial Services, the Subcommittee on Capital

Markets, Securities and Government Sponsored Enterprises has led a series of hearings and oversight on the housing GSEs.

During the course of our hearings, the subcommittee has come to two conclusions that I think are overwhelmingly supported by both sides of the aisle. First, with an almost 70 percent homeownership rate, our Nation's housing finance system is the most successful in the world. Secondly, the housing GSE regulators should have the resources that they need to do the job to oversee safety and soundness.

The Hinchey amendment makes an increase of \$4.8 million to \$26.8 in the amount of funding that OFHEO can assess the GSEs. Regulations of GSEs require highly technical analysis and this increase will give the agency the ability to hire and retain the high-level staff required to do its job.

I know that no matter how my colleagues feel about GSEs, we all want to ensure that the enterprises are adequately supervised. So I really urge the support of the Hinchey amendment and appeal to my good colleague on the other side of the aisle, the gentleman from the great City and State of New York (Mr. WALSH), to accept this amendment.

Again, it does not in any way come out of resources of the taxpayers. It is an assessment on the GSEs to pay for their own oversight for safety and soundness.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to increase funds for the Office of Federal Housing Enterprise Oversight. OFHEO has an important job, we admit, doing regulatory oversight to ensure the safety and soundness of the two largest government-sponsored enterprises: Fannie Mae and Freddy Mac. Just because the funds for OFHEO come from assessments on Fannie and Freddie does not mean that the Committee on Appropriations will roll over and give them anything they want.

The subcommittee requested an adequate justification to support the whopping 50 percent increase in funds they requested and the 40 percent increase in personnel as requested by the President. OFHEO never responded to our requests for their budgets' justification.

□ 2200

Yet the committee ended up providing the still generous 15 percent in increased funds contained in this bill. Fifteen percent is a respectable amount, given that so many of our accounts had to be level funded due to the tight budget allocation. Further, there is only so much of an increase an agency can absorb effectively in one year. The Committee on Appropriations reported dollar figure is based on

merit and not on any of the outside forces that some have alluded to.

I urge rejection of the amendment and support of the bill.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the ranking Democrat on the subcommittee over the jurisdiction of the Office of Federal Housing Enterprise Oversight, or OFHEO, I rise to speak in favor of the Hinchey amendment. This amendment would increase the amount of funding provided in the bill from \$22 million to approximately \$26.8 million, the full amount requested by OFHEO for the year 2001.

Mr. Chairman, at this point, may I point out this has nothing to do with budget restrictions. All of this money will be paid by Fannie Mae and Freddie Mac, and they are in favor of the expenditure. OFHEO is the safety and soundness regulator of Fannie Mae and Freddie Mac. As such, Congress has charged the agency to reduce the risk of failure of the two companies in order to ensure that they are able to continue their important mission in our Nation's extremely successful housing and mortgage finance sectors. Although this organization receives its fundings from the companies it regulates and receives no taxpayer dollars, unlike other financial regulators, it is subject to the annual appropriations process.

It is crucial that OFHEO have sufficient capacity to fulfill its safety and soundness oversight responsibilities. Fannie Mae and Freddie Mac continue to grow and their operations increasingly are complex. According to this regulatory agency, the two enterprises are currently exposed to more than \$2 trillion in credit risk on mortgages. That figure has doubled since 1993. Moreover, this agency is in the process of finalizing its risk-based capital standings. When promulgated later this year, OFHEO will need the resources to enforce them properly.

We need to have a strong independent regulator for the housing government sponsored enterprises. We must also ensure that the regulators have the resources they need to get the job done. As someone who participated in the Congressional debate to resolve the savings & loan crisis, I am acutely aware of the need to protect taxpayers from risk. It is in the public's interest that we maintain a strong regulatory regime over Fannie Mae and Freddie Mac. This money will help this agency to achieve this objective.

Mr. Chairman, I have a great respect for the chairman of this subcommittee of the Committee on Appropriations and the ranking member. I know that although, for whatever reason, they have only limited the increase to 15 percent, that when they analyze the \$2 trillion potential risk to the United

States taxpayers, when they realize that it costs the budget allocation nothing because it is budget neutral, and because Fannie Mae and Freddie Mac are in support of their own regulator having more financial reserves to handle the safety and soundness of these two organizations, it would be unreasonable for this Congress not to grant them this requested fund.

So I urge my colleagues on the committee, both the chairman and the ranking member, to realize that to deny a request for approximately \$4 million more by the regulators to regulate themselves, to save the exposure of the American taxpayers to \$2 trillion of potential risk, and to provide for safety and soundness, would really be an unreasonable decision.

I urge my colleagues, both the chairman and the ranking member, to agree with the Hinchey amendment, that it is reasonable, it is proper, it does not cost the taxpayers a cent, and that it provides for safety and soundness for the American people and for this government. I urge my colleagues on both sides of the aisle to support the Hinchey amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to my colleagues on the other side of the aisle, and I agree with much of what they are saying. I too am a member of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services. I too am very concerned about the taxpayer exposure that the GSEs provide. I am concerned about the over extension of capital risk. But I believe we are getting the cart in front of the horse on this amendment.

What OFHEO has had is a plus-up of about 15 percent over the last 4 years. OFHEO has met its budget requests over the last 4 years. The issue that we are dealing with in discussing our GSEs, the issue we are dealing with in evaluating contingency taxpayer risk, and the issue that we are dealing with on the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises is changing the structure of the regulator. So if we are to try to pump a 50 percent increase into this current regulator, into OFHEO, it is putting the cart in front of the horse.

What we need to do is pass good authorizing legislation that provides for a strong regulator to catch up with the fact that the GSEs are growing extremely strongly. I believe the gentlewoman from New York (Mrs. MALONEY), the gentleman from Texas (Mr. BENTSEN) and the gentleman from Pennsylvania (Mr. KANJORSKI) are really hitting the nail on the head. They are correct in saying that we have to have a strong regulator over the GSEs.

All I am saying, Mr. Chairman, is that we ought to do so after we have proper authorizing legislation. We ought to do so after we have authorized through the Committee on Banking and Financial Services a proper regulator to do its true job of ensuring taxpayer safety and soundness with respect to these GSEs.

So to give a 50 percent increase to this overseer, to OFHEO, before enacting proper oversight legislation, authorizing legislation, would be a mistake. That is why I think a 15 percent increase is more than enough. Let us pass good authorizing legislation. I urge Members to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, reverse Robin Hood; robbing from the poor and working people to give tax breaks to the rich. Mr. Chairman, once again the Republican leadership is attempting to cut housing programs that assist our Nation's poorest at the time our country is going through the greatest economic expansion in our national history. It seems to me that we should be doing everything we can to help our citizens move from homelessness to home ownership, and public housing is critical in that transition.

The funding cuts proposed for our Nation's most needy community is simply a disgrace. Among the critical programs that will suffer budget cuts are public housing, drug elimination grants, and CDBG programs. In addition, Brownfields redevelopment, an area of particular concern to me since there is a Superfund site in my area, is being cut by 20 percent of the current level.

Additional cuts made to the Community Development Block Grant Program are an embarrassment. This program is extremely important, one that assists communities to create economic opportunity for residents of poor neighborhoods. It is one of the most flexible of all Federal grant programs and allows States to work with partnerships, with local housing authorities, to develop community and economic development projects. These block grants can be used to rehab housing, provide job training, finance community projects and assist local entrepreneurs to start a new business or shelter the homeless or abused spouses.

Every time I hold a town hall meeting in my district, the issue of housing always comes up. Public housing, elderly housing, those participants cannot be ignored.

I feel it is my responsibility as an elected official to stand up for my constituents and defend their needs. I believe it is the job of Congress to represent those who have little resources, and particularly no voice, not those who can afford the best attorneys and find loopholes in the Tax Code to circumvent their taxes.

This budget is drawn up to benefit the wealthy. Just last week the majority party passed a bill giving estate tax breaks to the wealthiest families with large assets. While the majority party is giving tax cuts to wealthy Americans, even in good economic times the poor continue to suffer, mainly because of unjust funding priorities, such as the one proposed in this bill.

While the President's budget, and I want to commend him, would increase vital infrastructure investments in families and communities, the Republican version of this bill, if passed, would have a devastating impact on these same communities nationwide. In my district, Florida's third, the effects of these cuts will prove disastrous and could reach the millions of dollars.

These families will be devastated, those that rely on public housing. The number of families with worst case housing needs, defined as paying more than 50 percent of income on rental, remains at an all time high. Furthermore, families in the traditional welfare-to-work have special needs for assistance, as housing is typically the greatest financial burden. Yet this bill strips all funds from welfare to work. Let me repeat that: This bill strips all funds from welfare-to-work.

The slight increase in the VA-HUD bill provided for Section 8 funding does not go far enough, since virtually all of the housing programs designed to help the neediest are being cut.

In closing, Mr. Chairman, I like the scripture, "To whom God has given much, much is expected." The people are expecting us to do our job and represent all of the people, not just the wealthy; the elderly, the old people, the people in need, and I am hoping that there will be some leadership from the other side on what is right for the people.

Mr. WALSH. Mr. Chairman, as we know of no remaining amendments to title II, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill from page 47, line 6, through page 52, line 6, is as follows:

ADMINISTRATIVE PROVISIONS FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

“(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.”.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban De-

velopment, and Independent Agencies Appropriations Act, 1997, is amended by striking “and 2000” and inserting “2000, and thereafter”.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting “and any other reasonable limit prescribed by the Secretary” immediately before the semicolon.

VOUCHERS FOR DIFFICULT UTILIZATION AREAS

SEC. 206. Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended—

(1) in subparagraph (B), by striking “subparagraph (D)” and inserting “subparagraphs (D) and (E)”; and

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

“(E) DIFFICULT UTILIZATION AREAS.—

“(i) CRITERIA.—The Secretary shall establish criteria setting forth requirements for treatment of areas as difficult utilization areas with respect to the voucher program under this subsection, which may include criteria specifying a low vacancy rate for rental housing, a particular rate of inflation in rental housing costs, failure to lease units by more than 30 percent of families issued vouchers having an applicable payment standard of 110 percent of the fair market rental or higher, and any other criteria the Secretary considers appropriate.

“(ii) USE OF ASSISTANCE.—Any public housing agency that serves a difficult utilization area may—

“(I) increase the payment standard applicable to all or part of such area for any size of dwelling unit to not more than 150 percent of the fair market rental established under subsection (c) for the same size of dwelling unit in the same market area; and

“(II) use amounts provided for assistance under this section to make payments or provide services to assist families issued vouchers under this subsection to lease suitable housing, except that the cost of any such payments or services for a family may not exceed the agency's average cost per family of 6 months of monthly assistance payments.”.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5

U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$8,000,000, \$5,000,000 of which to remain available until September 30, 2001 and \$3,000,000 of which to remain available until September 30, 2002: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY
COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$105,000,000, to remain available until September 30, 2002, of which \$5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to \$9,500,000 may be used for administrative expenses, up to \$23,000,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$53,000,000: *Provided further*, That administrative costs of the Technical Assistance Program under section 108, the Training Program under section 109, and the costs of the Native American Lending Study under section 117 shall not be considered to be administrative expenses of the Fund.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$51,000,000.

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill to page 54, line 20 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

CORPORATION FOR NATIONAL AND COMMUNITY
SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS
OPERATING EXPENSES

Of the funds appropriated under this heading in Public Law 106-74, the Corporation for National and Community Service shall use such amounts of such funds as may be necessary to carry out the orderly termination of the programs, activities, and initiatives

under the National Community Service Act of 1990 (Public Law 103-82) and the Corporation: *Provided*, That such sums shall be utilized to resolve all responsibilities and obligations in connection with said Corporation.

AMENDMENT OFFERED BY MR. FARR OF
CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Restore funding for Corporation for National and Community Service.

Strike lines 23 on page 54 through line 6 on page 55 and insert the following:

For necessary expenses for the Corporation for National and Community service in carrying out programs, activities and initiatives under the National and Community Service Act of 1990, \$533,700,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

The gentleman from California (Mr. FARR) is recognized for 5 minutes.

□ 2215

Mr. FARR of California. Mr. Chairman, it has been a long day and night. I want to say how much I appreciate the good leadership of the chairman in conducting tonight's business.

I rise on a very sad note. It was a note that was just read by the Clerk, that the majority of that party in this House wants to strike all of the funding for the Corporation for National Service.

We have funded, fully funded, an all voluntary military. We have partially funded, and I applaud that, funding for the Peace Corps. But when it gets to supporting our own, ensuring our own domestic tranquility and taking a program that is one of America's most successful, the American Corporation for National Service, or AmeriCorps, we cut the funding to zero.

The time I think has come for Congress to realize the lasting contribution that volunteerism has given to America by fully funding the national service programs. This includes AmeriCorps, the National Senior Service Corps, the Service Learning Programs.

I know the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), cares about this because he served in the Peace Corps at the same time I did, and we know the value of service. That is, as the American Heritage Dictionary reads, to give or to offer to give on one's own initiative.

What we are striking and hopefully refunding tonight is these public-private partnerships that are transforming our communities and successfully challenging our young people to make something of themselves.

As communities and as a Nation, we are stronger and healthier because of

these volunteers. They tackle problems like illiteracy in America, crime in America, poverty in America, while instilling a commitment to public service for Americans of all ages in every community throughout this Nation.

Our society works precisely because lots of folks out there are helping other folks in many different ways. In fact, we have a social contract to help each other. In this country, we have young people in need of basic reading and writing skills. We have teenagers in need of mentors and role models. We have homebound seniors in need of food and a little companionship. We have families in need of homes. We have communities in need of disaster assistance.

Solutions to these problems can best be found when individuals, families, and communities come together in service to their neighbors and to their fellow citizens.

We can make a difference, but volunteers are critical to finding these solutions and touching these lives. That is where the Corporation for National Service comes in. AmeriCorps members and service volunteers fill these needs by providing essential people power at the local level.

In my own State of California, we have more than 145,000 people of all ages and backgrounds working in 289 national service projects. Nationwide, we have more than 62,000 Americans serving in AmeriCorps from 1998 to 1999, bringing the total number of current and former members to more than 100,000 Americans who have served in AmeriCorps.

They have taught, tutored, and mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,180 homes, aided more than 2.4 million homeless individuals, and immunized about 500,000 people. They have accomplished this all while generating \$1.66 in benefits for each dollar that is spent.

Most people do not know how AmeriCorps operates and assume that some top-down Washington bureaucracy runs the program and deploys members around the country. The opposite is exactly true. AmeriCorps is one of the most successful experiments in State and local control the government has ever supported.

In fact, the bulk of AmeriCorps funding is in the hands of our Nation's Governors, who make grants to local nonprofits in our communities. The nonprofits then select the participants and run the programs.

This is very important because studies have found that people are more likely to volunteer if they know someone who volunteers regularly or who was involved as a youth in organizations using volunteers. AmeriCorps members generate an average of 12 additional volunteers around the Nation.

Not only are they helping our communities, they are setting examples for others to follow.

It is critical to recognize that under the leadership of former Senator Harris Wofford, AmeriCorps has embraced its critics and reinvented itself as a leaner, more decentralized, and non-partisan operation. AmeriCorps has devolved more and more of its authority to States and local nonprofits in recent years, including a major commitment to faith-based institutions.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. FARR of California was allowed to proceed for 3 additional minutes.)

Mr. FARR of California. Mr. Chairman, about 15 percent of AmeriCorps members serve in faith-based institutions, and the number is growing.

Mr. Chairman, it is time that we reclaim the bipartisan tradition and support national service that has long been the hallmark of American politics. Members of Congress now have an opportunity to separate policy from politics, to reach a bipartisan consensus on the value of AmeriCorps.

I might add in closing, Mr. Speaker, this is an election year, and we have 62,000 AmeriCorps volunteers in the field. Each of those has two parents, 120,000 voters, and each has four grandparents; 240,000 people out there who have sons and daughters and relatives that are in the Peace Corps, including staff that are in this room right now whose daughters are serving in AmeriCorps.

We have to get this re-funded. It is absurd that the Republican party has decided to zero out this in our budget.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentleman very much for his comments on AmeriCorps and for the case that he has made.

It is essentially unbelievable, for those of us who know the role AmeriCorps plays in so many of our communities, as the gentleman points out, whether it is mentoring our children or helping our communities with substance abuse problems or working with communities to organize themselves and to make positive contributions.

Recently in Vallejo, California, I had a chance to work with our community organization that is funded by the Robert Wood Johnson Foundation called Fighting Back. AmeriCorps volunteers came in to help the community organize neighborhood cleanups and substance abuse programs.

We have worked in a number of different programs around Vallejo. In

each case, after we had finished spending the weekend in those communities cleaning up, getting rid of the junk, getting rid of the old cars, getting the shrubbery cut back and all the rest of it, the contacts and the calls to the police department plummeted in those communities.

Where there used to be drug dealing on the street, where there used to be abuse in the families, contacts with criminal activity in the neighborhood, they went down by 30 and 40 percent in those neighborhoods because of the work of the AmeriCorps volunteers to go in, to organize community watch programs, neighborhood watch programs, programs for schoolchildren, programs on substance abuse. There were dramatic changes in these neighborhoods basically run by volunteers with the coordination AmeriCorps brings to those.

Talk about cost-effective, in terms of just the savings to emergency responses, in that one city we are talking about hundreds of thousands of dollars that has been saved in that effort because of AmeriCorps volunteers.

To zero out their funding is just to simply turn our backs on these communities, and to turn our backs on young Americans, for the most part, but older Americans, too, who are doing what we say is the best of what we want in our citizens, and that is to volunteer. These are people who come in and coordinate and get those kinds of community involvement that we all aspire to in our own communities.

So I thank the gentleman very much for raising this issue and discussing this.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has again expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. FARR of California was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman too for his statement here tonight. I want to say, I find much the same in the State of Washington in the Tacoma-Bremerton area, that the AmeriCorps volunteers are doing an outstanding job working with young people in after-school programs, working with people, juvenile offenders.

It is a program that I think has tremendous credibility. I think Harris Wofford has done a great job of it. I am just shocked that again, for partisan reasons, I guess, because people do not like the President, we are cutting out a program that has tremendous merit.

Mr. FARR of California. Mr. Chairman, they have totally zeroed out this program. I ask the gentleman from California (Mr. WALSH) as chairman of

this committee, when he goes into conference to fight as hard to get this re-established as he did to get the Peace Corps funded, as I did to get the Peace Corps funded.

We cannot just have a foreign Peace Corps and not have a domestic Peace Corps. This is absolutely essential to America to give youth a chance. To give America a chance to invest in an ounce of prevention, which is all these Members of Congress have said, is certainly worth a pound of cure.

Mr. DICKS. If the gentleman will continue to yield, Mr. Chairman, for many years I have supported the Youth Conservation Corps, which has been a tremendous organization. Our national parks, our national forests, the Fish and Wildlife Service, these young people are out there doing tremendously credible things in our public lands.

Again, this is a program that we had to fight to save during the Reagan and Bush administrations. For some reason, these programs get targeted when we need to be doing these things. We need to be cleaning up these areas.

The Campaign to Keep America Beautiful has kind of fallen on deaf ears here in this new generation. We need to explain to people again how important that is, and here are our young people out there doing this good work.

I am stunned that we are again trying to take the funding out for this program. I think it is one of the President's finest accomplishments.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, earlier this evening some were fortunate enough to go over to the Library of Congress and listen to a young teacher, the California teacher of the year.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has again expired.

(On request of Mr. GEORGE MILLER of California, and by unanimous consent, Mr. FARR of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, she was head of the New York corporation, the Americorps Corporation. I believe the gentleman was from Buffalo. They had been taking about what they had been able to do in terms of AmeriCorps volunteers in the classrooms to help with these difficult schools, to help with students and to reclaim these students' lives because of the attention these AmeriCorps volunteers were able to provide, two young students who were turning their lives around.

She wrote a rather remarkable book about the Freedom Riders and what happened in Long Beach, and she is

now out replicating that in schools of education and with AmeriCorps volunteers all across the country.

Yet, we are saddled this evening with seeing that is zeroed out, and obviously it is a national program zeroed out in this budget, zeroed out in California, in New York, in the State of Washington. It is a tragedy that we would not capitalize on the resources that these young people in the AmeriCorps Corporation bring to civic life in America. I thank the gentleman again for raising this issue.

Mr. DICKS. I appreciate the gentleman's leadership.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the constraints under which the gentleman from New York (Chairman WALSH) is working, and commend him for doing a very admirable job under difficult circumstances. However, I am deeply concerned about a number of programs reduced or eliminated in this bill.

Of greatest concern to me, this legislation would terminate most programs under the Corporation for National Service, including AmeriCorps. As a fiscal conservative, I believe national service is one of the wisest and least costly investments our government can make. Every \$1 spent on AmeriCorps generates \$1.66 in benefits to the community. Every full-time AmeriCorps member generates an average of 12 additional volunteers.

AmeriCorps is one of the most successful experiments in State and local controls the Federal government has embarked upon: Two-thirds of AmeriCorps' funding goes directly to the Governor-appointed State commissions, which then make grants to local nonprofits.

Since 1994, more than 150,000 Americans have served as AmeriCorps members in all 50 States. They have taught, tutored, or mentored more than 2.5 million students, recruited, supervised, or trained more than 1.6 million volunteers, built or rehabilitated more than 25,000 homes, provided living assistance to more than 208,000 senior citizens, and planted more than more than 52 million trees.

AmeriCorps Members are not only helping meet the immediate needs in our communities, they are also teaching through their example the importance of serving and helping others.

As a former Peace Corps volunteer, I know the significance of this long-lasting lesson. Our youth want so desperately to take hold of their destiny and work to ensure a brighter and more prosperous future. There is so much they can do. All they need is the opportunity.

Secondly, I am troubled by proposed cuts in the community development block grant program, CDBG, which would be funded at \$4.5 billion, a level \$300 million below fiscal year 2000, de-

spite a 417 to 8 vote by this House on H.R. 1776 to increase this program's authorization to \$4.9 billion.

□ 2230

CDBG is the largest source of Federal community development assistance to State and local governments. It is one of the most flexible, most successful programs the Federal Government administers. The CDBG program puts development funds where they can most effectively be allocated: in local communities. Communities may use CDBG money for a variety of community development activities, including housing, community development, economic development and public service activities.

The bottom line for me, Mr. Chairman, in closing, is I believe strongly in AmeriCorps. I regret it is not in the bill. I understand why it was not placed in the bill, because some Members on either side of the aisle will decide to fund veterans programs or some other program and offset it with the National Service Programs, and Republicans and Democrats alike will vote for a veterans program over this.

But this program, like veterans programs, has its place. And I hope and I expect when we vote out this bill and the conference committee meets, that we will see the CDBG money restored and AmeriCorps and the National Service Program restored. If it is not, I would vote against the conference report. But I do intend to vote out this bill, hopefully this evening or tomorrow.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the AmeriCorps program.

I rise in strong support of the countless volunteers that are working on teaching projects, projects for the homeless, projects for the environment across the country, and I rise in strong support of a program that is working extremely well.

Mr. Chairman, as we look for ways to solve some of the problems in America, many of us so-called new Democrats have looked for ways to delegate responsibility at the State or the local level, but to give them some of the resources at the local level, whether it be in education, whether it be working with existing infrastructure or with people at the local level to try to solve some of these vexing and difficult problems.

We have come up with a very, very innovative and now successful program called AmeriCorps that gives money at the Federal level not to a 10-story building in Washington, D.C. but to local communities and volunteers in places like South Bend, Indiana, and

Elkhart, Indiana, and Mishawaka, Indiana that are working with the homeless on a day-to-day basis to try to teach the homeless every-day skills; balancing their checkbooks, taking care of their children, working to solve some of the personal and faith-based problems that they experience as individuals. This is taking place in South Bend, Indiana at the Center for the Homeless, and it is also in conjunction with AmeriCorps that is funded at the Federal level.

This program should not be zeroed out by this budget because we are doing exactly what the American people want us to do: Solve problems with local people at the local level. Not with big bureaucracy, not with 10 story buildings in Washington, D.C., not with committees in Congress, but with local people with strong hands and big hearts.

We also have a program, Mr. Chairman, at the University of Notre Dame called the Alliance for Catholic Education. And there we are working with both Catholic schools and the public school system in South Bend to recruit teachers, something every community in America is having problems with, and getting these teachers through the University of Notre Dame with advanced degrees in teaching; having them teach in the summer school in South Bend, Indiana to students that are having problems learning, that might fall behind; helping them with remediation and tutoring skills. And then these teachers go on to 12 States across the south to teach in schools in very poor areas where they cannot recruit teachers to teach math and science and technology. Some of those are Catholic schools.

What a fantastic partnership between the Federal Government, local public schools and parochial schools in poor inner-city areas. That is AmeriCorps. That is working in South Bend and branching out to 12 States. We should not cut it. We should support it. And I would encourage my colleagues in Congress in a bipartisan way to fight hard to restore these funds in conference for a very successful program at the local level.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000, House Report 106-683. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is

not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority. The amendment offered by the gentleman from California would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act. The point of order is, therefore, sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$5,000,000.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims, as authorized by 38 U.S.C. 7251-7298, \$12,500,000, of which \$895,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to explain to the House that we have reached an agreement, both sides, on the continued debate of this bill, and I would just like to make sure everyone is aware that there will be no further votes this evening. We will take up the VA-HUD bill tomorrow after the conclusion of the debate on the WTO.

We have agreement on all amendments, all points of order are protected, we have time for all the amendments, and we will be coming in at 9 a.m. to work on WTO. Once that is concluded, we will work on the VA-HUD. The gentleman from West Virginia (Mr. MOLLOHAN) and I have agreed to try to conclude debate on the VA-HUD bill by 9:00 p.m. tomorrow evening.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), has stated the agreement as we understand it. All amendments that are going to be in order tomorrow are contained in the unanimous consent agreement and associated with each amendment is a time certain for debate. We will have no objection to the unanimous consent request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, \$60,000,000, to remain available until September 30, 2002.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, and section 3019 of the Solid Waste Disposal Act, as amended, \$70,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507), to remain available until September 30, 2002: *Provided*, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during the fiscal years 2001 and 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other oper-

ating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$650,000,000, which shall remain available until September 30, 2002.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to the VA-HUD appropriations bill and its inadequate funding levels for our nation's housing need.

The bill currently provides \$2.5 billion less than the President's request and would underfund almost every program within the Department of Housing and Urban Development (HUD).

This inadequate funding would severely impact our nation's communities and roll back much of the progress we have made towards making affordable housing and economic development opportunities available to all Americans.

As the nation enjoys its longest sustained economic boom, now is the time to meet our critical housing needs and fully fund our housing services and programs—not neglect them.

I have deep concerns about this bill because, among other things, it:

Fails to fund the administration's request for 120,000 rental assistance vouchers. This includes 10,000 vouchers to construct the first affordable housing units for families since 1996.

It cuts the President's proposed funding levels for the Community Development Block Grant (CDBG) program by almost \$400 million, and it fails to provide funding for America's Private Investment Companies (APIC) which stimulate private investment in distressed communities.

These are just a few examples of how the VA-HUD bill in front of us today short changes the millions of lower income Americans who critically need the assistance provided by the Department of Housing and Urban Development.

We can and must do better. I ask my colleagues to join me in opposing this inadequate bill.

Mr. BARR of Georgia. Mr. Chairman, I rise today with regard to the establishment of an outpatient clinic in the Seventh Congressional District of Georgia. There are more than 670,000 veterans in Georgia, and a significant number live in the Seventh Congressional District 55,000 veterans live in Cobb County alone. Some 4,000 of these veterans utilize the veterans health care system. The nearest clinic is on the east side of Atlanta, which means the veterans who reside in the western part of my congressional district must travel up to 70 miles each way, to get VA medical attention. This is an extremely long distance to travel for any type of medical care. It is even more of a hardship for the elderly, sick or those who cannot drive themselves.

On September 9, 1999, the House of Representatives considered the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation bill for Fiscal Year 2000, H.R. 2684. During that debate, Chairman WALSH and I had a colloquy, in which he pledged his support to assist me in establishing an outpatient clinic in the congressional district. I want to take this opportunity to thank the Chairman for all his assistance with regard to the establishment of this outpatient clinic.

On September 27, 1999, Chairman WALSH wrote me a letter stating that, "the establishment of an outpatient clinic is the decision of the local VISN Director based on resources and need. We will make inquiries to the VA and the Director of VISN regarding the situation in your district." In addition, to follow-up on that pledge the Subcommittee conference report to H.R. 2684 included the following provision: "the conferees direct the VA to submit a report on access to medical care and community-based outpatient clinics in Georgia 7th Congressional District 30 days after the enactment of this bill." President Bill Clinton signed this legislation on October 20, 1999.

On January 14, 2000, I met with R.A. Perreault, Director of the Department of Veterans Affairs Medical Center in Georgia, who pledged his support to establish an Outpatient Clinic in the Seventh Congressional District in Fiscal Year 2000. In addition, on January 27, 2000, the Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Subcommittees sent to my congressional office a document entitled "Access to Care in Georgia 7th Congressional District" from the Department of Veterans Affairs. This evaluation stated:

[W]ithin the past year, there has been significant amount of interest from Congressman Barr on the implementation of a Community Based Outpatient Clinic in the 7th Congressional District of Georgia . . . the VISN 7 Primary Care Service Line recently completed an evaluation of potential sites for future CBOCs using specific criteria . . . a proposed CBOC in Cobb County has been identified as a high priority and is noted in the Strategic Plan.

As you are aware, the VA has a goal of improving access to care and timeliness of service. The VISN 7 has set aside funds to be used to activate additional CBOCs in fiscal years 2000 and 2001. The proposed Cobb County CBOC is planned for a fiscal year 2000 activation. The VA notes in its report, future decisions regarding the implementation of new initiatives will continue to be based in part on the budget forecast. The report states, "the opening of additional CBOCs remains subject to the availability of funds and other significant factors."

The Atlanta office of the Department of Veterans Affairs has already approved the facility and I am pleased to announce to Chairman WALSH, and the Members of the House of Representatives, that in the next several weeks an outpatient clinic will open in the Seventh Congressional District in Georgia.

Given the large number of veterans in the western and northern parts of the 7th District, I pledge to continue working with the Chairman, and with the Department, to build additional outpatient clinics in the 7th District; including near the I-20 corridor to the west of Atlanta, and northwest of Atlanta along the I-75 corridor.

These clinics are a win-win; they save money, and they are a tremendous benefit to our veterans.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair,

Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4635, DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. WALSH. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4635 in the Committee of the Whole, pursuant to House Resolution 525, no further amendment to the bill shall be in order except:

(1) Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

(2) The following additional amendments, which shall be debatable for 10 minutes:

Ms. KAPTUR regarding VA Mental Illness Research;

Mr. PASCRELL regarding VA Right to Know Act;

Mr. SAXTON regarding EPA Estuary Funding;

Mr. ROEMER regarding Space Station; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 7, 8, 13, 14, 15, 17, 33, 41 and 43;

(3) The following additional amendments, which shall be debatable for 20 minutes:

Mr. EDWARDS regarding VA Health and Research; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 23, 34, and 35; and

(4) The following additional amendments, which shall be debatable for 30 minutes:

Mr. OBEY regarding National Science Foundation;

Mr. COLLINS regarding Clean Air;

Mr. BOYD regarding FEMA;

Mr. OLVER regarding the Kyoto Protocol; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 3, 4, 24, 25, and 39.

Each additional amendment may be offered only by the Member designated

in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, this bipartisan agreement was joined with the proviso that we complete our work on the bill by 9:00 p.m. tomorrow evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOOR OF MEETING ON WEDNESDAY, JUNE 20, 2000

Mr. WALSH. Mr. Chairman, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2345

CONGRATULATING THE LOS ANGELES LAKERS ON THEIR VICTORY

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute.)

Ms. MILLENDER-McDONALD. Mr. Speaker, tonight I rise to congratulate the Los Angeles Lakers for a job well done last night.

As we can see on the sports page of the L.A. Times, it says "Great Lakers." I agree. I am one of the Members who represent Los Angeles, and we were all proud when they brought home the victory last night.

Mr. Speaker, before this playoff season started, my dear friend, the gentleman from Indiana (Mr. BURTON), got on the floor and said that the Indiana Pacers would win, that the L.A. Lakers would not get the championship.

I only want to say to him that I told him that night that I would give him a tissue, but instead I am going to give him this ball. Hopefully, the Pacers will bounce back next year. That is, if they are not playing the Lakers.

Go Lakers.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRUG ABUSE AND ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 35 minutes as the designee of the majority leader.

Mr. MICA. Madam Speaker, tonight is Tuesday night and it is the night that I reserve to come before the House on the issue of illegal narcotics and how the problem of drug abuse and illegal narcotics affects our Nation and the impact that illegal narcotics has upon our society, this Congress, and the American people.

Tonight I want to provide a brief update of some of the information that we have obtained. Our subcommittee, which I am privileged to chair, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform and Oversight, has as one of its primary charters and responsibilities to help develop a coherent policy, at least from the perspective of the House of Representatives, and working with the other body, the United States Senate and also the White House, the administration, to come up with a coherent strategy to deal with the problem of drug abuse and illegal narcotics.

I have often cited on the floor the impact which really knows no boundaries today in the United States. Almost every family is affected in some way by drug abuse, illegal narcotics, or the ravages of drug-related overdose and death.

I have cited a most recent statistic, which is 15,973 Americans died in 1998, the last figures we have total for drug-related deaths. And according to our drug czar, Barry McCaffrey, who testified before our subcommittee, over 52,000 Americans died in the last recorded year of drug-related deaths either directly or indirectly.

We do not know the exact figure because sometimes a child who is beaten to death by a parent who is on illegal narcotics is not counted as a victim. Sometimes a spouse who is abused to the point of death is not counted as a victim. Sometimes a bus driver who is on an illegal narcotic that has had a fatal vehicle crash, the number of victims there are not counted in the tally. But we do know the total is dramatic.

This past week our subcommittee had the opportunity to hear from the Center for Disease Control in Atlanta and officials came in and briefed our subcommittee, some of the Members in the House, about some of the most recent findings. And the findings are quite alarming, particularly among our young people.

They confirm what most Americans know and what many parents fear, that illegal narcotics are more prevalent on our society. The study that they reviewed for the members of the sub-

committee revealed, in fact, that there have been some dramatic increases in drug use and abuse among our young people.

I brought tonight some charts from that study and also from a study on national youth risk behavior. This shows the percentage of high school students who have used methamphetamines, some figures that show in 9th grade we were up to 6.3 percent, in 10th grade 9.3 percent, 11th grade 10 percent, and 12th grade 11½ percent.

These are pretty dramatic figures when we stop and think that we are talking about young people and having as high a percentage as we have reported here have used methamphetamine. And methamphetamine, if my colleagues are not familiar with methamphetamine, can be more damaging and create more bizarre behavior than the crack epidemic that we had in the 1980s. To have these percentages of our young people having experimented or used methamphetamine is quite disturbing.

The other thing many people do not realize about methamphetamine is methamphetamine does an incredible job of destroying the brain and it is not a drug which allows you to have some replenishing of damaged brain cells. It is not a narcotic that leaves temporary damage. Methamphetamine induces an almost Parkinson's-like damage to the brain and does incredible damage and results in bizarre behavior.

Now, we have conducted hearings throughout the United States, some in California, some in Louisiana. Next Monday we will be in Sioux City, Iowa, the heartland of America, which is also experiencing an incredible methamphetamine epidemic. That area has been hit by Mexican methamphetamines and we have reports again of incredible numbers people throughout the Midwest, the far West, now in the South and East, who are falling victim to methamphetamine.

This chart should be a shocker to every parent out in America, to every Member of Congress who sees this. These are some pretty dramatic figures. When we stop and consider that these figures really were not even registering some 6 or 7 years ago, there was almost no meth available, shows that we have got to do a better job of first of all controlling the substance, law enforcement going after those who traffic in this deadly substance.

Also, it is absolutely incumbent that we do a better job in educating our young people and preventing people from getting hooked on this drug. Now, getting hooked on drugs is bad enough. But this drug does incredible damage, as I said.

We have had Dr. Leschner, who heads up the National Institute of Drug Abuse, testify before our subcommittee about the permanent damage that is

done to the brain with this drug. This is not a question of addiction or use a little and come out of it. This is a question of becoming a victim of this. And the question of addiction is really too late for those who get on methamphetamine. There is no recovery. There is no turning back. Because they have induced some incredible damage to their brain and to their ability to function as a normal human being.

□ 2300

Addiction and treatment might sound good and well-intended, but in fact methamphetamine is the end of the road for many people. Again this is absolutely a disturbing chart and figure to show us that 11.5 percent of our 12th graders are now reported having ever used methamphetamine, a shocking figure.

Another figure that we have from 1991–1992 during the beginning of this administration, we had about 2 percent of our high school students being reported as using cocaine. That figure in 1999 is now up to 4 percent, a 100 percent increase in cocaine use among our young people. This again is another dramatic increase in a hard and a very destructive narcotic. These figures are reported to us again last week by CDC and indicate a disturbing trend. This is in spite of the Congress, Republican and Democrat efforts to put together a massive educational campaign, \$1 billion in public funding over a 3-year period supplemented by \$1 billion in donated service and time toward that effort, so a multi-billion-dollar education campaign. I know some of my colleagues have seen those ads on television but quite frankly with the results that we are experiencing with our young people, we are missing the target. We see a dramatic increase in cocaine use, particularly among our young people, a skyrocketing figure for methamphetamine, both shocking for parents and again Members of Congress who have attempted, I think, to stem some of this illegal narcotics abuse.

This is the percentage of high school students who ever used cocaine from 1993. From the beginning of this administration to the current time we see a doubling in use, another dramatic figure. Somehow the message must have gotten lost in this period here, the beginning of this administration, that illegal narcotics were something that could be tolerated and possibly used and that is unfortunate that any message that condoned or gave any message other than "Just Say No." Actually we have had incredible results from that lack of a direct specific message. A doubling again of the percentage of high school students who have ever used cocaine, disturbing, I am sure, to parents in the latest statistic we have from the Centers for Disease Control.

I think this next chart and again this information is provided to us by the

Centers for Disease Control in Atlanta to our subcommittee last week is another startling figure. Go back to 1991–1992. Thirty-one percent of the students had used marijuana in that period. Now we have almost half of the students reported last week, 1997–1999 have used marijuana. Many people refer to marijuana as a soft drug and maybe some of the boomers who used marijuana in college or in school in the 1960s and 1970s were not much affected by use of marijuana. Unfortunately, the marijuana that is on the streets today has very high levels of purity. We have some testimony in our subcommittee about the damage that the current high purity marijuana does to young people. I was shocked to learn, also, from NIDA, our National Institute of Drug Abuse, that marijuana is now the most addictive narcotic. Even though it is again commonly referred to as a soft drug, it is the most addictive drug and it is also referred to as a gateway drug. So young people who think it is fashionable to use marijuana are on the increase. It is unfortunate that this administration gave sort of a “Just Say Maybe” policy with the appointment of a liberal and I think mixed message chief health officer of the United States and that officer was Surgeon General Joycelyn Elders and she said just say maybe. I do not think that the President of the United States really showed the leadership and provided the direction to get the message out to our young people about the problem of illegal narcotics use. That actually I think has been substantiated by a little research we did.

I mentioned last week, and we only had 15 minutes of special order last week, that a lady had come up to me during one of our recent visits home and she said, “I have never heard President Clinton talk about the war on drugs.” Out of curiosity, I had our staff run a tally of all of the public recorded accounts. I think most people have a computer or access to Nexus research which has most of the public statements recorded there can plug in “President Clinton” and then “the war on drugs.” What was absolutely startling is the President has referred to the war on drugs eight times, you can count it on just eight fingers, since he took office in public recorded statements, he has referred to the war on drugs. Basically what happened in 1992–1993 is we closed down the war on drugs.

If we take another chart and look at the drug use and abuse and prevalence particularly among our young people, we see a decline in the Bush and the Reagan administration, and then we see an incline during this administration, the administration tolerating this use, and it is recorded again in the drug figures that we see, some of them nearly doubling in drug use and abuse.

If methamphetamine, marijuana and cocaine are not bad enough, we see

some dramatic increases in suburban teen heroin use. These statistics were just provided last month, in May. It shows that we have risen in suburban teen use from 500,000 in 1996 to nearly 1 million in 1999, a startling figure for one of the drugs again that is about as deadly as you can find on the streets across this land. The purity levels of the heroin that we are finding are not the purity levels again of the 1970s and 1980s. These drugs, this heroin is a deadly substance, sometimes 70 plus percent purity level. That is why we have incredible overdose deaths from heroin that is on the street today, another dramatic figure and another dramatic increase in a particularly deadly illegal narcotic.

One of the myths that we often hear and we had a debate on the House floor about whether we should restart the war on drugs. Again, I must point out to my colleagues that in fact the war on drugs was closed down by the Clinton administration in 1993. The Democrat-controlled House of Representatives, the Senate, and the White House from 1993 to 1995 did inestimable damage to what had formerly been a formal and organized war on drugs. They cut the source country program stopping drugs in a cost-effective manner at their source, certainly a Federal responsibility. They took the military out of the interdiction, and that was mainly a surveillance role in finding drugs and spotting drugs as they came from the source countries, certainly a role that local and State law enforcement cannot do, a responsibility of the Federal Government to protect us from a danger coming towards our border.

□ 2310

They closed down and cut these programs by 50 percent, took the military out or deployed the military and other deployments around the globe, and what happened really was an emphasis to move toward treatment. They started putting all of the eggs in the treatment basket.

I often think of what they did as a little bit like fighting World War II or any armed conflict that we have been in. Can you imagine not going after the enemy; not going after the source of the destruction, the enemy's reigning on us? That is basically the strategy that was adopted, a strange strategy that actually said let us just treat the wounded in battle.

Of course, the policy and the legislation adopted by this Congress under the control of the democratic majority from 1992 to 1995 put the money into treatment, and we can see the trend. We often hear this debate, oh, we need to just treat people. We can treat our way out of this problem.

This is a chart that I had staff graph for us, and it shows Federal drug treatment has dramatically increased. We go up here to the period of 1992–1993,

right in here, a steady amount of money going up, a little bit of leveling off during the takeover of the Republican control. Even under the Republican control, I am told in the last several years, we, the majority side, have increased treatment spending some 26 percent just in this period of time.

We have had a dramatic increase in treatment. The problem is we have an incredible addiction population, so we are getting more wounded in the battle, but not fighting the battle on all the fronts that are particularly a Federal obligation and cannot be fought by local or state officials.

This, again, I think debunks some of the myths that are out there that we do not spend enough money on treatment. We have doubled, in some cases tripled, the amount of money on treatment, and we have an incredibly larger and larger addicted population. Unfortunately, I do not think people pay much attention to what it means to be addicted. Once you get addicted, your chances of being cured are, at very best, with hard narcotics, about 50 percent.

Unfortunately, we have a 60 percent to 70 percent failure rate in our treatment programs that are public. The faith based and some of the other private treatment programs are much more successful. I will talk about Baltimore, which has one of the biggest addicted populations in the country, partly a direct result of a liberal drug policy, a policy where they have needle exchange, a policy where the former police chief had said, well, we are not going to enforce, not going after all the drug markets. We are not going to enforce the law. We are not going to take advantage of Federal law enforcement assistance to go after drug dealers and pushers and traffickers.

That policy has had a very dramatic effect in Baltimore. Baltimore, in fact, has had a steady number of murders which have exceeded 300 for each of the past recent years, while other areas like New York, with a zero tolerance policy, like Richmond, with the Project Exile going after tough enforcement, have cut the murders by some 50 percent in those cities and even more dramatically.

The zero tolerance policies, and we will show them, and the facts support this, it is not something I am making up, have worked and cut drug abuse and crime at every level across the board.

The tolerant liberal, the nonenforcement attitude of Baltimore has resulted in a disaster for that city by any measure, by deaths. The number of addicts in Baltimore have jumped, according to one city council person who has said publicly, 1 in 8 in the population, that is some 60,000 to 80,000 heroin and drug addicts in Baltimore as a result of a liberal policy, as a result of lack of enforcement, as a result of only going to a policy of treatment.

It has not worked. It does not work. And this is the path that we have been headed on, as far as Federal policy. This is an interesting chart that we had the staff make up, and we wanted to put altogether in one chart what we are doing with treatment.

People say we are not spending enough money again in treatment. This line here, this blue line shows treatment. It shows that on a steady increase we see what has happened in interdiction, dramatic decreases. They start in the period of the Clinton administration, where a Democrat-controlled House and Senate, the White House making a policy to cut interdiction.

These are international programs, that would be stopping drugs at their source; that is also cut. If we look at where we are heading, we are trying to get back to the 1992–1993 levels in terms of those dollars of that time in spending in international programs, again, stopping drugs at their source and also in the interdiction, getting the intelligence information.

If we have intelligence on people who are trafficking in narcotics, and it is real information, it is accurate information, we can go after those who are dealing in that death and destruction. When we cut that out, we have an incredible volume of illegal narcotics coming into the United States, and that is exactly what has happened now.

To compound the problem, what has happened is our major operations center for our illegal narcotics advance work for surveillance, going after drug traffickers was basically closed down last May 1 when the administration failed to negotiate with Panama for not keeping our military base open, but keeping our forward drug surveillance operations operating in Panama.

General Wilhelm who is in charge of our Southern Command. The Southern Command overlooks the drug production and trafficking zone. General Wilhelm provided our subcommittee a letter last week and said we are down to about a third of our former capability prior to the time that we had Panama open and the main center of operations for forward-operating locations.

This chart does again debunk that we are not concentrating on treatment. Certainly, we have put a ton of money in treatment. It is doubled as we saw from the other one. Where we have lost the momentum is going after these huge supplies of illegal narcotics, both at their source and on the way to our shores.

□ 2320

Now, one of the things that we know is where these narcotics are coming from. This is not rocket science, it does not require a Ph.D. or a lot of study. We knew that in 1993, when this administration took over, that we had 90 percent of the cocaine coming from Bo-

livia, Peru, a tiny bit from Colombia. This chart shows Colombia and Andean cocaine production. This shows Colombia here, and you see very little produced, 1991–1992. These figures have not been doctored in any way. This is just graphing cocaine production in that era. Almost none in Colombia, most of it was coming from Peru, up here, and from Bolivia, about 90 percent of it.

The former chairman of the committee, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and Mr. Zeff, who came in immediately before him and had assumed the responsibility for helping develop a drug strategy under the new majority, said we know where these narcotics are coming from. Let us take a few dollars and put it in going after the drugs at their source. That is what was done in 1995 by the new majority.

We targeted three areas, Peru, Colombia and Bolivia. That is because those are the only places where they produce cocaine. We were able to establish programs in Peru and Bolivia with the cooperation of President Fujimori, which this administration has trashed recently and who won a legitimate reelection, and still this administration trashed. I can tell you, having gone to Lima, Peru, and visited Peru before President Fujimori took over, there was absolute chaos in the country. The production of narcotics was running rampant, terrorists were killing and maiming in the villages, the City of Lima was understood under siege, and President Fujimori went after the drug traffickers, shot down those that deal with death and destruction and drugs, and brought that country to the order and the prosperity it is now seeing. He, in fact, with a little tiny bit of our aid, just several millions of dollars, took Peru from a major producer down by some 50 percent reduction, in fact a 65 percent reduction is our latest figure, in cocaine production in Peru.

Bolivia, with the help of President Banzer, who took over, and we went down and discussed these programs, a little bit of assistance, some crop alternatives so the peasants would be growing something other than coca, and those programs work. There has been more than a 50 percent reduction in Bolivia of cocaine.

We pleaded with this administration to get aid and assistance to Colombia, the other producing area, and on every occasion the President blocked aid to Colombia; on every occasion the State Department thwarted our efforts to get even a few helicopters up into the Andean region to go after the coca that was being produced, and, if you want to get into heroin, there was no heroin produced to speak of in 1992–1993, the beginning of this administration.

So the direct policy of this administration and the liberals in the Congress helped make Colombia the producer of 80 to 90 percent of the cocaine in 6

years, and probably 75 percent of the heroin in 6 years. Until early this spring, the President and this administration never brought before the Congress any type of cooperative plan to deal with the situation in Colombia. Unfortunately, now it has caught up in the legislative process.

I call on my colleagues, Republicans and Democrats, to bring this forth. This plan works. This is not, again, rocket science. We can stop hard drugs from coming into our borders. We are not going to stop all of them, but this shows exactly what has taken place, and I think one of the most graphic portrayals that has been produced from our subcommittee.

Again, this should be the “chart of shame” for this administration and the policies of the other side. This shows in 1993 the production of cocaine and heroine produced in Colombia. 1993, almost nothing for cocaine. For heroin, in 1993, almost none produced in Colombia. Now it produces 75 percent.

Congratulations to the Clinton Administration. This is a great legacy, that you have managed to concentrate the drug production of two of the most deadly drugs in nearly 7 years here in one country in which you have blocked any assistance. It is an incredible legacy, and, unfortunately, it has resulted in a rash of epidemics of the use of these, particularly, as I just cited, according to the CDC report we got last week, among our young people, an incredible volume being produced in those countries.

Again, this is not rocket science. We know where it is coming from. We know heroin is coming out of Colombia, 75 percent being used in the United States. We know that by any seizure that is done around the United States.

Madam Speaker, to wind this up, we do need a bipartisan and cooperative effort. We must learn by the mistakes that have been made. We must learn by putting together a plan that does work and move forward with it. Next week, hopefully, we will have an hour to tell the rest of the story, as Paul Harvey says.

MOVING THE ACCESSION OF THE REPUBLIC OF ARMENIA TO THE WTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, on the eve of last year's meeting of the World Trade Organization in Seattle, I was joined by 11 of my colleagues in this House on a bipartisan basis in calling on U.S. Trade Representative Charlene Barshefsky to help move the accession of the Republic of Armenia to the WTO. Recently the Trade Representative's office provided me with

an update on the administration's negotiations with Armenia for its accession to the WTO. In his letter, Trade Representative official Richard W. Fisher indicates that the United States strongly supports Armenia's WTO membership and its integration into the world economy.

Quoting from Mr. Fisher's letter, "Armenia has made impressive progress on economic reform and transition to a market economy under very difficult economic circumstances. We believe that Armenia's implementation of WTO provisions will facilitate further progress towards increased investment and economic growth and that its acceptance of WTO market access commitments will foster Armenia's further integration into the global trading system."

□ 2330

Madam Speaker, the letter goes on to state that, "In the last year, Armenia has made substantial progress in its negotiations to complete the accession process, both with the United States and with other WTO members. Market access negotiations on tariffs, services, and agricultural supports are very close to completion, and Armenia has reported that its efforts to enact legislation to implement WTO provisions are also in the last stages."

Mr. Fisher notes that WTO delegations will meet in July to further assess Armenia's progress, and that the administration shares the goal of many of us in Congress that these negotiations be completed as soon as possible.

Madam Speaker, this is certainly very encouraging news. Since achieving its independence about a decade ago, Armenia has sought to integrate its economy with its immediate neighbors, as well as with the larger world.

While Armenia has achieved strong bilateral ties with the United States, Europe, and other regions of the world, unfortunately achieving economic integration in its immediate neighborhood has proven more difficult, through no fault of Armenia's, I should add.

Armenia's neighbors to the west, Turkey, and to the east, Azerbaijan, continue to maintain devastating economic blockades. Armenia has sought to normalize relations with its neighbors, but has been snubbed.

Still, despite the isolation imposed on this small landlocked Nation by hostile neighbors, Armenia endeavors to become an integral part of the world community through a range of international organizations, including NATO's Partnership for Peace program and the Organization for Security and Cooperation in Europe, the OSCE, among others.

What Armenia needs most is economic development. Membership in the WTO will help Armenia attract investment and reach new markets under a predictable international framework.

Madam Speaker, economic development for Armenia over the longer term will be based on that Nation's ability to establish trading networks, attract investment, and enact the kinds of free market economic policies that foster sustained prosperity.

Armenia's elected leaders know this, but in the shorter term, Armenia still needs the kind of assistance that a great Nation like the United States can provide. In the immediate years after independence, as Armenia coped with the effects of blockades and the destruction wrought by a devastating earthquake, there was a crying need for direct humanitarian assistance. In the years since, the thrust of assistance has shifted to development aid.

In order to help Armenia achieve self-sufficiency, the United States must continue to provide developmental and humanitarian assistance. We must also use our influence to bring about regional integration and confidence-building measures that will help Armenia and its neighbors achieve stability and become full-fledged members of the emerging global economy.

We must also do more to resolve the Nagorno-Karabagh conflict, recognizing the legitimate security and self-determination needs of the Karabagh people. This will create the kind of stability that lends itself to economic development.

Madam Speaker, I just wanted to say lastly this evening that I am encouraged by the support that the administration has demonstrated in helping Armenia's accession to the WTO. I will keep the pressure on the administration to help in the other areas through direct assistance and in fostering regional stability. That will make this anticipated accession to the WTO meaningful in the lives of the people of Armenia.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

□ 0010

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 10 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106-684) on the resolution (H. Res. 529) providing for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106-685) on the resolution (H. Res. 530) providing for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MOLLOHAN) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. BRADY OF TEXAS, for 5 minutes, today.

Mr. BURTON OF INDIANA, for 5 minutes, June 27.

Mr. ADERHOLT, for 5 minutes, June 21.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 101. Recognizing the 225th birthday of the United States Army.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes a.m.), under its previous order, the

House adjourned until today, Wednesday, June 21, 2000, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Adams	1/5	1/7	Ecuador		301.00						301.00
	1/6	1/18	Venezuela		525.40						525.40
	1/18	1/19	Colombia		193.00						193.00
	1/19	1/20	Guatemala		140.00						140.00
	1/20	1/22	Mexico		442.00						442.00
Hon. Cass Ballenger	1/16	1/18	Venezuela		60.00						60.00
	1/18	1/19	Colombia		193.00				3 942.00		1,135.00
	1/19	1/20	Guatemala		92.35						92.35
	1/20	1/22	Mexico		100.00						100.00
Paul Berkowitz	1/3	1/7	India		1,263.00		173.00				1,436.00
	1/8	1/10	Philippines		732.00						732.00
	1/11	1/14	New Zealand		644.00						644.00
Commercial airfare							8,914.03				8,914.03
Nancy S. Bloomer	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Kevin Brady	1/12	1/15	Belgium		755.90						755.90
Commercial airfare							6,597.26				6,597.26
Sean Carroll	1/15	1/18	Venezuela		765.85						765.85
	1/18	1/20	Colombia		386.00						386.00
	2/11	2/13	Haiti		369.00						369.00
Commercial airfare							1,166.80				1,166.80
Hon. William Delahunt	1/15	1/18	Venezuela		311.50						311.50
	1/18	1/20	Colombia		386.00						386.00
Commercial airfare							1,347.80				1,347.80
Nisha Desai	1/6	1/7	Holland								
	1/7	1/15	India		2,238.00						2,238.00
Commercial airfare							7,052.63				7,052.63
Mike Ennis	1/8	1/13	Korea		772.00						772.00
	1/13	1/17	Vietnam		636.00						636.00
	1/17	1/20	Hong Kong		929.00						929.00
Commercial airfare							5,797.40				5,797.40
Hon. Eni F.H. Faleomavaega	2/11	2/13	Haiti		369.00						369.00
David Fite	1/8	1/13	Korea		934.00						934.00
Commercial airfare							3,814.80				3,814.80
Ricahrd J. Garon	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Sam Gejdenson	1/6	1/7	Holland								
	1/7	1/14	India		2,137.00				3 2,451.41		4,588.41
Commercial airfare							6,730.63				6,730.63
Hon. Benjamin A. Gilman	1/9	1/10	Denmark		358.00				3 12,785.48		13,143.48
	1/10	1/12	Switzerland		616.00				2 7,392.00		8,008.00
	1/12	1/15	Belgium		790.00				3 12,670.69		13,460.69
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00				3 11,271.87		11,789.87
Charisse Glassman	1/5	1/7	Papua New Guinea		348.81						348.81
	1/7	1/8	Australia		258.00						258.00
	1/8	1/9	New Zealand		73.00						73.00
	1/9	1/13	Australia		894.00						894.00
Commercial airfare							10,938.42				10,938.42
Jason Gross	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		516.00						516.00
	1/12	1/15	Belgium		690.00						690.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Alcee Hastings	1/12	1/15	Austria		504.00						504.00
Commercial airfare							5,207.16				5,207.16
John Herzberg	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/17	1/19	Spain		518.00						518.00
Hon. Earl F. Hilliard	2/11	2/13	Haiti		369.00						369.00
Amos Hochstein	1/6	1/7	Holland								
	1/7	1/15	India		2,118.00						2,118.00
Commercial airfare							6,705.73				6,705.73
Hon. Amo Houghton	1/5	1/12	Australia								
Charmaine Houseman	1/9	1/13	Korea		851.00						851.00
	1/13	1/17	Vietnam		715.00						715.00
	1/17	1/20	Hong Kong		1,007.00						1,007.00
Commercial airfare							4,603.24				4,603.24
Hon. Peter King	1/15	1/17	Portugal		118.00						118.00
	1/17	1/19	Spain		518.00						518.00
Commercial airfare							523.21				523.21
Robert R. King	1/9	1/10	Denmark		358.00						358.00
	1/10	1/12	Switzerland		616.00						616.00
	1/12	1/15	Belgium		790.00						790.00
	1/15	1/17	Portugal		418.00						418.00
	1/19	1/20	Australia		436.00						436.00
	1/20	1/23	East/West Timor		640.00						640.00
	1/23	1/26	Indonesia		741.00						741.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare											
	2/19	2/21	Marshall Islands		450.00		7,336.57				7,336.57
	2/22	2/28	Micronesia		992.00						450.00
Commercial airfare							6,659.94				992.00
Hon. Tom Lantos	1/10	1/12	Switzerland		616.00						6,659.94
	1/12	1/13	Belgium		303.00						616.00
	1/17	1/20	London		306.00						303.00
Commercial airfare							207.99				306.00
John Mackey	1/9	1/10	Denmark		358.00						207.99
	1/10	1/12	Switzerland		616.00						358.00
	1/12	1/15	Belgium		790.00						616.00
	1/15	1/17	Portugal		418.00						790.00
	1/17	1/19	Spain		518.00						418.00
Marc Mealy	1/6	1/7	Holland								518.00
	1/7	1/15	India		2,325.47						
Commercial airfare							6,659.63				2,325.47
Kathleen Moazed	1/13	1/16	Vietnam		576.00						6,659.63
	1/16	1/20	Laos		600.00				\$ 782.23		576.00
	1/20	1/20	Thailand		199.00				\$ 50.51		1,382.23
Commercial airfare							7,786.41				249.51
Vincent L. Morelli	1/16	1/18	Venezuela		525.40						7,786.41
	1/18	1/19	Colombia		193.00						525.40
	1/19	1/20	Guatemala		140.00						193.00
	1/20	1/22	Mexico		442.00						140.00
Joan O'Donnell	1/9	1/10	Denmark		358.00						442.00
	1/10	1/12	Switzerland		616.00						358.00
	1/12	1/15	Belgium		790.00						616.00
	1/15	1/17	Portugal		418.00						790.00
	1/17	1/19	Spain		518.00						418.00
Hon. Donald Payne	1/5	1/7	Papua New Guinea		344.77				\$ 72.50		518.00
	1/7	1/8	Australia		258.00						417.27
	1/8	1/9	New Zealand		73.00						258.00
	1/9	1/13	Australia		894.00				\$ 89.43		73.00
Commercial airfare							9,858.67				983.43
Stephen Rademaker	1/23	1/25	Austria		336.00				\$ 41.93		9,858.67
Commercial airfare							4,026.15				377.93
Frank Record	1/9	1/10	Denmark		258.00						4,026.15
	1/10	1/12	Switzerland		416.00						258.00
	1/12	1/15	Belgium		690.00						416.00
Commercial airfare							2,205.15				690.00
Grover Joseph Rees	1/17	1/18	Singapore		149.25						2,205.15
	1/19	1/21	Australia		280.00						149.25
	1/21	1/24	East/West Timor		340.00						280.00
	1/24	1/27	Indonesia		840.00				\$ 42.15		340.00
	1/27	1/28	Singapore		149.25						882.15
Commercial airfare							5,155.80				149.25
Matt Reynolds	2/19	2/21	Marshall Islands		450.00						5,155.80
	2/22	2/28	Micronesia		937.00						450.00
Commercial airfare							6,659.94				937.00
Hon. Dana Rohrabacher	1/7	1/11	Philippines		776.00				\$ 356.37		6,659.94
	1/11	1/18	Thailand		1,393.00				\$ 1,764.86		1,132.37
	1/14	1/14	Cambodia								3,157.86
Commercial airfare							1,871.11				
Laura Rush	1/9	1/10	Denmark		358.00						1,871.11
	1/10	1/12	Switzerland		616.00						358.00
	1/12	1/15	Belgium		790.00						616.00
	1/15	1/17	Portugal		418.00						790.00
	1/17	1/19	Spain		518.00						418.00
Hon. Matt Salmon	1/9	1/13	China		1,120.00				\$ 7,564.48		518.00
	1/13	1/15	Hong Kong		694.00				\$ 5,874.26		8,684.48
	1/15	1/18	Taiwan		530.00				\$ 5,589.96		6,568.26
	1/9	1/13	Korea		851.00						6,119.96
	1/13	1/17	Vietnam		715.00						851.00
	1/17	1/20	Hong Kong		1,007.00						715.00
Linda Solomon	1/9	1/10	Denmark		358.00						1,007.00
	1/10	1/12	Switzerland		616.00						358.00
	1/12	1/15	Belgium		790.00						616.00
	1/15	1/17	Portugal		418.00						790.00
	1/17	1/19	Spain		518.00						418.00
Hillel Weinberg	1/9	1/10	Denmark		277.00						518.00
	1/10	1/12	Switzerland		516.00						277.00
	1/12	1/15	Belgium		690.00						516.00
	1/15	1/17	Portugal		318.00						690.00
	1/17	1/19	Spain		418.00						318.00
Committee total					74,935.95		127,999.47		69,742.13		272,677.55

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Indicates delegation costs.

BEN GILMAN, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8241. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Payment of Certain Administrative Costs of State Agencies [Amdt. No. 385] (RIN:

0584-AB66) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8242. A letter from the Associate Administrator, Dairy, Department of Agriculture, transmitting the Department's final rule—Milk in the New England and Other Marketing Areas; Order Amending the Orders; Correction [Docket No. DA-97-12] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8243. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced on the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999-2000 Marketing Year [Docket No. FV00-985-3 FIR] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8244. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Workforce Investment Act (RIN: 1205-AB20) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8245. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems Parts, Accessories and Associated Technical Data on the United States Munitions List—received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8247. A letter from the Assistant Secretary of the Army, Financial Management and Comptroller, Department of the Army, transmitting the Annual Financial Report For Fiscal Year 1999; to the Committee on Government Reform.

8248. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations—received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8249. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Improved Methods for Ballast Water Treatment and Prevention of Small Boat Transport of Invasive Species: Request for Proposals for FY 2000 [Docket No. 000404094-0094-01] (RIN: 0648-ZA84) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8250. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 051200B] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8251. A letter from the Executive Director, Oklahoma City National Memorial Trust, transmitting the Trust's final rule—Rules and Regulations for Oklahoma City National Memorial—received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8252. A letter from the Under Secretary, Intellectual Property and Director of the U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Changes to Permit Payment of Patent and Trademark Fees by Credit Card [Docket No. 99100008272-0123-02] (RIN: 0651-AB07) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8253. A letter from the Chief, Office of Regulations and Administrative Law, USCG, De-

partment of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG 1998-4443] (RIN: 2115-AF65) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI [Airspace Docket No. 99-AGL-42] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30043; Amdt. No. 1992] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8256. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technology, Inc M-4, M-5, M-6, M-7, MX-7, and MXT-7 Series Airplanes and Models MT-7-235 and M-8-235 Airplanes [Docket No. 2000-CE-04-AD; Amendment 39-11715; AD 2000-09-06] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8257. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 99-NM-253-AD; Amendment 39-11720; AD 2000-08-11] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8258. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Visual Flight Rules [Docket No. FAA-2000-7110; Amendment No. 91-262] (RIN: 2120-AG94) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8259. A communication from the President of the United States, transmitting notification of the designations of Stephen Koplan as Chair and Deanna Tanner Okun as Vice Chair of the United States International Trade Commission, effective June 17, 2000, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

8260. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Delegation of Authority (99R-247P) [T.D. ATF-425] (RIN: 1512-AB98) received May 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8261. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Entry of Softwood Lumber Shipments From Canada [T.D. 00-36] (RIN: 1515-AC62) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8262. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Summary Forfeiture of Controlled Substances [TD 00-37] (RIN: 1515-AC60) received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8263. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—the Solely for Voting Stock Requirement in Certain Corporate Reorganizations [TD 8885] (RIN: 1545-AW55) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8264. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coal Exports [Notice 2000-28] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Sub-allocation of Budget Allocations for Fiscal Year 2001 (Rept. 106-683). Referred to the Committee of the Whole House on the State of the Union.

[June 21 (legislative day of June 20, 2000)]

Mr. SESSIONS: Committee on Rules. House Resolution 529. Resolution providing for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-684). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 530. Resolution providing for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-685). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4694. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require that the size of the public debt be reduced during each fiscal year by the amount of the net surplus in the Social Security and Medicare trust funds at the end of that fiscal year; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOLLUM (for himself and Mrs. ROUKEMA):

H.R. 4695. A bill to enhance the ability of law enforcement to combat money laundering; to the Committee on the Judiciary, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 4696. A bill to amend the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. LANTOS, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. PAYNE, and Mr. ROTHMAN):

H.R. 4697. A bill to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H.R. 4698. A bill to amend the Congressional Budget Act of 1974 to authorize and direct the Director of the Congressional Budget Office to prepare estimates of the impact of proposed Federal agency rules affecting the private sector; to the Committee on the Budget.

By Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York):

H.R. 4699. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Ms. MCCARTHY of Missouri (for herself and Mr. MOORE):

H.R. 4700. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

By Mr. ROYCE (for himself, Ms. LEE, Mr. GIBBONS, Mr. DREIER, Mr. LEWIS of California, Mr. THOMPSON of California, Mr. CALVERT, Ms. ROYBAL-ALLARD, Ms. BERKLEY, Ms. WOOLSEY, and Mr. BILBRAY):

H.R. 4701. A bill to amend the Federal Credit Union Act with respect to the definition of a member business loan; to the Committee on Banking and Financial Services.

By Mr. SESSIONS (for himself and Mr. CLEMENT):

H.R. 4702. A bill to amend title XVIII of the Social Security Act to provide for a special payment rate for Medicare-dependent psychiatric units furnishing services under the Medicare Program; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4703. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. MILLENDER-MCDONALD.
H.R. 460: Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. TURNER, and Ms. JACKSON-LEE of Texas.
H.R. 488: Mr. SCARBOROUGH.
H.R. 531: Mr. CUMMINGS.
H.R. 534: Mrs. MINK of Hawaii and Mrs. KELLY.
H.R. 583: Ms. LEE.
H.R. 736: Mrs. FOWLER.
H.R. 765: Mr. BARRETT of Nebraska.
H.R. 828: Mr. ISAKSON and Mr. CAMP.
H.R. 860: Mr. BERMAN.
H.R. 919: Mr. RUSH and Mr. MOAKLEY.
H.R. 1168: Mr. BACA and Ms. BALDWIN.
H.R. 1217: Mr. MURTHA.
H.R. 1300: Mr. SMITH of New Jersey.
H.R. 1322: Mr. CUMMINGS, Mr. EHLERS, Mr. WELDON of Pennsylvania, Mr. BURR of NORTH CAROLINA, Mr. COOKSEY, and Mr. BARRETT of Nebraska.

H.R. 1367: Ms. LOFGREN.
H.R. 1546: Mr. UPTON.
H.R. 1590: Mrs. JONES of Ohio.
H.R. 1592: Mr. COBURN.
H.R. 1621: Mr. KANJORSKI.
H.R. 1644: Mr. UDALL of Colorado.
H.R. 1671: Mr. FALEOMAVAEGA.
H.R. 1684: Mr. NADLER.
H.R. 1816: Mr. PASCRELL.
H.R. 1885: Mr. CAPUANO and Mr. STENHOLM.
H.R. 1899: Mr. LEVIN and Mr. FATTAH.
H.R. 2059: Mr. COOK.
H.R. 2066: Mr. HUTCHINSON.
H.R. 2457: Mrs. TAUSCHER, Ms. ESHOO, Mr. MENENDEZ, Mr. BERMAN, Mr. STUPAK, Mr. UDALL of Colorado, Mr. MCGOVERN, Mr. BISHOP, and Mr. FORBES.
H.R. 2594: Mr. LANTOS.
H.R. 2631: Mr. HALL of Ohio and Mr. FRANK of Massachusetts.
H.R. 2633: Mrs. MYRICK and Mr. COOK.
H.R. 2697: Mr. BACA.
H.R. 2814: Mr. STUPAK.
H.R. 2870: Ms. MILLENDER-MCDONALD.
H.R. 2892: Mr. BOUCHER.
H.R. 2966: Mr. ROHRBACHER.
H.R. 2988: Mr. THORNBERRY.
H.R. 3032: Mr. FALEOMAVAEGA, Mr. BACA, Mr. BORSKI, and Mr. BONIOR.
H.R. 3113: Mr. CRAMER.
H.R. 3161: Mr. CAMPBELL.
H.R. 3193: Mr. DEMINT, Mrs. MALONEY of New York, Mr. MILLER of Florida, and Mr. MCNULTY.
H.R. 3241: Mr. SPRATT.
H.R. 3250: Mr. BLAGOJEVICH and Mr. RAHALL.
H.R. 3256: Mrs. MALONEY of New York.
H.R. 3308: Mr. SPRATT and Mrs. CAPPS.
H.R. 3485: Mr. DEUTSCH.
H.R. 3487: Mr. KLINK.
H.R. 3518: Mr. BLUNT.
H.R. 3580: Mr. WALDEN of Oregon, Mr. TANNER, Mr. WAXMAN, Mr. FOSSELLA, Mr. HOEKSTRA, and Mr. BACA.
H.R. 3593: Mr. HERGER.
H.R. 3806: Mrs. WILSON.
H.R. 3826: Ms. LEE and Ms. MILLENDER-MCDONALD.
H.R. 3840: Mr. FROST.
H.R. 3850: Mr. STRICKLAND.
H.R. 3859: Mr. HAYWORTH and Mr. THUNE.
H.R. 3998: Mrs. MALONEY of New York.
H.R. 4082: Mr. SISISKY and Mr. MOORE.
H.R. 4094: Mr. BRADY of Pennsylvania, Mr. DOOLEY of California, Mr. LIPINSKI, Mr. SPRATT, Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Mr. PASCRELL, Mr. KANJORSKI, Mr. CRAMER, Mr. BOSWELL, Mr. PHELPS, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, and Ms. DANNER.
H.R. 4106: Mr. WATKINS.
H.R. 4213: Mrs. BONO, Mr. SMITH of Washington, Mr. KUYKENDALL, and Mr. TALENT.
H.R. 4215: Mr. SHOWS and Mr. ISAKSON.
H.R. 4219: Mr. ENGLISH, Mr. MCNULTY, Ms. VELÁZQUEZ, Ms. DELAURO, Mr. KUYKENDALL, and Mr. MEEKS of New York.
H.R. 4239: Mr. GORDON.
H.R. 4245: Mr. NORWOOD and Mr. BLILEY.
H.R. 4271: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.
H.R. 4272: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.
H.R. 4273: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.
H.R. 4277: Mr. SMITH of Texas, Mr. SAXTON, and Mr. FRANK of Massachusetts.
H.R. 4278: Mr. HILLIARD and Mr. BOUCHER.
H.R. 4311: Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. CAPUANO, Mr. WEINER, Mr. ABERCROMBIE, Mr. PASTOR, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. BAIRD, Mrs. MEEK of Florida, Mr. BARCIA, Ms. SLAUGHTER, Mr.

GONZALEZ, Mr. RANGEL, Ms. MCCARTHY of Missouri, Mr. GREEN of Texas, Ms. ROYBAL-ALLARD, Ms. DELAURO, and Mr. HOYER.

H.R. 4393: Mr. MOORE and Mr. KUYKENDALL.
H.R. 4481: Mr. RAHALL, Mr. SOUDER, Mr. WAXMAN, and Mr. SHIMKUS.

H.R. 4483: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCNULTY.

H.R. 4503: Mr. ETHERIDGE.

H.R. 4543: Mr. MATSUI and Mr. HAYWORTH.

H.R. 4552: Mr. CAMP.

H.R. 4566: Ms. KILPATRICK, Mr. COSTELLO, Mr. KANJORSKI, Ms. NORTON, Ms. KAPTOR, and Mr. OBERSTAR.

H.R. 4590: Ms. WATERS.

H.R. 4621: Mrs. BIGGERT.

H.R. 4652: Mr. SENSENBRENNER.

H.R. 4659: Mr. MCINNIS and Mr. PAYNE.

H.R. 4660: Mr. BILBRAY, Mr. STUMP, Mr. HANSEN, and Mr. HILLEARY.

H.R. 4680: Mr. KUYKENDALL and Mr. MARTINEZ.

H.R. 4687: Mr. FATTAH, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. FORD, Mr. OWENS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 56: Mr. WELDON of Pennsylvania.

H.J. Res. 102: Mr. BAKER, Mr. KINGSTON, Ms. WOOLSEY, and Ms. PRYCE of Ohio.

H. Con. Res. 62: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 177: Mr. MOORE.

H. Con. Res. 225: Mr. BONIOR.

H. Con. Res. 275: Ms. MCCARTHY of Missouri and Mr. BONIOR.

H. Con. Res. 307: Mr. TALENT and Mr. FRELINGHUYSEN.

H. Con. Res. 308: Mr. MCKEON.

H. Res. 458: Mr. KOLBE, Mr. GONZALEZ, Mrs. CAPPS, Mr. ROMERO-BARCELÓ, Mrs. MORELLA, Mr. HORN, Mr. HINCHAY, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. LEVIN, and Mr. PHELPS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MRS. CLAYTON

AMENDMENT No. 31: Page 48, after line 25, insert the following:

NATIONAL RURAL DEVELOPMENT PARTNERSHIP
For the National Rural Development Partnership established in the Department of Agriculture, \$5,000,000, to remain available until expended.

H.R. 4635

OFFERED BY: MR. BERRY

AMENDMENT No. 44: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____ . None of the funds made available in this Act may be used to implement any rule, regulation, or administrative directive on effluent limitations relating to aquaculture, including but not limited to rules, regulations or administrative directives which require disclosure of financial information to the Environmental Protection Agency or any other Federal department or agency.

H.R. 4635

OFFERED BY: MR. BERRY

AMENDMENT No. 45: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____ . None of the funds made available in this Act may be used to implement any rule, regulation, or administrative directive on effluent limitations relating to aquaculture that requires disclosure of financial

information to the Environmental Protection Agency or any other Federal department or agency.

H.R. 4635

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 46: Page 30, line 20, after the dollar amount, insert the following: "(increased by \$395,000,000)".

Page 30, line 21, after the dollar amount, insert the following: "(increased by \$395,000,000)".

H.R. 4635

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 47: At the end of the bill (before the short title), insert the following new section:

SEC. ____ (a) The amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical Care" is hereby increased by \$500,000,000, and the amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical and Prosthetic Research" is hereby increased by \$65,000,000.

(b) Any reduction for a taxable year beginning before January 1, 2003, in the rate of tax on estates under the Internal Revenue Code of 1986 that is enacted during 2000 shall not apply to a taxable estate in excess of \$20,000,000.

H.R. 4635

OFFERED BY: MR. ROEMER

AMENDMENT NO. 48: Page 73, line 3, after the dollar amount insert the following: "(reduced by \$2,100,000,000) (increased by \$300,000,000)".

Page 73, line 18, after the dollar amount insert the following: "(increased by \$290,000,000) (increased by \$20,000,000) (increased by \$6,000,000) (increased by \$49,000,000)".

Page 77, line 1, after the dollar amount insert the following: "(increased by \$405,000,000)".

Page 77, line 22, after the dollar amount insert the following: "(increased by \$62,000,000)".

Page 78, line 5, after the dollar amount insert the following: "(increased by \$34,700,000)".

Page 78, line 21, after the dollar amount insert the following: "(increased by \$5,900,000)".

H.R. 4690

OFFERED BY: MR. ALLEN

Page 72, line 3, before the period insert: "Provided further, That not to exceed \$1,000,000 may be available for diplomatic activities designed to encourage North Korea to terminate its ballistic missile program".

H.R. 4690

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 3: Page 107, after line 12, insert the following new section:

SEC. 624. (a) Within 60 days after the date of enactment of this Act, the Common Carrier Bureau of the Federal Communications Commission shall conduct a study on the area code crisis in the United States. Such study shall examine the causes and potential solutions to the growing number of area codes in the United States, including the following:

(1) Shortening the lengthy timeline for implementation of the Federal Communications Commission's recent order mandating 1,000 number block pooling.

(2) Repealing the wireless carrier exemption from the Federal Communications Commission's 1,000 number block pooling order.

(3) The issue of rate center consolidation and possible steps the Commission can take

to encourage or require States or telecommunications companies, or both, to undertake plans to deal with this issue.

(4) The feasibility of technology-specific area codes reserved for wireless or paging services or data phone lines.

(5) Strengthening the sanctions against telecommunications companies that do not address number use issues.

(6) The possibility of single number block pooling as a potential solution to the area code crisis.

(7) The costs and technological issues surrounding adding an additional digit to existing phone numbers and potential ways to minimize the impact on consumers.

(b) Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the results of the study required by subsection (a).

H.R. 4690

OFFERED BY: MR. LARGENT

AMENDMENT NO. 4: Page 2, line 9, after "expended" insert ", and of which \$5,000,000 shall be expended by the Criminal Division, Child Exploitation and Obscenity Section, for the hiring and training of staff, travel, and other necessary expenses, to prosecute obscenity cases, including those arising under chapter 71 of title 18, United States Code".

H.R. 4690

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 5: Page 32, line 14, after the dollar amount, insert the following: "(increased by \$150,000,000)".

Page 33, line 2, before the comma, insert the following: "\$150,000,000 shall be for the State and Local Gun Prosecutors program, for discretionary grants to State, local, and tribal jurisdictions and prosecutors' offices to hire up to 1,000 prosecutors to work on gun-related cases."

H.R. 4690

(En Bloc Amendments)

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 6: Page 40, line 7, after the dollar amount, insert the following: "(reduced by \$5,000,000)".

Page 45, line 8, after the dollar amount, insert the following: "(increased by \$5,000,000)".

Page 45, line 19, after "activities;" insert the following: "of which \$5,000,000 is for activities related to the planning of a census of Americans abroad, to be taken by December 31, 2003;"

H.R. 4690

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 7: In title I, in the item relating to "GENERAL ADMINISTRATION—TELECOMMUNICATIONS CARRIER COMPLIANCE FUND", after the dollar amount insert "(reduced by \$4,479,000)".

In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", after the second dollar amount insert "(increased by \$4,479,000)".

H.R. 4690

OFFERED BY: MR. OXLEY

AMENDMENT NO. 8: Page 89, line 22, insert before the period the following: "Provided further, That none of the funds made available in this Act may be used to implement or enforce the Federal Communications Commission's report and order entitled 'In the Matter of Creation of Low Power Radio Service' (MM Docket No. 99-25, FCC 00-19), adopted January 20, 2000, or to issue any license or permit pursuant to such report and order."

H.R. 4690

OFFERED BY: MR. RUSH

AMENDMENT NO. 9: In title I, in the item relating to "FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by \$8,500,000)".

In title I, in the item relating to "OFFICE OF JUSTICE PROGRAMS—WEED AND SEED PROGRAM FUND", after the aggregate dollar amount, insert the following: "(increased by \$8,500,000)".

H.R. 4690

OFFERED BY: MR. RUSH

AMENDMENT NO. 10: In title I, in the item relating to "FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by \$5,000,000)".

In title I, in the item relating to "COMMUNITY ORIENTED POLICING SERVICES", after the 1st and 6th dollar amounts, insert the following: "(increased by \$5,000,000)".

H.R. 4690

OFFERED BY: MR. RUSH

AMENDMENT NO. 11: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL APPROPRIATIONS

Small Business Administration

PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the PRIME Act (as added by section 725 of the Gramm-Leach Bliley Act (Pub. L. 106-102)), to be derived by transfer from the aggregate amount provided in this Act under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" (and the amount specified under such heading for the National Weather Service), \$15,000,000.

H.R. 4690

OFFERED BY: MR. WEINER

AMENDMENT NO. 12: Beginning on page 32, strike line 11 and all that follows through page 33, line 14, and insert the following:

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act"), \$1,335,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the "State and Local Law Enforcement Assistance" account, to be available for the purposes stated under this heading: *Provided further*, That administrative expenses associated with such transferred amounts may be transferred to the "Justice Assistance" account. Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, \$650,000,000 as follows: not to exceed \$36,000,000 for program management and administration; \$20,000,000 for programs to combat violence in schools; \$25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; \$17,000,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; \$45,000,000 to improve tribal law enforcement including equipment and training; \$20,000,000 for National Police Officer Scholarships; and

\$30,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime-fighting technology, \$350,000,000 as follows: \$70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); \$15,000,000 for State and local forensic labs to reduce their convicted offender DNA sample backlog; \$35,000,000 for State, Tribal and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as improvements to State, Tribal and local forensic laboratory general forensic science capabilities; \$10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; \$5,000,000 for DNA technology research and development; \$10,000,000

for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; \$6,000,000 to establish regional forensic computer labs; and \$199,000,000 for discretionary grants, including planning grants, to States under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to \$99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

(3) for a Community Prosecution Program, \$200,000,000, of which \$150,000,000 shall be for grants to States and units of local government to address gun violence “hot spots”;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, \$135,000,000 as follows: \$35,000,000 for a youth and school safety program; \$5,000,000 for citizens academies and One America race dialogues; \$35,000,000 for an offender re-entry program; \$25,000,000 for a Building Blocks Program, including \$10,000,000 for the Strategic Approaches to Community Safety Initiative; \$20,000,000 for police integrity and hate crimes training; \$5,000,000 for police recruitment; and \$10,000,000 for police gun destruction grants (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (Public Law 106–113)).

EXTENSIONS OF REMARKS

APPRECIATION OF WAL-MART'S CONTRIBUTIONS TO THE NATIONAL WORLD WAR II MEMORIAL

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUTCHINSON. Mr. Speaker, I recently stood on our National Mall between the Lincoln Memorial and the Washington Monument, near the site of the planned memorial to honor our World War II veterans. I was delighted to join Senator Dole and others at the site, and I rise today to thank Wal-Mart Stores, Inc. and its thousands of associates for their contributions to the memorial.

Wal-Mart has raised \$14.5 million for the World War II Memorial, the largest single contribution to the memorial. Store employees from across the country mounted a nine month grassroots fundraising drive to raise \$9 million in funds, which the Wal-Mart Foundation partially matched.

The World War II Memorial will be a fitting tribute to our country's noble generation which defeated nazism, preserved freedom, and taught us all what sacrifice really means. On behalf of the Third Congressional District of Arkansas, I would like to thank Wal-Mart employees and all those who have worked to so honor our veterans.

HONORING LARRY CALLOWAY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I rise to call to the attention of the House the retirement of a leading journalist and commentator for the State of New Mexico. Larry Calloway, who stepped down this month from his regular column at the Albuquerque Journal, will be missed by thousands of readers who were faithful followers of his thrice-weekly column. His refreshing and anecdotal comments, which covered civic activities and politics, were always immensely interesting and entertaining. His remarkable contributions to the people of New Mexico cannot be understated. Thank you, Larry, and best wishes in your new endeavors.

[From the Albuquerque (NM) Journal, April 1999]

Columnist Larry Calloway, with great suspicion, has covered about 25 regular sessions of the New Mexico Legislature and an alarming number of political campaigns. His column appears like clockwork, Sundays, Tuesdays and Thursdays, on the Editorial page. An outsider, he loves New Mexico and its di-

verse people but has not fallen in love with its politicians.

He had a promising Western wire service career going when he arrived in Santa Fe from Denver in a used 1962 Ford Fairlane junker with all his possessions in the back. He had already worked for United Press International at news bureaus in Helena, Montana, Salt Lake City and Denver, with brief temporary assignments in San Francisco and Topeka, Kansas. New Mexico ended his travels. He stuck, got married and began raising a family of two daughters.

His first in-depth experience with New Mexico politics was the Rio Arriba County courthouse raid on June 5, 1967. He was tied up, pushed around, paraded through Tierra Amarilla, threatened with hanging and shot at. He escaped at a State Police roadblock and wondered, "Was it something I wrote?"

It has been that way ever since. Calloway has been reviled by Democrats for his "monkey speech" story that contributed to the defeat of U.S. Sen. Joseph M. Montoya. He has been denounced by both the regulators and the regulated for revelations about things like monopoly bus companies. He has been excoriated in letters to the editor by activists, candidates, lobbyists and governors for discussions of things like real estate deals, political hiring and no-bid contracts. He has been castigated frequently by legislators in open sessions of both houses.

Before all that, Calloway was born innocent in Wyoming and raised in Colorado. He was educated in the Denver public Schools, at the University of Colorado-Boulder (BA, philosophy of science) and at Stanford University (professional journalism fellowship). He has worked and traveled in Asia.

Calloway was with The Associated Press in Santa Fe through the 1970s and joined the Journal in 1980 as the founding editor of Journal North. Politically, he prefers to describe himself only as "journalist," meaning that he looks for the truth behind the clichés and ideologies and tries to write it. He has written a book of fiction, "Guide to the San Juans," and is writing a book of nonfiction on his lengthy visit to New Mexico, something that probably will have "outsider" in the title.

HONORING PETER J. LIACOURAS UPON HIS RETIREMENT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. BORSKI. Mr. Speaker, I rise today to honor President Peter J. Liacouras, who is retiring after an unprecedented 18 years at the helm of Temple University.

President Liacouras has been called "a man who reminisces about the future." Under his guidance, Temple University has achieved national prominence as a model public research university in a central-city setting, with suburban and international locations and programs.

A Temple professor of law for nearly four decades, and a former Dean of Temple's Law School, Mr. Liacouras has presided since 1982 over an institution with a distinguished faculty, including some 29,000 students on seven campuses in the Philadelphia region which encompasses successful campuses in Rome and Tokyo. Temple has 16,000 full-time and part-time employees, a renowned Health Sciences Center and Temple University Health System, 200,000 alumnae and alumni in 92 nations around the world, and 16 schools and colleges, offering bachelor's degrees in 135 areas, master's in 82 fields, and doctoral degrees in 49 areas.

President Liacouras's career has been characterized by six constants: continuous pursuit of excellence; (2) opening of universities and professions to persons from historically underrepresented groups; (3) a hard-nosed commitment to fiscal responsibility; (4) leadership from historically underrepresented groups; (3) a hard-nosed commitment to fiscal responsibility; (4) leadership in effectuating change; (5) far-reaching academic improvements in the institution, with close and respectful collaboration with neighbors; and (6) the view that the human condition is universal, and education should be viewed simultaneously in the prism of the world and the local neighborhood.

The son of Greek immigrants, Mr. Liacouras, as Dean of Temple Law School, became a national leader in developing model programs of university and community cooperation, as well as fair and sensible admissions policies for professional schools.

Under Mr. Liacouras, Temple's objectives have included: revitalizing its Main Campus, which, as a result, is providing the spark for the first tangible renewal of a long-neglected section of the City of Philadelphia; strengthening undergraduate, graduate, and professional education in the region, nation, and world; restructuring Temple's schools and college to meet the needs of students and to recognize the rapidly changing environment of higher education; using Temple's resources to improve urban public education; strengthening the University's research mission; providing and expanding health care for all citizens, regardless of ability to pay; building better community relations.

Mr. Speaker, Peter J. Liacouras should be commended for his extraordinary leadership and integrity as the steward of one of our great public institutions of higher learning, Temple University.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THE BUCKET
BRIGADE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize all those who participate in Bucket Brigade in Alton, Illinois. Bucket Brigade is a group of people who simply give of themselves by painting the homes of senior citizens who desperately need it.

It is just another example of citizens who want to make a difference in their community and in the lives of others. Their desire to serve is one that should not go unnoticed.

I want to take this opportunity to thank all the people who give of themselves by participating in the Bucket Brigade. I am proud of them, and am grateful for their kindness, compassion, and concern that they have shown, and will continue to show to those in need.

HONORING REVEREND MAURICE
ROBERTS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today to congratulate Reverend Maurice Roberts for being honored as the National Veterans Administration's Chaplain of the Month for May 2000.

Reverend Roberts is currently the Chief of Chaplain Service at the VA Medical Center in Fayetteville, Arkansas, and is the first chaplain at that center to be selected for this honor. He has given his life in service to his country, first with over twenty years as a Navy chaplain, and then as a VA chaplain to retired servicemen and women. In addition to his dedicated service, his faith has truly been an example to thousands of sailors and veterans, and his sacrificial nature has comforted and blessed each life he has touched.

Mr. Speaker, on behalf of the citizens of Arkansas, I wish to congratulate Reverend Roberts on this honor and thank him for his life of faith and service to our great nation.

TRIBUTE TO LYNN McDUGAL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUNTER. Mr. Speaker, I rise today to honor and thank one of my constituents, Mr. Lynn McDougal, for his many years of dedicated service to the people of San Diego East County. Lynn will shortly be retiring after 32 years as the City Attorney of the City of El Cajon. He has also represented many other government agencies including the cities of Carlsbad, Coronado, Del Mar, El Centro, Imperial Beach, Poway, Alpine Union School District, San Marcos Unified School District and the El Cajon Redevelopment Agency.

Lynn McDougal came from modest beginnings in Atwood, Kansas. His father was a bowling alley owner and his mother a teacher. After attending the University of Kansas on a Naval Scholarship, McDougal spent three years of active duty, followed by 14 years in the Naval Reserve, attaining the rank of Lt. Commander. At his father's suggestion, he enrolled in law school at the University of Colorado, graduating in 1959. A few years later, he moved west and settled in El Cajon.

Lynn is a member of the State Bar of California, the Colorado Bar Association and the San Diego County Bar Association. He is admitted to practice before the U.S. Supreme Court. He is the Founder and Past President of the San Diego and Imperial County City Attorney's Association. He has served as Second Vice President, First Vice President and the President of the City Attorney's Department of the League of California Cities. He is Past President and a member of the Foothills Bar Association.

Lynn has had a distinguished career in the area of law, but perhaps more importantly, he has dedicated his life in service to others in various other ways as well. This was recognized when he received the El Cajon Chamber of Commerce Citizen of the Year Award in 1974. Lynn has been a member of the Board of Directors of the Boys and Girls Club of El Cajon and served as a member of the Board of the Boys and Girls Club Foundation. He exemplified the Rotary motto of "Service Above Self," as the President of the Rotary Club of El Cajon and being a charter member of both the El Cajon Historical Society and the El Cajon Sister City Association. The latter organization works to improve relations between the people and City of El Cajon and several foreign cities.

Through his endeavors, Lynn has had the support of his lovely wife Anne. He has a son, Tim, and a daughter, Kyle, and has five wonderful grandchildren.

It is people like Lynn McDougal, with his commitment to his nation, his family and his community, that makes the United States the great country that it is. I congratulate him and honor him on his retirement as the City Attorney of El Cajon.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GUTIERREZ. Mr. Speaker, last week I was unavoidably absent from this chamber when the following roll call votes were taken, roll call vote 256 and roll call vote 291. I want the record to show that had I been present in this chamber I would have voted "yea" on roll call vote 256 and "no" on roll call vote 291.

RECOGNIZING RECIPIENTS OF THE
JEFFERSON COUNTY AFRICAN-
AMERICAN HERITAGE AWARDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize five residents of Jefferson County, Illinois who have been named the recipients of the Jefferson County African-American Heritage Awards. The winners are John Kendrick, Rev. James Gordon, Mary Ellen Frutrinsky, Tena Mitchell, and Camille Jones.

These individuals were all selected for their community activism. Their commitment to their community and desire to make a difference make them the very deserving honorees.

It takes people like them to make our communities the best possible. I want to thank them for their dedication to changing, leading, and guiding their community into the future. We are truly indebted to them.

HONORING "WE THE PEOPLE"
CONTESTANTS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise to congratulate Mountain Home Junior High School and its participants in the "We the People. . .The Citizen and the Constitution" national finals.

I am pleased to recognize the class from Mountain Home Junior High School who represented Arkansas in the national competition. The outstanding young people who participated are: Matthew Brinza, T.C. Burnett, Patrick Carter, Cody Garrison, Meredith Griffin, Kayla Hawthorne, Delia Lee, Megan Matty Zachary Millholland, Stacy Miller, Jennifer Nassimbene, Rebaca Neis, Patty Schwartz, Carrie Toole, and Kris Zibert. The class is coached by Patsy Ramsey.

"We the People. . .The Citizen and the Constitution" is the nation's most extensive program dedicated to educating young people about our Constitution. Over 26 million students participate in the program, administered by the Center for Civic Education. The national finals, which includes representatives from every state, simulates a congressional hearing in which students testify as constitutional experts before a panel of judges.

I had the opportunity to meet with the talented group of students from Mountain Home when they were in Washington, and I came away encouraged by their interest in our Constitution and our government. Each bright student represented the Third District of Arkansas well, and I wish them all the best in their future academic pursuits.

PERSONAL EXPLANATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. BILBRAY. Mr. Speaker, on rollcall No. 293 due to airplane delays, I was unable to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, on Thursday, June 15, I was unavoidably detained and forced to miss several votes.

If present, I would have voted "no" on agreeing to Rep. STEARN's amendment to H.R. 4578 (Vote 282).

If present, I would have voted "yes" on agreeing to Rep. SLAUGHTER's amendment to H.R. 4578 (Vote 283).

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4578 (Vote 284).

If present, I would have voted "yes" on the quorum call for H.R. 4578 (Vote 285).

If present, I would have voted "yes" on agreeing to Rep. SANDER's amendment to H.R. 4578 (Vote 286).

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4578 (Vote 287).

If present, I would have voted "no" on agreeing to Rep. NETHERCUTT's amendment to H.R. 4578 (Vote 288).

If present, I would have voted "no" on agreeing to Rep. WELDON's amendment to H.R. 4578 (Vote 289).

If present, I would have voted "yes" on the motion to recommit H.R. 4578 with instructions to the Committee (Vote 290).

If present, I would have voted "no" on the final passage of H.R. 4578 (Vote 291).

HONORING BRIGADIER GENERAL DANIEL G. MONGEON UPON HIS RETIREMENT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. BORSKI. Mr. Speaker, I rise today in honor of Brigadier General Daniel G. Mongeon, in recognition of all of his years and dedication to the U.S. Army.

Army Brigadier General Daniel Mongeon is the second Commander of Defense Supply Center Philadelphia, a position that he assumed on July 31, 1998.

General Mongeon received his commission as a Second Lieutenant upon graduation from the University of Arizona in 1972. He was then assigned to the U.S. Army's Security Agency Communications unit in Japan, serving as the

S4/Logistics Officer and later as the Executive Officer.

In 1976 General Mongeon was assigned to the 4th Infantry Division in Fort Carson, Colorado. There he served time as the Division Property Officer, and commanded the HHC Division Support Command.

General Mongeon accepted another challenge; the pursuit of an MBA. He completed his studies and received a master's degree in business administration from the University of Arkansas in January 1981. He was then assigned to the Army Staff at the Pentagon, where he served until June 1984. While there, he served in numerous positions including Military Assistant to the Deputy of Staff for Logistics.

After graduating from the Command General Staff College in 1985, he was assigned to the 3rd Infantry Division in Germany. General Mongeon served as S3 and later as Executive Officer of the 203rd Forward Support Battalion, completing his tour as the Division Deputy G4. In January he was selected as Aide-de-Camp to General John R. Galvin, Commander in Chief, U.S. European Command, and Supreme Allied Commander, Europe at SHAPE Belgium.

In 1990 he assumed command of the Support Squadron, 3rd Armored Cavalry Regiment, Fort Bliss, Texas. During his command, the Support Squadron deployed to Saudi Arabia for participation in Operations Desert Shield/Storm. After completing his command in May 1992, he attended the Army War College, Carlisle Barracks, Pennsylvania, graduating in June 1993.

In 1993, he assumed command of the 41st Area Support Group, United States Army South, Panama. After completing his command in 1995, he was assigned to the Joint Staff at the Pentagon where he assumed duties as Deputy Director for Logistics Readiness and Requirements, J-4. Prior to his current assignment at DSCP, he was the Executive Officer to the Director of Logistics J-4, the Joint Staff, Washington, DC.

His awards and decorations include: the Defense Superior Service Medal, the Legion of Merit with one oak leaf cluster, the Bronze Star, the Defense Meritorious Service Medal with two oak leaf clusters; the Army Commendation Medal with one oak leaf cluster, the Army Achievement Medal with one oak leaf cluster, the National Defense Service Medal with Bronze Star, the Southwest Asia Service Medal; the Humanitarian Service Medal, and the Kuwait Liberation Medal. He was also awarded the Army Staff and Joint Staff Identification Badges.

Mr. Speaker, Brigadier General Daniel G. Mongeon should be commended for his complete dedication for so many years to the U.S. Army. I congratulate and highly revere General Mongeon upon his retirement, and offer him my very best wishes for the coming years.

IN HONOR OF J.E. DUNLAP

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today to congratulate J.E. Dunlap, publisher of

the Harrison Daily Times of Harrison, Arkansas, who has recently been honored with the Ernie Deane Award.

For 57 years, J.E. has been a fixture in the Harrison community, first as a writer, then as publisher and owner of the Harrison Daily Times. He built a small paper into one that is now a voice for the entire region. Even after selling the newspaper, his regular column appears in print four times weekly.

Ernie Deane, for whom the award was named, was a longtime columnist for the Arkansas Gazette, as well as a journalism teacher at the University of Arkansas. Like Deane, J.E. Dunlap has devoted his life to the people and communities of Arkansas.

Mr. Speaker, on behalf of the state of Arkansas, I would like to congratulate J.E. on this honor. He has represented his profession and the state of Arkansas well, and I look forward to the day when aspiring journalists vie for the "J.E. Dunlap Award" in journalism.

RECOGNIZING DEBBIE SNELL-GROVE OF WARNER ROBINS, GA. FOR RECEIVING THE 2000 LIBERTY BELL AWARD

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to honor an exceptional citizen from Georgia's 8th Congressional District, Debbie Snellgrove of Warner Robins, recipient of the 2000 Liberty Bell Award.

Each year, the Houston County Bar presents the Liberty Bell Award to one non-lawyer who makes a significant contribution to the legal profession. As a long time court employee, Debbie is highly deserving of this award. Debbie has been working as a state court administrator in Warner Robins for four years. Her previous professional experience includes serving as secretary to Judge Buster McConnell and secretary to Steve Pace in the Houston County District Attorney's office. As a loyal member of her community, Debbie has been involved with the Houston County domestic violence program, the victims assistance program, and the American Heart Association.

In addition, Debbie took time out of her busy schedule to assist my office with arrangements for my Town Hall Meeting in Warner Robins this past April. I am pleased to say that this town hall meeting was a success, but would not have been without Debbie's assistance.

Mr. Speaker, I am proud to recognize Debbie Snellgrove for her dedicated and service to Houston County and to the legal system of Warner Robins. She is an extraordinary citizen, and I am proud to serve as her Representative in the People's house.

CHRISTIANS IN INDIA SEEK
INTERNATIONAL HELP

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. DOOLITTLE. Mr. Speaker, Newsroom.org, a website devoted to religious news from around the world, reported on June 15 that Christian leaders in India have appealed for help from abroad.

The Christian leaders of India, including the United Forum of Catholics and Protestants of West Bengal, wrote to the Secretary General of the United Nations complaining that the Indian government and police have ignored the wave of terror against Christians since Christmas 1998. They have also requested help from Amnesty International in stopping these atrocities.

"We are scared," said Herod Malik, the leader of the United Forum. "We have to go to international organizations because we have no faith in the Indian government." Just a few days ago Hindu nationalist militants murdered a priest and placed five bombs in four churches. Some Christians who were peacefully distributing Bibles and Christian religious literature were savagely beaten, one so badly that he may lose his arms and legs. These are just the most recent incidents.

Unfortunately, Mr. Speaker, it is not just Christians who are suffering atrocities and persecution. Sikhs, Muslims, Dalits, and others are oppressed in a similar fashion, although Christians seem to be the primary targets at the moment.

We can help these people to live in freedom and in the assurance that their rights will finally be respected. If India promotes terror against its religious and ethnic minorities, it is not a country that the United States should be supporting. Cutting off its aid is one message it would understand loudly and clearly. We should also declare our support for self-determination through an internationally-supervised plebiscite on the future of political status of Christian Nagaland, of the Sikh homeland, Khalistan, Kashmir, and other nations of Indian. Remember that the people of Kashmir were promised a plebiscite in 1948 and it has never been held. It is time for the United States and the international community to hold India's feet to the fire.

Mr. Speaker, I submit the Newsroom.com article of June 15 into the RECORD for the information of my colleagues.

[From Newsroom.com, June 15, 2000]

CHRISTIANS IN INDIA SEEK HELP FROM ABROAD

A wave of church bombings and murders of clergy has prompted Christian leaders in India to appeal for international help, according to Catholic World News. The United Forum of Catholics and Protestants of West Bengal claimed Tuesday that the Indian government and police have ignored their pleas and have insisted the attacks are random crimes.

The Christian leaders said they have written to the secretary general of the United Nations and also are appealing to the human rights group Amnesty International. "We are scared. We have to go to international organizations because we have no faith in the In-

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dian government," said Herod Malik, the head of the United Forum.

The leaders said that unless international groups pressure the Indian government to protect Christians from Hindu fundamentalists, the "atrocities will increase."

Bombs exploded in four churches in the southern Indian states of Andhra Pradesh, Karnataka, and Goa on June 8, injuring at least one person. The blasts occurred the day after a Roman Catholic priest was murdered in the Mathura district of Uttar Pradesh in northern India.

The nation's governing Bharatiya Janata Party (BJP) blamed the four church bombings on Pakistani intelligence "out to give Hindu organizations a bad name." Opposition parties, however, assert that the bombings are the work of the Sangh Parivar, the extended family of Hindu organizations.

Prime Minister Atal Behari Vajpayee promised a delegation of Christian leaders on Monday that his government would investigate the incidents fully.

Christians charge that the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS), considered the ideological parent of the BJP, have engaged in a campaign against Christians since the BJP came to power two years ago. The New Delhi-based United Christian Forum for Human Rights says that in the past year it has documented 120 attacks by Hindu fundamentalists against Christian individuals, churches, and schools.

Indian government officials deny having any influence on the aggression. CWN said a senior interior ministry official, speaking on condition of anonymity, insisted the Christian community had nothing to fear and the government was taking steps to prevent such attacks.

PERSONAL EXPLANATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, on Monday, June 19, I was unavoidably detained and forced to miss two votes.

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4635 (Vote 292).

If present, I would have voted "yes" on agreeing to Mr. Waxman's amendment to H.R. 4635 (Vote 292).

HONOR OF THE WOMAN'S BOOK
CLUB OF HARRISON, ARKANSAS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today in honor of the Woman's Book Club of Harrison, Arkansas. This month marks the one-hundred-year anniversary of the club's founding.

On June 25, 1900, twelve women in Harrison, Arkansas, founded a small book club, each contributing a single book. Soon after, a small library, consisting of a few shelves in the back of a newspaper office opened to mem-

bers on Saturday afternoons. From these humble beginnings, the Woman's Book Club opened the first public library in north central Arkansas in 1903.

With support from the Woman's Book Club, the Harrison Public Library continued to grow and expand, moving several times to keep up with the demand for library services. In 1944, it became one of the first regional libraries in Arkansas and today contains over 58,000 volumes.

Mr. Speaker, the Woman's Book Club of Harrison is one of the largest private civic contributors to education and good works in my state. Over the past century, thousands who might not otherwise have had the opportunity to learn have been touched by its work. On behalf of all Arkansans, I would like to commend each of the many women who have been involved in the Harrison club. I look forward to another century of service.

IN RECOGNITION OF SHELBY
MEMORIAL HOSPITAL

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. PHELPS. Mr. Speaker, today I rise to congratulate one of my district's hospitals. For the second year in a row Shelby Memorial Hospital in Shelbyville, IL, has been recognized by the HCIA and the Health Network as being one of the top 100 facilities in the nation for clinical excellence and efficiency.

Each year the HCIA and the Health Network compare hospitals across the nation in search of hospitals that focus on clinical excellence and efficient delivery of care. The study places hospitals into categories by size. Shelby Memorial Hospital fits into the category for small hospitals, consisting of 25-99 acute care beds in service. The HCIA and Health Network based their study on quality of care, efficiency of operations, and sustainability of overall performance. They ranked 1266 small hospitals based on: risk adjusted mortality index; risk adjusted complications index; severity adjusted average length of stay; expense per adjusted discharge, case mix, and wage adjusted; profitability (cash flow margin); proportion of outpatient revenue; index of total facility occupancy; and productivity (total asset turnover rate). The scores are then computed, and the results are then published in Modern Healthcare Magazine. The top 100 hospitals stand out above the rest by having superior care at lower costs.

According to CEO John Bennett, Shelby Memorial Hospital's main focus is on patient care, not Finances. Plans are already being made to improve the hospital's rating. The hospital will soon have a new, ER, lab, X ray and physical therapy departments, and new patient rooms.

It is with this, Mr. Speaker, that I say congratulations to Shelby Memorial Hospital on their excellent accomplishment. Due to the hospital's excellence in serving its community, it is clear that Shelby Memorial Hospital is an asset to Illinois and our nation's health care system.

RECOGNIZING THE CENTRAL MASSACHUSETTS SYMPHONY ORCHESTRA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. MCGOVERN. Mr. Speaker, Today I rise to recognize the Central Massachusetts Symphony Orchestra as they present the 50th consecutive season of Summer Family Concerts during July at East Park and Institute Park in Worcester, Massachusetts. These concerts, founded by the late Harry Levenson, and his wife Madelyn have always been, and will always be admission-free to the public. Madelyn continues to play a major role in all of the programming, and their son Paul Levenson serves as the Executive Director.

Over the years, the concerts have attracted over 1,000,000 residents and visitors to these performances. The fine classical and pops repertoire is now playing to the third generation of concert-goers. The concerts have become a beloved New England tradition at which all segments of the community, all neighborhoods, and all backgrounds can come together for alfresco entertainment. While walking home past Institute Park, Harry and Madelyn Levenson envisioned an outdoor summer concert. Today neighbors and neighborhoods in the All-American City of Worcester enjoy the fruits of their inspiration on a snowy Worcester evening in 1951.

I am sure my colleagues join me in celebrating a fine Worcester tradition.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ENCHANTED HILLS CAMP

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Rose Resnick Lighthouse for the Blind and Visually Disabled and the 50th Anniversary of its Enchanted Hills Camp.

The Rose Resnick Lighthouse is the most comprehensive program and advocacy agency serving the blind and visually impaired community in the San Francisco Bay Area. The Enchanted Hills Camp, located in the Napa County foothills, provides the blind with the opportunities of a traditional summer camp, combined with peer support, role models and a philosophy that encourages self-confidence and development.

The Enchanted Hills Camp promotes independence, equality, and self-reliance through rehabilitation training and services such as access to employment, education, government, media, recreation, transportation and the environment. Approximately 120 individuals enroll in the camp each summer, which offers activities for children in elementary through high school, as well as adults and multi-disabled persons. Campers participate in activities ranging from hiking, horseback-riding, and

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other sports to arts and crafts projects and campfire conversations.

This summer will mark 50 years of camp at Enchanted Hills. Three events are scheduled for counselors and campers to celebrate the 50th Anniversary—an Alumni Retreat, Counselor Reunion, and a 50th Anniversary Party. The Retreat is for adults who attended the camp between 1950 and 1995 and the Counselor Reunion is open to all counselors, camp maintenance and kitchen staff, volunteers, and interns who worked between 1950 and 1995. The 50th Anniversary Party will take place June 25, complete with music, a BBQ lunch, and other special activities.

Mr. Speaker, it is appropriate at this time that we acknowledge the Rose Resnick Lighthouse and the Enchanted Hills Camp for providing visually impaired individuals with vital services and camp memories to last a lifetime. Congratulations to the Enchanted Hills Camp on its 50th Anniversary.

TRIBUTE TO THE NORTH ALABAMA VETERANS OF THE KOREAN WAR

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the veterans of the Korean War who now reside in North Alabama. These brave men and women who boldly served their country across the ocean 50 years ago deserve our recognition and our gratitude. This coming Saturday in Huntsville, Alabama, our area veterans, their families and the Korean-American community will be honored at a Huntsville Stars baseball game.

As this nation at large begins its three-year remembrance of the 50th anniversary of the Korean War, the Redstone-Huntsville AUSA Chapter 3103 has been designated by Secretary Cohen as a Commemorative Community. I believe this distinction reflects the patriotic history of North Alabama and Redstone Arsenal and acknowledges the sacrifices this community has made in the defense of the United States and its freedoms.

Many people refer to the Korean War as "The Forgotten War", but I would like to take this opportunity to thank those in my community who are going to extraordinary efforts to ensure that the Korean War and its veterans are not forgotten. I would like to extend my appreciation to Jim Rountree, the chairman of the commemoration committee, Robert Nixon, Jr. and Ed Banville. I also want to recognize the Grand Marshal of the anniversary festivities, Major General Grayson Tate, a Purple Heart veteran who nearly lost his leg in the battles for democracy and peace that took place 50 years ago in Korea.

On behalf of the Congress of the United States, I thank the veterans and families of the Korean War and those in my community who are working hard to see them properly honored. We can never afford to forget their victories and their sacrifices lest we take for granted the precious freedoms we enjoy every minute of every day. I would like to extend my

best wishes to them for a memorable Saturday baseball game.

HONORING THE 100TH BIRTHDAY OF SAMUEL R. BACON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GORDON. Mr. Speaker, today I wish a happy 100th birthday to Samuel R. Bacon of Cookeville, Tennessee. Mr. Bacon is a remarkable man who has lived a successful and rewarding life. He will turn 100 on July 1, 2000.

Reared on a dairy farm just outside of Baltimore, Maryland, Mr. Bacon graduated from the University of Maryland and went to work as a soil scientist. He eventually went to work for the United States Department of Agriculture and traveled the entire nation putting his experience and abilities to good use for a number of communities. After 35 years at the USDA, Mr. Bacon went into business distributing key chains, small tools and the like to about 400 stores. At the age of 91, he finally retired from that second career.

Mr. Bacon and his wife, Reba, now deceased, shared their good fortune with the Cookeville area throughout the years. They contributed to more than 30 charities, and through Mr. Bacon's support, Reba was able to establish an art league in Cookeville. Thanks to the generosity and support of the Bacons, the Cumberland Art Society has flourished into an integral part of the community. Always wanting to help his community, Mr. Bacon delivered Meals on Wheels to the elderly and disabled until he was 98.

An example of this man's extraordinary fortitude was the time he walked, at the age of 74, from Lebanon, Tennessee, to Monterey, Tennessee, a distance of nearly 70 miles. Asked why he wanted to walk such a distance at that age, Bacon replied, "I just wanted to see if I could do it." I congratulate Mr. Bacon for his tremendous contributions to the country and to his fellow man.

TRIBUTE TO ROY BRAUNSTEIN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to congratulate APWU Legislative Director Roy Braunstein on a special achievement of 20 years as a National Legislative Officer.

Roy was first elected in 1980 as the APWU Legislative Aide, and was elected Legislative and Political Director in 1992. He has been elected eight times by the APWU membership. The American Postal Workers Union AFL-CIO has more than 350,000 members in every city, town and hamlet in the United States and is the world's largest postal union.

Before he came to Washington, D.C. in 1980, Roy was active in the New Jersey

Shore Area Local where he served as Legislative Director and Shop Stewart. He was also the New Jersey State APWU Legislative Director and Editor. He served in community affairs as a member of the Barnegat, New Jersey Board of Education for three years and as a member of the Ocean County New Jersey Mental Health Board.

In Washington, Roy serves as a lobbyist for the union and has worked on a number of issues important to the membership. During his tenure at APWU, I worked closely with Roy in securing passage of the Hatch Act Reform, legislation which I authored granting greater political freedom for postal and federal employees. Roy also played a key role in the eight-year battle for the Family and Medical Leave Act which President Clinton signed into law in 1993.

Over the years, Roy has worked diligently to help win passage of the Federal Employees Retirement Act, the Spouse Equity Act, the Postal Employees Safety Enhancement Act, the Veterans Employment Opportunity Act and many other legislative initiatives to help working families.

Roy has fought to protect the viability of the Postal Service. He has been a leader in the fight against Postal Privatization, and the movement to take the Postal Service off-budget during the 1980's in an effort to stop congressional attacks on the Postal Service. APWU is an affiliate of the AFL-CIO and Roy has worked closely with other labor leaders for the goals of this nation's working men and women.

Roy's wife of 32 years, Marilyn, is also an APWU member and they are the proud parents of two young men, Rick and Daniel. He has an A.A. Degree from Kinsborough Community College in Brooklyn, New York, and a B.A. Degree from Richmond College in Staten Island, New York.

Mr. Speaker. I am very pleased to join in recognizing the very special achievements of Roy Braunstein, whom I have known throughout his career in Washington by virtue of my previous capacity as Chairman of the House Post Office and Civil Service Committee and my current role as Ranking Democratic Member of the House Education and Work Force Committee. APWU is well-served to have Roy Braunstein representing their Union before the Congress of the United States.

AFRICAN DIAMONDS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. NADLER. Mr. Speaker, I submit the enclosed statement into the RECORD.

STATEMENT OF ELI HAAS, PRESIDENT,
DIAMOND DEALERS CLUB

(For the hearing on Africa's Diamonds: Precious, Perilous Too? By the Subcommittee on Africa, Committee on International Relations, U.S. House of Representatives, May 9, 2000)

On behalf of the Diamond Dealers Club we welcome this opportunity to present this statement on "Africa's Diamonds: Precious, Perilous Too?"

The Diamond Dealers Club is a trade association of close to 2,000 diamond dealers, brokers and manufacturers. Conceived in 1931, we have since our beginning been located in New York City. Our members come from more than 30 different countries and import the overwhelming percentage of diamonds that enter the United States. Pursuant to our By-Laws, we early recognized that a key goal of our organization is "to cooperate with governmental agencies." This statement is presented with that goal in mind.

The tragic consequences of the use of diamonds to finance civil wars in Africa, particularly Angola, have in recent months received considerable public and private attention both in the United States and worldwide. The focus of the articles, discussions and meetings on this subject is that diamonds have been used by rebels to pay for weapons in Angola, Sierra Leone and Congo, weapons that have led to the deaths and amputations of limbs of tens of thousands of innocent victims of these conflicts.

Two years ago the United Nations Security Council adopted a resolution that prohibited the purchase of diamonds from UNITA forces in Angola. Endorsed by the United States, these sanctions prohibit nations from the "direct or indirect import from Angola" to their territory of all diamonds that are not controlled through certificates provided by Angola's recognized government.

The resolution's basic objective was that without funds generated by such sales the rebel forces led by Jonas Savimbi would no longer be able to continue the campaign of terror and rebellion against Angola's government. Since then, the UN Security Council Committee on Angola, chaired by Canadian Ambassador Robert Fowler, issued a report in March 2000 which found that the UN sanctions are frequently violated.

According to the UN report, UNITA's military activities are sustained by its "ability to sell rough diamonds for cash and to exchange rough diamonds for weapons." The investigation of UNITA's diamond sales led by the former Swedish ambassador to Angola implicated the presidents of Togo and Burkina Faso as involved in the illegal trading operations with Mr. Savimbi's forces. It also concluded that Bulgarians were shipping arms to UNITA and that the Antwerp diamond industry played a role in the illegal trade.

Several months before the March report, Ohio Congressman Tony Hall, a person long devoted to human rights causes and combating world hunger, introduced in the U.S. House of Representatives the "Consumer Access to a Responsible Accounting of Trade Act (CARAT)" a bill mandating that any diamond "sold in the United States" that retails for more than \$100 be accompanied by a certificate stating the name of the country in which the diamond was mined. According to the Congressman this would encourage consumers to "participate in a global human rights campaign" thus removing the financial support for some of Africa's civil wars.

We feel that Congressman Hall's bill has the worthwhile purpose of protecting innocent people caught in brutal internal conflicts. Each of us has seen photos of the frightened victims of these conflicts, victims who may have been killed or had limbs amputated simply because they were in the path of maniacal, well-armed thugs (often teenagers). All of us deplore these acts of terrorism.

Unfortunately for the innocent victims of these ongoing conflicts, the Hall proposal, however well-intentioned, would neither lead

to the successful implementation of the UN sanctions nor end the ongoing civil wars and the concomitant deaths of innocent civilians. Rather, it would harm the diamond industry worldwide and have serious negative implications for stable and developing countries in southern Africa.

Even if enacted and implemented, the Congressman's proposal would have but negligible impact on the UN sanctions. Diamonds are fungible and tens of millions of them are mined annually. No organization in existence today is qualified to certify that a stone sold in Rwanda was not mined in Angola, two nations which share a porous border several hundred miles long. Furthermore, rampant corruption and fraud easily leads to the fraudulent certification of stones from rebel areas—something which Ambassador Fowler's report documents.

Moreover, mandating that certificates accompany all diamonds "retailing" for more than \$100 would mean that tens of millions of certificates would have to be issued annually. The record keeping for this task would be monumental and costly and would inevitably harm the retail jewelry industry which is dominated by small businesses. It is also important to understand that De Beers, the company that sells most of the world's rough diamonds reported that it no longer purchases any from conflict areas. In March it announced that it would henceforth provide written guarantees that its diamonds do not originate with African rebels.

While there is some discussion of the development of a technology to come up with identifying marks or fingerprints to determine particular countries of origin of diamonds, no such technology is currently available. Indeed, even those involved in this research and development report that at best success is years away. Furthermore, even if country of origin was determinable, it would still not indicate whether a diamond comes from mines in government-held territory or from rebel-held mines.

In fact the proposed legislation would penalize and have a harmful impact on legitimate and responsible African producers of diamonds such as Botswana, Namibia and South Africa. In these countries diamonds provide the engine for economic growth and account for a substantial percentage of the gross domestic product. Diamond production has been so successful for Botswana that it now has one of the most rapidly growing economies in the world.

In South Africa, former President Nelson Mandela has expressed concern that his nation's vital diamond industry is not damaged by "an international campaign." Surely, the U.S. Congress does not wish to retard economic development in friendly developing countries because it is fueled by diamonds. In fact, this "unintended consequence" would follow from this legislation.

The American diamond and jewelry industry is united in both its abhorrence of terrorism in the Congo, Sierra Leone and Angola and in support of the UN sanctions regarding the latter. To successfully keep conflict diamonds out of the world diamond market we believe the problem must be attacked at the source. We feel that the efforts of the international community should be concentrated on the small number of firms and individuals who are actively engaged in helping illicit diamonds enter the mainstream of the legitimate diamond commerce. The international community has already achieved significant positive results with its efforts to cast light on firms, individuals and countries involved in trading with the rebel

forces. While the portability of diamonds means that some stones from conflict areas will continue to enter the world economy, a greater international effort can reduce this to a minimum.

Members of the organized diamond community, including the close to 2000 member Diamond Dealers Club in the United States, strongly oppose the sale of diamonds that do not comply with the UN resolution. Indeed, in July 1999, months before the current media attention, the DDC's Board of Directors went on record in support of the UN sanctions prohibiting our members from trading in diamonds which do not comply with the position taken by the UN and the U.S. government.

While the above is important in preventing the sale of unlicensed diamonds, to be truly effective we believe it is necessary to initiate a proactive approach, one that will encourage stability, accountability and transparency. More specifically, we must establish a direct relationship between African diamond mining nations and the American diamond cutting industry. This means that the American diamond industry should be able to deal directly on a business-to-business basis with African diamond producing nations to purchase stones that have been licensed for export by legitimate governments. In doing so we would pay the world market price, a price which is substantially above the payments received for diamonds that are now being used to contribute to the internal conflicts.

One other major advantage of this proposal is that the transparency and accountability which is the hallmark of the American industry's style of operation surely would lead to a decline in corruption and other illegal activities. This would result in fewer stones sold through either "leakage" or other unauthorized sources as well as reduce the corruption that is often associated with diamond commerce in several producing nations.

The benefit to African diamond producing nations is clear. With U.S. government involvement, the American diamond industry would also benefit since the establishment of a direct pipeline would play a significant role in overcoming the current shortage of rough diamonds. In turn, this would revitalize our cutting and polishing industry.

Ultimately, we believe that our proposal represents a win-win situation for the American diamond industry and the diamond producing nations of Africa. Instead of diamonds being used to finance internal conflicts and the death and destruction of innocent civilians, they would become—as is already the case in the other African nations—a major opportunity for gainful employment for tens of thousands of people and a major source for economic development in the diamond producing nations of Africa. At the same time, diamonds would strengthen the American industry, thereby providing new opportunities for employment, and tax revenues.

TRIBUTE TO THE DEL VALLE FAMILY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to the "The Puerto Rican Family of the

Millennium," the Del Valle Family. Telesforo del Valle, Sr., Rafaela Leon del Valle and Telesforo del Valle, Jr., were honored on Wednesday, June 7 by the National Puerto Rican Day Parade of New York, GALOS Corp. of New York and Puerto Rico and Manhattan Valley Senior Center.

Telesforo del Valle, Sr., was born in Aguadilla, Puerto Rico, in 1908. He moved to Brooklyn before moving to "El Barrio" in Manhattan. He was a guitarist and a composer and in 1932 he became a member of a musical group called "Trio del Valle". In 1941, while studying law, he joined the National Guard and Civil Defense. In 1945 he made history as the first Puerto Rican elected Councilman at Large in the City of New York. He was also the first Hispanic candidate to form his own political party. In 1948 he became the first Hispanic from New York to run for the United States Congress.

Mr. Speaker, in 1958 Telesforo, Sr., and his wife Rafaela Leon del Valle, who was born in the town of Guarbo, Puerto Rico, formed an organization known as "Loyal Citizens Congress of America, Inc.". They established offices in Manhattan, Brooklyn and the Bronx. They organized the first military troop of Hispanic cadets in New York and New Jersey to prevent and combat juvenile delinquency. A major goal of the organization was to provide guidance to workers and to intervene in labor disputes.

Loyal Citizens Congress of America had over a thousand members who were knowledgeable on the political and electoral systems. With their support, Telesforo, Sr., was appointed by New York Governor Nelson Rockefeller to be his campaign director in the Hispanic communities of New York State. Rockefeller won the Latino vote by 85 percent. It was the first time the Republican Party ever won in East Harlem.

In 1985, Mr. and Mrs. Del Valle were recognized with the "Valores Humanos" award. Mrs. Del Valle was honored by the newspaper "El Diario" of New York as the most prominent feminist in the State of New York. Their son, Telesforo del Valle, Jr., Esquire, is a criminalist who has followed in their footsteps and whose career and achievements are great sources of pride for them.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the "The Puerto Rican Family of the Millennium," the Del Valle Family.

NEW TRIAL FOR GARY GRAHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. TOWNS. Mr. Speaker, I rise today to raise an issue of great importance to society's guarantee of due process and fairness to all of our citizens. As you all know we are less than two days away from executing a potentially innocent man, Gary Graham. There is a great weight of evidence, still unheard by a Texas court, that could establish his innocence. The evidence that he had an inadequate lawyer is so overwhelming that to put this man to death,

without consideration of the evidence that could exonerate him, would be a travesty of justice.

Last week, 34 of my colleagues in the Congressional Black Caucus sent a letter to the Texas Governor, appealing to him to grant Mr. Graham a conditional pardon and the right to a new trial. Mr. Speaker, I insert a copy of this letter into the RECORD at this point. Were the relief we requested granted, Mr. Speaker, the Texas Court would be able to consider this important evidence that could exonerate Mr. Graham.

In a new trial, Mr. Graham's counsel would be able to effectively challenge the only evidence that was used to convict Mr. Graham—the testimony of a single witness. With the assistance of effective counsel, the court would hear that the witness initially failed to identify Mr. Graham at a photo spread the night before she picked him out of a lineup of four people. The Court would also hear that the .22 caliber gun found on Mr. Graham at the time of his arrest was determined by the Police Crime Lab not to be the weapon used in the murder. Further, the Court would hear from four other eyewitnesses mentioned in the police report who said that Mr. Graham was not the shooter.

In addition to this evidence available in the first trial that defense counsel failed to present, the Court would also benefit from "new" evidence obtained after the first trial concluded. The court would need to hear this evidence, consisting of statements from at least six eyewitnesses to the incident who affirmed under oath that Mr. Graham did not commit the crime for which he may soon pay the ultimate price. Because prior Texas court rules give persons convicted of a crime only 30 days after their trial to present "new" evidence, these exonerating testimonies could not be presented to the Appellate Court for consideration.

Mr. Graham may not be innocent, but as we stand here today we know that he has not been proven guilty beyond a reasonable doubt. We are talking about a man's life, one that cannot be brought back once we have taken it away. If we execute this man without a fair trial it will be an obvious contradiction to everything this country stands for and a dark day in our history.

Mr. Speaker, we have a choice today: we either hold strong to our principles and show that we are truly a nation of justice, or we allow a man to die in the face of strong evidence of his innocence. I urge my colleagues to join me in support of justice, to show that a human life can never take a back seat to politics. In two days we will show that we are truly the greatest country of all time, or we will put our heads down in shame in the realization that a great country, a just country, and a truly democratic country does not yet exist.

CONGRESS OF THE UNITED STATES,

Washington, DC, June 13, 2000.

Hon. GEORGE W. BUSH,
Governor, the State of Texas,
Office of the Governor.

Re Request for Stay of Execution, Grant of Clemency for Shaka Sankofa, formerly known as Gary Graham

DEAR MR. GOVERNOR: As you are aware, time is quickly running out before the June 22, 2000, scheduled execution of Gary

Graham, also known as Shaka Sankofa. Based upon our understanding of the facts and merits of the case, as well as the ineffective counsel Mr. Sankofa received at trial, we believe that it would be a severe miscarriage of justice for his execution to proceed. Therefore, we are writing to request that you grant an immediate stay of Mr. Sankofa's execution, as your predecessor, Governor Ann Richards, did in 1993.

We feel strongly that it is altogether appropriate for you to grant the stay of execution for Mr. Sankofa to give your office and the Texas Board of Pardons and Paroles time to approve Mr. Sankofa's clemency petition. As is clear from reviewing the history of this case, which is set forth in detail in Mr. Sankofa's clemency petition, Mr. Sankofa received grossly ineffective counsel at his two-day capital trial. Throughout the recent history of Texas capital cases, there is perhaps no situation like this, where a young man is sentenced to die based entirely upon the testimony of one witness—with absolutely no corroborating evidence. We must not ignore the fact that officers investigating the shooting never recovered any physical evidence or corroborating witness testimony linking Mr. Sankofa to the shooting.

Whether Mr. Sankofa received ineffective assistance of counsel is hardly a dispute. Mr. Sankofa's trial lawyer failed to use any of the key witnesses who were available at the trial to rebut the testimony of the prosecution's only witness—indeed, their only evidence—to tie him to the crime. A reasonably competent attorney would have called witnesses, like Ronald Hubbard, who would have directly rebutted the prosecution's evidence by testifying that Mr. Sankofa did not resemble the gunman. Had Mr. Hubbard's testimony been received into evidence, the jury or a later appeals court would have had a factual basis, at the very least, to determine that Mr. Sankofa should not be executed.

Furthermore, at trial, Mr. Sankofa's attorney did not even seek to impeach the testimony of the prosecution's lone witness, Bernadine Skillern. Mr. Sankofa's lawyer was negligent in not pointing out to the trier of fact that Ms. Skillern failed to positively identify Mr. Sankofa in a photo array shown to her the night before she finally identified him in a lineup with four different men in the lineup. Mr. Sankofa's lawyer did not introduce a police report saying that Ms. Skillern focused on Mr. Sankofa's photo but declined to positively identify him, saying the shooter had a darker complexion. A competent attorney would have used this information to establish a foundation for impeaching Ms. Skillern's testimony—the only evidence of any kind linking Mr. Sankofa to the murder.

In fact, a reasonably competent attorney would have realized that Mr. Hubbard's testimony alone would have seriously undermined a finding that the prosecution met its burden to present clear and convincing evidence establishing guilt beyond a shadow of a doubt with the scant evidence it offered. Clearly, directly conflicting witness testimony raises a legally significant doubt about a person's guilt. Mr. Sankofa's counsel's failure to offer this evidence is inexcusable neglect. As the clemency petition shows, there are many other instances of ineffective assistance of counsel, which do not need to be set forth again here. The pattern of negligence of Mr. Sankofa's trial lawyer is well established, and Mr. Sankofa should not pay with his life for his attorney's many mistakes.

Unfortunately, simply failing to call important witnesses to testify at trial was not the end of Mr. Sankofa's lawyer's negligence. Because prior Texas court rules gave persons convicted of a crime only 30 days after their trial to present "new" evidence, Mr. Sankofa's subsequent counsel, retained in the mid-1990s, were not permitted to offer exonerating testimony to appellate courts. Specifically, these attorneys obtained statement from at least six witnesses to the incident who affirmed under oath that Mr. Sankofa did not commit the crime for which he may soon pay the ultimate price. Therefore, Mr. Governor, we request you to weigh all the evidence that is available to you, which could not be considered by the courts, and ensure that justice is done by preventing his execution and granting him a conditional pardon and the right to a new trial.

Mr. Governor, what we have here is a very compelling case for granting Mr. Sankofa clemency. Unfortunately, we are concerned that the merits of his petition may get overlooked in the current atmosphere of your candidacy for the Office of the President of the United States. The life of an innocent man may be at stake, and politics must not be allowed to cause a miscarriage of justice that can never be undone. For the foregoing reasons, we respectfully request you to grant an immediate stay of Mr. Sankofa's execution, and work with the Texas parole board to approve his petition for clemency.

Thank you for your consideration of this request. Please feel free to contact Jeffrey Davis, Legislative Counsel, in Congressman Towns' office should you need any additional information.

HONORING JUDGE JOE FISHER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Judge Joe Fisher, who passed away yesterday, June 19th. Judge Fisher was a remarkable man who was committed to his community, his country, and above all, his family.

Judge Fisher received his law degree from the University of Texas in 1936 and was appointed by Dwight D. Eisenhower as a U.S. District Judge in 1959. Following his appointment many of his rulings set legal precedents.

In 1972, he ruled for the first time that manufacturers of asbestos that didn't warn workers of the potential dangers could be held liable and awarded a family \$79,000 in damages. The case went all the way to the Supreme Court and is still the basis for law today. The first desegregation plan for Beaumont was drafted by Judge Fisher in 1970 after the U.S. Justice Department ordered the integration of the South Park school district in Beaumont.

Always a man who believed in equality and justice, in 1994 Judge Fisher struck down the Klu Klux Klan's attempt to adopt a highway as part of a state highway cleanup program. He was a man of great courage he wrote in his decision that members only applied "as subterfuge to intimidate those minority residents * * * and discourage further desegregation."

After he retired from active duty in 1984, he continued to work full time as a senior judge

and continued to hear a substantially full caseload up until two weeks before his death. His impact on the community could be felt outside the court room as well. Judge Fisher contributed to the Salvation Army and the YMCA.

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Judge Fisher was a man who served his country as a Federal Judge with great pride and devotion. He often thought outside the box to make sure that his decisions were fair and honorable.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great jurist, but as a Congressman I have lost a mentor and a friend.

FAITH BASED LENDING PROTECTION ACT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. ROYCE. Mr. Speaker, each day our nation's religious institutions quietly go about performing critical social programs that serve as lifelines to individuals and families in need. Besides providing places of worship, religious institutions also serve their communities by operating outreach programs such as food banks, soup kitchens, battered family shelters, schools and AIDS hospices. To families in need, these programs often provide a last resource of care and compassion.

Yet, in spite of the clear social good that these programs provide to communities across America, we are faced with the growing reality that religious institutions are finding it increasingly difficult to secure the necessary capital resources at favorable rates that enable them to carry on this critical community work.

Mr. Speaker, I stand before you today to introduce legislation that I believe will help ensure that religious institutions have available all the financial resources necessary to carry out their missions of community service. The "Faith-Based Lending Protection Act," which enjoys bipartisan support, seeks to amend the Federal Credit Union Act by clarifying that any member business loan made by a credit union to a religious nonprofit organization will not count toward total business lending caps imposed on credit unions by federal law.

Each year credit unions loan millions of dollars to nonprofit religious organizations, many located in minority and/or lower income communities. Historically, these loans are considered safe and help sustain critical social outreach programs. Without legislative action, Mr. Speaker, these religious institutions will find it increasingly difficult, if not impossible, to secure the necessary funds under favorable terms to allow them to continue their work. I urge my colleagues to join me in this legislative effort.

June 20, 2000

INTRODUCTION OF THE INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GEJDENSON. Mr. Speaker, I rise in support of the International Anti-Corruption and Good Governance Act of 2000, legislation I introduced today to make combating corruption a key principle of U.S. development assistance.

This bill will help to accomplish two objectives of pivotal importance to the United States. By making anti-corruption procedures a key principle of development assistance, it will push developing countries further along the path to democracy and the establishment of a strong civil society. Moreover, by helping these countries root out corruption, bribery and unethical business practices, we can help create a level playing field for U.S. companies doing business abroad.

According to officials at the U.S. Department of Commerce, during the past five years, U.S. firms lost nearly \$25 billion dollars-worth of contracts to foreign competitors offering bribes.

Bribery impedes trade and hurts our economic interests by providing an unfair advantage to those countries which tolerate bribery of foreign officials. By making anti-corruption procedures a key component of our foreign aid programs, this bill will help those countries to set up more transparent business practices, such as modern commercial codes and intellectual property rights, which are vital to enhancing economic growth and decreasing corruption at all levels of society.

My bill requires U.S. foreign assistance to be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption—particularly where the United States has a significant economic interest.

The United States has a long history of leadership on fighting corruption. We were the first to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977. Moreover, United States leadership was instrumental in the passage of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Enactment of this bill would be a logical next step.

Corruption is antithetical to democracy. It chips away at the public's trust in government, while stifling economic growth and deterring foreign economic investment. In addition, corruption poses a major threat to development. It undermines democracy and good governance, reduces accountability and representation, and inhibits the development of a strong civil society.

This bill takes a comprehensive approach to combating corruption and promoting good governance. By outlining a series of initiatives to be carried out by both USAID and the Treasury Department, the legislation addresses the political, social and economic aspects of corruption.

EXTENSIONS OF REMARKS

As the largest trader in the global economy, it in the United States' national interest to fight corruption and promote transparency and good governance. Not only does it help to promote economic growth and strengthen democracy, but it helps to create a level playing field for U.S. companies that do business overseas.

ACKNOWLEDGMENT OF THE KEELY JARDELL SCHOOL OF DANCE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. NICK LAMPSON. Mr. Speaker, today I rise to recognize the outstanding accomplishment of the young ladies of Keely Jardell's School of Dance in Nederland, Texas. The school consists of approximately 500 students from throughout the area of southeast Texas ranging from ages six to eighteen years of age. The school focuses not only on dancing, but also on the importance of discipline and character. In addition to studying in the Jardell School of Dance, the students also participate in academic, athletic, and religious activities within the community. Practicing 12–15 hours a week, these young ladies have demonstrated an ability to balance their responsibilities and excel in them with grace. Lessons like these give the students of the Keely Jardell School of Dance skills that will be invaluable to them as they encounter challenges in their futures. These young ladies serve as role models to their peers and to members of the community as well.

Recently, sixty-nine of these students participated in regional competitions in Baton Rouge, Louisiana, in Houston, and across the state of Texas. Members of the team devoted countless hours to perfecting their craft; their efforts have payed off. At regional competitions, the school was awarded the highest score, judge's choice, choreography, overall high score, and spirit awards. Their outstanding performances at the regional level has qualified them for the National Competition in San Antonio, Texas this summer. The prestige of the school and its talented performers is known well throughout the nation. In late 1999, an invitation was received inviting the girls to perform in Washington D.C. and in New York City during the month of July, 2000. The members of the school have graciously honored the request and will be performing Sunday July 2nd at 5:30 p.m. at the Post Office Pavilion, here in Washington. I urge all who have the opportunity to enjoy a truly amazing show worthy of your time.

After the appearance in Washington, the performers will attend special dance classes at the Broadway Dance Center in New York City. Numerous fund-raisers and community events are being staged to defray the expenses of the trip. It has been a total commitment of all involved, but well worth the work. The members of the Keely Jardell School of Dance have relentlessly committed themselves to perfecting their talents in preparation for the National Competition.

Mr. Speaker, I am privileged to have the honor of commending the students of the

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Keely Jardell School of Dance on their astounding achievements and abilities. Young people such as these should serve as examples to America of the extraordinary breed of leaders it can expect in its future. These young ladies deserve our attention, support, and best wishes as they demonstrate the remarkable product of their labor and talent.

50TH BIRTHDAY OF THE MANCHESTER, NH, VETERANS ADMINISTRATION MEDICAL CENTER

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. SUNUNU. Mr. Speaker, I rise today to pay tribute to the Manchester VA Medical Center, located in New Hampshire's First Congressional District, on the occasion of the Hospital's 50th birthday, July 2, 2000. This outstanding facility continues to provide exemplary health care to thousands of veterans who have served America with distinction and honor. As the hospital celebrates its 50th year, I hope we will also take a moment to reflect on the service and sacrifice of those service men and women. The devoted staff of the Hospital, including Public Relations Director Paul Lamberti who provided me with an extensive historical background of the Center, also deserves special thanks and appreciation for their dedication to the health care of our veterans.

The establishment of the Manchester VA Medical Center began at the conclusion of World War I with the World War Veterans' Legislation Subcommittee on Hospitals' recommendation that the New Hampshire project be funded. Congressman Fletcher Hale followed suit with legislation seeking Presidential approval for the construction of a facility to treat veterans throughout northern New England. Specifically, the measure called for "a modern, sanitary, fireproof, two-hundred bed capacity hospital plant for the diagnosis, care, and treatment of general and medical and surgical disabilities and to provide Government care for the increasing load of mentally afflicted veterans regardless of whether said disability developed prior to January 1, 1925, at a cost not to exceed \$1,500,000."

Final legislative approval came in 1945, and in 1946, after the end of World War II, the United States Government acquired a parcel of land, previously owned by Governor Frederick F. Smyth, that would become the site for the Hospital. Smyth served from 1866 to 1880 on the Board of Managers of the National Home for Disabled Volunteer Soldiers and was well acquainted with the needs of veterans everywhere. The Smyth Tower, the replica of a famous Scottish lookout, can be found on the grounds today. The structure was erected by Smyth in 1888 and is named as an Historic Site on the National Register.

Construction of the VA Medical Center began in 1948 and two years later, on July 2, 1950, the VA Medical Center was officially dedicated. In the following decade, staff attended to the health care needs of approximately 23,500 patients.

The VA Medical Center joined with Harvard Medical School to become a training facility for surgical residents in the late 1960's and has remained an active teaching hospital for Harvard and Dartmouth Medical School residents. Through the years, students aspiring to become nurses, dentists, physical therapists, physician assistants, occupational therapists, optometrists, medical assistants, dieticians, and pharmacists, have found a diverse clinical experience there.

Recognizing the need to address the long-term residential health care need of aging veterans, the Hospital dedicated a Nursing Home Care Unit in the late 1970's. Expansion continued in 1977 with the groundbreaking for a new Ambulatory Care wing.

Outpatient care became an important priority in the years that followed. Those patients requiring specialty care were previously required to travel to other VA hospitals in the region to receive care. After determining veterans should not have to travel long distances for their care, the staff formed specialty clinics including Orthopaedics, Optometry, Audiology, Neurology, Pain, Ear, Nose, and Throat.

Locally accessible care continues today in the form of Center-sponsored health screenings in local communities throughout the state. The Manchester VA Hospital also serves as a research center for a large number of health care programs. Of note is the facility's Post-Traumatic Stress Disorder research center which has received both national and international recognition for its work.

Although New Hampshire's veterans' population has decreased, their health care needs remain a high priority. These men and women sacrificed a great deal for each and every American and their needs continue to be met today. Community Based Outreach Clinics can be found throughout the state including the communities of Tilton and Newington and future facilities are planned for Lancaster, Conway, Wolfeboro, and Keene.

Through its changes, the VA's importance holds strong with a purpose "to serve those who have served us well," its commitment "to advocate for the total well-being of veterans," and its promise "to be there when veterans need us."

PERSONAL EXPLANATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 293, I was unavoidably detained on official business. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. OWENS. Mr. Speaker, yesterday, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the motion that the Committee of Whole House on the State of the Union Rise, introduced by the gentleman from California, Mr. WAXMAN, I would have voted "yea."

On the amendment to the rider on H.R. 4635, regarding the use of Veterans' Administration funds for tobacco litigation, introduced by the gentleman from California, Mr. WAXMAN, I would have voted "yea."

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. BECERRA. Mr. Speaker, on June 15, 2000 and in the early hours of June 16, 2000, I was traveling to my District, and therefore unable to cast my votes on rollcall numbers 280 through 291. Had I been present for the votes, I would have voted "aye" on rollcall votes 281, 283, 284, 285, 286, 287, and 290; and "nay" on rollcall votes 280, 282, 288, 289, and 291.

CONGRATULATING THE LA LAKERS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the Los Angeles Lakers on winning the National Basketball Association Championship. As a native of Los Angeles, I could not be more proud of our team's achievement. The Los Angeles Lakers have a history of phenomenal success and great basketball. Yesterday's win was their sixth championship in two decades. The Lakers are stars, and they have dominated the game of basketball. They have made us proud.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Ms. DUNN. Mr. Speaker, I was not recorded on rollcall votes 292 and 293 on Monday, June 19, 2000. Had I been present on Monday, June 19, 2000, I would have voted "nay" on rollcall vote 292, a motion to rise offered by Representative WAXMAN. I would have voted "aye" on rollcall 293, an amendment offered by Representative WAXMAN, to H.R. 4365, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill.

I have consistently voted to eliminate government funding for tobacco programs and increase government efforts to reduce the use of tobacco in our society. I will continue to support efforts to keep tobacco companies accountable for the health care costs associated with tobacco related illnesses. In particular, we

must continue to educate our children on the hazards of tobacco use and enforce laws that curb underage smoking.

TRIBUTE TO PANORAMA AND ALEXANDER POLOVETS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. WAXMAN. Mr. Speaker, my colleague, Mr. BERMAN, and I wish to pay tribute to a remarkable man and his equally remarkable newspaper. In July of this year, "Panorama," The Russian-language newspaper which is the brainchild of Alexander Polovets, will celebrate its 20th anniversary, its 1,000th edition and the 65th birthday of its editor-in-chief, Alexander Polovets.

In 1978 Alexander Polovets started to publish a weekly Russian-language insert in a local Anglo-Jewish newspaper. It met with instant popularity and in 1980 Alexander published the first issue of "Panorama," an independent weekly publication. "Panorama" went on to become the largest independent Russian-language weekly outside of Russia and certainly one of the most influential voices in the Russian-speaking community.

"Panorama's" goal is to provide a forum for original materials of authors, thinkers and public figures in the United States and abroad. Equally important, it serves the needs of the growing Russian-speaking community in the United States. "Panorama" offers a unique opportunity to share information about life in the United States, helping to acclimate recent immigrants and to offer a focal point for cooperation within the Russian community.

"Panorama" has published the works of some of the best known contemporary authors and thinkers, organized and promoted U.S. concerts, and raised important social issues such as welfare reform, immigration, crime and housing. It has featured interviews with prominent national and international figures and most recently it was instrumental in making the 2000 Census campaign a success in the immigrant community.

The publication is used as reference material by hundreds of universities, libraries and social agencies. Its subscribers are worldwide, as is its staff of reporters. It is no surprise that in 1999 Alexander Polovets was named one of the "100 Most Influential Jews in Los Angeles" by the authoritative "Jewish Journal." "Panorama" is the resource for anyone wishing to reach the Russian-speaking community.

We ask our colleagues to join us in congratulating Alexander Polovets and "Panorama" for enriching our community for twenty wonderful years. Happy 65th Birthday to Alexander and best wishes for continued success.

DR. STUART HEYDT HONORED FOR
SERVICE TO GEISINGER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Stuart Heydt, who will retire June 30 after 10 years as president and chief executive officer of the Geisinger Health system, which is based in Danville, Pennsylvania. He will be honored at a dinner on June 22.

Dr. Heydt has led the health system during an eventful decade for both Geisinger and health care nationwide. We are all familiar with the changes in health care, such as the rise of managed care and new technologies and treatments. Geisinger itself has undergone tremendous change during this time and appears to be well-positioned for a bright future.

In all my dealings with Stu, I have found him to be a man of the highest integrity, who always made the welfare of his patients his top priority. I consider him to be a friend and a great asset to Pennsylvania.

Dr. Heydt is a maxillofacial surgeon and 27-year employee of Geisinger. He is a native of New Jersey who served active duty in the Navy from 1965 to 1967, followed by five years in the active reserves and an honorable discharge. He received his education at Dartmouth College, Fairleigh Dickinson University and the University of Nebraska. Geisinger hired him in 1973 as director of oral and maxillofacial surgery and since that time, he rose through the ranks to lead this institution that provides quality medical care to people in 31 Pennsylvania counties.

His numerous community activities include serving as president of the Columbia-Montour Boy Scouts Council and on the boards of the Penn Mountains Boy Scouts Council, United Way of the Wyoming Valley, Greater Wilkes-Barre Partnership, Family Service Association of the Wyoming Valley and Bucknell and Wilkes Universities.

Dr. Heydt's awards include the William H. Spurgeon III Award and Distinguished Citizenship in the Community Award from the Boy Scouts of America, the Distinguished Leadership Award from the National Association for Community Leadership and the Distinguished Fellow Award from the American College of Physician Executives.

He resides in Hershey, Pennsylvania, with his wife, the former Judith Ann Fornoff. They are the parents of three grown children.

Mr. Speaker, I am pleased to join the Central and Northeastern Pennsylvania community in honoring Dr. Heydt on the occasion of his retirement. I send my best wishes and my thanks for his hard work.

IN HONOR OF ROBERT SCHEER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. KUCINICH. Mr. Speaker, I call to your attention the article written in today's Los An-

EXTENSIONS OF REMARKS

geles Times by Robert Scheer. It answers the call of those countless generations of Americans who have ceaselessly sung in unison the hymn, "All We Are Saying Is Give Peace a Chance". As John Lennon might say, "Imagine . . ."

[From the Los Angeles Times, June 20, 2000]

'GIVE PEACE A CHANCE'—WHILE THE FOOLS
FIGHT ON

(By Robert Scheer)

When it comes to world politics, the best Beatle was right. Last week as the news came in from Pyongyang, I couldn't get the image out of my mind of him at some long ago peace rally singing, "All we are saying is give peace a chance." Not that it didn't seem at times corny and futile trying to keep those little candles from blowing out, but the world peace he was pushing now does, at last, seem to be the happening thing.

What further evidence do we need than that picture of the two Kims from Korea, North and South, holding hands and singing a song of peaceful reunification? Yoko Ono could've written the script. Mark the moment; it represents the triumph of Lennonism. John that is, not Vladimir.

The specter of communism, the threat of violent worldwide revolution died with that Kim to Kim photo, and along with it the Cold War obsessions that have made the world crazy these past 56 years. If the two Koreas, divided by the most heavily fortified military barrier left in the world, can come to terms, what warring parties can't? The message is clear; The threat from this and other "rogue nations" can be met far more cheaply with talk, trade and aid than with a \$60-billion missile defense systems and other warrior fantasies.

It is time to pay homage to that much maligned arm of pacifists like Dorothy Day, A.J. Muste, David Delinger, Bertrand Russell, Benjamin Spock, Linus Pauling and Martin Luther King, Jr. Merely for insisting that we have a common humanity that can redeem our enemies, they were scorned as dupes and even reviled as traitors.

Some hard-liners thought that as well of Richard M. Nixon when he journeyed to Red China to make peace with the devil that he had done so much to define. Then came Gorbachev and Reagan burying the hatchet that their military advisors preferred be honed. Today, Pete Peterson, a former prisoner of war, sits as the U.S. ambassador in Hanoi, where the prison in which he was held has been turned into a tourist hotel. Soon, we may even have the courage to recognize that the "threat" from Cuba has never been more than a cruel joke.

But the lesson that peace is practical has been extended to conflicts beyond the Cold War. The mayhem inspired by those drunk on the potency of their purifying religious, ethnic and nationalist visions continues, but they can smell the odor of their own defeat. The fools fight on in places like Sierra Leone, but the smartest among the world's militant revolutionaries have already abandoned violence for peace.

The PLO and IRA are now partners in peace with their sworn enemies, for which another president—Bill Clinton—deserves much credit. Iran has elected a majority of moderates to run its government; Syria will have a modern new leader who may at last respond positively to the risks that Israel has taken for peace in withdrawing from southern Lebanon, Libya's Moammar Kadafi has surrendered alleged hijackers, and even the Taliban leadership in Afghanistan is now

said to be uneasy with the Osama bin Laden gang of terrorists.

Forgiveness of past crimes is far from automatic, and it can be more tempting for demagogues such as Serbia's Slobodan Milosevic to profit from the stoking of hatred than to engage in tedious efforts at reconciliation. But the evidence is overwhelming that peace can prevail even when the historic sense of grievance runs high. The model is Nelson Mandela, who emerged from almost three decades in horrid prisons in South Africa as a true saint of peace, shunning hate and even embracing the jailers who stole most of his life.

Think of Pope John Paul II, who forgave his would-be assassin and travels endlessly to make peace with those who trampled on the religion he holds sacred. Or Egypt's Anwar Sadat and Israel's Yitzhak Rabin, who died at the hands of their own people but whose example in life had been so strong that it lasted beyond their deaths.

So, too, the example of John Lennon, who risked his celebrity and was treated as a fool by a media that dismissed his Eastern pacifism as they once did that of Mohandas K. Gandhi. And King, another Gandhi disciple, who dared to link the civil rights peace movements as a common assertion of humanity and was scorned by the political establishment for it.

There will be other martyrs to the cause of peace, many quite obscure, as those who serve in barely noticed international brigades like the blue-helmeted troops of the United Nations. They stand, sometimes pathetically, against chaos, but in the end, they will be blessed as peacemakers.

Peace works because deep down, it's what people of all stripes want—to make love, not war.

**DEATH PENALTY
MISINFORMATION**

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. CRANE. Mr. Speaker, I submit a Wall Street Journal opinion piece titled "We're Not Executing the Innocent" for insertion into the RECORD.

There is a lot of misinformation being circulated about the death penalty and Professor Cassell does a good job of setting the record straight.

WE'RE NOT EXECUTING THE INNOCENT

(By Paul G. Cassell)

On Monday avowed opponents of the death penalty caught the attention of Al Gore among others when they released a report purporting to demonstrate that the nation's capital punishment system is "collapsing under the weight of its own mistakes." Contrary to the headlines written by some glib editors, however, the report proves nothing of the sort.

At one level, the report is a dog-bites-man story. It is well known that the Supreme Court has mandated a system of super due process for the death penalty. An obvious consequence of this extraordinary caution is that capital sentences are more likely to be reversed than lesser sentences are. The widely trumpeted statistic in the report—the 68% "error rate" in capital cases—might accordingly be viewed as a reassuring sign of the

judiciary's circumspection before imposing the ultimate sanction.

DECEPTIVE FACTOIDS

The 68% factoid, however, is quite deceptive. For starters, it has nothing to do with "wrong man" mistakes—that is, cases in which an innocent person is convicted for a murder he did not commit. Indeed, missing from the media coverage was the most critical statistic: After reviewing 23 years of capital sentences, the study's authors (like other researchers) were unable to find a single case in which an innocent person was executed. Thus, the most important error rate—the rate of mistaken executions—is zero.

What, then, does the 68% "error rate" mean? It turns out to include any reversal of a capital sentence at any stage by a appellate courts—even if those courts ultimately uphold the capital sentence. If an appellate court asks for additional findings from the trial court, the trial court complies, and the appellate court then affirms the capital sentence, the report finds not extraordinary due process but a mistake. Under such curious score keeping, the report can list 64 Florida postconviction cases as involving "serious errors," even though more than one-third of these cases ultimately resulted in a reimposed death sentence, and in not one of the Florida cases did a court ultimately overturn the murder conviction.

To add to this legerdemain, the study skews its sample with cases that are several decades old. The report skips the most recent five years of cases, with the study period ostensibly covering 1973 to 1995. Even within that period, the report includes only cases that have been completely reviewed by state appellate courts. Eschewing pending cases knocks out one-fifth of the cases originally decided within that period, leaving a residual skewed toward the 1980s and even the 1970s.

During that period, the Supreme Court handed down a welter of decisions setting constitutional procedures for capital cases. In 1972 the court struck down all capital sentences in the country as involving too much discretion. When California, New York, North Carolina and other states responded with mandatory capital-punishment statutes, the court in 1976 struck these down as too rigid. The several hundred capital sentences invalidated as a result of these two cases inflate the report's error totals. These decades-old reversals have no relevance to contemporary death-penalty issues. Studies focusing on more recent trends, such as a 1995 analysis by the Criminal Justice Legal Foundation, found that reversal rates have declined sharply as the law has settled.

The simplistic assumption underlying the report is that courts with the most reversals are the doing the best job of "error detection." Yet courts can find errors where none exist. About half of the report's data on California's 87% "error rate" comes from the tenure of former Chief Justice Rose Bird, whose keen eye found grounds for reversing nearly every one of the dozens of capital appeals brought to her court in the 1970s and early 1980s. Voters in 1986 threw out Bird and two of her like-minded colleagues, who had reversed at least 18 California death sentences for a purportedly defective jury instruction that the California Supreme Court has since authoritatively approved.

The report also relies on newspaper articles and secondhand sources for factual assertions to an extent not ordinarily found in academic research. This approach produces some jarring mistakes. To cite one example,

the study claims William Thompson's death sentence was set aside and a lesser sentence imposed. Not true. Thompson remains on death row in Florida today for beating Sally Ivester with a chain belt, ramming a chair leg and nightstick into her vagina and torturing her with lit cigarettes (among other depravities) before leaving her to bleed to death.

These obvious flaws in the report have gone largely unreported. The report was distributed to selected print and broadcast media nearly a week in advance of Monday's embargo date. This gave ample time to orchestrate favorable media publicity, which conveniently broke 24 hours before the Senate Judiciary Committee began hearings on capital-sentencing issues.

The report continues what has thus far been a glaringly one-sided national discussion of the risk of error in capital cases. Astonishingly, this debate has arisen when, contrary to urban legend, there is no credible example of any innocent person executed in this country under the modern death-penalty system. On the other hand, innocent people undoubtedly have died because of our mistakes in failing to execute.

REAL MISTAKES

Collen Reed, among many others, deserves to be remembered in any discussion of our error rates. She was kidnapped raped tortured and finally murdered by Kenneth McDuff during the Christmas holidays in 1991. She would be alive today if McDuff had not narrowly escaped execution three times for two 1966 murders. His life was spared when the Supreme Court set aside death penalties in 1972, and he was paroled in 1989 because of prison overcrowding in Texas. After McDuff's release, Reed and at least eight other women died at his hands. Gov. George W. Bush approved McDuff's execution in 1998.

While no study has precisely quantified the risk from mistakenly failing to execute justly convicted murderers, it is undisputed that we extend extraordinarily generosity to murderers. According to the National Center for Policy Analysis, the average sentence for murder and non-negligent manslaughter is less than six years. The Bureau of Justice Statistics has found that of 52,000 inmates serving time for homicide, more than 800 had previously been convicted of murder. That sounds like a system collapsing under the weight of its own mistakes—and innocent people dying as a result.

TRIBUTE TO JEAN STRAUSS, WOMAN OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding member of my staff and citizen of the Southwest Chicagoland community. This year, Jean Strauss was selected as Woman of the Year by St. Jane de Chantal Parish Ladies Guild in Garfield Ridge. On June 10th, 2000, Jean was honored at the Archdiocesan Council of Catholic Women (CCW) Vicariate V Women of the Year Luncheon, held at the Lexington House in Hickory Hills, Illinois. It gives me great pleasure to inform my colleagues of the great work that Jean performed to deserve this honor. I think that all will agree that she represents the vol-

unteer spirit that has not only helped to make Southwest Chicagoland an exceptional place to live, but our entire nation as well.

Jean Strauss has served St. Jane de Chantal Parish for several years. Besides regularly attending mass, she has held numerous offices and served on various committees. Those who know Jean best say that she volunteers for "almost everything." Specific examples of her philanthropy include volunteering for the American Cancer Society and Kiwanis.

As I mentioned previously, Jean is a valued member of my staff. For four years, she has worked at the 23rd Ward Office in Chicago for Alderman Mike Zalewski, Illinois State Senator Bob Molaro, and myself. In this capacity, she performs numerous important tasks for the 23rd Ward. For example, as a fluent speaker of Polish, Jean helps those in the 23rd Ward who are learning the English language. In addition, she greatly assists disabled senior citizens by picking up and returning their paid utility bills. Thanks to Jean, her co-workers in the 23rd Ward office are almost always likely to have snacks at their disposal and their desks decorated for the holidays.

Perhaps most importantly, Jean Strauss is a devoted wife to her husband Jack. Together, they are the proud parents of Jake and John Strauss. Just recently, she celebrated the birth of her first grandchild—Eric Dawson Strauss. When Jean is not volunteering, one is likely to find her at a local dining establishment, or perhaps pushing her luck at a "gaming" enterprise.

Again, I am pleased to congratulate Jean Strauss before my colleagues today. Mr. Speaker, I sincerely hope that Jean will enjoy many more years of service to the Southwest Chicagoland community, and I thank her for many contributions.

THE POLITICAL AND ECONOMIC FUTURE OF AFRICAN NATIONS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. HILLIARD. Mr. Speaker, I rise today in response to the tragic events in African countries such as Sierra Leone and the Democratic Republic of Congo. I rise, however, Mr. Speaker to highlight a different image of Africa—an image I have witnessed firsthand.

All too often, the only impression of Africa made upon the American public is that of carnage, corruption, and catastrophe, as reported by our country's television and print media. While I recognize that these problems are real and continue to present serious challenges to the social, political, and economic development of African countries, I wanted to highlight some of the success stories from the Continent.

There is a new generation of leaders who hope to make Africa a continent of flourishing democracies. While the Trade and Development Act of 2000, originally the African Growth and Opportunity Act, is a necessary first step in committing ourselves to African success; it by no means signals the end of our walk with

Africa. It is my hope that the Act will serve as an institutional framework for private investors and businesses to develop a meaningful presence within Africa. Ultimately, a private-public partnership is what is needed to provide the political and economic support African nations require to meet the development challenges of the 21st century.

I want to thank you and the rest of my colleagues in the House for your support and partnership with Africa. Mr. Speaker, I submit the following article, published in the May 26, 2000, issue of the Baltimore Sun, for insertion into the RECORD.

AMERICAN COMPANIES CAN DO MORE TO HELP AFRICA

(By James Clyburn, Earl Hillard and Bennie Thompson)

During a recent congressional recess, six congressional delegations went on fact-finding missions to Africa. The number of delegations visiting the continent was no coincidence.

Nor was it inconsequential when the United States used its chairmanship of the U.N. Security Council to make January "Africa Month" for the council. President Clinton's recently announced trip to Nigeria in June, the second to Africa in his administration, is a welcome bid to efforts aimed at putting the map of Africa onto the U.S. policy agenda.

The president's efforts are now being supported by members whose views on domestic policy span our political spectrum but who share a commitment to seeing an end to Africa's self-destructive wars and the establishment of an era of peace and prosperity on the continent.

Often, the only images of Africa the American public has the opportunity to see are those of carnage, corruption and catastrophe.

As reports of civil war in Sierra Leone, Eritrea and the Democratic Republic of the Congo continue to grab headlines in America's newspapers, we journeyed to Africa with the hope of highlighting a different image of the continent. Our delegation spent three days in one of the continent's smallest countries, Gambia—made famous by author Alex Haley in his epic saga, "Roots," as the true-life homeland of the novel's hero, Kunta Kinte.

Smaller than any of our individual congressional districts, Gambia is a country of only 1 million people on the west coast of Africa.

The country makes up for its few natural resources with a modern deep-water port and one of Africa's most advanced telecommunications systems. Like many African countries, Gambia is struggling to define itself as a service economy, worthy of Western investment.

During our stay, we were bounced along seemingly impassible roads to isolated villages by our government hosts and saw that the much-vaunted "services" did not extend outside the capital city of Banjul. What we were shown was not a whitewash, however, but a stark example of an African country struggling to provide a better future for its people.

Between episodic power outages and seasonal floods, there exists in Gambia a hope and motivation to overcome and succeed. From what we were shown, Gambia can, and may already be, an African success story.

With the construction of many new hospitals and dozens of new schools, including the country's first university, the govern-

ment of President Yahya Jammeh is succeeding where 30 years of autocratic rule had failed.

However, the technical, financial and educational resources of such countries are quickly exhausted—leaving too many projects incomplete and ideas unrealized.

As the international assistance and debt relief to these countries has stalled in our Congress, or dried up completely, private, non-governmental groups have stepped in to fill the void in implementing essential development programs.

U.S.-based Catholic Relief Services has in place across Gambia, and the rest of Africa, programs that promote the role of women in society, provide HIV education and fund micro-enterprise projects—all programs that formerly were undertaken by the U.S. Agency for International Development. However, these non-governmental organizations are themselves subject to competing congressional finding interests and so, too, remain sorely underdeveloped.

As in our cities, where corporate America has helped fund a rebirth of our inner cities, so, too, can it assist the nations of Africa in their own rebirth.

This notion of "trade not aid" is the cornerstone of the African Growth and Opportunity Act that President Clinton signed into law this month and should define the future of U.S. relations with Africa.

Those companies already at work in Africa and with Africans, are now ideally placed to provide the kind of business environment that ultimately creates a peaceful society.

A healthy and educated workforce is not only for good business but for stable and peaceful lives, free of war and poverty, sickness and migration.

As members of Congress, it is our hope and intention to help facilitate these partnerships wherever possible. We have seen the hope of a proud and welcoming people and will implore our friends and colleagues to help Africa keep hope alive.

The three writers are members of the Congressional Black Caucus from South Carolina, Alabama and Mississippi, respectively. Mr. Clyburn is caucus chairman.

ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers. I rise today to congratulate and honor 47 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, "An Artistic Discovery," sponsored by Schering-Plough Corporation. They were recently honored at a reception and exhibit. Their works are exceptional.

Mr. Speaker, I would like to list each of the students, their high schools, and their contest entries, for the official record.

Sarah Louise Podron, Bayley Ellard High School, The Open Window.

Alexis Perry, Bayley Ellard High School, Window of My Soul.

Ed Steiner, Boonton High School, Great Grandfather.

Eileen Mondino, Boonton High School, Tony.

Samanatha Fuess, Boonton High School, The Duck Shot.

Jenny Blankenship, Boonton High School, Untitled.

Allyson Wood, Dover High School, Metamorphosis.

Mike Cicchetti, Dover High School, Still Life.

Jeff Albeck, Dover High School, Charles in Charge.

Jee Hae Choe, Dover High School, Untitled.

Andrew Racz, Hanover Park High School, Self Portrait.

Jean Guzzi, Hanover Park High School, Lost.

Amy Chang, Hanover Park High School, Self Portrait—Amy.

Stephanie Fertinel, Hanover Park High School, Reflections.

Jessica Posio, Livingston High School, Dreamer.

Tricia Lin, Livingston High School, Untitled.

Alexandra Weeks, Madison High School, City.

Lynette Murphy, Madison High School, Vice Versa.

Michael Sutherland, Madison High School, Weather.

Juyoun Lee, Madison High School, Season.

Christopher Butler, Matheny School and Hospital, Untitled.

Faith Stolz, Matheny School and Hospital, Untitled.

Diana Viulante, Montville High School, Flying.

Jimin Oh, Montville High School, Self Portrait.

Elizabeth Mayer, Montville High School, Wishing for Winter.

Matal Usefi, Montville High School, Primal Instincts.

Matthew Schwartz, Morris Hills High School, Self Portrait.

Brooke Purpura, Morris Knolls High School, Self Portrait.

John Fisher, Morris Knolls High School, Self Portrait.

Marion Bezars, Jr., Morris Knolls High School, Pondering.

Kristen Reilly, Mt. Olive High School, Stamped in Stone.

Jonathan Rehm, Mt. Olive High School, Blind Faith.

Rachel Regina, Mt. Olive High School, Phil.

Tanya Maddaloni, Mt. Olive High School, Creation.

Steven Ehrenkrantz, Randolph High School, Untitled.

Alton Wilky, Randolph High School, Whai.

Francesca Oliveria, Randolph High School, Immanis.

Ashleyh Waddington, Randolph High School, Untitled.

Shirley Lewlowicz, West Essex High School, Untitled.

Rachel Glaser, West Essex Senior High School, Untitled.

Joseph Morelli, West Essex Senior High School, Untitled.

Kate O'Donnell, West Essex Senior High School, Irish Heritage.

Austyn Stevens, West Morris High School, Diva.

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Kerry French, West Morris Mendham High School, Kassie.

Meghan Buckner, West Morris Mendham High School, Ashley.

Erin Bollinger, West Morris Mendham High School, Self Portrait.

Emily Dimiero, West Morris Mendham High School, Facade.

As you know, Mr. Speaker, each year the winner of the competition will have the oppor-

tunity to travel to Washington D.C. to meet Congressional Leaders and to mount his or her artwork in a special corridor of the U.S. Capitol along with winners from across the country. This year, first place went to John Fisher of Morris Knolls High School. Second place went to Emily Dimiero of West Morris Mendham High School. Rachel Regina of Mt. Olive High School was awarded third place. In

addition, seven other submissions received honorable mention by the judges, Kerry French, Erin Bollinger, Jimin Oh, Rachel Glaser, Jenny Blankenship, Juyoun Lee and Mario Bezars, Jr.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

SENATE—Wednesday, June 21, 2000

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation and Lord of our lives, we praise You for the Asian American veterans who fought with valor and heroism in World War II. Today, as the Senate family, we express our deep admiration and gratitude for Senator DANIEL INOUE of Hawaii who will receive the Medal of Honor from the President at the White House. We thank You for his heroism in battle and his leadership here in the Senate for 38 years. Most of all, Father, we express our praise for his character traits so authentically expressed: humility, patriotism, integrity, courage, and faithfulness. You have blessed the State of Hawaii, our Nation, and this Senate with this truly great man.

Now dear God we commit this day to You and ask that all the Senators will receive Your wisdom and discernment for their decisions and mutual trust and loyalty for their working relationships with one another. This is a day You have made; we will rejoice and be glad in it. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Today, the Senate will be in a period of morning business until approximately 10:45 a.m., with Senators GRAHAM and VOINOVICH in control of the time. Following morning business, the Senate will resume consideration of the foreign operations appro-

priations bill. Under the order, Senator WELLSTONE will be recognized to offer his amendment regarding Colombia. There will be 90 minutes under Senator WELLSTONE's control and 45 minutes under Senator MCCONNELL's control. As a reminder, first-degree amendments to the bill must be filed by 3 p.m. today. Votes are expected throughout the day, with a vote on final passage anticipated prior to tonight's adjournment. Senators can expect the Labor-HHS appropriations bill to be the next bill for consideration. I thank my colleagues for their cooperation.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the morning business time under the control of Senator GRAHAM of Florida be controlled by Senator DURBIN, or his designee, with 15 minutes of that time under the control of Senator TORRICELLI.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada is recognized.

COMPLETING FOREIGN OPERATIONS APPROPRIATIONS

Mr. REID. Mr. President, let me say to my friend, the acting leader this morning, that we are going to do everything we can to cooperate and see that the foreign operations appropriations bill is completed today. I think it is going to be real difficult to do that. We won't know for sure until we get our amendments at 3 o'clock. Considering that the first amendment is going to take until after noon, it is going to be difficult to do all the amendments that need to be done. I know there is going to be a number of them filed. We are all anxious to get to the Labor-HHS bill. It is very important, and it is going to take several days to do that. As I have indicated, the majority will have our cooperation, but we have to be realistic as to when we will be able to finish this bill. We will not know until the amendments have been filed at 3 o'clock.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The Senator from South Carolina is recognized.

THE RECEIPT OF THE CONGRESSIONAL MEDAL OF HONOR BY SENATOR DANIEL K. INOUE

Mr. THURMOND. Mr. President, during World War II, countless individuals distinguished themselves while serving this fine Nation. However, few displayed the valor, leadership, and selflessness as our colleague DANIEL K. INOUE and it is with much admiration that I congratulate him on what this afternoon will be a deserving receipt of the Congressional Medal of Honor. The Medal of Honor is the highest medal awarded by the United States and is reserved for those who have gone above and beyond the call of duty, at the risk of their own life, to perform a deed of personal bravery or self-sacrifice.

We have recently reached a point in U.S. history which has left only a handful of Americans who can personally recount the events that took place during World War II and even fewer who fought in this effort to free Europe from the plague of Nazis. Though history books attempt to give younger generations insight into the valiant deeds and the countless deaths which occurred during the Second World War, no words can convey the emotional tragedies and triumphs felt by the men and women who participated in this campaign.

At the age of seventeen, DAN INOUE embarked on a life of public service. Using his knowledge of first aid, he volunteered to treat the earliest casualties of the bombing of Pearl Harbor. This marked the beginning of DAN's exemplary service to his country. After turning eighteen, he enlisted in the United States Army's 442nd Regimental Combat Team.

On the fateful day of April 21, 1945, outside a small town in Italy, Lieutenant INOUE made a decision which would change the course of his life. As he led his platoon of the 2nd Battalion up a ridge, they were confronted with heavy machine-gun fire, striking Lieutenant INOUE in the abdomen and barely missing his spine. Rather than risk the life of one of his men, the injured young officer went up against insurmountable odds, and crawled alone farther up the hill into the nest of machine guns. He struggled to stand up,

pulled the pin from his grenade, and destroyed the closest group of machine guns. He continued up the hill, bleeding from his wounds, and struck the second enemy position.

Upon reaching the third machine-gun position, Lieutenant INOUE attempted to throw a grenade, only to have his right elbow shattered by an enemy rifle grenade. However, this did not stop the determined lieutenant. Using his good left hand to throw the final grenade, he destroyed the enemy's position. He continued to fight until he was struck by a bullet in the leg, and though in excruciating pain, refused to be evacuated until his men were deployed in defensive positions. He eventually spent 20 months in hospitals after having his right arm amputated, and returned home a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster along with multiple other medals and citations.

In my long life, I have met few men who have displayed the extraordinary courage, disregard for self, and devotion to their country as Senator DAN INOUE. And though DAN gave above and beyond during his participation in World War II, he continued to serve this fine Nation through public service upon his return to the States. His commitment and concern for the welfare of others is reflected in his service in the U.S. Senate, and I feel honored and privileged to have the opportunity to serve with such a remarkable individual.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I personally appreciate the Senator from South Carolina recognizing Senator INOUE. I have not served in Congress nearly as long, of course, as the Senator from South Carolina, but during my term in Congress, which is now 18 years, there is no one that I have more admiration for than Senator INOUE. He has been like a father to me in the Senate. He has been an adviser and a confidant. He is someone for whom I have the deepest respect.

I have followed, as have others, his war record. And that is what it is; he is certainly a warrior. The outline that was given by the Senator from South Carolina of Senator INOUE's extraordinary deeds is dramatic, but it did not cover everything that Senator INOUE did on that day of valor.

I think it is wonderful that finally Senator INOUE is going to be recognized, as he should be, with the Congressional Medal of Honor.

Senator INOUE has many stories to tell. I hope someday they are told. During the time he spent in the hospital with Senator Dole, their friendship developed. That is one of the friendships that has served the American people well.

Even though Senator INOUE lost a limb, he does remarkable things. He

plays the piano. One of our colleagues has a broken arm, Senator HOLLINGS. With his wit and with a lot of humility, Senator INOUE asked Senator HOLLINGS who had tied his tie that morning. Senator HOLLINGS said he had had help doing that. Senator INOUE ties his tie himself with one arm.

Senator INOUE is someone who has not only been valiant on the battlefield in Italy but he has also been valiant on the battlefield in the Congress of the United States, having served in the U.S. House of Representatives and having served in the Senate.

I had the good fortune to come to the Senate and be placed on the Appropriations Committee, and I was able to watch this master legislator in action. He is someone who doesn't talk a lot, even though he is an extremely fine speaker. But he is a good legislator; he gets things done. I have watched him maneuver bills through the legislative process as no one else can.

Mr. President, I am so grateful that he is being recognized today. There will be a ceremony at the White House where he will be given this long overdue award. Having this award is only part of what this man deserves. I want to spread across this RECORD how much I and everyone in the Senate—Democrat and Republican—respect and admire this great legislator and this great soul.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I compliment the distinguished assistant Democratic leader for his remarks. I wanted to come to the floor to associate myself with his eloquence and his heartfelt expression regarding this important moment in the life of one of the most respected and revered U.S. Senators today.

At long last, our country will recognize the valor, the courage, and the extraordinary commitment that one man made to his country now over 50 years ago.

I know I speak for all of our colleagues—frankly, all of the country—in expressing our heartfelt gratitude to him, our admiration for him, and the extraordinary pride we have in the knowledge that we served with him.

Senator DAN INOUE is not only an extraordinary Senator and great American in this day of the dearth of the hero; we find the true hero in DAN INOUE. There ought to be more role models in our country today. But if one looks to the DAN INOUES, you don't need many more.

I have admired him for the kind of person he is, for the kind of model that

he has been, and for the extraordinarily unique and very remarkable way in which he represents his State and all of the people he serves so well in the Senate.

The people of Hawaii can be very proud of their delegation. They can be very proud of their senior Senator, and on this day in particular they can be very proud of this country in recognizing the remarkable achievement for which this unique leader has now been recognized.

So we congratulate Senator INOUE. We congratulate him not only on being awarded the Congressional Medal of Honor, but we congratulate him for his lifetime of service to his country—not only in the military but here in the Senate as well.

I yield the floor.

Mr. CAMPBELL. Mr. President, I am delighted to speak on behalf of Senator DANIEL K. INOUE, a man who has distinguished himself in the House and now in the Senate for more than 40 years. He is also a man for whom I have tremendous respect and regard as a truly national leader on a wide range of issues. Later today at a White House ceremony, DANIEL INOUE will be awarded the Congressional Medal of Honor by the President.

This memorable occasion is one that has been much anticipated and long overdue. I have had the honor and opportunity to serve with Senator INOUE in Congress over the past 14 years, and we have worked side by side on the Senate Committee on Indian Affairs over the past 8 years. On many occasions, I have witnessed his courage and leadership in standing up for serious issues and problems that have affected all Americans including our collective national defense.

These qualities and traits can be witnessed throughout Senator INOUE's life, career, and his service in the United States Army during World War II. I would like to recount for those unfamiliar with the experience of DAN INOUE and the "Go for Broke" regiment a brief history of the heroics and commitment to his men and the United States during his service in the 2nd Battalion, 442nd "Go for Broke" Regimental Combat Team in the War.

In April of 1945, Army 1st Lieutenant DANIEL K. INOUE, was leading a platoon of the 2nd Battalion, when it came under fire from a bunker manned by Italian Fascists fighting for their Axis partners the Nazis. There was no cover on the hill, so INOUE crawled up alone to scout. As he was taking out a hand grenade to destroy the first position, he was hit in the abdomen by a bullet which came out his back, barely missing his spine. Although wounded, INOUE was still able to pull the pin out of the grenade and run to within five yards of the nearest of the three machine guns, and throw the grenade inside the position. He continued to

lead the platoon and advance alone against a machine gun nest which had his men pinned down. He tossed two hand grenades with devastating effect before his right arm was shattered by a German rifle grenade at close range. With his left hand, he tossed his last grenade and attacked the Italian Fascists with a submachine gun. Then he was hit in his right leg and fell down the hill. INOUE refused to be evacuated until his men were deployed in defensive positions.

First Lieutenant INOUE spent 20 months in Army hospitals after losing his right arm. He returned to Hawaii as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations.

After graduating with a law degree from George Washington University, he entered politics, and after Hawaii became a state DAN INOUE won election to the United States House of Representatives as the state's first Congressman. He was reelected to a full term in 1960 and won election to the United States Senate in 1962. Mr. President, I cannot fully express to you or others the deep respect I have for this man, to the leadership he has provided to this country and the sacrifices he has made during these accomplishments. Senator INOUE continues to inspire admiration and respect among all who serve with him—Republicans and Democrats alike. DAN INOUE is a leader and hero to Americans across the country and a man that I am proud to consider my colleague as well as my friend.

I am pleased that the President has chosen to recognize his service and bestow upon such a deserving man as DAN INOUE the Medal of Honor. It is my hope that young people around our country will look to DAN INOUE and his many traits and accomplishments—Army officer, Congressman, Senator—and realize as he does that first and foremost, he is an American. In this regard I would like to quote Major General Jacob Devers, Chief of the Army Field Offices, "These men . . . more than earned the right to be called just Americans, not Japanese Americans. Their Americanism may be described only by degree, and that the highest."

I thank the Chair and yield the floor.

Ms. MIKULSKI. Mr. President, I rise to pay tribute to my dear colleague, Senator DANIEL INOUE. Today, Senator INOUE receives the Congressional Medal of Honor for his heroic service to our nation. This honor is richly deserved—and long overdue.

Senator INOUE's life is one of service and patriotism. He began his service when he was just seventeen, leaving his home in Honolulu to aid wounded civilians on the day of the Japanese attack on Pearl Harbor. As a Japanese American, he faced bigotry, resentment, and outright persecution. Even while facing

this discrimination, he withdrew from his medical studies at the University of Hawaii and enlisted in the Army as soon as Japanese Americans were permitted to serve.

Stationed in Italy with the war's end nearing, 2nd lieutenant INOUE led his men into his final battle. Though he was shot and his platoon was pinned by gunfire, he continued on alone. Bravely he tossed two hand grenades before his right arm was shattered by a German rifle grenade. He threw a final grenade with his left arm before another shot in the leg forced him to retreat. It is for this tremendous act of courage that Senator INOUE receives this long overdue honor.

Senator INOUE is being honored for his courage in battle. We also know that Senator INOUE's service to our country extends far beyond his bravery in war. When Senator INOUE was elected to the United States House of Representatives in 1959, he was the first American of Japanese ancestry to serve in the House. Since 1962, Senator INOUE has served with great distinction in the Senate.

Every day, we witness first-hand Senator INOUE's commitment to the people of Hawaii and the people of the United States. He is a leader on national security and international human rights. As a senior member of the Appropriations Committee, he works tirelessly to ensure that we meet the day to day needs of our constituents—and the long term needs of our nation. Since my earliest days on the Appropriations Committee, I've learned from Senator INOUE—particularly in the area of defense policy.

Even in a war filled with heroes, Senator INOUE's heroism was extraordinary. It is with deep respect and affection that I offer my most sincere congratulations to Senator INOUE for being awarded the Congressional Medal of Honor today.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

SECTION 527 ORGANIZATIONS

Mr. TORRICELLI. Mr. President, last week the Senate voted to tighten regulations on 527 organizations—organizations created to influence political campaigns in the United States; that section of the Tax Code allows them to operate without disclosure of their contributors or without limitations on their expenditures, and, indeed, on a tax-deductible basis.

The vote last week was genuinely historic in the Senate. It was the first time since 1993 that a campaign finance reform measure passed the Senate.

I congratulate Senator LIEBERMAN on his leadership in bringing the Senate to this important moment of judgment.

These "527 organizations," as they have come to be known, are the latest threat to the integrity of our Nation's

electoral process, with unlimited funds unaccountable from unknown sources.

If this legislation does not become law, they threaten to change the entire electoral process of the country. Every reform instituted not only since Watergate but, indeed, in this century could be undone.

There is no assurance that even those limited protections—from the progressive movement in the times of Theodore Roosevelt and Woodrow Wilson that barred unlimited and undisclosed corporate contributions—and reforms could remain in place if these 527 organizations are allowed to operate and, indeed, to proliferate.

The Senate's vote last week sent a very strong message that for whatever we are unable to do on campaign finance reform we can at least agree that complete and full disclosure is required and that we will not allow the Tax Code to be misused for the raising of unknown political funds.

It is, however, important that the public not accept this limited achievement as the sum total of all the Congress can do on campaign finance reform. It is only a beginning. Indeed, it is a modest beginning.

It is also true that our efforts on soft money in McCain-Feingold have been frustrated. For a variety of reasons, it is now very clear McCain-Feingold and limitations on soft money contributions are not going to be enacted in this Congress. Some of the barriers are political. Some are legislative. Indeed, as my friend, MITCH MCCONNELL, has pointed out, some are very real and constitutional. There are real problems to enacting a complete soft money ban. Federal courts have spoken on the subject. There are many who believe their individuals rights might be limited. That debate will continue for years on the merits.

Now the Congress is left with a partial achievement on 527 organizations, a frustration on soft money prohibitions. The question is whether anything else can be done. Indeed, a great deal more could be done that is both easier to achieve and in some respects more important.

There is primarily a single reason that campaign fundraising is rising exponentially in the Nation. It is very simple. Campaign expenditures are rising exponentially in the Nation. It is becoming more and more expensive to communicate with the American people through more and more news outlets. It is the heart of the problem.

A recent study has indicated that records are being broken across the Nation in the cost of political advertising. The study, led by the Alliance for Better Campaigns, cited the Senate primary in my own State of New Jersey as evidence of how broken the campaign finance system has now become and that the same broadcasters in the news media who are leading national efforts

for campaign finance reform are a central part of the problem.

Television stations in New York and Philadelphia during the recent New Jersey Democratic primary took in a record \$21 million in advertising. The chart shows the stations in New York and Philadelphia, the four rated stations, the amount of time they actually devoted to hard news. We have these stations in New York and Philadelphia bringing in \$21 million in revenue from political advertising. Yet in actual news coverage of the campaigns per evening—two stations in Philadelphia—one is giving 19 seconds of coverage per evening; another, 1 second; in New York, the two top stations, WNBC and WCBS, 23 seconds and 10 seconds, respectively.

Advertising rates soar. News coverage collapses. Candidates are left with no choice. There being no other means to communicate with people who live in our States, they must buy more advertising time at ever-higher and higher rates. Indeed, in the final 2 weeks of the New Jersey primary, voters in Philadelphia and New York markets were 10 times more likely while watching a news program to see a campaign advertisement than a news story—10 times more likely to see an advertisement than a legitimate news story on an issue in the campaign.

That, my colleagues, is the heart of the problem. However, it is not only a senatorial problem or not only a problem in my own region of the country. During the month before the March 7, Super Tuesday primary, the national networks aired a nightly average of only 36 seconds discussing an issue of importance to the national voters. The situation that Democrats and Republicans face in the New Jersey primary is identical to what AL GORE and George W. Bush face in the national elections—no news coverage, rising rates, higher expenditures. It is, of course, part and parcel of this problem that is driven by the individual rates for specific advertising time.

An example of this would be, in New York City, a 30-second advertisement can now cost as much as \$50,000. In Chicago, the same advertisement could cost \$20,000. Television stations in the Nation's top 75 media markets took in a record of \$114 million in the first 4 months of this year in political advertising.

There is no other nation in the world where the public airwaves are licensed to a private corporation which will then set commercial rates as the cost of discussing public policy issues with the Nation's voters. This wouldn't happen in Britain, Canada, Italy or France. These airwaves belong to the American people. The issues, be they Democrat, Republican, or Independent, be they from some other group or political party, are issues of importance to the American people. Yet the broad-

casting networks are using them as a revenue source while they incredibly claim to be campaigning for campaign finance reform.

There is no mistaking that the power to change the campaign finance system belongs in the Congress. We could lead to a solution. For a variety of political reasons, legislative reasons, and constitutional reasons, that is not going to happen. The question now is whether the television networks will spend the remainder of this electoral season complaining about this political problem of reaching a solution or be part of the answer. I believe they should lead by example.

Only a year ago, Mr. Kennard, the Chairman of the Federal Communications Commission, raised the prospect of, by regulation, lowering the cost of television advertising. Rather than \$50,000 in New York or \$20,000 in Chicago, the FCC could mandate, if the networks are unwilling to do it voluntarily, a lower cost. Since television accounts for 80 or 90 percent of the cost of the Senate or Presidential campaign, lowering the cost of that advertising would dramatically remove pressure on fundraising. The problem could begin to solve itself. The FCC chose not to do so under pressure from Members of Congress.

The question remains, Why do the networks not do so themselves? I understand the networks looking to the Congress for an answer. They should. They are entitled to look to us, and they are entitled to expect an answer. But I also look back to them. Rather than 20 seconds a night for candidates to discuss the future of our Nation, rather than using the national airwaves to discuss every latest crime trend or weather pattern or cultural abnormality, the national airwaves could be used to actually discuss the Nation's future—not 10 seconds a night or 20 seconds a night but 10 minutes a night or 15 minutes a night so candidates believe there is an alternative to communicating with the American people other than buying the public airwaves to do so.

Second, the networks, most obviously, could enhance this national debate and reduce the cost of this fundraising, remove the pressure on fundraising by dramatically reducing these costs. Political advertising is now the third largest source of revenue for the television networks. We have become an industry supporting the networks themselves, only behind retail sellers of merchandise in the Nation, spending hundreds of millions of dollars in this Presidential and congressional campaign. A reduction of those rates to allow challengers to compete with incumbents and lesser-financed candidates to compete with multimillionaires would enhance the American political system and start setting an example of how the Nation can begin to

change the dominance of money in the American political system.

I hope at some point the networks, as good corporate citizens and as Americans, no less as people who claim to be for campaign finance reform, would hear this message and join this movement.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Rhode Island, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from Rhode Island, I ask unanimous consent that the Senate stand in recess until 11 a.m.

Without objection, the Senate stands in recess until 11 a.m.

Thereupon, at 10:22 a.m., the Senate recessed until 11:01; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2522, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

SESSIONS amendment No. 3492, to provide an additional condition on assistance for Colombia under Plan Colombia.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order that I deliver my statement while seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3498

(Purpose: Relating to support by the Russian Federation for Serbia)

Mr. HELMS. Mr. President, I send to the desk an amendment and ask unanimous consent that it be considered.

The PRESIDING OFFICER. Without objection, the amendment will be in

order at this time. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3498.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA.

(a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeyev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosovo war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to the Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to the Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic \$102,000,000 of a \$150,000,000 loan it had reactivated and will sell the Government of Serbia \$32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosovo war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities

as a member of the North American Treaty Organization-led peacekeeping mission in Kosovo.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

Mr. HELMS. Mr. President, I offer this amendment in the hopes that it will bring about needed realism in our Government's relationship with Russia. President Clinton continues to promote the myth that the Russian Government has been "a supportive and reliable partner in the effort to bring peace and stability to the Balkans."

That myth was shattered again last month by the Kremlin's brazen display of the enormous political, military, and economic support Russia continues to provide the Milosevic regime. Surely no Senator has forgotten the visit to Moscow last month by General

Ojdanic, Milosevic's Minister of Defense, who just happens to be a war criminal indicted by the International Criminal Tribunal of the former Yugoslavia. Instead of arresting and sending this man to The Hague, the Kremlin provided not only meetings with the Russian Minister of Defense but a privileged seat at the Putin inauguration and a week of fine food and camaraderie.

Shortly after Milosevic's Minister of Defense visited Russia, Russian officials announced that it is sending to the Milosevic regime \$102 million of a \$150 million loan. All of this flies in the face of the effort of the international community to isolate and undermine the Milosevic regime.

I confess that I find incredible the audacity of Russian President Putin. Here he is, providing the Milosevic regime with more than \$150 million in economic support while seeking debt relief from the international community and loans from the International Monetary Fund. He is doing this while his country seeks and receives food aid from the United States and while he is asking the United States to reschedule and forgive Russian debt owed to the United States.

The Kremlin should not be encouraged to assume that Western, and particularly the United States, economic assistance and aid are an entitlement. It is, however, sadly evident that Putin has concluded that he can conduct Russian foreign policy with impunity and still count on the West's economic largesse. The fact is, the hospitality and support provided to Serbian war criminals occurred just one month prior to President Clinton's visit to Moscow, emphasizing how little respect Putin has for the policies of the U.S. Government.

What concerns me most about the relationship of the Kremlin and the Milosevic regime is the threat it poses to America's men and women in uniform serving in the Balkans, along with those of our allies. The political, military, and economic support the Kremlin provides Milosevic directly jeopardizes the safety and security of both American and allied forces deployed in the Balkans. While we are trying to force the Milosevic regime to step down and turn power over to Serbia's democratic opposition, Russia is signaling Milosevic that he can survive and even outlast the alliance and that Russia will help him, Milosevic, prevail.

There is no reason the American taxpayer should provide Russia loan forgiveness and economic assistance when the Kremlin continues to support a regime in Serbia whose forces directly threaten U.S. troops who are trying to bring peace to the Balkans.

My amendment, which I have just offered, simply underscores that the U.S. assistance is not an entitlement benefiting the Kremlin. The amendment

proposes that the United States withhold assistance to Russia by an amount equal to the amount which Russia provides Serbia. The amendment also will preclude any debt forgiveness or re-scheduling of OPIC and Eximbank programs along with U.S. support for loans from international financial institutions to Russia. This assistance certainly is not warranted unless and until the Kremlin demonstrates that it has at long last cut its ties to the Milosevic regime.

AMENDMENTS NOS. 3499 THROUGH 3513, EN BLOC

Mr. McCONNELL. Mr. President, I send a group of managers' amendments to the desk, en bloc, and ask for their immediate consideration. They have been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 3499 through 3513, en bloc.

The amendments are as follows:

AMENDMENT NO. 3499

On page 142, on line 5 strike: "*Provided further*, That of the funds made available under this heading, not less than \$5,000,000 shall be made available for administration of demobilizing and rehabilitating activities for child soldiers in Colombia" and insert in lieu thereof: "*Provided further*, That of the amount appropriated under this heading, \$5,000,000 shall be available to the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of child soldiers in Colombia, of which amount \$2,500,000 shall be transferred not later than 30 days after the date of enactment of this Act, and the remaining \$2,500,000 shall be transferred not later than October 30, 2000".

AMENDMENT NO. 3500

(Purpose: To require the Secretary of State to submit a report concerning human rights in Colombia, and for other purposes)

On page 145, line 12, after "(b)" and before "DEFINITIONS", insert the following:

"REPORT.—Beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing the following:

"(1) A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

"(2) An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

"(3) A description of the extent to which the Colombian Armed Forces cooperate with

civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

"(4) A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

"(5) An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia," and actions taken to address the social and economic needs of these people.

"(6) A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia.

"(c)".

AMENDMENT NO. 3501

On page 13, line 16, after "vaccines" insert in lieu thereof: ", notwithstanding any other provision of law".

On page 13, line 8, delete "41,000,000" and insert in lieu thereof: "\$35,000,000".

On page 13, line 11, delete "\$65,000,000" and insert in lieu thereof: "\$50,000,000".

AMENDMENT NO. 3502

On page 57, line 19, delete the following: "Panama,".

AMENDMENT NO. 3503

(Purpose: To appropriate funds to assist blind children)

Before the period at the end of the paragraph under the heading "Global Health", insert the following: "": *Provided Further*, That of the funds appropriated under this heading, not less than \$1,200,000 should be made available to assist blind children".

AMENDMENT NO. 3504

On page 151, line 10, after "6105" insert "HERBICIDE SAFETY.—".

On page 151, line 12, strike "Surgeon General of the United States" and insert in lieu thereof "Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention".

On page 151, line 11, strike "aerial spraying" and insert in lieu thereof "use".

On page 151, line 18, strike "water or leach in soil" and insert in lieu thereof "ground or surface water".

AMENDMENT NO. 3505

On page 38, line 6, strike "\$330,000,000" and insert "\$340,000,000".

AMENDMENT NO. 3506

On page 63, on line 9 after the words "Sec. 530." strike all through line 15 and insert the following:

"(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

"(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make avail-

able, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground to air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life."

AMENDMENT NO. 3507

At the appropriate place in the bill, insert the following new general provision.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. . (a) Of the funds made available under the heading "International Financial Institutions" in this or any prior Foreign Operations, Export Financing, or Related Programs Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of Treasury, until the Secretary certifies that—

(1) the institution is implementing procedures for conducting semi-annual audits by qualified independent auditors for all new lending;

(2) the institution has taken steps to establish an independent fraud and corruption investigative organization or office;

(3) the institution has implemented a program to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new lending; and

(4) the institution is taking steps to fund and implement measures to improve transparency and anticorruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made to fulfill the objectives identified in subsection (A).

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development and the International Monetary Fund.

AMENDMENT NO. 3508

On page 21, line 21, after the word "organizations" insert, "": *Provided further*, That of the funds made available under this heading for Kosovo, not less than \$1,300,000 shall be made available to support the National Albanian American Council's training program for Kosovar women".

AMENDMENT NO. 3509

On page 21, at the end of Section (c) insert the following: "": *Provided further*, That of the funds appropriated under this heading not less than \$750,000 shall be made available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova".

AMENDMENT NO. 3510

(Purpose: To require the submittal to the congressional intelligence committees of reports on waivers relating to assistance to countries providing sanctuary to indicted war criminals)

On page 103, beginning on line 13, strike "Committee on Appropriations" and all that follows through "House of Representatives" and insert "Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives".

AMENDMENT NO. 3511

(Purpose: To make available certain environmental assistance funds for the People's Republic of China)

On page 140, between lines 19 and 20, insert the following:

SEC. ____ USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

AMENDMENT NO. 3512

(Purpose: To make available funds for education and anti-corruption programs)

On page 140, between lines 19 and 20, insert the following:

SEC. ____ EDUCATION AND ANTI-CORRUPTION ASSISTANCE.

Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any provision of law that restricts assistance to foreign countries, funds made available to carry out the provisions of part I of this Act may be furnished for assistance for education programs and for anti-corruption programs, except that this subsection shall not apply to section 490(e) or 620A of this Act or any other comparable provision of law."

AMENDMENT NO. 3513

(Purpose: To add \$2,500,000 to Title _____, Research and Development for the Foundation for Environmental Security and Sustainability to support the need for environmental security assessments for economic planning, and operations support)

At the appropriate place in the bill, insert the following:

Of the funds to be appropriated under this heading, \$2,500,000 is available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 3499 through 3513), en bloc, were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3507

Mr. MCCONNELL. Mr. President, over the past two years, the Subcommittee has held hearings which have focused on corruption, fraud and financial management problems at the international financial institutions. The interest was stimulated in part by flagrant abuses which compromised the World Bank's program in Indonesia. The Bank's Country Director ignored internal reports detailing program kickbacks, skimming and fraud because he was unwilling to upset the Suharto family and their cronies whom he believed were responsible for Indonesia's economic boom. A change of government and country directors presented an opportunity to set a new course for management and lending policies.

Because of these problems, I asked GAO to conduct a review of the Bank's management with an emphasis on anti-corruption policies and programs in several of the largest borrowing countries, including Indonesia, Russia, and Brazil. While the Bank limited GAO's access to documents, and set up a special committee to supervise their work, they still did an excellent job.

In brief, the GAO concluded the Bank has launched an ambitious effort to identify problems, but significant challenges lie ahead. We are a long way from real solutions.

Let me tick off some of the conclusions which concerned me the most—

First, although the World Bank has established an Investigations Unit which answers to a new Fraud and Oversight Committee, many local problems in borrowing countries never reach the investigators. In one country where the Bank itself identified corruption as a serious problem, 30 allegations of abuse reported to their local officials had not been referred on to the Investigations Unit or Committee.

Second, both the Investigations Unit and the Committee answer to one of the Bank's Managing Directors. GAO concluded that the independence of investigations could be compromised by the fact that a Managing Director controls the unit's budgets and makes final decisions on whether an investigation is pursued, including those that may involve employees who answer to the Director.

Third, new initiatives introduced in 1998 to improve financial and procurement procedures only apply to 14% of the Bank's 1,500 projects. In recent audits, 17 of 25 borrowers showed a lack of understanding or noncompliance with procurement rules. GAO's review of 12 randomly selected projects identified 5 projects where the borrowing countries implementing agencies had little or no experience managing projects.

Fourth, when making project recommendations for Board approval, the

staff's risk analysis fails to adequately address corruption or undue political influence as key factors. Eight of Twelve projects reviewed did not identify corruption or political manipulation as a critical risk even though other Bank reports indicated both were serious issues in the countries included in the project sampling.

Finally, GAO determined that solving problems is made more difficult because audits are often late and of poor quality, and the Bank does not evaluate the quality of audits.

To remedy these problems, GAO recommends the Bank integrate the investigative function and establish its organizational independence, include more complete corruption data in risk assessments and country strategies, develop a system for allocating anti-corruption assistance, improve borrowing countries' capabilities to monitor, implement and supervise fraud free projects, and improve auditing and project supervision.

These problems are not unique to the World Bank. We have all read the stories about the IMF being caught by surprise in both Russia and Ukraine regarding manipulation of loans and loan data. I am sure there are similar problems in the regional institutions as well.

To accelerate a solution to these pressing issues, Senator LEAHY and I felt it was prudent for the Secretary of the Treasury to encourage these institutions to implement GAO's recommendations. The amendment before the Senate requires the Secretary to withhold 10% of our contribution to each institution until audits are in place, independent investigation units are established, and the problem of corruption is being addressed in risk assessments. We also expect the institutions to strengthen local government capacity so that lending and projects are better supervised to prevent corruption.

This amendment addresses one of the most fundamental issues which has compromised support for the multilateral banks. Bringing more transparency to lending and improving procurement and management procedures will help restore confidence and support to the banks.

AMENDMENT NO. 3511

Mr. ROBERTS. I support the Baucus-Roberts amendment to engage China on the important issue of rapid industrialization and the environment. The amendment would permit appropriated funds for the US-Asia Environmental Partnership (USAEP)—an initiative of the U.S. Agency for International Development (USAID)—to be used for environmental projects in the People's Republic of China (PRC). In other words, the U.S. government would finally be able to, for example, help U.S. businesses connect with provincial and

municipal governments in China to initiate badly needed environmental engineering projects. This work is necessary to attempt to prevent a possible long-term environmental catastrophe resulting from intense industrialization and development in the PRC and Asia in general.

Why should one care whether Chinese or Asian people breathe clean air or drink clean water? Besides the obvious humanitarian concern, a ruined environment throughout Asia will—at some point—affect us here in the United States and our interests. This is common sense.

The Baucus-Roberts amendment also sends a strong pro-engagement message to the PRC since the U.S. excluded *de jure* or *de facto* the PRC from U.S. foreign aid programs with passage and signing of the FY 90-FY 91 State Department Authorization, specifically section 902 of H.R. 3792.

Our government purports to be concerned about global environmental issues, Mr. President, about avoiding contamination of the world's water, air, and soil. Yet, we prohibit ourselves from consulting and cooperating on a government to government basis with the one nation with the greatest potential to impact the world's environment over the next 50 to 100 years. That makes no sense.

What is the United States-Asian Environmental Partnership? It is a public-private initiative implemented by the U.S. Agency for International Development (USAID). Its aim is to encourage environmentally sustainable development in Asia as that region industrializes at a phenomenal rate. By "environmentally sustainable development," we mean industrial and urban development that does not irreparably damage the air, water, and soil necessary for life. It's really that simple. US-AEP currently works with governments and industries in Hong Kong, India, Indonesia, Korea, Malaysia, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, and Vietnam. In creating US-AEP, the U.S. government recognized the long-term environmental hazards of Asia's rapid industrialization and the need for the U.S. government to engage on the issue.

The program provides grants to U.S. companies for the purpose of facilitating the transfer of environmentally sound and energy-efficient technologies to the Asia/Pacific region. Again, the objective is to address the pollution and health challenges of rapid industrialization while stimulating demand for U.S. technologies. In cooperation with the U.S. Department of Commerce, US-AEP has placed Environmental Technology Representatives in 11 Asian countries to identify trade opportunities for U.S. companies and coordinate meetings between potential Asian and U.S. business partners.

Mr. President, on the basic issue of the global environmental impact of

Asian industrialization, specifically Chinese modernization, the Senate has the responsibility to authorize at least some cooperation between Beijing and Washington. I ask for my colleagues support for this common sense amendment.

AMENDMENT NO. 3501

Mr. LEAHY. Mr. President, I want to be sure there is no misunderstanding about my purpose in offering this amendment, which would reduce funding in the bill by a total of \$21 million for programs to combat tuberculosis and malaria. The funding for these activities was included at my request, and I want to express my appreciation to Chairman MCCONNELL for that.

Like every Senator, I would like to see the highest possible levels of funding to combat these two dreaded diseases, which cause immeasurable suffering in developing countries. I have worked to do that for several years, and I fully intend to continue doing so. If our FY01 budget allocation would permit it, I would recommend higher funding for global health programs, including to combat TB and malaria.

However, we are forced to make excruciating choices. I want to be sure that we allocate our resources wisely, and that we also have sufficient resources to support vital programs to combat anti-microbial resistance, which is a worldwide problem of great urgency and immense proportions, and to strengthen disease surveillance in developing countries.

The purpose of this amendment is to ensure that in addition to providing increased funding above the current levels for programs to combat TB and malaria, we are also able to at least maintain, and preferable increase funding for anti-microbial resistance and surveillance. My hope is that effects of this amendment will only be temporary, that we will receive a higher allocation in the Conference, and that we will then be able to provide higher levels of funding for all of these critically important health activities.

AMENDMENT NO. 3512

Mr. BROWNBACK. Mr. President, this amendment would allow the United States to provide non military education and anti corruption assistance to countries, and their governments, that are not on the terrorism list, and that are denied U.S. assistance or are under U.S. sanctions. Let me just reiterate that this amendment is not applicable to countries on the terrorism list or which are major producers or traffickers in illegal drugs.

This provision is specifically intended to enable the U.S. Government to conduct a broad range of rule of law programs, as well as other programs (e.g. setting up elementary schools, high school exchanges, health education, economic reform measures; tax reform, tariff regulation, developing rational and transparent budgeting

procedures, privatization, or drafting a commercial code, etc.), so long as there is some component of the program that includes educating or providing information to persons.

Mr. President, the United States has been working for a long time to try to find ways to help the most vulnerable populations around the world. Allowing the United States to continue to provide assistance in education and anti corruption training is something which ultimately is in our own interests.

In many parts of the world, we are up against elements like the Wahhabis, the Saudis, the Iranians and the likes of Bin Laden and others, who are pouring money into the poorest regions of the world to set up schools which are dedicated to teaching children anti-Western attitudes, as well as how to carry weapons.

In many countries, because of the dire poverty, such schools are the only game in town. And the single common element which allows these schools to flourish is poverty and ignorance. There is no other option for many people. The poverty and the lack of education leads to radicalism, and violence, often directed first against women, and a host of problems which every one on this floor can list.

The growth of this radicalism comes back and haunts us and affect American lives and American security. The popularity of Bin Laden for example, and the anti-Western fervor which is rampant in the Middle East and South Asia can too often lead to terrorism and attempts to destabilize developing countries that are trying to remain secular and pro-west. Ultimately, this is a threat to U.S. security.

This lack of education also leads to tragic global phenomena like the trafficking in women and children: Education would substantially increase awareness regarding the insidious practice of international sex slavery. This involves forcing women and children into prostitution against their will, who are held in slavery-like conditions, having been transported into a strange country.

There is a general sentiment in the Congress these days that sanctions have gone too far, that they don't work and that we should remove all of them. I do not share this view, I believe sanctions have a role to play and are appropriate in certain situations. But denying ourselves the opportunity to provide education in a variety of fields in certain parts of the world is counterproductive. We are only hurting ourselves.

Instead of being able to implement education programs which would help bring a secular alternative to the lack of education, or the types of schools I mentioned earlier, we find our hands are tied when assistance is denied to a country or when general sanctions are imposed on a country—including sanctions on countries that for one reason

or another default on their loans. Yes, we should be able to take political action against countries that are doing bad things; but we should not be put in a situation where programs in education or in anti corruption training is involved. We shouldn't be mandating sanctions in an area, like education, which are of long term assistance to the United States.

We sit and complain about such things as corruption or lack of environmental awareness, or lack of democracy, or child labor, or trafficking in women and children. Education could help make a dent in such things, from helping to set up elementary schools, having exchanges at higher school levels, to such things as providing information to people in such areas as economic reform, equitable distribution of wealth, growing their economies, implementation of tax reform and tariff regulation, development of rational and transparent budgeting procedures, development of rule of law and democratic institutions, and privatizing or drafting a commercial code.

And yet we occasionally find ourselves in the position of having to deny assistance in the very area which would help fix these problems.

That is why I am introducing this amendment today. Denying U.S. assistance to a country is a right we should preserve, but we shouldn't be cutting our ability to influence countries at such a basic level as education and we certainly should do what we can to combat anti-corruption.

The most effective way to overcome the anti democratic threats and the lure of terrorism is to go to the root of the problem and to encourage the development of civil society.

Mr. MCCONNELL. Mr. President, the Senator from Minnesota is here.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized to offer an amendment relative to Colombia.

Mr. WELLSTONE. Mr. President, I got a last-minute call from the Budget Committee, and we may have to work this amendment out. I will wait about 5 minutes before I offer the amendment. I am waiting for some last-minute wording.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, parliamentary inquiry. What is the situation now? Is there an amendment pending? Are we open for general debate on the foreign operations appropriations bill?

The PRESIDING OFFICER. The Senator from North Carolina sent up an

amendment by unanimous consent, and the regular order is to recognize the Senator from Minnesota to offer an amendment.

Mr. LOTT. Mr. President, I would like to use leader time at this point to speak with regard to the Wellstone amendment, which I understand he will be offering momentarily.

I rise to speak against the Wellstone amendment that I understand will be offered. What this amendment would do would be to knock out the funds that are included in the foreign operations appropriations bill for Colombian aid. Is that correct about the intent of the amendment by the Senator from Minnesota?

Mr. WELLSTONE. Mr. President, no, it is not. This amendment leaves several hundred million dollars out of the \$900 million that would go to the southern Colombia military campaign. I will talk about the military and the right-wing violence groups and go through State Department reports and human rights reports about this. But in no way, shape, or form does this amendment say that.

Mr. LOTT. You would move a significant portion of the funds in excess of \$900 million into another category to be used for exactly what? Will the Senator describe that to me?

Mr. WELLSTONE. I am pleased to. We are working on this final wording because we are trying to figure whether to do this out of emergency designation or whether we can do this in a different way.

What this amendment says is that we absolutely are committed to institutional building in Colombia; we are committed to helping out in every way, shape, or form, including interdiction and police action.

There are very serious concerns that have been raised by a whole range of religious groups. I have a list of hundreds of nongovernment organizations in Colombia, but a particular portion, \$225 million, would go to this one military campaign in southern Colombia. This money instead would say—and this follows up on what General McCaffrey and others have said, which is that we also need to deal not just with interdiction but also the demand side in this country.

I say to the majority leader, I am going to be presenting compelling evidence about the huge gap in the number of people who are not getting any treatment. We have to figure out a way to cut down on the demand side in our country so we will provide money for prevention and treatment programs in this country.

Mr. LOTT. I thank the Senator for his explanation.

At this time, rather than just speaking against his amendment, I will speak for what is in the foreign operations appropriations bill for the Colombia aid package. As a matter of

fact, the Senate version has over \$900 million in this area. The House bill actually included around \$1.7 billion because the House included not only funds for the drug war in Colombia—I believe they also provided more than what had been asked for by the administration—they also provided some aid for other countries in the area that are also having some difficulty in fighting the drug situation in that part of the world.

Let me emphasize that we have been very much involved, obviously, in being supportive of bringing about a peaceful solution in Kosovo. It has been, of course, debated what should be done there, if we should do what we have done there, and how much should be spent there. The administration has pursued the policy there and the Congress has gone along with it, for better or for worse, at a cost of billions of dollars.

I point out on this map the area we are talking about. Kosovo is in this area of the world. It is very important to Europe and to our allies in Europe. I have suggested to our allies—NATO, Germany, Britain and other countries—they should assume more of the responsibility there, not less. I have been very concerned they have not met their responsibilities. Until just very recently, they seemed to be doing a better job of providing the money and the people they committed.

My point is while this is important, it is not nearly as close and as directly involved in the U.S. national security as the situation in Colombia. This map depicts Colombia. This whole region is experiencing some transition now. Since we have turned over the Panama Canal and closed our bases there, we see evidence that already there has been an increase of drug trafficking through Panama. We are concerned about the narcotraffickers in Colombia; we are concerned about what is happening in Venezuela, and this whole region of the world. It is in our neighborhood.

For years, to our own detriment, in my opinion, we have not been as involved with Central America and South America as we should have been. Now we see democracy and economic opportunity beginning to make progress in Central America, in the Caribbean, and democracy at least blossoming in parts of South America, but we see a threat, and it is being driven by drugs.

In addition to being in our hemisphere and in close proximity, we are talking about activities by people who are undermining the Colombian Government, who are killing people, and who are killing our children. The drugs that come out of Colombia are coming right into the United States—cocaine and heroin. They are poisoning our children.

I take this not very well. I am very concerned about it. I think we ignore it

to our own peril. Should we do more in our country to deal with the demand problem, education, and treatment? Sure. We ought to find ways to do that. But we shouldn't do it by taking away from the efforts that are underway in Colombia.

That is why I call this a close national security interest for our own country. There are those who are worried if we do this, we are slipping toward being involved. Where better to be involved than to try to take action and provide support for people who are trying to move toward greater democracy and greater economic development and to control and stop the drug trafficking and the drug pushers in that part of the world? I think we should do this. I think we should have been doing more a year ago or 2 years ago. I worked in the Senate with Senators COVERDELL, DEWINE, and others in communication with our own drug czar in America that we were not doing enough in Colombia.

Finally, the administration has said, well, we need to do something more; we need to be involved. I commend them for that. We need to get it done. That is why we pulled this foreign operations appropriations bill up as early as possible. We think we should get this foreign operations bill done and we should get the Colombian aid package included. This is very important for us.

President Pastrana of Colombia has asked for our help—not to solve the problem for him. We are not advocating U.S. troops go in or that we have direct involvement in their efforts there but to help him without American troops. Give them the aid they need; give them the equipment they need to fight these massive narcotic drug cartels in Colombia and that part of the world.

President Clinton's plan is multifaceted: Economic, political, social, and military means to gain the upper hand in dealing with the narcoterrorists who control vast amounts of Colombian territory. That is an area where I have some concern. I think too much territory has been conceded to these narcoterrorists.

Make no mistake, the FARC and the ELN guerrillas are ruthless. They don't know anything or care anything about human rights. They only want power to turn Colombia into the first nation controlled by narcoterrorists. Think about that. That is a real possibility unless we act to get assistance there as soon as possible.

Will this aid package alone solve the problem overnight? No. I emphasize again we should have been doing more last year and the year before and over a period of years. But it will make a significant contribution by giving to the Colombian Government the wherewithal to challenge these narcoterrorists.

We know one thing for certain: Without this package, these narcoterrorists

will be emboldened and they will have no incentive to come to the peace table. The freely elected pro U.S. government of President Pastrana will be dealt a very serious blow. We cannot leave them unassisted when they have asked for our help.

This is a question of standing up for our children, of standing up and fighting these narcoterrorists in our part of the world, in our neighborhood, in our region. Colombia has a chance. They are tired of the bloodshed. They are tired of kidnappings. They are tired of human rights abuses on all sides. I don't for a minute mean to push aside the complaints about some of the human rights violations on the other side, but that shouldn't be a reason not to act.

I urge my colleagues to support this legislation, support the foreign operations bill as it is, with the Colombian aid. As a matter of fact, I think it is possible the aid may actually be increased somewhat in conference. We should not let this be pecked apart. We should step up to our responsibility and fulfill our commitment to Colombia, to President Pastrana for his efforts, but particularly for the children of our country.

Do not support amendments that will take away funds in this package and move them over into other areas. It is the minimum that we should do.

I thank Senator WELLSTONE for allowing me to go forward at this time.

I yield the floor.

Mr. WELLSTONE. Mr. President, I say to the majority leader, I appreciate his comments and I did not want to interrupt him while he was speaking.

I will, in as thoughtful a way as possible, respond to some of his comments. I don't think there is any question that we need to deal with narcoterrorists. I don't really believe that is the issue. I will take time to develop this.

My colleague from New York wanted to speak.

Mr. President, I ask unanimous consent that I be allowed to follow the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Senator from Minnesota.

Mr. President, more than 80 percent of the cocaine, and most of the heroin flooding America's streets comes from Colombia. That is just one of many reasons why helping honest Colombians is an urgent and absolute necessity.

Today, Colombia's democratically elected government is besieged by blood-thirsty communist guerrillas who have gone into business with narcotraffickers, and, Mr. President, without U.S. help, Colombia may very well lose its fight with these narcoterrorists—and that is why the United States must move swiftly to

help President Andres Pastrana save the second oldest democracy in the Americas.

I support doing whatever it takes to save Colombia—not only because of the enormous cost of drugs to our country but because the United States of America should stand with a decent, democratic government in our own hemisphere that is threatened by Marxist terrorist groups.

I am grateful to the distinguished Senator from Alaska, Mr. STEVENS, and the able Senator from Kentucky, Mr. MCCONNELL, for including in the foreign operations bill the emergency anti-drug assistance for Colombia and surrounding countries.

This bill deserves our support even though I expect that the House-Senate conference will choose to make some adjustments.

For example, we must resist unrealistic conditions that will block the delivery of badly needed support. Also, I am persuaded that we must supply the Colombian Army with Blackhawk helicopters so they have the mobility to respond to the hit-and-run tactics of the guerrillas who are part of the drug trade.

The stakes are enormously high. Colombia is one of the most important U.S. trading partners in the Americas, with \$4.5 billion in direct U.S. investment in sectors—not counting the key petroleum sector. Also, the guerrillas have expressly targeted American businesses and citizens in Colombia for bombings, kidnappings, and murders.

Further, the threat to regional stability is acute: Venezuela, Peru, and Ecuador all have massed troops on their borders with Colombia. Panama, which has no army, is helpless to secure its frontier from smugglers of drugs and weapons.

President Pastrana doesn't ask us to do his fighting for him. In fact, no man alive has taken more risks for peace. If anything, he might be criticized for making too many concessions to bring the guerrillas to the peace table.

The guerrillas have responded by launching murderous attacks on civilian targets. While President Pastrana is going the extra mile for peace, the guerrillas have launched a recruitment drive—bent on tearing Colombia apart.

These guerrillas are criminals and terrorists who thrive on drug trafficking, kidnapping, and extortion. They are playing an ever-increasing role in the drug trade, which earns them a blank check from the narcotraffickers who realize that chaos is good for their dirty enterprise.

These 20,000 guerrillas move about the country virtually unchallenged while most of Colombia's army is pinned down protecting bridges, oil pipelines, and power stations from terrorist attacks. That leaves only 40,000 soldiers, with a mere 30 helicopters, to take on the guerrillas in a rugged,

mountainous country almost twice the size of Texas.

What can the United States do to help?

We can approve emergency anti-drug aid to Colombia and to her neighbors, thereby giving them a fighting chance to stem the tide of lawlessness and cocaine that threatens the entire Andean region.

U.S. support will bolster the Colombian army's counter-drug battalions, providing continued U.S. military training, better intelligence and communications, and increased mobility in the form of transport helicopters. We will also provide support to eradicate illegal crops and create alternative employment for displaced farmers.

Current U.S. law requires that any military units receiving U.S. aid must be "scrubbed" for human rights violations. That is as it should be. But we should not hold U.S. support hostage to unrealistic preconditions.

If America fails to act, Colombia will continue to hurdle toward chaos. If the war drags on—or if desperate Colombians lose their struggle or are forced to appease the narco-guerrillas—the United States and the rest of the hemisphere will pay a very dear price.

The longer we delay, the higher that price will be.

I urge Senators to support emergency anti-drug support for Colombia—and to do so without delay.

The PRESIDING OFFICER. The Senator from Minnesota. Without objection, the Senator's time will be charged under the previous order against his time on the amendment.

Mr. WELLSTONE. Mr. President, we are working on the final version of the amendment, but I will outline for colleagues what this amendment is about. I will send the amendment to the desk in a short while.

This amendment would essentially transfer \$225 million—as I said to the majority leader, this is by no means an amendment that says we don't supply assistance to Colombia—from the Colombian military for purposes of the push into southern Colombia to the domestic drug treatment programs.

Specifically, this amendment would transfer funds to the substance abuse prevention and treatment block grant program to provide—I will marshal evidence to colleagues—desperately needed funds for State and local community-based programs and for drug treatment programs within a variety of different facilities, such as correctional facilities and other facilities in the country.

By the way, part of the argument that I present today is that we deal with this drug problem for sure, but there is a considerable amount of evidence that we don't want to all of a sudden militarize this whole package, especially with the record of the military in Colombia.

Moreover, we want to deal with the demand side in our country. By the way, I am sure the vast majority of people in the United States of America agree.

This amendment leaves substantial assistance for the Colombian Government and civil society, including all sorts of alternative development programs such as judicial reform and human rights programs.

I want to make this clear, given some of the comments of the majority leader. It also leaves extensive funding for interdiction, investigating, and prosecuting drug trafficking and money laundering, and for the counter-narcotics effort of the Colombian national police, as well as for other counter-narcotics programs in other Latin American countries. It doesn't cut 1 cent from any of that.

I want colleagues to know what they are voting on. It simply removes and transfers to more effective domestic use the resources in this particular bill destined for the Colombian Army's push into southern Colombia.

Since 1989, virtually all U.S. assistance to Colombia has officially been intended to fight illicit drug production and trafficking. The majority leader comes to the floor and speaks as if we have not been making this effort. But what is sold as a war on drugs to the Congress and the American public is far more complex. This is where I dissent from the majority leader. This is much more complex than just a war dealing with drug production and trafficking.

Colombia today is embroiled in the hemisphere's largest and longest civil war with the military increasingly linked to paramilitary death squads.

The majority leader says this is just a matter of whether or not we are serious about the war on drugs. That is not what this amendment deals with. I am serious about the war on drugs. I am serious about interdiction. I am serious about getting the assistance to Colombia for that. But when the majority leader says: I am concerned about human rights, he then quickly brushes this aside.

We need to understand that there is a civil war in Colombia. There is a military link to paramilitary death squads with massive corruption and widespread human rights atrocities. The rebel insurgency has also expanded throughout large sections of the country, and innocent civilians have been killed by these rebels as well. Colombia now has the third largest internally displaced population in the world.

Before I go any further, since we are now by a 7-to-1 ratio going to change our assistance from police to military—that is what worries me with American advisers—let me talk about the military.

Let me, first of all, quote from the 1999 country reports on human rights

practices released by the U.S. Department of State, February 25, 2000.

Paramilitary groups and guerrillas attack at increasing levels unarmed civilians expected of loyalty to an opposing party in the country.

Government forces continue to commit numerous serious abuses, including extrajudicial killings, at a level that was roughly similar to that of 1998. Despite some prosecutions and convictions, the authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. At times, the security forces collaborated with paramilitary groups that committed abuses.

Paramilitary groups and guerrillas were responsible for the vast majority of political and extrajudicial killings during the year. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas with an orchestrated campaign of terrorizing them into fleeing their homes thereby depriving guerrillas of civilian support.

This report goes on. It basically says you have the military directly linked to these paramilitary groups which have committed widespread abuses of human rights and which have murdered innocent civilians.

I am all for interdiction. But I have to raise some questions about what we are doing all of a sudden in this package by dramatically changing the ratio of our support and giving much more to the military linked to these death squads. I don't think that is what our country is about.

Moreover, I don't believe the militarization of this package will work. I will get to that in a moment.

The majority leader says he is concerned about human rights. He said it in a word or two. But I would like to spend a little bit more time on this.

"Human Rights Watch World Report 2000," in Colombia.

Paramilitary groups working in some areas with the tolerance and open support of the armed forces continue to massacre civilians, commit selected killings and special terror.

Democratic Senators and Republican Senators, now we are going to give this military, given this record, a massive infusion of money for a campaign in southern Colombia with American advisers with them.

Let me quote again from the "Human Rights Watch World Report 2000." That is this year.

Paramilitary groups working in some areas with the tolerance and open support of the armed forces continue to massacre civilians, commit selected killings and special terror.

I argue that we should take this seriously.

Amnesty International, May 3, 2000:

Jesús Ramiro Zapata, human rights defender, was abducted and killed in Segovia, department of Antioquia. Several days earlier he reported that members of paramilitary groups had inquired into his whereabouts eight times in the latter part of April. On the 3rd of April, 500 paramilitaries

reportedly entered the municipalities of Segovia and Remedios, setting up camp in Otu. The large number of Colombian National Army 4th Brigade troops stationed in the area did nothing to confront the illegal paramilitary group.

That is a report from Amnesty International.

I could go on.

The armed forces, the military that we are now going to provide money to with American advisers watching and standing by idly as paramilitary groups violate human rights, abduct innocent people and murder them, and we are going to be providing all of this support for this military?

Colleagues, if there had been some evidence over the last couple of years that there has been a change, that would be a different story.

This is a letter from a number of different religious organizations in the United States of America.

Mr. President, I ask unanimous consent that all of these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGAL ACTION CENTER, NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS (NAADAC), NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE (NCADD), PARTNERSHIP FOR RECOVERY, STATE ASSOCIATIONS OF ADDICTION SERVICES (SAAS),

May 18, 2000.

SUPPORT THE WELLSTONE AMENDMENT TO THE FOREIGN OPERATIONS APPROPRIATIONS BILL

DEAR SENATORS: We are writing in support of Senator Wellstone's Amendment to the Foreign Operations appropriations bill to transfer \$225 million from the section of the bill funding military operations in Southern Colombia to drug and alcohol treatment and prevention programs funded by the Substance Abuse Prevention and Treatment (SAPT) block grant. We feel this amendment leaves intact critical assistance for democracy stabilization and drug interdiction efforts in Colombia, while also supporting the vastly underfunded drug and alcohol treatment and prevention programs here in the United States.

Public funding for treatment primarily serves low income and indigent people who are seeking treatment in order to reclaim their lives. When looking at drug and alcohol addiction, we find that in addition to being a disease itself, it is a critical risk factor for health problems such as the spread of HIV and other infectious diseases as well as social problems such as crime and domestic violence.

Additionally, treatment and prevention systems have faced increased pressure from entitlement reforms, specifically welfare and SSI program reforms that decrease system capacity while increasing the need for public treatment and prevention services. Successful criminal justice programs involving (and often mandating) treatment, including drug courts, have proliferated and are steadily increasing the demand for treatment.

We feel that a balanced approach to the drug control effort is necessary, yet prevention and treatment programs have not received adequate funding to keep up with de-

mand. The Wellstone amendment adds necessary prevention and treatment funds to domestic programs that will save lives and taxpayer dollars.

On behalf of the 18 million Americans who chronically use drugs or alcohol and the 8.3 million children whose parent(s) abuse drugs or alcohol, we ask that you support drug and alcohol prevention and treatment programs by supporting the Wellstone amendment.

We thank you for your consideration.

Sincerely,

TOM MCDANIELS,

Director of National Policy, Legal Action Center.

WILLIAM D. MCCOLL, Esq.,

Executive Director, National Association of Alcoholism and Drug Abuse Counselors (NAADAC).

SARAH KAYSON,

Public Policy Director, National Council on Alcoholism and Drug Dependence (NCADD).

CAROL MCDAID,

Partnership for Recovery.

ART SCHUT,

President, State Associations of Addiction Services (SAAS).

1999 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES COLOMBIA

Colombia is a constitutional, multiparty democracy, in which the Liberal and Conservative parties have long dominated politics. Citizens elected President Andres Pastrana of the Conservative Party and a bicameral legislature controlled by the Liberal Party in generally free, fair, and transparent elections in 1998, despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers. The civilian judiciary is largely independent of government influence, although the suborning or intimidation of judges, witnesses, and prosecutors by those indicated is common.

The Government continued to face a serious challenge to its control over the national territory, as longstanding and widespread internal armed conflict and rampant violence—both political and criminal—persisted. The principal participants were government security forces, paramilitary groups, guerrillas, and narcotics traffickers. In some areas government forces were engaged in combat with guerrillas or narcotics traffickers, while in others paramilitary groups fought guerrillas, and in still others guerrillas attacked demobilized members of rival guerrilla factions. Paramilitary groups and guerrillas attacked at increasing levels unarmed civilians suspected of loyalty to an opposing party in the conflict. The two major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), consist of an estimated 11,000 to 17,000 full-time combatants organized into more than 100 semi-autonomous groups. The FARC and the ELN, along with other smaller groups, exercised a significant degree of influence and initiated armed action in nearly 1,000 of the country's 1,085 municipalities during the year, compared with 700 municipalities in 1998. The major guerrilla organizations received a significant part of their revenues (in the hun-

dreds of millions of dollars) from fees levied on narcotics production and trafficking. Guerrillas and paramilitary groups supplanted absent state institutions in many sparsely populated areas of the national territory. In July 1998, then-President-elect Pastrana met with the FARC's leader, "Manuel Marulanda Velez," and agreed to a demilitarized zone ("despeje") in which the two sides could pursue direct peace talks. In November 1998, the despeje was initiated in 5 southern municipalities, with a total population of approximately 100,000 persons. Security forces completed their withdrawal from the area the following month. In January Marulanda failed to appear for the scheduled formal inauguration of peace talks in the despeje. President Pastrana and Marulanda met again in May and agreed on an agenda for formal negotiations and on procedures for the creation of an international verification commission to monitor both sides' compliance with the terms of the despeje. However, the FARC refused to proceed with the establishment of the commission. Formal Government-FARC peace negotiations began in earnest in October and were underway at year's end, following the Government's concession to the FARC that, at least initially, there be no international verification commission. The Government also held a series of informal discussions with the ELN during the year, but insisted on the ELN's release of the victims of specific mass kidnappings as a condition for undertaking formal negotiations and for demilitarizing a zone in which the ELN could hold its national convention. At year's end, the ELN had not complied with the Government's request and still held captive several dozen of the specified kidnap victims.

The civilian-led Ministry of Defense is responsible for internal security and oversees both the armed forces and the National Police, although civilian management of the armed forces is limited. The security forces include armed state law enforcement, investigative, and military authorities, including the National Police, army, air force, navy, marines, coast guard, the Administrative Department of Security (DAS), and the Prosecutor General's Technical Corps of Investigators (CTI). The army, air force, navy, marines, coast guard, and National Police fall under the direction of the Minister of Defense. The DAS, which has broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President, but is directed by a law enforcement professional. The police are charged formally with maintaining internal order and security, but in practice law enforcement responsibilities often were shared with the army, especially in rural areas. The security forces regularly failed to confront paramilitary groups, and members of the security forces sometimes illegally collaborated with paramilitary forces. The armed forces and the police committed numerous, serious violations of human rights throughout the year.

Despite years of drug- and politically related violence, the economy is diverse and developed. However, the economy has suffered a recession, and there was negative growth of 5 percent in 1999 for the first time in the country's modern history. The Government has privatized many public-sector entities and liberalized trade and financial activity since 1991, and it plans further privatizations. Crude oil, coal, coffee, and cut flowers are the principal legal exports. Narcotics traffickers continued to control

large tracts of land and other assets and exerted influence throughout society, the economy, and political life. The official unemployment rate peaked at 20 percent, a record high, although it had declined to 18.1 percent by year's end. Inflation at year's end was 9.2 percent. The Government passed an austere budget to address the fiscal gap, which was at 6 percent of gross domestic product (GDP), and has prepared reform proposals in areas such as pensions and regional finance. The balance of payments deficit was 4.5 percent of GDP. Income distribution is highly skewed; much of the population lives in poverty. Per capita GDP was approximately \$2,100.

The Government's human rights record remained poor; there was some improvement in several areas, and the Pastrana administration took measures to initiate structural reform, but serious problems remain. Government forces continued to commit numerous, serious abuses, including extrajudicial killings, at a level that was roughly similar to that of 1998. Despite some prosecutions and convictions, the authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. At times the security forces collaborated with paramilitary groups that committed abuses; in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police, as well as local civilian elites in many areas.

On August 12, President Pastrana signed into law a revised Military Penal Code, which includes provisions that unit commanders no longer may judge their subordinates; that an independent judge advocate general corps is to be created; and that troops are to be protected legally if they refuse to carry out illegal orders to commit human rights abuses. However, necessary implementing legislation had not been passed at year's end. Also on August 12, the Government made public the Government's national human rights plan, which includes a provision that permits the armed forces commander to remove from service summarily any military member whose performance in combating paramilitary forces he deemed "unsatisfactory or insufficient." The State demonstrated an increased willingness to remove from duty security force officers who failed to respect human rights, or ignored or were complicit in the abuses committed by paramilitary groups. The Government removed four army general officers from service during the year; the generals were under investigation for collaborating with or failing to combat paramilitary groups. A few other state security officers were removed from service or suspended during the year. The military judiciary demonstrated an increased willingness to turn cases involving security force officers accused of serious human rights violations over to the civilian judiciary, as required by a 1997 Constitutional Court ruling; however, concerns about impunity within the military judiciary remained.

Police, prison guards, and military forces continued to torture and mistreat detainees. Conditions in the overcrowded prisons are generally harsh; however, some inmates use bribes or intimidation to obtain more favorable treatment. Arbitrary arrest and detention, as well as prolonged pretrial detention,

are fundamental problems. The civilian judiciary is inefficient, severely overburdened by a large case backlog, and undermined by intimidation and the prevailing climate of impunity. This situation remains at the core of the country's human rights problems. The Superior Judicial Council (CSJ) reported in August that 63 percent of crimes go unreported, and that 40 percent of all reported crimes go unpunished. The use of "faceless" prosecutors, judges, and witnesses, under cover of anonymity for security reasons, continued until June 30, in cases involving kidnapping, extortion, narcotics trafficking, terrorism, and in several hundred high-profile cases involving human rights violations. Human rights groups accused these courts of violating fundamental rights of due process, including the right to a public trial. On June 30, a "specialized jurisdiction" replaced the anonymous regional court system. The specialized jurisdiction prosecuted and tried cases of extortion, narcotics trafficking, money laundering, terrorism, and serious human rights violations, including massacres, some homicides, torture, and kidnapping. It permitted the use of anonymous witnesses and prosecutor in exceptional cases that potentially placed their lives in danger.

The authorities sometimes infringed on citizens' privacy rights. Journalists practices self-censorship. There were some restrictions on freedom of movement. There were unconfirmed reports of security forces harassing or threatening human rights groups. Violence and extensive societal discrimination against women, abuse of children, and child prostitution are serious problems. Extensive societal discrimination against the indigenous and minorities continued. Child labor is a widespread problem. Trafficking in women and girls for the purpose of forced prostitution is a problem. "Social cleansing" killings of street children, prostitutes, homosexuals, and others deemed socially undesirable by paramilitary groups, guerrillas, and vigilante groups continued to be a serious problem.

Paramilitary groups and guerrillas were responsible for the vast majority of political and extrajudicial killings during the year. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerrillas of civilian support. Paramilitary forces were responsible for an increasing number of massacres and other politically motivated killings. They also fought guerrillas for control of some lucrative coca-growing regions and engaged directly in narcotics production and trafficking. The AUC paramilitary umbrella organization, whose membership totaled approximately 5,000 to 7,000 armed combatants, exercised increasing influence during the year, extending its presence through violence and intimidation into areas previously under guerrilla control. Although some paramilitary groups reflect rural residents' desire to organize solely for self-defense, others are vigilante organizations, and still others are actually the paid private armies of narcotics traffickers or large landowners. Popular support for these organizations grew during the year, as guerrilla violence increased in the face of a slowly evolving peace process. The army's record in dealing with paramilitary groups remained mixed. In some locations the army on rare occasions attacked and captured members of such groups; in others it tolerated or even collaborated with paramilitary groups.

The FARC and the ELN regularly attacked civilian populations, committed massacres and summary executions, and killed medical and religious personnel. Guerrillas were responsible for the majority of cases of forcible recruitment of indigenous people and of hundreds of children; they also were responsible for the majority of kidnappings. Guerrillas held more than 1,000 kidnaped civilians, with ransom payments serving as an important source of revenue. Other kidnap victims were killed. In some places, guerrillas collected "war taxes," forced members of the citizenry into their ranks, forced small farmers to sow illicit crops, and regulated travel, commerce, and other activities.

U.S. AID TO COLOMBIA,
March 8, 2000.

DEAR REPRESENTATIVE: We are writing as religious leaders in the United States to urge you to oppose the two-year \$1.3 billion military aid package for the "Push into Southern Colombia" proposed by President Clinton on January 11. This aid targeting the coca growing regions of southern Colombia will escalate the violence and undercut efforts for a negotiated peace settlement to Colombia's 40-year civil war. We urge you instead to support much-needed assistance for peace, human rights, justice reform, alternative development, and humanitarian assistance to Colombia's internally displaced.

Colombia is currently the third largest recipient of U.S. military assistance. Yet reports from the United Nations, the U.S. Department of State, independent human rights organizations, and Colombian judicial authorities point to continuing ties between the Colombian security forces and brutal paramilitary groups responsible for massacres, assassinations of community leaders and human rights defenders, and over 70% of Colombia's human rights abuses. A report released by Human Rights Watch this month links half of Colombia's 18 brigade-level army units to paramilitary activity.

Colombia's internal conflict has produced 1.6 million internally displaced persons, more than in Kosovo or East Timor, and an increasing number of refugees fleeing to Panama and Venezuela. It is our fear the proposed aid package will draw the U.S. deeper into Colombia's civil war, intensify the conflict, and make the U.S. complicit in violations of human rights. Even more disturbing, the proposed aid package includes plans for intensive aerial fumigation that will displace 10,000 more people from southern Colombia, forcing them off of their lands and deeper into the fragile rainforests, causing great human suffering and incalculable environment damage.

Aerial fumigation of coca cultivation in Colombia has failed to reduce coca production in Colombia or consumption in the United States. Between 1992 and 1998 the area under coca cultivation has increased from 40,000 to 100,000 hectares despite huge increases in U.S. assistance for weapons, training, and intelligence. This proposed aid package will only expand a failed war on drugs by increasing military force, while failing to address the complex political, economic, and social inequalities at the root of Colombia's internal conflict.

On October 24, 1999, more than 10 million Colombians marched for peace. Talks between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), the largest guerrilla force, have resumed. Progress is being made toward opening negotiations with the National Liberation Army (ELN), the second largest guerrilla group. We ask you to honestly assess

the possible negative effects on U.S. military aid on those peace efforts. It is our judgment that such aid will undermine them. We urge you to vote against increased U.S. military involvement in Colombia.

RAQUEL RODRIGUEZ,
*Program Associate,
Latin American and
Caribbean Office,
Global Ministries,
United Church of
Christ—Disciples of
Christ.*

DAVID A. VARGAS,
*Executive for Latin
America and the
Caribbean Global
Ministries, United
Church of Christ—
Disciples of Christ.*

THOM WHITE WOLF
FASSETT,
*General Secretary,
United Methodist
Church, General
Board of Church
amid Society.*

STEVEN BENNETT,
*Executive Director,
Witness for Peace.*

Mr. WELLSTONE. They are opposed to this aid package for the push into southern Colombia, again with the same concern about the basic violation of human rights and the close connection between the armed services and these paramilitary terrorist organizations.

Mr. President, I also have here a document which is from Human Rights Nongovernmental Organizations and the Peace Movement in Colombia.

I ask unanimous consent this be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

COLOMBIA ANSWERS PLAN COLOMBIA: A PLAN FOR PEACE OR A PLAN FOR WAR?

(A Declaration From Social and Human Rights Nongovernmental Organizations, and the Peace Movement in Colombia, Bogotá, May 31, 2000)

We would like express our support for those offers of international assistance that contribute to resolving the armed conflict through a process of political negotiation, and that strengthen and unite Colombian society and the economy. We support proposals that include viable and integral solutions to the problem of drug trafficking, the design of a new development model agreed to by the people, and the strengthening of a new kind of democratic institutionality.

However, Plan Colombia, presented by the Government of President Pastrana, has been developed with the same logic of political and social exclusion that has been one of the structural causes of the conflict Colombians have experienced since the time of our formation as a Republic.

In this same vein, because we feel it is a mistake, we are obligated to reject the fact that Plan Colombia includes, as one of its strategies, a military component that not only fails to resolve the narcotrafficking problem, but also endangers the efforts to build peace, increases illicit crop production, violates the Amazonian ecosystem, aggravates the humanitarian and human rights crisis, multiplies the problem of forced dis-

placement, and worsens the social crisis with fiscal adjustment policies. In its social component, the Plan is limited to attending to some of the tangential causes and effects of the conflict.

What we are proposing is the need for a concerted agreement between different actors in Colombian society and the international community, one where civil society is the principal interlocutor, where solutions to the varied conflicts are found, and where stable and sustainable peace is constructed. We are ready and willing to design strategies, to define forms of implementation and to monitor a plan that reflects these intentions.

Taking into consideration the arguments put forth above, we the undersigned are given no choice but to reject the U.S. assistance for Colombia that you are considering at this time.

Mr. WELLSTONE. I will quote one section:

In this same vein, because we feel it is a mistake—

They are talking about this package—

we are obliged to reject the fact that Plan Colombia includes as one of its strategies, a military component that not only fails to resolve the narcotrafficking problem—

I say to the majority leader and others, “that fails to resolve this problem,” but that is what we want to do, is resolve the problem—

but also endangers the efforts to build peace, increases illicit crop production, violates the Amazonian ecosystem, aggravates the humanitarian and human rights crisis, multiplies the problem of forced displacement, and worsens the social crisis with fiscal adjustment policies.

It is from a variety of about 70 nongovernment organizations, including religious organizations as well, in the country of Colombia. They are saying don't do this. Provide the assistance; we need it. Let's get it to the civic-building organizations, get it to the police, get it to some of the interdiction efforts, get it to some other economic development efforts. But don't put the money into the military for this campaign, given the military's record of torture, murder, and widespread violation of human rights.

In short, continuing to pursue our current Colombia counterinsurgency policy, cloaked under the veil of antinarcotics efforts—that is not what this is about. This is not about an antinarcotics effort. That is not what the vote is about. The vote is about whether or not you are going to put money into this military anti-insurgency effort. It risks drawing us into a terrible quagmire. History has repeatedly shown, especially in Latin America—just think of Nicaragua or El Salvador—that the practical effect of this strategy now under consideration is to militarize, to escalate the conflict, not to end it. That is, I think, the flaw in this package.

The call by the administration for a massive increase in counternarcotics assistance for Colombia this year puts

the United States at a crossroads. Do we back a major escalation in military aid to Colombia that may worsen a civil war that has already raged for decades or do we pursue a more effective policy of stabilizing Colombia by promoting sustainable development, strengthening civilian democratic institutions, and attacking the drug market by investing in prevention and treatment at home—the demand side of the equation, right here in our own country?

The decision to fund the Colombian Army's push into southern Colombia is an enormous policy shift. It represents a 7-to-1 shift in funding from the Colombian police to the army. General McCaffrey says the purpose of Plan Colombia is to help the Colombian Army recover the southern part of the country now under guerrilla control. But honestly, if the purpose of this military aid is to stop drug trafficking, should some of that aid not target the northern part of Colombia as well? Something strange is going on here. If we want to deal with the people who are involved in drug trafficking, then one would think we would also have a campaign in the northern part of Colombia. There you have the right-wing death squads involved. Colombia is currently the largest recipient of U.S. security assistance. It is exceeded only by Israel and Egypt. Foreign aid and other assistance to Colombia, since 1995, now totals \$739 million. Yet the administration's own estimate shows a 140-percent increase in Colombia coca cultivation over the past 5 years.

Colombia now produces 80 percent of the world's cocaine. Drugs today are cheaper and more available than ever before. If the drug war was evaluated like most other Federal programs, I suspect we would have tried different strategies a long time ago. More weapons and more soldiers have not and cannot defeat the source of illegal narcotics. While the Colombian Government and people merit our assistance, more money for guns is not the answer to Colombia's troubles or our own troubles with the serious use of drugs right here in our own country.

Being tough on drugs is important. But we also need to be smart about the tactics we employ. No one disagrees that Colombia faces a difficult challenge and we should respond to President Pastrana's call for help to combat illegal drug trafficking. I agree. President Pastrana has argued that U.S. support is necessary to “strengthen democratic institutions, stop the flow of drugs, and bring peace to the country.” I agree.

I would support the army's push into southern Colombia if I felt this proposal would make that happen. But, in fact, I think a military push would have the exact opposite effect by weakening democratic institutions and bringing more hardship to the Colombian people. There is not anything in

the world we can do, by way of monitoring this, to make sure that this military—which has been so clearly linked to these right-wing death squads and terrorist organizations—will change its practice.

Amnesty International, the State Department report, "Human Rights World Watch Report"—I could spend hours just reading from these reports on the atrocities committed by the military, or the atrocities committed by these death squads, these paramilitary organizations toward which the military basically has turned a blind eye. Now we are going to provide the money for this military, for a military campaign, with American advisers, in the southern part of Colombia? That is what is problematical about this.

At the same time, however, forces from within Colombia threaten democracy. Paramilitary groups operating with the acquiescence or open support of the military—the very military we are going to support—account for most of the political violence in Colombia today. I need to make that point.

Yes to interdiction, yes to going after drug trafficking—but understand that this is a country in civil war. This is a country with the largest internally displaced population, maybe in the world, certainly in the hemisphere. And this is a country where too many innocent civilians are murdered. This is a country where paramilitary groups, operating with the acquiescence or open support of the military, account for most of the political violence.

Yet Colombia's military leaders have not taken a firm stand or taken clear steps necessary to purge human rights abusers from their ranks. The evidence is clear. They have taken no steps to purge human rights abusers from their ranks. They have acquiesced to these human rights abuses. Sometimes they support these human rights abuses. And we are going to provide this money for this military with American advisers?

I support the addition to this bill that requires conditions on assistance based on human rights concerns. But just as the Committee on Appropriations noted in its committee report to this bill, I, too, "have grave reservations." I quote from the Committee on Appropriations:

... grave reservations regarding the Administration's ability to effectively manage the use of these resources to achieve the expected results of reducing production and supply of cocaine while protecting human rights.

Human rights organizations have detailed abundant and compelling evidence of continuing ties between the Colombian Army and paramilitary groups responsible for gross human rights violations. In its annual report for 1999, Human Rights Watch reports:

[I]n 1999 paramilitary [groups] were considered responsible for 78 percent of the total number of human rights and international humanitarian law violations [in Colombia.]

Human Rights Watch collected this evidence with the help of the Colombian Commission of Jurists, a highly respected human rights watchdog within Colombia. It has also collected evidence linking half of Colombia's 18 brigade-level army units to paramilitary activity.

In other words, military support for paramilitaries remains national in scope and includes areas where units receiving or scheduled to receive U.S. military aid operate. This is quite unbelievable. I hope all Senators will consider this seriously when they vote on this amendment.

I was also given a book detailing the human rights situation in Colombia by the Twin Cities Chapter of the Colombia Support Network. This organization is working to establish a sister-city relationship with the war-torn town of San Pablo in southern Colombia. San Pablo is directly in the path of the suggested push into southern Colombia. This is just one of hundreds, if not thousands, of heartbreaking stories:

A young woman, with a confused and almost hopeless air about her, answered my questions and spoke into my taperecorder. She had been forced to join a military patrol and walk for 13 days through the mountains, guiding the soldiers and carrying their knapsacks. Although she witnessed numerous cases of torture and the destruction and burning of humble campesino dwellings, it was the brutal murder of Jesus Pastrana which affected her the most. I myself had met this campesino leader on one of his visits to Bogota to attend meetings of ANUC (a national peasants organization with strong support during this period). According to the terrible details the young woman gave me, Chucho, as Jesus was affectionately called, died a slow and agonizing death on October 31, 1981. He was hung from a tree as psychopathic soldiers cut off his ears, his fingers, hands, then arms and testicles and finally shot him 21 times.

Other colleagues have come to the floor to speak, and I want to make sure they speak.

If this were an isolated example and if I did not have in hand the evidence from respected human rights organizations and the State Department reports of blatant violation of human rights now of these paramilitary organizations committing so many of these atrocities, most of the violence, with the military acquiescing and sometimes linked to it and supporting it, with no evidence the military is taking any steps to purge its ranks of human rights abusers, I might think better of this dramatic change in our package, 7 to 1 from military to police, for a campaign in southern Colombia with American advisers, putting us in the middle of the civil war aligned with this military.

I want to have aid for Colombia. I want President Pastrana to have our

support, but this effort will not be successful. Moreover, I think, we are, on very treacherous ground, moving into this area.

I will summarize so that other colleagues may speak.

We could put this money into the demand side. I am simply saying we take \$225 million, leaving \$700 million, or thereabouts, and we put it into the substance abuse prevention and treatment block grant program which basically is a block grant to our States. Whether or not we are talking about the White House Office of National Drug Control Policy or whether or not we are talking about the data that is collected in our States, we are talking about a situation where 50 percent of adults or more and 80 percent of adolescents or more who need treatment are receiving no treatment because we do not have the funds for the treatment programs.

Our police chiefs tell us drug abuse is the most serious problem in their community. They also identify a shortage of treatment programs as a real limitation on their ability to deal with it.

We know from study after study—and I will talk more about this when I have more time—that money put into treatment programs pays for itself over and over. I have dramatic statistics and data I will present, but the long and the short of it is, if we have this package and if there are questions to be raised about the militarization of this aid, putting the money into the military for the southern campaign, a military directly linked to human rights violations, with so many organizations in Colombia saying do not do this, it will lead to more violence; do not do this, America, you could be sucked into this conflict; at the same time, we could provide a significant package into building democratic institutions for economic aid, \$700 million, and we could take a tiny portion of it and deal with the demand side for drugs in our own country, which is also critically important, and get the funding to the community level that would help us provide some treatment for people, that is a win-win situation.

I hope this amendment will receive strong support from my colleagues.

AMENDMENT NO. 3518

(Purpose: To provide additional funding for the substance abuse and mental health services)

Mr. WELLSTONE. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. BOXER, proposes an amendment numbered 3518.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 143, line 9, insert before the period the following: “: *Provided further*, That, subject to the 2 preceding provisos, of the funds appropriated for military purposes under this heading for the ‘Push into Southern Colombia’, \$225,000,000 shall be made available to the Substance Abuse and Mental Health Services Administration for carrying out subpart II of part B of title XIX of the Public Health Services Act (42 U.S.C. 300x-21 et seq.): *Provided further*, That amounts made available under the preceding proviso are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act”.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 26 minutes and has 64 minutes remaining.

Mr. WELLSTONE. I thank the Chair. I sent this amendment on behalf of myself and Senator BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in reluctant opposition to this amendment that has been offered by my friend and colleague from Minnesota. I commend him for his commitment to drug use reduction. He and I serve on the Senate Health, Education, Labor, and Pensions Committee. We have worked on a number of bills having to do with this very topic, including the Safe and Drug Free Schools Program.

Ultimately, however, this amendment is, I am afraid, attempting to reallocate resources from one part of our antidrug strategy to another. The amendment raises important questions about the effectiveness of our entire strategy and opens, I believe, an important and necessary discussion about our drug control policy in this country.

The sad fact is that since almost the beginning of the last decade, our antidrug strategy has not worked. More children are abusing drugs, and with an abundant supply, drug traffickers are seeking to increase their sales by targeting children ages 10, 11, 12, and 13. This is certainly an assault on the future of our children, an assault on our families, and an assault on the future of our country. This is nothing less than a threat to our national values and, yes, a threat to our national security.

All of this, though, begs the question: What are we doing wrong? Clearly, there is not one simple answer. However, in 1998, a bipartisan group of Senators—myself; the Senator from Georgia, Mr. COVERDELL; the Senator from Florida, Mr. GRAHAM; the Senator from Iowa, Mr. GRASSLEY; and the Senator from California, Mrs. FEINSTEIN—

worked together to deal with this problem. We came to the conclusion that our overall drug strategy simply was no longer balanced. I want to talk about this because I am afraid what my colleague is doing is not helpful as we attempt to balance our antidrug strategy.

We have been working together since 1998 to restore that balance. The emergency assistance antidrug package for Colombia contained in this bill is part of that effort to restore this balance, but even with this, we still have a long way to go.

The fact is, to be effective, our national drug strategy must have a strong commitment in three different areas: No. 1 is demand reduction which consists of prevention, treatment, and education. The Federal Government in this area shares responsibility to reduce that demand, along with State and local governments, local community groups, nonprofit organizations, and families.

When you are dealing with education, when you are dealing with treatment, you are dealing with something that is a shared responsibility between the Federal Government and the local communities.

The second component is domestic law enforcement. Again, in this area, it is a shared responsibility among the Federal Government, the local communities, and the States. Again, the Federal Government has a shared responsibility to use law enforcement resources, along with the State and local governments, to detect and dismantle drug trafficking operations within our borders.

We witnessed a successful return on that investment last week on what was called Operation Tar Pit, when the Justice Department announced it had worked with State and local law enforcement agencies in 12 cities, including 2 in the State of Ohio, to dismantle a major Mexican heroin trafficking organization. They did a great job, in a coordinated effort.

The third component in any successful antidrug strategy is international eradication and international interdiction. This is the sole responsibility of the Federal Government. States can't help. Local communities can't help. We are the only ones who can do this. I am afraid my colleague's amendment strikes directly at our attempt to do this.

Like our national defense and immigration policies, only the Federal Government has the authority, only the Federal Government has the responsibility to keep drugs from ever crossing our borders. If we do not do it, no one else will. No one else can. The buck stops in this Chamber.

These three components are all interdependent. We need to have them all. A strong investment in each is necessary for them to work individually and to work collectively.

For example, a strong effort to destroy or seize drugs at the source or outside the United States both reduces the amount of drugs in the country and drives up the street price. As we all know, higher prices do in fact reduce consumption. This, in turn, helps our domestic law enforcement and demand-reduction efforts.

As any football fan knows, a winning team is one that plays well at all three phases of the sport: Offense, defense, and the special teams. The same is true with our antidrug strategy. All three components have to be supported if our strategy is to be a winning one.

While I think the current administration has shown a clear commitment to demand-reduction and domestic law enforcement programs, the same, sadly, cannot be said for our international eradication and interdiction components. This was not always the case.

I think these charts I have will show how our commitment has changed.

In 1987, a \$4.79 billion Federal drug control budget was divided as follows: 29 percent for demand-reduction programs, 38 percent for domestic law enforcement, and 33 percent—one-third—for international eradication and interdiction efforts. This is the way it should be. This is a balanced program. This is what we had in 1987.

Now we fast forward to 1995, and you will see that this balance goes out of whack. We no longer had that balance. We no longer had that balance today.

The balanced approach worked. It achieved real success. Limiting drug availability through interdiction drove up the street price of drugs, reduced drug purity levels, and as a result reduced overall drug use.

From 1988 to 1991, total drug use declined by 13 percent, cocaine use dropped by 35 percent, and overall drug use by American adolescents dropped by 25 percent—results. We began to see results.

This balanced approach, however, ended in 1993. By 1995, the \$13.3 billion national drug control budget was divided as follows: 35 percent for demand reduction, 53 percent for domestic law enforcement, but only 12 percent for international interdiction efforts. International interdiction efforts have gone down to 12 percent from 33 percent.

Though the overall antidrug budget increased almost threefold from 1987 to 1995, the percentage allocated for international eradication and interdiction efforts decreased dramatically. This disruption only recently has started to change.

We have put together, on the floor of the Senate and in the House of Representatives, a bipartisan group—a bipartisan group of Senators—who have said: We cannot have this imbalance. We must begin to restore the balance we had a few years ago in 1987. We have to do it.

Let me go forward, if I may, to this current budget year, the budget year 2000. In the budget year 2000, 34 percent has been allocated for demand reduction, 51 percent for domestic law enforcement, and 14.4 percent for international interdiction efforts.

We are slowly moving in the right direction. Even in this year's budget we have a long way to go, with only 14.4 percent for international interdiction efforts. We have more work to do, more work, such as the assistance package for the Colombians that we are debating on the floor today. But we are starting to see some modest progress.

But what really matters is what these numbers get you, what they buy us as a country, what they buy in terms of resources. The hard truth is that our drug interdiction presence—the ships, the air, and the manpower dedicated to keeping drugs from reaching our country—has eroded dramatically over the course of the last decade. We are just now starting to restore those valuable resources.

In fact, with the modest improvements we have made in our international drug fighting capability, we have seen progress. In 1999, for example, the U.S. Coast Guard seized 57 tons of cocaine with a street value of \$4 billion. By the way, that is more than the total operational costs of the Coast Guard. These operations demonstrate we can make a big difference, a very big difference, if we provide the right levels of material and the right levels of manpower to fight drug trafficking. It worked before. It can work again.

The emergency assistance package we are talking about today, along with investments included in the Senate-passed military construction appropriations bill, is designed to build on that success. The amendment of the Senator from Minnesota, while it is very well intentioned, simply, effectively robs Peter to pay Paul just as Paul is getting back on his feet again. Just look at the example I mentioned earlier.

Through my visits to the Caribbean, Colombia, and Peru in the last several years, I have seen firsthand the dramatic decline in our eradication and interdiction capability. The results of this decline have been a decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use in the United States.

We have to turn this around. This is why we need emergency assistance to Colombia. We need to dedicate more resources for international efforts to help reverse this trend. We have to restore the balance.

I want to make it very clear, as I have time and time again, that I strongly support our continued commitment to demand reduction and to law enforcement programs in the United States. No one is a stronger supporter of these. It has to be a bal-

anced program where we have money for treatment, where we have money for education, where we have money for domestic interdiction and law enforcement.

My concern is not that this amendment is not well intentioned, not that we should not be putting more resources in this area. My concern is what this does to the other side of the component, and that is international drug interdiction.

Let me make it clear. We do need this balanced program. I believe that reducing demand is the only real way to permanently end illegal drug use. However, this is not going to happen overnight. That is why we need a comprehensive counterdrug strategy that addresses all components of this problem.

Let me say again, if the United States does not make an effort to stop drugs before they reach our borders, no one else will. It is the Federal Government's responsibility. I remind my colleagues that our antidrug efforts here at home are done in cooperation with a vast number of public and private interests. Only the Federal Government has the ability and the responsibility to help deal with the problem at the source level overseas. Only the Federal Government has the ability to stop drugs in the transit routes. This is our responsibility; the buck stops with us.

It is not only an issue of responsibility. It also is an issue of leadership. The United States has to demonstrate leadership on an international level, especially in our own hemisphere, if we expect to get the full cooperation of source countries where the drugs originate, countries such as Colombia, Peru, Bolivia, as well as countries in the transit zones, including Mexico and Haiti.

In conclusion, ultimately what we are striving for is a balanced, effective antidrug strategy. I agree with the Senator from Minnesota; we can and should do more to reduce demand but not at the expense of our sole responsibility to stop drugs abroad. That would not result in the balanced approach we are looking for today. That is what we need to aim for, balance and effectiveness. It worked before; I believe it can work again.

If my colleague from Kentucky will indulge me, I will respond to a couple comments that have been made by my colleague from Minnesota. This bill is full of human rights, if I may say it that way. It is full of attempts by the U.S. Government to condition the money we send to Colombia and the money that will be spent in the antidrug effort. We have doubled the money for human rights monitoring. We have established conditions before the money can be released, including the fact that human rights violations must be prosecuted in civilian courts pursuant to Colombia law; troops will be vetted for abuse.

Ultimately, the question my colleague from Minnesota is raising is a fundamental question: Will we back away from our responsibilities in this hemisphere—our responsibility to a fellow democracy, our responsibility to our own citizens to protect us from drugs coming from Colombia into the United States? Will we back away from that, wash our hands of it and say we don't want to get involved in this, or will we become involved only in the sense that we condition the money that we send to Colombia on very tough conditions, great respect for human rights, and see what we can do in that arena?

I think we are better off staying. We can have more impact; we can have more influence; and it is the right thing to do. It is in our national interest. With this bill, my colleague from Kentucky brings to the floor a balanced approach, a logical approach, an approach that is very concerned about human rights, a bill that is concerned about our obligations to ourselves and our obligations in this hemisphere.

I thank the Chair and yield the floor. The PRESIDING OFFICER (Mr. BURNS). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Ohio for his important contribution to this debate. He is a real expert on the drug war. He has demonstrated that expertise over the 5 years he has been here. I thank him for his important contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 27½ minutes remaining.

AMENDMENT NOS. 3476, 3164, AND 3514, RECALLED

Mr. McCONNELL. Mr. President, in the package of amendments submitted earlier today, three amendments currently filed at the desk were included. I ask unanimous consent that amendment Nos. 3476, 3164, and 3514 be recalled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. The distinguished Senator from Illinois is here and wishes to speak, as well as the distinguished Senator from Delaware. I have 27 minutes remaining. How much does my friend from Illinois desire; 10 minutes? I yield to the Senator from Illinois 10 minutes.

Mr. WELLSTONE. Mr. President, since there are a lot of Senators here on the other side, I will take 2 minutes to respond to the Senator from Ohio.

Mr. McCONNELL. As long as it is on the time of the Senator from Minnesota.

Mr. WELLSTONE. I would be pleased for it to be on my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to the Senator from Ohio, this effort to deal with

the demand side and to get some substance abuse prevention and treatment moneys to our States and our communities, I have no doubt the Senator from Ohio is very committed to that. I look forward to working with him on this because, frankly, I think it is a scandal. We have so much evidence—Bill Moyers, the impressive journalist, has done such fine work on this—that we can treat this addiction, that we can make a huge difference. Senator MOYNIHAN has spoken with such eloquence about the whole history of our efforts to constantly try to militarize and go for interdiction and not deal with the demand side. It is a completely one-sided proposition. I look forward to enlisting the support of my colleague from Ohio on this question. I know he will be there.

I will wait to respond to other Senators. I know Senator DURBIN is going to speak and Senator BIDEN. As I listen to my colleagues, what I am hearing—and I think we should be explicit about this—is that this is not just a question of a kind of war on narcotics. Otherwise, we would be doing more on the demand side. This is a question of basically saying that we can't just focus on the police. We can't just provide help to the government for police action and building democratic institutions and economic development and every other kind of assistance possible. We have to directly provide the money for the military to basically conduct their anti-insurgency campaign in the southern part of Colombia with American advisers and support. I believe that means we are taking sides. If we are taking sides and we are now in the middle of this war, so be it. That is what I am hearing on the floor. I wanted to comment on that.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Kentucky for yielding.

Sunday afternoon, 3 days ago, I was in southern Colombia in a Blackhawk helicopter. We spent an hour going over the treetops of a jungle and looking down. A general from the Colombian army was pointing out to me the fields of coca plants, the plant that ultimately produces cocaine. After a few minutes, I told him he could stop because we could literally see them in every direction. I am talking about 600 square miles of coca plants growing a product which has one use: to create an addictive narcotic. Where will it be sold? Right here, most of it in the United States.

I think we all know the devastation it wreaks on this country. The likelihood that one will be robbed or murdered is usually connected to narcotics. The safety of American homes, neighborhoods, and communities is usually connected to narcotics. The prisons of America are bursting at the seams pri-

marily because of narcotics. Eighty percent of the cocaine consumed in the United States comes from one country: Colombia. That is a reality; that is a fact.

The Senator from Minnesota is one of my favorite colleagues. I say this in all sincerity. Thank God PAUL WELLSTONE is in the Senate. He stands for principle on so many issues and reminds all of us of the issues of conscience which should be part of every debate.

I am honored so many times to stand as his ally. This is one of the rare occasions when I am on the opposite side and will oppose his amendment. As some would like to construct it, this amendment is a Faustian choice, an impossible dilemma. Should we allow drugs into the United States? Certainly not. Should we support a Colombian military that has a record of human rights abuse? Well, certainly not. But we have to make a choice here.

The Clinton administration has come forward, working with the President of Colombia, and said we think we can find a way to reform the military and we can also reduce the narcotics coming into the United States.

I might add that I salute Senator MCCONNELL and Senator LEAHY for this fine bill they have brought to us. They went further than the administration. Please read the section on Plan Colombia, and you will see page after page of efforts by Democrats and Republicans here to address the very real human rights concerns raised by Senator WELLSTONE of Minnesota.

Time and again, they come forward and say we are going to do more and make certain, as best we can, that before money comes from our Treasury down to Colombia to eradicate narcotics, the people receiving the money are not going to collaborate with the narcotraffickers who are guilty of things that have been proven in the past.

I salute the committee. For friends of mine in the human rights community in the United States, I hope they will read what has been done here by Senators LEAHY and MCCONNELL. It is very positive.

Imagine, for 40 years Colombia has been involved in what has been called a civil war or an internal conflict. What does that mean? Forty years ago, groups on the left who were inspired either by Moscow, or Beijing, or whatever, came to the front and said, we are going to push for reform in this country so that the poor people of Colombia have a better chance. That sort of revolution was taking place all over Central and South America.

But things changed over 40 years. What started off as a leftist-inspired, popular uprising to improve life for the poor people in Colombia quickly became subsumed and taken over by the narcotics trade. The World Bank estimates that there is a billion dollars in

money coming into Colombia to sustain the narcotics trade. That money is going to the leftist guerrillas and the right-wing group, the terrorist paramilitaries. They all use the same tactics. They don't go into villages and beg for soldiers; they stick a gun to their heads and say, "You are now part of our paramilitary group." They enslave them. If they don't cooperate, they kill them. And they are involved in kidnapping.

The President of that country has been kidnapped. His father-in-law was kidnapped and murdered. When we met Saturday morning, the Defense Minister said his brother was kidnapped. Everybody there told stories about kidnapped people. If you think this is a typical civil war where the left is moving for poor people and the government is against it, it doesn't fit the description. When we sat down with the human rights groups, they said the guerrillas on the left and the paramilitaries on the right are just as guilty of human rights abuses in this country as any other group. No question about it.

There are very few good guys in this story. But from the U.S. point of view, I think the President is right, and I think this bill is right to say we cannot stand idly by and let these drugs flood into the United States with all of the negative consequences.

I totally support Senator WELLSTONE's premise that if we just stop the supply of drugs coming into the United States, that is not enough; we have to deal with the demand side of it. America is a great consumer of narcotics. That is why those plants are being grown thousands of miles away. When Senators WELLSTONE and DEWINE come to the floor and say put more money into drug prevention and rehab in the United States, they are right. But it is not an either/or situation; we need both.

This bill addresses reducing and eliminating the supply of narcotics coming into the United States. Senator WELLSTONE believes the military in Colombia has a record of human rights abuses, and he is right. The State Department stands behind that. This bill addresses that and says, we will bird-dog you every step of the way, demand reforms in the Colombian society, and we will demand that you not be engaged in human rights abuses to be part of this partnership to reduce narcotics in Colombia.

I might also add, to suggest we will give money to the police and not to the army really doesn't tell the whole story. They are together in Colombia. The national police and the army are together. When I sat down with the Minister of Defense, I sat across the table from General Gilibert, who is head of the police, and General Tapias, head of the army. They work together. We want to use helicopters to secure

areas where we can send down planes to spray with Roundup these coca plants and kill them, so that coca is not turned into paste and white powder and sold on the streets of Washington, DC, and Chicago, IL, addicting people and sending them to prison after committing crimes. That is a good thing to do. I support the administration in their efforts to achieve that.

It is true that Senator WELLSTONE says we may be taking sides. I hope we are taking sides against narcotics and saying to the leftist guerrillas and right-wing paramilitaries: We have no use for either one of you.

As said to me by the President of Colombia, "They are both our enemies. We have to deal with both of them." We should view it that way. As I met with the Army and Marine Corps personnel from the United States advising these troops in Tres Esquinas, a remote location in the Putumayo Province, it is clear that these men in the Colombian Army were prepared to put their lives on the line to stop the narcotrafficking that ultimately will corrupt and kill so many Americans. I think we have to stand behind them. We have no other choice. To step back and say we will do nothing now is unacceptable.

This bill makes it clear that we have not forgotten the poorest people in Colombia. I commend again the subcommittee for saying that additional assistance is given to the Agency for International Development, so that once that coca planter in Colombia has his crop sprayed, we can give him an alternative, find some other agriculture in which he can be involved. That is the humanitarian and sensible way to approach this. This bill does that; it tries to make sure some alternative, legal agriculture is available to the people there.

Is it worth a billion dollars to America to send this money to Colombia? I will use my State as an illustration. In 1987, we had 500 people in Illinois prisons for the possession of a thimbleful of cocaine. Today, we have 9,000 prisoners in Illinois for the possession of a thimbleful of cocaine. It costs us about \$30,000 per prisoner a year. The taxpayers of Illinois are spending \$270 million a year and the story can be repeated in every other State. That is \$270 million a year in Illinois because of what is growing in Putumayo Province in Colombia.

I think we have to have a coordinated effort of interdiction and stop it at its source, to do everything in our power not to let these drugs come into the country. Then we can deal with the demand side of it and see that drug rehab is available—a sensible and a balanced approach.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Does the Senator from Minnesota want to respond?

Mr. WELLSTONE. That is right, yes. I will just be a few minutes.

Mr. MCCONNELL. All right.

Mr. WELLSTONE. I thank my colleague for his courtesy. I know Senator BIDEN wants to speak.

I ask unanimous consent that Senator BOXER be allowed to speak after Senator BIDEN.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, since we are setting a lineup here, I ask unanimous consent that Senator COVERDELL from Georgia come after Senator BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleague from Illinois for his very gracious remarks. A lot of times there is unnecessary flattery on the floor that may not seem sincere. I appreciate what he said. At the personal level, I thank him.

I was thinking about what my colleague from Illinois said. I want to raise a couple of quick questions as long as we are having this debate.

First of all, in terms of the explosion of the number of men and women incarcerated, I couldn't agree more.

This legislation, which is all about how to deal with the drug problem and is being billed as legislation that deals with trafficking of narcotics and trying to protect people in our own country, is very one sided. I am trying to take a portion of it and say let's deal with the demand side in our country.

Soon in this debate I will lay out all of the studies that have come out. It is a real scandal.

In the State of Illinois and my State of Minnesota, the big part of the problem is that people are not getting treatment. I am simply saying: Can't we take a portion of this legislation, which is all about trying to protect our citizens and trying to deal with this drug trafficking, and deal with the demand side? There is no real disagreement. I think most people in our country would say: Why don't we put money in the demand side and treating people right here?

My second point is that President Pastrana has made his own judgment about what he needs to do. I have tremendous respect for the President, but I think we also need to make our own judgment. In all due respect, again if we are talking about moving from police to military in a pretty dramatic way, and talking about putting ourselves right in the middle of this conflict, let's understand that we should be having a policy debate about our taking sides in this civil war.

I couldn't agree more about the left or the right. You have an unbelievable number of atrocities and murder being committed by both sides. There is no question about it. The question is

whether or not we have now decided we are going to be there with aid and our people supporting the military in this counterinsurgency effort. Are we going to take sides in this military conflict?

I hear my colleague from Delaware say yes. I always respect his directness. But I think that is really what the debate is about. I think probably all of us need to understand, since some who have come to the floor have said they are against this amendment, if they are for the war against drugs, this is not a debate about only a war on drugs, obviously from what colleagues have said. We have been down this road before. Now we are going to say we have decided that we have to support the southern Colombia military, and we are going to put the money into this military effort. If we are going to have Americans there supporting it, we are taking sides. OK. As long as that is clear.

Third, my colleague from Illinois said that the police and the military are in this together, and that they work together. I do not know. Again, I didn't have a chance to visit Colombia. But I do know, at least from sort of the one time I was in Latin America and in my own study, that I always saw in these countries a great difference between the police and the military. You see the police. They are low-level guys who do their job. The military are the "Rambos." There is a difference in the groups. They are an entirely different group of people and entirely different people.

In all due respect, the evidence we have right now by one human rights organization after another after another after another, much less the State Department report, is that about 70 percent of the violence has been committed thus far by paramilitary groups to which the military quite often is linked. We haven't been able to vet that. All of a sudden, we are going to be able to vet it, monitor it. We are going to be able to control it. I think that is a dubious proposition.

I think by militarizing this aid package we make a big mistake. I think we could support this amendment which permits extensive assistance to Colombia while safeguarding U.S. interests and avoid entanglement in a decades-old civil conflict and partnership with an army that is implicated in human rights abuses. Moreover, I think we could take some of the resources and put them where they could do the most good, which would be providing drug treatment programs at home.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, is the Senator from Kentucky able to yield time to me?

Mr. MCCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has used 28 minutes, and he has 17 minutes remaining.

Mr. McCONNELL. How much time does the Senator from Delaware need?

Mr. BIDEN. I understand the Senator's dilemma.

Mr. McCONNELL. Mr. President, I ask unanimous consent for an additional 10 minutes on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I yield to the Senator from Delaware 12 minutes.

Mr. BIDEN. I thank the Senator. I thank the Senator from Minnesota, knowing he was about to give me time, which is his nature. I appreciate that.

Mr. President, my mom had an expression. Occasionally, when I was a kid, I think she had a good idea and was well intentioned. She would say, "JOEY, the road to Hell is paved with good intentions."

I have no doubt about the intentions of my friend from Minnesota. I know he knows that as the author of the drug czar legislation for the past, I guess it is about 14 years, I have issued every year a drug report or an alternate drug report laying out a drug strategy for the United States, usually as a counterbalance on the Republican administration and criticism or one of agreement with the administration.

This debate reminds me a little bit of the position in which Democrats have always been put. The Democrats get put in a position where we are told there is a dollar left and it can be distributed among the hearing impaired, the sight impaired, and those children needing emergency medical care. So we have to choose. We have the blind fighting the disabled fighting the hearing impaired. Instead of saying we can choose between building a highway and taking care of all the needs of those in desperate need, or we cannot build a submarine, or an air base, whatever, we are debating about whether or not we can walk and chew gum at the same time.

There is no disagreement. I have, as well as my colleagues, pushed—pushed in the early days when I was chairman of the Judiciary Committee—for major increases in treatment. I have issued a total of seven major reports on treatment, its value, its efficacy, and why we should be doing more.

I take a backseat to no one in arguing that we do not give enough treatment here in this drug war.

I point out that the President's budget, unrelated to the Colombian aid package, has \$6 billion in it for drug treatment and drug prevention. That total includes \$300 million in funding increases in this area. We don't have to take away from the money that, in fact, would have a significant impact on the reduction of product here. That is the bad news.

The good news is that, as we have debated the Andean drug policy for the

past 12 years, we used to have to deal with the idea that Colombia was a transiting country as well as a country that turned raw product into the materials sold, and the laboratory work and product used to be produced in Bolivia and Peru.

The good news is, because of eradication programs, because of U.N. leadership, I might add in this area, essentially there has been an elimination of the crop in those two countries.

The bad news is that it has all moved into Colombia. They now are a full-service operation. The product is there, the narcotraffickers are there, the laboratory laboratories are there, and the transiting is there. That is the bad news.

The good news is it is all in one spot for us to be able to hit it. It is all in one spot for us to have a very efficacious use of this money.

I spent days in Colombia. I spent 2 days, 24 hours a day, with the President of Colombia. I ended up actually going with him on his Easter vacation by accident to his summer residence. This is a guy, as my friend from Illinois points out, that is the real deal.

For the first time, we have a President who understands that his democracy is at stake. He is willing to risk his life—not figuratively, literally. I went to dinner with he and his children. He has seven bodyguards around his children because of the death threats. This is a guy who is risking his life. He is willing to do it because he understands what is at stake for his country, unlike previous Presidents.

The next point is, we are making this distinction between police and military. With all due respect to my friend from Minnesota, historically the thugs in South America have been the police. Police are not like police here. There is a national police; we have no national police. The Federales in Mexico were police, not army. Often the police in South America are the biggest abusers of human rights.

What did we do? We gave the Colombian National Police aid, \$750 million in aid. What did we say? Purge this police department, purge the national police, and they did. And guess what. If I stood on this floor 5 years ago and said the Colombian police are going to crack the Medellin and Cali Cartel, no one would have said that is possible. No one.

Guess what. They cracked the Medellin Cartel. They cracked the Cali Cartel. They put them in jail. They are extraditing the police. Why? Because we trained their police; they purged 4,000 of them.

Where are we on military? I met here with every major human rights group from Colombia, including the bishops who came up. When we push them to the wall and say to them: By the way, you want us out?

No, no, no, no, no, no, don't do that. Don't do that. You have to stay in. You

have to be involved. We don't like the balance the way you have it here.

I say: Fine. No problem.

Tell me, bishop, you want us in or you want us out?

Stay. Stay.

Now, civil war. There is no civil war. We are so caught up in the old logic of how we deal with things. There is no civil war. Less than 5 percent of the people of Colombia support the guerrillas. Every other guerrilla movement, every other civil war, you go into the village to recruit people. They go in, as my friend Illinois said, to shoot people. There is no popular sentiment at all. This is not a civil war.

With regard to the paramilitaries, I called President Pastrana a few weeks ago. I said, a lot of the criticism of the plan is you have to be sure that you are only focusing on the FARC and the ELN and only focusing on the guerrillas. What about the paramilitaries? I said, I want a letter guaranteeing that you will, in fact, move on the paramilitary simultaneously. You must change.

He changed it. Here is the letter. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SANTAFÉ DE BOGOTÁ, May 8, 2000.

Senator JOSEPH R. BIDEN, Jr.,
Ranking Minority Member, Committee on Foreign Relations, U.S. Senate.

DEAR JOE: Thank you again for your visit to Colombia and your support of my country. I greatly enjoyed our discussions and valued your insights.

I would like to take this opportunity to reiterate, as I did personally during your visit here, the commitment of my government to attack drug trafficking and cultivation in all parts of the country and not only in the south, no matter what individual or organization may be promoting them.

This policy has been in effect since the beginning of my administration, generating very important results. In 1999, 51,415 hectares of coca and poppy were sprayed, 31 tons of coca and 691 kilos of heroin were seized, and 166 labs and 44 airfields were destroyed. Just this past weekend, in an extraordinarily successful operation in Norte de Santander on the border with Venezuela, we were able to destroy 44 laboratories and capture 20 persons, in an area linked to illegal auto-defense organizations, but where guerrilla groups and organized drug traffickers also operate.

Plan Colombia is an integral plan for peace designed, among other goals, to eradicate drug cultivation and to address the social problems created by the violence associated with drug trafficking in all the producing regions with an emphasis on the areas where there is the greatest cultivation and/or a marked increase in cultivation in the recent past—areas close to the Ecuadorian border in the south and to the Venezuelan border in the north. Our priorities and the sequence of eradication will depend on the resources available to us, but you are correct in stating the principle that we want to demonstrate that no trafficking organization is immune.

Indeed, as you may know the initial effort of the plan marks combined police, military,

civilian operations in the Department of Putumayo in the south where not only FARC but also auto-defense organizations are present. In that regard, the coordinated effort at drug eradication alternative development, support for the internally displaced, human rights protection, democratic governance, judicial reform and promotion of the rule of law will work to diminish drug-trafficking and violence in this fragile amazon region. We enjoyed your visit and hope to have you again as our guest. Your interest and that of your government in my nation's future strengthens our commitment and gives us crucial international support.

Sincerely,

ANDRÉS PASTRANA ARANGO,
President of Colombia.

Mr. BIDEN. When I said, do we take sides? The answer is, yes, we take sides. We are not putting anybody in the field. What are we doing? We are training three battalions. Why are we training them? For the same reason we train the police. We want to open up the eyes of the Colombian military, who in recent years have been accused of fewer human rights abuses. They have been accused of turning their heads. They hear the paramilitary coming, they lift the gate, the paramilitary comes through, the paramilitary terminates people, and they go back out.

Then they ask, what happened?

That is what they are doing.

Plan Colombia does not only involve U.S. participation. This is a \$7.5 billion plan. The Colombians are coming up with \$4 billion; the Europeans, about \$1 billion and the international financial institutions about \$1 billion. If we take out our piece, it all falls apart. We are not the only game in town. But we are the catalyst. What will happen? The whole world is going to be looking to the Colombian military, from Japan to Bonn, because they are all in the deal. They are all in the deal. If you want to clean up anybody, anything, any institution, listen to the dictates of a former Supreme Court Justice: The best disinfectant is the clear light of day.

There will be a worldwide spotlight shined upon this military. I have never personally testified on the floor that I have faith in an individual leader, but I have faith in President Pastrana. He is the real deal. What is at stake is whether or not Colombia becomes a narcostate or not. This is not in between. Keep in mind, folks, when the Supreme Courts of Colombia several years ago extradited some, they blew the Court up; they blew the building up and killed seven Justices. When a Presidential candidate took them on, they shot him dead.

This is the real stuff. It is not like a Member of this body. The worst thing that happens to us is we get a drive-by shooting politically and we lose office. There, you jump in the sucker and you lose your life. This is for real. These are courageous people who finally have said: We will take them on.

I am convinced—knowing the chairman, and my friend from Kentucky is a hard-nosed guy—he made a judgment whether these guys are real. He is not about to give \$1 billion to anybody.

My colleagues, it is very basic. There is a lot at stake. We have a significant increase in funding for treatment and prevention. It should be more. But we have an obligation, in the interests of our children and the interests of the hemisphere, to keep the oldest democracy in place, to give them a fighting chance to keep from becoming a narcostate. Folks, if they lose, mark my words, we are going to reap the whirlwind in this hemisphere on matters that go far beyond drugs. It will include terrorism, it will include whole cadres of issues we have not thought about.

I thank the chairman for his time. I truly appreciate the motivation of my friend from Minnesota. At the appropriate time, unless the chairman of the committee does not want me to, I move to table. I am not trying to cut off discussion.

Mr. MCCONNELL. I thank the Senator from Delaware for an important contribution and assure him at the appropriate time it would be appropriate for him to make a motion to table.

How much time remains?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Minnesota for this amendment and for this time.

Mr. WELLSTONE. I yield 15 minutes to the Senator from California.

Mrs. BOXER. Mr. President, listening to the Senator from Delaware, one would think the Wellstone amendment is taking away all the funding from Colombia. Nothing could be further from the truth.

The Senator from Minnesota is leaving in place the funding for Colombia; that makes good sense. Here is what is left in this bill after the Senator's amendment: Funding for interdiction; funding for the Colombia police; funds for alternative development and internally displaced people; funds for human rights; funds for regional assistance; funds to rehabilitate soldiers under the age of 18 who have been involved in armed conflict.

The only thing the Senator from Minnesota is doing in his amendment is making sure this country doesn't get involved in a conflict that could hurt our people eventually. The Senator from Minnesota is saying we are going to help President Pastrana, we will help this country, we will help this region, but we are not going to get involved with the military.

I thank the Senator from the bottom of my heart for this amendment. I don't care if the Senator gets 2 votes or 22 votes; he is doing the right thing.

I clearly understand the threat that illegal drugs pose to our country, to

my State of California, and I clearly understand that Colombia is a major supplier of the cocaine and heroin that reach our shores. But let me tell my friends in the Senate, we need a balanced approach to this horrible problem of drug abuse. You could have a big supply, but if no one wanted to buy it, it would not hurt anyone. The fact is, the people in this country want to buy it. And there is not 1 cent in this bill, out of \$1 billion—not 1 cent to help us with education, treatment on demand, prevention. This is a lost opportunity. What my friend from Minnesota is saying is, if we in this Chamber are sincere about fighting drugs, and a war on drugs, then we do not put \$1 billion into a foreign country and ignore what is happening here at home.

Let me tell you what happens in California and all over this country when someone is arrested for a violent crime. Mr. President, 50 percent to 75 percent of those perpetrators of this violence are high on drugs. I cannot tell you how many times when I have been in my State—maybe it is because my State is a large State—that I have someone come up to me, a parent, saying: I have a son or a daughter who wants to get off drugs; there is no room in a treatment center; we don't have money; we have to spend a lot of money; what are we going to do?

I look at that person and all I can say is: Send me a letter and let me see if we can help you find some treatment program that might have a slot.

Does it make sense to spend \$1 billion, as this bill does, and ignore the emergency here at home? We are so quick to find the money to send somewhere else, but what about our people who are ready, perhaps, to take that step to get off drugs? Telling them they have to wait 6 months to get into a program is consigning them to more months of addiction. What happens if we can stop this whole thing before it starts, with education, with prevention? I do not quite understand the enthusiasm for a bill that does not spend a penny here at home.

My friend from Delaware is as eloquent as anyone on this floor. He says, "Yes, we are spending more." Yes, we are spending more in our regular appropriation, but if we are facing such a horrible emergency that we have to go in, with \$1 billion, I have to say to my friend, why can't we see this emergency here at home, when people cannot get treatment on demand? You don't have a sale if you don't have a willing buyer. Unfortunately, the addicts are here, in this country.

Mr. BIDEN. Will the Senator yield for a question?

Mrs. BOXER. Yes, I am happy to.

Mr. BIDEN. Why doesn't the Senator have an amendment to take \$1 billion out of the highway trust fund or \$1 billion out of the education budget or \$1 billion out of NIH or \$1 billion out of the Department of Energy?

Mrs. BOXER. I will be glad to answer it. Because this is \$1 billion to deal with the drug problem specifically. That is the point of it. The Senator made that point. The Senator from Illinois made that point. This is money that we are spending because we are stunned at the drug trafficking that is going on—and we should be. All the Senator from Minnesota is saying in his amendment, which I am proud to support, is we will leave 75 percent of that money intact to do the things we want to do to help the good President of Colombia. But all we are saying is before we get our advisers caught in a situation over there—you know, you may be right. Maybe nothing will ever go wrong with it. But all we are saying is, how about fighting a drug war here at home for a change instead of always spending the money outside of this country?

Mr. BIDEN. Will my distinguished colleague yield for another question, just 10 seconds?

Mrs. BOXER. Yes, I am happy to yield.

Mr. BIDEN. The Senator is aware the President's budget calls for spending \$6 billion in drug treatment and prevention, including \$31 million for substance abuse block grants; that is \$54 million on targeted capacity expansion programs, \$37 million for research and treatment, \$5 million—the list goes on. The Senator is aware of that?

Mrs. BOXER. If I may take back my time, and I will not be able to further yield because I have such a restriction, I stated that. I gave my friend absolute assurance I understand that. We are not doing enough when 50 percent—

Mr. BIDEN. I agree.

Mrs. BOXER. Of the addicts in my State are not getting treatment. Only 50 percent can get treatment. The other 50 percent, unless they are rich, cannot get the treatment on demand.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mrs. BOXER. Yes, I will.

Mr. WELLSTONE. For my colleague from California, just so she knows, the particular program we are talking about, which is the block grant, the SAMHSA block grant program to our States and communities for treatment programs, is \$1.6 billion.

My colleague's figure lumps everything and anything together.

Mr. BIDEN. On treatment.

Mr. WELLSTONE. I am talking about direct treatment out in the community. When 80 percent of the adolescents in this country get no treatment whatsoever, and 60 percent of the adults get no treatment whatsoever, it is hard to come out on the floor and say we have already made this tremendous commitment, there is no reason to talk about some additional resources.

Mrs. BOXER. Again, I represent the largest State in the Union. My friend

represents a smaller State. I would just say, maybe it is my State, but when I see these figures coming back—and my friend is a leader in the whole issue of crime prevention and being tough on crime and all the rest, and he knows it is true that if you look at the arrests for violent crime in our country—I could say particularly in California, 50 to 75 percent of the perpetrators are high on drugs. So all my friend from Minnesota is saying in his amendment is everything the Senator said about President Pastrana, everything he said about the need to help his country—I don't argue with that. That is why I am proud of this amendment. Everything is left in except getting us involved in this counternarcotics insurgency, which may well put us in a situation where we find ourselves between two bad actors: the FARC on the one hand, with a horrible story of violence and human rights violations, and the paramilitary on the right-hand side here, with the same horrible record. Unfortunately, it ties to the military in Colombia.

So here we are, giving us a chance to do all the good things in this appropriations bill that we are happy are in there, but to take out the one for \$225 million, that could lead us into trouble.

Here is the Boston Globe. They talk about targeting addiction. They say:

The Clinton proposal for U.S. intervention in Colombia's Civil War—

And that is what is being supported on this floor. They say it really isn't going to work. They finish saying:

History suggests that increased funding for treatment of addicts and programs for prevention—treatment on demand for drugs—can accomplish more to ameliorate the individual and social pathology associated with the endless war on drugs.

This is the Boston Globe. We have a number of editorials that are very strong on this point.

This is the St. Petersburg Times. We have these from all over the country:

Have we forgotten the lessons of our involvement in Central America in the 1980s . . . ?

They talk about the fact:

In an attempt to contain communism, our government provided support to right-wing governments and paramilitary groups that used the aid to slaughter thousands of innocent civilians. This time, America's stated public interest is stopping drug trafficking.

But, it says:

It could, however, draw us into a brutal civil war in which civilians are a target.

This would be a tragedy if we repeated that kind of scenario. We have to learn from history. I think the amendment of the Senator is protecting us from just this problem.

Washington should have learned long ago that partnership with an abusive and ineffective Latin American military rarely produces positive results and often undermines democracy in the region.

That is from the New York Times. It talks about the fact that President Pastrana is well intentioned, but all of the programs he faces, we are going to be faced with them as well.

Then, from the Detroit News:

Colombia: The Next Quagmire?

The Clinton Administration's proposed aid package intends to break the choke hold of the guerrillas by training and arming Colombia's military. The hope is that returning control to a legitimate government will help curb the illegitimate narco trade. But this is a naive hope that ignores the other half of Colombia's gritty ground reality. The military is a corrupt institution with close links to the outlawed paramilitary groups that control the drug trade in urban areas.

It goes on. This is not Senator BOXER speaking or Senator WELLSTONE. These are editorial boards from all over the country.

We have others from California that I wanted to have printed in the RECORD. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, View Related Topics July 31, 1999]

Five American soldiers were killed in a plane crash the other day in a mountainous region of Colombia. They were on a reconnaissance flight as part of an escalating U.S. effort in support of the Colombian government's war against heavily armed narcotics traffickers.

The deaths call attention to a U.S. aid program that has grown rapidly, partly because Washington has more confidence in Colombia's new president, Andres Pastrana, than in his corrupt predecessor, and partly because of a perception that the threat to this country posed by Colombian traffickers is increasing.

That perception is strongly held by Gen. Barry McCaffrey, President Clinton's anti-narcotics chief, who says cocaine production in Colombia has doubled in three years, that 80 percent of the cocaine and heroin entering the United States comes from Colombia and that traffickers have amassed so much wealth that they can buy all the weapons and recruit all the fighters they need, especially in a time of economic hardship for most Colombians, to fend off poorly trained and underarmed government forces.

McCaffrey has called for \$1 billion in emergency U.S. aid to combat the drug trade in Latin America, most of it for Colombia, which is getting \$289 million this year—triple last year's total. (Colombia now ranks third, behind Israel and Egypt, as a U.S. aid recipient.) The money would pay for technical and intelligence assistance, and training by U.S. advisers of a newly created anti-narcotics army battalion whose mission is to attack guerrilla units, clearing the way for police (who get most U.S. aid) to move in and eradicate coca crops.

But there are serious obstacles. For one thing, U.S. aid has been meager in the past not only due to corruption but because of rampant human rights violations by soldiers and right-wing paramilitary groups. Thus the new battalion has been carefully recruited and will receive human rights training.

A larger problem is that U.S. aid is meant to target only Colombia's narcotics traffickers, not a 35-year-old leftist insurgency.

Yet the two have become virtually indistinguishable as guerrillas extort tribute from coca growers and traffic in drugs as well. The largest guerrilla group now controls much of the southern half of the country thanks to Pastrana's policy—deemed naive by many Colombians and by some U.S. officials.—of keeping troops out of the region as an inducement to the rebels to negotiate a peace settlement. But the rebels, while enjoying their immunity, have stalled negotiations.

Despite such troubling signs, McCaffrey appears to have strong support in Congress, and to some extent from the White House, for increasing U.S. aid even as drug prevention and treatment programs at home are given only minimal funding. Those priorities are misplaced.

The Pentagon insists that U.S. combat troops will not be used in Colombia. Good. But Americans have heard that before, about Vietnam, and rebels say they regard U.S. advisers as targets. While it may be premature to sound an alarm, it's not too early to begin a debate about U.S. interests in a conflict that has at least the potential to suck Americans into another quagmire. Congress and the administration owe it to the country to clarify what's at stake, what is contemplated and what is not, and the sooner the better.

[From the Fresno Bee April 5, 2000]

ANTI-DRUG FOLLY: U.S. AID PLAN WOULD RAISE STAKES IN COLOMBIAN CONFLICT

By a wide margin, the House of Representatives has approved \$1.7 billion to aid Colombia in its fight against drug traffickers who supply the bulk of the cocaine and heroin to the United States. The aim is laudable, but the chances of success seem slight. Before the Senate takes up the measure, which the Clinton administration strongly supports, there must an intensive national debate.

The legislation bans the use of U.S. combat troops, but allows that U.S. advisers be sent to train Colombian forces in the use of U.S. helicopters and other equipment and to ensure that American aid is used properly—in particular, that human rights are respected by specially trained Colombian anti-narcotics battalions. Such constraint is important.

But staying within those limits will be difficult, given the immense terrain involved, the history of human rights abuses in Colombia and the legislative mandate that aid can be used only against drug traffickers and not against leftist guerrillas who often collaborate with them. And if right-wing death squads that have been closely linked to elements of the Colombian military continue to operate, some of the blame will inevitably accrue to the U.S. program, fairly or not. Add to that Colombia's endemic corruption, deadly political intimidation and the ease with which drug crops can be shifted from areas eradicated and the task seems overwhelming.

Undaunted, U.S. officials want funding to be expedited. Senate Majority Leader Trent Lott objects, not to aid for Colombia but to folding it into a \$12.7 billion supplemental appropriations bill that includes other military aid, domestic flood relief and various pork-barrel projects. He's right; the Colombian program is too critical to be obscured by typical election-year log-rolling.

Opponents fear, reasonably, that the United States could become ensnared in a foreign civil war that is not a vital U.S. interest and that is probably unwinnable without far more intervention than most Americans would support. Backers say that Colom-

bia's plight is a vital U.S. interest because of the impact among drug-addicted Americans. But every study, and common sense, tell us that the solution lies mostly at home—in prevention, treatment and rehabilitation programs that badly need more funds.

In short, the onus is on the administration to persuade Americans that this program is not the beginning of an open-ended commitment.

U.S. aid to Colombia may be justified, but only if it is carefully defined and performance-based in terms of military success and democratic reform. Otherwise, it could turn out to be another nightmare that might have been avoided had we paid closer attention going in.

[From the Los Angeles Times, May 15, 2000]

COLOMBIA AID BILL WOULD ESCALATE A FAILED POLICY; DRUGS: TREATMENT AND REDUCING COCAINE CONSUMPTION IS A BETTER WAY TO GO

(By Robert Dowd)

U.S. demand created the drug crisis situation in Colombia, and our military intervention there merely places American troops and civilian contractors in harm's way in an effort to salvage our failed drug policy.

The Clinton administration has proposed, and congressional Republicans seem prepared to accept, a \$1.7-billion military aid package to Colombia. This formidable expenditure builds on existing aid—Colombia is already the largest recipient of U.S. military aid outside the Middle East—and involves us more deeply in a 4-decades-old civil war, as well as perpetuates programs that have failed to control drug production.

As a veteran, I know the importance of a clear military objective, of having the resources needed for success, and a clear exit strategy. In Colombia, we are sending a handful of helicopters and a few hundred of troops. Yet we were unable to control a smaller Vietnam with hundreds of helicopters and half a million troops.

The Colombia military intervention seems poorly planned, unrealistic and doomed to fail. After a few years of military support, we will face the choice of accepting defeat or gradually being pulled into an expensive military quagmire in which victory is unattainable.

The reason the U.S. is becoming more involved in Colombia's internal affairs is that our government's efforts to reduce cocaine availability have failed miserably, and drug money has strengthened the rebel armies. We already spend hundreds of millions of dollars annually to eradicate crops in South America, especially in Colombia. According to a 1999 report by the General Accounting Office, "Despite two years of extensive herbicide spraying, U.S. estimates show there has not been any net reduction in coca cultivation—net coca cultivation actually increased 50%."

Rather than escalate a failed policy, we should recognize that the present strategy cannot succeed and look for new approaches.

According to the Rand Corp., eradication is the least-effective way to reduce drug use. Rand's research found that \$34 million spent on drug treatment in the U.S. would have the same effect as \$783 million in eradication expenditures. Naturally, the less cocaine the U.S. consumes, the less incentive growers in Colombia will have to grow coca. That would be the best eradication policy.

Further, we need to face the difficult and politically controversial question of whether prohibition enforced by the drug war provides better control of the drug market than

regulation enforced by administrative law. If we want to get international cartels and urban gangs out of the drug market we must determine how to control the market through civil law rather than criminal law.

The administration's most frequent rationale for pumping millions of dollars in aid and tons of military equipment into Colombia is the need to fight "narco-guerrillas." In fact, there are reports that all sides—including the side the U.S. supports, the Colombian military—have been tied to the drug trade. It seems that we are supporting one group of drug traffickers while opposing another group.

The Colombian aid package is nothing more than an introduction to a quagmire and an escalation of failed drug policy.

The administration and Congress should step back and formulate goals they want to achieve in Colombia and then determine how best to achieve them without promoting bloodshed and lawlessness.

Mr. WELLSTONE. Does my colleague need more time?

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mrs. BOXER. I ask the Senator from Minnesota for an additional 5 minutes.

Mr. WELLSTONE. Mr. President, I yield my colleague an additional 10 minutes.

Mrs. BOXER. Mr. President, I thank the Senator.

I will continue reading from some of these editorials. These are newspapers that have very different editorial policies, usually, from one another.

The Sacramento Bee:

A larger problem is that U.S. aid is meant to target only Colombia's narcotics traffickers, not a 35-year-old leftist insurgency. Yet the two have become virtually indistinguishable as guerrillas extort tribute from coca growers and traffic in drugs as well. . . .

The Pentagon insists that U.S. combat troops will not be used in Colombia.

The newspaper says that is good.

But Americans have heard that before, about Vietnam, and rebels say they regard U.S. advisers as targets.

We have the rebel groups already saying U.S. advisers will be targeted.

This is what the Sacramento Bee says. I associate myself with their conclusion:

While it may be premature to sound an alarm, it's not too early to begin a debate about U.S. interests in a conflict that has at least the potential to suck Americans into another quagmire. Congress and the administration owe it to the country to clarify what's at stake, what is contemplated and what is not, and the sooner the better.

The L.A. Times says:

The administration's most frequent rationale for pumping millions of dollars in aid and tons of military equipment into Colombia is the need to fight "narco-guerrillas." In fact, there are reports that all sides—including the side the U.S. supports, the Colombian military—have been tied to the drug trade. It seems that we are supporting one group of drug traffickers while opposing another group.

Let's look at this one. What are we doing? We have the left wing on one

side killing people, human rights violations, and violent. We have the right wing on the other side, with which the Colombian military oftentimes sides, and they are doing the same thing from the right. In comes the United States of America advisers—and I know we have some advisers there already; I am aware of that, but this is clearly an escalation of our involvement through the donation of these helicopters and advisers—and they are going to become targets in the middle between the left and the right wings.

Even though we say they are there to fight drug trafficking, which is laudable, they may well go into the jungles and encounter some of the left-wing guerrillas and find themselves in a pretty horrible situation, which is something about which we need to be clear and why I am so proud to be a co-sponsor of this amendment and why, quite frankly, I am a little surprised there is not more concern in the Senate.

There is a Fresno Bee editorial that is excellent. It says in part:

[This amendment] allows that U.S. advisers be sent to train Colombian forces in the use of U.S. helicopters and other equipment. . . . And if right-wing death squads that have been closely linked to elements of the Colombian military continue to operate, some of the blame will inevitably accrue to the U.S. program. . . .

That is another fear. What could be more important to us as Members of the Senate than making sure people do not get hurt in our country, in the world, that we work for peace and all the right things? If somehow our dollars wind up helping paramilitary groups and they commit human rights abuses and killings—and we know the list of these abuses; they are horrible—somehow it is definitely going to come back to us. It is going to come back to us, and I do not want that on my hands. I do not want that on the hands of the people from my State.

The Senator from Minnesota is giving us today an opportunity to do all the good things we should do in Colombia. I will go through them again. There are important things he has left in this bill.

He is only taking out 25 percent of this money and transferring it to this country to help us in a war on drugs in our Nation.

He is leaving in interdiction, \$132 million to pay for new aircraft, upgrades for existing aircraft, secure communications, sea- and river-based interdiction.

He is leaving in \$93 million for Colombian police to pay for spray aircraft, helicopter upgrade, communications, ammunition, equipment.

He is leaving in funds for alternative development for internally displaced people, \$109 million—funds to help displaced people.

He is leaving in human-rights-boosting government capabilities. This fund-

ing would provide for the protection of human rights workers, judicial reform, training of judges, prison security—all the things President Pastrana needs to strengthen the institutions in Colombia.

He is leaving in regional assistance for Bolivia, Ecuador, and Peru. This funding would be used for alternative development programs in these nearby countries.

He is leaving in \$5 million to help rehabilitate child soldiers, children who got involved in this conflict.

For people to talk against this amendment as if it is eviscerating aid to Colombia, eviscerating aid to President Pastrana, they have not read the Wellstone amendment. The only thing he is taking out is this involvement on the ground with this counterinsurgency against the narcotics.

As I look around my State and I read the studies from my State—for example, in Ventura County, CA, a beautiful part of our State where there is a lot of agriculture and open space and it looks like paradise, 40 percent of the county's homeless population is related to drug abuse or alcohol abuse. A San Francisco study found in 1998 that drug abuse was the leading killer of the homeless. There are over 500,000 drug-related emergency room episodes every year.

In 1995, nationwide, drug abuse cost \$12 billion in health care—\$12 billion in health care costs—and the good Senator is suggesting \$225 million so we can cut down on those expenses. It is an investment to cut down on these costs.

The loss of productivity in 1992 has been calculated at \$69.4 billion. That is a 1-year loss of productivity.

In summing up, I consider myself someone who is good at solving problems, and the way one solves problems is not putting blinders on and going in one direction, but looking at the whole problem. With the Wellstone amendment, taking \$225 million and putting it in this country so we can stop people from becoming addicts and, if they are addicts, help them get off drugs, this is going to be a really good and balanced bill, one that I will be proud to support.

Again, I thank him for leaving in this package the kinds of things we need to do to build democracy in Colombia, to make sure that regime succeeds, to train the people who need to be trained in judicial reform, to help human rights, to help the child soldiers, and to take that \$225 million that will involve us, unwittingly, in what I consider to be a civil war, to take that out, bring it home—bring it home to California, bring it home to Georgia, bring it home to Minnesota, bring it home to New Hampshire, bring it home to our cities and our counties—and let people get the help they need, the help they deserve.

So I say to my friend, thank you for your courage in offering this. I am proud to stand with you.

I reserve the remainder of my time and yield it back to the Senator from Minnesota.

Several Senators addressed the Chair.

Mr. WELLSTONE. I know the Senator from Georgia is here. I just want to thank the Senator from California.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I yield myself up to 10 minutes of our time and, of course, reserve the remainder of the time when I conclude my remarks for our side.

We have heard a lot of interesting remarks. I rise against the amendment of the Senator from Minnesota. I associate myself with the remarks of the Senator from Delaware.

I would like to try to not repeat everything that has been said but try to underscore several fundamental basic points with regard to these issues.

The first is that over the last 8 years, funding for drug treatment and drug prevention has increased by \$1.6 billion. I repeat, it has increased over the last 8 years. The amendment of the Senator from Minnesota would increase it even further.

On the interdiction side of the ledger, during the same 8 years, there has been a decrease in the funding for interdiction. So interdiction is dropping and treatment and prevention is growing.

What happens when the Federal Government moves away from its responsibilities to protect our borders and to engage international narcotics entities? I can tell you what happens. The United States is flooded with more drugs—because there is nothing there to stop that—the price of those drugs plummets, and more of our children become addicted to narcotics. Almost the reverse of what this amendment seeks to achieve happens.

As of Friday, June 9, the Centers for Disease Control and Prevention gave us these alarming figures. In 1991—so this is the same timeframe I have been talking about—14.7 percent, about 15 percent, said they used marijuana. Who is “they”? They are 9-year-olds to 12-year-olds—children 9 years old. By 1999, the figure was 27 percent.

This is the period we are all talking about here, where our interdiction dropped and where we increased treatment and prevention. What has happened? We have had more and more youngsters—kids, children—using drugs.

In 1991, 31 percent of students reported they tried marijuana at least once. By 1999, when we cut off the interdiction, it had grown to 47 percent.

In 1991, 1.7 percent of students said they used cocaine. By 1999, 8 years

later—no interdiction—4 percent said they used cocaine. It doubled.

What we have essentially seen is that, while we have increased the prevention, while we have increased the treatment, and lowered interdiction, more and more kids have taken up using drugs.

I have to tell you, the greatest prevention program in the world and the greatest treatment program in the world is to keep the student—the child—from using them in the first place.

Point No. 2, our borders and our work with international partners, whether it is Colombia or Bolivia, or Peru, or Panama—you name it—is the sole responsibility of the Federal Government. No other entity can practice the interdiction. Georgia cannot do it. California cannot do it. Minnesota cannot do it. Only the U.S. Federal Government can exercise the muscle to protect our borders and to work with our alliances.

Prevention and treatment require Federal support, which has been growing rapidly, with State support and community support. It is a multifaceted effort and should be there. But only the Federal Government can do what this underlying bill suggests has to be done.

Point No. 3, the battle in Colombia is not an ideological battle. It started out that way, but it isn't anymore. This is a battle against a narcotics insurgency. They have 3 percent support in the entire country. In that country, 33,000 people have been killed fighting this. And 800,000 Colombians are displaced, as in Kosovo, and we are going to turn our back?

Colombia sits in the center of the Andean region and has already pushed its trouble into Panama, into Ecuador, and into Peru. The entire region is being affected by this struggle to maintain a democratic government in Colombia. War is a very ugly thing. It is particularly ugly when it is driven by narcotics and narcotics money, by people who care for no life, none of these 9- to 12-year-olds, no person, not even their own citizens who would be laced with armaments and blown up.

Will this be a perfect exercise? No. It isn't a perfect world. And this is a very imperfect circumstance.

We have told the people of Colombia—the President of the United States; his representatives, from Ambassador Pickering to General McCaffrey—that we understand the scope of this problem, both its relationship to Colombia, the United States, and the entire hemisphere, and that we are going to help, and that we are going to join the Europeans, and we are going to join the Colombians in the struggle; that we are going to train; that we are going to work on human rights; that we are going to work on social institutions and the fundamentals of law and the judiciary.

Legislation to do that was introduced last October. The President and the White House endorsed their version of it—it is very similar—in February. Here we are in nearly July and we are tied up in knots. You can only say, "The cavalry is coming" for so long.

The funds for drug treatment and prevention that the Senator from Minnesota seeks have been growing and growing rapidly. The interdiction has been collapsing. When it collapses, more drugs are available. The number of kids using drugs has almost doubled—9-year-olds, 10- and 11- and 12-year-olds.

The Federal responsibility is to not allow that into our country, and no State can do that. This amendment undermines the sole purpose the Federal Government has on this issue. This amount of money can be sought in 50 different States in 1,000 different communities, which they ought to contribute.

Interdiction has collapsed; utilization by our children has doubled. It is a Federal responsibility to address this problem. We better get on with it. Colombia is the heart of it. If we lose there, we lose everywhere. You can't win a war by just treating the wound.

I retain the balance of my time for the chairman of the committee.

The PRESIDING OFFICER. Who yields time? If neither side yields time, the time will be run off equally from both sides.

Mr. COVERDELL. Mr. President, I have a parliamentary inquiry. Would the time be equally divided in a quorum call?

The PRESIDING OFFICER. Time will be equally charged if neither side yields time. However, if the Senator suggests the absence of a quorum, it will come off of his time, unless there is a unanimous consent request otherwise.

Mr. COVERDELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The time will now run equally.

Mr. LEAHY. Mr. President, this year's foreign operations bill provides \$934 million in emergency supplemental funding toward the administration's request for plan Colombia.

I again want to express my appreciation to Senator McCONNELL, and other members of the Appropriations Committee, for supporting provisions in the bill that will help protect human rights and strengthen the rule of law in Colombia.

I have repeatedly expressed concerns about the administration's proposal, particularly the dramatic increase in military assistance. I am troubled about what we may be getting into. The administration has yet to give me sufficient details about what it expects to achieve, in what period of time, what the long-term costs are, or what the risks are.

What the administration has said is that in addition to reducing the amount of drugs supplied from abroad, Plan Colombia is intended to prevent increases in drug addiction, violence, and crime here at home.

Those are goals that I strongly support, and I commend Senator WELLSTONE for his amendment. It would provide \$225 million for substance abuse prevention and treatment programs in the United States.

According to the Office of National Drug Control Policy, drug abuse kills 52,000 Americans each year. It costs our society nearly \$110 billion annually. It has strained the capacity of our criminal justice system and our medical facilities, and brought violence and tragedy to families, schools, and communities throughout this country.

As of 1996, there were more than 13.6 million illicit drug users in the United States. Some 50 percent of adults in immediate need of drug treatment are not receiving it, and many treatment programs have lines out the door.

Eighty percent of adolescents who need treatment—those who will, if not provided treatment, sustain the demand for drugs in the future—cannot get it.

We should help Colombia. I support President Pastrana's efforts to combat the violence, corruption, and poverty which plagues his country. But I am not convinced that the administration's request for Plan Colombia will effectively address those problems, nor is it likely to reduce the flow of drugs into our country or ameliorate the drug problem here at home.

We do know, however, that substance abuse treatment and prevention programs work. A frequently cited Rand study showed that, dollar for dollar, providing treatment to cocaine users is 10 times more effective than drug interdiction efforts, and 23 times more cost effective than eradicating coca at its source. Scientific advances promise to make future treatment and prevention programs even better.

Ultimately, reducing the demand for drugs—which is what these programs do—is the only long-term solution to reducing the flow of illegal drugs from Colombia and elsewhere.

Mr. President, I commend Senator WELLSTONE for his leadership on this issue and I urge other Senators to support his amendment.

Mr. MCCAIN. Mr. President, I rise today to address the situation in Colombia and the question of the U.S. role there.

The situation in Colombia has been correctly described as grave. To the extent that "grave" can be considered an understatement, however, that is the case with respect to the ongoing conflict in that strife-torn country. The issue ostensibly before us involves the war on drugs. What is being contemplated, however, should under no

conditions be considered a simple extension of that struggle. What is being considered is nothing less than an escalated U.S. role in what has increasingly become an all-out civil war. The relationship between the narcotics trafficking that we seek to curtail and the insurgency that we oppose but dare not engage has become dangerously blurred. To contemplate engaging one but not the other is to labor under an illusion of alarming dimensions.

Mr. President, the conditions on the ground in Colombia are not in doubt. A large, highly motivated, well-armed and funded guerrilla army, the Revolutionary Armed Forces of Colombia, and the smaller but equally lethal National Liberation Front, have emerged over the last two years as a serious threat not just to Colombia, but to the entire Andean region. The FARC, in particular, has evolved into a large-scale threat to regional stability. Look carefully at the operations the FARC has carried out over the past two years. What you will see is impressive and alarming. Sophisticated battalion-size operations against Colombian military and police units, including coordinated multi-objective operations spread out across Colombia have become the norm. The March 1998 battle at El Billar, for example, demonstrated the FARC's ability to conduct battalion-size operations employing refined tactics like maneuver warfare against Colombia's best trained units. In a separate operation, a 1,200-strong guerrilla force successfully carried out simultaneous attacks on an anti-narcotics police installation and the army base at Miraflores, overwhelming both.

This should give us pause. The Colombian government's position is precarious. Already, the fighting has touched Colombia's neighbors. Panama, which lacks a military as a result of the post-invasion structure the United States imposed on that country, is now threatened by cross-border incursions by guerrillas, whose main arms pipeline crosses its border with Colombia. Colombia's other neighbors in Ecuador, Peru and Venezuela are all feeling the heat from the war in Colombia, the latter in the form of refugees escaping the fighting.

I point all of this out, Mr. President, because no one here should be under any doubt that the path down which we are heading is potentially fraught with peril. I don't know anyone who actually believes that Plan Colombia is the answer to that country's problems; we support it because we are at a loss for viable alternatives. But a guerrilla army as capable as the FARC will not be defeated by three specially-trained and equipped battalions. Much more is needed, including fundamental reform and restructuring of the Colombian armed forces to reverse the ratio of combat units to rear-area units—a key reason an army of 140,000 is stretched

so thin against guerrilla armies numbering around 20,000.

And the army and police must be thoroughly inculcated with the need to respect human rights. This not just a moral imperative, but a practical one as well. Human rights abuses by government forces increases sympathy for guerrilla armies that otherwise lack serious popular support. It is never easy, as we learned in Vietnam, to fight a guerrilla army that can melt into civilian surroundings and build an infrastructure of support, through force and intimidation if necessary, that government forces are hard-pressed to defeat without inflicting civilian casualties. But Colombia's army and police must not underestimate the importance of maintaining constant vigilance in respecting the rights of the people they purport to defend.

The United States role in Plan Colombia is, to date, limited to training the aforementioned special battalions and equipping them with modern helicopters. Toward this end, we are sending special forces teams into the field in the midst of that civil war. The primary role of U.S. Army Special Forces is the provision of such training. But we must be assured that their role will not extend to that of active combatants. The bond that will surely develop between our soldiers and those they are training must not extend to a gradual expansion of their role in Colombia.

And with respect to the issue of helicopters, Mr. President, I find it deplorable that the question of which helicopter should be provided to Colombia should be decided on the basis of any consideration other than operational requirements. Blackhawks were selected for the capabilities they provide, capabilities that are not inconsequential in terms of the Counter-Narcotics Battalions' ability to deploy to the field with the speed and in the number required to confront opposing forces. Their substitution by the Appropriations Committee with Super Hueys goes beyond the usual fiscally irresponsible approach to legislating that permeates Congress. It is, in fact, morally wrong. We are talking life and death decisions here: the ability of soldiers to fight a war. That decisions on their equipment should be decided on the basis of parochial considerations is reprehensible.

Let me return, though, to the fundamental issue of a counter narcotics strategy that is imbued with an inherent flaw: the misguided notion that the war on drugs in Colombia can be separated from the guerrilla and paramilitary activity that is the threat to Colombia's existence. If, as has been suggested, the FARC is reconsidering its involvement in the drug trade, it is possible that surgical counterdrug operations can be conducted without expanding into counterinsurgency. That the guerrillas control the very terri-

tory where the coca fields are located, however, should continue to cause us concern. To quote one unnamed U.S. official in the Christian Science Monitor, "If the guerrillas [so] choose, they don't have to continue to protect the narcos, [but] if they do... this [aid] will be used against them."

This, Mr. President, is precisely the problem. Plan Colombia is perhaps a last desperate hope to save a nation. But it carries with it the seeds of greater U.S. involvement in a civil war of enormous proportions. Those of us who have been witness to our country being gradually mired in a conflict in another region, in another time, should not fail to bear witness to the choices we make today. Funding for this plan will go forward, but the Administration and the government in Bogota should not be surprised that many of us will be watching the situation there very carefully. To do less would be to acquiesce in the possible materialization of that most feared foreign policy scenario, another Vietnam.

Mr. LEVIN. Mr. President, I reluctantly oppose the Wellstone amendment to transfer \$225 million from the military purposes of Plan Colombia to domestic substance abuse programs. The passage of this amendment would endanger the success of the Administration's plan to attempt to prevent the democratic government of Colombia from being destroyed by narco-traffickers. While I strongly support the goal of allocating additional funding to substance abuse prevention and treatment programs, this cannot be achieved at the expense of the effectiveness of Plan Colombia.

In solving the difficult problem of drug abuse and its many negative effects, the United States must seek a balanced approach. This approach must include funding for not only drug abuse prevention and treatment programs, but also for international eradication/interdiction and local law enforcement. Plan Colombia, which stresses eradication and interdiction of narcotics at their source, is a useful part of our nation's overall strategy to end drug abuse.

Colombia now supplies approximately 80 percent of the cocaine and heroin consumed in the United States. The Plan Colombia aid package, which has been designed by the Administration and the Colombian government, is a comprehensive attempt to stem this flow of narcotics. The package includes important funding for counter-narcotics support, economic development, and human rights programs.

A particularly important goal of this initiative is the promotion and protection of human rights in the Andean Region. In this respect, the Senate Foreign Operations Appropriations bill makes important contributions. The bill provides approximately \$138 million in funding for efforts to protect

human rights, strengthen the judicial system in Colombia, and support peace initiatives. In addition, all assistance to Colombian armed forces is contingent on a screening of security forces to ensure that they have not been implicated in human rights violations.

Drug abuse has taken a terrible toll on our country. It has led to increased levels of crime, a clogged judicial system, and most dramatically, the ruined lives of our nation's citizens and their families. It is for this reason that I am committed to effective drug abuse and treatment. I have worked hard to win Senate passage of legislation which would enable qualified physicians, under strict conditions, to prescribe new anti-addiction medications aimed at suppressing heroin addiction. I have also strongly supported government funding for state and local community-based programs for drug treatment. In Fiscal Year 1999, the federal government spent approximately \$5.6 billion on domestic programs directed at the reduction of drug demand.

Mr. LAUTENBERG. Mr. President, I rise in reluctant opposition to the amendment offered by the Senator from Minnesota.

While I share his conviction that we as a country must do more to reduce the demand for illegal drugs in our society, I do not believe we should undermine our assistance for Plan Colombia to pay for increased domestic drug treatment and prevention programs.

Mr. President, I recently visited Colombia to assess what our aid could accomplish. I went to see the scope of drug crop cultivation and processing, to look into the political context, the human rights situation, the goals of the Pastrana Government, and to assess the capabilities of the military and the police.

I went with an open mind, though I was concerned about the reported abuses of human rights and with the effects of Colombian cocaine and heroin on the streets of New Jersey and other states.

I left Colombia convinced that we can help Colombia and help America by cooperating in the fight against drug production, trafficking, and use.

Mr. President, aid for Plan Colombia is strongly in the U.S. interest. While there can be legitimate differences of opinion about the exact content of the aid package, such as what kind of helicopters should be provided, we must use the opportunity to cooperate with a fellow democracy to fight the scourge of drugs which harms both our people.

Colombia's political will is strong. While the political situation in Colombia is uncertain, President Pastrana and the Colombian Congress have backed away from forcing early elections and appear to be working out their differences. But the Colombian people and their elected representatives want an end to the violence. They

support peace negotiations with the FARC and ELN guerrillas.

And they know the violence will not end as long as it is fueled by drug trafficking and its dirty proceeds.

The U.S. and Colombia have a symbiosis of interest in combating drug production and trafficking. While the Colombians mainly want to end financial support for various armed groups, they are highly motivated to cooperate with our main goal—eliminating a major source of narcotics destined for the United States.

Mr. President, we absolutely need to improve protection for human rights in Colombia. The Colombian people face very real risks of murder, kidnaping, extortion, and other heinous crimes, so they always live in fear. Hundreds of thousands of people have fled the violence. The Colombian Government—including the military and the police—take human rights issues very seriously.

We need to hold them to their commitments to make further progress, as the Senate bill language Senators KENNEDY and LEAHY and I authored would do.

Mr. President, was particularly impressed that the independent Prosecutor General's Office—known as the Fiscalia—is firmly committed to prosecuting criminals, particularly human rights violators. But in meeting with Colombian human rights groups, I learned that the overwhelming majority of human rights abuses are committed by the paramilitary groups, followed by the guerrillas.

Colombia must sever any remaining ties between its military and the paramilitary groups and treat them like the drug-running outlays they are. On the whole, winning the war on drugs in Colombia should do more to improve security and safeguard human rights than anything else we or the Colombian government can do.

To return to the amendment now before us, Mr. President, I believe we need to keep working to reduce demand for drugs here in America, but not at the expense of cutting efforts to eliminate a major source of drugs to our country.

We have a tremendous opportunity—if we are willing to devote a reasonable level of funding—to drastically curtail the production of cocaine and heroin in Colombia, while supporting democracy and the rule of law in that country. And, since Colombia is the source of most of the heroin and 80 percent of the cocaine sold in the United States, this is a real opportunity to help address the drug problem in our own country.

I agree with the Senator from Minnesota that America must do more to reduce the demand for drugs, particularly by helping those already addicted. But we should not take away from our support of Colombia's efforts in the process.

I yield the floor.

Mr. WELLSTONE. Mr. President, I remind my colleagues that the amendment I have introduced with Senator BOXER takes nothing away from interdiction. It does not take away from this package. We are focused on the support for the military in the southern part of Colombia. That is what this is about. This is an amendment that would transfer \$225 million from aid to the Colombian military for the push into southern Colombia into domestic drug treatment programs. It is that simple. It is not about not providing assistance to Colombia. It is not about not focusing on interdiction.

A number of different questions have been raised. To respond to some of what has been said, I will respond to the comments of my friend from Delaware.

It is important to note that right now in our country, according to ONDCP—General McCaffrey and others have talked about this quite a bit—there are about 5 million people in need of treatment and only about 2 million receive it, private or public. That means about 3 million people, more than half of the people who need treatment, don't get any at all. Why aren't we dealing with the demand side?

We have a bill out here, almost a billion dollars, and the majority leader comes to the floor and says this is all about the war on drugs. I am saying, how about a little bit that focuses on the demand side in our country. Let us have some funding for drug treatment programs for people in the United States. Yes, we have some money in the budget, but it is vastly underfunded.

The 2000 budget for SAMHSA altogether is \$1.6 billion. This is the block grant money that goes to drug treatment. The States, which are down in the trenches using a different methodology, report that close to 19 million people in our country are going without any treatment. The ONDCP estimates, moreover, that 80 percent of the adolescents in our country who are struggling with this problem are getting no treatment at all. For women who are struggling with substance abuse problems, 60 percent of them get no treatment at all. In some regions of the country, the waiting list for treatment is 6 months long or longer. The overall cost to our country for illicit drug use is about \$110 billion a year, according to the ONDCP. Right now we are spending \$1.6 billion on a block grant program that gets money down to the communities for treatment.

If anybody thinks this is just an inner-city problem, consider a COSA report entitled "No Place to Hide," which showed that drug use, drinking and smoking among young teens, is higher in rural America than our Nation's urban centers. According to this report, eighth graders, 13-year-old children in rural America, are 50 percent

more likely to use cocaine than those in urban areas—I remember when I heard Joe Califano say this; I was stunned—and 104 percent more likely to use amphetamines, including methamphetamine. Drug treatment is needed to treat addiction and to end the demand for drugs. This is not just an urban problem.

We are talking about taking \$225 million out of this almost-billion-dollar package for Colombia. We are saying, cannot any of this be put into treatment, if this is going to be called the war on drugs legislation, as the majority leader identified it. I think we have had a different debate on the floor. What I am saying as a Senator from Minnesota is, can't we take some portion of that and deal with the demand side? Can't we put some money into the war on drugs in our own country? If 80 percent of the adolescents aren't receiving any treatment and need some help, can't we get some help to them?

This amendment is supported by Legal Action Center, National Association of Alcoholism and Drug Abuse Counselors, National Council on Alcoholism and Drug Dependence, Partnership for Recovery, and State Association of Addiction Services.

Again, I say to my colleagues, this amendment, when all is said and done, is basically saying to Senators that we can provide assistance to Colombia, and we should.

We should provide extensive assistance, including interdiction, but at the same time we ought to avoid entanglement in a decades-old civil conflict and we ought to avoid partnership with an army implicated in severe human rights abuses. Moreover, I am saying we can take at least a small portion of the resources and put it where it will do the most good, and that is in providing funding for drug treatment programs at home.

I just want to echo the words of my colleague from California. It is quite incredible to me that we can find the money for the war on drugs—close to a billion dollars—for Colombia, but we can't take \$225 million and put it into community-based treatment programs in the war on drugs in our own country.

Moreover, we have in this legislation—and I think in particular this may interest the Chair—a shift via a 7-to-1 ratio from money for police to military. This is particularly worrisome because, right now, one human rights organization after another—and we have our own State Department report on violations of human rights abuses by paramilitary groups. It points out that we have a country where civilians make up 70 percent of the casualties in that horrible war, and paramilitary groups linked to the army commit over 75 percent of the abuses.

I say to my colleagues, again, President Pastrana has made the political

decision that he wants to conduct a military campaign in the southern part of the state. All of a sudden, this debate has shifted because Senators have come out here and have said: Yes, Senator WELLSTONE, we are taking sides and we should take sides. If President Pastrana says he needs money from us to support his military in this counterinsurgency effort in the southern part of Colombia with U.S. supporters on the ground with them, and if we don't stop this in Colombia, then, God forbid, for the whole future of South or Central America—I have heard this before—at least let's have this debate out in the open.

I know this is a debate about a war on drugs, in which case I would say, yes, yes, yes. I would say, we have in this package support for the Colombian Government, but if we are going to have a war on drugs, do it in our country and deal with the demand side and put more into community treatment programs. I think we win that argument. I am sure the vast majority of people in Minnesota agree. If you are going to spend money on the war on drugs, put some money into our own country. We have a package out here that basically says, for the first time, we are going to be directly aligned with the military campaign in Colombia, in the southern part of Colombia.

I have some very real doubts that militarizing this conflict is going to somehow be a successful war against drugs. Moreover, as I have said earlier, I have some very real doubts, which are expressed by human rights organizations and religious organizations and a whole lot of people in our country and in Colombia, that we should be taking sides and we should be supporting a military which, as recently as this year, has been unwilling to change its practice and stands accused by all of the reputable human rights organizations of human rights violations.

Do we want to align ourselves with this military, with these paramilitary groups that have committed such terrorism against civilians and are responsible for most of the violence in that country? I have not a shred of sympathy or support for the guerrillas, the left-wing, the right-wing, any of them.

The question is, If it is a war against drugs, don't we want to put some money into the war against drugs here? Other than that, do we want to take sides in this military conflict? That is what my colleagues have been talking about today, and they say we have to. They say that if we do, we will be able to—we have language in this legislation that will safeguard against human rights violations by the military, that we will be able to invest this money in the military operation in southern Colombia and make sure everything will be above board. Frankly, I think that is problematic at best.

I am not sure people in Colombia or in the United States have the faintest idea what we are about to do. We haven't been able to stop any of these human rights abuses over the years. But now, all of a sudden, we are going to be right in the middle of this and take sides, and we are going to be aligned with this military campaign in southern Colombia, and we say we are going to vet it and make sure there aren't any human rights violations.

Never mind that all the human rights organizations on the ground say that will not work and the religious community says it is a profound mistake; that all sorts of government organizations in Colombia with a tremendous amount of credibility say, don't do this; don't align yourselves with this military campaign in southern Colombia. We are being told, no problem; we can vet this now.

I also want to say to my colleagues I don't think we have taken these human rights abuses, either directly by the military or the military assigned with these paramilitary groups, very seriously. Again, that is a declaration from social and human rights nongovernment organizations in Colombia; there must be 45, 50 organizations, or more. We just disregard them. They are saying, yes, interdiction, give us the package. But they are saying don't align yourselves with this military, with such a horrendous, horrific record of violence, murder, violation of human rights—alignment with the worst of the atrocities that have been committed Colombia—just as we don't want to side with the left-wing guerrillas.

Why are we now taking sides?

Again, some of my colleagues come out here and say this amendment is basically taking away assistance to Colombia. It is not. Senator BOXER did a great job on that point. We can take a couple hundred million dollars and put it into the war on drugs in our own country. We deal with the demand side. It is so naive to believe that all of what we see in our inner cities and our rural areas and suburbs, all of the addiction, all of the substance abuse which destroys people's lives—it is so naive to believe that if we now put money into a military campaign in southern Colombia, this is the way to fight a successful war on drugs. We have been down this road forever and ever and ever. When are we going to get serious about dealing with the demand for drugs in our own country and the treatment programs? I don't know.

My colleagues just sort of give the human rights question the back of the hand in this debate. I have here the annual Human Rights Watch Report World 2000—I will read it again—talking about the paramilitary killers and how stark they are in their savagery, and all the ways in which the military has turned a blind eye to it, and sometimes it is connected to these groups.

And now we want to put several hundred million dollars into supporting this military directly in a campaign in southern Colombia with some of our people on the ground with them?

I have to be concerned about the path we are taking. I am not going to bore my colleagues with the statistics.

Let me ask the Chair how much time I have.

The PRESIDING OFFICER. The Senator has approximately 15 minutes remaining.

Mr. WELLSTONE. Mr. President, this amendment is a sensible approach which permits extensive assistance to Colombia while safeguarding U.S. interests and avoiding entanglement in a decades-old civil conflict and partnership with an army implicated in serious human rights abuses. Moreover, it moves resources to where they will do the most good; that is, providing funding for drug treatment programs at home.

In my State of Minnesota, according to the Department of Human Services, there are 21,277 people who have requested treatment for substance abuse and have not been able to receive it. An additional 4,000 received some treatment but then were denied further treatment because resources weren't available. Most cited lack of funds to pay for the treatment, or they were put on a long waiting list when they needed the treatment the most. Others said treatment services were not appropriate for their needs—women with children, people with transportation problems, people who were trying to find jobs and needed treatment. This amendment calls for some balance.

When we started this debate several hours ago, the majority leader came out on the floor and in a very heartfelt way said this is about the war on drugs; this is about what is going on in Colombia and the ways in which that country is exporting their drugs to this country; they are killing our children.

If it is about the war on drugs, then let's make it balanced. Let's support efforts to have a war on drugs in Colombia. But let's also support the war on drugs in our own country. Some of this money ought to be put in treatment programs.

It is absolutely naive to believe we are going to be able to deal with the substance abuse problem in our country without dealing with the demand side. It is shameful that we have so little for the prevention and the treatment programs. This amendment takes just a little over \$200 million and puts it into community-based treatment programs.

I doubt whether there is a Senator, Democrat or Republican, who either does not know a friend or even a family member who struggles with alcoholism or drug abuse. We ought to be doing a much better job of getting the treatment to people. This war on drugs is fo-

cused on interdiction. It is focused on a military solution in Colombia. I argue that it is one-sided. I would argue it is naive.

Second, I have today read from about five different human rights organizations' studies, human rights organizations that I believe command tremendous respect, I hope, from all of us. I read excerpts from the State Department report of this past year. I read a letter signed by 70 nongovernment organization, human rights organizations, and people who were down in the trenches in Colombia. They all said it would be a tragic mistake for our Government to now move away from supporting police, supporting interdiction, supporting a lot of efforts in Colombia, and shift a considerable amount of money to a direct military campaign in southern Colombia—a military aligned with paramilitary groups and organizations that have committed most of the violence in the country, a military with a deplorable human rights record. It would be a tragic mistake for us now to become directly involved in this civil war. It would be a tragic mistake for our Government to support this military with Americans on the ground with them in southern Colombia. What are we getting into?

I conclude this way: I do not agree with some of my colleagues who have said that if we don't do this, it is the end for Colombia, and watch out for all of South America and Central America. I have heard that kind of argument before. It is eerie to me. It has an eerie sound to me.

I do not agree that we should take sides in this military conflict. Instead, I think we should be providing all of the support we can to President Pastrana in his good-faith effort to deal with drugs in this country, to build democratic institutions, and to have economic development. I do not believe we should turn a blind eye away from the blatant human rights violations of the military. I think it is extremely one-sided to "fight a war on drugs" which won't work, which will militarize our foreign assistance to Colombia, which will have our country directly involved in this military conflict, away from at least providing a small amount of money for community-based treatment programs.

I urge my colleagues to support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. GRAHAM. Mr. President, Senator McCONNELL is controlling time, but he is not here. Could I ask how much time is under Senator McCONNELL's control?

The PRESIDING OFFICER. Senator McCONNELL has 5 minutes remaining, and Senator WELLSTONE has 8 minutes remaining.

Mr. GRAHAM. May I request 3 minutes of the remaining time of the opponents of this amendment.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. GRAHAM. I thank the Chair.

I strongly support the approval of this assistance for Colombia.

For the past 8 months I have chaired, together with General Brent Scowcroft, a Council on Foreign Relations Task Force on Colombia. This bipartisan Task Force released an Interim Report in March of this year which recommended that Congress approve the administration's aid request for Colombia, with two modifications. The first, that additional support should be provided to Bolivia, Peru, and other countries in the region, has been incorporated into the bill by the Appropriations Committee. The second modification, that additional trade benefits should be part of the package, I will address with the introduction of separate legislation later this week.

Let me explain why I, and the Task Force, feel so strongly that this assistance package for Colombia needs to be approved.

There is a crisis in Colombia that demands our immediate attention. While Colombia has experienced violence and guerrilla insurgencies for many years, the current crisis is unique in several important ways. First, Colombia is experiencing record violence which is killing over 25,000 Colombians each year. More than half of all kidnappings in the world occur in Colombia. The FARC and ELN guerrilla forces and the paramilitary groups are escalating their violence in ways that have not been seen before.

Second, our success in reducing coca cultivation in Peru and Bolivia has shifted the production and cultivation of coca to Colombia, with an explosion of coca cultivation in southern Colombia in the past five years. Over 90 percent of the cocaine on our streets comes from Colombia. More importantly, the guerrilla forces operating in Colombia have become directly involved in narco-trafficking. Where they once provided protection for drug traffickers, they now are directly involved in the production and transport of illegal drugs. This provides them with an almost limitless source of revenue. For the first time we have a guerrilla organization that does not rely on external sources of funding.

Third, the Colombian economy is experiencing its worst recession since the 1930s. An unemployment rate of over 20 percent is exacerbating social and political tensions. The violence is deterring investment making economic recovery more difficult.

Fourth, Colombians are leaving Colombia at record rates. Last year over 100,000 Colombians moved to my State of Florida alone. Hundreds of thousands more have come to other parts of

the United States to escape the violence and instability.

It is this combination of factors that led President Pastrana, working closely with our administration, to propose Plan Colombia. To many, Plan Colombia is only about drugs, but in reality it is a broad plan that addresses five key areas: the peace process; the Colombian economy; the counter-drug strategy; justice reform and human rights; and democratization and social development. It is this broad based plan to rebuild the Colombian state that needs our support.

Some have said that Plan Colombia is only about providing military equipment to Colombia. Indeed, Plan Colombia is much more comprehensive and far-reaching. But, the United States contribution to Plan Colombia is heavily weighted toward military equipment. There is a good reason for this. Plan Colombia is a \$7.5 billion plan, of which the Colombians themselves will provide over \$4 billion. They are looking to the United States to provide about \$1.6 billion and to international community for the remainder.

It is appropriate that the portion of the funding being provided by the United States focus on the counter-drug part of Plan Colombia since this is of particular interest to us and since we are the only country that can supply that type of support. It is also the part of Plan Colombia that is most compelling for U.S. involvement, since it involves keeping drugs off of our streets.

Some have argued that there are risks associated with providing this type of support to Colombia. That is true, but there are also risks associated with doing nothing, and I believe that the risks associated with doing nothing are far greater than the risks involved with helping the Colombian Government and the Colombian people.

We have important national interests at stake in Colombia that would be critically harmed were the current situation in Colombia to continue. First, Colombia is the oldest democracy in South America and has been an important partner in bringing democracy and democratic values to all of our hemispheric neighbors, with the exception of Cuba. We must act to preserve democracy.

Second, the entire Andean region is threatened by instability and Colombia is the center of that instability. Failure to stem the crisis in Colombia could lead to increased instability in Ecuador, Bolivia, Peru, Panama, and Venezuela. A stronger Colombia means a stronger region and a stronger Western Hemisphere.

Third, a complete breakdown in Colombia would make it even more difficult to control the drug trafficking. And the illegal networks that are set up by drug traffickers also involve other illegal activities that threaten

our security, such as money laundering and financial crimes, arms trafficking, human smuggling, cargo theft, and terrorism.

Fourth, Colombia is an important trading partner for the United States. It is South America's fourth largest economy and the fifth largest export market in Latin America for the United States. Colombia has the potential to be an economic engine for the Andean region and an even bigger market for U.S. goods. The violence and instability in Colombia are preventing economic growth, including the exploitation of large, newly discovered oil fields that would help to reduce gasoline prices in the United States.

Fifth, the exodus of Colombians, nearly 1 million in the past 5 years, further exacerbates our own immigration problems. A further downturn in the Colombian situation could lead to an immigration crisis that would directly impact the United States.

Finally, for those concerned about human rights, and I consider myself in that category, the deteriorating human rights situation in Colombia can only be reversed through the implementation of Plan Colombia, with the government gaining effective control over its national territory. President Pastrana has demonstrated his will to improve the human rights situation in Colombia, and has taken concrete steps, including dismissing senior military officers, to demonstrate his determination.

With all of this at stake it is hard to understand why we have not been able to move faster to approve this assistance package. And there are direct costs associated with this delay. Last December I visited the first of the Colombian counternarcotics battalions that are to be trained and equipped by the U.S. as part of Plan Colombia. The U.S. Special Forces soldiers who were training them reported that their moral was excellent and they were as capable at their tasks as any soldiers they have ever trained.

Unfortunately, this battalion has been doing very little other than calisthenics since my visit, largely because of our failure to move this assistance package. They are limited to where they can reach by foot, since they have no mobility capability. They have no fuel for the helicopters they were given on an interim basis by the State Department. The valuable training they received is wasting away, and their skills are fading from lack of practice.

In addition, the second Colombian counternarcotics battalion has been vetted but are unable to begin training. Eradication of coca and opium poppy has been halted. Crop substitution and alternative development programs are also on hold, as are the human rights and judicial reform programs that are included in the legislation. Meanwhile, the guerrillas and the drug traffickers

continue to strengthen and expand their operations. The peace process has floundered and the violence has escalated. Each day we wait the situation worsens, the regional instability increases, the drugs flow out of Colombia, and the money and effort required to turn the situation around increases.

Mr. President, I urge my colleagues to act now and support this vital package of assistance for Colombia.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

VISIT TO THE SENATE BY A DELEGATION FROM THE EUROPEAN PARLIAMENT

Mr. LOTT. Mr. President, I am pleased to welcome a delegation from the European Parliament to the U.S. Senate. The parliamentarians are in the United States for an important interparliamentary meeting.

Europe continues to move forward with economic integration and the European Parliament's role is increasingly important. As the European Union, like the North Atlantic Treaty Organization expands, the role of the European Parliament will become even more important.

The United States and the European Union have the world's largest commercial relationship, with trade and investment approaching \$1 trillion.

I believe increased interaction between our legislature and the European Parliament will serve the interests of both sides.

I urge my colleagues to greet this delegation, led by Ms. Imelda Mary Read of the United Kingdom.

I take note that the delegation has more women than men and one of the youngest Members attending the interparliamentary meeting is from the European Parliament. Obviously, great progress is being made in this parliamentary body.

I ask unanimous consent the list of all the delegation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT—DELEGATION FOR RELATIONS WITH THE UNITED STATES

Ms Imelda Mary Read, Chair, United Kingdom.

Mr Bastian Belder, 1st Vice-Chairman, Netherlands.

Mr James E.M. Elles, United Kingdom.

Mr Bertel Haarder, Denmark.

Ms Magdalene Hoff, Germany.

Ms Piiia-Noora Kauppi, Finland.

Ms Erika Mann, Germany.

Ms Arlene McCarthy, United Kingdom.

Ms Godelieve Quisthoudt-Rowohl, Germany.

Mr Peter William Skinner, United Kingdom.

Mr Dirk Sterckx, Belgium.

Mr David Sumberg, United Kingdom.
Mrs Myrsini Zorba, Greece.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes to have the delegation from the European Parliament be greeted by Senators.

There being no objection, the Senate, at 1:54 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Kentucky.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—Continued

Mr. MCCONNELL. Mr. President, this is a two front war—we need to advance on both fronts. Clearly, we can't continue the administration's pattern of ignoring this crisis.

I agree that we should increase education, prevention, and treatment efforts, as well as local law enforcement efforts. But, will that effort pay off, if we do so at the expense of attacking the source country problem?

It is pretty clear that after seven years of doing nothing, the administration is trying to play catch up in this crisis.

If we look at trends and commitments, during the Reagan Just-Say-No years, drug production and use plummeted.

This trend sharply reversed in 1992 which was exactly when Clinton was asked, "If you had to do it over again, would you have inhaled?" He answered, "Sure, if I could have."

Since 1992, and this unfortunate remark, drug use has soared and production has tripled.

We need to attack both fronts in this war—here, at home, and abroad.

I think we have recommended a good balance for the battle abroad.

Let me remind everyone it is a very different package than the request made by the administration—I have much more confidence in the bill before the Senate than I did in the request.

The most important difference is our emphasis on a regional strategy. Just as we saw production spike in Colombia when pressure was applied to traffickers in Peru and Bolivia, I believe we would see the problem shift back to Peru, Bolivia, and to Ecuador if we don't increase our regional support.

Without compromising vital support for Colombia, we provided \$205 million in support to Ecuador, Peru, Bolivia, and other nations in the region. This more than doubles the administration's request of \$76 million.

A second key difference between the bill and the request is the support we

offer for human rights programs. As the tempo of operations against the traffickers pick up, I am concerned that abuses will also increase.

Colombia's judicial system is weak and court officials are regularly threatened making investigations and prosecutions extremely difficult. Moreover, the military has undermined attempts by civilian courts to prosecute officers accused of human rights abuses even though Colombian law requires the transfer of these cases to civilian courts.

To address these concerns we have required certification that the military is complying with their own laws and are cooperating in the pursuit of these cases in civilian court. We also substantially increase aid to government and non-government organizations involved in the protection of human rights.

We paid for these increases by changing the helicopter package.

Again, let me say, striking the right balance is the key to our success.

This bill strikes the right balance between domestic and international law enforcement—the right balance between Colombia and the other countries in the region—and the right balance between our support for Colombian law enforcement and Colombian human rights advocate.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have a copy of Senator LEAHY's statement. I am going to read a little from Senator LEAHY's statement. This is just a portion of his statement:

I have repeatedly expressed concerns about the administration's proposal, particularly the dramatic increase in military assistance. I am troubled about what we may be getting into. The administration has yet to give me sufficient details about what it expects to achieve, in what period of time, what the long-term costs are, or what the risks are.

That is, of course, part of the position that a number of us have taken today. I thank Senator LEAHY, who has a tremendous amount of expertise in this area, for his statement. He goes on to say:

I commend Senator WELLSTONE for his amendment. It would provide \$225 million for substance abuse prevention and treatment programs in the United States.

According to the Office of National Drug Control Policy, drug abuse kills 52,000 Americans each year. It costs our society nearly \$110 billion annually. It has strained the capacity of our criminal justice system and our medical facilities, and brought violence and tragedy to families, schools, and communities throughout this country.

I could not have said it better. Mr. President, 80 percent of adolescents who need treatment—those who will, if not provided treatment, sustain the demands for drugs in the future—today in our country cannot get it. Some 50 percent of adults in our country who are

in need of a drug treatment program are not receiving it. Many treatment programs have lines out the door.

And the conclusion of Senator LEAHY's statement:

We should help Colombia. I support President Pastrana's efforts to combat the violence, corruption, and poverty which plagues his country. But I am not convinced the administration's request for "Plan Colombia" will effectively address those problems, nor is it likely to reduce the flow of drugs into our country or ameliorate the drug problem here at home.

We do know, however, that substance abuse treatment and prevention programs work. A frequently cited Rand study showed that, dollar for dollar, providing treatment for cocaine users is 10 times more effective than drug interdiction efforts, and 23 times more effective than eradicating coca at its source. Scientific advances promise to make treatment and prevention programs even better. Ultimately, reducing the demand for drugs—which is what these programs do—is the only long-term solution to reducing the flow of illegal drugs from Colombia and elsewhere.

Mr. President, I commend Senator Wellstone—

Nice of him to say—for his leadership on this issue and I urge other Senators to support his amendment.

I urge other Senators to support this amendment.

I yield the floor.

Mr. MCCONNELL. Mr. President, is all time yielded back?

The PRESIDING OFFICER. All time has been yielded back.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we are going to have two votes shortly. The Senator from Alabama would like to modify his amendment and take just a few moments to describe it. Then the previous plan was to have two votes, back to back. I believe the Senator from Delaware will make a motion to table the Wellstone amendment.

The PRESIDING OFFICER. Is there objection? Is that a unanimous consent request?

Mr. MCCONNELL. I ask unanimous consent the Senator from Alabama be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama.

AMENDMENT NO. 3492, AS MODIFIED

Mr. SESSIONS. Mr. President, I send a modification to the desk. I would like to share a few thoughts about this situation.

The PRESIDING OFFICER. Without objection, the amendment will be modified.

The amendment (No. 3492), as modified, is as follows:

On page 155, between lines 18 and 19, insert the following:

SEC. 6107. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the people of Colombia are good people. They maintained a democracy for a long time. There are 40 million people in Colombia. They are our fifth largest trading partner in Latin America. They are struggling with violence that has been going on for 40 years. There are at least two major Marxist-oriented guerrilla groups who control nearly 50 percent of the territory of Colombia. They have attempted repeatedly, through President Pastrana, to negotiate with these guerrillas and have had very little success. In fact, the guerrillas have taken advantage of the good auspices of the people of Colombia and President Pastrana, and even strengthened their hold on the territory and strengthened their anti-democratic activities.

There are paramilitary groups in the country also who are operating outside the law and are involved in drug trafficking.

The guerrilla organizations sustain themselves through the most active kidnapping in the world. Colombia has

the highest number of kidnappings in the world. Its murder rate is probably the highest in the world. The guerrilla groups sell protection for drug traffickers, and that is how they make their money to maintain their existence.

I believe, as a former Federal prosecutor who has been involved in studying the drug issue and has prosecuted many cases in the district of Mobile, AL, involving quite a number of Colombian drug dealers and cartel members, we are going to have limited ability containing the drug problem in America through this money. But what we can do with this money and what is critical that we do with this money is strengthen the country of Colombia.

We need to say to them: We support you; we believe in your democracy. The 97-plus percent, as Senator BIDEN said, of the people in that country support their government, not these guerrilla organizations. They want peace, they want unification, they want economic growth, they want human rights, and they want a rule of law. That cannot be done and we cannot expect Colombia to stop drug trafficking in their nation if 40 percent of the territory is outside their control—50 percent perhaps.

I am distressed that this administration in public statements, in testimony before committee hearings, has refused to say: We support Colombia in their efforts against these guerrillas. They suggest their only motive is to provide money to help knock down drug production in Colombia. That is distressing to me. Ambassador Pickering testified and I cross-examined him. He said: Our emphasis is drugs.

That is not the basis of what we are doing. We want to help Colombia. We want Colombia to create a peaceful government to take control of its country. We want to encourage strong leadership, the kind of leadership that Abraham Lincoln provided when he unified this country. That is what needs to be done in Colombia to bring this matter to a conclusion once and for all.

If we do not do so, we are pouring new wine in old wine bottles. We are pouring money down a dangerous rat hole.

This amendment says: We support you, Colombia. We believe in you, Colombia. We explicitly endorse and support your efforts through peace negotiations or warfare, if necessary, to unify your country, to bring peace so you can then eliminate the drug trafficking that is occurring there.

Drug trafficking is a major problem in Colombia. It is our No. 1 supplier of cocaine. The cocaine production in Colombia has more than doubled in 5 years. Heroin is going up. Seventy percent of the heroin in the United States comes from Colombia. The main reason is the Government of Colombia does not control its territory. There are

whole areas of territory outside the control of the government. We should support this country, and this amendment says so explicitly.

Mr. President, do I still have a minute under the agreement?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I yield the floor.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senator from Delaware be recognized to offer a tabling motion on the Wellstone amendment and that the vote on or in relation to the Sessions amendment occur immediately after the vote on the Wellstone amendment, and that the time on the Sessions amendment be—

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. WELLSTONE. Reserving the right to object. What did the Senator ask for?

Mr. McCONNELL. Mr. President, I will not ask unanimous consent that the time on the Sessions amendment be limited to 10 minutes.

Mr. WELLSTONE. Reserving the right to object. What is the Senator asking for?

Mr. McCONNELL. I asked unanimous consent that the Senator from Delaware be recognized to offer a tabling motion on the Wellstone amendment and that a vote on or in relation to the Sessions amendment occur immediately after the Wellstone vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Delaware.

Mr. BIDEN. Mr. President, I move to table the Wellstone amendment.

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 3518. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 11, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—89

Abraham	Chafee, L.	Fitzgerald
Akaka	Cleland	Frist
Allard	Cochran	Gorton
Ashcroft	Collins	Graham
Baucus	Conrad	Gramm
Bayh	Coverdell	Grassley
Bennett	Craig	Gregg
Biden	Crapo	Hagel
Bingaman	Daschle	Hatch
Bond	DeWine	Helms
Breaux	Dodd	Hollings
Brownback	Domenici	Hutchinson
Bryan	Durbin	Hutchinson
Bunning	Edwards	Inhofe
Burns	Enzi	Inouye
Campbell	Feinstein	Jeffords

Johnson	McCain	Sessions
Kennedy	McConnell	Shelby
Kerrey	Moynihan	Smith (NH)
Kerry	Murkowski	Smith (OR)
Kohl	Nickles	Snowe
Kyl	Reed	Stevens
Landrieu	Reid	Thomas
Lautenberg	Robb	Thompson
Levin	Roberts	Thurmond
Lieberman	Rockefeller	Torricelli
Lincoln	Roth	Voinovich
Lott	Santorum	Warner
Lugar	Sarbanes	Wyden
Mack	Schumer	

NAYS—11

Boxer	Grams	Murray
Byrd	Harkin	Specter
Dorgan	Leahy	Wellstone
Feingold	Mikulski	

The motion was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the Senator from Alabama, it is my understanding, would like to ask consent to further modify his amendment after a discussion we have had.

AMENDMENT NO. 3492, AS FURTHER MODIFIED

Mr. SESSIONS. Mr. President, I have a further modified amendment consistent with the request of Senator LEAHY to strengthen the language that says our support for the Colombian Government would be conditioned upon their following defined standards of human rights, as Senator LEAHY placed in the bill.

The PRESIDING OFFICER. Is the Senator asking unanimous consent?

Mr. SESSIONS. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3492), as further modified, is as follows:

On page 155, between lines 18 and 19, insert the following:

SEC. 6107. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 6101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

The PRESIDING OFFICER. The question is on agreeing to the underlying amendment.

The amendment (No. 3492), as further modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. The Helms amendment, No. 3498, is pending.

Mr. McCONNELL. I ask unanimous consent the Helms amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3519, 3528, AND 3532, EN BLOC

Mr. McCONNELL. I call up amendment No. 3519 by Senator STEVENS, amendment No. 3528 by Senator INHOFE, and amendment No. 3532 by Senator LEAHY. These three amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments Nos. 3519, 3528, and 3532, en bloc.

The amendments are as follows:

AMENDMENT NO. 3519

On page 38, on line 12 after the word “Appropriations” insert the following: “Provided

further, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That withdrawal from the account shall be made only on authenticated instructions from the Defense Finance and Accounting Service: Provided further, That in the event the interest bearing account is closed, the balance of the account shall be transferred promptly to the current appropriations account under this heading: Provider further, That none of the interest accrued by the account shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations”.

AMENDMENT NO. 3528

(Purpose: To express the sense of the Senate regarding United States citizens held hostage in Colombia)

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE ON UNITED STATES CITIZENS HELD HOSTAGE IN COLOMBIA.

(a) The Senate finds that—

(1) illegal paramilitary groups in Colombia pose a serious obstacle to U.S. and Colombian counter-narcotics efforts;

(2) abduction of innocent civilians is often used by such groups to gain influence and recognition;

(3) three US citizens, David Mankins, Mark Rich, and Rick Tenenoff, who were engaged in humanitarian and religious work were abducted by one such group and have been held hostage in Colombia since January 31, 1993;

(4) these 3 men have the distinction of being the longest-held American hostages;

(5) their kidnappers are believed to be members of the FARC narco-guerrilla organization in Colombia;

(6) the families of these American citizens have not had any word about their safety or welfare for 7 years; and

(7) such acts against humanitarian workers are acts of cowardice and are against basic human dignity and are perpetrated by criminals and thus not deserving any form of recognition.

(b) The Senate—

(1) in the strongest possible terms condemns the kidnapping of these men;

(2) appeals to all freedom loving nations to condemn these actions;

(3) urges members of the European Community to assist in the safe return of these men by including in any dialogue with FARC the objective of the release of all American hostages;

(4) appeals to the United Nations Commission on Human Rights to condemn the kidnapping and to pressure the FARC into resolving this situation; and

(5) calls upon the President to raise the kidnapping of these Americans to all relevant foreign governments and to express his desire to see this tragic situation resolved.

AMENDMENT NO. 3532

At the appropriate place in the bill, insert the following new section:

SEC. . INDOCHINESE PAROLEES.

Notwithstanding any other provision of law, any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status

pursuant to section 599E of Public Law 101-167.

AMENDMENT NO. 3519

Mr. MCCONNELL. Mr. President, we received a request April 21 to allow fiscal year 2001 outlays—not budget authority—to be disbursed early into a Federal Reserve account. We have never structured accounts around outlays before, so we are looking at the scoring implications as well as what this will provide to Egypt in security assistance.

I am not prepared to write a blank check to any government. It is possible that this request could generate an additional \$35 to \$40 million for the Egyptians to spend on military equipment.

I would like to know what they plan to spend these resources on and no one can tell me. I think we need to be better informed before signing off on this approach.

Another problem with the proposal concerns actual control of the resources. The reason there are no scoring consideration is the entire amount is deemed obligated to Egypt once the funds are transferred into this account. That means the Egyptians could default or cancel a contract with an American company and we would have very little recourse because the money is already in their account. We must be sure that we will continue to have transparency and ongoing U.S. management of these resources, both the funds put into the account and the interest generated by the account.

Let me add, separate and apart from concerns about the actual account structure, I am not sure we should be increasing U.S. security assistance to Egypt. A short while ago, President Mubarak paid a visit to Lebanon and issued a statement of support for Hezbollah's terrorist war against Israel. At this delicate juncture with rising concern about cross border violence against Israel, Mr. Mubarek's comments were and are extremely damaging to peace and stability, to say nothing of safety of Israeli civilians. I am not sure what signal it sends to increase military aid after such unfortunate remarks. After all, the aid is provided in recognition of Egypt's service to the peace process established at Camp David—the President's comments undermined those very principles and prospects.

In the State Department briefing justifying the request, U.S. officials urged our support because of Mubarek's need to address the requirements of "his key constituents, the military." Frankly, I think Mr. Mubarek needs to worry less about satisfying the military and spend more time and effort shoring up democratic institutions and civic society.

Once again this year he demonstrated a heavy handed political style by extending for three more years the State of Emergency which grants him far reaching powers. He has grant-

ed and maintained this sweeping authority for nineteen years. Press censorship and restrictions on political parties and activities are among many authoritarian measures which are routinely enforced in Egypt—not characteristics of the most open democracy.

In spite of my concerns about the trends in Egypt, I am prepared to consider this request fully and carefully in consultation with the chairman and others who I know are interested and expect we will have a recommendation by the time we get to conference.

AMENDMENT NO. 3528

Mr. INHOFE. Mr. President, S. 2522 contains \$934.1 million for Plan Colombia, a counternarcotics initiative. A portion of that is earmarked for the investigations of human rights abuses. Certainly a part of the drug culture that this bill is attempting to address is the abduction of individuals by paramilitary groups who either hold their hostages for ransom or use the abduction as a means of intimidation against law enforcement. Frequently we hear of witnesses, prosecutors and judges being taken from their homes, offices or off the street in broad daylight in an attempt to stop the prosecution of drug kingpins. However, innocent civilians, not involved in the war on drugs, are targets as well. The amendment I am introducing addresses the latter.

My colleagues may not be aware but currently there are three American citizens who are being held hostage by FARC, a narco-guerilla group in Colombia. Many have been involved in obtaining their release but the 7 plus years of their captivity has complicated those efforts.

On the evening of January 31, 1993, a group of armed guerrillas entered the village of Pucuro Panama. Once control of the village had been secured, the guerrillas went to the homes of the Mankins, Riches, Tenenoffs, three missionary families with New Tribes Mission who were invited to live in Pucuro by village leaders to teach reading and writing and provide medical care to villagers. David Mankins, Mark Rich and Rick Tenenoff were tied up and their wives instructed to prepare small packages of clothing for them. The guerrillas then forced the men toward a trail that leads to the Colombian border.

Shortly after the kidnaping, FARC made contact with New Tribes Mission, claimed credit for the abduction and demanded a \$5 million ransom. The mission refused to pay the ransom and shortly thereafter contact ceased. Since then there has been many rumors and reports, but not proof on their whereabouts.

David Mankins, Mark Rich and Rick Tenenoff have the dubious distinction of being the longest held American hostages. Their families have lived the last 7 years without knowing whether they are dead or alive.

My amendment condemns the kidnaping; urges members of the European Community to assist in the safe return of these men by including in any dialogue with them the objectives of the safe return of these missionaries; and appeals to the United Nations Commission to pressure FARC to resolve this situation.

I am proposing this amendment for a couple reasons: first, FARC has aggressively courted a dialogue with several in the European community. In fact, I understand that in the upcoming weeks there will be representatives of FARC in Europe looking for support of their "revolution." I fear any recognition would be viewed as legitimizing the illegal and cowardly activities of FARC and thereby compound efforts to either gain release of these Americans to learn of their fate.

Secondly, Dr. Larry Maxwell of Patterson Baptist Church in Patterson, New York has begun a 240 mile walk to Washington, D.C. to bring attention to the tragic situation of these families. Dr. Maxwell will culminate his walk at the Capitol this coming Monday, June 26th, where he will be joined by the families of the kidnapped men.

I urge my colleagues to support this amendment because these American citizens can easily be forgotten and we must not do that. Dave, Mark and Rick needs our prayers and their families need to know that their loved ones have not been abandoned. Finally, we need to encourage all those who have worked during the last 7 years to bring an end to this horrific ordeal to continue their effort.

THE PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 3519, 3528, and 3532) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I believe the distinguished Senator from Washington is here and ready to offer an amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3517

(Purpose: To reduce the amount of funds made available for South American and Caribbean counternarcotics activities, and for other purposes)

Mr. GORTON. I have an amendment at the desk and I ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], proposes an amendment numbered 3517.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning page 141, line 9, strike "\$934,100,000" and all that follows through line 18 on page 155 and insert the following: "\$200,000,000 to remain available until expended: *Provided*, That the funds appropriated under this heading shall be utilized in Colombia, Bolivia, Peru, Ecuador, and other countries in South and Central America and the Caribbean at the discretion of the Secretary of State."

Mr. GORTON. Mr. President, the effect of this amendment would be to strike the Colombian drug money appropriation of \$934 million and substitute for that number \$200 million. In other words, the passage of the amendment would result in savings—that is to say, not spending—almost three-quarters of a billion dollars, and by implication using that money to pay down the national debt.

Curiously enough, I think the justification for the amendment is as eloquently stated in the bill being managed by my friend from Kentucky and by the committee report—which I commend to my colleagues—that accompanies that amendment.

I will read one paragraph now from the committee report:

Historically, INL has provided support to the Colombian National Police. The Supplemental anticipates a 7:1 shift in funding from the Police to the Army. Given the past limited role and resources provided for counter-narcotics activities in Colombia and the region, the Committee is concerned about the rapid, new, and unprecedented levels of spending requested. The fiscal year 2000 program level of \$50,000,000 for Colombia will now rise to nearly \$1,000,000,000. The Committee has grave reservations regarding the Administration's ability to effectively manage the use of these resources to achieve the expected results of reducing production and supply of cocaine while protecting human rights.

I could hardly state my case better. We have a profound and dramatic shift in focus. We have a huge 19-1 increase in the amount of money in this bill focused on this particular problem, and we lack even a clue as to whether or not it will have any positive impact on drug trafficking between Colombia and the United States.

I will read the language found on page 151 of the bill, section 6106:

LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA

(a) **LIMITATION ON SUPPORT FOR PLAN COLOMBIA.**—Except for appropriations made by this Act and appropriations made by the Military Construction Appropriations Act, 2001, for such purpose, none of the funds appropriated or otherwise made available by any Act (including unobligated balances of prior appropriations) shall be available for support of Plan Colombia unless and until—

(1) the President submits a report to Congress requesting the availability of such funds; and

(2) Congress enacts a joint resolution approving the request of the President under paragraph (1).

In other words, let's spend \$1 billion, and after it is spent, let's ask the President for a justification of why we were spending it and a plan for what we are going to do in the future.

That is absolutely, totally, completely backwards. This is a major undertaking, a huge change in our relationship with Colombia, in what we sometimes fatuously denominate a war against drugs, with some kind of hope that it will have a positive impact. My guess is I will very shortly be asked to enter into a time agreement so we can vote on this amendment no later than 6 or 6:30 p.m. today. Time constraints will lead me to accept that time agreement. But is it not equally bizarre and irresponsible that we should put the United States into another military adventure on the basis of so short and superficial a debate about both means and ends in connection with this appropriation?

The Senator from Minnesota, Mr. WELLSTONE, just proposed an amendment that got very few votes, that superficially at least was aimed at the same goal. I say "superficially" because Senator WELLSTONE did not propose to save any of the money. He simply proposed to spend about 25 percent of it with priorities that differed from those of the committee and those of the President of the United States. The war and all the equipment were still there under his amendment. We just had a quarter of a billion dollars spent on various social program purposes.

His amendment, in other words, did not go to the heart of the question that is before us. That question is, Are we prepared casually, at this point, to take the first step in what has often in the past been an inevitable series of steps toward engaging in another shooting war?

I grant you there is a limitation of no more than 250 American military personnel to accompany the equipment we will be selling to Colombia under the provisions of this bill. But isn't that almost always the way we begin an adventure of this nature, with pious declarations that our participation is limited; we are just helping some other country solve its own problems and challenges in some military fashion? I think so.

But this is a shift from supporting a police force in a friendly country to supporting an army engaged in a civil war, a civil war that it has not been winning, a civil war in which the other side is very well financed—indirectly, at least, in large part by Americans who purchase cocaine—but without the slightest real control over the use of the equipment that the Colombian Army will be receiving pursuant to this bill.

How long will it be until we read the first news story about some of this equipment showing up in the hands of the rebels, by capture or, for that mat-

ter, by purchase? I don't know, but that is what has constantly happened in the past in almost each of the other adventures of this nature in which the United States has found itself.

But my fundamental point with respect to this amendment is that we are voting money first and asking for the justification later. We should get the justification first and make the determination as to whether to spend this amount of money or how much we ought to spend after we know exactly what the plan is and how the plan promises to lead to any kind of successful conclusion.

But the bill says, right here on pages 151 and 152, we will spend the \$934 million and then the President will tell us how he is going to spend future money, and we will get a joint resolution.

At a later stage in a similar adventure, we went through an almost identical debate just a couple of weeks ago on Kosovo. We voted the money and lacked, by a small margin, the courage even to say that it had to be justified and authorized by Congress a year from now. I hope we may have learned something from that experience. Should we not seriously debate this matter first—not just in a couple of hearings in an Appropriations Committee and essentially a rider on an appropriations bill but seriously and extensively? Is this the single best way in which to spend the almost three-quarters of a billion dollars that is the subject of this amendment, even on drug interdiction, much less on any other potential program in the United States? Will it help Colombia? Does it really address drug problems in the United States? Is there an exit strategy?

We know there was not any in Bosnia. We know there is not any in Kosovo. And we sure are not told what it is here. One consequence of passing this appropriations bill in its present form, however, is certain. It will not be a one-time appropriation. It will not be the only request we are asked to respond to, to deal with the Colombian military, almost \$1 billion in this appropriation—a downpayment. But it isn't a downpayment we make on a home or an automobile. It is a downpayment on which we don't know the schedule of future payments; we don't know the total amount of future payments; we don't know how we will measure success if, indeed, any success exists. It is simply the beginning of an open-ended commitment, with the pious statement that the President must come back a year from now and justify future appropriations and get a joint resolution of Congress.

I don't think those lines are worth the paper they are printed on because next year's foreign operations appropriations bill can just appropriate another \$1 billion, and its passage will be that joint resolution, without any more justification than we have today.

In one respect, at least, I must interject with this comment: I have been overly critical. In comparison with the way in which this problem has been treated in the House of Representatives, this appropriation is a model of responsibility. It includes considerably fewer dollars and considerably more in the way of conditions—future conditions though they may be. That means, unfortunately, the conference committee will end up spending more money than we are spending here and probably with fewer and less responsible requirements imposed on the administration in the way in which the money is spent.

But my points in this amendment are simple. We are asked to engage in another civil war. I repeat that. We are asked to engage in another civil war with a major commitment to equipment and training for the Colombian Army. Very rarely does this kind of commitment get made without escalating into something more, in money or in personnel or the like. Very rarely are insurgencies such as the one in Colombia successfully met when those insurgencies have as large a source of monetary support as this one seems to have.

In any event, I suppose one can even say that this is a good, thoughtful, and responsible idea, but we do not know that. We have not had any kind of national debate on the subject. We have not had anything more than the most superficial justification for it by an administration whose foreign policy guesses so far during the last few years do not lend a great degree of confidence to most of us with respect to the responsibility of this adventure.

In the relatively short period of time we have available, I ask my colleagues to ask themselves the simple question: Do you know enough about this idea to risk \$1 billion on it in an open-ended commitment to an entirely new adventure in a campaign which has rather spectacularly lacked in success for the last 10 or 20 years? Wouldn't you like a little bit more advanced justification? Wouldn't you like a little bit more time to thoughtfully consider whether we want to involve ourselves in this particular civil war? Isn't there somewhere that you can think of that \$700 million would be spent more wisely, even in connection with our struggle against illegal drug usage in the United States or for some other program entirely or for the reduction in the national debt to which we all give so much lip service, except when it comes up against a new spending program?

What I offer is an amendment that will still have us spending four times as much money in Colombia than we are spending during the course of the current year—four times as much money, \$50 million to \$200 million—but one that will require the President to come up to us with the very require-

ments that are set out on pages 151 and 152 of this bill but with a difference. He will have to come up and justify it before we give him the money rather than after it is over.

Next year, this request will be a very simple one: Oh, gosh, we have already spent \$1 billion. We can't stop now; it is just beginning to show results; the helicopters have only been down there for 2 months; we are only asking another \$1.5 billion, or whatever the request; we can't quit now; we won't show constancy; we won't show purpose. The time to show constancy and purpose is right now.

This spending program, even with the restrictions and limitations included in this bill, is not responsible. It is not the right way to spend money. It is almost impossible to conceive that it will be successful, and we should deal with it today, here and now, by very simply saying: No; no, Mr. President, not until there is a far greater justification than any that you have presented so far.

We should heed in our votes as well as in our words the very words of the committee and show "grave reservations regarding the administration's ability to effectively manage the use of these resources." If we have grave reservations, we should not be spending the money until those reservations are met and we have a far greater degree of confidence than any of us can show today that this spending will be effective.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I have a hard time remembering the last time I disagreed with my friend from Washington on an issue, but on this one, regretfully, I do. We had a vote a few moments ago to reduce the Colombian drug war money by \$225 million. That was defeated 89-11. Now my colleague from Washington would take it all the way down to a mere \$100 million for this effort. He would be the first one to agree that, in effect, eliminates this effort. I think that is a mistake.

I will make the motion to table the Gorton amendment which I would like to schedule for 4 p.m., if that is agreeable with Senator GORTON.

Mr. GORTON. Mr. President, I am sorry, I did not hear.

Mr. McCONNELL. I was saying to my friend from Washington, I am planning on making a motion to table at 4 p.m. and that would give us a time certain for the vote. We can lay the amendment of the Senator from Washington aside and go on to Senator DODD who has an amendment as well.

Mr. DODD. Mr. President, has the unanimous consent request been propounded?

Mr. McCONNELL. Not yet.

Mr. DODD. I am going to make a suggestion before my colleague makes it. There are at least two other people

who I know want to speak on the amendment I am going to offer. I am worried about the timing. If we schedule a vote at 4 p.m. and I presume a vote on my amendment to follow immediately thereafter—

Mr. McCONNELL. I was not going to propound that.

Mr. GORTON. Will the Senator from Kentucky yield?

Mr. McCONNELL. I yield to the Senator from Washington.

Mr. GORTON. This Senator has made his case. He will need 5 minutes at the most to repeat it. As the Senator from Kentucky knows, however, a somewhat more drastic version of this amendment received 11 votes on the Appropriations Committee, and there may very well be other Members who do wish to speak on it.

While I am perfectly happy at this point to grant unanimous consent to go on to another amendment, I would like the two Cloakrooms to be able to circulate the thought that this amendment is before the body, and if other Members want to come, that they be given an opportunity to speak. I hope he defers his motion to table until that opportunity has been presented.

Mr. McCONNELL. I will be happy to defer. As a fellow chairman of a subcommittee on Appropriations, the Senator is sympathetic, I am sure, of my goal to finish the bill. I was trying to move this along. Obviously, I will defer to my friend from Washington if he is not prepared to have that vote.

Mr. GORTON. If other people wish to speak, I want them to have that opportunity. I am perfectly happy to vote before we leave this evening.

Mr. McCONNELL. I say to my friend from Washington, is there further debate on the amendment? Does the Senator from Connecticut wish to speak to the Gorton amendment?

Mr. DODD. Briefly. I will not take a lot of time. I know the chairman wants to move this bill along.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be proposing another amendment briefly. I did not speak during the consideration of the Wellstone amendment but, in effect, the amendment offered by our friend and colleague from Washington is tantamount to the same conclusion as the Wellstone amendment. This amount will be reduced, as I understand the amendment, to some \$200 million, in effect gutting the program. An amendment that says we not spend the money would have the same effect, in my view.

This is a complicated and difficult issue. I say to my friend from Washington, for whom I have the highest regard and respect, and I listen to him carefully when he speaks on any issue, I am deeply concerned. This is not a perfect package by any stretch of the imagination. If I were crafting this

alone, it would be somewhat different than the package before us. I understand with 535 Members of Congress and a Defense Department and a State Department and dealing with regional governments as well in the hemisphere who are as concerned about this issue as we are, we cannot craft a package that reflects necessarily the views of every single person. We have to put together a package that seems to make the most sense from a variety of perspectives.

I did not speak on the Wellstone amendment, but my feelings are very strong when it comes to this issue of Colombia.

Colombia is the oldest continuous democracy in Latin America.

I do not engage in hyperbole when I suggest to my colleagues that this nation of Colombia is very much, in my view, on the brink of being disintegrated by narcotraffickers and guerrilla forces operating in that country.

The narcotraffickers are accumulating a fortune, a vast fortune, significant parts of which are being used to finance the guerrilla operations. The major source of funding for the narcotraffickers, regrettably, comes from right here in the United States. We lose about 50,000 people a year in the United States to drug-related deaths. We are the largest market for illegal Colombian drugs.

Just in the last 2 years, Colombia's coca production has grown by 40 percent. In 1999, the United States estimated the street value of cocaine processed from Colombia's coca fields and sold on the streets of this country was in excess of \$6 billion.

Whether we like it or not, we are engaged in the conflict in Colombia. Because of events in that country and because of our own habits in this Nation, people are dying in the streets of America. This is not some distant conflict without any ramifications here at home.

I do not believe this issue is necessarily going to be resolved because we have a military aid package going to Colombia. It is going to be resolved through a variety of measures and means. I, frankly, have been terribly disappointed; we are now almost in July—this is a request for help from our neighbor, from President Pastrana, from a democratic government, where 1 million people are now displaced because of the conflict in Colombia. And 100,000 people leave that country every 6 months because of the war there, many of them coming to our shores and many of them going to other nations.

Colombia is greatly distressed. Politicians, journalists, judges, and innocent civilians are being gunned down. We think we put ourselves at great risk when we run for political office if someone slams a screen door in our face. In Colombia, if you run for high

office, you run the risk of being killed. That is not an exaggeration.

Literally dozens and dozens of people who have had the temerity to stand up to the narcotraffickers and to some of these paramilitary forces, and others, have lost their lives. President Pastrana, the President of the country, was actually taken hostage and kept in the trunk of a car not that many years ago as a victim of this conflict.

My point is this. This package may not be perfect, but our delay in responding to a neighbor's call for help is getting too long. Every day we wait, every day we delay, means more lives lost, means greater strength for these narcotraffickers, who respect no one, not sovereignty, not governments, certainly not democratically elected governments, and will use whatever means available to them in order to secure their position and gain resources through their illegal trade in death, a trade in death which costs the lives of people in this country.

Obviously, we have to do a lot here at home. We can't blame the Colombians because we have illegal drug habits in this country that exceed anywhere else in the world. But part of the answer is going after the source. So when we step up to offer the Colombian democracy a chance to fight back, we are not only doing it for them; we are doing it for ourselves.

So with all due respect to my friend from Washington, and others, this may not be a perfect plan, but every day we delay in stepping up to help our neighbor, we cause more hardship, more death and destruction in our own country, and greater is the proximity of Colombia losing its democratic government, losing its sovereignty.

So I hope that this amendment will be rejected, as was the previous amendment, and that we will get about the business of passing this legislation, and giving these people a chance to fight back, and also giving ourselves an opportunity to reduce the hardship in our own streets as a result of the narcotrafficking problem.

I do not claim to be any deep expert on the issue of antinarcotics efforts, but I respect those who are. From General McCaffrey to our colleagues in this Chamber, and in the other House, who work on this issue every single day, almost without exception, they say this is a must-pass program; that if we back away from our responsibility, if we back away from an ally and a friend and a neighbor in trouble, then our credibility, when it comes to fighting back on this issue, will be severely damaged, if not lost entirely, in this part of the world.

President Pastrana deserves the admiration, support, and respect of the American people and this Congress. From the first days he was elected to office, he has sought to resolve the conflict in his country with a major guer-

rilla group in his nation that has operated for 40-some years, by sitting down with them to try to resolve their differences. He even turned over a sizable portion of Colombia, his own nation—a small percentage of the population resides in this area of Colombia.

I have here a partial map of Colombia. It is not clearly shown on the map, but a substantial portion of Colombia is in an area called the llanos, a Spanish word for lowlands, wetlands. When you come out of the Andes in Colombia, and come down into the llanos areas, the flat areas, there is a large section of this piece of territory which President Pastrana and his government conceded—in effect, an autonomous region—as part of the effort to try to resolve this 40-year-old conflict with the major guerrilla group called the FARC. As I said, a small percentage of the Colombian population actually lives there. But that was part of his concession to try to resolve this dispute. Just recently, he also made a concession of some additional property.

I show you a better map of Colombia. It is a little clearer. On the map you can see the darker area. Here is the Andean ridge that runs from Venezuela down through Ecuador and through Colombia. There are major population centers in the northern sections of Colombia around Bogota.

This area over here is the least populated area of Colombia. It is in this shaded area shown here where this concession was made. There have also been concessions made in the north.

President Pastrana has desperately tried to bring this conflict with this age-old guerrilla operation to a conclusion. But the problem is, the major cocaine and major coca productions occur in areas very similar—in fact, this is the darkened area, the DMZ area, in an area called Caqueta and Putumayo. The Putumayo region is along the border of Ecuador. And the Caqueta region is very similar to it. This is the largest region from which these killer drugs come that end up on our streets.

It is estimated, by the way, these narcotraffickers have profits in excess of \$1 million a day—some would suggest three times that number—daily profits made in the streets of the United States to fund their operations and to support guerrilla activities. They cannot handle this alone. If it is left entirely up to Colombia to solve this problem, it gets worse every hour.

I know it is a lot of money, \$1 billion. It is not cheap. But every day we delay, every day we refuse to step up, this problem becomes worse and the narcotraffickers get stronger. They are already now in Ecuador. They moved into this region, where they moved the product up through Ecuador to the chemistry laboratories and then back down through Ecuador and either back into Colombia or out to the United States. It is a serious issue.

Their government has pleaded with us for some help for over a year. We are now almost finished with this session of Congress, and we still have not addressed this issue.

Again, I respect my colleague from Washington. But there was another time, a half a century ago, when neighbors in another part of the world asked for our help—not our direct involvement—in something called the Lend-Lease Program. Franklin Delano Roosevelt, in a national address to the country, described it to the American public in terms of a house being on fire and neighbors asking for some help.

In a sense, today, that is what we are being asked to do. We have here a democratic neighbor, the oldest democracy in Latin America, one of our best allies in the world, a group of people who have supported us and have been through hell over the last 20 years as judges and presidential candidates, prosecutors, state legislators. Anyone who had the guts to stand up to narco-traffickers has gotten gunned down or their families kidnapped and put through a reign of terror by these people, and now they ask us for a little help. All of those drugs come here. They end up on our streets. They kill our kids. They want to know if we will help to put an end to it. I think it is very little to ask, considering the magnitude of the problem, how precarious it is for us here at home and for this good neighbor and friend to our south.

Regardless of party, political persuasion, or ideology, this is a time when we need to say to democratic countries in this hemisphere, we stand with you, particularly when the fight involves us very directly. I hope this amendment will be resoundingly defeated and a strong message sent that this Congress, despite its demands for attention and time and resources, is not going to turn its back on the people of Colombia. Rather we will be saying that we will, in an expeditious fashion, provide the resources necessary so these people have a chance to fight back against a crowd who wants to take their sovereignty and simultaneously add to the carnage on our own streets.

For those reasons, I urge rejection of this amendment. When the tabling motion is offered, I hope my colleagues will support it.

I yield the floor.

Mr. GRASSLEY. Mr. President, I want to bring my colleagues attention to the importance of what we are trying to do with emergency aid to Colombia. Why is this aid important? And why is now an emergency?

Illegal drugs pose a direct, immediate threat to the health and safety of the citizens of the United States. Today, a majority of the cocaine and heroin consumed in the United States, is grown, processed, and smuggled from Colombia.

The Senate, today, has the opportunity to act. We have the opportunity

to provide a needed boost to the Government of Colombia and their efforts to halt illegal drug production in their country. They have a plan, and they have asked the U.S. for support. We should provide it.

That said, I don't want to mislead anyone into thinking this is either the perfect or final assistance package that will come before the Senate for Colombia. However, it is a good start. It will strengthen the Colombian military while emphasizing the importance of human rights. It will provide additional resources for the Colombian National Police, and strengthen U.S. Colombian, and other nations in regional interdiction capabilities in and around Colombia. Personally, I would like to see more money for intelligence collection, and more emphasis on coordination of activities between the Military and National Police, and more assistance to Colombia to strengthen the rule of law. However, these are all things that can be addressed in future appropriations. We also need to address economic and trade issues to help the legal economies in the region. This package provides important assistance needed now to a government with the will and ability to act.

The drug problem is not going to be solved overnight. To confront this threat, we must work locally, as well as internationally. We must provide assistance so those who have been seduced by drug use can get help, but we also—and I would say this has to be our first focus—we also must keep people from becoming addicts in the first place. This means education and prevention. It means using the law to punish those who break it, providing the resources to help those who become addicted, and it also means focused programs to stop drugs at the source. That means that it is in both the moral and strategic interest of the United States to support the Government of Colombia in its efforts to rid the country of drug production. We should not squander this opportunity.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I think it might be appropriate to lay the Gorton amendment aside temporarily and go forward. Is the Senator from Connecticut ready to offer his amendment?

Mr. DODD. I am.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Gorton amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3524

Mr. DODD. Mr. President, I call up amendment 3524.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 3524.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 142, on lines 3-5, strike the words "procurement, refurbishing, and support for UH-1H Huey II helicopters:" and insert in lieu thereof the following: "procurement and support for helicopters determined by the U.S. Department of Defense, in consultation with the Colombian military, to be the most effective aircraft to support missions by elite Colombian counter narcotics battalions in eradicating the expanding cultivation and processing of illicit drugs in remote areas of Colombia:"

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and my colleague from Connecticut, Senator LIEBERMAN, and others who may wish to join us. I will read the substance of the amendment; then I will go into the language. The substance of the amendment is as follows: We would strike the words "procurement, refurbishing, and support for UH-1H Huey II helicopters" and insert in lieu thereof the following: "procurement and support for helicopters determined by the U.S. Department of Defense, in consultation with the Colombian military, to be the most effective aircraft to support missions by elite Colombian counter narcotics battalions in eradicating the expanding cultivation and processing of illicit drugs in remote areas of Colombia."

I begin these remarks by stating what was perhaps obvious to my colleagues but may not be obvious to all who are following this debate. My colleague and I from Connecticut represent a division of United Technologies known Sikorsky Aircraft which produces Blackhawk helicopters. I am not proposing an amendment that mandates that the Blackhawk helicopter be the helicopter of choice. I am sure that may disappoint some of my constituents that I am not fighting on behalf of a particular helicopter. Rather, my amendment provides for the helicopter to be selected on its relative merits.

As I said a moment ago, when it comes to narcotics issues, I don't claim great expertise. I don't claim to be a military expert when it comes to making decisions about which helicopters may be the best to use in a given situation. Rather than offer an amendment, which my colleague from Connecticut and I might have done, to say we replace the language here, which does call for a specific helicopter, with the one that is produced in our home State, our amendment says, let the people who have to make the assessment about what would work best in Colombia decide, not what the Senators from Connecticut want or the Senators from Texas or some other

place. My amendment would allow our military experts to say what makes the most sense, in consultation with the people who will be receiving this military equipment.

Even if Senators disagree with this package in its entirety, I hope they will support this amendment so that at least Colombia will be receiving the kinds of equipment that will be necessary to get the job done.

The questions raised by our colleague from the State of Washington about whether or not this policy can work are not illegitimate. None of us have a crystal ball to determine whether or not this particular program is going to produce the desired results of those of us who support it. One way we can almost guarantee it won't is to insist that the Colombian Government accept only the hardware which we want to give them, not which may be the best in order to deal with the problem but that which we think they ought to have because of some parochial interest.

I don't want to be in a position of demanding that the Colombian Government take a helicopter made in my State. Nor should anyone else be demanding they take one from theirs. Let us let the experts decide on what works best. That is the reason I am offering this amendment with a number of my other colleagues.

The administration's primary rationale in proposing the \$1.2 billion supplemental aid package in support of what is called Plan Colombia was to assist the Colombian Government in stemming the massive growth in coca cultivation in southern Colombia. Again, it is the area I described in the shaded green around the Caqueta and Putumayo region. It is not limited to those areas. There are other areas as well where the products are grown. Those are the principal ones.

In the last 2 years, Colombia's coca production has grown by 40 percent. In 1999, the estimated street value in the United States was in excess of \$6 billion coming out of this region, just in a year alone. We are talking about a billion-dollar program to deal with a supply in coca alone, in 1 year, 2 years, in excess of \$6 billion.

The Colombian Government has proposed to address the explosion in coca production by going to the source, the coca-producing regions of Putumayo and Caqueta in southern Colombia. However, these coca growing areas are also strongholds of the FARC guerrilla organizations—frankly, there is a relationship between the drug cultivators and the guerrillas in these two areas. There are also right-wing paramilitary organizations which operate in these areas, but the paramilitary groups are more extensive in the northern part of the country.

To address these threat levels and logistical difficulties in mounting sub-

stantial counter narcotics programs, President Pastrana has made a central feature of his plan the so-called push into southern Colombia, where the bulk of the problem resides. The key components of the push into southern Colombia are to equip and train two additional Colombian counter narcotics battalions, the training and deployment of the first battalion having already occurred in December of last year, and to provide tactical mobility, which is airlift capacity, to these newly trained battalions so that the Colombian national police will have sufficient area security to carry out eradication and other drug law enforcement operations in southern Colombia.

The Clinton administration specifically requested almost \$600 million to support that component of Plan Colombia, a request essentially met in the House-passed emergency supplemental bill. The success or failure of push into southern Colombia depends in no small measure not only on the effectiveness of these battalions but also on the effectiveness and the capacity and capability of the equipment with which we provide them. It is going to be critically important that we not jam down the throats of this government equipment that is not going to meet the test, not going to help get the job done. That is why I offer this amendment today.

President Pastrana and U.S. defense experts spent a number of months discussing how best to ensure the maximum effectiveness of these operations. Contrary to the assertion of my colleague from Washington, a lot of time has been spent discussing this issue. There has not been a lack of discussion about what is going on in Colombia. There has been a lot of discussion, a lot of hearings.

Our Pentagon and other experts have determined that the ability to transport substantial numbers of elite Army troops together with members of the national police quickly and safely to remote areas of Colombia would be absolutely critical to the overall success of the larger strategy. After reviewing a number of different options, including the possibility of non-U.S. aircraft, the Colombian Army selected the Blackhawk helicopter as their equipment of choice in dealing with this issue. According to Gen. Charles Wilhelm, Commander in Chief of the Southern Command, our top military person in the region, the ultimate decision to select the Blackhawk over other options was based on its superiority in the following areas: range, payload, survivability, versatility, service ceiling, and other technical considerations.

Let me share a chart with you that makes the point more clearly than anything I could have just said, in very specific terms. I have here a chart that shows a comparison between the Huey

II, presently demanded in this bill, and the Blackhawk. Let me go down each one of the critical areas identified by our top military people in the Southern Command.

What is the maximum cruise speed of the Huey II? It is 100 knots. The Blackhawk is 155 knots. The maximum number of passengers at sea level is 11 persons for the Huey and 24 for the Blackhawk. The maximum passengers at 9,000 feet is 8 persons the Huey and 18 persons for the Blackhawk.

On this other chart, when you are based here in northern Colombia and you have to get to southern Colombia, you have to fly over the Andes. This is not at ground level or sea level. For those people who may be familiar with the geography of this area, to suggest somehow you are going to have an effective quick-response team, taking 8 people in a Huey helicopter over the Andes, as opposed to a Blackhawk, which can carry 18 at 9,000 feet, is to put this program in serious jeopardy.

The maximum flight time is 1.5 hours for the Huey; its 2.5 for the Blackhawk. The range of a Huey is 196 nautical miles. It is 300 nautical miles for the Blackhawk. The ceiling—how high they can go—is 16,000 feet for a Huey and 20,000 feet in a Blackhawk. The weight the Huey can carry is 10,500 pounds; the Blackhawk can carry 22,000 pounds. Fuel consumption for a Huey is 600 pounds an hour. For the Blackhawk, it is 700 pounds an hour. The sling load is 5,000 pounds for the Huey and 9,000 pounds—almost double—for the Blackhawk. The payload at 4,000 feet again is more than double for the Blackhawk as opposed to a Huey.

Mr. President, in virtually every category that our top military people have said is important, the Blackhawk outperforms the Huey. I am not offering an amendment that demands that we write in Blackhawk instead of Huey. My amendment says let our military people decide which is best. If you are going to vote for this program, then you ought to let the military people decide what is going to give it the greatest chance of success, and not have a bunch of Congressmen and Senators tell you what is going to have the greatest chance of success. We should give significant weight to what our military people think will work in this area.

If you want to condemn the Plan Colombia program to failure at the outset, then provide them with inferior equipment so that they can't get the job done. I suggest that is what is happening with the present language in this bill. In virtually every operational category—speed, maximum passengers, flight time, ceiling, weight-carrying capacity—the Blackhawk outperforms the Huey. That is not at all surprising,

since the Huey is a Vietnam war vintage aircraft, which first went into production in 1959—40 years ago. The production of Hueys ended in 1976, a quarter of a century ago. The Blackhawk is newer; in fact, it is still being manufactured. Moreover, the Blackhawk was engineered specifically to address the deficiencies experienced with the Huey during the Vietnam conflict.

The so-called Huey II is a retrofitted Huey. The upgrade package that the Committee mark would fund was only developed 4 years ago and sold to the Colombian armed forces to improve the performance of Hueys currently in operation in that country. None of the U.S. services have chosen to upgrade Huey inventories using the kits the Appropriations Committee proposes to provide Colombia. In fact, the U.S. Armed Forces are in the process of phasing out current inventories of the 800 Huey aircraft and replacing them entirely with the newer model aircraft, including Blackhawks. Hueys are no longer used in combat missions by any of the U.S. Armed Forces.

The Appropriations Committee has indirectly acknowledged the differences in capability of the two aircraft by recommending a 2-for-1 substitute of Hueys for Blackhawks—60 Huey II's, instead of 30 Blackhawks. That also means that the significant cost advantages that the proponents of the Huey II have pointed to as a justification for the substitution is significantly reduced. It is even further reduced because U.S. military experts who are familiar with the conditions in Colombia in which the aircraft will be operating have stated it will actually take two-plus Hueys to accomplish what one Blackhawk could do. If that is the case, then the cost advantage argument goes out the window. The mission cost for a typical mission of transporting 88 troops from a base, at a distance of 98 miles or less, would cost essentially the same.

The committee has asserted in its committee report that one of the rationales for substituting Hueys for Blackhawks was the more immediate availability of Huey II's. I think that is disputable, in light of the fact that the 60 Hueys would require major refurbishing. There is currently a limited capacity in the United States, or Colombia for that matter, to do that in a time frame that is much faster than the delivery schedule that Sikorsky has proposed for the 30 Blackhawks. However, setting that point aside for the moment, there is another more fundamental flaw, with all due respect, in the committee's argument. It assumes the Colombian army has trained pilots available to fly in the 60 Hueys once they arrive. Mr. President, that simply is not the case.

The expectation is that it will take between 6 to 9 months to train a pilot to fly those Hueys, or the Blackhawks

for that matter. In the case of Hueys, at least double the number of pilots will need to be trained to enable the Colombian Army to have an equivalent air mobility for its elite battalions. You will need at least double the number of pilots trained to carry out the missions. Frankly, the serious questions as to whether or not that many individuals can be identified on short notice in Colombia to undergo such training in order to actually produce the necessary pilots to operate that many Hueys safely and with the capacity and efficiency that is necessary.

Again, I don't claim to be an expert on this, conversant in all the nuances of various helicopter technologies. For that reason, my amendment does not demand that the Huey be the choice. I have made a case for it here, but I have tried to point out the fallacies in the demanding choice in the bill.

Again, whether or not you agree with this policy overall, I hope you will support this amendment. In fact, if you will oppose the policy because you think it is not likely to work well, then you ought to be for this because at least this increases the chance of success of this program. So my amendment simply says let the pros make the choices—not Senators or Congressmen for a specific State, but those who are knowledgeable about this issue, the defense experts in our own country, and those in Colombia who know this terrain.

Last, I will put up a chart that shows the relative ranges of the two helicopters. If you look at the colored circles on the chart, the red line is the range of a Huey. The black line is the range of a Blackhawk. Look at the difference in terms of range capacity of these two pieces of equipment.

With that, I hope that my colleagues will support this amendment when a vote is called for on it.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. At the outset, neither of these helicopters were made in the Commonwealth of Kentucky. My good friend from Connecticut has done, as usual, a very effective job of representing his position. Were I the Senator from Connecticut, I am confident I would be making a very similar speech. Even though the amendment of the Senator from Connecticut doesn't specify the particular kind of helicopter, as a practical matter, if you leave that decision entirely to the Pentagon, I think the Senator would agree that they are likely to prefer the Blackhawk.

Let me just point out to my colleagues why the committee made the decision that it did. First, this is primarily a cost decision. While we didn't want to compromise on safety or capability, we had to consider the fact that over the next several years of use, this subcommittee will have to provide fi-

nancial support to maintain and operate whatever aircraft is selected to move Colombian troops. Mr. President, this is not a one-time procurement decision. We will be dealing with this in future years. According to the Defense Security Cooperation Agency, the Blackhawks will cost about \$12 million each and then at least \$1,200 an hour to operate. Counternarcotics aircraft are expected to average 25 hours of flying time a month year-round. To cover these costs, the administration has requested \$388 million to procure, maintain, and operate the 30 Blackhawks.

In comparison, the Huey II will cost \$1.8 million to refurbish, and then roughly \$500 an hour for fuel, spare parts, and other operational costs.

Frankly, the strongest argument the administration made for Blackhawks over Hueys was that the former had twice the troop-carrying capability, as Senator DODD pointed out. While the Huey manufacturer challenged this argument, I decided it was better safe than sorry. So to address the issue, we doubled the number of aircraft we are funding to 60. Even doubling the number of helicopters, the cost of the Huey program stays under \$120 million.

Supporters of the Huey have also argued that they can be made available sooner than the delivery schedule of the end of the year for the Blackhawk. Given the pilot shortages and the time it will take to "train up" either Blackhawk or Huey pilots, I don't see this aspect as particularly decisive.

I think we have assured the Colombians that they can successfully achieve their mission by taking the approach we recommended in the bill.

I think we have assured the Colombians that they can successfully achieve their mission at a lower cost, not only now but, very importantly, to the budget here in the United States, and lower it in the future for the United States.

With the savings we achieved by taking the approach we recommended in the bill, we have been able to increase the regional support for the Colombian police, increase support for human rights programs, and sustain requested levels for equipment, training, and related support for counternarcotics battalions.

Senator DODD's chart points out the precise reason we chose to fund 60 Huey IIs rather than 30 Blackhawks. His chart points out that the cost to operate the Huey is \$617 per hour compared with the Blackhawk cost of \$1,675 per hour.

The foreign operations account has to pay for these operational costs this year, next year, and every year after that. Those are years in which we will probably not have \$1 billion in emergency funds for Colombia. That means we will have to cut into other accounts to keep these helicopters flying in future years. Which accounts do we cut?

Refugees, UNICEF, funds for Armenia, and Russia, demining, or health? What accounts will pay the price to fly Blackhawks in the future years when Hueys would do?

These are U.S. units, which do not have Blackhawks, which will have to wait while the production line produces Colombia's inventory. Given the short- and long-term costs, and given the impact on the availability for U.S. troops, the committee decided to provide twice the number of refurbished Hueys which will meet all the troop transport requirements in Colombia.

Those are the arguments for the approach the committee has chosen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Mr. President, I am impressed with Senator DODD's logic and wisdom in drafting legislation which does not direct the purchase but, rather, makes the purchase subject to the decisions of the DOD, which will ultimately be responsible for the training and military support for the Colombian Army.

I am here today principally because I was fortunate enough last week to be in Colombia and in the field with a narcotics battalion, to get the opinions of those Colombian soldiers who actually have to fight these missions, and to get the observations of the American special forces troops who are training the Colombians. I think their observations will be very useful and informative to my colleagues. I believe I have an obligation to speak to those observations.

These are both excellent systems. But the question of what system do you purchase and deploy is a function of the mission that the platform, the helicopter, the system must execute.

Senator DODD did a very good job of providing the context for the proposed operation. Let me add a bit of detail, if I may.

The use of Plan Colombia from a military standpoint is to create a counternarcotics battalion which will push into the South from the provinces of Putumayo and Caqueta. This is part of the Amazon jungle. It is all jungle. The last road ends at Tres Esquinas. All military supplies for the core operation of that base must be done by air. The context of the operation that is proposed is that they operate from Tres Esquinas, which is about 150 nautical miles from the operating base. That is their zone of operation.

The mission these counternarcotics troops will perform is to airlift out of Tres Esquinas, to move into landing zones that are close to either final laboratories or other significant assets of the narcoterrorists, and to deliver, at a minimum, two platoons. Those 2 platoons have about 70 personnel. The ultimate lift will be a full company of about 360 personnel.

It has been pointed out before that the range of the Huey II, Super Huey,

is about 196 nautical miles carrying 11 troops, and the Huey II can range only half the target area, half of the 150 nautical miles, without expensive refueling operations.

So the first tactical decision a commander would have to make if in fact he were deploying Super Hueys would be to operate in the full range of the area of operations. You would have to go ahead and establish, at least temporarily, four refueling points so the Hueys could come in and refuel. This is in some respects a tactical hindrance to the operation.

First of all, you have to defend these positions in the field—in a jungle area that is literally infested with guerrillas.

Second, the element of surprise would be at least somewhat vitiated if in fact they were able to see you come in, refuel, and then lift off, and go again to a target area.

In contrast to the range of the Huey II and the necessary-for-refueling bases to cover the whole area, the Blackhawk has a range of about 300 nautical miles and can carry 18 troops. This disparity between range and capacity of troop lift also goes to the issue of cost because obviously, in order to conduct these tactical operations, you will need more of the Super Hueys than you would Blackhawk helicopters. That doesn't completely equate the force, but it is a significant way narrows operational forces.

The military personnel on the ground, the Colombian National Army, and the special forces advisers suggest that to put two platoons into an LZ someplace in this area of operations would require seven Hueys as compared to four Blackhawks. Again, tactically, four Blackhawk aircraft flying at higher speeds and moving in without the necessity to refuel gives them more operational capabilities, and it gives them more capability to amass their forces, strike quickly, and pull back quickly.

There is something else that has to be mentioned. They are flying against military forces that potentially have fairly sophisticated defense systems, which again puts a premium on speed and surprise—being able to get in and out—and also the survivability of the helicopters. That is again an issue that requires capital military judgments about what system is most capable to operate and survive in this type of environment.

There is another aspect to this. The lift capacity of the Blackhawk, according to the people to whom I spoke, gives it an advantage when they operate closely in the highlands of the Andes where you need lift simply because of the altitude. It also gives the Blackhawks some respect.

Also, this was suggested to me while I was in the field. If you are going to do fast-rope rappelling operations, you

have to come in, hover over the objective, and get your troops out. Many places in this area of operation will not be landing zones. You will have to require rappelling operations to get your troops on the ground and get them out again.

Another aspect that was alluded to by Senator DODD is the aspect of the ability of the Colombian forces to absorb a number of helicopters. Right now, the State Department has managed to procure for the use of the Colombians, at least temporarily, 18 Huey helicopters from Canada. These are "1-November" models. Already, that has increased the aviation capacity potentially of the Colombians by substantial amounts. They are out finding pilots; they are finding logistical support.

If we give them 30 Blackhawks, that will stress their logistical ability to train pilots, to provide mechanics, to provide crews, to provide the kind of logistic base they need. If we double that by providing twice as many Hueys, we will put additional pressure on the logistical base of the Colombian military forces to do the job. That is something, practically, that we have to consider with respect to this issue.

What Senator DODD has suggested is very thoughtful and appropriate, to make this military decision subject to military judgment and not our particular judgment.

I was compelled to speak today because I had the chance, gratuitously, to be at Tres Esquinas and Laramia on Sunday to talk to the Colombian soldiers who will fly the missions and jump into this difficult area. I talked to our special forces troops and our military forces who are advising. They provided information, and it is important my colleagues understand this information. It is appropriate we should be considering this amendment, not to direct that the aircraft be one variety or the other but to ensure that the Department of Defense make a very careful review based upon some of the issues we have all talked about, including range, lift capability, the nature of the operations, the nature of the Colombian military forces, and their capacity to integrate these platforms quickly into their operations.

I hope this debate accomplishes those missions. I yield the floor.

Mr. STEVENS. Mr. President, I urge the Senate to support the committee's position on this issue.

Mr. DODD. Will the Senator yield?

Mr. STEVENS. Yes, but I have to leave quickly.

Mr. DODD. I would like to attend the ceremony, as well. Perhaps the leadership could provide a window for those who want to attend that ceremony.

Mr. STEVENS. It is above my pay grade. I will speak for 2 minutes and express my position. If the vote occurs while I am gone, people will see an old bull scratch the ground very hard.

As a practical matter, this position that we have taken is the best one for Colombia. We looked at this very seriously. This account is under attack now. Does anyone think year after year after year after year we will be able to declare an emergency on this account?

We provided the Hueys. They can have two or more times the number of Hueys for the cost of what the administration wants to do with Blackhawks. The Blackhawks are fighting machines. They will be the tip of a sword going into another Vietnam, if we are not careful. What they need are the Hueys. They need to transport these people. They need to be able to fight against the drug people. They do not need to get these so they can fight against the insurgents.

I urge the Senate to realize what we are doing. We are doing our utmost to increase the tremendous pressure upon the drug operations in Colombia. We want to do that in a way that Colombia can sustain the cost without coming back to this Congress year after year after year to ask for money to maintain what we provided.

Others have spoken about the costs. The Huey is a good machine. We are upgrading the Huey and providing our own troops for them. There is no reason for anyone to be ashamed of flying a Huey in combat. But it is not the type of situation that calls for Blackhawks to be a part of our operation against the drug lords. What we need to do is provide the assistance they need and to give them the ability, if they want to continue this, to operate these machines.

I cannot see why we should start this precedent. I assume Senator MCCONNELL made the same comments. We have similar situations all over the world. We are going to be faced in the next decade with trying to suppress the supply of drugs coming literally from all over the globe. This is no time to take the frontline item that we have for war-fighting machines and provide it as assistance to people trying to suppress drug producers.

I wish I had more time to deal with this because I believe very strongly that if we go to the Blackhawks—with the cost of operation per hour, the high maintenance cost, the high cost of continued operation—we will start a trendline that this budget cannot sustain into the future. We have to think about this not only in terms of what we will do now but what it will do in terms of outyear costs to continue this assistance. It is not a 1-year operation. We will not be able to stop this drug operation in Colombia in 1 year.

We have done our best. In fact, we have not done it yet. If this account gets overloaded, I seriously question even surviving the Senate. We have been warned about that in terms of the level of support. I believe Senator MCCONNELL and his committee have

brought to us a bill that meets the needs, gives them the assistance, and gives them the support to carry out their operations against the drug lords without getting the U.S. in the position of building up a military force in Colombia to deal with the other problems they face internally.

I hope the Senate agrees with our position.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Connecticut.

Mr. DODD. Mr. President, I will join my good friend from Alaska shortly, but this amendment I have offered says to let the people we are going to get into the situation decide. Some people think we ought not be involved with this. I respect their position, but I disagree. If we are going to get involved with narcotraffickers who are as well heeled and financed as any military group in the world, if we are going to do the job right and properly, we ought to let the military people decide what they need. My amendment says to let the military people decide what works best.

Let me read what 24 of our aviation experts sent to Colombia specifically for the purpose of trying to determine what equipment would work best had to say on the impact of substituting 60 Hueys for 30 Blackhawks, as originally proposed:

The superior troop-carrying capacity and range of the Blackhawk versus the Huey, coupled with the combat nature of the operations, the requirement to operate at high altitude areas and the increased survivability of both aircrew and troops, clearly indicate that the Blackhawk is the helicopter that should be fielded to Colombia in supporting the counterdrug effort.

Additionally, the number of acquired pilots, crew chiefs, gunners, and mechanics to operate and maintain the Hueys is twice that of the Blackhawks. Infrastructure requirements, maintenance, building, parking, and refueling areas, as well as other associated building requirements, are essentially double to support the 60 Hueys as opposed to the 30 Blackhawks.

If this issue were to be decided strictly on dollars and cents—put aside the issue of whether or not one piece of equipment is better than the next—the 18 Hueys that are there, plus the 60 they talk about sending, those numbers exceed what it would cost in order to have the equipment that the military says they need to do the job. These are the numbers from the military.

I am not suggesting you blindly follow the military in every case. But my amendment says at least let them make a recommendation as to what they think is right. It doesn't say you have to take the Blackhawk. It says make the proper, intelligent decision.

We heard from my colleague from Rhode Island, a graduate of West Point

Academy, who served with distinction in the U.S. military for a career. He was just in Colombia, along with others, going down to assess what makes the best sense. He comes back with the same conclusion: We ought to let the military people decide.

I have been to Colombia many times. I know that terrain, where the flatlands are, where most of this problem exists. If I can get that chart here which shows the map of Colombia? Let me make the point again.

When you get down to the area where most of the narcotraffickers operate, that is jungle. That is down along that Ecuadorian border, the Putumayo River. There are no roads here at all. The roads end up here in the highlands.

The idea that you are going to have the capacity to handle 90 helicopters—they do not have the personnel in Colombia to do that. If you want to condemn this program to failure, then demand this language be in this amendment. The change we are offering at least offers this program a much higher chance of success down the road by allowing 60 Blackhawks, which every military expert who has looked at this says is what you ought to have to deal with the altitude of the Andes because of its lift capacity, personnel capacity to be able to move into this area, and the speed to move in and out.

Again, it seems to me, if you look at the charts, on all the comparisons here, using 1976 equipment—the last year the Huey was made—as opposed to a modern piece of equipment is wrong. Unless you think this is not an issue worth fighting over, if you think you want to have these narcotraffickers control this country and take over this place and ship on an hourly basis to this country the drugs that are killing 50,000 people a year, we ought not support it at all. But if you are going to do it and you think it is worthy of doing, then do it right. Do it with the kind of equipment that will guarantee at least a higher possibility of success, or we will end up doing it ourselves down the road, which I don't welcome at all.

We now have Colombians who can fly these helicopters or can be trained to do so. Let them do the job. If we send in inferior equipment that can't get the job done, the problem gets worse, the situation gets worse, and then we will be regretting the day we made a political decision about the Hueys rather than a military decision about what works best.

I urge colleagues, regardless of their position on whether or not this is a program they want to support, to support this amendment which says this decision ought to be left to the people who make the calculated determinations of what works best. That is all this amendment does. It does not demand a Blackhawk. It just says make the decision about what makes the best sense. I will live with whatever decision that is. But I don't want to have a

political decision, I don't want to be told I have to accept 60 or 90 Hueys, when I know in Colombia you don't have the personnel to support it. It will take too long, you will never get it done, and you don't have the capacity to get the job accomplished.

I urge my colleagues to support the amendment when it comes to a vote. I think my colleague from Connecticut wants to be heard on this issue.

I don't know how the chairman of the committee wants to handle this. I would like to be excused for about an hour to attend a very important medal ceremony for one of our colleagues.

Mr. McCONNELL. We are not ready to schedule a vote yet, I am told.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, there are United States units that don't have Blackhawks yet, that will have to wait while Blackhawks are produced to send to Colombia, which could get by on Hueys. My good friend from Connecticut has made a good case for a home State product, the Blackhawk helicopter. The Blackhawk is not made in Kentucky. The Huey is not made in Kentucky. What I am concerned about, as chairman of this subcommittee, is two things: No. 1, the fact that even U.S. units don't have Blackhawks yet and will have to wait, as I just said, while these are sent to Colombia. And, No. 2 is the cost of operation.

We are not going to have \$1 billion to spend on Colombia every year. This is a unique year in which we are debating whether to spend \$1 billion on the drug war in Colombia—an unusual year. But the cost of operating these Blackhawks, if we go in that direction, is going to come back every year and that is \$1,000 an hour more than operating the Huey—\$1,000 an hour more than operating the Huey.

As the distinguished chairman of the Appropriations Committee just pointed out, and also the chairman of the Defense Subcommittee of the Appropriations Committee, the Huey will get the job done for a lower cost to the United States. The foreign operations account is going to have to pay for these operational costs, as I just pointed out, not just this year but the year after that and the year after that and the year after that. That means we will have to cut into other accounts to keep these helicopters flying.

That is the reason the subcommittee decided to go with the Huey because we think the Huey will get the job done at less cost this year, next year, and in years down the road, which is not to say I am sure the Colombians would not like to have Blackhawks; I am sure they would. All of our U.S. units that need them would like to have them, too, and they don't have them yet. So that is the reason for the recommendation of the subcommittee.

I hope when we subsequently vote on the Dodd amendment it will be de-

feated. Mr. President, with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the votes occur in relation to the pending Dodd amendment and the Gorton amendment beginning at 6:10 p.m., with the first vote in relation to the Gorton amendment, to be followed by a vote in relation to the Dodd amendment, with the time between now and 6:10 p.m. to be equally divided for debate on both amendments, and no second-degree amendments be in order prior to the votes just described, with 2 minutes between the two votes for explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Kentucky, does he have a feeling whether there will be votes after those votes?

Mr. McCONNELL. I am told the majority leader wants to continue and try to wrap the bill up tonight.

Mr. LEAHY. I am for that. There may be some difficulty with some of the amendments coming down. I urge Senators who have amendments, even if we have to put a couple aside, that they come down and start debating their amendments.

I think I can speak for both the distinguished chairman and myself on the pending amendment. There will be no difficulty in having it set aside for the moment if somebody wants to start debate on another amendment, especially if it is going to require a rollcall vote. I can see a situation where it can easily be sequenced following these other two amendments.

Mr. McCONNELL. I say to my friend from Vermont, as we speak, staff on both sides are going over the amendments that were filed prior to the deadline of 3 p.m. Hopefully, we will be able to process some of those by agreement during this period between now and 6:10 p.m. I agree with the Senator from Vermont, we want to make progress. If anybody wants to come down and offer an amendment that might be contentious and debate it, we will certainly be glad to see them.

Mr. LEAHY. The point is, we will jointly move to set something aside so they can debate an amendment, if they wish. I urge that. It will save us from having debate quite late this evening. In the meantime, we will try to clear some amendments. Even in that regard, if there are Senators who have amendments they wish cleared, we can try to do that.

I see the distinguished Senator from Virginia on the floor, one of my Sen-

ators when I am away from home. I yield the floor.

Mr. WARNER. I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much want to make a statement in support of the subcommittee's efforts on the funding for the Colombia operation. Our committee had a hearing on the subject. We looked into it very carefully. At the appropriate time, I want to be recognized by the Chair. I need a few more minutes to collect my documents, but I judge from the managers, I would not be disruptive to what they are engaged in were I to seek the floor in the near future.

Mr. McCONNELL. I say to my friend from Virginia, there is no time like the present or the near present. Seeing no one else on the floor at the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3529, 3536, 3540, 3544, AND 3568,
EN BLOC

Mr. McCONNELL. Mr. President, we have some more amendments that have been cleared on both sides. Therefore, en bloc, I call up amendments Nos. 3529, 3536, 3540, 3544, and 3568.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The amendments are as follows:

AMENDMENT NO. 3529

(Purpose: To allocate development assistance funds for Habitat for Humanity International)

On page 12, line 14, before the period insert the following: "Provided further, That of the amount appropriated or otherwise made available under this heading, \$1,500,000 shall be available only for Habitat for Humanity International, to be used to purchase 14 acres of land on behalf of Tibetan refugees living in northern India and for the construction of a multiunit development for Tibetan families".

AMENDMENT NO. 3536

(Purpose: Expressing the sense of Congress with respect to the Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) budget)

On page 140, between lines 19 and 20, insert the following section:

SEC. ____ . NONPROLIFERATION AND ANTI-TERRORISM PROGRAMS.

It is the sense of Congress that—

(1) the programs contained in the Department of State's Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) budget line are vital to the national security of the United States; and

(2) funding for those programs should be restored in any conference report with respect to this Act to the levels requested in the President's budget.

AMENDMENT NO. 3540

(Purpose: To express the sense of the Senate on the importance of combating mother-to-child transmission of HIV/AIDS in sub-Saharan Africa)

At the appropriate place, add the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) According to the World Health Organization, in 1999, there were 5.6 million new cases of HIV/AIDS throughout the world, and two-thirds of those (3.8 million) were in sub-Saharan Africa.

(2) Sub-Saharan Africa is the only region in the world where a majority of those with HIV/AIDS—55 percent—are women.

(3) When women get the disease, they often pass it along to their children, and over 2 million children in sub-Saharan Africa are living with HIV/AIDS.

(4) New investments and treatments hold out promise of making progress against mother-to-child transmission of HIV/AIDS. For example—

(A) a study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments; and

(B) a study of South Africa's population estimated that if all pregnant women in that country took an antiviral medication during labor, as many as 110,000 new cases of HIV/AIDS could be prevented over the next five years in South Africa alone.

(5) The Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000, as approved by the Senate Foreign Relations Committee on March 23, 2000, ensures that not less than 8.3 percent of USAID's HIV/AIDS funding is used to combat mother-to-child transmission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that of the funds provided in this Act, the USAID should place a high priority on efforts, including providing medications, to prevent mother-to-child transmission of HIV/AIDS.

AMENDMENT NO. 3544

(Purpose: To require a report on the delivery of humanitarian assistance to Sudan, and for other purposes)

At the appropriate place in the bill, insert the following:

SEC. . REPORTING REQUIREMENT ON SUDAN.

One hundred and twenty days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees—

(1) describing—

(A) the areas of Sudan open to the delivery of humanitarian or other assistance through or from Operation Lifeline Sudan (in this section referred to as "OLS"), both in the Northern and Southern sectors;

(B) the extent of actual deliveries of assistance through or from OLS to those areas from January 1997 through the present;

(C) areas of Sudan which cannot or do not receive assistance through or from OLS, and the specific reasons for lack or absence of coverage, including—

(i) denial of access by the government of Sudan on a periodic basis ("flight bans"), including specific times and duration of denials from January 1997 through the present;

(ii) denial of access by the government of Sudan on an historic basis ("no-go" areas) since 1989 and the reason for such denials;

(iii) exclusion of areas from the original agreements which defined the limitations of OLS;

(iv) a determination by OLS of a lack of need in an area of no coverage;

(v) no request has been made to the government of Sudan for coverage or deliveries to those areas by OLS or any participating organization within OLS; or

(vi) any other reason for exclusion from or denial of coverage by OLS;

(D) areas of Sudan where the United States has provided assistance outside of OLS since January 1997, and the amount, extent and nature of that assistance;

(E) areas affected by the withdrawal of international relief organizations, or their sponsors, or both, due to the disagreement over terms of the "Agreement for Coordination of Humanitarian, Relief and Rehabilitation Activities in the SPLM Administered Areas" memorandum of 1999, including specific locations and programs affected; and

(2) containing a comprehensive assessment of the humanitarian needs in areas of Sudan not covered or served by OLS, including but not limited to the Nuba Mountains, Red Sea Hills, and Blue Nile regions.

AMENDMENT NO. 3568

(Purpose: To allocate funds to combat trafficking in persons)

On page 20, line 18, before the period insert the following: "": *Provided further*, That of the funds appropriated under this heading and made available to support training of local Kosovo police and the temporary International Police Force (IPF), not less than \$250,000 shall be available only to assist law enforcement officials better identify and respond to cases of trafficking in persons".

On page 24, line 14, before the period insert the following: "": *Provided further*, That of the funds appropriated under this heading, not less than \$1,500,000 shall be available only to meet the health and other assistance needs of victims of trafficking in persons".

Mr. MCCONNELL. Mr. President, they have been cleared on both sides of the aisle. I ask unanimous consent the amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3529, 3536, 3540, 3544, and 3568) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3521, AS MODIFIED, AND 3584, AS MODIFIED

Mr. MCCONNELL. Mr. President, I send to the desk modifications to amendments Nos. 3521 and 3584.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COVERDELL, for himself and Mr. LEAHY, proposes an amendment numbered 3521, as modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . PERU.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, deserves the recognition and

gratitude of the United States for having performed an extraordinary service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru and exposing efforts of the Government of Peru to manipulate the national elections in April and May of 2000 to benefit the president in power.

(2) the Government of Peru failed to establish the conditions for free and fair elections—both for the April 9 election as well as the May 28 run-off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the OAS Electoral Observation Mission.

(3) the United States Government should support the work of the OAS high-level mission, and that such mission should base its specific recommendations on the views of civil society in Peru regarding commitments by their government to respect human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and journalism.

(4) in accordance with P.L. 106-186, the United States must review and modify as appropriate its political, economic, and military relations with Peru and work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report evaluating United States political, economic, and military relations with Peru, in accordance with P.L. 106-186. Such report should review, but not be limited to, the following:

(1) The effectiveness of providing United States assistance to Peru only through independent non-governmental organizations or international organizations;

(2) Scrutiny of all United States anti-narcotics assistance to Peru and the effectiveness of providing such assistance through legitimate civilian agencies and the appropriateness of providing this assistance to any military or intelligence units that are known to have violated human rights, suppressed freedom of expression or undermined free and fair elections.

(3) The need to increase support to Peru through independent non-governmental organizations and international organizations to promote the rule of law, separation of powers, political pluralism, and respect to human rights, and to evaluate termination of support for entities that have cooperated with the undemocratic maneuvers of the executive branch; and

(4) The effectiveness of United States policy of supporting loans or other assistance for Peru through international financial institutions (such as the World Bank and Inter-American Development Bank), and an evaluation of terminating support to entities of the Government of Peru that have willfully violated human rights, suppressed freedom of expression, or undermined free and fair elections.

(5) The extent to which Peru benefits from the Andean Trade Preferences Act and the ramifications of conditioning participation in that program on respect for the rule of law and representative democracy.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the President shall determine and report to the appropriate committees of Congress whether the Government of Peru has made substantial progress in improving its respect

for human rights, the rule of law (including fair trials of civilians), the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent journalism.

(d) **PROHIBITION.**—If the President determines and reports pursuant to subsection (c) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Government of Peru, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Peru, except loans to support basic human needs.

(e) **EXCEPTION.**—The prohibition in subsection (d) shall not apply to humanitarian assistance, democracy assistance, anti-narcotics assistance, assistance to support binational peace activities involving Peru and Ecuador, assistance provided by the Overseas Private Investment Corporation, or assistance provided by the Trade and Development Agency.

(f) **WAIVER.**—The President may waive subsection (d) for periods not to exceed 90 days if he certifies to the appropriate committees of Congress that doing so is important to the national interests of the United States and will promote the respect for human rights and the rule of law in Peru.

(g) **DEFINITION.**—For the purposes of this section, “appropriate committees of Congress” means the Committee on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Appropriations and Committee on International Relations in the House of Representatives. For the purposes of this section, “humanitarian assistance” includes but is not limited to assistance to support health and basic education.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. ABRAHAM, proposes an amendment numbered 3584, as modified.

The amendment, as further modified, is as follows:

On page 14, line 4, strike “\$15,000,000” and insert \$8,000,000, of which \$3,000,000 shall be made available from Economic Support Fund assistance for assistance”.

Mr. McCONNELL. Mr. President, these amendments that have been modified have been approved by both sides. I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments (Nos. 3521 and 3584), as modified, were agreed to.

Mr. McCONNELL. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

Mr. WARNER. Mr. President, if the Senator would withhold.

Mr. McCONNELL. I withhold.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the managers for their efforts on this very important piece of legislation. They will have my support.

Mr. President, I have been associated with this very important piece of legislation providing aid to Colombia since it was first recommended to the Congress of the United States.

I commend the administration and, in particular, General McCaffrey. I have had an opportunity, as chairman of the Committee on Armed Services and, indeed, for some 22 years to work with General McCaffrey, particularly during the period of the Gulf War in 1991 when he showed extraordinary leadership as a troop commander in that decisive battle to turn back Saddam Hussein's threats.

Now he has volunteered, once again, as an American patriot, to take on this somewhat thankless task of dealing with the almost insoluble problems of the importing into this country of drugs. This is one effort by the general—indeed, the administration, and others—to try to curtail this illegal importation of drugs.

I heard a colleague earlier today concerned about: Well, we are not spending enough money here at home. My quick research and consultation with other colleagues indicates that I think some \$500 million in taxpayers' money has been added by this Congress to the Administration's budget requests for domestic programs over the past 3 years. This money has been expended in an effort to educate and to, in every other way, help Americans, first, avoid the use of drugs and then, if misfortune does strike an individual and their families, to try to deal with the tragic consequences.

So I rise to speak in support of the U.S. counternarcotics activities in the Andean ridge and neighboring countries, as provided for in this bill, and to address the impact of drug trafficking on the stability of the region.

The importance of this region to the United States cannot be overestimated. I will give you one example. The region provides the United States with almost 20 percent of the supply of foreign oil. The number is likely to increase with the recent discovery, in Colombia's eastern plains, of reserves estimated at 2 million barrels. The ongoing controversy over the price of gas by the American motorists at this very moment is reason to help Colombia fight this problem.

When I say help this nation, I have been privileged to meet with their President in the course of his visits here, and also meet with the Foreign Minister, the Ambassador—the very courageous Ambassador from Colombia to the United States—and many others from that nation. And, indeed, I have met with private citizens here in America who have had their origin and background in Colombia. So I have talked to a wide range of individuals.

This legislation is the right thing. I commend all those, certainly here in the Senate, and particularly those in

the current Government of Colombia, as well as the citizens who have worked to foster this legislation.

Mr. President, to reiterate I rise to speak in support of United States counter-narcotics activities in the Andean Ridge and neighboring countries as provided for in this bill, and the impact of drug trafficking on the stability of the region. The importance of this region to the United States cannot be overstated.

This region provides the United States with almost 20 percent of its supply of foreign oil—a number that is likely to increase with the recent discovery in Colombia's eastern plains of reserves that are estimated at two billion barrels. The ongoing controversy over the price of gasoline that the American motorist is paying only serves to reinforce the importance of this commodity in our everyday life and economy.

In sharp and tragic contrast is the threat from this same region posed by illegal drugs to American citizens on the streets of our cities and in the playgrounds of our schools. An estimated 80 percent of the cocaine and 90 percent of the heroin smuggled out of Colombia is destined for the United States. Sadly these drugs have caused, directly and indirectly the death of 50,000 Americans each year and the loss of billions of dollars from America's economy.

I am also very concerned about the impact that narco-trafficking in Colombia is having on the democratically elected governments in the region. Many of these countries have only recently transitioned from military dictatorships to democracies—and as recent events have demonstrated—these democracies are fragile. The “spill over” effect from the narco-trafficking in Colombia could prove enormously destabilizing to the surrounding nations.

Additionally, this region is home to the Panama Canal, a waterway of significant importance to America. With the United States no longer maintaining a permanent military presence in Panama, it is crucial that we be vigilant against any threat as a consequence of drug trafficking our friends in the Panamanian Government and the Canal itself.

The President's recent request for a \$1.6 billion supplemental aid package to assist Colombia and its neighbors in their counter-narcotics efforts, and the funding which will be appropriated through this and other acts for that purpose, represents an increased U.S. role in the region's difficulties. The rampant violent criminal activities of the various terrorist organizations and paramilitary groups involved in narco-trafficking, including kidnaping and murder, continue to undermine the stability of the democratically elected governments of the region. This is particularly true in Colombia.

The proposed aid package, much of which will be provided to Colombia in order to fund portions of the \$7.5 billion Plan Colombia, represents one of the most aggressive foreign policy actions of the United States in Latin America in recent history. However, the funding contained in this package is only a small part of our overall commitment to this problem. We already spend hundreds of millions of dollars and deploy hundreds of military personnel to the region every year. In addition to the proposed increase in funding, our support for Plan Colombia will require us to deploy many more military personnel in order to train Colombia law enforcement and military personnel. This is a matter of grave concern for the Senate Armed Services Committee, which has as its primary focus the safety and well-being of the men and women who proudly serve in the Armed Forces.

The decision by the Congress to support Plan Colombia and an increased American involvement in the region was not to be an easy one to make. Some have compared the situation in Colombia to Vietnam, and warn against such a U.S. military involvement in an internal matter. Others believe that such involvement is in our vital interest and warn of the consequences if we refuse to engage.

On April 4th of this year, the Senate Armed Services Committee held a hearing on this issue in order to explore the problem and determine what, if any, assistance was appropriate. Our witnesses at that hearing included Brian Sheridan, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; Rand Beers, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; General Charles Wilhelm, Commander-in-Chief, United States Southern Command; and Mr. Peter Romero, Acting Assistant Secretary of State for Western Hemisphere Affairs.

Mr. President, at that hearing I asked our witnesses five questions I believe to be essential in making a decision regarding what role the United States should play in this effort:

- (1) Is it in our vital national security interest to become involved?
- (2) Will the American people support this involvement?
- (3) Can we make a difference if we become involved?
- (4) Will American involvement create a reaction amongst the people of the region that is counter to our interest? and
- (5) Are those we propose to help committed to achieving the same goals we support?

These are not easy questions but the testimony of the witnesses left me to conclude that it is in our interest, that we can make a difference, and that we will have the support of the people of the United States and the people of the

region if we take appropriate and effective action to help the democratically elected governments of this region regain control of their sovereign territory.

Mr. President, this bill represents that appropriate action and I believe that our Armed Forces will ensure that it is effective.

I urge my colleagues to support this bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent the time in the quorum call be divided equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that my time come off of the time of the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we will be voting in just a few moments in regard to the Gorton amendment. I rise to talk about the bill but also to oppose, with due respect, the Gorton amendment.

What is at the heart of this debate on the emergency aid package to Colombia, the very essence of why we need to help restore stability in Colombia and help combat the violent insurgents, is the urgent need to keep drugs off our streets in the United States and out of the hands of our children. That is what this debate is all about; that is what this vote on the amendment is all about.

As my colleagues know, this emergency package would provide \$934 million to support Colombian efforts to eliminate drugs at the source, improve human rights programs, improve rule of law programs, and increase economic development. The fact is, there is an emergency in our neighbor to the south, in the country of Colombia. This country, this democracy, is embroiled in a destabilizing and brutal civil war, a civil war that has gone on for decades with a death toll reaching at least 35,000.

Today, we have heard a lot of speeches about human rights abuses in Colombia and what has taken place in the past. In that context, I remind my colleagues of the fact the current aid package that the Senator from Kentucky has put together is based on legislation Senators COVERDELL, GRASSLEY, GRAHAM, and I introduced last fall, which was developed with the protection of human rights in mind. It is an integral part of this bill. Our colleagues have a right to be concerned with past human rights abuses. The way to deal with this is through the conditions that are written all through this bill.

My office met with numerous human rights organizations. We worked closely with Senator LEAHY's office, and many others, to ensure that safeguards were put in place to prevent U.S. assistance from being used by those in Colombia who do not respect human rights.

Many of those original provisions have been incorporated into the package before us, such as funds to monitor the use of U.S. assistance by the Colombian armed forces and Colombian national police; funds to support efforts to investigate and prosecute members of both the armed forces and the paramilitary organizations involved in human rights abuses. It also contains funds to address the social and economic needs of the displaced population in Colombia.

Our provisions were not only developed to punish human rights abuses in Colombia but, more importantly, they were developed to prevent those abuses.

The fact is that this Congress places such a strong emphasis on the protection of human rights that the legislation before us today would provide more funding for human rights—\$25 million to be exact—than was in the President's requested budget. It is more than the President requested.

This Congress is committed to the protection of human rights and will continue to monitor the assistance we provide to ensure that every penny is used for its intended purpose, which is the respect for and protection of human rights.

Many of us on the floor today, and those watching in their offices, have spent a lot of time and energy to expel communism and bring democracy to this hemisphere and to bring a rule of law and human rights protection to this hemisphere. The 1980s were a true success story for the ideals we believe in and for our attempt to spread those ideals and beliefs in democracy throughout this great hemisphere. The people of this hemisphere paid a very heavy price, but I think that price was worth paying to achieve the spread of democracy throughout the hemisphere. We brought democracy and we brought opportunity to our neighbors.

Today, the drug trade—not communism—is now the dominant threat to peace and freedom in the Americas. It threatens the sovereignty of the Colombian democracy and the continued prosperity and security of our entire hemisphere. Tragically, our own drug habit—America's drug habit—is what is fueling this threat in our hemisphere. It is our own country's drug use that is causing the instability and violence in Colombia and in the Andean region.

The sad fact is that the cultivation of coca in Colombia has doubled, from over 126,000 acres in 1995 to 300,000 in 1999. Poppy cultivation also has grown to such an extent that it is now the source of the majority of heroin consumed in the United States. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents has also increased. To make matters worse, the Colombian insurgents see the drug traffickers as a financial partner who will sustain their illicit cause, which only makes the FARC and ELN—these guerrillas—grow stronger and stronger day by day. So the sale of drugs in the United States today not only promotes the drug business, but it also fuels the antidemocratic insurgents in Colombia.

Some may ask, why does Colombia matter? Why are we taking good tax dollars to help our neighbors to the south? I think the answer is simple. It matters because Colombia is shipping their drugs into the United States. It matters because the drug trade is a source of rampant lawlessness and violence within Colombia itself—violence and lawlessness, which has destabilized that country and now threatens the entire Andean region.

Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats, and we have been working to restore our drug-fighting capability beyond our shores. Many of us who have worked very tirelessly on the Colombian assistance package this year also worked together just a few short years ago to pass the Western Hemisphere Drug Elimination Act, which is now the law of the land. This 3-year plan is designed to restore international eradication, interdiction, and crop alternative development funding. With this law, which we passed on a bipartisan basis, we have already made a \$800 million downpayment—\$200 million of which represents the first substantial investment in Colombia for counternarcotics activities.

The emergency assistance package that we have before us this afternoon is based on a blueprint that Senator COVERDELL and I developed and introduced last October—3 months before the administration unveiled its proposal. As our plan, the emergency assistance package the Senator from Kentucky has crafted goes beyond counternarcotics assistance and crop

alternative development programs in Colombia. It goes beyond Colombia and targets other Latin-American countries, including Bolivia, Peru, Panama, and Ecuador.

This regional approach is the only approach, it is the right approach, and it is critical. Both Peru and Bolivia have made enormous progress in reducing drug cultivation in their respective countries, and they have done it with the help, candidly, of our assistance, and it has worked. Now, an emphasis only on the Colombian drug problems risks the obvious “spillover” effect of Colombia's drug trade shifting to adjacent countries in the region.

Some of my colleagues have taken the floor today to express hesitancy and reluctance and opposition to this assistance package. I wish to take a moment to direct my comments specifically to them and specifically to some of my colleagues on this side of the aisle.

Our Western Hemisphere Drug Elimination Act was an attempt to change the direction of our national drug policy—a drug policy that clearly was not working. We took that first step. Today, we must take the second step. We passed that very important legislation because we had to; we had to because the current administration, unfortunately, had presided over the literal dismantling of our international drug-fighting capability.

Let me explain. When President George Bush left the White House, we were spending approximately one-quarter of our total Federal antidrug budget on international drug interdiction, either on law enforcement in other countries, on our own Customs, on the DEA, and on crop eradication. Basically, it was taking that huge chunk of the Federal antidrug budget and spending it to try to stop drugs from ever reaching our shores. It was a balanced approach and it made sense.

After 6 years of the Clinton Presidency, that percentage of our budget—that one-quarter of our total budget—was reduced to 13 to 14 percent, which is a dramatic reduction in the percentage of money we are spending on international drug interdiction.

That is why many of us in this body—on a bipartisan basis, in both the House and here in the Senate—worked to pass the Western Hemisphere Drug Elimination Act. Speaker HASTERT, before he was Speaker, played a major role in working on the House version of this bill, as did many, many others.

We passed that bill. It became law. It has made a difference. We have begun to at least reverse the direction of our foreign policy. We need to get back to that balanced approach, where we spend money on international interdiction, domestic law enforcement, treatment, and education. It has to be a balanced approach.

We passed the bill, it became law, and we started to reverse that policy.

The initiative for that came, quite candidly, from this side of the aisle, with support from the other side of the aisle. We saw what the administration was doing and we said that the policy had to change. We said we needed to put more money into interdiction, and that is exactly what we did. We said, candidly, we needed a balanced policy and we began to move in that direction. Now, today, we need to build on that effort.

We need to build on that effort, which today is focused primarily on the current crisis that we see in Colombia. Senators COVERDELL, GRASSLEY, FEINSTEIN, and others worked with me to put together a package specifically dealing with the situation in Colombia.

I ask my colleagues to look at the big picture. Step back from the debate about this amendment and look at where we are going as a country. Think about what is in the best interest not of Colombia, but of the United States. This assistance package before us, which my colleague from Kentucky has put together, was put together because Colombia is our neighbor, and what affects our neighbor to the south affects us. We have a very real interest in helping to stabilize Colombia and keeping it democratic, keeping it as our friend, keeping it as our trading partner, and keeping its drugs off our streets.

Colombia faces a crisis that is different than any crisis that any country has ever faced before in the history of the world. Many countries have faced guerrilla movements in the past few decades, but no country has ever faced guerrillas with as much money as the Colombian guerrillas have. I don't know of any country that has ever faced a guerrilla movement supported by so much illegal drug money. A synergistic relationship is involved between the drug dealers and the guerrillas; each one benefits from the other; each one takes care of the other. While this is a crisis that Colombia faces, it is a crisis driven by those who consume drugs in our country, and we must admit that it is a crisis that directly impacts all of us in the United States. It directly impacts you; it directly impacts me, our children, and our grandchildren.

I ask my colleagues to really consider the great human tragedy that Colombia is today. I ask my colleagues to remember how we got here, and to remember what role this side of the aisle, with help from the other side, played in trying to deal with the Colombian problem, and what role we played in trying to increase the money we were spending and the resources we were providing to stop drugs from ever coming into our country.

The emergency aid package before us today is in the best interests of the Colombian-Andean region. There is no doubt about that. But, more importantly, and more significantly for this

body and for the vote we are about to cast, it is in the best interest of the United States.

It is clearly something we have to do. It may be tempting on the Gorton amendment to say: Look. Why don't we just take that money? We don't need to send it to Colombia. We don't need to send it down there. What do we care about what goes on in Colombia? Let's keep it here, spend it here, and apply it to the national debt.

I understand how people may come to the floor and say that. I understand how people may come to the floor and think that and maybe even vote that way. But I think in the long run it would be a tragic mistake.

If we are trying to make an analogy, let me be quite candid. The analogy isn't any long-term involvement in the United States. The analogy shouldn't be to Bosnia; it shouldn't be to Vietnam; it shouldn't even be Kosovo. The analogy is what happened in the Central Americas in the 1980s.

Quite candidly, many people on this side of the aisle and on the other side were directly involved in trying to make sure democracy triumphed in Central America. We were successful because people took chances. People cast tough votes. People said we care. Today, when you travel through Central America, you find democracies. I have had the opportunity within the last several years to do that, and to travel to most every Central American country. No, things are not perfect. But each of those countries is moving towards more democracy. Each of those countries is moving towards more market-driven economies. Each of those countries has a chance to develop a middle class.

That is the analogy. The United States cared. We were involved. The people there got the job done.

Colombia faces a very difficult challenge. Will this be the only time Members of the Senate are asked to vote on this and to send money to deal with this? Of course not. We all know that. This is a commitment, and it is probably going to be somewhat of a long commitment. But I think it is clearly in our national interest.

We vote today not to assist Colombia. We vote today really to assist ourselves because what happens in Colombia directly impacts the United States—whether it is trade, whether it is illegal immigration, or whether it is drugs coming into this country. What happens in that region of the world has a direct impact on people in Cleveland, on people in Cincinnati, or any other State, or any city in the United States. We vote in our self-interest today for this package. We vote in our national self-interest, I believe, to vote down the Gorton amendment.

Mr. President, I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I rise today to express my serious concerns about the foreign operations bill that is before us. I am concerned, and I believe that many of my colleagues will be concerned, about what is in this bill. And I am even more concerned about what is not in it.

What is here in this bill, is an extremely expensive package of support to the Colombian military, designated, of course, as emergency spending. I recognize that Colombia is a country in crisis. I believe that it is in the national interest of the United States to help Colombia emerge from that crisis and into an era in which basic human rights and the rule of law are firmly entrenched in the fabric of Colombian society.

I recognize that we all share an interest in fighting the terrible impact that illegal drugs have on our own society and in our own communities. So I have made a very serious effort to evaluate this initiative over a number of months. I have heard the perspectives of my constituents, of the business community, of human rights activists, and of the administration. I have also heard from Colombian civic groups and labor unions and from the Colombian government itself. In the end, I remain deeply skeptical about the wisdom of this undertaking.

My primary concerns about the proposed package of assistance to Colombia are two-fold. First, I am concerned about the degree to which this package involves the United States in a counter-insurgency campaign in Colombia. The aim of our assistance to the Colombian military would be to combat narcotics traffickers, I have no doubt—but its primary use would be to wage war against the rebels who control the south. Our country's history teaches us something about how easy it is to get stuck in such situations, about how seductive arguments to increase our involvement might become after we invest massive resources in this phase of the counter-insurgency campaign. It troubles me that, because of the drug-related elements of the Colombia issue, we in this body are not, perhaps, walking into this scheme with our eyes wide open to these dangers.

But my primary concern, Mr. President, is the impact that Plan Colombia could have on the human rights of Colombians. The Colombian military, which this package of assistance would directly support, has been involved in serious human rights abuses and has a record of collaborating with the mur-

derous paramilitary forces that terrorize Colombian citizens. The package in the foreign operations appropriations bill seems, in the words of the Economist magazine, to "merely bolt three shiny new antidrug battalions on to an abusive and unreformed military force." That action would escalate a war in which civilians bear the brunt of the violence. I know that Senator LEAHY has worked hard to establish human rights conditions for the use of this assistance. But I am not at all certain that it is appropriate for the United States to engage the Colombian military to this degree at this time.

I note that the Senator from Vermont has a point when he questions the emergency designation for this spending package. Colombia has been in crisis for some time. But of course, the emergency designation frees this body from fiscal discipline—discipline, Mr. President, that we badly need.

In contrast, for a genuine emergency, for the devastating flooding in southern Africa, this bill provides only one-eighth, one eighth, of the administration's request. It was not so long ago, that the entire country was moved by video and photographs of the people of southeastern Africa, clinging to life in trees and rooftops as flood waters rushed past them. These floods were particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth. While more needs to be done, the country has improved its record with regard to basic human rights. Mr. President, the people of Mozambique have been fighting for a better future. This kind of disaster comes at a terrible time, and it will require the assistance of the international community to help the people of Mozambique to hold to the opportunities that lay before them before the waters rose.

And an appropriate level of funding for the communities ravaged by flooding in southern Africa is just the beginning. Even a cursory glance will indicate that there is a great deal that is not in this appropriations bill.

The news is not entirely bad. I applaud the increased funding levels to combat the global HIV/AIDS crisis, which I believe is one of the most important international issues that this country faces in this new millennium, although I would still like to see that level increase.

And I am pleased to see provisions linking the resumption of certain military and security assistance programs for Indonesia to key conditions—conditions which bolster the position of reformers in the new government by requiring real accountability for human rights abuses and real cooperation with

the international community on matters relating to East Timorese refugees. On this note, I would point out to my colleagues the fact that UNHCR personnel recently suspended activities in three refugee camps in West Timor because the security situation in these camps, where military-backed militias continue their campaign of intimidation and destabilization, has made it impossible to for humanitarian workers to continue to do their jobs. Provisions like those included in this bill are still critically important as are the more comprehensive provisions of a bill that I have introduced, S. 2621, the East Timor Repatriation and Security Act of 2000.

Despite the laudable elements, this bill funds only \$75 million of the administration's \$262 million debt relief request—and that's excluding the \$210 million supplemental request, which also goes unfunded. This bill barely addresses the crushing debt burden that stands as an obstacle to growth and development throughout much of the developing world.

This bill allocates only \$85 million for peacekeeping operations. That is a sizable cut. It is likely to threaten one of the most logical and far-sighted initiatives that we have in this area, Mr. President, the African Crisis Response Initiative, or ACRI, which trains African militaries to help them to become more effective in working to secure stability and share the global burden of peacekeeping.

This bill cuts two of the most important accounts for international development aid, the ESF account and the World Bank IDA account, below fiscal year 2000 levels.

The Center on Budget and Policy Priorities has found that the U.S., when compared to twenty other donor nations worldwide devotes the smallest portion of its national resources to development aid—the smallest portion by far. The typical donor country in the study contributed more than three times the share of national resources that the U.S. contributes. In fact, the U.S. fails—and fails miserably—to contribute the U.N. target level of even point-seven-percent—not seven percent, but seven-tenths of one percent—in aid to the developing world. The Center found that, using a number of different sources, the level of U.S. development aid in fiscal year 2001 would be equal to its lowest level since the end of World War II, measured as a share of the economy. That conclusion refers to the Administration's request, a request that this bill falls \$1.7 billion below the President's request. I believe that we must exercise more foresight and that we must re-think our priorities to make more room for the world around us and for the global context in which our great nation will operate in this new century.

I believe strongly in fiscal discipline. I believe in governing within our

means. I know that means tough choices. But I also know some of the appropriations bills we have just passed and no doubt will see more of the same as we consider spending in fiscal year 2001. Yet we continue the disturbing trend, a trend that I believe runs counter to our national interest and counter to our national identity, of turning our back on the rest of the world.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3517

Mr. GRAHAM. Mr. President, I wish to speak in opposition to the amendment offered by the Senator from Washington. Is there time remaining on that issue?

The PRESIDING OFFICER. The Senator from Vermont controls the time, and there are 17 minutes.

Mr. LEAHY. Mr. President, I am sorry. I was distracted. What is the Senator from Florida asking?

Mr. GRAHAM. Is the Senator controlling the time in opposition to the amendment of the Senator from Washington?

Mr. LEAHY. Well, by default I am. Would the Senator like some time?

Mr. GRAHAM. Yes. I request 8 minutes.

Mr. LEAHY. I yield 8 minutes to my good friend, the senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have spoken earlier this afternoon on the issue of Colombia in the context of the amendment offered by the Senator from Minnesota. But now that we have another amendment relative to this provision within the foreign operations appropriations bill, I am pleased to have been afforded this opportunity to speak a second time.

I believe that the fundamental thrust of the amendment offered by the Senator from Washington, which would cut all but \$200 million of the recommended appropriations for the United States share of the financing plan in Colombia, would essentially eviscerate not only the U.S. participation but would probably eliminate the prospects of other nations, that see themselves looking to the United States for leadership in terms of dealing with the crisis in Colombia, and would probably have a very destabilizing effect on Colombia's stated intention to provide more than half of the \$7.5 billion cost of the comprehensive plan in Colombia.

Essentially, what we would be saying, by adopting this amendment, is that we are prepared to see Colombia continue in the almost death spiral of downward direction in which it has been in for the past many months.

I would like to first point out what are some of the national interests of the United States that would be sacrificed if we were to allow that to occur. Of course, the most fundamental sacrifice would be the loss of an effective democratic partner in the efforts to build stability within the Western Hemisphere. Colombia is the longest continuous democracy on the continent of South America. It is a country that other countries, which are relatively new democracies, look to for leadership and example.

What a horrendous consequence it would be if, by our lack of responding to the call for help at this critical time, we were to be the principal agent of converting this nation of over half a century of democracy into a failed state.

There are also consequences to the region, particularly the Andean region. That is a region that is already in trouble, as I know the Presiding Officer is well aware.

There is a new and untested government in Venezuela. We have, in Ecuador, the first successful military coup in Latin America in almost two decades. Peru is in the midst of a very contentious election aftermath which in many quarters has been called incredible in the sense of not being a credible election.

Even Bolivia, which has been a source of stability, had to impose essentially a period of martial law. And on the north side, we have Panama, which has recently been given full control of the Panama Canal, and where there are great concerns about the stability of that country, and particularly its vulnerability to drug traffickers.

So here Colombia sits, in the middle of this very vulnerable, fractious part of our hemisphere. If it goes down, it will have enormous spillover effects, and the consequences will be dire for U.S. interests.

What we most think about when we hear the word "Colombia" is drugs. Colombia has become an even greater source of drugs due, in part, to the success of our efforts in Peru and Bolivia in reducing coca production, but also, unfortunately, due, in large part, to the fact that we now have a marriage between the narcotraffickers, the guerrillas, and the paramilitaries who are all working together in various places in Colombia, particularly in the southern most regions, to have contributed to a doubling, maybe soon a tripling, of drug production in that nation over the last decade.

Colombia is also an important economic partner of the United States. It has one of the larger economies in

Latin America, and it has been a significant trading partner for the United States.

Colombia has had a long period not only of democracy but also of sustained economic growth. It was not until 3 or 4 years ago that the record of every year being better than the last was broken in terms of the economy of Colombia. It was able to avoid a series of economic crises in South America and be a solid bastion of economic stability. That pattern is now broken, with 20 percent unemployment, a 3- to 5-percent drop in gross domestic product, and an outflow of investment.

Finally, we have a national interest in terms of the people of Colombia believing that their future and their hope is in Colombia, and that they do not have to flee and become another diaspora in the United States.

There has been substantial out-migration, oftentimes of the people with the very skills that are going to be necessary to restore the democracy and economy in Colombia.

When I was in Bogota, in December of last year, I was told that if you wanted to apply for a visa to leave Colombia, even as a tourist or for one of the standard visas, it took 10 months to get an appointment to meet with the U.S. consulate official to apply to get a visa. That is how backlogged they are because of the number of people who are trying to legally leave the country. One can imagine if these conditions of violence and economic turmoil continue how many people will be leaving illegally from Colombia with the United States as their primary destination.

We have a lot at stake. This is not a trivial issue with which we are dealing. I hope just as we, by a very strong vote, rejected previous propositions that would have diluted our capacity to be a good neighbor on this critical issue, that we will do so again in defeating the amendment offered by the Senator from Washington.

Once we have acted, we still will have some work to do, in particular work to do in terms of internationalizing the friends of Colombia to be a strong support group to continue this effort, remembering that 30 percent of Plan Colombia is going to be paid by other than the United States or Colombia—the Colombians have yet to identify who will pick up that 30 percent of the cost—and that we must put greater emphasis on the economic recovery of Colombia, which I hope will include items such as bringing parity to the Andean pact nations vis-a-vis the recently adopted increase in trade preferences for the Caribbean Basin and extending the Andean trade preference to the year 2008 in order to give investors greater confidence.

There is important work to do today, important work to do tomorrow. The goal is to be a good neighbor and con-

tribute to the salvation of a very good friend of the United States, Colombia, at a time of dire need.

AMENDMENT NO. 369

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I now ask unanimous consent that the first vote begin at 6:15, with the time between now and 6:15 divided equally between the Senator from Connecticut and the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and my friend and colleague from Kentucky.

Mr. President, I rise to support the amendment offered by my friend and colleague from Connecticut. I am proud to be a cosponsor of that amendment. I respectfully oppose the amendment offered by my friend and colleague from the State of Washington.

As has been amply testified to here on the floor today, Colombia is in a crisis that includes a flourishing drug trade emanating from that country, an aggressive guerrilla movement spreading within it, right-wing paramilitary operations, and human rights abuses on all sides. All of this represents a fundamental threat to democratic government, the rule of law and economic prosperity in Colombia, and undermines stability in the region. It also, closer to home, results in the sad reality of a continued massive drug flow into these United States. There has been literally an explosion of cocaine and heroin production in Colombia, and too much of it ends up in our country.

The democratically elected leader of Colombia, President Pastrana, has urgently asked for our assistance and has shown strong leadership in developing a long-term comprehensive strategy for dealing with the multifaceted crisis his country faces.

The United States is not pushing its way into this situation, nor are we attempting to impose an outside solution. The Colombian Government quite simply cannot carry out these constructive plans it has without substantial help from its friends abroad. Our Government has quite responsibly pledged that the United States will make a major contribution to this critical effort, and I am convinced that is in our national interest to do so. The administration's budget request for what has become known as Plan Colombia seeks to help that country and other nations in the region tackle the issues of the drug trade, guerrilla and paramilitary violence, human rights abuses, internally displaced people, and economic deterioration.

This assistance package would allow for the purchase of 30 Blackhawk helicopters to do the essential job of transporting counter narcotics battalions

into southern Colombia. These Blackhawks are fast, they have tremendous capacity, and they are well suited for long-range operations. Unfortunately, the Senate version of the foreign operations appropriations bill eliminates the funding for the Blackhawks and replaces them with twice as many of the slower, less capable Huey II helicopters. While the Huey II is an improvement over the 1960s vintage Huey helicopter, it does not have the same performance capabilities, including range, speed, lift, or survivability, at any altitude as does the Blackhawk.

The Colombian Army itself chose the Blackhawk to meet its long-term requirements for all of its forces and believes it is the best solution for providing helicopter support to the newly formed counternarcotics battalions. The Blackhawk would allow the Colombians to put more troops on the ground, more quickly and from greater distances, allowing for a higher initial entry of the battalions and for more rapid reinforcement, all necessary to achieve success against opponents on the ground. For some missions in the mountains at high altitudes, the Huey II simply will not work at all.

In sum, the Colombians have concluded that the Blackhawks best suit their need for counter drug missions, which is at the heart of our American interest in this aid package. Both General McCaffrey and General Wilhelm have strongly concurred.

In addition, in May, a team of 24 U.S. Army aviation experts was sent to Colombia to conduct an assessment of the operational effectiveness and support requirements of the Blackhawks versus the Huey IIs in Colombia. In a preliminary report on its finding, the team said:

The superior troop carrying capacity and range of the UH-60L, or Blackhawk, versus the Huey II, coupled with the combat nature of operation, limited size of landing and pick up zones within the area of operations, the requirement to operate in high altitude areas and the increased survivability to both aircrew and troops, clearly indicated that the Blackhawk is the helicopter that should be fielded to Colombia in support of a counter drug effort.

That was from a U.S. Army report.

Senator DODD and I have offered an amendment that says the U.S. Department of Defense, in consultation with the Colombian military, will determine what kind of helicopters will be most effective to support the purposes for which we are spending this money, which are counternarcotics in Colombia. The Senate ought not to micromanage the decision on which helicopters will be used. It is a decision that ought to be left to those who are the experts.

We cannot pretend this overall emergency aid package is a perfect solution to all the problems confronting Colombia or any of the other countries in the

region. Neither is this assistance a panacea to the problems of drug abuse and addiction in the United States. It is a strong and credible step forward.

For these reasons, I support the underlying package, oppose the Gorton amendment, and proudly support and cosponsor the Dodd amendment.

I thank the Chair and yield the floor.

Mr. GORTON. Mr. President, the capacity of this body for self-delusion seems to this Senator to be unlimited. Time after time, we permit this administration to involve us in some new armed conflict without seriously examining the consequences of that involvement, the cost of the involvement, the length of the involvement, or even the possibility that we will attain the goals of that involvement.

Mark my words, we are on the verge of doing exactly the same thing here that we have done so frequently in the last 7 or 8 years. This bill includes almost \$1 billion for an entirely new, and almost totally military, involvement in a civil war in Latin America, without the slightest promise that our intervention will be a success, and it does it in a totally backward fashion.

The very committee report that recommends spending this almost \$1 billion says that the committee "has grave reservations regarding the administration's ability to effectively manage the use of these resources to achieve the expected results."

Well, if we have grave reservations, why are we doing it before those reservations have been met?

The bill is a paradox. It says to the administration, spend \$934 million, and then come to us and tell us what you have done and why it should go on. But if Kosovo and Bosnia are any indication, when the administration comes back next year, the answer will be: Well, we are already in it; we can't quit now.

That is what we have been told for 6 or 7 years in Bosnia and 2 or 3 in Kosovo, with no end in sight. And there will be no end in sight here either, Mr. President. This bill says let's get in a war now and justify it later. My amendment says let's hear the justification first; let's seriously consider what we are getting into and then maybe vote the money.

This amendment takes \$700 million of the \$934 million and says, for now, let's pay down the debt with it. Let's expand our present help to Colombia and its police forces, rather substantially, but let's not get into a new armed conflict until we have far greater justification than we have received to this point.

It just seems impossible to me to believe that in the absence of the debate of the whole country, with all of the lessons we must have learned not just in this administration, but in previous administrations, about how easy it is to get in and how hard it is to get out, we will blithely make this downpay-

ment—and this is a downpayment only. Next year, maybe we will need a lot more money if they are not doing very well down there. And how much of the equipment is going to end up in the hands of rebels by sale or capture or otherwise? We have no way of controlling that without a presence on the ground.

I urge this body to say to the administration: No, we are not going to do this until you first come to us with a formal overall plan with a beginning, middle, and an end, and a plan for how we are going to achieve our goals. Get the authority first and then fund it. It is 10 times better for this society to put that \$700 million on our debt and not get in a civil war in South America. That is what this debate is all about—not that we don't like the Colombians or that we don't want them to be successful, but we don't want a part of their war.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, let me remind my colleagues that the WELLSTONE amendment was defeated 89-7. That would have taken \$225 million out of the committee's proposal to fight the war on drugs in Colombia. The amendment of the Senator from Washington, my good friend, would leave only \$200 million. It would, in fact, completely terminate this effort, as he candidly admits would be his desire. I hope the GORTON amendment will not be approved.

Mr. President, there are several amendments cleared on both sides which I would like to get out of the way at this point. Temporarily, I ask unanimous consent to lay aside the two amendments upon which we are about to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3495, 3491 AND 3539, AS MODIFIED, EN BLOC

Mr. McCONNELL. Mr. President, I send amendments Nos. 3495, 3491, and 3539, as modified, to the desk en bloc and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments en bloc numbered 3495, 3491, and 3539, as modified.

The amendments are as follows:

AMENDMENT NO. 3495

(Purpose: To express the sense of the Senate concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe)

On page 140, between lines 19 and 20, insert the following:

SEC. —. SENSE OF SENATE REGARDING ZIMBABWE.

(a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independ-

ence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Government of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

AMENDMENT NO. 3491

(Purpose: To express the sense of the Senate regarding the significance of the availability of certain funds under this Act for an acceleration of the accession of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization (NATO))

On page 140, between lines 19 and 20, insert the following:

SEC. 591. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading "FOREIGN MILITARY FINANCING PROGRAM" should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

AMENDMENT NO. 3539, AS MODIFIED

(Purpose: To authorize non-lethal, material assistance to protect civilians in Sudan from attacks, slave raids, and aerial bombardment)

On Page 20, line 2, after the word "Development", insert the following: "Provided further, That up to \$10,000,000 of the funds appropriated under this heading, should be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese government forces and its militia allies: *Provided further*, That in the previous proviso, the term 'assistance' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes."

Mr. MCCONNELL. Mr. President, these amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 3495, 3491, and 3539, as modified) were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator

FEINSTEIN be added as a cosponsor to amendment No. 3476 and that Senator BENNETT be added as a cosponsor to amendment No. 3519.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the Gorton amendment No. 3517.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the Gorton amendment and the Dodd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Washington, Mr. GORTON.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 79, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—19

Allard	Gorton	Leahy
Boxer	Gramm	Mikulski
Collins	Grams	Murray
Craig	Gregg	Specter
Crapo	Harkin	Thomas
Enzi	Hutchinson	
Fitzgerald	Kohl	

NAYS—79

Abraham	Feingold	Moynihan
Akaka	Feinstein	Murkowski
Ashcroft	Frist	Nickles
Baucus	Graham	Reed
Bayh	Grassley	Reid
Bennett	Hagel	Robb
Biden	Hatch	Roberts
Bingaman	Helms	Rockefeller
Bond	Hollings	Roth
Breaux	Hutchison	Santorum
Brownback	Inhofe	Sarbanes
Bryan	Jeffords	Schumer
Bunning	Johnson	Sessions
Burns	Kennedy	Shelby
Byrd	Kerrey	Smith (NH)
Campbell	Kerry	Smith (OR)
Chafee, L.	Kyl	Snowe
Cleland	Landrieu	Stevens
Cochran	Lautenberg	Thompson
Conrad	Levin	Thurmond
Coverdell	Lieberman	Torricelli
Daschle	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wellstone
Dorgan	Mack	Wyden
Durbin	McCain	
Edwards	McConnell	

NOT VOTING—2

Domenici Inouye

The amendment (No. 3517) was rejected.

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will come to order. Senators will please clear the well.

Mr. BYRD. Mr. President, I wish the Senators would respect the Chair. The chair has asked for order.

Mr. THURMOND. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I would say we are down to just a handful of amendments we are trying to work out now and should be able to give some more information as soon as the next vote is completed.

Mr. LEAHY. Several Senators have been very helpful, saying they are going to withdraw amendments or look to another piece of legislation. I appreciate that. It is possible to finish this bill this evening if we continue to have the cooperation we have had on both sides of the aisle.

Mr. MCCONNELL. I thank the Senator from Vermont.

AMENDMENT NO. 3524

The PRESIDING OFFICER. There are 2 minutes equally divided on the Dodd amendment.

The Senator from Connecticut.

The Senate will be in order. Senators will take their conversations to the Cloakroom, please. If Senators will give their attention to the Senator from Connecticut, we can begin.

The Senator from Connecticut.

Mr. DODD. Mr. President, in one minute: The amendment I am proposing along with my colleague from Connecticut and others merely says the decision on which type of equipment will be used in the Colombian effort ought to be determined by the U.S. military in conjunction with the Colombian military. The present language requires specifically a Huey helicopter. I do not think that decision ought to be made by Members of Congress, necessarily.

The military categorically, in a 24-member review of what was needed to make the program in Colombia successful, requests that it be the Blackhawk helicopter.

In a letter from the Colombian Ministry of Defense they specifically request it. They would have to change their entire infrastructure to handle a Huey helicopter. The cost is excessive—more than the Blackhawk. The amendment doesn't say buy Blackhawks, it says let the military make the decision. Congress ought not be mandating the kind of equipment that is going to help best to make this work. Our amendment allows for the experts to make the decision, not Members of Congress.

I urge adoption of the amendment and ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPÚBLICA DE COLOMBIA,
MINISTERIO DE DEFENSA NACIONAL,
Santa Fe De Bogotá, June 21, 2000.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. C.W. YOUNG,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMEN: We wish to thank the U.S. Congress for its support of Plan Colombia and the U.S. Administration's aid package to assist the people of Colombia in our fight against the explosive cultivation of coca. With your support, this aid will reverse the trend of increased drug production, violence and instability that we are all too familiar with.

While we are grateful for your consideration of the aid package, we are concerned with the Senate's proposal to replace the 30 UH-60L Blackhawks with 60 "Huey II" helicopters. The decision to provide the Colombian Military with UH-60 helicopters was determined jointly by Colombian and US Military experts to be the best aircraft for the mission.

The Blackhawk is our clear choice given the austere environment in which our security forces must operate. First, it has redundant systems and protections that not only make it much more difficult to shoot down, but more importantly, affords our soldiers and crew increased survivability in a crash. Second, the Blackhawk is 50% faster than the Huey II allowing a quicker response time for our security forces to reach remote, inaccessible drug producing areas. Third, it has much greater range. Therefore, the need for forward arming and refueling stations is significantly reduced. Fourth, the Blackhawk flies and operates better at higher altitudes, an important consideration given that the Andes mountain range runs the entire length of Colombia. Lastly, it carries three times the number of soldiers at high altitudes and twice as much at sea level, inserting more troops and security forces on the ground sooner. Optimal maneuverability at high altitudes and troop carrying capacity is crucial in counter narcotics operations, specially taking in consideration the areas where poppy cultivation takes place.

While the Huey II helicopter may be less expensive to purchase and operate, there are considerable indirect expenses not being factored in by the Huey II advocates. For example, 60 Huey IIs require twice the number of trained pilots as 30 Blackhawks. In addition to more trained pilots, they require more trained mechanics, maintenance facilities, spare parts, equipment, force protection, and hangar space at airfields. Any initial savings in acquiring the Huey II's would be offset by these associated logistics and support costs.

Blackhawk is the backbone of our military's helicopter combat fleet. Therefore our infrastructure is being standardized around it and more important, our force structure planning for the future is based in this type of aircraft. As for today, our government has already acquired Blackhawks with our own resources and has the appropriate logistic facilities to operate and maintain up to 30 additional UH-60L Blackhawks.

Some members of the US Congress have proposed a combination of Blackhawks and Huey's. Given our force structure planning stated above, introducing new Huey II's into our fleet would require separate pilot train-

ing, spare parts and supplementary maintenance facilities, not to mention the delays or changes in the projection of the force. This will pose a major logistic problem and extra efforts, since the fleet must be jointly operated increasing tactical, technical and administrative costs. The Ministry does believe that the UH-1Ns will be vitally important for a successful transition to the more advanced UH-60 Blackhawk. We also believe there will be a continuing need to retain some of the UH-1Ns after the integration of the UH-60 fleet into the Colombian counter-narcotics program.

If the Congress of the United States considers that additionally to the 30 Blackhawks initially requested, based on our needs and operative and logistical capabilities, the government of Colombia should receive a number of Bell helicopters, we suggest that the U.S. Government give consideration on? supporting our extensive pilot training requirements by starting a program to acquire 20 Bell 206 training helicopters. These aircraft would enable our armed forces to establish a joint pilot training school that would meet our existing and future pilot training requirements.

We appreciate the efforts and kind support you have given the aid pack in this process. Thank you for your consideration.

Sincerely,

MAYOR GENERAL LUIS
ERNESTO GILBERT
VARGAS,
Director of National Police.

GENERAL FABIO VELASCO
CHAVEZ,
Commander in Chief of the Air Force.

ADMIRAL SERGIO GARCIA
TORRES,
Commander in Chief of the Navy.

GENERAL JORGE ENRIQUE
MORA RANGEL,
Commander in Chief of the Army.

GENERAL FERNANDO TAPIAS
STAHELIN,
Commander in Chief of the Military Forces.

LUIS FERNANDO RAMIREZ
ACUÑA,
Minister of National Defense.

The PRESIDING OFFICER. The Senator from Kentucky.

The Senate will be in order.

Mr. MCCONNELL. Mr. President, the issue is this. We do not have enough Blackhawks for our own troops, much less the Colombian troops. The Blackhawks are much more expensive, about \$1,000 an hour more expensive to operate. The Huey II will get the job done. We ought to do that in the most efficient way, looking not only at this year's appropriation but down the road. We will have to pick up the operation and maintenance cost on the Blackhawk in subsequent years. The Huey II will do the job.

The Senator from Connecticut has done his usual articulate job of arguing for a home State interest. The Blackhawk is made in Connecticut. I would probably be making the same speech if I were from Connecticut. But the least expensive alternative is the

Huey II. That is why the committee recommended what it did.

Mr. STEVENS. Mr. President, is there any time left?

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 47, nays 51, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—47

Akaka	Graham	McCain
Baucus	Grams	Moynihan
Bayh	Hagel	Murray
Biden	Harkin	Reed
Boxer	Hollings	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Santorum
Cleland	Kerry	Sarbanes
Conrad	Landrieu	Schumer
Daschle	Lautenberg	Smith (OR)
Dodd	Leahy	Snowe
Durbin	Levin	Specter
Edwards	Lieberman	Torricelli
Feingold	Lincoln	Wellstone
Feinstein	Mack	

NAYS—51

Abraham	Dorgan	Lugar
Allard	Enzi	McConnell
Ashcroft	Fitzgerald	Mikulski
Bennett	Frist	Murkowski
Bingaman	Gorton	Nickles
Bond	Gramm	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Collins	Inhofe	Thompson
Coverdell	Jeffords	Thurmond
Craig	Kohl	Voinovich
Crapo	Kyl	Warner
DeWine	Lott	Wyden

NOT VOTING—2

Domenici Inouye

The amendment was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I know Senators are anxious to get a feel for what the proceedings will be for the remainder of the evening and in the morning. I commend the managers for the work they have been doing and commend Members for the help we have been receiving from them on both sides in terms of disposing of amendments one way or another.

I believe we are very close to getting an agreement that would get the remaining amendments done tonight.

Then, in the morning, we could turn to the Labor-HHS appropriations bill and have stacked votes at 2 o'clock, both on any amendments and final passage of the foreign operations appropriations bill and any amendments that might be ready to be voted on and put in that staked sequence at 2 o'clock tomorrow.

We do not quite have that agreement yet. But for all Senators who are still working on it, I hope they will work with us to get it completed momentarily. If that cannot be done, I will be calling up the Kyl amendment No. 3558, and getting a second so we can have a rollcall vote on that, and other amendments, tonight.

I think we can get this bill done without having to have that recorded vote. But if we can't get an agreement as to how we are going to complete our work, then we will be having more votes tonight.

So for the Senators who are waiting to get final information, just give us a few more minutes. I think we are about to the point where we can enter this agreement, and then we would have a feel for the remainder of the night.

Mr. LEAHY. If the Senator from Mississippi will yield, Senators have been working very hard on both sides to clear things.

I suggest this as an alternative to some of my colleagues. A number of matters are things that could just as well be handled in report language.

The Senator from Kentucky and I, in some of those instances, have been able to work that out. With the help of both the Republican leadership and the Democratic leadership, we have been able to get rid of many of these amendments. I think we are so close to working out the suggestion the distinguished Senator from Mississippi has made, that Senators should look at that. It is one that is strongly supported by the managers of this bill. I hope we might make it possible to do it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in cooperation with the manager on our side, we have worked very hard to move this legislation along. On the proposed unanimous consent request that would be propounded by the majority leader, we would complete debate on all amendments tonight and vote, as the leader indicated, tomorrow after 12 o'clock. We have one outstanding objection on that. We are in the process of working to have that resolved. We hope to have that done in the near future.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3553, 3537, 3515, 3546, AS MODIFIED, 3547, AS MODIFIED, 3549, AS MODIFIED, 3545, AS MODIFIED, 3172, AS MODIFIED, AND 3522, AS MODIFIED, EN BLOC

Mr. McCONNELL. Mr. President, we have some more amendments that have

been cleared on both sides. I call up amendment No. 3553 by myself; amendment No. 3537, Senator BYRD; amendment No. 3515, Senator SHELBY. Then the following amendments, Mr. President, I call up and send modifications to those amendments to the desk: Senator REID, No. 3546; Senator REID, No. 3547; Senator REID, No. 3549, Senator CHAFEE, amendment No. 3545; Senator HELMS, amendment No. 3172; Senator LANDRIEU, amendment No. 3522.

Mr. LEAHY. Mr. President, if the Senator will yield, I believe there is still a question on the amendment by the distinguished Senator from Rhode Island that we are trying to work out. I wonder if that could be withheld for the moment.

Mr. McCONNELL. The Senator says there is a question about the Chafee amendment?

Mr. LEAHY. Yes.

Mr. McCONNELL. I will withhold the Chafee amendment No. 3545. These are the modifications which I send to the desk.

Mr. LEAHY. I will continue to work with my friend from Rhode Island to see if we can work out whatever the problem is.

AMENDMENT NO. 3527

(Purpose: To transfer \$24 million from elsewhere in the bill to Peace Corps to bring FY 2001 funding up to FY 2000 levels)

Mr. McCONNELL. Mr. President, I send a Dodd amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. DODD, proposes an amendment numbered 3527.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 4 strike all after the first comma thru the word "Provided," on line 7, and insert in lieu thereof the following: "\$24,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside the United States: *Provided*, That \$24,000,000 of such sums be made available from funds already appropriated by the Act, that are not otherwise earmarked for specific purposes: *Provided further*,."

Mr. DODD. Mr. President, the amendment I have offered would restore the FY 2001 appropriations for Peace Corps programs to FY 2000 appropriations levels.

Today, approximately 7000 Americans are Peace Corps volunteers. They are recent college graduates, mid-career professionals, and retired seniors. They live and work in the far corners of the globe—in Africa, Latin America, Asia, the Middle East, Eastern Europe, and the Pacific. As we consider this matter, American volunteers are diligently working to improve the lives of citi-

zens in 77 countries throughout the world.

Mr. President, the President has requested \$275 million in appropriations for FY 2001. While I would like to see this Senate approve an amendment to increase funding in this bill to meet the administration's request, I am simply asking that the Senate restore funding to the FY 2000 levels.

My request of my colleagues is a modest one—their support for an amendment to raise funding in this bill for the Peace Corps by \$24 million—from \$220 million to \$244 million—to bring the FY 2001 appropriations for this agency up to this fiscal year's appropriations. This amendment does not add any new money to the bill, but rather allows the Clinton administration to use unearmarked funds already appropriated in this bill.

Absent adoption of this amendment, the Appropriations Committee mark will reduce funding for the upcoming fiscal year by 10 percent over the current fiscal year's funding for the Peace Corps.

What are the consequences of such reductions in funding?

Peace Corps posts will have to be shut down in as many as eleven countries;

The number of new volunteers accepted by the agency will have to be cut by 16 percent, some 1,250 fewer individuals will have the honor of serving their country;

Plans for new initiatives to enable Peace Corps volunteers to bring the benefits of information technology to underserved communities throughout the world and to bolster HIV/AIDS prevention priorities in Africa and elsewhere will fall by the wayside;

New country programs will remain unfunded;

The agency's ability to provide future emergency assistance through its newly established Crisis Corps of returned volunteers to respond to the devastation of unanticipated disasters such as those experienced in Central America following the 1998 devastation of Hurricane Mitch will be severely impaired.

Finally it will undermine the Agency's ability to replace outdated computer systems in order to meet government financial management requirements, not terribly exciting but very important to the overall functioning of the Peace Corps as an organization.

The funding level in the bill is totally inconsistent with what the Congress did in 1999. Last year the Congress went on record in support of increased funding for the Peace Corps for FY 2001 to \$298 million—beyond the Administration's request—in order to support an increase in Peace Corps volunteers.

I am not asking the Senate to vote on an increase of that magnitude today. I am simply asking support for a steady state budget.

Mr. President, thirty-four years ago, I was a Peace Corps volunteer in the Dominican Republic. My two years as a volunteer had a profound impact on my life. I will treasure my Peace Corps experience forever—as will nearly every returned Peace Corps volunteer one meets.

Next year the Peace Corps will celebrate its 40th anniversary. It is important that we insure that the agency is sufficiently funded to live up to the expectations that its success has engendered throughout the world.

For these reasons I strongly urge my colleagues to support this amendment and the restoration of funding for the Peace Corps.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3527) was agreed to.

Mr. McCONNELL. Mr. President, we have the block of amendments that have been cleared on both sides at the desk, some of them as modified.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3553; 3537; 3515; 3546, as modified; 3547, as modified; 3549, as modified; 3172, as modified; and 3522, as modified), en bloc, were agreed to as follows:

AMENDMENT NO. 3553

On page 33, line 18, insert, “: *Provided further*, That funds made available as a U.S. contribution to the Heavily Indebted Poor Countries Trust Fund shall be subject to the regular notification procedures of the Committees on Appropriations”.

AMENDMENT NO. 3537

(Purpose: To make technical amendments to language limiting support for Plan Colombia)

Beginning on page 151, line 21, strike “(a)” and all that follows through line 7 on page 152 and insert the following:

(a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

On page 152, line 17, insert “in connection with support of Plan Colombia” after “Colombia”.

On page 152, line 19, strike “250” and insert “500”.

On page 152, strike lines 20 and 21.

On page 153, line 1, insert “United States” after “of”.

On page 153, line 4, strike “100” and insert “300”.

On page 153, between lines 18 and 19, insert the following:

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

On page 153, line 19, strike “(d) MONTHLY REPORTS.—”, and insert “(f) BIMONTHLY REPORTS.—”.

On page 153, line 21, strike “30” and insert “60”.

On page 154, line 1, insert “United States” after “and”.

On page 154, line 3, strike “(e)” and insert “(g)”.

On page 154, line 5, strike “subsection (a)(2)” and insert “subsection (a)(1)(B)”.

On page 154, line 9, strike “subsection (a)(1)” and insert “subsection (a)(1)(A)”.

On page 154, line 12, strike “subsection (a)(1)” and insert “subsection (a)(1)(A)”.

On page 155, line 12, strike “(f)” and insert “(h)”.

AMENDMENT NO. 3515

(Purpose: To make the limitation on assignment of United States personnel in Colombia inapplicable to certain intelligence and intelligence-related activities of the United States Government)

On page 155, between lines 18 and 19, insert the following:

(g) NATIONAL SECURITY EXEMPTION.—The limitation contained in subsection (b)(1) shall not apply with respect to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

AMENDMENT NO. 3546, AS MODIFIED

(Purpose: To allocate funds for the Secretary of State to meet with representatives of countries with a high incidence of the practice of dowry deaths or honor killings to develop a strategy for ending the practices, and for other purposes)

On page 140, between lines 19 and 20, insert the following:

SEC. ____ ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS.

(a) IN GENERAL.—The Secretary of State should meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term “dowry death” means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term “honor killing” means the murder of a woman suspected of dishonoring her family.

AMENDMENT NO. 3547, AS MODIFIED

(Purpose: To require that funding for the United States Agency for International Development be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation)

On page 12, line 14, strike “loans.” and insert the following: “loans: *Provided further*, That of the funds appropriated under this heading, up to \$1,500,000 may be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation.”.

AMENDMENT NO. 3549, AS MODIFIED

(Purpose: To authorize the Secretary of State to determine the prevalence of the practice of female genital mutilation and to development recommendations for eliminating the practice)

On page 140, between lines 19 and 20, insert the following:

SEC. ____ ELIMINATION OF FEMALE GENITAL MUTILATION.

The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall submit the findings of the study and recommendations on how the United States can best work to eliminate the practice of female genital mutilation, to the appropriate congressional committees by June 1, 2001.

AMENDMENT NO. 3172, AS MODIFIED

(Purpose: Relating to support by the Russian Federation for Serbia)

On page 140, between lines 19 and 20, insert the following:

SEC. ____ SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA.

(a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosovo war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to the Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to the Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced

that his government has provided the Serbian regime of Slobodan Milosevic \$102,000,000 of a \$150,000,000 loan it had reactivated and will sell the Government of Serbia \$32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosovo war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosovo.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President may waive the actions described in subsections 2A, 2B, and 2C if he determines and reports to Congress that it is in the national interests of the United States of America.

(3) It is the sense of the Senate that—The President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

AMENDMENT NO. 3522 AS MODIFIED

(Purpose: To provide for the rehabilitation of the transportation infrastructure of Bulgaria and Romania)

At the appropriate place, insert:

Of the funds appropriated under the heading "Support for East European Democracy" rehabilitation and remediation of damage done to the Romanian and Bulgarian economies as a result of the Kosovo conflict should be given priority especially to those projects that are associated with the Stability Pact for South Eastern Europe, done at Cologne June 10, 1999 (commonly known as the "Balkan Stability Pact"), particularly those projects that encourage bilateral cooperation between Romania and Bulgaria, and that seek to offset the difficulties associated with the closure of the Danube River.

Mr. MCCONNELL. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we previously agreed to amendment No. 3536. I ask unanimous consent that the distinguished senior Senator from Michigan, Mr. LEVIN, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent Senator HELMS be added as a cosponsor to the Coverdell amendment on Peru.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Senator LAUTENBERG be added as a cosponsor to Senator EDWARDS' and Senator TORRICELLI's amendment No. 3589.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3584, AS FURTHER MODIFIED

Mr. LEAHY. Mr. President, amendment No. 3584 was accepted earlier. The sponsor of that amendment, the distinguished Senator from Michigan, Mr. ABRAHAM, has agreed to a modification of his amendment. I ask unanimous consent to send the modification to the desk and ask that it be accepted in lieu of the earlier amendment No. 3584.

The PRESIDING OFFICER. Without objection, the amendment, as further modified, is agreed to.

The amendment (No. 3584, as further modified) was agreed to, as follows:

In lieu of amendment No. 3584, insert the following:

On page 14, line 4, strike "\$15,000,000" and insert: "\$18,000,000".

On page 14, line 7, after "Lebanon" insert: "Provided, That not less than \$15,000,000 of the funds made available under the previous proviso shall be made available from funds appropriated under the Economic Support Fund."

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3568

Mr. WELLSTONE. Mr. President, I don't know whether we have reached agreement or not or whether there will be time for discussion tomorrow.

I thank my colleagues. I believe amendment No. 3568 has been accepted. This is an amendment I have offered with Senator BROWNBAC, who is in the chair. I point out to colleagues that this amendment would use \$250,000 of the funds appropriated to Kosovo to help police better identify and respond to cases of trafficking. It also would provide some help for those who live in the Newly Independent States of the former Soviet Union who have been victims of trafficking. I thank both the Senator from Kentucky and the Senator from Vermont for accepting this amendment.

I especially thank Senator BROWNBAC for the work I have been able to do with him dealing with the awful aspect of this new global economy: the trafficking of women forced into prostitution, and terrible labor conditions. We have a great piece of legislation. Both of us hope it will pass soon. This amendment to this piece of legislation is a good step in the right direction. I thank my colleague, Senator BROWNBAC, for his support. I thank Senators for supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 3588

(Purpose: To make available up to \$1,000,000 to fund the Secretary of Defense to work with the appropriate authorities of the Cuban government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuba airspace and waters)

Mr. SPECTER. Mr. President, I have an amendment which has been cleared on both sides. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3588.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . UNITED STATES-CUBAN MUTUAL ASSISTANCE IN THE INTERDICTION OF IL-LICIT DRUGS.

ALLOCATION OF FUNDS.—Of the amount appropriated under the heading "Department of State, International Narcotics Control and Law Enforcement", up to \$1,000,000 shall be available to the Secretary of Defense, on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters, provided that such assistance may only be provided after the President determines and certifies to Congress that:

(a) Cuba has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction of illegal drugs; and

(b) that there is no evidence of the involvement of the government of Cuba in drug trafficking.

Mr. SPECTER. Mr. President, the essence of this amendment is that up to \$1 million shall be made available to the Secretary of Defense on behalf of the U.S. Coast Guard, the U.S. Customs Service, and other bodies to work with the appropriate authorities of the Cuban Government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illegal drugs being transported over Cuban airspace and waters, provided that such assistance may be provided after the President determines and certifies to Congress that Cuba has appropriate procedures in place to protect against innocent loss of life in the air and that there is no evidence of the involvement of the Government of Cuba in drug trafficking.

The Government of Cuba has been prepared for some time to provide further assistance to the United States through the use of their airspace and coastal waters on drug interdiction.

In June of 1999, I had occasion to visit Cuba and I had a long meeting with their President, Fidel Castro. We covered a wide variety of subjects. One of them was the issue of drug interdiction.

I believe this is a measure which our officials in all branches of the Federal Government favor to try to cut down on the flow of drugs. There is, obviously, a sharp disagreement as to what our policy should be toward Cuba with respect to the embargo. But whatever anybody may think about those subjects, it is my view that there is no

doubt that we ought to take up the availability of assistance from Cuba on drug interdiction. That is what this amendment will do.

There is a real issue about U.S. policy toward Cuba. I voted against the Dodd amendment, which would create a commission to make recommendations on that policy, because I think that the issue of policy really ought to be decided by the next President of the United States in conjunction with the Congress. The times have certainly changed, so that Castro no longer presents a threat to export communism to Latin America. I believe that the consideration of change in policy really ought not to be entrusted to a commission at the present time, which would report after January 20 of next year, when the issue really is for the President of the United States—whoever may be elected.

I supported the Gorton amendment, which would strike the funds for Colombia, although I knew at the time that the funding for Colombia would pass by a large number. I have visited Colombia on a number of occasions over the past decade. I am very much in favor of assisting Colombia in restoring law and order to that nation, to try to avoid the destabilizing effect of the drug cartels. But I do not believe that it is appropriate to spend hundreds of millions of dollars—almost a billion dollars in the Senate appropriations and \$1.4 billion in the House. I believe there is currently an imbalance in the \$18 billion a year spent on drugs, with about two-thirds of that—or \$12 billion—going to the so-called supply side, and some \$6 billion going to the so-called demand side.

My view is that we would be doing better to spend money on rehabilitation and education to try to eliminate the demand for drugs. I was an original sponsor of legislation many years ago to bring in the military on interdiction, and I think that it is a good policy. But no matter how strong our interdiction is, drugs will come into the United States as long as there is a demand for drugs. My experience as district attorney of Philadelphia shows that a great deal can be done to prosecute drug dealers and street crime and move up the chain to drug kingpins. But, again, as long as there is a demand for drugs, there will be a supply. So it is my view that the wiser course of action is to spend more money on education and rehabilitation through the drug courts, which are now part of the crime bill of 1994. It is because of my view that funds are better spent on rehabilitation and education and the demand side that I supported the Wellstone amendment.

I thank my many colleagues who have worked with me to clear this amendment. As with most Senators, I would like to have a rollcall vote. We are trying to bring this matter to a

conclusion. Tomorrow, we are going to start on the appropriations bill of Labor, Health, Human Services, and Education, which comes from the subcommittee I chair. So I appreciate the acceptance of this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3588) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3569

Mr. NICKLES. Mr. President, I call up amendment No. 3569.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3569.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 142, line 11 after the word "purposes:" insert the following: "Provided further, That of the funds made available under this heading, not less than \$100,000,000 shall be made available by the Department of State to the Department of Justice for counter narcotic activity initiatives specifically policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug 'hot spots'".

Mr. NICKLES. Mr. President, just briefly, this amendment would transfer \$100 million away from the Colombian aid into the Department of Justice to be used for drug interdiction, for counternarcotic activities including and especially to combat methamphetamine production and trafficking, which is rampant throughout the United States, and also to use this money to enhance policing initiatives throughout the country in drug hotspots.

I appreciate the cooperation of my colleagues and hope we will have an affirmative vote on that.

Mr. LOTT. Mr. President, we may need a moment more to have a chance to review the unanimous consent proposal. I believe we have one worked out that is fair and acceptable to Senators on both sides of the aisle. If we can get this agreement entered into, then there would be no further votes tonight, nor in the morning. Then we would begin the final debate at 1:30, with the votes that are necessary stacked at 2 p.m., and final passage at that time.

In the morning, though, we would go to Labor-HHS Appropriations at 9:30. Any votes relative to that bill would also be put in a stacked sequence beginning at 2 p.m., if any are ready. We certainly hope good progress can be

made on that bill tomorrow. We look forward to working with the managers of that legislation.

I see Senator REID is looking over the consent request. If he has any questions, I will be glad to respond.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that all remaining first-degree amendments in order to the pending bill be offered and debated tonight, along with any relevant second-degree amendments, and the votes occur in relation to those amendments beginning at 2 p.m. on Thursday, with 4 minutes prior to each vote for explanation.

I further ask consent that at 1:20 p.m. on Thursday, the Senate resume consideration of the pending bill, and Senator FEINGOLD be recognized to offer his filed amendment regarding Mozambique, and that amendment be voted on in the voting sequence under the same terms as outlined above.

I further ask consent that following the introduction of the Feingold amendment, it be laid aside and Senator BOXER be recognized to call up her two filed amendments, Nos. 3541 and 3542, and there be 40 minutes total for debate on both amendments, with the votes occurring in the voting sequence as outlined above.

I ask unanimous consent that following the disposition of the amendments, the bill be advanced to third reading and the Senate proceed to vote on that motion. I further ask consent that following that vote, the bill then be placed back on the calendar awaiting the House companion bill.

I further ask consent that at 9:30 a.m., the Senate begin consideration of the House Labor-HHS and Education appropriations bill and any votes ordered relative to that bill, following the concurrence of the two leaders, occur at the end of the voting sequence scheduled at 2 p.m. on Thursday, with the same 4 minutes allocated for explanation prior to those votes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, reserving the right to object, I ask the majority leader, with regard to the amendment I intend to offer, I hope the agreement contemplates the possibility that we can work out something on the amendment so a vote would not be required.

Mr. LOTT. Certainly. That is always the case. If the Senator gets it worked out, or something changes his mind, he obviously would have that opportunity. The managers, I am sure, would be glad to work with him this evening to work out some satisfactory way. I don't know the substance of the amendment, other than it is on Mozambique. Certainly, that would be contemplated.

Mr. REID. Mr. President, reserving the right to object, if the Senator will yield, the conversation Senator LEAHY

and I had with the manager of the bill is that we have talked about their reviewing that very closely to see if something can be worked out. Today, there was a very emotional event at the White House. Senator INOUE was awarded the Congressional Medal of Honor. It was one of the most dramatic events I have ever attended. Senator AKAKA is calling and he desires some morning business to talk about this. There are lots of people in from Hawaii and from around the country. We are coming in at 9:30 a.m. to begin Labor-HHS.

Mr. LOTT. Mr. President, why don't we amend the request to say that we come in at 9:30, and after the opening and the prayer, we go to Senator AKAKA for 30 minutes, and we will begin Labor-HHS bill at 10 o'clock. We are all certainly very proud of Senator INOUE and how he and the men of his unit served this country. For it to be appropriately memorialized in this Chamber by his colleague from Hawaii is more than appropriate. I am pleased to make that addition.

Mr. REID. Further reserving the right to object, when Senator McCONNELL finishes his business tonight—and that should be shortly—I ask unanimous consent that the Senator from Rhode Island be recognized for 30 minutes, and that the Senator from Nevada, Mr. REID, be able to speak. I have amendments that the committee has worked on during the day, and I would like to speak on those after Senator REED from Rhode Island speaks.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, reserving the right to object, I want to further clarify that there would be no prohibition in this unanimous consent agreement if it would be necessary to withdraw the amendment which I propose.

Mr. LOTT. Mr. President, I certainly know of no reason the Senate wouldn't agree to the Senator's amendment being withdrawn if the Senator desires to do so.

Mr. FEINGOLD. Mr. President, will the majority leader simply have that reflected in the agreement?

Mr. LOTT. Mr. President, I include in the unanimous consent request that if Senator FEINGOLD wishes to withdraw his amendment, that would be in order.

Mr. FEINGOLD. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, in light of this agreement, there will be no further votes tonight, and the next series of votes will occur at 2 p.m. on Thursday.

Mr. SCHUMER. Mr. President, I would simply like to thank the majority leader. Much of this was done to accommodate my daughter's graduation

tomorrow morning. He went out of his way. I thank him, as well as the minority leader and the minority whip, for doing that for me. It shows the comity of the Senate, as well. I thank all of the leaders for that.

Mr. LOTT. Mr. President, I thank Senator SCHUMER. I thank all of my colleagues and the managers for the work they are doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished majority leader for helping us wrap up this matter in due time.

Mr. REID. Mr. President, will the Senator yield before the majority leader leaves?

Mr. McCONNELL. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when we were riding up here together, I told the Senator we couldn't finish tonight.

Mr. LOTT. The Senator was right.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3589

(Purpose: To provide emergency funding to the Department of Commerce and the Department of Agriculture to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene)

Mr. McCONNELL. Mr. President, I send an amendment to the desk that has been cleared on both sides by Senator EDWARDS on behalf of himself, and Senator TORRICELLI, and Senator ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL), for Mr. EDWARDS, Mr. TORRICELLI, and Mr. ROBB, proposes an amendment numbered 3589.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 140, between lines 19 and 20, insert the following:

EMERGENCY FUNDING TO ASSIST COMMUNITIES AFFECTED BY HURRICANE FLOYD, HURRICANE DENNIS, OR HURRICANE IRENE

SEC. 5. (a) ECONOMIC DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for "Economic Development Assistance Programs", \$125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency

requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), \$125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Mr. EDWARDS. Mr. President, let me begin by thanking Senators STEVENS, LOTT, MCCONNELL, LEAHY, and BYRD for accepting this amendment, No. 3582.

Throughout the process of dealing with Hurricane Floyd and its impact on my State they have been unstinting in their help and deserve the thanks and deep appreciation of the people of North Carolina. I've also had the honor of working with Senators TORRICELLI and ROBB on this amendment. They have fought hard for their States.

This amendment would provide \$125 million in funding to the Economic Development Administration this year. It would also provide \$125 million in funding this year for USDA's Community Facilities program.

Mr. President, this money is desperately needed. Although 9 months have passed since Hurricane Floyd struck North Carolina, the people of eastern Carolina are still struggling to rebuild. Thousands still live in FEMA trailers. Hundreds of businesses still haven't reopened. Several cities are still operating under sewage and water moratoria.

This amendment will mean the difference between businesses reopening and businesses closing, people working and people not working, cities thriving and cities withering.

I believe this amendment will make a real difference, and will put us on the

road to recovery. Let me submit a list of possible \$100 million in EDA projects that has been prepared by the State. This list is by no means exhaustive, but it illustrates the extent of the need and how much good this money can be used for.

I am enormously pleased that this amendment has been accepted. We have a lot more work to do in order to enact it into law. I hope this provision will be incorporated into the final supplemental appropriations package that is being negotiated as part of the Military Construction appropriations conference. The innocent victims of Hurricane Floyd deserve no less.

Indeed, the Federal Government has consistently provided this type of aid to disaster victims. I ask unanimous consent that a list of previous assistance packages be printed in the RECORD. It is only fair to treat this disaster in the same manner.

I ask unanimous consent that my remarks be printed in the RECORD following the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF CONSTRUCTION PROJECTS THAT REQUESTED EDA FUNDS COULD FUND (50% MAXIMUM PARTICIPATION UNLESS WAIVED)

District and county	Applicant	Total project cost	Project description
7—Brunswick	Brunswick County	\$6,600,000	Construct 1.65 mgd WWTP that will immediately serve a new industry creating 300 jobs.
5—Alamance	Burlington	5,000,000	Upgrade existing 12.0 mgd East Burlington facilities to meet effluent limits (400 jobs).
7—Duplin	Duplin County/Beulaville	2,500,000	Water improvements to serve three existing industries retaining/saving 350 jobs and the construction of a multi-tenant building.
1—Edgecombe	Edgecombe W/S Districts No. 1&2	4,242,000	Water and sewer improvements to serve a new industry that will create 800 jobs.
4—Chatham	Goldston-Gulf Sanitary District	227,389	Water improvements (50 jobs).
2—Harnett	Harnett County/Fuquay-Varina	4,000,000	Regional water transmission main and municipal sewer improvements to serve an expanding industry (400 jobs) and industrial development.
3—Lenoir	Lenoir County	3,512,700	Upgrade and expand the city's 4.08 mgd plant to 6.0 mgd. The expansion requires upgrades to more stringent effluent limits. (300 jobs).
—Nash	Rocky Mount	10,000,000	Infrastructure for new subdivisions of affordable housing.
4—Chatham	Siler City	2,050,000	Collection system rehabilitation to eliminate inflow/infiltration adversely impacting WWTP's treatment capacity. (125).
5—Rockingham	Town of Reidsville	2,537,512	Water, sewer and street construction to develop phase I of the Town of Reidsville's 300 acre industrial part (800 jobs).
1—Warren	Warren County	2,943,999	Sanitary sewer replacement to eliminate inflow and infiltration that is reducing the WWTP's treatment capacity that will create 600 jobs.
3—Wayne	Wayne County	2,080,000	Sewer improvements that will serve industries creating 700 jobs.
2—Wilson	Wilson County	1,751,065	Replacement of a major sewer interceptor to correct inflow/infiltration resulting in WWTP operating under a moratorium and SOC (400 jobs).
Total		47,444,665	

POTENTIAL EDA PROJECTS—FY 2000 SUPPLEMENTAL

District and county	Applicant	Total project cost	Project description
1—Edgecombe	Tarboro	\$3,000,000	Water and sewer improvements in Kingsboro corridor to retain commerce and support industrial growth in non flood-prone areas.
1—Edgecombe	Pinetops	1,500,000	Waste water treatment plant flooded during Hurricane Floyd. Funds would allow for expansion of industrial and residential capacity of facility.
1—Edgecombe	Tarboro	600,000	Water and sewer lines to accommodate the expansion of commerce and the development of 2 low to moderate income subdivisions.
1—Edgecombe	Tarboro Area Development Corporation/NC Department of Commerce, Division of Community Assistance.	350,000	As part of NC "Main Street" project, rehabilitate Royster-Clark Building. This project will increase utilization of downtown properties, including mixed-use development; increase tax base in Tarboro area, including property and sales tax; create employment opportunities through an enhanced commercial district; and encourage private sector development in real property; related improvements, and job creation. \$300,000 for construction/renovation; \$50,000 for planning and technical assistance.
2—Nash	Rocky Mount	4,000,000	Water and sewer and natural gas improvements to Whitakers industrial park to accommodate the relocation of businesses to non flood-prone areas.
3—Lenior	Coastal Community College	1,300,000	Acquire and renovate existing building to accommodate the relocation of businesses located in flood-prone areas (business incubator).
3—Lenior	La Grange	3,000,000	Expansion of water and sewer capacity will support the relocation of existing businesses and residents to non flood-prone areas.
3—Onslow	Onslow County	3,000,000	Water and sewer extensions to county owned industrial park to support the relocation of commercial activities to non flood-prone areas.
7—Duplin	Duplin County/Beulaville	2,500,000	Water improvements to serve existing industries (retaining more than 300 jobs) and the construction of multi-tenant commercial building to serve flood-displaced businesses.
7—Pender	Pender County	1,400,000	Berming and drainage improvements to save more than 600 jobs at industrial sites severely impacted by Hurricane Floyd.
1 and 8—Pitt	Farmville	1,500,000	Provide sewer pump stations and extensions to serve new ethanol facility that will create 1000 jobs—replenishing the 450 jobs lost after hurricanes.
1 and 8—Beaufort	Beaufort EDC	1,500,000	Construct industrial building for lease to flood-displaced businesses.
1 and 3—Pitt	Greenville	3,000,000	Water and sewer extensions to serve business and housing relocations to non flood-prone areas.
1 and 3—Pitt	Farmville	1,000,000	Provide water and sewer pump station to serve US 258/US 264 interchange area to provide for the expansion of commerce and the development of subdivisions/housing.

POTENTIAL EDA PROJECTS—FY 2000 SUPPLEMENTAL—Continued

District and county	Applicant	Total project cost	Project description
Multiple	NC Department of Commerce, Division of Community Assistance.	1,400,000	The "Main Street" program is an ongoing, successful State initiative to revitalize commercial districts in North Carolina communities. Targeting vacant or abandoned buildings for rehabilitation, the program infuses new activity into commercial districts by reclaiming and renovating structures for commercial and mixed-use. Building renovation is an important part of comprehensive projects that enhance quality of life and commerce for North Carolina towns. Planning and technical assistance and construction funds for "Main Street" program in disaster impacted communities (Clinton, Elizabeth, Wilson, Farmville, Goldsboro, Kinston, Lumberton, New Bern, Smithfield, Southport, Tarboro, and Washington). \$400,000 in planning and technical assistance funds would support economic improvement feasibility analyses of "Main Street" projects, including use of appropriate hazard mitigation technologies. \$1 million in construction funds would facilitate the implementation of project/rehabilitation of buildings—supporting new jobs and the revitalization of towns and commercial areas.
Multiple	Multiple Counties	20,000,000	2 urban and 5 rural communities were under water/sewer moratoriums due to capacity prior to the 1999 hurricane season (Wilson, Bethel, Fremont, Mount Olive, Snow Hill, Kinston, and Ahoskie). \$300 in RM alone—4 additional rural facilities are now operating under moratorium due to flood damage (Fountain, Winton, Aulander, and Pikeville). As a critical component of the repair and recovery and reconstruction process, especially regarding the reconstruction of affordable housing and relocation of commercial activities, the capacity of these facilities must be addressed.
Total		49,050,000	

¹ Unless waived, EDA projects require a 50% cost-share.

In past disasters, EDA funding, combined with Community Development Block Grants, has been a critical tool in helping towns and cities recover: Midwest Floods in 1993—\$200 million for EDA plus \$200 million for CDBG; Northridge Earthquake in 1994—\$55 million for EDA plus more than \$225 million for CDBG; Tropical Storm Alberto in 1994—\$50 million for EDA plus \$180 million for CDBG; Red River Valley Floods in 1997—\$52 million in EDA plus \$500 million for CDBG; and in the Agriculture Appropriations, there is no EDA or CDBG funding allocated for Hurricane Floyd affected states. None.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3589) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

SENATOR INOUE OF HAWAII

Mr. LEAHY. Mr. President, there has been discussion of the great honor that the distinguished senior Senator from Hawaii earned. He actually earned it when I was a child. He earned it on the battlefield in Europe, particularly in Italy, my mother country.

I will speak further on this at a more appropriate time. But I have served with DAN INOUE for 25 years, and only because I was managing this bill was I not with him when he received the honor today. I talked to him before. I told him how enormously proud I am of him—all of his colleagues are proud of him—for the 25 years that I have served with him.

While he did not receive the honor at the time it was due—and many know why—his bravery was so well demonstrated at a time in this country when our sense of inclusion of people of all races was not as good as it is today.

But I think the feeling of veterans and the feeling of historians have vindicated his achievements throughout all of this time.

I think of one thing. I was overseas for the 50th anniversary of D-Day, and when DAN INOUE walked onto the stage when his name was announced, veterans from all over this country cheered and applauded. He was accompanied by another distinguished Member of this body who was also cheered, from the Presiding Officer's State, Senator Dole. It was an emotional moment for all Senators who were there to see two such loved Members of this body received that way.

Today we open a new chapter in our country—closing not a very good chapter—and we did the right thing telling everybody that DAN INOUE earned the Congressional Medal of Honor.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3545

Mr. McCONNELL. Mr. President, due to some confusion in the processing of cleared amendments, a mistake was made. Therefore, I ask unanimous consent to vitiate action on amendment No. 3545.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senators COVERDELL, KENNEDY, and I be added as cosponsors to the Dodd amendment regarding the Peace Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE TO LEBANON

Mr. ABRAHAM. Mr. President, if the distinguished Senator from Kentucky will yield, I would like to clarify some issues regarding additional assistance to Lebanon.

Mr. McCONNELL. I would be happy to yield to my colleague from Michigan.

Mr. ABRAHAM. As the Senator knows, I have a special interest in the

provision of the bill that provides \$15 million for development activities in Lebanon, including support for the American educational institutions there. I am pleased that this year that level of funding is maintained in the bill as it was reported from committee, and I wish to thank the Senator from Kentucky for his leadership and the interest that he too has taken in Lebanon's future.

As you know, earmarking \$15 million in economic assistance is an important beginning to a comprehensive aid package to Lebanon. However, the recent events in the South of Lebanon call for a more detailed and larger aid package to Lebanon.

A larger aid package can help the country rebuild itself due to the devastation of the past 30 years. Specifically, Lebanon needs the financial assistance to: rebuild its schools; repair and rebuild its sewage systems; repair its destroyed power generation plants; upgrade its water purification facilities; and construct general infrastructure projects.

In my opinion, a package similar to the recent Jordanian package of \$250 million would provide the type of support needed to effectively launch the rebuilding effort.

Unfortunately, it appears that the Administration is not currently prepared to present a comprehensive aid package. Several inquiries of the Administration have produced no budgetary figures. This is disappointing in that your legislation is clearly the appropriate vehicles in which to include this funding. Notwithstanding their reluctance, I would like to offer my amendment to increase Lebanon's funding to \$250 million.

Mr. McCONNELL. Thank you, Senator ABRAHAM.

I, like you, am dismayed to learn that the Administration has not offered any budgetary amounts for an aid package to Lebanon. You are absolutely right that the current events in Lebanon demand that we reexamine our foreign aid package to that country.

As such, I pledge to work with you every step of the way to see that a

more comprehensive aid package to Lebanon is considered here in the Senate. I appreciate your suggested amount, and would like to work with you once all the elements for a successive aid package are assembled. This requires input by the Administration, and a plan as to what programs would be funded and which ones would receive priority funding. It is my hope that the Administration will consult with us as soon as possible regarding figures for an assistance package. However, until the Administration produces a comprehensive package, I will have to lay your amendment aside.

Mr. ABRAHAM. I withdraw my amendment.

Mr. MCCONNELL. The Senator's comments are appreciated. As always, I will work with you and consult you as we put this package together. I highly value your expertise on Lebanon.

Mr. ABRAHAM. I thank the Senator for that clarification. I also wish to commend him and his committee for their strong interest in a financial assistance package for Lebanon.

CLIMATE CHANGE LANGUAGE

Mr. BYRD. Mr. President, Sec. 576 of S. 2522 contains language regarding implementation of the Kyoto Protocol. I would like to ask the distinguished Chairman and Ranking Member of the Foreign Operations Subcommittee two questions to clarify their understanding of this provision.

The United States is currently engaged in climate change negotiations to ensure meaningful participation of developing countries and to ensure that greenhouse gas emissions reductions are achieved in the most cost-effective manner. Is my understanding correct that this provision is not intended to restrict the Administration from engaging in these international negotiations related to both the Framework Convention on Climate Change (FCCC), which was ratified by the Senate in 1992, and the Kyoto Protocol to that Convention?

As you also know, the Senate has clearly expressed its views regarding the Kyoto Protocol in S. Res. 98, adopted unanimously by the Senate on July 25, 1997. That resolution calls on the Administration to support an approach to climate change that protects the economic interests of the United States and seeks commitments from developing countries to reduce greenhouse gas emissions. The Administration is aggressively engaging developing countries to reduce greenhouse gas emissions through international projects and activities emphasizing market-based mechanisms and environmental technology. It is my understanding that this provision is not intended to restrict international programs or activities to encourage commitments by developing countries to reduce greenhouse gas emissions. Is my understanding correct?

Mr. MCCONNELL. I thank the distinguished Senator from West Virginia for his questions. Your understanding is correct. Sec. 576 is not intended to restrict U.S. negotiations or activities such as you have described. Rather, it is intended to prevent the Administration from implementing the Kyoto Protocol prior to its ratification.

Mr. LEAHY. The Senator's understanding is correct. Sec. 576 is not intended to prohibit the United States from engaging in international climate change negotiations or activities that would encourage participation by developing countries.

THE INTER-AMERICAN FOUNDATION

Mr. MCCAIN. Mr. President, last year, the Senate adopted an amendment to the FY 2000 Foreign Operations Appropriations Act that deleted language restricting the availability of funds for the Inter-American Foundation. I offered that amendment, which was included in the managers' amendment to the bill and accepted without objection, because the basis for restricting the Foundation's funding was inaccurate and misleading. Chairman STEVENS and Chairman MCCONNELL, when apprised of the facts of the situation, agreed to remove the language from the bill, and I appreciate their willingness to do so.

This year, the report contains language that is similarly inaccurate and misleading, and that implies that a principal reason for terminating funding for the Foundation is an ongoing concern about the activities of a staff member of the Foundation. Based on the agreement of Chairman STEVENS and Chairman MCCONNELL to remove similar language from the bill last year, as well as the subsequent resolution of this matter, I was surprised to again see a reference to this matter in the Committee's report.

First, let me say that I am not passing judgment on whatever other reasons the Committee may have for terminating the funding for the Inter-American Foundation. However, I object to the Committee's continued reference to an individual staff member of the Foundation as a reason for shutting down the Foundation. Let me take a moment to clearly state the facts of the matter.

Last year, the General Accounting Office conducted an investigation of allegations of contract and hiring regulatory abuses at the Foundation that were reported anonymously to their fraud hotline. The GAO completed their investigation and forwarded a report to the Committee on May 20, 1999, and requested permission to brief the Board of Directors of the Foundation on their findings, as well as certain additional allegations received during the course of interviews at the Foundation. On June 30, 1999, when Chairman STEVENS and Chairman MCCONNELL agreed to remove language from the bill last

year that withheld funding for the Foundation until GAO completed a further investigation, the GAO was free to brief the Foundation. At that time, the Chairmen advised me that, by referring the matter to the Foundation's Board, the Appropriations Committee would view this investigation as complete and no further action would be taken by the Committee regarding the subject of the GAO investigation.

GAO briefed the Foundation Board on July 23, 1999. The minutes of that Board meeting indicate that GAO investigators stated that GAO had issued a final report on their review of the Foundation's contracting and personnel actions and that no further review would be undertaken. In addition, GAO investigators stated to the Board that the anonymous allegations received against a Foundation staff member were administrative in nature and would not be further investigated by GAO. Board members expressed concern and indignity at the allegations against the staff member, and concluded that no further action would be necessary. On August 5, 1999, the Board adopted a formal resolution to that effect.

Mr. President, continued references to unfounded, disproven anonymous allegations against this staff member contribute nothing to the public's understanding of any legitimate reasons the Committee may have for terminating the funding for the Inter-American Foundation. I would like to ask Chairman STEVENS if he agrees that long-resolved issues regarding a now-former staff member at the Foundation are not related to the Committee's action.

Mr. STEVENS. Mr. President, I share the views of my colleague, Senator MCCAIN, that the Committee's report language could be misread to imply that the actions of a former staff member are a principal reason to shut down the Foundation, and I do not believe that is or should be cited as a reason for doing so.

Mr. MCCAIN. Thank you, Senator STEVENS. Mr. President, I would also like to ask Chairman STEVENS if he would agree to include in the conference statement of managers on the FY 2001 Foreign Operations Appropriations bill a clear statement disavowing this report language regarding a now-former employee of the Foundation.

Mr. STEVENS. Mr. President, I would be happy to accept the Senator's suggestion that we include clarifying report language in the conference agreement.

Mr. MCCAIN. Thank you, Senator STEVENS.

Mrs. FEINSTEIN. Mr. President, I rise today to voice my strong support for the long-incoming supplemental appropriations request for Colombia included as part of this Foreign Operations bill. I believe that there are few

requests more important to the security and well-being of this nation in the coming years than this one.

I believe that it is critical that we move quickly to pass the Foreign Operations bill and this emergency supplemental request for Colombia.

Some have argued that the Colombia proposal is simply too expensive. But I believe that this proposal represents the proper balance regarding what should—in fact must—be one of this nation's highest priorities: to stop the flow of illegal narcotics into the United States.

As we debate this proposal today, Colombia faces an unprecedented crisis.

Almost 40 percent of the country—an area itself the size of the entire nation of Switzerland—is under the control of the Armed Revolutionary Forces of Colombia, FARC. The FARC is an alliance of some 20,000 drug traffickers and terrorists who threaten the stability not only of Colombia, but of the entire Andean region. And, as we all know, there are right-wing paramilitary groups in Colombia who also have ties to the drug trade.

Over 80 percent of the world's supply of cocaine is grown, produced or transported through Colombia, and large swaths of Colombia, now lawless or under FARC or paramilitary control, have become prime coca and opium producing zones.

These FARC rebels earn as much as two or even three million dollars per day from drug cultivators and traffickers who rely on their protection or—perhaps even more likely—who fear their retribution.

The FARC is currently holding hostage as many as 1,500 to 2,500 people, including at least 250 military prisoners and 250 police officers.

And, as the ability of the government of Colombia to govern large areas of their own country continues to disintegrate, the FARC narco-terrorists and paramilitaries continue to expand their base of operations and attack surrounding areas.

All this, and Colombia is facing its worst economic recession in more than 70 years: Real GDP fell by over 3 percent last year. Clearly, something needs to be done. And clearly, Colombia will need help.

The situation in Colombia is not simply a problem in a far away land. The events taking place in Colombia have direct and severe repercussions for the United States and the rest of the world.

Colombia is the source country for 80 percent of the cocaine consumed in the United States each year, and up to 70 percent of the heroin.

And the situation is getting worse, not better. Coca cultivation in Colombia has doubled in the past decade alone, and shows no sign of slowing.

In addition to undermining the democratic institutions in Colombia, the vi-

olence that has become endemic has forced over 500,000 people to flee Colombia; 65,000 have sought refuge in the United States.

According to the administration, illegal drugs account for over 50,000 deaths each year in the United States, and cost over \$100 billion a year in health care costs, accidents, and lost productivity. So the problem of narcotics production in Colombia is not just a problem in Colombia: To the flow of drugs from Colombia has very real, and very damaging effects, on our country.

Earlier this year, I joined many of my colleagues on the Appropriations Committee as we met with Colombia's President, Andres Pastrana. President Pastrana outlined a clear and comprehensive plan to address the drug trade, and to start solving the deeper problems within his country.

It is an ambitious plan, but one which I believe can be implemented, and can promote the peace process, strengthen democracy, and help revive Colombia's economy.

The Plan Colombia encompasses far more than the request we have before us. A combination of internal and external sources will be providing Colombia with most of the \$7.5 billion over three years that President Pastrana has deemed necessary.

The United States need provide but a piece of the overall plan. Working with President Pastrana, President Clinton has asked Congress to fund \$1.6 billion of that total. The two-year package will assist Colombia in combating the drug trade; help the country promote peace and prosperity; and deepen its democracy. This is a large package, but it is in our interest to provide it.

Without a major new effort, supported by the United States, the Colombian military and police simply lack the resources and ability to defeat the FARC and narco-trafficking forces.

Plan Colombia is focused on efforts to boost Colombia's interdiction and eradication capabilities, particularly in the south, including:

- Funds for special counter-narcotics battalions to push into coca-growing regions of Southern Colombia;

- Funds to purchase helicopters, desperately needed to provide the Colombian National Police access to the remote and undeveloped regions of the country where the narco-traffickers thrive;

- Funds to upgrade Colombia's interdiction capabilities, with aircraft and airfield upgrades, radar, and improved intelligence gathering;

- Funds for equipment to be used in increased eradication efforts;

- Funds to provide economic alternatives to coca growers; and,

- Funds for new programs to promote human rights, help the judicial system and to crack down on money laundering.

As many of my colleague are aware, there is some concern about the human

rights questions raised by this assistance package. This supplemental request, after all, provides military assistance to an army and a police force which, in the past, has had a less than stellar record on human rights issues.

But it is my belief that the Leahy amendment, augmented by specific language that has been added to this legislation in committee, goes a long way towards meeting these concerns.

To begin with, any U.S. assistance to Colombian military and police forces will be provided in strict accordance with section 563 of the FY2000 Foreign Operations Act—the Leahy amendment.

In addition, this legislation contains new and specific provisions intended to guarantee the protection of human rights. Colombian military officers accused of human rights violations are to be tried in a civilian court, for example, not in the military courts which have, in the past, been far too lenient in how they treat these cases. There are also requirements that any Colombian military units trained by the United States as part of this antinarcotics effort be screened for human rights abuses.

In addition, the committee has also included language at my request relating to the proliferation of small arms and light weapons in the regions which, I believe, has greatly contributed to the culture of violence and lawlessness in Colombia.

I believe that any effective strategy to stabilize the region and reduce the influence of the criminals, drug traffickers, narco-terrorists, and paramilitaries must include the implementation of stringent controls on existing stockpiles and the destruction of surplus and seized stocks of small arms and light weapons.

The small arms and light weapons language calls for the creation of a serial number registry by the Department of State and by Colombia to track all small arms and light weapons provided to Colombia under this supplemental request, as well as the creation of a small arms and light weapons destruction initiative for the region. If any of the small arms and light weapons the United States supplies to Colombia as part of this assistance package are used in violation of human rights, this registry will allow us to track, to the unit, who was using these weapons and bring the responsible party to justice.

On the question of human rights then, I believe that although we must remain watchful, the package crafted by the Appropriations Committee does a good job in meeting the concerns that have been raised.

Let me take a minute here, however, to express my concern about one specific part of the committee recommendations that I hope is addressed in conference: The lack of Blackhawk helicopters.

The President asked for \$388 million to fund 30 additional Blackhawk helicopters.

These helicopters fly faster, farther, higher and hold more people than the Huey II helicopters provided for by the committee.

In fact, I believe that the Blackhawk is critical to the terrain and mission in Colombia for several reasons:

The Blackhawk can carry three times as many men as the Huey II; at high altitudes the advantage of the Blackhawk is even more pronounced; and the Blackhawk's maximum speed is 50 percent faster than the Huey II.

I believe that the drug war is a serious one, and that we should be devoting the best possible resources to this ongoing struggle.

I am not a helicopter expert, but the experts in the administration and elsewhere are telling us that the Blackhawk is the right equipment for the job. I do not think we should be second-guessing that decision with so much at stake.

Let me also talk for a moment today about one other aspect of this assistance package for Colombia that has come under some discussions: The issue of demand reduction versus supply reduction.

Let me say that I strongly believe that even as we provide the resources necessary to implement Plan Colombia that we must also attack the demand side of the drug problem in this country with a multi-pronged, concerted effort.

I support funding for domestic prevention and demand reduction programs, and I believe we must continue to provide domestic law enforcement with the tools they need to combat the drug trade within our borders.

But much of the demand-side, domestic effort can be accomplished by state and local governments.

What state and local governments cannot do is to keep drugs from entering this country in the first place. That task can only be accomplished by the federal government, which has control over our borders and over foreign policy.

In fact, of the \$18 billion in the Federal Government's counterdrug funding, 32 percent goes to domestic demand reduction, 49 percent to domestic law enforcement; 10 percent to interdiction along our borders; and only 3.2 percent to international counterdrug efforts.

Less than 4 percent for the one area that is clearly and unambiguously the one area in this fight that is the sole responsibility of the Federal Government.

Even with passage of this package of assistance to Colombia this figure will still be well under 10 percent.

So I say to my colleagues who believe more effort needs to be directed to domestic programs to address demand

that they are right. More effort in this area is needed. Our states should do more. Our cities should do more. But clearly more effort supporting our friends and allies in international efforts to curtail production, refinement, and transportation are needed too. And that is the one area where only the Federal government can act.

Only with assistance from the United States will the Government of Colombia be able to eradicate and intercept the tons of illegal narcotics that leave that country each year bound for our shores.

The ongoing narco-crisis in Colombia and the overall crisis of drugs in America represent an important threat to our nation's security and stability. The war against drugs is real, and should be treated with the same seriousness of purpose and resources as any other war.

The funding provided for the Colombia supplemental request in the Foreign Operations bill, although expensive, is clearly within our national interest. We face a crisis in this nation, and that crisis demands action.

I urge my colleagues to support the Colombia package in the Foreign Operations bill, and I yield the floor.

Mr. BIDEN. Mr. President, the foreign operations of the United States are all undertaken to promote the national interests of our country. They are all useful and important programs, and they deserve our support.

The national interests that they serve, however, are of varying importance. As George Orwell wrote in his novel "Animal Farm," "some are more equal than others." All our foreign operations programs are useful, but some are downright vital to our national security.

One element in this bill that is truly vital to our national security is severely underfunded. I will introduce shortly an amendment to address that severe problem.

The funding line to which I refer is known as "NADR." That does not refer to Ralph Nader. It does refer to "Nonproliferation, Antiterrorism, Demining, and Related Programs." The 10 programs in this category are all on the front line of protecting our people from terrorism and from weapons of mass destruction.

Unfortunately, the funding in this bill for 7 of those 10 programs is 37 percent below the levels requested by the President. (And that ignores another \$30 million that was cut because the Foreign Operations Subcommittee concluded that a new counter-terrorism training center must be funded in the Commerce, Justice, State appropriation.) I submit that the national security requires that we provide substantially more of those requested funds.

Let me describe the programs that are treated so badly in this bill:

In the non-proliferation field, the Department of State's Export Control As-

sistance program helps foreign countries to combat the proliferation of weapons of mass destruction.

Recently customs agents in Uzbekistan stopped a shipment of radioactive contraband from Kazakhstan that was on its way to Iran, with an official final destination of Pakistan. Some press stories suggested that the shipment was really intended for a terrorist group affiliated with Osama bin Laden in Afghanistan, who would have used it to build a radiological weapon for use against Americans.

Those customs agents were trained by the United States. The equipment they used to detect the radioactive material was provided by the United States. In that case, the funding came from the Cooperative Threat Reduction program.

But the Export Control Assistance program provides the same sort of assistance when Nunn-Lugar funds can not be used, and it helps other countries to enact the laws and regulations that they need in order to have effective export controls. The personal ties that are forged by this program with export control officials from other countries are equally crucial to improving other countries' export control performance.

This year, the Export Control Assistance program will enable the Department of Commerce to assign a resident export control attaché to Russia. The Export Control Assistance program also sets up internal compliance programs in Russia's high-tech industries and trains the Russian personnel who staff those offices. These programs enable Russia to police itself and give us increased visibility into plants that are of particular concern from the non-proliferation standpoint.

Last year, Congress increased funding for this program from \$10 million to \$14 million. Indeed, the report on the bill before us takes credit for that increase. This year, the President asked for \$14 million, to maintain this vital level of effort, but the bill before us includes only \$10 million.

When the appropriators increased this program last year, they were right. This year, they should do it again. We need more export control assistance to help other countries keep nuclear materials out of the hands of their dangerous neighbors.

Earlier this month, the National Commission on Terrorism warned that it was "particularly concerned about the persistent lack of adequate security and safeguards for the nuclear material in the former Soviet Union." That is a cogent concern, and Export Control Assistance is one of the programs that helps to keep dangerous materials from crossing former Soviet borders.

By the way, the Foreign Relations Committee favors full funding of the President's request for this program.

Indeed, at the suggestion of Chairman HELMS, we added \$5 million in our security assistance bill to support a new project in Malta.

Another non-proliferation program, the International Science and Technology Centers, provides safe employment opportunities for former Soviet experts in weapons of mass destruction who might otherwise be tempted to sell their skills to rogue states. This program not only helps those scientists. It also gives hope to, and helps to preserve discipline at, the institutes where those experts work.

The activities of this program are guided by a Governing Board headed by the Honorable Ron Lehman, a wonderful public servant who was Assistant Secretary of Defense in the Reagan Administration and director of the Arms Control and Disarmament Agency in the Bush Administration.

Ron Lehman and I often disagree on policy matters, but we are in complete agreement on the need to help Russia to restructure its bloated, Soviet-era weapons complexes without leaving its weapons experts prey to offers from countries like Iran, Iraq or Libya. His program is doing some wonderful things, moreover. Since 1994, the Science Centers have supported over 840 projects, employing over 30,000 weapons experts at more than 400 former Soviet institutes.

Some of these projects led to the formation of viable commercial companies; others resulted in contracts with western companies to distribute new Russian products like medical devices or high temperature batteries. Around a fifth of Science Center funding now comes from Western companies and government agencies that employ former Soviet experts through this program.

Other projects have put weapons experts to work on public health, environmental remediation, and non-proliferation projects that provide real benefits to the former Soviet Union and its neighbors.

For example, the Russian Academy of Sciences, MINATOM, and the prestigious Kurchatov Institute recently completed a six-year project to map all the nuclear contamination sites in the former Soviet Union. Science Center funding was the lifeblood of that project.

The Science Centers also funded fourteen Y2K readiness projects that ensured the safety of nuclear power facilities and chemical and biological storage areas.

The International Science and Technology Centers are multinational. The U.S. Government provided only 31 percent of last year's Science Center funding, compared to 36 percent provided by the European Union. Japan, Norway and South Korea also participate in the program. But without our leadership, this program will fail.

The bill before us would give that program only a third of what was appropriated for this fiscal year. I know that the budget numbers for foreign operations are unrealistically tight. They always are. But if we cut the Science and Technology Centers program that much, we will endanger our national security.

It only takes a few experts in nuclear, chemical or biological weapons to provide dangerous materials or technology to a "rogue state." We should do everything in our power to make sure that economic desperation in Russia does not result in such a catastrophe.

The committee report on this bill states that it:

was disturbed to learn that, after at least 5 years of interaction between the State Department and Russian scientists, relations remain guarded.

I, for one, am not disturbed by that. Russia still has a nuclear weapons program, just as we do. There are bound to be security concerns that keep us at arm's length.

Unlike us, Russia may also have illegal chemical and/or biological weapons programs. There are military biological institutes to which we do not have access.

As a result, there is always a risk that non-proliferation assistance will be diverted to illegal military research, or that the funds we provide will keep afloat people or institutes involved in an illegal chemical or biological weapons program. That risk pales, however, compared to the risk of weapons proliferation if we leave those weapons scientists unable to put food on their table. So we must be "guarded," and we must do more.

The Science and Technology Centers program takes great care to minimize the risk of diversion. The General Accounting Office, after studying the Science Center's programs to employ Russia's former biological weapons experts, reported recently that the Center:

... has directly deposited grant payments into project participants' individual bank accounts, which prevents the institutes from diverting funds for unauthorized purposes. . . . Program managers from the Science Center review programmatic and financial documents on a quarterly basis, and the Science Center requires a final audit of every project before it releases an overhead payment to an institute.

In addition, the U.S. Defense Contract Audit Agency has conducted internal control audits for 10 Science Center biotechnology projects through 1999.

Those precautions work. A few months ago, Science Center officials were warned by Russian scientists of a possible diversion of funds. That information was received and acted upon in a timely manner, and steps were taken to make sure that no diversion occurred.

The Science Centers program also takes steps to guard against prolifera-

tion. After all, that's the point of this assistance. We can be proud of the job that this program is doing to reduce the risk of proliferation of Russian materials and expertise.

When the GAO looked at Science Center biotechnology projects, they found that nearly half the recipients of project assistance were "former senior weapons scientists." On the average, the scientists devoted more than half of the year to Science Center projects. Institute directors told the GAO that these projects "were crucial to their institute budgets."

The GAO also reports:

Prior to the funding of any U.S. collaborative research project, Russian institute officials must pledge that their institute will not perform offensive weapons research or engage in proliferation activities. According to a January 1999 State Department report, engaging in such inappropriate behavior would have an immediate and negative impact on any U.S. assistance.

Institute officials with whom we met consistently told us that they are no longer involved in offensive biological weapons activities and that they clearly understand the conditions of U.S. collaborative research assistance.

The GAO report continues:

Officials at three institutes we visited reported that, in the past, representatives of countries of proliferation concern had approached them seeking to initiate questionable dual-use research. Officials at the three institutes told us they had refused these offers because of a pledge made to U.S. executive branch officials as a condition of receiving U.S. assistance.

The pledge includes avoiding cooperation both with countries of proliferation concern or with terrorist groups.

State and Defense Department officials identified at least 15 former Soviet biological weapons institutes in which the United States has evidence that these programs have discouraged the institutes and scientists from cooperating with countries of proliferation concern such as Iran.

The Department of Defense informed Congress in a January 2000 report that the access gained through the collaborative research programs has provided "high confidence" that Biopreparat institutes such as Vector and Obolensk are not presently engaged in offensive activities.

Did everyone get that? This program is giving assistance to Russian biological weapons experts in order to keep them out of the clutches of rogue states. The GAO has found that it is succeeding in doing that. At the same time, we are guarding against the diversion of our funds to improper purposes. And the access we get to the institutes we assist—thanks to this program—has enabled the Defense Department to say that those institutes are clean.

Finally, we get useful research as an end product. If the executive branch gets the funding it wants, we will get help on defending against biological weapons. We will also help the Russians safeguard the dangerous pathogens that they keep for research purposes, thus guarding against their sale

and reducing the risk of an accidental catastrophe.

The Foreign Relations Committee supports this program as well. Indeed, in our security assistance bill, we added \$14 million, so that the Science Centers could fund all of the deserving projects that have been proposed.

But the bill before us cuts \$25 million out of this fine program, leaving less than 45 percent of what the President requested, and barely a third of what the Foreign Relations Committee recommends.

The price of such cuts could be far more than the \$25 million in would-be savings. If we leave Russian weapons scientists underemployed, with time on their hands and not enough food on their tables, how will they resist an offer from Iran or Iraq?

When we talk about keeping these Russian scientists usefully employed, we're guarding against the spread of nuclear weapons and dreaded plagues. We're not talking about budget caps, but rather about life or death for millions of people.

I understand the need for efficient programs. But this program works. That GAO report did not need to make even one recommendation.

And when millions of lives are potentially at stake, we should do more than do less.

A third non-proliferation program is our contributions to KEDO, the Korean Energy Development Organization, pursuant to the Nuclear Framework with North Korea. Thanks to this agreement, North Korea has ceased reprocessing spent nuclear reactor fuel.

Indeed, recently the last of the spent nuclear fuel was safely canned, under IAEA supervision. That vastly lowers any North Korean ability to produce nuclear weapons.

The Nuclear Framework Agreement has also led North Korea to let U.S. experts visit an underground site that we feared might be a nuclear plant. Our two visits showed that it was not a nuclear facility.

But there is a price for all these benefits, and part of that price is U.S. contributions of heavy fuel oil. Now, traditionally we have spent \$35 million a year on that. But other countries have not helped out as much as we expected—although South Korea and Japan are spending much more than we are, to build new reactors in North Korea that will not be readily used for bomb-making. In addition, as we all know, fuel oil costs a lot more than it used to.

Appropriators have refused to allocate more than \$35 million, however. Instead, last year, they kept this line at \$35 million and added a separate, unallocated line of \$20 million in the NADR account, which actually went to meet our KEDO obligations.

The bill before us again allots only \$35 million, but this time there is no additional line with \$20 million.

This money keeps the Nuclear Framework Agreement on track. That agreement keeps North Korea from using a handy source of fissile material to make nuclear weapons. It also provides a bit of stability on the Korean peninsula, which has led to a suspension of North Korea's long-range missile tests, to U.S.-North Korean negotiations on an end to those programs and to North Korea's missile exports, and now to the first summit ever between the leaders of North and South Korea.

Do we really want to put the Framework Agreement at risk, by failing to fund it? Do we want to derail all the delicate negotiations that are ongoing with North Korea?

Perhaps the authors of this bill intend to fix this in conference, once everybody admits that we need to bust the budget caps on foreign operations. If so, I will be relieved. Maintaining KEDO and the Nuclear Framework Agreement gets to the heart of our national security, however, and I think we should make clear that we want this shortfall remedied.

Another important program in this funding category is our contributions to the Comprehensive Test-Ban Treaty Preparatory Commission. These funds are used primarily to procure and install the International Monitoring system, which serves United States national security interests by enabling the world to detect, identify, and respond to any illegal nuclear tests by other countries.

The International Monitoring System offers features that are of particular value to the United States. Its network of seismic stations will supplement those that the U.S. Government uses to monitor foreign nuclear weapons tests. Indeed, some of those stations will be in locations where we could not hope to get seismic coverage any other way.

The controlled and affiliated seismic stations will also afford regional coverage, rather than just long-range seismic collection. This will result in improved detection, as well as better geolocation of suspect events.

The International Monitoring System will include hydroacoustic collection in the world's oceans, ultrasound collection, and a large network of land-based atmospheric collectors to pick up telltale contamination in the air. Use of those additional monitoring techniques will increase the likelihood of getting multiple-source evidence of an illegal nuclear weapons test.

In addition, the data from the International Monitoring System will be widely available, and therefore usable for enforcement purposes. This is important.

Although the Comprehensive Test-Ban Treaty has not entered into force, signatories are bound—by international law and/or by custom—not to

undermine the "object and purposes" of the treaty. We have a legal interest, therefore—and surely a security interest—in making sure that other countries do not engage in nuclear weapons tests.

How do you enforce a ban on nuclear weapons tests? That takes more than just monitoring. It requires exposure of the offending country and convincing other countries that a violation has occurred. Only then can we rally the world to threaten or impose penalties on the offender.

U.S. Government sources of information, as good as they are, often can not be used to create a diplomatic or public case against an offender. Our contributions to the CTBT Preparatory Commission will help us to get the publicly usable information that is so vital to putting a stop to any cheating.

The report on this bill states that in the past, the President has requested more than was needed for this program. That is true. The executive branch asks for our share of the coming year's tentative budget, but we also work within the Preparatory Commission to scrub that budget, and it usually comes in a bit lower.

But does that mean we can safely cut 30 percent? Not on your life! The final U.S. obligation might be \$20 million, as opposed to the requested \$21.5 million. But \$15 million is simply out of the question. That would presume a \$25 million cut in the Preparatory Commission budget proposed by their Secretariat, which would mean an intolerable delay in fielding the monitoring system.

There may be some confusion because this program has been able to absorb budget cuts in the past. In those years, the State Department was able to apply previous-year funds to make up for the cuts. Virtually all the Fiscal Year 2000 funds, however, have already been obligated. Thus, a cut in Fiscal Year 2001 funding will be much more harmful than were previous cuts.

The report also states that the Preparatory Commission should reimburse the United States for services we have performed in setting up monitoring sites. That, too, is true, and we will be reimbursed. We will not be reimbursed, however, until the sites that we install have been certified as operational. That guards against shoddy work by other countries, and I don't think we want to give up that protection.

Certification has been achieved for one U.S.-installed site, and we will get \$500,000 in reimbursements in Fiscal Year 2001. That is already taken into account in the President's budget request. Several million dollars in reimbursement will be received in later years. Cutting the 2001 budget will jeopardize not only the work program for the monitoring system, but also any reimbursements for past or current work that depend upon achieving certification next year.

The bottom line is simple: either we pay for our share of nuclear test monitoring costs, or we delay significantly the work on a monitoring system that serves our own national security. If we want to catch any country that cheats and to expose that cheating, so that we can sanction a violator, then we must pay our bills.

Non-proliferation programs were not the only ones to be cut in this portion of the bill before us. The Department of State's Anti-Terrorism Assistance program and its Terrorist Interdiction program are vital to the security of United States diplomatic and military personnel overseas.

The first line of defense against attacks like those on our embassies in Kenya and Tanzania, or on the Khobar Towers complex in Saudi Arabia, is not ours. Rather, it is the security services of the host countries. All over the world, those countries need our assistance in border control and airport security. They need our training in spotting terrorist groups hiding behind legitimate charities, and in handling terrorist incidents—including future attacks that could use weapons of mass destruction. The Anti-Terrorism Assistance program does all of this.

Right now, the Anti-Terrorism Assistance program trains up to 2,000 people per year. There is so much demand for our training that we could help 3,000 a year, if only we had the funds and the facilities. An increase in training funds would make a real contribution to our security.

The State Department also runs a Terrorist Interdiction Program—known as TIP—that provides other countries the training and equipment needed for them to apprehend terrorists entering their countries. The TIP program enables countries to compare a person's travel documents to their own data-bases. It also works through INTERPOL to link these countries and promote information sharing. Finally, it trains immigration and customs workers in interview and screening techniques.

The State Department recently began a program to provide these important capabilities to Pakistan. We all know about Pakistan, the gateway to Afghanistan for Osama bin Laden and his buddies. Can anybody think of a better place to beef up border security, so that terrorists can be apprehended as they go to and from those Afghan training camps?

The first phase of the TIP program in Pakistan will be paid out of Fiscal Year 2000 funds. But the bill for the second phase will come due in Fiscal Year 2001. So will the first phase of a program in Kenya, which we know all too well has been used as a terrorist gateway to Africa, and site surveys in four more countries.

The proposed budget cut in the bill before us would force us to choose be-

tween Pakistan and Kenya. It is simply contrary to our national interest to force such a Hobson's choice.

These two anti-terrorist programs are utterly vital to our security. They make foreign security services more competent in protecting our own personnel, and they also foster ties that can be crucial in a crisis. We should be increasing these programs, and the President's proposed budget would do just that.

The bill before us would cut 22 percent of the funds requested. It would impose a 7-percent cut from this year's funding for these two anti-terrorist programs. This is simply unacceptable.

Finally, the Department of State's Small Arms program has underwritten successful arms buy-backs in Africa, notably in Mali. This is low-budget program is urgently needed in areas that are emerging from civil war and still awash in automatic weapons. A little bit of support can go a long way to drain the supply of arms that otherwise end up going to drug-runners, bandit gangs, or renewed civil strife.

The President proposed \$2 million for this program. The bill before us would slice away half of that. This is, indeed, a low-budget program, but \$2 million is really the floor for a workable program. To take away half of that is to throw this effort into the basement.

The bill before us, Mr. President, leaves the Senate in a nearly untenable position. It is under the budget request by fully \$1.7 billion. This is no way to fulfill our obligations to world organizations or to maintain either international influence or our own national security. We must accept that there is no such thing as world leadership on the cheap.

I deeply wish that I could restore the funds that this bill cuts from the NADR account. The truth is, however, that we must wait for conferees to break the ridiculous cap on this whole bill.

With that in mind, the amendment that I am introducing simply states the sense of the Senate that the conferees should find the funds needed to make NADR whole.

We have been through this drill before. In due course, more funds for foreign operations will be found. The crucial question is how the conferees will allocate those funds. This amendment calls on the conferees to give priority to these important national security efforts.

I am pleased to report that this amendment is co-sponsored by Senators LUGAR, HAGEL, BINGAMAN, CONRAD, DOMENICI and LEVIN. I urge all of my colleagues to support it.

This amendment is not certain to succeed in conference—but it surely is the least we can do. The safety of our diplomats and military personnel overseas, and the safety of all of us from the proliferation of weapons of mass destruction, demand no less.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 2522, the foreign operations and export financing appropriations bill for fiscal year 2001.

The Senate bill provides \$13.4 billion in budget authority and \$4.5 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 2001.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals \$13.4 billion in budget authority and \$14.3 billion in outlays for fiscal year 2001.

The subcommittee is below its section 302(b) allocation for budget authority and at its section 302(b) allocation for outlays.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2522, FOREIGN OPERATIONS APPROPRIATIONS, 2001:
SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal year 2001, dollars in millions)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	13,384	44	13,428
Outlays	14,273	44	14,317
Senate 302(b) allocation:			
Budget authority	13,385	44	13,429
Outlays	14,273	44	14,317
2000 level:			
Budget authority	15,306	44	15,350
Outlays	13,527	44	13,571
President's request:			
Budget authority	15,097	44	15,141
Outlays	15,329	44	15,373
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	-1		-1
Outlays			
2000 level:			
Budget authority	-1,922		-1,922
Outlays	746		746
President's request:			
Budget authority	-1,713		-1,713
Outlays	-1,056		-1,056

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. Prepared by SBC Majority Staff, May 18, 2000.

Mr. DOMENICI. Mr. President, I urge adoption of this bill.

METHAMPHETAMINE LAB CLEANUP/CHILD SOLDIERS

Mr. HARKIN. Mr. President, I wanted to briefly discuss two important provisions regarding child soldiers and methamphetamine lab cleanup that are included in this supplemental spending package in the Foreign Operations bill before us.

Over the years, Iowa and many states in the Midwest, West and Southwest have been working hard to reduce the sale and abuse of methamphetamine. But meth has brought another problem that we must address: highly toxic labs that are abandoned and exposed to our communities.

We know that it can cost thousands of dollars to clean up a single lab. Fortunately, in recent years, the Drug Enforcement Agency has provided critical funds to help clean up these dangerous sites.

However, last year, the DEA funding was cut in half, despite evidence that more and more meth labs have been found and confiscated. Because of these cuts, in March, the DEA completely ran out of funding to provide meth lab cleanup assistance to state and local law enforcement.

Last month, the Administration shifted \$5 million in funds from other Department of Justice Accounts to pay for emergency meth lab cleanup. This action will help reimburse these states for the costs they have incurred since the DEA ran out of money. My state of Iowa has already paid some \$300,000 out of its own pocket for clean up since March.

However, we've got another five months to go before the new fiscal year—and the number of meth labs being found and confiscated is still on the rise.

The bill before us contains \$10 million I added in Committee to ensure that there will be enough money to pay for costly meth lab clean-up without forcing states to take money out of their other tight law enforcement budgets.

If we can find money to fight drugs in Colombia, we should be able to find money to fight drugs in our own backyard. We cannot risk exposing these dangerous meth labs to our communities.

Mr. President, the Appropriations Committee also adopted an amendment I offered to provide \$5 million provision in the Colombia package to address one of the most alarming aspects of the drug conflict in Colombia—the use of child soldiers.

Human Rights Watch estimates that as many as 19,000 youths—some as young as eight—are being used by the Colombian armed forces, paramilitary groups and guerrilla forces. Up to 50 percent of some paramilitary units and up to 80 percent of some guerrilla units are made up of children. Children are used as combatants, guides, and informants. They may be forced to collect intelligence, deploy land mines, and serve as advance shock forces in ambushes. Guerrillas often refer to them as “little bees,” because they sting before their targets realize they are under attack.

These children are forced to carry arms and are enticed by false promises or threats to their families. They are often tortured, drugged, sexually abused, and permanently traumatized by the horror and brutality of war. Children who are turned into soldiers lose their childhood.

They lose their innocence and their youth. They become instruments of de-

struction and atrocity. And the longer they remain under arms, the harder it is for them to heal and return to any semblance of a normal life.

Some of the funds included in the supplemental for Colombia are intended to support judicial reform, human rights protection and peace negotiations. Indeed, protecting human rights and rule of law is central to the overall success of Plan Colombia. The use of child soldiers is a serious human rights abuse prohibited by numerous international treaties and conventions, including ILO Convention 182 on the Elimination of the Worst Forms of Child Labor—and by the Colombian government itself. The International Criminal Court makes the recruitment or use of children under age 15 in military activities a war crime. I can think of no better use for these funds than to assist the demobilization and rehabilitation of child soldiers.

The current generation of children in Colombia is the fourth generation to grow up surrounded by conflict. The \$5 million in the Human Rights part of the Colombia package will help some of Colombia's children regain their fundamental right to life and peace. The money will be used by NGOs working to provide humanitarian assistance to affected children and their families. These NGOs will support programs providing counseling, education and reintegration services to former child soldiers; safe houses for escaped child soldiers; and public awareness and recruitment-prevention campaigns. Although \$5 million represents less than one-third of 1 percent of the total supplemental funds for Colombia, this money may be the most well-spent of all.

Ms. MIKULSKI. Mr. President, as a member for the Foreign Operations Subcommittee, I've worked to enact foreign aid bills that reflect our national interests and our values. While I support the FY2001 foreign operations appropriations bill, I do have some serious concerns that I hope will be addressed during conference.

I am pleased that the foreign operations bill provides assistance to Israel, Cyprus and Armenia. I believe that its important that we stand by these friends as they make the difficult steps toward peace. I am also pleased that we support bilateral population assistance and support for micro-enterprise programs. These programs are vital in helping the world's poorest people to help themselves.

I am disappointed that the bill does not provide sufficient assistance in other crucial areas, such as adequate flood relief assistance to Mozambique and the Administration's full funding request for debt relief.

In addition, although I am pleased with the human rights requirements included in the Colombia aid package attached to this legislation, I have

grave reservations about the large military aid package to Colombia.

Colombia has been suffering through a civil war for over thirty years. Over 35,000 Colombians have been killed in the last decade. In recent years, this civil war has been exacerbated by the illegal production and trade of drugs coming out of Colombia—primarily cocaine and heroin. Most of these drugs wind up in the United States and contribute to America's growing drug problem. It is clear that the United States has to help Colombia deal with this volatile situation.

It is also clear that we have to do more to stop the growing demand and dependence on drugs in our own country. In my own hometown of Baltimore—out of a population of 600,000—60,000 people are addicted to heroin or cocaine. These individuals not only wreck their own lives but they also have left a horrible mark on the city—drug-related crimes are now at \$2 to \$3 billion a year. Drugs destroy individuals, families and communities. That's why I've always fought for anti-drug education, increased drug treatment programs and strong law enforcement.

I am not convinced that the military aid provided to Colombia included in this bill is the best way to fight drugs in the United States.

First of all, I'm concerned that we're getting dragged into the middle of a civil war. I am also concerned that there is no clear exit strategy. The aid package is open-ended. The Administration has admitted that this “two-year” package is really expected to run longer—more like five or six years. An open-ended commitment could turn into a quagmire.

I believe the best way to help Colombia is by supporting its peace process through a balanced aid package. The package before us is not at all balanced. Over 75% of this package is in military arms, equipment and training. Only a small fraction of the aid helps to fund economic alternatives to drug production, to assist the large number of civilians who will be displaced by this assistance or to address the deeper social problems that have led to Colombia's increasing reliance on drug production and cultivation in the first place.

These funds would be better spent combating the drug problem in the United States. More funding and support is badly needed for drug treatment and prevention programs in our own country. That is why I supported Senator WELLSTONE's amendment to reduce the military aid provided to Colombia and re-direct that funding to domestic substance abuse programs—in particular to vital state and local community based programs—that are in desperate need of funding. I regret that this amendment did not pass.

Although I regret that such a large percentage of our assistance to Colombia is in military aid, I am pleased that

strong human rights requirements must be met by Colombia's Government and Armed Forces before this aid is dispensed. President Pastrana has taken important steps to improve the human rights situation in Colombia by disciplining army officials who have committed human rights violations. Nonetheless, it is a well-known and well-documented fact that members of Colombia's Armed Forces continue to be linked to paramilitary groups that commit these violent acts.

The human rights requirements in this legislation helps to address this continuing problem. For example, under this legislation, the head of Colombia's Armed Forces must suspend personnel alleged to have committed gross human rights violations or to have aided or abetted paramilitary groups. It also requires the Colombian Government to prosecute leaders and members of paramilitary groups as well as military personnel who aid or abet paramilitary groups. Before U.S. military aid can be dispensed to Colombia, the U.S. Secretary of State must certify that these human rights conditions have been met. By enforcing these conditions, I believe that the Colombian Government—with U.S. support—might achieve real progress on Colombia's path to peace.

I urge that Congress maintain the strong human rights requirements in this legislation. Without such checks in providing assistance to Colombia, we run the risk of further exacerbating Colombia's civil war. We must also monitor the impact this assistance will have on reducing drug production in Colombia and drug supply in the United States. By keeping this goal in mind, we can evaluate and devise the best method for combating the war against drugs in the United States which, after all, is the ultimate aim of this aid.

As the strongest nation on earth, and the world's strongest democracy, our foreign aid must be used to promote peace, stability and human rights. As a member of the Foreign Operations Conference Committee, I will work to ensure that the final legislation supports these goals and represents our national interests and our values.

Mr. COVERDELL. Mr. President, I think that a brief chronology of events regarding U.S. efforts to provide assistance to Colombia would be instructive. For years, the Administration has neglected the growing narcotics crisis in the Andean Region. Funding for international interdiction declined rapidly under the Clinton Administration. For example, international counter-narcotic funding dropped 56% from 1992 to 1996. Also Department of Defense air assets for counter-narcotics were slashed 68% from 1992–1999. As a result, drug production abroad and drug usage at home increased dramatically. The statistics are devastating. From 1992 to

1999, for example, cocaine use among 10th graders increased 133%.

Republicans have long argued for a restoration of balance in the U.S. counter-drug strategy: the 1980s showed that eradicating and interdicting illegal drugs outside our borders is a necessary part of a successful drug strategy that also includes strong investments in demand reduction and domestic law enforcement.

The Colombia crisis emerged as an international crisis last spring, 1999. I had the opportunity to travel to Colombia in August of 1999 to see the drug-fueled crisis first-hand. Upon my return, Senator DEWINE, Senator GRASSLEY and I introduced an assistance package, the Alianza Act, in October of 1999. The Alianza Act authorized \$1.6 billion over 3 years to support anti-drug efforts, the rule of law, human rights, and the peace process in Colombia and neighboring countries. This was, in my view, a balanced and comprehensive approach to the crisis in Colombia.

Unfortunately, the Administration was nowhere to be seen. Except for several Administration envoys who arrived to Bogota empty-handed, the White House did little. Finally, after months of delay, in January 2000 the White House announced a response to Plan Colombia, though failed to provide details until early February. The Administration plan largely mirrored the Alianza Act, though fell short in two critical areas; it failed to take a truly regional approach by providing sufficient funds for other countries in the Andean region and it also failed to adequately provide for our front-line law enforcement agencies such as the Customs Service and the Coast Guard.

In March, the House passed a \$13 billion Supplemental Package, which included \$1.7 for Colombia. The Colombia portion is a good bill that rectifies many of the shortcomings in the Administrations proposal. Then in May, the Senate Foreign Operations Appropriations Subcommittee marked up its bill, which included almost \$1 billion for Colombia (the Milcon Appropriations Subcommittee also marked up more than \$300 million for Colombia as well).

I strongly urge passage of this assistance. There is no doubt that the crisis in Colombia is an emergency that directly affects our national security and threatens to destabilize the entire Andean region. While we may not all agree on every detail of this package, immediate passage of counter-narcotics assistance is crucial to reduce the flow of drugs onto our streets and to bring stability to the Andean Region. It's time to realize that the emergency in Colombia threatens an important source of U.S. oil, continues to fuel the flood of illegal drugs entering America's streets, and endangers our hemisphere's common march toward democracy and free enterprise.

Mr. BYRD. Will the Senator yield for a unanimous consent request?

Mr. REED. I am happy to yield.

Mr. BYRD. I have an amendment on the list. I would like to call this amendment up tomorrow. I ask unanimous consent that I may be authorized to call up one of my amendments on the list tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator for yielding.

Mr. REED. Mr. President, I rise in support of the underlying legislation that would provide support for the country of Colombia to fight the drug problem which not only involves Colombia but involves the United States very decisively and directly.

I commend Senators MCCONNELL and colleagues who drafted this legislative vehicle to assist Colombia.

Part of my discussion tonight is based upon a trip last weekend that I took with Senator DURBIN to Colombia. We had the opportunity to travel to Cartagena to meet with President Pastrana and his key national security advisers. We also traveled to Bogota to meet with the Defense Minister and the chairman of their joint chiefs of staff.

But I think much more importantly, we traveled out to where the military forces are being deployed to counteract this drug problem, to the town of Larandia. It is not really a town, it is a base camp. It is a forward post for the Colombians to conduct these counterdrug operations.

One of the first impressions you get when you go to Colombia and leaf through the materials provided by the Embassy is that this country has a long history of violence—or, as the Colombians say, *La Violencia*.

In fact, according to the Embassy, there is one kidnapping every 5 hours in Colombia. And 75 percent of the world's reported kidnappings occur in Colombia. The Embassy points out that Bogota is the murder capital of the world. In a city of 7 million people, there are 16 murders a day and 6,000 murders a year.

This is a country that has been wracked by political and criminal violence for many decades. The political violence began with some presence back in 1940s when elements of what later became the Liberal Party and the Conservative Party literally battled for control of the country. This lasted until 1957, when both parties agreed to form a national front.

Then there was a period from 1958 until 1974 in which both parties literally transferred power each 4 years from one president to another, and there was a semblance of stability in the country. But certainly by the 1960s, there was renewed agitation by guerrilla forces, principally Marxist and Leninist forces—the whole spectrum—the two principals being Fuerzas Armadas Revolucionarias de Colombia, or

FARC, and Ejercito de Liberacion Nacional, or ELN.

These forces, spurred on by the success of Castro in Cuba, made significant inroads in terms of establishing independent zones along with agitators who also fought for agrarian rights in the countryside.

In the 1960s, the Colombian military conducted a serious counterinsurgency operation. They were able to eliminate these zones. But in that time, they won for themselves the infamous designation of being significant abusers of human rights. That reputation—both the perception and, unfortunately, reality—continues in the Colombian military today.

But by the end of the 1960s and the 1970s, they had effectively pushed the insurgency away from the populated centers of Colombia—which are the coastline and the Andean plains—into the jungles of the Amazon, in an area which is desolate, unpopulated, and, frankly, beyond the effective control of authorities in Bogota and elsewhere in Colombia.

But in the 1970s, the drug trade began to assert itself into the life of Colombians, first with the cultivation of marijuana. It took the Colombian police authority a while to recognize the threat to them as well as to others from this cultivation.

Recognizing the problem, they began to organize themselves to conduct counterdrug operations in the police force—not the military.

Then, as we all know, marijuana was rapidly displaced in the world drug market by cocaine. The cocaine trade became a curse for Colombia.

Within Colombia infrastructure, the leadership of several major organizations—the Cali cartel, the Medellin cartel and others—set up their headquarters in Colombia and began to run worldwide operations. Most of the production was done outside in the surrounding Andean country. This map is a recent example of cultivation areas—the cultivation areas in Peru, Bolivia, which have been very successful with eradication, and here is Colombia. Cultivation was typically outside Colombia. Within Colombia, they located clandestine laboratories to convert the coca leaf into cocaine base and later cocaine. From the 1970s and through the 1980s, there was a fabulously powerful and wealthy criminal combination that was destabilizing Colombia.

The United States did not stand aside when this situation developed. The United States supported the Colombian police and insisted that the Colombian police reform themselves and throw out those who had been corrupted by the narcotraffickers. With cooperation, and with the leadership of the Colombian police and with the bravery and the sacrifice of scores of Colombian police officers, the Cali cartel was disrupted and the Medellin cartel was dis-

rupted. The leaders of the cartels literally died in police shootouts.

We have a situation, where through support by the United States and the police forces of Colombia, we defeated a drug combination that was threatening the United States by importing vast amounts of cocaine into the United States.

Now there is a new situation and a new crisis. The new crisis is the result of two things: the collision of cocaine cultivation, coca cultivation, and these remnants of a political insurgency that has been ongoing in Colombia for decades. The FARC and other revolutionary units are in the hinterland. What has arrived recently has been the cultivation of coca. As a result, the FARC—and its other guerrilla forces—has been enlisted in the support and protection of these coca fields. They are deriving great resources in doing that. They are deriving resources to support their political activities.

Coca production now has been linked with armed military forces. The police are no longer capable with their equipment and their technology to deal with this. This has become a military problem. As a result, we are in a military problem that requires military support of the United States, just as it required police support in the 1980s and the early 1990s.

Part of the reason the cultivation has come to Colombia is the fact that we have been successful. As an indication of our success, Colombian production has surged dramatically. It has surged where in other places the production has been cut back. Both in Bolivia and in Peru, we have made significant progress—again, working with local authorities, working with their counternarcotics organizations—and we have been able to suppress the cultivation of coca. What has been suppressed in Peru and Bolivia has now blossomed in the southern provinces of Colombia. Again, this combination of coca production and guerrillas has produced a military crisis as well as a drug crisis.

I have heard colleagues come to the floor and talk about the situation, saying: This is Colombia's problem, not our problem.

Mr. President, the streets of America are also the battlegrounds for this problem because the final impact of cocaine is felt—as too many Americans are subject to the ravages of cocaine addiction.

This chart demonstrates what we are talking about. As I mentioned before, Peru has shown a 27-percent reduction in cultivation; Bolivia, a 53-percent reduction in cultivation; Colombia, production has increased and will increase unabated unless we do something.

The bottom line is, from all these sources, but increasingly from Colombia, 512 metric tons a year of cocaine is directed to the United States. About

380 metric tons arrive, get through our border checkpoints, get around our intense efforts to stop it, and hit the streets of America.

In a real sense, Colombia's problem is our problem and our problem is Colombia's problem. It is the huge demand of the United States which is causing some of this instability in Colombia. So we have a rather strong national security interest in assisting Colombian forces to do the job we insist they do, which is to stop cocaine production and distribution emanating from Colombia. It is important to note we have a situation where we want to ensure that the Colombian forces help us by curtailing supply, so it does not arrive on the streets of America.

The proposal that is included in the legislation before the Senate, Plan Colombia, has been carefully worked out. Its focus is counternarcotics—not the political insurgencies that have washed back and forth across Colombia for decades. It represents the recognition by our Government and the Government of Colombia, first, that there is a significant problem in Colombia that directly affects the tranquility of peace and the security of the United States. Second, I believe it also recognizes the competence of the Colombian authorities to fight the good fight.

Again, as I indicated, it was Colombian police officials working with the United States and other international narcotics control officers that went a long way to destroy the Cali cartel and the Medellin cartel. Now this is a new phase. It is no longer simply criminal syndicates operating in the cities of Colombia. It is a situation where guerrilla forces are protecting and profiting from the cultivation of coca in the hinterlands of Colombia.

Mr. President, as I mentioned, Plan Colombia is a reaction to the recognition of a crisis. It is also proposed as a result of the confidence that has been demonstrated in the Government of Colombia, their sincere dedication to try to eradicate their own problem with drug cultivation, and also it represents, I think, and based upon my trip, a sense of a reasonable prospect for success because of their commitment and also because of the nature of the problem we face.

Plan Colombia has many different aspects. First, it focuses on not only military operations. It focuses on the peace process, which is ongoing in Colombia today. President Pastrana, when he was elected, was elected on a plank that called for sincere and serious negotiations with the guerrilla forces. He has instituted such negotiations. In fact, what has happened in Colombia is that he had dedicated an area, approximately outlined by this blue, in the hinterlands of Colombia, which is a DMZ area, controlled by FARC, the principle guerrilla group. This peace process is important.

This plan is also an attempt to provide alternate development efforts for the peasants and the cultivators in a region where coca was being cultivated. This plan calls not only for military operations but also calls for heightened sensitivity to peace, a commitment and a contribution to economic development. The United States share is just a fraction of what the Colombian Government has committed to this effort for economic development and for ways to have alternatives to the coca cultivation.

Also, and quite rightly, the plan calls for reform of the justice system and protection of human rights, because, frankly, one of the most feeble institutions within Colombia, and this accounts for many of their problems, is the justice system and the penal system that is not responsive to efficient, fair, and appropriate justice. Here, too, Plan Colombia, will call for a reform and renewal of those institutions, which are so important.

Then part of it, of course, is a military component. Without security in these areas, in these areas we have talked about—without security in these areas, there will be no way in which we can effectively conduct—“we,” meaning the Government of Colombia and its international partners—can conduct the kind of economic development and alternative development that is necessary for long-term stability.

Here is another map that focuses clearly on Colombia alone. Here are the regions where the production is significant, Putumayo and Caqueta, these provinces. Here in the pink is the zone controlled by FARC. You can see it really is in between major production areas.

In order to get into these areas, in order to provide the kind of economic development that is necessary, there has to be, first, security, and, because of the nature of the armed combatants in the area, that calls for military assistance.

This is a big part but not the only part of Plan Colombia. Within the context of Plan Colombia, there are basically two significant components militarily: first, the training of counter-narcotics troops, and, second, the provision of helicopters for their mobility, because without helicopters you really cannot be effective in this region.

The training has already been finished for the 1st Battalion and they are in Tres Esquinas. The second is up here in Larandia. They are awaiting our approval so American special forces troops can conduct the training. Without helicopters, however, none of these trained troops can effectively get to where the cultivation is taking place, where the clandestine laboratories are located, where they must go in order to upset and defeat the drug lords in this part of Colombia. So it is very critical

we move today with dispatch with this legislation, and move forward to allow the military plan to go forward as well as to provide the basis for later alternative development.

Many legitimate concerns have been raised with respect to the program that is being presented within this legislation. First of significance, one we should all be very concerned about, is human rights. There is no way we want to be involved in an operation that is not going to emphasize the appropriate treatment of human rights, not only because that is the right thing to do but because in the long run that is the most effective way to win away any type of support for drug eradication and to build respect for the legitimate institutions of government in Colombia.

We are aided in this effort by provisions that already have been included under the direction of Senator LEAHY. Essentially, under the Leahy provisions, units that receive assistance and training from the United States cannot receive that training unless an individual who faces any type of credible human rights violation has either been removed or appropriate justice has been rendered to that individual. In a practical sense, this means all the troops who are going to be trained are vetted for human rights abuses. And all of them must pass.

Also, the Minister of Defense of Colombia must, every 6 months, report on the process of bringing to justice those individuals who have been accused of human rights violations. As of today, both of the counter-narcotics battalions have been vetted—the 1st Battalion and the 2nd Battalion. Also, other units of the Colombian Army have been vetted. In order to receive our training, these units must receive this vetting. And it has already had a positive effect. But rest assured, this is a constant struggle and we must insist and ensure that this human rights perspective is one that is not lost in our efforts to aid Colombia.

There is another point that I think is important to make. There have been many suggestions that the greatest human rights violation that the Colombian Army engages in is passive and active cooperation with armed militias, self-defense forces, or paramilitaries as they are called—the perception that they are really in cahoots with vigilante groups that are out to destroy not only leftist rebels, but anyone who seeks to express themselves or ask for their rights in Colombia. That has been the history. But at least on the surface, things are changing.

One example of that is this particular section of last week's major paper in Bogota, Colombia. This is an advertisement that was taken out by the military. Essentially it says that 785 families will not celebrate Father's Day.

Then it lists the victims of the violence in Colombia. But I think it is significant to note that they clearly point out the violence that is the result of guerrilla, leftist activity, and the violence that is the result of what they determine are “autodefensas,” militias, self-defense forces. This is a result, I believe, also based on my conversations, that the military authorities in Colombia are getting the message. They are getting the message that there is no way we will tolerate alliances with paramilitary forces who are trying to subvert our emphasis on human rights. I think this is discouraging, in the sense that it is a horrible litany of lost souls, but it is also important to note that at least the military is trying to address the issue in an evenhanded way, the violence that both sides are doing to the fabric of peace in Colombia.

There is a situation here on human rights which is serious and in which the military is, for the first time I believe, taking this responsibility very seriously. There has been vetting of these military units. We are objecting to any type of training that would go to units containing individuals who have serious human rights violations.

There is also a high level of support for the effort to improve the human rights position in the Colombian Army, both the Defense Minister, General Tapias, the Chairman of the Joint Chiefs of Staff, and at the tactical level in Tres Esquinas, General Montoya. These individuals recognize that the continued cooperation and collaboration with the United States rests upon sincere and effective efforts to provide effective human rights training and effective human rights behavior in the Colombian military.

There is another aspect of concern that has been raised by some of my colleagues with respect to operations in Colombia, and that is the perception that the elites of Colombia are not actively involved in this struggle. It is most significantly reflected in constitutional provisions that prevent graduates of high school from being sent into combat, where nongraduates can be drafted and sent into combat. This is an issue which is both symbolic and substantive, too.

Our discussions with the Minister of Defense suggest they are also recognizing this issue; that they are consciously moving to professionalize their force by replacing draftees with professional soldiers; and they are also proposing, according to the Defense Minister, legislation within this session of the Colombian Congress that will attempt to prevent this discrimination in favor of high school graduates and against non-high school graduates. It does represent, once again, a perception on the part of the Colombian authorities that they must not only protect human rights, but

they must be fully committed to this struggle in order to receive the support of the United States.

There is another criticism that has been lodged by some of my colleagues, and that is that this is just another entre into an unwinnable military quagmire, like Vietnam. There are many lessons to be drawn from Vietnam. One lesson is that we cannot fight and should not fight someone else's battle if they do not have the will to do it themselves.

In this particular situation, Colombia is unlike Vietnam because the Colombian forces are asking for our help in terms of training, in terms of equipment, but not our troops. They recognize they must do that themselves. Also, their history suggests they have in the past done precisely that. They wanted our training for their police, equipment for their police, intelligence reports for their police, but they went after the cartels themselves. It was their responsibility. They carried it out successfully.

The other difference between Vietnam and the situation in Colombia is that our focus is on drugs. Our focus is on supporting Colombian military authorities to provide the security so that police authorities can destroy labs and destroy coca fields. That is a lot different from trying to win the hearts and minds, to win the political allegiance of a population, as we were by default forced to attempt in Vietnam.

Winning the political allegiance of the people of Colombia is strictly and only the function and responsibility of the Colombian Government. That is why President Pastrana's peace plan represents a sincere effort to do just that. It is their plan, their peace plan. Our effort should rightfully be restricted, and is restricted, to the war on drugs.

Our role is also limited operationally because, as I mentioned before, we are providing equipment, we are providing trainers, and we are providing intelligence, but intelligence related only to counternarcotics operations. Again, this is very similar to what we did with the Colombian national police in their successful effort to destroy the cartel.

One cannot totally dismiss history. I believe we have to be very careful and cautious so that these steps—appropriate steps and limited steps—do not lead to something more. Part of this debate then should be to not only reassure the American public that what we are doing is appropriate, but also that we will continue to be vigilant so that any commitment we make to Colombia will be limited and will strictly be a function of their capacity and their willingness to fight their own fight and not unwittingly involve Americans directly in that fight.

There are some other differences between Colombia and those who suggest the Vietnam analogy. First of all, this

is an insurgency without any significant foreign support. With the demise of Castro as a potent revolutionary force in Latin America, with the collapse of the Soviet Union, this is not a situation where there are indigenous forces supported by outside powers. In fact, the support the guerrillas on the left and the paramilitary on the right are deriving is from their participation in the drug trade. There is no great popular support abroad for the leftist or for the rightist forces who are guerrillas or paramilitaries. Public opinion polls suggest they have very limited appeal.

Colombia is a country with strong democratic traditions. It has regular elections. Power transfers peacefully. It is a market economy, until recently a market economy that did very well. For all these reasons, I think again we should be watchful, but the analogy to Vietnam at this juncture fails.

Let's also look ahead. There are consequences to our operations in Colombia. First of all, if there is success in Colombia, we should not be surprised that the level of violence will increase because these guerrillas and paramilitary forces depend upon support from somewhere. If they cannot sell drugs—we hope they will not be able to sell drugs—they will return to their old ways—kidnapping, extortion, et cetera. We have to recognize, ironically, if the drug war is successful, we must see escalating levels of violence.

The Colombians recognize that, but they are still willing to pay the price, fight the fight, and destroy narcotics. We have to recognize the armed opponents, FARC and others, are well off. They will resist probably, and they will resist with sophisticated weapons and technology they have acquired through their contributions to their drug tactics.

There is another consequence that might develop if this plan is approved and funds provided to Colombia. That is, if these guerrilla and paramilitary units are deprived of their resources from the drug trade to continue their operations, there will, I think, be more pressure for the peace settlement, more willingness on the part of these combatants to come to the table and try to work out an arrangement so that decisions in Colombia are decided peacefully and not through armed conflict, as it has been so long and so often in that country.

There is another aspect, of course, that would be very helpful to the peace settlements there, and that would be whether the United States could suppress its voracious appetite for cocaine. That would go a long way to assist Colombia in being a more peaceful and tranquil society.

So all of our efforts, not only to disrupt production in Colombia and elsewhere, but also to suppress demand here in the United States would, I think, be helpful.

But this particular plan, if it works—and there is a reasonable probability that it will work—could materially and, I hope, effectively lead to sincere and renewed peace discussions within Colombia.

There is also a consequence for failure if we fail to approve the resources or if the plan fails for other reasons. At least one result would be that President Pastrana, and his government, in the middle of the process, would likely also fail. That could lead to several consequences.

First, he could be replaced by someone who is less amenable to the peace process. Given the tides of violence in Colombia, there could be a resurgence or the surfacing of an authoritarian figure who would be much less sensitive to the peace process.

Another possibility would be a recurrence of what happened in a previous administration under President Samper, where, effectively, the President of Colombia was subverted by narcotraffickers, by drug money, and the country was close to falling under the sway of narcotics dealers rather than the elected representatives of the people of Colombia. So there are consequences with which we must wrestle.

All in all, our most promising option is to support this bill and support Plan Colombia. To do nothing renders a severe psychological blow to the people of Colombia and to the administration of President Pastrana, who is committed not only to fighting the drug war, but also waging a peace process in negotiations with the insurgents.

I think we ultimately have to conclude that our best course of action is to provide the kind of support that is outlined in this legislation, support that goes to the military aspects that have been created by the collision of the cocaine cultivation in the hinterlands, where armed bands roam and derive profit from coca production, together with a balanced approach that emphasizes economic development, particularly alternative development for the campesinos, the peasants, that strengthens the governance of Colombia, with particular emphasis on the judicial system and the penal system.

This comprehensive approach, representing about \$1.6 billion in American resources, about \$4 billion of Colombian resources, and hopefully contributions from other countries around the world, is, I believe, at this point the best hope of significantly undercutting drug production in Colombia, reducing the flow of cocaine into the United States, making our streets safer, and giving Colombia a chance to move to a peaceful, stable, civil society, which has alluded them for many years.

With that, Mr. President, I conclude my remarks.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ELIZABETH MCGARR

Mr. DASCHLE. Mr. President, I think we all agree how important it is for our young people to understand the history of our nation and how the events of the past have helped to shape our country today and will continue to shape it in the future.

On August 3, 1949, Congress designated June 14 as Flag Day. Last week, a Dallas Morning News editorial reminded us of the origins and meaning of this national day of commemoration. Flag Day was established to ensure that each year on that day we recall our nation's proud history and its role as a symbol of freedom and democracy to our citizens and to people around the world fighting for justice. I was much surprised to discover that this editorial, written with great wisdom and eloquence, was penned by Elizabeth McGarr, an intern at the Dallas Morning News in her first week with the newspaper.

America is a diverse and culturally rich country, but as Elizabeth points out in her editorial, we are all able to unite around the flag and celebrate our commitment to the ideals embodied in the Declaration of Independence: life, liberty and the pursuit of happiness. Elizabeth, who has just graduated from the Hockaday School in Dallas and will attend the University of Texas in the fall, is an outstanding role model for her peers and every American.

I ask unanimous consent that Elizabeth McGarr's editorial be entered into the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News, June 14, 2000]

FLAG DAY: CELEBRATION HAS EVOLVED OVER NATION'S HISTORY

On June 14, 1777, almost a year after the Declaration of Independence was signed, the Continental Congress proposed that we should display our own flag instead of flying the British Union Jack. Our own national flag. One that would symbolize the life, liberty and the pursuit of happiness that the Founders emphasized in the Declaration of Independence. One that would represent America through battles foreign and domestic, through victories and defeats.

Each year on June 14, on Flag Day, we celebrate the "birthday" of our nation's flag.

On the 100th anniversary, in 1877, Old Glory flew outside every government building to honor the adoption of a national flag. Philadelphia observed the first official Flag Day in 1893, and New York followed suit in 1897. In 1916, President Wilson proclaimed June 14

National Flag Day, and some states and communities did celebrate this anniversary of the Flag Resolution of 1777. Yet it wasn't until 1949 that President Harry S. Truman finally authorized June 14 as Flag Day nationwide.

The American flag is one of the most complex flags to make, as evidenced by the 64 pieces of fabric needed to put it together. Its red, white, and blue parts stand for courage, purity and justice, respectively.

But on Flag Day, we celebrate more than the colorful cloth. We celebrate our struggles, trials, travails and victories from the Halls of Montezuma to the shores of Tripoli. And most important, America celebrates all that the country has accomplished and all that it can achieve with a positive attitude and an optimistic spirit.

Often concerned with political correctness or societal standards, we too quickly judge people on the basis of skin color, religion or background. In truth, we are more alike than we are different. Is there a more united scene than a crowd of people at a baseball game removing their hats for "The Star Spangled Banner," or schoolchildren placing their hands over their hearts to recite the Pledge of Allegiance? Where the Stars and Stripes is concerned, we are as united as can be, and on this June 14, we celebrate our devotion to country and the patriotic unity that arises when witnessing Old Glory wave in the wind.

EXPLANATION OF VOTES—S. 2549

Mr. INHOFE. Mr. President, yesterday a delayed flight due to weather and the closing of flights through Chicago caused me to miss votes on the Murray Amendment (No. 3252), the Hatch Amendment (No. 3473) and the Kennedy Amendment (No. 3473) to S. 2549 the Department of Defense Authorization Bill. I would like to state for the record what my votes would have been had I been able to make those votes.

MURRAY AMENDMENT NO. 3252

Had I been present, I would have voted to table the Murray amendment. I do not believe we should turn our military medical facilities into abortion clinics. The Senate rejected this amendment last year, and I see no reason why the Senate should change its position.

Though military facility abortion advocates try to present the situation as otherwise, it is not the case that women in the military are deprived of the option of getting an abortion, if they chose to have one. They are simply not able to obtain an abortion in a military facility as an elective procedure.

Furthermore, as Chairman of the Readiness Subcommittee of the Armed Services Committee, I know our military medical resources are spread too thin as things are. Not only is allowing abortions in military medical facilities an insult to many of the taxpayers who have paid for those facilities, it forces the hospitals to divert resources that could have been used for preserving life to do the opposite. This amendment does nothing but support an agenda

that promotes abortion. To that I am opposed.

HATCH AMENDMENT NO. 3474

I realize that many in the Senate viewed the Hatch Amendment as a viable alternative to the Kennedy Amendment on hate crimes.

As with the Kennedy Amendment, the Hatch Amendment gives statutory credence to creating a special class of protections for crimes committed against a behavior driven lifestyle. To place sexual orientation on par with race, color, gender, religion, and national origin is simply a terrible precedent for the Senate to be setting.

Before anyone accuses me of supporting violence directed against any particular person or group of persons, let me say clearly, I unequivocally oppose violence against anyone. Any crime of violence is a hate crime and should be punished to the fullest extent of the law.

I appreciate the Senator from Utah's efforts to provide what he sees as an alternative to what I think we would both agree is a worse piece of legislation. However, had I been present, I would have opposed his amendment.

While some may say that my NAY vote on the Hatch Amendment would have changed the outcome, the fact is this issue will be rewritten during conference.

KENNEDY AMENDMENT NO. 3473

I would have voted against the Kennedy amendment on hate crimes because I do not believe it is Constitutional, nor do I think it is good policy.

As with the Hatch Amendment, to place sexual orientation on an equal level with race, color, gender, religion, and national origin is wrong.

Again, I unequivocally oppose violence against anyone. Any crime of violence is a hate crime and must be punished to the fullest extent of the law.

As a conferee on the Department of Defense Authorization bill, I will work vigorously to drop this language from the bill.

HONORING THOSE WHO HAVE SERVED OUR NATION

Mr. WARNER. Mr. President, Tony Snow wrote an editorial in the Washington Times. In this editorial he captures the very essence of service to this Nation by those who have worn the uniform of our Nation throughout its history.

This weekend, I and others will be attending ceremonies in recognition of those who served in the Korean war. A few days ago, the Commandant of the Marine Corps, the Presiding Officer, I, and other Members of the Senate and the House of Representatives attended a magnificent ceremony in honor of those who served during the Korean war.

I was privileged to be in the Marine Corps and served in the 1st Marine

Airwing for a brief period in Korea as a communications officer. I have an indelible memory of the sacrifices of many others, those particularly, not myself included, who had to serve in a position in harm's way and paid the ultimate price in life or in many cases in limb, and the suffering of their families.

Upon their return home, unlike World War II, in which I served a brief period towards the end, America did not welcome them with open arms. They were returned home from an operation of our military which was indecisive and inconclusive. Those wonderful veterans, these 50-some odd years, at long last deserve the recognition. I think Mr. Snow's article captures it exceedingly well.

I ask unanimous consent to print in the RECORD the article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Times, May 28, 2000]
(By Tony Snow)

On certain spring mornings, warm winds coax fog from the waters of the Potomac River. Clouds rise in wisps from the banks and march up nearby hillsides, sometimes as high as the quiet hills of Arlington National Cemetery.

At those times, the nation's most famous burying ground takes on an ethereal look, its plain white grave markers rising not from earth, but cloud. And on these rare mornings, dewy and warm, one cannot help but feel a sense of sacred awe, looking at the headstones, with the Potomac and the nation's capital spread out below.

Most of the men and women who rest here were of minor consequence as far as the history is concerned. They did not serve as presidents, or prelates, or executors of high office. They did not invent great new machines or conquer disease. Many died before they were old enough to make an enduring mark on the world.

Yet, they all earned their place among generals and presidents because they did something few of us have done. They marched willingly into battle for the sake of our country.

This kind of heroism is becoming increasingly unfamiliar to us. We have not fought an all-out war in a quarter-century, and the nation has not united behind its military in more than 50 years. The draft expired long ago, and the bulk of our young no longer consider service as a career or even as an occupational way-station.

Furthermore, technology has brought us the possibility of "bloodless" wars, such as the Kosovo incursion—operations in which we kill others from afar, while denying enemies the chance to kill our own. We no longer speak of "patriotic gore" or assume we pay for freedom with blood and treasure. For that reason, we don't appreciate fully the lives and deaths of those we commemorate on Memorial Day.

But we owe it to ourselves to try. The rows of markers at Arlington and other national cemeteries serve as stark reminders that evil lives and thrives in the world. Humans insti-

tuted and maintained slavery for centuries, and Americans tried to maintain discrimination through force of terror for nearly a century after the Civil War. Our fellow humans venerated such butchers as Adolf Hitler and Josef Stalin—treating them as living gods and worshipping them as men of surprising vision and virtue.

It has become unfashionable to talk in stark terms of good and evil. We like to pretend they are antediluvian categories that have given way to "subtler" distinctions—between justice and injustice, for instance, or between fairness or unfairness. But our own wooziness on matters of morality does not change the fact that good and evil exist—and that most evils flourish under the care of men and women who claim to be doing good.

The hills of Arlington attest to this.

They tell us more. America became a superpower less than a century ago. We are relatively inexperienced at the business of maintaining peace. But history does disclose a few lessons about how to avoid trouble. The most important is Teddy Roosevelt's injunction that we carry a big stick.

Potential enemies don't care much about our prosperity. Many despise it. Would-be assailants worry instead about whether we have the might and will to thrash those who attack us. In the years following the First World War, we converted our swords into plowshares. A grinding depression struck the nation, leaving us both weak and poor—and this combination of unpreparedness and irresolution emboldened the Japanese to bomb Pearl Harbor.

Today, we devote less of our federal budget to national defense than we did on the eve of that attack. The president and his party actively have opposed the development of defenses that could protect us against such likely threats as random ballistic-missile attacks. They sneer at strategic defense—not because they have arguments against it, but because they despise the fact that Ronald Reagan thought of it first. And we seem scarcely interested in new forms of warfare—technological espionage and the potential for devastating bio-weapons.

Military history teaches us an important lesson about such attitudes. When great powers refuse to keep up with the latest developments in technology, they fall. The best example of the phenomenon took place centuries ago, when Mongol hordes overran China. The attackers prevailed because they moved more swiftly and nimbly on the battlefields. They had adopted the very latest innovation—stirrups on saddles.

Memorial Day delivers an important lesson to those who will hear: When nations drop their guard or ignore the reality of evil, innocent people die. Nations endure crises and epidemics, but nothing sears the heart as much as war. If we want to avoid the necessity of building more Arlingtons, we should hear the testimony of those who repose there now: Walk softly. Carry a big stick. And never forget.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974,

as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through June 19, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 Concurrent Resolution on the Budget (H. Con. Res. 290), which replaced the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68).

The estimates show that current level spending is above the budget resolution by \$2.3 billion in budget authority and by \$6.8 billion in outlays. Current level is \$28 million below the revenue floor in 2000.

Since my last report, dated March 8, 2000, in addition to the changes in budget authority, outlays, and revenues from adopting H. Con. Res. 290, the Congress has cleared, and the President has signed, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181) and the Trade and Development Act of 2000 (P.L. 106-200). The Congress has also cleared for the President's signature the Agricultural Risk Protection Act of 2000 (H.R. 2559). This action has changed the current level of budget authority, outlays, and revenues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 20, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables for fiscal year 2000 show the effects of Congressional action on the 2000 budget and are current through June 19, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, which replaced H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last report, dated March 6, 2000, in addition to the changes in budget authority, outlays, and revenues from adopting H. Con. Res. 290, the Congress has cleared, and the President has signed, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) and the Trade and Development Act of 2000 (Public Law 106-200). The Congress has also cleared for the President's signature the Agricultural Risk Protection Act of 2000 (H.R. 2559).

Sincerely,
STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).
Enclosures.

TABLE 1. FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF JUNE 19, 2000

(In billions of dollars)

	Budget res- olution	Current level ¹	Current level over/ under reso- lution
On/budget:			
Budget authority	1,467.3	1,469.6	2.3
Outlays	1,441.1	1,447.9	6.8
Revenues	1,465.5	1,465.5	(²)
Debt Subject to Limit	5,628.3	5,558.0	-70.3
Off-budget:			
Social Security Outlays	326.5	326.5	0.0
Social Security Revenues	479.6	479.6	0.0

¹ Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

² Equal less than \$50 million.

Source: Congressional Budget Office.

TABLE 2. SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JUNE 19, 2000

(In millions of dollars)

	Budget au- thority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,465,480
Permanents and other spending legislation	876,140	836,751	0
Appropriation legislation	869,318	889,756	0
Offsetting receipts	-284,184	-284,184	0
Total, enacted in previous sessions	1,461,274	1,442,274	1,465,480
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106-176)	7	3	0
Wendell H. Ford Aviation Investment and Reform Act (P.L. 106-181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106-200)	53	52	-8
Total, enacted this session	2,865	55	-8
Cleared pending signature: Agricultural Risk Protection Act of 2000 (H.R. 2559)	5,500	5,500	0
Total Current Level	1,469,639	1,447,878	1,465,472
Total Budget Resolution	1,467,300	1,441,100	1,465,500
Current Level Over Budget Resolution	2,339	6,778	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	n.a.
Memorandum: Emergency designations for bills enacted this session	0	0	0

Source: Congressional Budget Office.

Note: P.L.=Public Law; n.n.=not applicable.

AGAINST AMNESTY FOR MILOSEVIC

Mr. BIDEN. Mr. President, I rise today to comment on an opinion piece in the June 20 edition of the Washington Post written by Mr. Milan Panic, former Prime Minister of Yugoslavia, and an American citizen.

In this article, Mr. Panic argues for getting Russian President Putin to agree to offer Yugoslav President Slobodan Milosevic asylum, in a deal approved by the international community.

This is an appalling idea whose time, thank heavens, has not come. At least it would appear so, since it has been widely reported that at their recent summit meeting Putin told President Clinton that Miami seemed to be as good a place for Milosevic as Moscow.

President Putin may not be turning out to be a model democrat, but no one has accused him of being dumb. He obviously feels that having Milosevic enlivening the Moscow scene would not exactly burnish his own credentials.

All kidding aside, the idea of blithely pronouncing all of our efforts in the former Yugoslavia over the last decade a hopeless failure and then letting the architect of the carnage skip off with his family to exile is both morally reprehensible and politically catastrophic.

The international community has labored long and hard to set up the International Criminal Tribunal for the

Former Yugoslavia in the Hague, and then to get it up and running.

Over the past year the number of individuals indicted for alleged war crimes in custody has risen dramatically. Why should we totally undercut the Hague Tribunal, just when it is hitting its stride?

Why should we undercut the new, reformist government in Croatia, which has reversed the obstructionist course of the late strongman Tudjman and has begun cooperating with the Hague? If Milosevic is given a suspension of prosecution, then why shouldn't all the Croats in custody get the same deal?

In arguing against undercutting the Hague Tribunal, I do not wish to imply that it has been a complete success. What is missing from the jail cells in the Hague, of course, are the really big fish—the chief villains of the massive slaughter in Croatia, Bosnia, and Kosovo.

I am, of course, talking about Radovan Karadzic, Ratko Mladic, and, above all, the boss of all bosses Slobodan Milosevic. That's the point! To make this promising international effort work we need to do precisely the opposite from granting amnesty to public enemy number-one. We need to add him to the growing list of indicted suspects in detention.

The Panic op-ed argues that we won't be able to capture Milosevic. In the short run, we probably won't. But as the vice tightens on Milosevic's cronies

and makes it clear to them that they will have absolutely no future in a Milosevic-run state, I think it may occur to them to serve Sloba up on a platter to the Hague.

We have all learned not to make rash predictions about when Milosevic will fall from power, and I won't fall into that trap today. But the signs of increasing discontent are everywhere—from the new student-run, grassroots resistance movement called Otpor to the rash of gangland style assassinations and assassination attempts among Milosevic's retinue and allies.

So while I can't say when Milosevic will fall, fall he will. And it will be much better, both for Serbia and for the international community, if he falls as a result of pressure from his own people, rather than from some sordid deal cooked up abroad.

In a larger sense, why should we nip a promising international judicial effort in the bud in a misguided attempt to relieve the Serbs, in the worst possible way, of a problem that they spawned and that they have the primary responsibility to rectify?

Somehow the curse of Milosevic is to be lifted from the Serbian people by a foreign deus ex machina, in this case the good Russian tsar. And then, in return for having graciously allowed their dictator to depart, the Serbian people would receive and end to sanctions from the international community.

Give me a break. Even if we could persuade Putin to go against his self-interest—a total impossibility, of course—such a deal would only fuel the Serbs' oft-noted passion for blaming others for misfortunes that they themselves have created. Why else would the foreigners have gotten rid of Milosevic if they hadn't somehow been responsible for him in the first place?

And what are we to make of the article's nice plan that part of the deal would be free and fair elections in Serbia under international supervision? I can just imagine what the other war criminals in the Yugoslav and Serbian governments would think of that idea!

The most likely result of an arranged Milosevic departure would be another set of gangsters, not democrats elected by universal suffrage. The Panic op-ed is entitled "Exit Milosevic." It might just as well be entitled "Enter Seselj"—that is, Vojislav Seselj, the fascist Deputy Prime Minister of Serbia. Mr. Panic's naivete gives us a pretty good clue as to why Milosevic so easily outmaneuvered him in 1993.

Morality, Serbian politics, and the Hague Tribunal aside, granting asylum to Milosevic would be a political disaster for the United States and for NATO.

Last year President Clinton had a difficult time in rounding up support within NATO's nineteen members for Operation Allied Force, and then sustaining that support until Milosevic's troops and paramilitaries were forced out of Kosovo. But he skillfully managed to do it, and alliance unity was preserved.

Then we got our European allies and others to assume 85 percent of the burden of KFOR in Kosovo and also to fund the vast majority of the cost of the Stability Pact for South East Europe.

Now, after pardoning Milosevic, I suppose we could turn to our European allies and say, "incidentally, friends, we really didn't need to fight that pesky, little air war after all. We could have just bought off old Sloba last year and sent him packing. But please don't ignore fulfilling the commitments you made to the Defense Capabilities Initiative at the Washington NATO Summit. We really do need an alliance with teeth, so you still have to spend a lot to upgrade your forces. Don't worry, though. The Milosevic buyout was just a one-time event. Nothing like that will happen again. NATO is really not in the amnesty business. It's just that the Serbs needed us to take the monkey off their back, and we're sure that Sloba's successors will now choose to cooperate with us."

Pardon my sarcasm, Mr. President, but this amnesty idea is just too politically naive to believe.

The Panic article also reveals an impatience as American as apple pie. We all want a quick fix. But, my friends,

there are few quick fixes in life that have any permanence, and trying to set the Balkans right by way of shortcuts certainly isn't one of them.

To have any chance of creating a modicum of stability in the former Yugoslavia and elsewhere in the region, solutions must be largely home-grown, if under the security umbrella provided by NATO.

So, let's consign the Panic op-ed to sophomore political science seminars and think-tank luncheons—but not to serious consideration by our Government.

Let's get on with the vital, if prosaic, business of rebuilding Bosnia and Kosovo and supporting the opposition in Serbia through a variety of programs, which are in place, ongoing, and which, in time, I believe, will succeed.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today, June 21, 1999.

Larry Davis, 28, St. Louis, MO; Anthony Douglas, 19, New Orleans, LA; Helen Elizabeth Foster-El, 55, Washington, DC; Izeall Hester, 41, Miami-Dade County, FL; Curtis Hill, 20, Oakland, CA; Sixto Ibarra, 17, Chicago, IL; Alex James, 20, Miami-Dade County, FL; Pedro Resendiz, 24, Kansas City, MO; Keith Siverand, 10, Houston, TX; Stefan Sure, 38, New Orleans, LA; Lung Van Lam, San Francisco, CA; Michael D. Washington, 21, Chicago, IL; Summerset Wheeler, 29, Miami-Dade County, FL; and Laran Wilson, 23, Louisville, KY.

HATE CRIMES PREVENTION ACT

Mr. L. CHAFEE. Mr. President, yesterday the Senate debated an issue of critical importance—preventing hate crimes. Hate crimes are attacks on our very culture. What makes the United States different from places such as the former Yugoslavia, Rwanda, or the Middle East, civilizations which are torn apart by prejudice and hatred, is our acceptance of diversity. The image of the United States as a melting pot, where diversity flourishes, is shattered by news stories of hate related violence. Hate crimes are crimes of intimidation and violence, in which a person's civil rights are threatened because of prejudice.

The Hate Crimes Prevention Act, of which I am proud to be a cosponsor, does not create a new law, nor does it federalize more crimes. Rather, it clarifies a law that has been on the books for over thirty years. Federal hate crimes protections were established as part of the Civil Rights Act of 1968. The law sets up a backstop for states that cannot adequately prosecute these hate-based crimes. However, the current law's strict dual intent requirement that the defendant acted because of the victim's race, religion, or ethnicity and because the victim was enjoying or exercising a federally protected right, such as voting or attending public school, is far too constricting. Even the heinous dragging death of James Byrd, Jr. in Jasper, Texas did not qualify under current law as a federal hate crime. Never since the statute was enacted have there been more than 10 prosecutions for hate crimes in a year.

The Smith-Kennedy amendment has two major components. First, it expands individuals covered by hate crimes to include sexual orientation, gender, and disability. Second, it eliminates constraints that make the current law ineffective. The federal government, with the approval of a state's Attorney General, would be empowered to prosecute crimes that cause death or bodily injury "because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, or disability" of the victim. According to FBI statistics, in 1996, almost two-thirds of the reported hate crimes were due to race, while 12% were based on sexual orientation. It is important that protection from hate crimes be extended to all of America's citizens.

The Supreme Court has already signaled the constitutionality of hate crime statutes. In Wisconsin v. Mitchell, the Supreme Court unanimously upheld the constitutional right of states to enact hate crimes statutes. I believe that it is now time for Congress to act.

Mr. President, I cosponsored the Hate Crimes Prevention Act because it was the right thing to do. The issue here is civil rights, and as a nation we went a long way in the last century toward assuring that the civil rights of ALL Americans were not infringed upon. Let's start this new century with another step in the right direction.

PLACING CHECHNYA ON THE AGENDA OF THE G-7 SUMMIT

Mr. WELLSTONE. Mr. President, I rise today to once again draw attention to the continuing war in Chechnya and to urge the Administration to include Chechnya high on the agenda at next months G-7 summit.

Colleagues, last Wednesday I met with Mr. II-yas AK-ma-dov who was here to present a peace proposal on behalf of the Chechen people. This peace

proposal calls for the immediate introduction of a formal cease-fire, the formation of an international commission to investigate allegations of war crimes on both sides of the conflict, and the start of political negotiations through the mediation of the Organization for Security and Cooperation in Europe. Mr. Ak-ma-dov relayed to me his serious concern at the desperation of the people in Chechnya, and noted that many of the recent suicide attacks we have heard about are a direct result of that desperation.

Mr. President, colleagues, we must seize every opportunity, including the upcoming G-7 summit, to continue to relay our serious concerns with the intransigence of the Russian Federation to acknowledge the concerns of the international community. The G-7 summit, which became the G-8 with the inclusion of the Russian Federation, is an association of democratic societies with advanced economies. Although Russia is not yet a liberal democracy or an advanced economy, it was invited to take part in this summit in encourage its democratic evolution. Today as I watch Russia continue to deny international human rights monitors access to Chechnya in defiance of the international community, I must question that evolution.

In February this body passed Resolution 262 which called on President Putin to allow international monitors immediate, full, and unimpeded access into and around Chechnya to report on the situation there and to investigate alleged atrocities and war crimes. In March, the Council of Europe Parliamentary Assembly suspended the voting rights of Russia due to the large number of reports of human rights violations in Chechnya. And Mr. President, at the 56th Session of the U.N. Commission on Human Rights last April, the Commission harshly criticized the Russian military's behavior in Chechnya. The Commission approved a Resolution calling on the Russian government to establish a commission of inquiry into human rights abuses in Chechnya and mandating visits to Chechnya by U.N. special envoys on torture, political killings, and violence against women. Yet, despite all this condemnation, Russia continues to ignore our requests.

The war in Chechnya from 1994-1996 left over 80,000 civilians dead. The number of deaths of innocent civilians rises daily as the current war continues. This is due not only to fighting, but to the inability of international organizations to easily distribute much needed humanitarian aid. A recent report from the U.N. High Commission on Refugees noted that elderly and sick people in the capital Grozny have difficulty reaching soup kitchens which are scattered throughout the city due to continued fighting. Russia has closed investigations into alleged human rights

abuses by Russian soldiers citing a lack of evidence, and none of the U.N. mandated special envoys to Chechnya have been given access to the area. Just three weeks ago customs officials in Moscow confiscated an Amnesty International report on human rights violations in Chechnya.

Mr. President, this body and the international community has consistently spoken out demanding the Russian government allow into Chechnya international human rights monitors. It is important that we not turn silent now.

In her address to the U.N. Human Rights Commission in March, Secretary Albright said that no nation should feel threatened by the Commission's work since its task is to support the right of people everywhere to control their own destinies, and that the Commission asks only that its members play by global rules. Mr. President, colleagues, the United States must seize the opportunity of next month's G-7 summit in Japan to once again demand that Russia play by these rules. Our leadership within the G-7 and in the international community deserves no less. The people of Chechnya deserve no less.

Mr. President, I had a chance to meet with the Foreign Minister from Chechnya last week. I promised him that, as a Senator, I would speak out on the floor about what is happening in Chechnya. Just to summarize, the Foreign Minister came here with a proposal. It is a proposal that really calls for a cease-fire, calls for a political settlement, calls for international observers to be there.

What I want to say on the floor of the Senate is that this is a brutal war. Many innocent people have been killed. Certainly, some of the Chechans are responsible for the murder of Russians; but, overall, what we have seen is a tremendous loss of life, the decimation of a country. I have sent letters to Putin. I have spoken out about this. I think it is a human rights question. I call upon our Government, in particular, to be much more actively involved in trying to bring about some resolution to this conflict.

There are entirely too many innocent people paying the price. Entirely too many innocent people are losing their lives. I think it is a role for our Government to push for some kind of a peaceful settlement. I know we need to negotiate with Putin and be in contact with the Russian Government and work with them. I am all for that. I am not at all interested in rekindling a cold war. My father is a Jewish immigrant who fled Russia. But I also believe we should not turn our gaze away from what is happening in Chechnya.

We ought to make it crystal clear to the Russian Government that the wholesale violation of human rights and torture and murder of innocent

people is simply not acceptable. The sooner there is some kind of a political settlement, the better off the people in Chechnya and Russia and the world will be. I don't believe there is any evidence at all that this military campaign is going to work. Violence begets violence. Violence is met with violence.

I think our Government can play a more positive role than we have played. For the Senate today, I call on the Secretary of State and President Clinton to be much more actively involved in trying to bring about a resolution to this conflict.

NECESSARILY ABSENT

Mr. CONRAD. Mr. President, last Friday I was necessarily absent from the Senate to survey recent flood damage in North Dakota. For a period of three days, rain, hail and tornadoes inundated northeast North Dakota and, sadly, four people lost their lives. My duty was to my constituents who were in the middle of another devastating natural disaster. As a result, I missed one vote Friday morning.

For the record, had I been present, I would have voted yes on adoption of the conference report to S. 761, the Electronic Signatures Act. The legislation will have an important impact on the electronic marketplace and how business is conducted via the Internet. My vote would not have changed the outcome of this vote.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 20, 2000, the Federal debt stood at \$5,653,559,850,881.99 (Five trillion, six hundred fifty-three billion, five hundred fifty-nine million, eight hundred fifty thousand, eight hundred eighty-one dollars and ninety-nine cents).

Five years ago, June 20, 1995, the Federal debt stood at \$4,895,341,000,000 (Four trillion, eight hundred ninety-five billion, three hundred forty-one million).

Ten years ago, June 20, 1990, the Federal debt stood at \$3,121,083,000,000 (Three trillion, one hundred twenty-one billion, eighty-three million).

Fifteen years ago, June 20, 1985, the Federal debt stood at \$1,761,499,000,000 (One trillion, seven hundred sixty-one billion, four hundred ninety-nine million).

Twenty-five years ago, June 20, 1975, the Federal debt stood at \$525,258,000,000 (Five hundred twenty-five billion, two hundred fifty-eight million) which reflects a debt increase of more than \$5 trillion—\$5,128,301,850,881.99 (Five trillion, one hundred twenty-eight billion, three hundred one million, eight hundred fifty thousand, eight hundred eighty-one dollars and ninety-nine cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF THE CAREER AND TECHNICAL EDUCATION PROGRAM

• Mr. GORTON. Mr. President, it is my pleasure to talk to you today about the Career and Technical Education Program in Walla Walla, Washington. Students in this program are learning skills that are highly important in the working world and will give them a leg up on the competition as they enter the workforce. This program has made a tremendous impact on the school's learning environment and also gives students an incentive to stay in school.

Fifteen years ago, the faculty at Walla Walla High School wanted to create a program in which students would gain practical knowledge to supplement what is learned in the traditional classroom setting. The Career and Technical Education Program, created with the help of grant money, gives students the opportunity to gain technical skills along with the school's curriculum.

For example, students enrolled in anatomy or physiology class can put their knowledge to work by taking Sports Medicine where they learn about treating sports injuries, CPR and other first aid skills. In addition, technology labs have been interwoven into the curriculum to teach robotics, flight simulation, and bridge analysis to enhance math and physics classes. Through this programs, students can see a direct link between their work in the classroom to a potential job.

Gerald Cummins, Director of Career and Technical Education, says the Career and Technical Education Program has drastically improved the college bound population in Walla Walla over the last fifteen years. "Fifteen years ago, there were barely any kids continuing on to the college level. Now most kids are achieving college credits through our program before even being accepted into college."

The faculty at Walla Walla High School also has established strong communication between parents, the school and community members, giving students a sense of support that will encourage them to continue in their academic pursuits.

Much credit should be given to the vision of the Walla Walla School Board and staff who have worked to ensure high standards of teaching. They have found new ways to improve upon their curriculum and provided excellent opportunities for each student to expand his or her horizons.●

TRIBUTE TO RONALD L. FREELAND, NEWLY ELECTED PRESIDENT OF THE CONFERENCE OF MINORITY TRANSPORTATION OFFICIALS

• Mr. SARBANES. Mr. President, I rise today to pay tribute to a dedicated and respected leader in public transportation, Ronald L. Freeland, Administrator for the Mass Transit Administration of the Maryland Department of Transportation. Ron has recently been chosen to be President of the Board of the National Conference of Minority Transportation Officials, COMTO, and I would like to express my appreciation for the work he has done for Maryland, and my congratulations and best wishes as he assumes his new leadership responsibilities.

Throughout his career, Ron Freeland has demonstrated an unwavering commitment to ensuring quality transportation in Maryland. Since 1997, Ron has overseen the Mass Transit Administration, MTA, which operates the bus, light rail, Metro, and MARC systems throughout the Baltimore-Washington area—systems that provide transportation services to 355,000 people every day. Prior to his service at MTA, Ron was Administrator of the Motor Vehicle Administration, where he made key reforms in that agency's operations, including improvements in the operation of the Vehicle Emissions Inspection Program. His public service also includes tenure as Director of Operations at MTA, membership on the Board of Directors for the Maryland Transportation Authority, and membership on the Board of the Canton Railroad. Well-maintained highways and reliable transit systems provide safe travel daily for millions of Americans, and I want to commend Ron for his dedication to improving transportation services in Maryland. I have known Ron for many years and have had the opportunity to work closely with him on many issues affecting transportation in Maryland. I have found him to be a dedicated public servant and a steadfast ally to the friends of public transportation.

In addition to his work for the people of Maryland, Ron has fought tirelessly for equality within the transportation community. He is about to assume leadership of the Conference of Minority Transportation Officials, a national organization founded in 1971, which now boasts over 2,000 members and over 25 local chapters throughout the United States. Ron has been working with COMTO for almost twenty years, and has demonstrated unyielding devotion to COMTO's dual mission of achieving inclusion and upward mobility for minorities and women within the industry, and advocating for citizens and groups who are underserved by existing transportation services. His leadership and integrity in this pursuit inspired the members of COMTO to

choose Ron as National President—and they could not have made a better choice. I am confident that, as President, Ron will inspire his colleagues across the country to dedicate themselves to ensuring minorities and women equal access to transportation jobs and services. It is the courage and hard work of people like Ron Freeland that will make certain no one is left behind as the transportation industry evolves to meet America's growing needs in the 21st century.●

TRIBUTE TO BERT M. CONCKLIN

• Mr. WARNER. Mr. President, it is with great pleasure that I rise today to pay tribute to a patriot, federal servant, and industry leader, Bert M. Concklin. I have worked with him closely for nearly twenty years in his capacity as president of the Professional Services Council (PSC), as a representative of two of the largest employers in Virginia, PSC and Computer Sciences Corporation, and as a driving influence on numerous advisory panels.

After more than eight years with PSC, Bert has accepted the role of Business Systems Modernization Executive at the Internal Revenue Service. I admire his courageous willingness to tackle such an obvious challenge and I anticipate that he will, as always, perform exceedingly well. The agency is fortunate to acquire such a talented executive.

Throughout his career, Bert has proven himself to be an effective leader and an even-handed advocate. The fact that he has been such a dynamic leader for the professional and technical services industry, which is populated by so many of our nation's most innovative names, has in no small way made our jobs in the United States Senate that much easier. Those companies represent the very heart of our national defense and I know that Bert's dedication originates in large part from a love of our country that I share. Perhaps this trait comes from his days at the United States Naval Academy, but I suspect he had it even before.

Bert is no stranger to federal service. During his many years of service with the federal government he has held a number of distinguished positions including, Assistant Secretary and Deputy Assistant Secretary for the Occupational Safety and Health Administration; Deputy Administrator for Policy Evaluation for the Federal Energy Administration; Administrator of Price Controls for the Cost of Living Council; and Director of Information Systems with the Office of Management and Budget. He has also held significant special assignments including membership on the FAA Blue Ribbon Advisory Committee.

I wish every success to Mr. Concklin as he starts the next chapter of his truly remarkable career and thank him for a job exceedingly well done.●

DUKES CELEBRATE 50TH ANNIVERSARY

• Mr. HOLLINGS. Mr. President, it is my pleasure to congratulate The Rev. and Mrs. Morgan Dukes of Summerville, S.C. who recently celebrated their 50th wedding anniversary. During the past 50 years, Morgan and Marie Dukes have lived throughout South Carolina and in Washington, D.C. After Morgan graduated from the Southern Baptist Seminary in Louisville, Kentucky, the couple moved to Bath, S.C. where Morgan led the congregation at First Baptist Church. He served as Director of Religious Activities at Furman University from 1958-1965 and then as pastor of First Baptist Church in Walhalla.

In 1970, Morgan and Marie moved to Washington, D.C., where Morgan was pastor of Brookland Baptist Church and later joined the staff of the Baptist Joint Committee on Public Affairs. For 15 years Marie worked as a secretary in the office of the Dean of the College of Engineering at the University of Maryland, College Park. They returned to South Carolina in 1990 to assist homeless men at the Star Gospel Mission in Charleston, a position from which Morgan retired in 1997. Marie worked for 10 years as a realtor in Summerville.

The Dukes have accomplished a great deal in their 50 years of marriage and have enriched many communities in South Carolina and here in our nation's capital. Peatsy and I join with their friends and family, including their children Vicki, Betty Ann and David and granddaughter, Lauren, in celebrating this important milestone in their life together.●

SALUTING LOUISIANA'S COLLEGE ATHLETES

• Mr. BREAUX. Mr. President, I rise today to pay tribute to the baseball teams at Louisiana State University, LSU, and the University of Louisiana-Lafayette, ULL, the LSU women's track team and all Louisiana student-athletes.

If there is one thing Louisianians take as seriously as our politics and cooking, it is our athletics. In fact, Louisiana has an excellent tradition when it comes to producing great athletes. This is easily demonstrated in the number of athletes from Louisiana who have played or currently play professional sports.

Sports teaches us the importance of teamwork, goal-setting and determination. It also teaches us to never give up, even when faced with seemingly insurmountable odds.

No one has to tell the University of Louisiana-Lafayette's baseball team about perseverance and defying the odds. They had to defeat the nation's number one ranked team twice in one day to get to the College World Series. But once there, they defied expecta-

tions by posting a respectable two wins and two losses, and etched the mascot "Ragin' Cajuns" into the vocabulary of every college baseball fan.

Teams at LSU have also applied the lessons taught in athletics, as well as Yogi Berra's oft-repeated truism "it ain't over till it's over," to become one of the finest athletic programs in the country.

The LSU baseball team, after starting the season 6-0, struggled to a 6-5 record in their first 11 games. But, with the help of tremendous senior leadership, self-confidence and the will to win, LSU finished strong by ending the season with an outstanding 52-17 record and their fifth national championship in nine years.

And the LSU women's track team is no stranger to dramatic finishes, either. Down 46 points on the final day of competition, they scored just enough points on a winning performance in the final event to win their 12th NCAA outdoor championship in 14 years.

In all, LSU had one of its finest athletic years ever during the 1999-2000 season. Outside of these two national titles, a total of 11 teams finished in the nation's top 10 in their respective sports.

This year's two national championships gives LSU a total of 35 national championships, the most of any school in the Southeastern Conference. And of the 20 sports LSU sponsors on the varsity level, 14 finished the year in the nation's top 25 and participated in NCAA championship events.

I salute the student-athletes who have helped make Louisiana one of the finest states for collegiate athletics in the country. And I especially congratulate the LSU baseball and women's track teams who have proved once again it isn't how you start the game that matters, but how you finish. It is this value that will transcend the playing field to make Louisiana's student-athletes champions in the biggest game of all—the game of life.●

TRIBUTE TO ALICE M. MCCUE

• Mr. DODD. Mr. President, I am delighted to rise today to pay tribute to a well-respected and remarkable public servant, Ms. Alice M. McCue, who has worked for the Department of Veterans Affairs Regional Office in Hartford since 1945. On June 25th, the Department of Veterans Affairs will recognize her 55 years of service to our nation's veterans, and I want to take a few moments to discuss Alice McCue's remarkable career.

Alice started working for the VA following her graduation from high school at Mt. St. Joseph Academy in Hartford. She began in 1945 as a typist in the Communications and Records Section, and moved to the Administrative Division in 1949. Between 1950 and 1978, Alice held a number of different posi-

tions, including several years as a clerk in the office of the Chief Attorney. Since that time, Alice has been a Veterans Claims Examiner.

Alice has been a constant force since her first days of employment. Her hard work and dedication to the veterans of Connecticut have earned her a number of awards and special accommodations. Alice received five Special Contribution Awards over the past several years, as well as a Time-Off Award in 1995, the same year in which she was the recipient of a Superior Performance Award.

Over the years, Alice was involved in a plethora of activities at the VA's Hartford office and became an integral component of every project in which she was engaged. In the State Income Verification Match Project, she handled several hundred cases. She also worked on the Social Security Unverified Match Project, the Committee on Waivers and Compromises, and as an Equal Employment Opportunity counselor and Third Party Inquiry Coordinator for the Social Security Administration.

Alice's influence at the VA is perhaps most truly reflected by her colleagues' words of praise. They describe her as a dependable, hard-working, and professional employee and friend. She not only treats every case as if it was her own, but she also takes the time to assist other adjudicators with their cases. When it comes to training and teaching less-experienced employees, Alice is an indispensable asset, and many in the Hartford office have benefited from her guidance. Her supervisors further cite her willingness to handle the most complex cases as well as her amicable air and trustworthiness which have long bolstered office morale and increased the sense of community among the employees.

On June 26, 2000, the Hartford regional office of the Department of Veterans Affairs will hold a luncheon in honor of Alice, who will receive the Secretary's Service Award at that time. Today, it is my pleasure to join the Department of Veterans Affairs and the countless veterans and their families that Alice McCue has helped over the years, in thanking her for her exemplary service and commitment.●

MESSAGE FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2815. An act to present a congressional gold medal to astronauts Neil A. Armstrong, Buzz Aldrin, and Michael Collins, the crew of Apollo 11.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend,

Indiana, as the "John Brademas Post Office."

H.R. 3859. An act to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

H.R. 4201. An act to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

H.R. 4601. An act to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2815. An act to present a congressional gold medal to astronauts Neil A. Armstrong, Buzz Aldrin, and Michael Collins, the crew of Apollo 11; to the Committee on Banking, Housing and Urban Affairs.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office"; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9298. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans' Affairs, transmitting a draft of proposed legislation entitled "The Enhance Veterans' Education Benefits Act of 2000"; to the Committee on Veterans' Affairs.

EC-9299. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go report 507 dated June 8, 2000; to the Committee on the Budget.

EC-9300. A communication from the Deputy Secretary of Housing and Urban Development, transmitting the HUD Management Reform Plan Progress Review and Accomplishments report entitled "Promises Made—Promises Kept"; to the Committee on Banking, Housing, and Urban Affairs.

EC-9301. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia; to the Committee on Energy and Natural Resources.

EC-9302. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting pursuant to law, the report of a rule entitled "Rules and Regulations for the Allocation of Fiduciary Responsibility, Federal Retirement Thrift Investment Board" (RIN 1210-AA79) received on June 1, 2000; to the Committee on Governmental Affairs.

EC-9303. A communication from the Director of Defense Research and Engineering,

transmitting pursuant to law, a report relative to the Science and Technology budget; to the Committee on Armed Services.

EC-9304. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting pursuant to law, the report of a rule entitled "DOE Limited Standard; Hazard Analysis Reports for Nuclear Explosive Operations" (DOE-DP-STD-3016-99) received on June 16, 2000; to the Committee on Armed Services.

EC-9305. A communication from the Secretary of Energy, transmitting a request for a revision to the fiscal year 2001 budget submission for the DOE Office of Science; to the Committee on Appropriations.

EC-9306. A communication from the Secretary of Energy, transmitting a request for a revision to the fiscal year 2001 budget for the Savannah River Site; to the Committee on Appropriations.

EC-9307. A communication from the Acting Commandant of the Coast Guard, Department of Transportation, transmitting, pursuant to law, a report relative to substances to be classified as oils; to the Committee on Environment and Public Works.

EC-9308. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Direct Rule for the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act Amendments" (FRL 6715-4) received on June 19, 2000; to the Committee on Environment and Public Works.

EC-9309. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Non-reactor Nuclear Safety Design Criteria and Explosives Safety Criteria Guide for Use With DOE 0-420.1, Facility Safety" (DOE-G420.1-1) received on June 14, 2000; to the Committee on Environment and Public Works.

EC-9310. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guide for the Mitigation of Natural Phenomena Hazards for DOE Nuclear Facilities and Non-nuclear Facilities" (DOE-G420.1-2) received on June 14, 2000; to the Committee on Environment and Public Works.

EC-9311. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Standard; Hazard Categorization and Accident Analysis Technique for Compliance with DOE Order 5488.23, Nuclear Safety Analysis Reports" (DOE-STD-1027-12) received on June 14, 2000; to the Committee on Environment and Public Works.

EC-9312. A communication from the General Attorney, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Jacob K. Javits Gifted and Talented Education Program: National Research and Development Center—Notice of Final Priority" received on June 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9313. A communication from the Deputy Executive Secretary of the Department of Health and Human Services (Health Resources and Services Administration), transmitting, pursuant to law, the report of the rule entitled "Interim Final Rule for the Ricky Ray Hemophilia Relief Fund Program" (RIN 0906-AA56) received on June 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9314. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Obstetrical and Gynecological Devices; Classification of Female Condoms" (RIN 99N-1309) received on May 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9315. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (RIN 00F-0813) received on June 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9316. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (RIN 00F-0786); to the Committee on Health, Education, Labor, and Pensions.

EC-9317. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sterility Requirement for Aqueous-Based Drug Products for Oral Inhalation" (RIN0910-AA88) received on June 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9318. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Investigational New Drug Applications; Amendment to Clinical Hold Regulations for Products Intended for Life-Threatening Diseases and Conditions" (RIN0910-AA84) received on June 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9319. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast" (RIN98F-0916) received on June 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9320. A communication from Director of Regulations Policy and Management Staff, Federal Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "General Hospital and Personal Use Devices; Classification of Liquid Chemical Sterilants/High Level Disinfectants and General Purpose Disinfectants" (RIN98N-0786) received on June 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9321. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled

"Workforce Investment Act" (RIN1205-AB20) received on May 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9322. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Birth and Adoption Unemployment Compensation" (RIN1205-AB21) received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9323. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "The State Vocational Rehabilitation Services Program (Evaluation Standards and Performance Indicators)" (RIN1820-AB14) received on May 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9324. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "NIDRR-Assistive Technology Act Technical Assistance Program" (RIN84.224) received on May 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9325. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Safe and Drug-Free Schools and Communities National Program Federal Activities—The Challenge Newsletter" received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9326. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Safe and Drug-Free Schools and Communities National Program Federal Activities—Alcohol and Other Drug Prevention Models on College Campuses Grant Competition" received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9327. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Safe and Drug-Free Schools and Communities National Program Federal Activities—Middle School Drug Prevention and School Safety Program Coordinators Grant Competition" received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9328. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Safe and Drug-Free Schools and Communities National Program Federal Activities—Grant Competition to Prevent High-Risk Drinking and Violent Behavior Among College Students" received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9329. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Safe and Drug-Free Schools and Communities National Program Federal Ac-

tivities—Effective Alternative Strategies: Grant Competition to Reduce Student Suspensions and Expulsions and Ensure Educational Progress of Students Who Are Suspended or Expelled" received on June 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 642: A bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building".

H.R. 643: A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building".

H.R. 1666: A bill to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office".

H.R. 2307: A bill to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building".

H.R. 2357: A bill to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office".

H.R. 2460: A bill to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office".

H.R. 2591: A bill to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office".

H.R. 2952: A bill to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station".

H.R. 3018: A bill to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office".

H.R. 3699: A bill to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building".

H.R. 3701: A bill to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building".

H.R. 4241: A bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building".

S. 2043: A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 2759. A bill to amend the Illinois Land Conservation Act of 1995 to provide for the use of certain fees and receipts collected under that Act for public schools and public roads in the vicinity of Midewin National Tallgrass Prairie, Illinois; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2760. A bill to clarify the authority of the Secretary of Agriculture to establish performance standards for the reduction of microbiological pathogens in meat and poultry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2761. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and to provide administrative subpoena authority; to the Committee on the Judiciary.

By Mr. DODD:

S. 2762. A bill to establish SHARE Net grants to support the development of a comprehensive, accessible, high-technology infrastructure of educational and cultural resources for nonprofit institutions, individuals, and others for educational purposes through a systematic effort to coordinate, link and enhance, through technology, existing specialized resources and expertise in public and private cultural and educational institutions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 2763. A bill to amend the Food Security Act of 1985 to permit owners and operators to use certain practices to meet the requirement for establishing approved vegetative cover on highly erodible cropland subject to conservation reserve contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. MURRAY, Ms. COLLINS, Mr. ROCKEFELLER, Mr. BURNS, Mr. DURBIN, Mr. COCHRAN, Mr. KERRY, Mr. VOINOVICH, Mr. CLELAND, Mr. SARBANES, Mr. BAUCUS, Mrs. BOXER, Mr. LIEBERMAN, and Mr. BREAUX):

S. 2764. A bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2765. A bill to amend the securities laws to provide for regulatory parity for single stock futures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2760. A bill to clarify the authority of the Secretary of Agriculture to establish performance standards for the reduction of microbiological pathogens in meat and poultry; to the Committee on Agriculture, Nutrition, and Forestry.

MICROBIOLOGICAL PERFORMANCE STANDARDS CLARIFICATION ACT OF 2000

Mr. HARKIN. Mr. President, today I am introducing the Microbiological

Performance Standards Clarification Act of 2000. Passage of this bill is vital because on May 25th, the District Court of the Northern District of Texas struck down the U.S. Department of Agriculture's (USDA) authority to enforce its Microbiological Performance Standard for Salmonella. The District Court's decision in *Supreme Beef v. USDA* (Supreme) seriously undermines the sweeping food safety changes adopted by USDA in its 1996 Hazard Analysis Critical Control Point and Pathogen Reduction (HACCP) rule.

The District Court's decision in *Supreme* says that USDA does not have the authority to enforce Microbiological Performance Standards for reducing viral and bacterial pathogens.

The Pathogen Reduction Rule recognized that bacterial and viral pathogens were the foremost food safety threat in America, responsible for 5,000 deaths and 33 million illnesses. To address the threat of foodborne illness, USDA developed a modern inspection system based on two fundamental principles.

The first was that industry has the primary responsibility to determine how to produce the safest products possible. Industry had to examine their plants and determine how to control contamination at every step of the food production process, from the moment a product arrives at their door until the moment it leaves their plant.

The second, even more crucial principle was that plants nationwide must reduce levels of dangerous pathogens in meat and poultry products. To ensure the new inspection system accomplished this, USDA developed Microbiological Performance Standards. These standards provide targets for reducing pathogens and require all USDA-inspected facilities to meet them. Facilities failing to meet a standard are shut down until they create a corrective action plan to meet the standard.

To date, USDA has only issued one Microbiological Performance Standard, for Salmonella. The vast majority of plants in the U.S. have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. The Salmonella standard, therefore, has been successful. The District Court's decision threatens to destroy this success and set our food safety system back years.

Congress cannot let a court's unfortunate misinterpretation of USDA's authority undermine our efforts to provide the safest food possible and the strongest food safety system available. Whatever the ultimate outcome of the *Supreme Beef* case, it is intolerable to have so much uncertainty about USDA's authority to enforce food safety regulations. The public should not have to worry about whether the prod-

ucts on their table have met food safety standards. This legislation provides the necessary clarification and assurance that if a product bears the USDA stamp of approval, it has met all of USDA's food safety requirements.

I plan to seek every opportunity to get this language enacted. I think it is essential, both to ensuring the modernization of our food safety system, and ensuring consumers that we are making progress in reducing dangerous pathogens.

I hope that both parties, and both houses of Congress will be able to act to pass this legislation before the July 4th weekend. The public's confidence in our meat and poultry inspection system is at stake.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2761. A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and to provide administrative subpoena authority; to the Committee on the Judiciary.

CAPTURING CRIMINALS ACT OF 2000

Mr. LEAHY. Mr. President, as a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt courts order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens. We must do better. The Leahy-Kohl "Capturing Criminals Act of 2000," which I introduce today, will provide additional tools and resources to our federal law enforcement agencies to pursue and capture fugitive felons on both federal and state charges.

Our federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces

exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

The Capturing Criminals Act would help our law enforcement agencies keep the pressure on fugitives by authorizing the Attorney General to establish regional Fugitive Apprehension Task Forces, to be coordinated by the United States Marshals Service; authorizing administrative subpoenas for use in obtaining records relevant to finding federal and state fugitives; and, finally, requesting a comprehensive report on the administrative subpoena authorities held by federal agencies, which vary in scope, enforcement and privacy safeguards.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Nonetheless, unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a disturbing gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. § 1651(a), which authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." The procedures, however, for obtaining orders under this Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions.

Thus, authorizing administrative subpoena power will help bridge the gap in fugitive investigations to allow federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts. The Leahy-Kohl

Capturing Criminals Act makes clear that the approval of a court remains necessary to obtain an order for non-disclosure of the subpoena and production of the requested records to the subscriber or customer to whom the records pertain.

I am certainly not alone in recognizing the problem this nation has with fugitives from justice. Senators THURMOND and BIDEN have introduced the "Fugitive Apprehension Act," S. 2516, specifically to address the difficulties facing law enforcement in this area. I commend both my colleagues for their leadership. While I agree with the general purposes of S. 2516, aspects of that bill would be problematic. I look forward to working with my colleagues on the Judiciary Committee to resolve the differences in our bills.

Without detailing all of the differences in the bills, let me provide some examples. As introduced, S. 2516 would limit use of an administrative subpoena to those fugitives who have been "indicted," which fails to address the fact that fugitives flee after arrest on the basis of a "complaint" and may flee after the prosecutor has filed an "information" in lieu of an indictment. The Leahy-Kohl "Capturing Criminals Act," by contrast, would allow use of such subpoenas to track fugitives who have been accused in a "complaint, information or indictment."

In addition, S. 2516 requires the U.S. Marshal Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. In my view, while a reporting requirement is useful, the requirement as described in S. 2516 is overly burdensome and insufficiently specific. The Leahy-Kohl "Capturing Criminals Act" would require the Attorney General to report for the next three years to the Judiciary Committees of both the House and Senate with the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Although S. 2516 outlines the procedures for enforcement of an administrative subpoena, it is silent on the mechanisms for both contesting the subpoena by the recipient and for delaying notice to the person about whom the record pertains. The Leahy-Kohl "Capturing Criminals Act" expressly addresses these issues.

This legislation will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system. I look forward to working with

my colleagues to ensure swift passage of this legislation.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Capturing Criminals Act of 2000".

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General is authorized to establish, upon consultation with the Secretary of the Treasury and appropriate law enforcement officials in the States, Fugitive Apprehension Task Forces, consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be coordinated by the Director of the United States Marshals Service, for the purpose of locating and apprehending fugitives, as defined by section 1075 of title 18, United States Code, as added by this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out the provisions of this section \$20,000,000 for fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) OTHER FEDERAL AND STATE LAW.—Nothing in this section shall be construed to limit the authority under any other provision of Federal or State law to locate or apprehend a fugitive.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

"(a) DEFINITIONS.—In this section—

"(1) the term 'fugitive' means a person who—

"(A) having been accused by complaint, information or indictment, or having been convicted of committing, a felony under Federal law, flees from or evades (or attempts to flee from or evade) the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information or indictment, or having been convicted of committing, a felony under State law, flees from or evades (or attempts to flee from or evade) the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information or indictment, or convicted, of committing a felony under Federal or State law; or

"(D) is in violation of paragraph (2) or (3) of the first undesignated paragraph of section 1073;

"(2) the term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded (or attempted to flee from or evade) the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to

assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction under section 1075; and

"(3) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) SCOPE.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based upon articulable facts, are relevant to discerning the fugitive's whereabouts. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.

"(c) JURISDICTION.—The attendance of witnesses and the production of records may be required from any place in any State or any other place subject to the jurisdiction of the United States at any designated place where the witness is served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(d) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation, a partnership, or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the agent of service shall be proof of service.

"(e) ENFORCEMENT.—

"(1) NONCOMPLIANCE.—In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered. Any failure to obey the order of the court may be punishable by the court as contempt thereof. All process in any such case may be served in any judicial district in which the person may be found.

"(2) RIGHTS OF A SUBPOENA RECIPIENT.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

"(A) the terms of the subpoena are unreasonable or unnecessary;

“(B) the subpoena fails to meet the requirements of this section; or

“(C) the subpoena violates the constitutional rights or any other legal right or privilege of the subpoenaed party.

“(3) TIME FOR RESPONSE.—The time allowed for compliance with a subpoena in whole or in part shall be suspended during the pendency of a petition filed under paragraph (2). Such petition shall specify the grounds upon which the petitioner relies in seeking relief.

“(f) DELAYED NOTICE.—

“(1) IN GENERAL.—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General may—

“(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

“(B) apply to a court, in accordance with section 2705(b) of this title, for an order commanding the provider of electronic communication service or remote computing service not to notify any other person of the existence of the subpoena or court order.

“(2) SUBPOENAS FOR FINANCIAL RECORDS.—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409) for an order to delay customer notice as otherwise required.

“(3) NONDISCLOSURE REQUIREMENTS.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate. The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

“(A) endangering the life or physical safety of an individual;

“(B) flight from prosecution;

“(C) destruction of or tampering with evidence;

“(D) intimidation of potential witnesses; or

“(E) otherwise seriously jeopardizing an investigation or undue delay of a trial.

“(g) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.

“(h) DELEGATION.—The Attorney General and the Secretary of the Treasury shall issue guidelines governing the issuance of administrative subpoenas. Such guidelines shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the Department of Justice and the Department of the Treasury.

“(i) REPORT.—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and

identification of the agency issuing the subpoena and imposing the charges. This reporting requirement shall terminate in 3 years after enactment.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”.

SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

By Mr. DODD:

S. 2762. A bill to establish SHARE Net grants to support the development of a comprehensive, accessible, high-technology infrastructure of educational and cultural resources for nonprofit institutions, individuals, and others for educational purposes through a systematic effort to coordinate, link and enhance, through technology, existing specialized resources and expertise in public and private cultural and educational institutions; to the Committee on Health, Education, Labor, and Pensions.

SAVING HUMANITIES, ARTS, AND RESOURCES FOR EDUCATION NETWORKING ACT OF 2000 (SHARE NET ACT)

Mr. DODD. Mr. President, I rise today to introduce legislation which will help light the way to a stronger educational system with broader reach and deeper substance—the SHARE Net (Saving Humanities, Arts, and Resources for Education Networking) Act of 2000.

Education is not just about schools and colleges. Education is everything from our very first breath as infants to our last days. We learn at work, at school, at home and in our cars. We learn from the people around us, from books, newspapers, artwork, radio and television, and, more and more, we learn from the Internet and computers.

Our Nation has been rich in learning and education. We have an impressive system of public education, with fundamentally strong public schools—yes, some need help, but they continue to reach all children and open the doors of learning to over 50 million children

each year. The strength of our post-secondary education system is unmatched in the world with an estimated 80 percent of our high school graduates going on to some post-secondary education. We have public libraries across the country that contribute the building blocks of lifelong learning with educational programs and access to books and other educational resources for the public—from the youngest to the oldest. We enjoy significant cultural institutions—museums, art galleries and other centers—that allow us to explore and continue to learn.

This infrastructure of learning has not been achieved without significant effort. From our very first days, leading Americans have dedicated time and resources to developing schools, universities and other institutions of learning. Thomas Jefferson viewed the creation of the University of Virginia as one of his greatest accomplishments. Other Americans are well known for their passion and vision for learning—from Helen Keller to the Little Rock 9.

There have been many here in Congress too who have lead on education issues. We tend to remember the more recent steps—the creation of the Pell Grant program or Head Start. But in fact, our commitment and involvement in these issues began much earlier. I believe one of these most significant, and overlooked, initiatives was the Morrill Acts of 1862 and 1890. These initiatives brought about a sea-change in our Nation's educational system by allocating the proceeds from the sale of federally-held western lands to states for the creation of practical, accessible Land Grant Colleges and Universities. These Land-Grant institutions sparked a revolution in higher education, which had been solely the purview of the wealthy and privileged; Land-Grant institutions focused on reaching real people with helpful knowledge. They focused on agriculture, teaching and research into other practical areas—they encouraged and facilitated broader participation in post-secondary education with low costs and continuing education programs.

Today, Land Grant colleges and universities continue to fulfill their original missions of research, outreach and teaching. They have grown to be the very backbone of post-secondary education—providing access to quality, affordable higher education. These institutions have also emerged as leaders in advanced research—a vital link in our national economy and one of the keys to our global competitiveness.

Morrill's vision was not only hugely successful, it was also simple—leverage public assets to transform education. Mr. President, I believe another such opportunity confronts us today as rapidly-developing technology offers new potential to expand the reach of education.

The 1996 Telecommunications Act and Balanced Budget Act of 1997 established a framework for the transition from analog to digital television and for the auction of publically-owned analog spectrum. This auction is expected to produce nearly \$6 billion in federal revenue; some believe the figure to be as much as \$18 billion. This valuable publically-owned asset is today's equivalent of the frontier lands of a century ago.

These resources should be tapped to fund the further development of our educational system by utilizing today's technologies to expand the reach and impact of existing high-quality educational and community resources. Advanced Internet, digital spectrum and other telecommunications technologies offer new untapped potential to increase the quality and reach of educational resources.

And the educational resources are abundant in our communities. What is needed is a systematic effort to link these resources, enhance their accessibility and broaden their content. My bill would do just this. It would support the work of local and regional partnerships of educational and cultural organizations. These partnerships would survey existing resources, identify and fill gaps, link these resources together through technology and broaden access to them and, ultimately, develop a comprehensive, accessible high-tech educational infrastructure to benefit all Americans.

Mr. President, there is no question our educational system is strong. But it cannot be neglected. So let's learn from the past success of the Morrill Acts and invest today's public resources in our greatest asset and the very foundation of our future: education.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. MURRAY, Ms. COLLINS, Mr. ROCKEFELLER, Mr. BURNS, Mr. DURBIN, Mr. COCHRAN, Mr. KERRY, Mr. VOINOVICH, Mr. CLELAND, Mr. SARBANES, Mr. BAUCUS, Mrs. BOXER, Mr. LIEBERMAN, and Mr. BREAU):

S. 2764. A bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such acts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL AND COMMUNITY SERVICE
AMENDMENTS ACT OF 2000

• Mr. KENNEDY. Mr. President, I am pleased today to introduce a bill to reauthorize the Corporation for National Service, along with 25 co-sponsors from both sides of the aisle.

In 1993 Congress created the Corporation for National Service to enhance opportunities for all Americans to participate in contributing to their communities by actively engaging in local service programs. Community service should not be an option only for those who can afford to perform an important job without pay. It should be an opportunity for everyone. Every week, I have the privilege of reading with a third grade student in Washington, and I have seen her make very impressive progress during the last three years. I know first-hand that those who engage in community service gain as much as they give when they participate.

The Corporation for National Service is expanding these opportunities for service by offering stipends and education awards to AmeriCorps members, and stipends to senior volunteers. It also offers professional development opportunities to teachers and identified leader schools, who will mentor other schools interested in beginning to pursue service learning. In the last five years, 150,000 adults have given a year of service to communities across the country as AmeriCorps members. 500,000 senior citizens each year provide service to their communities in Foster Grandparent Programs, Senior Companion Programs, and the Retired Senior Volunteer Corps. In addition, over 1 million school children each year participate in service learning programs.

The national service movement has also encouraged businesses to become actively involved in improving their communities. Local business leaders have stepped up to the plate to sponsor service corps programs, to offer technical support for existing programs, and to use community service as a way to work with local schools.

As Robert Kennedy said, in words that became the hallmark of his life, "Some people see things as they are and say why. I dream things that never were, and say why not?" Because of community service, more and more citizens are asking that question every day in communities across the country.

In Massachusetts, under the leadership of Maureen Curley and her talented Board of Directors, the Massachusetts Service Alliance has helped citizens to act against the injustices that they see around them. From City Year and Peace Games in Boston to Greenfield READS and the Barnstable Land Trust, they have created new opportunities to tutor, to provide useful information on health care, to fight domestic violence, to help senior citizens live independent lives, and to repair and revitalize their communities in many other ways. They have found that many citizens in their communities are eager to be involved and to stay involved, and they have been successful in creating large numbers of opportunities for that involvement. Last

year, 180,000 citizens contributed 3.5 million hours of service in 140 communities across the state. Programs such as City Year, which began as a dream of Michael Brown and Alan Khazei in Boston, has a program in 13 sites across the country, engaging over 2,000 Corps members in service. We will welcome their newest site here in Washington in September.

This bipartisan bill that we offer today will allow these programs to continue to grow and enable many more Americans to participate in improving their communities and building a stronger America.

Our former colleague, Dan Coats, has written an eloquent article in support of AmeriCorps. The article appeared in today's edition of *The Hill*, and I ask unanimous consent that it be made a part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From *The Hill*, June 21, 2000]

WHY I CHANGED MY MIND ABOUT AMERICORPS
(By Dan Coats)

When I was in the Senate, I did not support the legislation that created AmeriCorps because of my fundamental belief in private voluntary service and my skepticism about government-based solutions. I thought that government supported volunteers would undermine the spirit of voluntary service and that new federal resources might subvert the mission and the independence of the civic sector.

My faith in the civic sector has not diminished one bit; in fact, it is stronger today than ever before. However, I have changed my mind about AmeriCorps. Instead of distorting the mission of the civic sector, AmeriCorps has proved to be a source of new power and energy for nonprofit organizations across the country.

My changed view about AmeriCorps is in no small measure because of the leadership that Harris Wofford, my Democratic former Senate colleague from Pennsylvania, has given to that program. Wofford and I did not vote on the same side very often in the Senate, and we still differ on many issues. But his leadership of AmeriCorps has convinced me that I should have voted with him on this issue.

First, thanks to Wofford's steadfast commitment to place national service above partisanship, AmeriCorps has not become the political program that some of us initially feared. Second, he shares my belief that the solutions to some of our most intractable problems lie in the civic sector. Accordingly, he has set AmeriCorps to the work of support, not supplanting, the civic sector.

I have seen firsthand how AmeriCorps members have provided a jolt of new energy to the civic sector from my experience as president of Big Brothers Big Sisters of America. As Millard Fuller, founder of Habitat for Humanity and another former skeptic of government-supported volunteers, also discovered, the leadership provided by full-time AmeriCorps members is a key addition for nonprofit and faith-based organizations that are tackling the most difficult community and human problems.

AmeriCorps members, through their idealism, enthusiasm and can-do spirit, have multiplied the impact of organizations like Big

Brothers Big Sisters and Habitat, and hundreds of other organizations large and small. The number of Republicans who have changed their mind about AmeriCorps continues to grow.

In the last year, Sens. John McCain (R-Ariz.) and Mike DeWine (R-Ohio) and Rep. John Kasich (R-Ohio) have spoken out about the positive role AmeriCorps plays in strengthening the civic sector. Together, we join a growing bipartisan list of present and former federal and state legislators, governors and civic leaders in support of AmeriCorps.

Their support is part of a quiet, yet remarkable, transformation in American politics that has occurred since the white-hot debate that took place a few years ago between those who believed that government should take the lead in solving community problems and those who thought government could accomplish little or nothing, and was even likely to be a negative force.

Now, as evidenced by both major party presidential candidates and by growing bipartisan support in Congress, a new middle ground has emerged, leading to a unique partnership between AmeriCorps, the non-profit organizations and private and religious institutions that are critical to strengthening our communities. It is these institutions that transmit values between generations that encourage cooperation between citizens, and make our communities stronger.

In a recent speech to the nation's governors, retired Gen. Colin Powell declared himself "a strong supporter of AmeriCorps." After spending two years working with the organization, Powell concluded "[W]hat they do in terms of leveraging other individuals to volunteer is really incredible. So it is a tremendous investment in your people, a tremendous investment in the future. . . ."

Later this month, a bipartisan coalition in the Senate will introduce legislation to reauthorize AmeriCorps and its parent agency, the Corporation for National Service. I hope that Congress will move quickly to enact this legislation so that AmeriCorps can continue to work with the nonprofit and faith-based sectors to strengthen our communities and build a better future for us all.●

● Mr. DODD. Mr. President, I am pleased to rise this today as an original cosponsor of the National and Community Service Act of 2000 and urge my colleagues to join me in supporting the reauthorization of the Corporation for National Service through this legislation.

While Americans often wonder what, exactly, it is that the numerous agencies and commissions scattered around town do, it is quite clear what the Corporation for National Service does. It's members tutor and mentor at-risk youth. They build affordable housing and clean up the Nation's rivers, streams and parks. They help seniors live independent and productive lives. They provide assistance to the victims of natural disasters. And perhaps most importantly, they train others to do all of these tasks and dozens more—leveraging their numbers, multiplying their effect, addressing countless community needs. These are important tasks. They empower our citizens. They build our communities. They renew our country. That is what the

Corporation for National Service does in my view—provide a true national service to the citizens of this country.

The Corporation for National Service is one of the most impressive success stories in recent memory. The numbers are simply remarkable. Take the AmeriCorps initiative for example. Since it's inception in 1993, more than 150,000 Americans have served or are currently serving as AmeriCorps members. They have provided much-needed assistance to 33 million of their neighbors in more than 4,000 communities.

Specifically, AmeriCorps members have helped nearly 3 million children succeed in school through tutoring and mentoring initiatives. They have worked with the police and other community organizations to safeguard our neighborhoods—establishing, operating and expanding over 40,000 safety patrols and working with 600,000 at-risk youth in after-school programs. AmeriCorps members have improved the daily lives of Americans by building or rehabilitating over 25,000 homes, working with 340,000 people to find jobs, and providing food, clothing and other necessities to over 2.5 million homeless people. With regard to our natural environment, AmeriCorps members have planted over 50 million trees and removed 70,000 tons of trash from our neighborhoods. And when I talk about the leverage created through AmeriCorps members recruiting and training others, I am talking about nearly two million volunteers brought to bear on locally generated programs because of the efforts of AmeriCorps members.

The National Senior Service Corps has been another resounding success. What Tom Brokaw has dubbed "The Greatest Generation" is still ready to meet the needs of their communities and they have been energized by the Corporation for National Service. With over 25,000 Foster Grandparents, 15,000 Senior companions and 467,000 Retired and Senior Volunteer Program members, nearly 250,000 children—including, 58,000 with learning disabilities or suffering from abuse and neglect—have been given an invaluable source of loving care. Sixty-two thousand older Americans in need of a little extra help have been paired with Senior Corps members to make daily life more manageable. These Senior Corps members provide a critical bridge to independence for these seniors. Whether by helping with the daily tasks or simply being a friendly companion, these Senior Corps members are making a huge difference.

Learn and Serve, yet another initiative of the Corporation for National Service, has served more than 1.5 million students in kindergarten through college and helped them apply academic skills to meet community needs.

It is an admirable track record of accomplishment, Mr. President. One that

according to recent study returns \$1.66 to the community for every dollar invested.

While compiling the numbers, however, we often forget the impact this program has on those who dedicate themselves as volunteers. But we must not forget the impact that service has on those who give of themselves—their time and their energy—to make a difference. The personal satisfaction one receives from working for others is a feeling I can speak about personally. Long before AmeriCorps was a reality, I was Peace Corps volunteer in a small town in the Dominican Republic. But whether it is in the Dominican Republic or in my home state of Connecticut—or any state across this nation—there are many small towns that need help sustaining their educational system or providing health care to their neighbors or maintaining their environment or any number of areas. And an honest day's work on behalf of those efforts translates in any language. It is a source of tremendous satisfaction and pride. These are emotions that drive participants in either the PeaceCorps abroad or AmeriCorps here at home, to continue to work and continue to build their communities, something that can't be quantified.

There is also a real period of personal learning that AmeriCorps members go through. A study by Aguirre International determined that "participation in AmeriCorps results in substantial gains in life skills for more than three-quarters of the members" who participate. When we talk about life skills here, we are talking about communications skills, interpersonal skills, analytical problem-solving, organizational skill and using information technology. These are necessary skills for the 21st century. AmeriCorps members take these skills with them after their term of service, back to employers who want them, back to communities who need them.

The Corporation for National Service awakens in its members a strong ethic of civil responsibility and a lifelong desire to serve. By immersing its members in local, state and national issues, and asking them to address and interact with these issues, the Corporation for National Service is a catalyst for civic participation. And regardless of which side of the aisle you sit on, I think we can all agree that an active and involved constituency is what we all hope for.

Across the range of initiatives that I have touched upon today, are a couple of common themes. Primarily, these efforts are initiated from the ground-up. These programs were not crafted by Senators or Congressmen or someone employed here in Washington, they are generated by people within the community they serve and administered at the state level. That allows these programs the flexibility to take advantage

of the individual strengths of each community and as a result, better address their needs.

Secondly, these programs harness what we all know is the true strength of America, it's citizens. The corporation for National Service is channeling a constant flow of human energy, ingenuity, and talent into the states and communities of our country. The Corporation partners with organizations that have a proven track record to provide the necessary human resource to grow and expand these already successful programs. It is a model that works. It is an idea that has captured the imagination and harnessed the energy of this Nation. It is our responsibility to ensure that it continues.

The legislation we offer today will ensure that the Corporation for National Service continues through 2005. It retains the successful structure of the system that has been so effective over the last seven years, but makes allowances for a few improvements in the overall program, including a more responsive effort to ensure an increased participation by people with disabilities and a recognition that Indian tribes are qualified organizations to receive grants. This is a good bill. I hope we can work with our colleagues in the House to ensure that legislation reauthorizing the Corporation for National Service is passed by both houses and sent to the president for signature this year.●

● Mr. JEFFORDS. Mr. President, I am pleased to join a number of my colleagues in introducing the National and Community Service Amendments Act of 2000. This legislation will reauthorize the National and Community Service Act and the Domestic Volunteer Service Act.

The idea of the Federal government becoming a partner in community service originated with President Franklin Roosevelt's creation of the Civilian Conservation Corps. It was continued with President Kennedy's development of the Peace Corps and President Johnson's VISTA initiative. President Nixon contributed to the community service movement by expanding senior volunteer programs. In the 1990s, both a republican president and a democratic president strengthened the community service structure. President Bush established the Points of Light Foundation and President Clinton created the Corporation for National Service. The Corporation for National Service not only incorporated the community service programs previously established, but also created AmeriCorps.

Since AmeriCorps began more than six years ago, over 40,000 individual have become AmeriCorps members, serving local and national organizations. Recently, the Senate Committee on Health, Education, Labor, and Pensions, which I chair, held a hearing regarding the reauthorization of the Na-

tional and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. One of the witnesses who testified was Emily Zollo, an AmeriCorps member from Cabot, Vermont. Emily serves with the Northeast Kingdom Initiative AmeriCorps Program in Lyndonville, Vermont. Her assignment involves the Cobligh Public Library in Lyndonville where she works with the "Books on Wheels" bookmobile program. Emily drives the bookmobile and as she eloquently stated, "brings books and stories to seven rural villages and towns that vary in population from 350-5,000 residents." Emily Zollo eloquently summed up her AmeriCorps experience by stating: "Although the best part of my AmeriCorps experience has been meeting with kids at the various stops, learning how they see the world and introducing them to books which help them see a wider world, I have also learned some better ways to work and serve in the community. I feel that service has become a part of me and will be incorporated into my life and career. It's great to feel good about what you do, knowing you are making a difference in your community."

Other community service programs include Learn and Serve America which provides assistance to over one million students from kindergarten through college who participate in community service activities that are aligned with the students' academic programs. In my home State of Vermont, Learn and Serve is making a difference in a number of elementary and secondary schools, including vocational technical educational centers. Another service program, the National Senior Service Corps, serves nearly half a million Americans, age fifty-five and older, who use their talents as Foster Grandparents, serving as mentors to young people with special needs. In addition, the Senior Companions program helps other seniors live independently. Retired and Senior Volunteer Program members provide an array of services for unmet community needs. The senior programs are very essential to rural communities. In Springfield, Vermont, the Windsor County Retired and Senior Volunteer Program provides services to isolated seniors and persons with disabilities.

A key aspect of the National and Community Service Act is the State Commissions. The State Commissions decide which programs are to be funded, recruit volunteers, and evaluate and disseminate information about community and domestic service opportunities. The important role of States was also discussed at the hearing by several witnesses who represented various regions of the country. We heard about the positive impact of organizing service activities in a small rural State from Jane Williams, the executive director of the

Vermont Commission on National and Community Service. Under Jane's leadership, the Vermont commission has been instrumental in getting 10,000 Vermonters of all ages and backgrounds involved in 31 community service projects. Governor Marc Racicot of Montana gave an excellent presentation regarding the importance of community service in "building unique partnerships between public and private agencies by engaging particularly young people in service to their communities."

Community service is not a democrat, republican, or independent issue—it's an ideal—an ideal that is central to the philosophy of America—neighbor helping neighbor. It is in that spirit that I am pleased to be a cosponsor of the National and Community Service Amendments Act of 2000.●

● Mr. ROCKEFELLER. Mr. President, today Senator KENNEDY and a bipartisan coalition are introducing the National and Community Service Amendments Act of 2000 to strengthen this program of community service throughout our country. I am proud to be an original cosponsor of this bill because I know how public service has enriched my life. As elected representatives, we are entrusted with preserving the strong democracy and just society that our founders envisioned. The programs supported by this legislation, such as AmeriCorps, extend the opportunity to young people to do something for others.

While working in the Peace Corps, at an Asian desk, I was motivated to accept the challenge made by president Kennedy and I joined VISTA. Through VISTA, I came to West Virginia and a "coal camp," a small, struggling town called Emmons. Working to improve life in Emmons was not easy. But after a lot of effort, I was able to both make friends and work to make some kind of difference. We pulled down an abandoned school house in southern West Virginia and hauled the boards back to Emmons, where we built a community center. We brought a mobile health van for women to get Pap smears for the first time. And we waged a long, hard fight to get the school bus to stop close enough so the teenagers did not have to drop out of school just because the transportation to high school did not exist. Those two years in Emmons, and the experiences gained there, changed me forever. I stayed in West Virginia and chose to make public service my career.

When President Clinton chose to unveil a new domestic civil-service program in 1993, I was proud to stand by him as he announced the creation of AmeriCorps in Princeton, New Jersey. AmeriCorps is an exciting program promoting community service, like VISTA. Under AmeriCorps, members invest their time in community service and earn educational awards that help

finance college or pay back student loans.

Since its inception just a few years ago, AmeriCorps has renewed community service across our nation with a network of programs designed to meet the specific needs of an area. In West Virginia, AmeriCorps has established more than a half dozen programs that help children learn how to read, provide them with caring mentors, and promote healthy lifestyles.

In highlighting a few of these programs, I must begin with the AmeriCorps Promise Fellows. These individuals service eighteen West Virginia counties, striving to mobilize communities to provide children with resources critical to their development. In the same way that I helped the community of Emmons build a center where young people could learn and play, AmeriCorps Promise Fellows work to establish safe places and structured activities in their local areas. Another program, Energy Express, provides balanced meals, an environment that abounds with literature, and the attention of mentors to school-aged children during the summer months. I visited the Energy Express site in Pineville, West Virginia, and read to children there. AmeriCorps programs also aid adult members of the community, as evidenced by the success of Project MOVE in west-central West Virginia that strives to move people from welfare to work. After the first year, the heads of households in twenty families had become employed and had sustained themselves for more than three months.

These three programs are just a sampling of what AmeriCorps does in a rural state like West Virginia. In more urban areas throughout the country, AmeriCorps has programs that address the unique needs of those cities and their populace.

I place an enormous value on public service, and I know that I gained much from my VISTA experience in Emmons. Continuing AmeriCorps, VISTA and our range of community service programs will enhance the lives of Americans, young and old, who join and enrich our communities.●

ADDITIONAL COSPONSORS

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 708

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 1017

At the request of Mr. MACK, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1443

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1443, a bill to amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of

S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2071

At the request of Mr. GORTON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr.

ROBB) was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased access to health care for medical beneficiaries through telemedicine.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2586

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2586, a bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2612

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2639

At the request of Mr. KENNEDY, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. REID), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Kentucky (Mr. BUNNING) were added as co-

sponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2688

At the request of Mr. INOUE, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2688, a bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2699

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2699, a bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes.

S. 2741

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2741, a bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes.

S. 2742

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

S. 2750

At the request of Mr. REID, the name of the Senator from Nevada (Mr.

BRYAN) was added as a cosponsor of S. 2750, a bill to direct the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada.

S. CON. RES. 124

At the request of Mr. MURKOWSKI, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Con. Res. 124, a concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

S. RES. 254

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Nevada (Mr. REID) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3495

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of amendment No. 3495 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

FEINGOLD AMENDMENT NO. 3497

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 155, line 25, strike "\$25,000,000" and insert "\$50,000,000".

On page 156, line 2, strike "the entire amount" and insert "\$25,000,000".

On page 156, lines 7 and 8, strike "the entire amount" and insert "\$25,000,000".

On page 141, lines 9 and 10, strike "\$934,100,000, to remain available until expended: *Provided,*" and insert "\$909,100,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, not more than \$225,600,000 shall be available for the Push into Southern Colombia, of which amount not less than \$25,000,000 shall be available for resettlement and alternative development activities of the Push into Southern Colombia: *Provided further,*".

HELMS AMENDMENT NO. 3498

Mr. HELMS proposed an amendment to the bill, S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ____ SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA.

(a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosovo war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to the Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to the Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic \$102,000,000 of a \$150,000,000 loan it had reactivated and will sell the Government of Serbia \$32,000,000 of oil despite the fact that the

international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosovo war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosovo.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans,

guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

HARKIN AMENDMENT NO. 3499

Mr. LEAHY (for Mr. HARKIN) proposed an amendment to the bill, S. 2522, *supra*; as follows:

On page 142, on line 5 strike: "*Provided further,* That of the funds made available under this heading, not less than \$5,000,000 shall be made available for administration of demobilizing and rehabilitating activities for child soldiers in Colombia" and insert in lieu thereof: "*Provided further,* That of the amount appropriated under this heading, \$5,000,000 shall be available to the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of child soldiers in Colombia, of which amount \$2,500,000 shall be transferred not later than 30 days after the date of enactment of this Act, and the remaining \$2,500,000 shall be transferred not later than October 30, 2000".

LEAHY AMENDMENTS NOS. 3500–3504

Mr. LEAHY proposed five amendments to the bill, S. 2522, *supra*; as follows:

AMENDMENT No. 3500

On page 145, line 12, after "(b)" and before "DEFINITIONS", insert the following:

"REPORT.—Beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing the following:

"(1) A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

"(2) An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding and abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

"(3) A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

"(4) A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

"(5) An estimate of the number of Colombian civilians displaced as a result of the 'push into southern Colombia,' and actions taken to address the social and economic needs of these people.

"(6) A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia.

"(c)".

AMENDMENT No. 3501

On page 13, line 16, after "vaccines" insert in lieu thereof: "notwithstanding any other provision of law".

On page 13, line 8, delete "41,000,000" and insert in lieu thereof: "\$35,000,000".

On page 13, line 11, delete "\$65,000,000" and insert in lieu thereof: "\$50,000,000".

AMENDMENT No. 3502

On page 57, line 19, delete the following: "Panama,".

AMENDMENT No. 3503

Before the period at the end of the paragraph under the heading "Global Health", insert the following: "Provided Further, That of the funds appropriated under this heading, not less than \$1,200,000 should be made available to assist blind children".

AMENDMENT No. 3504

On page 151, line 10, after "6105" insert "Herbicide Safety.—"

On page 151, line 12, strike "Surgeon General of the United States" and insert in lieu thereof "Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention".

On page 151, line 11, strike "aerial spraying" and insert in lieu thereof "aer".

On page 151, line 18, strike "water or leach in soil" and insert in lieu thereof "ground or surface water".

MCCONNELL AMENDMENTS NOS. 3505-3506

Mr. MCCONNELL proposed two amendments to the bill, S. 2522, supra; as follows:

AMENDMENT No. 3505

On page 38, line 6, strike "\$330,000,000" and insert "\$340,000,000".

AMENDMENT No. 3506

On page 63, on line 9 after the words "SEC. 530." strike all through line 15 and insert the following:

"(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

"(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground to air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life."

MCCONNELL (AND LEAHY) AMENDMENT NOS. 3507-3508

Mr. MCCONNELL (for himself and Mr. LEAHY) proposed two amendments to the bill, S. 2522, supra; as follows:

AMENDMENT No. 3507

At the appropriate place in the bill, insert the following new general provision.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

Sec. . (a) Of the funds made available under the heading "International Financial Institutions" in this or any prior Foreign Operations, Export Financing, or Related Programs Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of Treasury, until the Secretary certifies that—

(1) the institution is implementing procedures for conducting semi-annual audits by qualified independent auditors for all new lending;

(2) the institution has taken steps to establish an independent fraud and corruption investigative organization or office;

(3) the institution has implemented a program to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new lending; and

(4) the institution is taking steps to fund and implement measures to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made to fulfill the objectives identified in Subsection (A)

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development and the International Monetary Fund.

AMENDMENT No. 3508

On page 21, line 21, after the word "organizations" insert, "Provided further, That of the funds made available under this heading for Kosova, not less than \$1,300,000 shall be made available to support the National Albanian American Council's training program for Kosovar women".

GREGG AMENDMENT NO. 3509

Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill, S. 2522, supra; as follows:

On page 21, at the end of Section (c) insert the following: "Provided further, That of the funds appropriated under this heading not less than \$750,000 shall be made available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova".

SHELBY AMENDMENT NO. 3510

Mr. MCCONNELL (for Mr. SHELBY) proposed an amendment to the bill, S. 2522, supra; as follows:

On page 103, beginning on line 13, strike "Committee on Appropriations" and all that follows through "House of Representatives" and insert "Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives".

BAUCUS (AND OTHERS) AMENDMENT NO. 3511

Mr. LEAHY (for Mr. BAUCUS (for himself, Mr. ROBERTS, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. BROWBACK, Mr. HAGEL, Mr. DORGAN, Mrs. MURRAY, and Mr. MURKOWSKI)) proposed an amendment to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

Mr. BAUCUS. Mr. President, I rise today in support of the Baucus-Roberts amendment to include China in the environmental and humanitarian U.S.-Asia Environmental Partnership (USAEP). This program provides an invaluable service to the rapidly developing countries of Asia. Through sharing knowledge and technologies developed to resolve problems with the water, land and sky, the USAEP improves the lives of hundreds of millions of people.

Unfortunately, China has yet to take part in this important program. Our amendment seeks to undo this outdated sanction on Asia's largest and most environmentally sensitive nation.

Let me share a few highlights about the program. First, the USAEP provides trained environmental and commercial specialists that provide business counseling to Asians and Americans. They help to link prospective business partners and identify innovative, cost-effective solutions to sensitive environmental problems.

Making USAEP funds available for U.S.-China Partnerships would benefit both our countries. For example, access to funding for partnerships with China would have a tremendous positive effect on many states such as Montana. These funds would open large markets for environmental services that, for all practical purposes, have been closed to business from the United States.

The Chinese need for environmental services is extreme. China requires

more than \$10 billion in annual investment to combat water pollution, air pollution, municipal and industrial waste, agricultural runoff and protection of natural environments. Much of the expertise required to address these problems will have to come from outside of China.

Montana possesses an outstanding environmental industry with the skills and experience to help China address these problems. Despite the fact that Montana companies have exactly the expertise that China needs to address its environmental problems, Montana companies have been unable to enter the Chinese market. The State government and the companies themselves lack the funding required to develop long-term relationships with appropriate Chinese companies or government officials.

China already has extensive environmental cooperation with Canada, Europe and Japan. Environmental Minister Xie Zhenhua has attributed the relative lack of cooperation between U.S. businesses and China to the low level of U.S. government funding for business development and technology transfer.

This lack of funding for has not only limited U.S. access to Chinese markets for environmental services but it has increased the income disparity between large exporting states and rural states like Montana. California and Washington, states that can afford to promote business development, have seen exports to China grow significantly over the past 5 years. Meanwhile, the incomes of Montanans have experienced a steady decline relative to these richer states.

USAEP funding to support development of U.S.-Chinese business relationships is vital to the growth of Montana's environmental industry. Even modest funding for business development could lead to millions of dollars to the Montana economy. Without a doubt, similar opportunities would be available nationwide.

It's time to do the right thing. The time is ripe for such action, particularly as China prepares to enter the rules-based trading system we know as the World Trade Organizations.

I urge my colleagues to join Senator ROBERTS and me in this important endeavor. Thank you, Mr. President, I yield the floor.

BROWNBACK AMENDMENT NO. 3512

Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ____ EDUCATION AND ANTI-CORRUPTION ASSISTANCE.

Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any provision of law that restricts assistance to foreign coun-

tries, funds made available to carry out the provisions of part I of this Act may be furnished for assistance for education programs and for anti-corruption programs, except that this subsection shall not apply to section 490(e) or 620A of this Act or any other comparable provision of law."

LOTT (AND COCHRAN) AMENDMENT NO. 3513

Mr. MCCONNELL (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill, S. 2522, supra; as follows:

At the appropriate place in the bill, insert the following:

Of the funds to be appropriated under this heading, \$2,500,000 is available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area.

SHELBY AMENDMENTS NOS. 3514- 3515

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the bill, S. 2522, supra; as follows:

AMENDMENT NO. 3514

On page 103, beginning on line 13, strike "Committee on Appropriations" and all that follows through "House of Representatives" and insert "Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives".

AMENDMENT NO. 3515

On page 155, between lines 18 and 19, insert the following:

(g) NATIONAL SECURITY EXEMPTION.—The limitation contained in subsection (b)(1) shall not apply with respect to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

LINCOLN AMENDMENT NO. 3516

(Ordered to lie on the table.)

Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill, S. 2522, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ PERMANENT NORMAL TRADE RELATIONS FOR CHINA.

It is the sense of the Senate that—

(1) consideration of permanent normal trade relations treatment for the People's Republic of China is extremely important for the continued strength of the United States economy because it will give United States businesses, workers, and farmers an opportunity to participate in the world's fastest growing economy while ensuring that the United States reaps the benefits contained in the Agreement on Market Access Between the People's Republic of China and the United States of America that was negotiated last fall in the context of the accession of the People's Republic of China to the World Trade Organization;

(2) upon its accession to the World Trade Organization, the People's Republic of China will be subject to the same rules governing international trade as other members of the World Trade Organization; and

(3) it is important for the Senate to maintain the momentum that accompanied passage by the House of Representatives of legislation granting permanent normal trade relations treatment to the People's Republic of China, by bringing the legislation to the floor of the Senate for a vote before the July recess.

GORTON AMENDMENT NO. 3517

(Ordered to lie on the table)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 2522, supra; as follows:

Beginning page 141, line 9, strike "\$934,100,000" and all that follows through line 18 on page 155 and insert the following: "\$200,000,000 to remain available until expended: *Provided*, That the funds appropriated under this heading shall be utilized in Colombia, Bolivia, Peru, Ecuador, and other countries in South and Central America and the Caribbean at the discretion of the Secretary of State."

WELLSTONE AMENDMENT NO. 3518

Mr. WELLSTONE proposed an amendment to the bill, S. 2522, supra; as follows:

On page 143, line 9, insert before the period the following: "": *Provided further*, That, subject to the 2 preceding provisos, of the funds appropriated for military purposes under this heading for the 'Push into Southern Colombia', \$225,000,000 shall be made available to the Substance Abuse and Mental Health Services Administration for carrying out subpart II of part B of title XIX of the Public Health Services Act (42 U.S.C. 300x-21 et seq.): *Provided further*, That amounts made available under the preceding proviso are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act."

GORTON AMENDMENT NO. 3517

Mr. MCCONNELL (for Mr. GORTON) proposed an amendment to the bill S. 2522, supra; as follows:

Beginning page 141, line 9, strike "\$934,100,000" and all that follows through line 18 on page 155 and insert the following: "\$200,000,000 to remain available until expended: *Provided*, That the funds appropriated under this heading shall be utilized in Colombia, Bolivia, Peru, Ecuador, and other countries in South and Central America and the Caribbean at the discretion of the Secretary of State."

STEVENS (AND OTHERS) AMENDMENT NO. 3519

(Ordered to lie on the table.)

Mr. MCCONNELL (for Mr. STEVENS (for himself, Mr. INOUE, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2522, supra; as follows:

On page 38, on line 12 after the word "Appropriations" insert the following: "Provided further, That foreign military financing program funds estimated to be outlaid for Egypt during the fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: *Provided further*, that withdrawal from the account shall be made only on authenticated instructions from the Defense Finance and Accounting Service: *Provided further*, That in the event the interest bearing account is closed, the balance of the account shall be transferred promptly to the current appropriations account under this heading: *Provided further*, That none of the interest accrued by the account shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations".

FEINGOLD AMENDMENT NO. 3520

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*, as follows:

On page 17, lines 1 and 2, strike "\$220,000,000, to remain available until expended" and insert "\$245,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, \$25,000,000 shall be available only for Mozambique and Southern Africa: *Provided further*, That, of the amounts that are appropriated under this Act (other than under his heading) and that are available without an earmark, \$25,000,000 shall be withheld from obligation and expenditure".

COVERDELL (AND LEAHY) AMENDMENT NO. 3521

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. LEAHY, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . PERU.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, deserves the recognition and gratitude of the United States for having performed an extraordinary service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru and by exposing efforts of the Government of Peru to manipulate the national elections in April and May of 2000 to benefit the president in power.

(2) the Government of Peru failed to establish the conditions for free and fair elections—both for the April 9 election as well as for the May 28 run-off—by not taking effective steps to correct the "insufficiencies, irregularities, inconsistencies, and inequities" documented by the OAS Electoral Observation Mission.

(3) the United States Government should support the work of the OAS high-level mission, and that such mission should base its specific recommendations on the views of civil society in Peru regarding commitments by their government to respect human rights, the rule of law, the independence and constitutional role of the judiciary and na-

tional congress, and freedom of expression and journalism.

(4) in accordance with P.L. 106-186, the United States must review and modify as appropriate its political, economic, and military relations with Peru and work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report evaluating United States political, economic, and military relations with Peru, in accordance with P.L. 106-186. Such report should review, but not be limited to, the following:

(1) The effectiveness of providing United States assistance to Peru only through independent non-governmental organizations or international organizations;

(2) Scrutiny of all United States anti-narcotics assistance to Peru and the effectiveness of providing such assistance through legitimate civilian agencies and the appropriateness of providing this assistance to any military or intelligence units that are known to have violated human rights, suppressed freedom of expression or undermined free and fair elections.

(3) The need to increase support to Peru through independent non-governmental organizations and international organizations to promote the rule of law, separation of powers, political pluralism, and respect for human rights, and to evaluate termination of support for entities that have cooperated with the undemocratic maneuvers of the executive branch; and,

(4) The effectiveness of United States policy of supporting loans or other assistance for Peru through international financial institutions (such as the World Bank and Inter-American Development Bank), and an evaluation of terminating support to entities of the Government of Peru that have willfully violated human rights, suppressed freedom of expression, or undermined free and fair elections.

(5) The extent to which Peru benefits from the Andean Trade Preferences Act and the ramifications of conditioning participation in that program on respect for the rule of law and representative democracy.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the President shall determine and report to the appropriate committees of Congress whether the Government of Peru has made substantial progress in improving its respect for human rights, the rule of law (including fair trials of accused), the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent journalism.

(d) PROHIBITION.—If the President determines and reports pursuant to subsection (c) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for the Government of Peru, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Peru, except loans to support basic human needs.

(e) EXCEPTION.—The prohibition in subsection (d) shall not apply to humanitarian assistance, democracy assistance, anti-narcotics assistance, or assistance to support binational peace activities involving Peru and Ecuador.

(f) WAIVER.—The President may waive subsection (d) for periods not to exceed 90 days

if he certifies to the appropriate committees of Congress that doing so is vital to the national interests of the United States and will promote the respect for human rights and the rule of law in Peru.

(g) DEFINITION.—For the purposes of this section, "appropriate committees of Congress" means the Committee on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Appropriations and Committee on International Relations in the House of Representatives. For the purposes of this section, "humanitarian assistance" includes but is not limited to assistance to support health and basic education.

LANDRIEU AMENDMENT NO. 3522

(Ordered to lie on the table.)

Mr. LANDRIEU submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

On page 20, line 8, strike "\$635,000,000" and insert "\$655,000,000".

On page 23, between lines 19 and 20, insert the following:

(j) Of the funds appropriated under this heading, \$20,000,000 shall be available only to assist with the rehabilitation and remediation of damage done to the Romanian and Bulgarian economies as a result of the Kosovo conflict: *Provided*, That priority should be given under this subsection to those projects that are associated with the Stability Pact for South Eastern Europe, done at Cologne June 10, 1999 (commonly known as the "Balkan Stability Pact"), particularly those projects that encourage bilateral cooperation between Romania and Bulgaria, and that seek to offset the difficulties associated with the closure of the Danube River.

SPECTER AMENDMENT NO. 3523

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . UNITED STATES-CUBAN MUTUAL ASSISTANCE IN THE INTERDICTION OF ILLICIT DRUGS.

(a) FINDINGS.—Congress finds the following:

(1) In 1989, the Department of Defense was designated by Congress as the "lead agency for detection and monitoring of areal and maritime trafficking".

(2) Several United States law enforcement authorities have expressed the need for increased cooperation with Cuban authorities in the area of drug interdiction.

(3) At least 30 percent of the illegal drugs that enter the United States are transported through the Caribbean region.

(4) The airspace and territorial waters of Cuba are attractive havens for drug smugglers and are vital to the flow of illegal drugs to the United States.

(5) There is no evidence of the involvement of the Government of Cuba in drug trafficking.

(6) Cuban authorities have cooperated with United States authorities to interdict illegal drug shipments.

(7) The Government of Cuba has expressed its desire to expand cooperation with the United States on drug interdiction efforts by accepting an upgrading of the current telex link between the Cuban Border Guard and

the United States Coast Guard and by allowing a United States Coast Guard officer to be stationed at the United States Interests Section in Havana, Cuba.

(b) **ALLOCATION OF FUNDS.**—Of the amount appropriated under the heading "Department of State, International Narcotics Control and Law Enforcement", up to \$1,000,000 shall be available to the Secretary of Defense, on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters.

**DODD (AND LIEBERMAN)
AMENDMENT NO. 3524**

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. LIBERMAN) submitted an amendment intended to be proposed by him to the bill, S. 2522, supra; as follows:

On page 142, on lines 3–5, strike the words "procurement, refurbishing, and support for UH-1H Huey II helicopters;" and insert in lieu thereof the following: "procurement and support for helicopters determined by the U.S. Department of Defense, in consultation with the Colombian military, to be the most effective aircraft to support missions by elite Colombian counter narcotics battalions in eradicating the expanding cultivation and processing of illicit drugs in remote areas of Colombia:".

DODD AMENDMENTS NOS. 3525–3527

(Ordered to lie on the table.)

Mr. DODD submitted three amendments intended to be proposed by him to the bill, S. 2522, supra; as follows:

AMENDMENT NO. 3525

On page 142, line 4, strike the words "UH-1H Huey II"

AMENDMENT NO. 3526

Beginning on page 121, line 15, strike all through line 6, on page 129.

AMENDMENT NO. 3527

On page 28, line 4, strike all after the first comma thru the word "Provided," on line 7, and insert in lieu thereof the following: "\$244,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside the United States: *Provided*, That \$24,000,000 of such sums be made available from funds already appropriated by the Act, that are not otherwise earmarked for specific purposes: *Provided further*,".

INHOFE AMENDMENT NO. 3528

(Ordered to lie on the table.)

Mr. MCCONNELL (for Mr. INHOFE) proposed an amendment to the bill, S. 2522, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE ON UNITED STATES CITIZENS HELD HOSTAGE IN COLOMBIA.

(a) The Senate finds that—

(1) illegal paramilitary groups in Colombia pose a serious obstacle to U.S. and Colombian counter-narcotics efforts;

(2) abduction of innocent civilians is often used by such groups to gain influence and recognition;

(3) three U.S. citizens, David Mankins, Mark Rich, and Rick Tenenoff, who were engaged in humanitarian and religious work were abducted by one such group and have been held hostage in Colombia since January 31, 1993;

(4) these 3 men have the distinction of being the longest-held American hostages;

(5) their kidnappers are believed to be members of the FARC narco-guerrilla organization in Colombia;

(6) the families of these American citizens have not had any word about their safety or welfare for 7 years; and

(7) such acts against humanitarian workers are acts of cowardice and are against basic human dignity and are perpetrated by criminals and thus not deserving any form of recognition.

(b) The Senate—

(1) in the strongest possible terms condemns the kidnapping of these men;

(2) appeals to all freedom loving nations to condemn these actions;

(3) urges members of the European Community to assist in the safe return of these men by including in any dialogue with FARC the objective of the release of all American hostages;

(4) appeals to the United Nations Commission on Human Rights to condemn the kidnapping and to pressure the FARC into resolving this situation; and

(5) calls upon the President to raise the kidnapping of these Americans to all relevant foreign governments and to express his desire to see this tragic situation resolved.

DOMENICI AMENDMENT NO. 3529

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2522, supra; as follows:

On page 12, line 14, before the period insert the following: "": *Provided further*, That of the amount appropriated or otherwise made available under this heading, \$1,500,000 shall be available only for Habitat for Humanity International, to be used to purchase 14 acres of land on behalf of Tibetan refugees living in northern India and for the construction of a multiunit development for Tibetan families".

KERRY AMENDMENT NO. 3530

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 2522, supra; as follows:

On page 107, strike lines 21 through 23 and insert in lieu thereof the following:

(b) None of the funds appropriated by this Act may be made available for activities or programs for the Central Government of Cambodia until the Secretary of State determines and reports to the Committee on Appropriations and the Committee on Foreign Relations that the Government of Cambodia, in cooperation with the United Nations, has established the Extraordinary Chambers, in which international judges and prosecutors serve along with Cambodian counterparts, for the purpose of indicting and trying Khmer Rouge leaders responsible for genocide and other crimes against humanity during the period 1975 to 1979; and that the Government of Cambodia is providing such assistance as the Extraordinary Chambers may

require including the apprehension of those indicted, the protection of witnesses, and the safeguarding of evidence.

BYRD AMENDMENT NO. 3531

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 2522, supra; as follows:

SEC. . In addition to amounts provided elsewhere in this Act, \$18,500,000 is hereby appropriated to the Department of Defense under the heading, "MILITARY CONSTRUCTION, DEFENSE WIDE" for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of "Management of MASINT" in Senate Report 106–279 to accompany S. 2507, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for \$18,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

**LEAHY (AND KENNEDY)
AMENDMENT NO. 3532**

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 2522, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INDOCHINESE PAROLEES.

Notwithstanding any other provision of law, any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status pursuant to section 599E of Public Law 101–167.

BIDEN AMENDMENTS NOS. 3533–3535

(Ordered to lie on the table.)

Mr. BIDEN submitted three amendments intended to be proposed by him to the bill, S. 2522, supra; as follows:

AMENDMENT NO. 3533

Strike line 8 on page 152 through line 2 on page 154 and insert in lieu thereof the following:

(b) **LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.**—

(1) **LIMITATION.**—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this Act or any other Act during fiscal year 2001 and the next four fiscal years (including unobligated balances of prior appropriations) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty for support of counter-drug activities of Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 250 (excluding military personnel assigned to the United States diplomatic mission in Colombia); or

(B) the employment of any United States individual civilian retained as a contractor

in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of counter-drug activities of Colombia to exceed 350.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation shall not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) The President may waive the limitation in subsection (b)(1)—

(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States is clearly indicated by the circumstances; or

(2) for the purpose of conducting emergency evacuation or search and rescue operations.

(d) REPORTS.—Beginning within 90 days of the date of enactment of this Act, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all United States military personnel, and United States individual civilians employed as contractors, in support of counter-drug activities of Colombia.

AMENDMENT No. 3534

Strike line 19 on page 151 through line 7 on page 152 and insert in lieu thereof the following:

BUDGETARY ESTIMATES AND REPORTS ON SUPPORT FOR PLAN COLOMBIA

(a) REPORTS ON SUPPORT FOR PLAN COLOMBIA.—

(1) BUDGET REQUEST.—For each of the next four fiscal years, the President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, information that clearly identifies and justifies, by Executive agency, amounts requested in the budget for appropriation for that fiscal year for support of Plan Colombia.

(2) REPORTS ON EXPENDITURES.—Not later than June 1, 2001, and June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth all costs (including incremental costs incurred by the Department of Defense) incurred by Executive agencies during the two previous fiscal quarters for support of Plan Colombia. Each such report shall provide a breakdown of expenditures by Executive agency.

AMENDMENT No. 3535

Strike line 19 on page 151 through line 2 on page 154 and insert in lieu thereof the following:

BUDGETARY ESTIMATES AND REPORTS ON SUPPORT FOR PLAN COLOMBIA AND LIMITATIONS ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA

(a) REPORTS ON SUPPORT FOR PLAN COLOMBIA.—

(1) BUDGET REQUEST.—For each of the next four fiscal years, the President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, information that clearly identifies and justifies, by Executive agency, amounts requested in the budget for appropriation for that fiscal year for support of Plan Colombia.

(2) REPORTS ON EXPENDITURES.—Not later than June 1, 2001, and June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth all costs (including incremental costs incurred by the Department of Defense) incurred by Executive agencies during the two previous fiscal quarters for support of Plan Colombia. Each such report shall provide a breakdown of expenditures by Executive agency.

“(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), more of the funds appropriated or otherwise made available by this Act or any other Act during fiscal year 2001 and the next four fiscal years (including unobligated balances of prior appropriations) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty for support of counter-drug activities of Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 250 (excluding military personnel assigned to the United States diplomatic mission in Colombia); or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of counter-drug activities of Colombia to exceed 350.

“(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation shall not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) The President may waive the limitation in subsection (b)(1)—

(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States is clearly indicated by the circumstances; or

(2) for the purpose of conducting emergency evacuation or search and rescue operations.

(d) REPORTS.—Beginning within 90 days of the date of enactment of this Act, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all United States military personnel, and United States individual civilians employed as contractors, in support of counter-drug activities of Colombia.

BIDEN (AND OTHERS) AMENDMENT NO. 3536

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. LUGAR, Mr. HAGEL, Mr. BINGAMAN, Mr. CONRAD, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following section:

SEC. ____ NONPROLIFERATION AND ANTI-TERRORISM PROGRAMS.

It is the sense of Congress that—

(1) the programs contained in the Department of State's Nonproliferation,

Antiterrorism, Demining, and Related Programs (NADR) budget line are vital to the national security of the United States; and

(2) funding for those programs should be restored in any conference report with respect to this Act to the levels requested in the President's budget.

BYRD AMENDMENTS NOS. 3537–3538

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

AMENDMENT No. 3537

Beginning on page 151, line 21, strike “(a)” and all that follows through line 7 on page 152 and insert the following:

(a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

On page 152, line 17, insert “in connection with support of Plan Colombia” after “Colombia”.

On page 152, line 19, strike “250” and insert “500”.

On page 152, strike lines 20 and 21.

On page 153, line 1, insert “United States” after “of”.

On page 153, line 4, strike “100” and insert “300”.

On page 153, between lines 18 and 19, insert the following:

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

On page 153, line 19, strike “(d) MONTHLY REPORTS.—”, and insert “(f) BIMONTHLY REPORTS.—”.

On page 153, line 21, strike “30” and insert “60”.

On page 154, line 1, insert "United States" after "and".

On page 154, line 3, strike "(e)" and insert "(g)".

On page 154, line 5, strike "subsection (a)(2)" and insert "subsection (a)(1)(B)".

On page 154, line 9, strike "subsection (a)(1)" and insert "subsection (a)(1)(A)".

On page 154, line 12, strike "subsection (a)(1)" and insert "subsection (a)(1)(A)".

On page 155, line 12, strike "(f)" and insert "(h)".

AMENDMENT NO. 3538

Beginning on page 151, strike line 19 and all that follows through line 18 on page 155 and insert the following:

SEC. 6106. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.

(a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including funds described in subsection (c)) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 6106(a)(1) of the 2000 Emergency Supplemental Appropriations Act."

(B) For purposes of subsection (b)(2)(B), the term "joint resolution" means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 6106(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act."

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term "Plan Colombia" means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

BROWNBACK AMENDMENT NO. 3539

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by

him to the bill, S. 2522, supra; as follows:

On Page 20, line 2 after the word "Development", insert the following: "Provided further, That up to \$15,000,000 of the funds appropriated under this heading, shall be used, notwithstanding any other provision of law, to provide material assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese government forces and its militia allies; *Provided further*, That in the previous proviso, the term 'material assistance' includes any non-lethal, non-food aid such as, but not limited to, blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes."

BOXER AMENDMENTS NOS. 3540–3542

(Ordered to lie on the table.)

Mrs. BOXER submitted three amendments intended to be proposed by her to the bill, S. 2522, supra; as follows:

AMENDMENT NO. 3540

At the appropriate place, add the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) According to the World Health Organization, in 1999, there were 5.6 million new cases of HIV/AIDS throughout the world, and two-thirds of those (3.8 million) were in sub-Saharan Africa.

(2) Sub-Saharan Africa is the only region in the world where a majority of those with HIV/AIDS—55 percent—are women.

(3) When women get the disease, they often pass it along to their children, and over 2 million children in sub-Saharan Africa are living with HIV/AIDS.

(4) New investments and treatments hold out promise of making progress against mother-to-child transmission of HIV/AIDS. For example—

(A) a study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments; and

(B) a study of South Africa's population estimated that if all pregnant women in that country took an antiviral medication during labor, as many as 110,000 new cases of HIV/AIDS could be prevented over the next five years in South Africa alone.

(5) The Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000, as approved by the Senate Foreign Relations Committee on March 23, 2000, ensures that not less than 8.3 percent of USAID's HIV/AIDS funding is used to combat mother-to-child transmission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that of the funds provided in this Act, the USAID should place a high priority on efforts, including providing medications, is prevent mother-to-child transmission of HIV/AIDS.

AMENDMENT NO. 3541

At the end, add the following:

TITLE—INTERNATIONAL HEALTH EMERGENCIES

In addition to amounts otherwise appropriated in this Act, \$94 million shall be available for necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of

the Foreign Assistance Act of 1961, for global health and related activities: *Provided*, That of the funds appropriated under this title, not less than \$75 million shall be made available for programs to combat HIV/AIDS: *Provided further*, That of the funds appropriated under this title, not less than \$19 million shall be made available for the prevention, treatment, and control of tuberculosis: *Provided further*, That amounts made available under this title are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request an emergency requirements as defined in such Act.

On page 155, between lines 18 and 19, insert the following:

PROHIBITION ON USE OF DEPARTMENT OF DEFENSE RESOURCES FOR CERTAIN ACTIVITIES IN COLOMBIA

SEC. 6107. (a) SUPPORT FOR COUNTERINSURGENCY OPERATIONS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for the use of any personnel, equipment, or other resources of the Department of Defense for the support of any training program involving a Colombian unit that engages in counterinsurgency operations.

(b) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for the direct participation of a member of the Armed Forces or a civilian employee of the Department of Defense in any law enforcement activities in Colombia, including search, seizure, arrest, or similar activities.

(c) COUNTERDRUG FIELD OPERATIONS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to permit a member of the Armed Forces or civilian employee of the Department of Defense to—

(1) accompany any United States drug enforcement agent, or any law enforcement or military personnel of Colombia with counterdrug authority, on any counterdrug field operation; or

(2) participate in any activity in which counterdrug-related hostilities are imminent.

(d) SENSE OF SENATE.—It is the sense of the Senate that members of the Armed Forces of the United States in Colombia should make every effort to minimize the possibility of confrontation, whether armed or otherwise, with civilians in Colombia.

LANDRIEU AMENDMENT NO. 3543

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

ADOPTION INCENTIVE PAYMENTS

SEC. 591. Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (h)(1), by striking subparagraph (C) and inserting the following:

“(C) such sums as may be necessary for fiscal year 2001 and each succeeding fiscal year.”; and

(2) in subsection (j), by adding at the end the following new paragraph:

“(3) EXTENSION FOR FISCAL YEAR 2001.—For purposes of making grants under this subsection for fiscal year 2001—

“(A) paragraph (1) shall be applied by substituting ‘1999’ and ‘2000’ for ‘1998’ and ‘1999’ respectively; and

“(B) paragraph (2) shall be applied by substituting ‘\$36,500,000’ and ‘2001’ for ‘\$23,000,000’ and ‘2000’ respectively.”.

FRIST AMENDMENT NO. 3544

Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill S. 2522, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . . . REPORTING REQUIREMENT ON SUDAN.

One hundred and twenty days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees—

(1) describing—

(A) the areas of Sudan open to the delivery of humanitarian or other assistance through or from Operation Lifeline Sudan (in this section referred to as “OLS”), both in the Northern and Southern sectors;

(B) the extent of actual deliveries of assistance through or from OLS to those areas from January 1997 through the present;

(C) areas of Sudan which cannot or do not receive assistance through or from OLS, and the specific reasons for lack or absence of coverage, including—

(i) denial of access by the government of Sudan on a periodic basis (“flight bans”), including specific times and duration of denials from January 1997 through the present;

(ii) denial of access by the government of Sudan on an historic basis (“no-go” areas) since 1989 and the reason for such denials;

(iii) exclusion of areas from the original agreements which defined the limitations of OLS;

(iv) a determination by OLS of a lack of need in an area of no coverage;

(v) no request has been made to the government of Sudan for coverage or deliveries to those areas by OLS or any participating organization within OLS; or

(vi) any other reason for exclusion from or denial of coverage by OLS;

(D) areas of Sudan where the United States has provided assistance outside of OLS since January 1997, and the amount, extent and nature of that assistance;

(E) areas affected by the withdrawal of international relief organizations, or their sponsors, or both, due to the disagreement over terms of the “Agreement for Coordination of Humanitarian, Relief and Rehabilitation Activities in the SPLM Administered Areas” memorandum of 1999, including specific locations and programs affected; and

(2) containing a comprehensive assessment of the humanitarian needs in areas of Sudan not covered or served by OLS, including but not limited to the Nuba Mountains, Red Sea Hills, and Blue Nile regions.

L. CHAFEE (AND OTHERS)
AMENDMENT NO. 3545

Mr. MCCONNELL (for Mr. L. CHAFEE (for himself, Mr. MACK, Mr. SARBANES, Mr. BIDEN, Mr. HAGEL, Mr. WELLSTONE, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. DODD, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. DEWINE)) proposed an amendment to the bill S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . . . SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1996, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) A wide range of organizations and institutions, including leading churches worldwide have endorsed the concept of writing off the debt of the Heavily Indebted Poor Countries.

(6) In 1999, Congress passed and the President signed into law funding for the forgiveness of a portion of the bilateral debt owed by the Heavily Indebted Poor Countries to the United States subject to terms and conditions set forth in Public Law 106-113.

(7) In the supplemental budget request for fiscal year 2000 and in the fiscal year 2001 budget request submitted by the President, the President asked for \$435,000,000 to fund both bilateral debt owed by the HIPC to the United States and contributions to the HIPC Trust Fund which would forgive debt owed by the HIPC to the regional development banks.

(8) Funding for United States participation in the HIPC Trust Fund is subject to authorization by the appropriate committees.

(9) Legislation fully authorizing the President's fiscal year 2001 budget request for United States participation in the HIPC Trust Fund, and full use of the International Monetary Fund gold earnings, has been reported by the Senate Committee on Foreign Relations, and is currently under review by the Senate Committee on Banking, Housing, and Urban Affairs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief for poor countries;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation currently pending before the relevant committees, Congress should fully fund bilateral and multilateral debt relief to ensure the maximum leverage of international funds and the maximum benefit to the eligible countries.

REID AMENDMENTS NOS. 3546-3549

Mr. LEAHY (for Mr. REID) proposed four amendments to the bill S. 2524, *supra*; as follows:

AMENDMENT NO. 3546

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS.

(a) IN GENERAL.—Of the funds appropriated by this Act under the heading "Department of State, Migration and Refugee Assistance", not more than \$1,000,000 may be used for the Secretary of State to meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term "dowry death" means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term "honor killing" means the murder of a woman suspected of dishonoring her family.

AMENDMENT NO. 3547

On page 12, line 14, strike "loans." and insert the following: "loans: *Provided further*, That of the funds appropriated under this heading, not less than \$1,000,000 shall be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation."

AMENDMENT NO. 3548

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . ELIMINATION OF FEMALE GENITAL MUTILATION.

Of the funds appropriated by this Act under the heading "Department of State, Migration and Refugee Assistance", not more than \$1,000,000 may be used for the Secretary of State to—

(1) conduct a study to determine the prevalence of the practice of female genital mutilation, including the existence and enforcement of laws prohibiting the practice;

(2) include the findings of the study in the Department's Annual Country Reports on Human Rights Practices submitted in 2001; and

(3) also develop recommendations on how the United States can best work to eliminate the practice of female genital mutilation.

AMENDMENT NO. 3549

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . ELIMINATION OF FEMALE GENITAL MUTILATION.

The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall include the findings of the study in the Department's Annual Country Reports on Human Rights Practices submitted in 2001. The Secretary shall also develop recommendations on how the United States can best work to eliminate the practice of female genital mutilation.

AMENDMENT NO. 3546

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS.

(a) IN GENERAL.—Of the funds appropriated by this Act under the heading "Department of State, Migration and Refugee Assistance", not more than \$1,000,000 may be used for the Secretary of State to meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term "dowry death" means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term "honor killing" means the murder of a woman suspected of dishonoring her family.

AMENDMENT NO. 3547

On page 12, line 14, strike "loans." and insert the following: "loans: *Provided further*, That of the funds appropriated under this heading, not less than \$1,000,000 shall be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation."

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(1) conduct a study to determine the prevalence of the practice of female genital mutilation, including the existence and enforcement of laws prohibiting the practice;

(2) include the findings of the study in the Department's Annual Country Reports on Human Rights Practices submitted in 2001; and

(3) also develop recommendations on how the United States can best work to eliminate the practice of female genital mutilation.

AMENDMENT NO. 3549

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . ELIMINATION OF FEMALE GENITAL MUTILATION.

The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The

study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall include the findings of the study in the Department's Annual Country Reports on Human Rights Practices submitted in 2001. The Secretary shall also develop recommendations on how the United States can best work to eliminate the practice of female genital mutilation.

LAUTENBERG AMENDMENT NO. 3550

Mr. LEAHY (for Mr. LAUTENBERG) proposed an amendment to the bill S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

SENSE OF CONGRESS ON EFFECTS OF HIPC ON DEVELOPING LENDER COUNTRIES

SEC. 591. (a) Congress finds that—

(1) the Heavily Indebted Poor Countries (HIPC) initiative is providing needed relief from crushing debt for the world's poorest countries; and

(2) certain developing countries, including Costa Rica, and regional institutions are—

(A) forgiving the debt of countries qualifying for HIPC on the terms set by the Paris Club of lender countries; and

(B) suffering unanticipated losses of assets and revenue.

(b) It is the sense of Congress that—

(1) lender developing countries deserve commendation for their full participation in the HIPC initiative;

(2) the Secretary of State and the Secretary of the Treasury should explore ways to alleviate the losses of debt relief by lender developing countries, including Costa Rica, and regional institutions; and

(3) international financial institutions and other lenders should take account of the participation of developing countries as lenders in debt relief under the HIPC initiative in future lending decisions relating to those countries, including Costa Rica.

L. CHAFEE (AND OTHERS) AMENDMENT NO. 3551

Mr. MCCONNELL (for L. CHAFEE (for himself, Mr. MACK, Mr. SARBANES, Mr. BIDEN, Mr. HAGEL, Mr. WELLSTONE, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. DODD, Mr. LAUTENBERG, and Mr. JEFFORDS)) proposed an amendment to the bill S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ____ . SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1996, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the

international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) A wide range of organizations and institutions, including leading churches worldwide, have endorsed the concept of writing off the debt of the Heavily Indebted Poor Countries.

(6) In 1999, Congress passed and the President signed into law funding for the forgiveness of a portion of the bilateral debt owed by the Heavily Indebted Poor Countries to the United States subject to terms and conditions set forth in Public Law 106-113.

(7) In the supplemental budget request for fiscal year 2000 and in the fiscal year 2001 budget request submitted by the President, the President asked for \$435,000,000 to fund both bilateral debt owed by the HIPC to the United States and contributions to the HIPC Trust Fund which would forgive debt owed by the HIPC to the regional development banks.

(8) Funding for United States participation in the HIPC Trust Fund is subject to authorization by the appropriate committees.

(9) Legislation fully authorizing the President's fiscal year 2001 budget request for United States participation in the HIPC Trust Fund, and full use of the International Monetary Fund gold earnings, has been reported by the Senate Committee on Foreign Relations, and is currently under review by the Senate Committee on Banking, Housing, and Urban Affairs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief for poor countries;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation currently pending before the relevant committees, Congress should fully fund bilateral and multilateral debt relief to ensure the maximum leverage of international funds and the maximum benefit to the eligible countries.

HELMS AMENDMENT NO. 3552

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill S. 2522, *supra*; as follows:

On page 34, line 19, insert the following: “: *Provided further*, That notwithstanding the previous proviso, \$250,000,000 of the funds appropriated for Israel under this heading shall not be disbursed until the Secretary of Defense certifies to the appropriate committees of the Congress that the proposed transfer by Israel to China of equipment and technology associated with the “Phalcon” radar system does not pose a threat to the national security of the United States or has been canceled by the Government of Israel:”.

McCONNELL AMENDMENT NO. 3553

Mr. McCONNELL proposed an amendment to the bill S. 2522, *supra*; as follows:

On page 33, line 18, insert, “: *Provided further*, That funds made available as a U.S. contribution to the Heavily Indebted Poor Countries Trust Fund shall be subject to the regular notification procedures of the Committees on Appropriations”.

COCHRAN AMENDMENT NO. 3554

Mr. McCONNELL (for Mr. COCHRAN) proposed an amendment to the bill S. 2522, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) IDENTIFICATION AND REPORTING.—Within 40 days of the submission of the National Trade Estimate Report, the Department of Commerce shall submit an annual report to the President and appropriate Congressional committees that identifies countries that lack the necessary organization, resources, and expertise to ensure openness, efficiency, and transparency in government procurement and that are recipients of multilateral or U.S. bilateral assistance. That report shall:

(i) identify countries that lack the necessary organization, resources, and expertise to ensure openness, efficiency, and transparency in government procurement and that are recipients of multilateral or U.S. bilateral assistance; and

(ii) describe patterns or practices of the lack of transparency in government procurement or government owned enterprises procurement in each country. The Department of Commerce shall consult with interested private sector representatives in compiling its report.

(b) IMPACT OF THE LACK OF TRANSPARENCY.—When the report determines that a country lacks the necessary organization, resources, and expertise to ensure openness, efficiency, and transparency in government procurement and that are recipients of multilateral or U.S. bilateral assistance,

(i) the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose the use of funds appropriated or made available by the United States for any non-humanitarian assistance until the granting institution and recipient country has adopted an anti-corruption plan that requires the use of independent third party procurement monitoring and other similar services designed to enhance transparency, and

(ii) no funds appropriated or made available by the United States for non-humanitarian foreign assistance programs, including the activities of the Agency for International Development, may be expended for a government procurement practice unless such non-humanitarian foreign assistance programs incorporate independent third party procurement monitoring and other similar services designed to enhance transparency.

At the appropriate place, add the following:

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3555

Mr. McCONNELL (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 2522, *supra*; as follows:

At the appropriate place, add the following:

“SEC. RUSSIAN MISSILE SALES TO CHINA.

“Of the amounts appropriated under Title IV of this Act, funds shall be made available for the President to direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to Russia if the Russian Federation delivers any additional SN22 missiles or components to the People's Republic of China.”.

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3556

Mr. LEAHY (for Mr. EDWARDS (for himself and Mr. TORRICELLI)) proposed an amendment to the bill S. 2522, *supra*; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs”, \$50,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

DEPARTMENT OF AGRICULTURE

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the rural community advancement program under the section 381E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), \$50,000,000, to remain available until expended, to provide grants under the rural community facilitates grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)): *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

EDWARDS AMENDMENT NO. 3557

Mr. LEAHY (for Mr. EDWARDS) proposed an amendment to the bill S. 2522, supra; as follows:

At the appropriate place, insert:

For an additional amount for "Community Development Block Grants", as authorized under title I of the Housing and Community Act of 1974, for emergency expenses resulting from Hurricane Floyd, Hurricane Dennis, and Hurricane Irene, and surrounding events, \$150,000,000, to remain available until expended for all activities eligible under title I, except those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

KYL (AND DOMENICI) AMENDMENT NO. 3558

Mr. MCCONNELL (for Mr. KYL (for himself and Mr. DOMENICI)) proposed two amendments to the bill S. 2522, supra; as follows:

At an appropriate place in the bill, insert the following:

SEC. . IMPLEMENTATION OF SECURITY REFORMS AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—Congress finds that—

(1) On March 18, 1999, President Clinton asked the President's Foreign Intelligence Advisory Board (PFIAB) to undertake an inquiry and issue a report on "the security threat at the Department of Energy's weapons labs and the adequacy of the measures that have been taken to address it."

(2) In June 1999, the PFIAB issued a report titled "Science at its Best, Security at its Worst," which concluded the Department of Energy "represents the best of America's scientific talent and achievement, but it has been responsible for the worst security record on secrecy that the members of this panel have ever encountered."

(3) The PFIAB report stated, "Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen."

(4) The PFIAB report further stated, "The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. * * * Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. * * * real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture;"

(5) The PFIAB report stated, "Specifically, we recommend that the Congress pass and the President sign legislation that: Creates a new, semi-autonomous Agency * * * [to] oversee all nuclear weapons-related matters previously housed in DOE."

(6) The bipartisan Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China of the House of Representatives released an unclassified report on May 25, 1999 which concluded that "The People's Republic of China (PRC) has stolen design information on the United States' most advanced ther-

monuclear weapons. These thefts of nuclear secrets from our national weapons laboratories enabled the PRC to design, develop, and successfully test modern strategic nuclear weapons sooner than would otherwise have been possible. The stolen U.S. nuclear secrets give the PRC design information on thermonuclear weapons on a par with our own."

(7) The report of the Select Committee further concluded that, "Despite repeated PRC thefts of the most sophisticated U.S. nuclear weapons technology, security at our national nuclear weapons laboratories does not meet even minimal standards."

(8) In response to the findings of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China of the House of Representatives and the President's Foreign Intelligence Advisory Board, Senators Kyl, Domenici, and Murkowski offered Amendment 446 to the Fiscal Year 2000 Intelligence Authorization Act calling for the creation of a semi-autonomous agency to manage all United States nuclear weapons programs, which was passed by the Senate on July 21, 1999, by a vote of 96 to 1. This amendment called for the semi-autonomous agency to be organized with clear lines of authority and accountability to replace the previous structure with confused, overlapping reporting channels and diffused responsibility that led to earlier security failures.

(9) The provisions of Amendment 446 were incorporated in the Fiscal Year 2000 Defense Authorization Conference Report, which was approved by the House of Representatives on September 15, 1999, by a vote of 375 to 45, and the Senate on September 22, 1999, by a vote of 93 to 5.

(10) President Clinton signed the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) on October 5, 1999.

(11) Notwithstanding his signing into law the legislation creating the National Nuclear Security Administration headed by a new Under Secretary, on October 5, 1999, President Clinton issued a statement which said, "Until further notice, the Secretary of Energy shall perform all duties and functions of the Under Secretary for Nuclear Security. The Secretary is instructed to guide and direct all personnel of the National Nuclear Security Administration. . . ."

(12) On May 3, 2000 the nomination of General John Gordon to head the National Nuclear Security Administration (NNSA) was received by the Senate from the President. On June 14, 2000, General John Gordon was confirmed by the Senate by a vote of 97 to 0.

(13) The Secretary of Energy has failed to fully implement the law signed by the President on October 5, 1999. For example, Section 3213 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) states that, with the exception of the Secretary of Energy, NNSA employees, "shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy." Yet page 16 of the Department of Energy's Implementation Plan for the National Nuclear Security Administration released on January 1, 2000, states that in order to manage the performance of non-weapons related work at NNSA facilities such as the three national labs, "non-NNSA officers or employees of the Department retain the authority to direct NNSA employees and contractor employees with regard to the accomplishment of such work."

(14) On May 26, 1999, Secretary of Energy Bill Richardson stated, "American's can be

reassured: Our nation's nuclear secrets are, today, safe and secure."

(15) In response to a question from Senator Fitzgerald at a joint hearing of the Committees on Energy and Natural Resources, and Governmental Affairs of the Senate on October 19, 1999, that "So if there's a problem, God forbid, with security at our Nation's labs while we have not fulfilled or appointed somebody as Under Secretary in this new agency within an agency, you would be willing to assume full responsibility. . . ." Secretary Richardson testified that, "I would assume full responsibility."

(16) The recent security lapses at Los Alamos National Laboratory demonstrates that security and counterintelligence measures continue to be significantly deficient at United States nuclear facilities.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) The national security of the United States has been significantly harmed due to weak and ineffective security and counterintelligence measures at America's nuclear facilities.

(2) The National Defense Authorization Act for Fiscal Year 2000, if implemented, will improve security and counterintelligence measures at United States nuclear facilities by establishing clear lines of authority and accountability to enable lasting reforms to be put in place.

(3) The President and the Secretary of Energy should faithfully implement the provisions of Public Law 106-65, which established the National Nuclear Security Administration.

(4) The Secretary of Energy should permit the Administrator of the National Nuclear Security Administration to manage all aspects of United States nuclear weapons programs without interference.

(5) The Secretary of Energy should drop efforts to "dual-hat" officers or employees of the Department of Energy to serve concurrently in positions within the National Nuclear Security Administration and the Department of Energy. Such efforts to extensively "dual-hat" officials are contrary to the intent of Congress when it passed Public Law 106-65.

(6) The Administrator of the National Nuclear Security Administration shall take all appropriate steps to ensure that the protection of sensitive and classified information becomes the highest priority of the National Nuclear Security Administration.

TORRICELLI (AND EDWARDS) AMENDMENT NO. 3559

Mr. LEAHY (for Mr. TORRICELLI (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 2522, supra; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT GRANT

For an additional amount for "Community Development Block Grants", as authorized under title I of the Housing and Community Act of 1974, for emergency expenses resulting from Hurricane Floyd, Hurricane Dennis, and Hurricane Irene, and surrounding events, \$250,000,000, to remain available until expended for all activities eligible under title I, except those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration: *Provided*, That the entire

amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**TORRICELLI (AND EDWARDS)
AMENDMENTS NOS. 3560-3567**

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. EDWARDS) submitted eight amendments intended to be proposed by them to the bill, S. 2522, *supra*; as follows:

AMENDMENT No. 3560

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the rural community advancement program under section 381E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), \$3 million, to remain available until expended, to provide grants under the rural community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)): *Provided*, That the entire amount made available under this heading is designated for Manville, New Jersey by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3561

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the rural community advancement program under section 381E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), \$77 million, to remain available until expended, to provide grants under the rural community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)): *Provided*, That the entire amount made available under this heading is designated for Bound Brook, New Jersey by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

**ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$17 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Passaic, New Jersey. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3562

At the appropriate place, insert the following:

**DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$12 million, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Lodi, New Jersey. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3564

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

**ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$9 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Trenton, New Jersey. *Provided further*, That the entire amount made available under this heading shall be available only to Trenton, New Jersey: *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3565

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

**ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$8 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Patterson, New Jersey. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3566

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

**ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$77 mil-

lion to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Bound Brook, New Jersey. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3567

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

**ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS**

For an additional amount for "Economic Development Assistance Programs," \$3 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Manville, New Jersey. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

WELLSTONE AMENDMENT NO. 3568

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

On page 20, line 18, before the period insert the following: " *Provided further*, That of the funds appropriated under this heading and made available to support training of local Kosovo police and the temporary International Police Force (IPF), not less than \$250,000 shall be available only to assist law enforcement officials better identify and respond to cases of trafficking in persons".

On page 24, line 14, before the period insert the following: " *Provided further*, That of the funds appropriated under this heading, not less than \$2,500,000 shall be available only to meet the health and other assistance needs of victims of trafficking in persons".

NICKLES AMENDMENT NO. 3569

(Ordered to lie on the table.)

Mr. NICKLES submitted an amendment intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

On page 142, line 11 after the word "purposes:" insert the following:

Provided further, That of the funds made available under this heading, not less than \$100,000,000 shall be made available by the Department of State to the Department of Justice for counter narcotic activity initiatives specifically policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots".

EDWARDS AMENDMENTS NOS. 3570-3581

(Ordered to lie on the table.)

Mr. EDWARDS submitted twelve amendments intended to be proposed by him to the bill, S. 2522, *supra*; as follows:

AMENDMENT No. 3570

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$50 million, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Lenoir County, North Carolina. *Provided Further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3571

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$3 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to La Grange, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3572

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$4 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Rocky Mount, North Carolina. *Provided Further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3573

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$1.5 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Pinetops, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(a)).

AMENDMENT No. 3574

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$3 million, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Tarboro, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3575

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$1.3 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Nashville, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3576

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$3 million to remain available until expended, for planning assistance, public works grants,

and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Greenville, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3577

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$2 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Edgecombe County, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3578

On page 140, between lines 19 and 20, insert the following:

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$15 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Columbus County, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3579

On page 140, between lines 19 and 20, insert the following:

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$2.5 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to

Duplin County, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3580

On page 140, between lines 19 and 20, insert the following:

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs," \$1.5 million to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to Beaufort County, North Carolina. *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT No. 3581

At the appropriate place, insert the following:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$77,560,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

EMERGENCY CONSERVATION PROGRAM

Unobligated balances previously provided under this heading may be used to repair and reconstruct essential farm structures and equipment that have been damaged or destroyed, after a finding by the Secretary of Agriculture that: (1) the damage or destruction is the result of a natural disaster declared by the Secretary or the President for losses due to Hurricane Dennis, Floyd, or Irene; and (2) insurance against the damage or destruction was not available to the grantee or the grantee lacked the financial resources to obtain the insurance: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amend-

ed, is transmitted by the President to the Congress.

COMMODITY CREDIT CORPORATION FUND

The Secretary of Agriculture shall reduce the amount of any principal due on a loan made by the Department to a marketing association for the 1999 crop of an agricultural commodity by up to 75 percent if the marketing association suffered losses to the agriculture commodity in a county with respect to which a natural disaster was declared by the Secretary or the President for losses due to Hurricane Dennis, Floyd or Irene.

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in the preceding paragraph that is below the base quality of the agricultural commodity, and the reduction in grade quality is the result of damage sustained from Hurricane Dennis, Floyd, or Irene, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to \$81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional cost of water and waste grants, as authorized by 7 U.S.C. 1926(a)(2), to meet the needs resulting from natural disasters, \$28,000,000 to remain available until expended; and for an additional amount for community facilities grants pursuant to section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)) for emergency needs \$15,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For the additional cost of direct loans, as authorized by title V of the Housing Act of 1949, \$15,872,000 from the Rural Housing Insurance Fund for section 515 rental housing, to remain available until expended, to address emergency needs resulting from Hurricane Dennis, Floyd, or Irene: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans estimated to be

\$40,000,000: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 to be available from funds in the Rural Housing Insurance Fund to meet the needs resulting from natural disasters, as follows: \$296,000,000 for loans to section 502 borrowers, as determined by the Secretary and \$13,000,000 for section 504 housing repair loans.

For the additional cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to meet the needs resulting from natural disasters, to remain available until expended as follows: section 502 loans, \$25,000,000 and section 504 loans, \$4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RENTAL ASSISTANCE PROGRAM

For additional amount for "Rental Assistance Program" for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949, for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, \$13,600,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), to meet the needs resulting from natural disasters, \$6,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet the needs resulting from natural disasters, \$8,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in

the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$25,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities", \$19,400,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, and for repairs to the Beaufort Laboratory, resulting from Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$33,300,000, to remain available until expended to subsidized additional gross obligations for the principal amount of direct loans: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for the direct administrative expenses to carry out the disaster loan program, and additional \$27,600,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": *Provided further*, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount to conduct a study and report to the Congress on the feasibility of a project to provide flood damage reduction for the town of Princeville, North Carolina, \$1,500,000, to remain available until expended: *Provided*, That the entire amount

is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" for emergency expenses due to hurricanes and other natural disasters, \$27,925,000, to remain available until expended: *Provided*, That the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662 shall be derived from that Fund: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount of "Construction", \$5,000,000, to remain available until expended, to repair or replace building, equipment, roads, and water control structures damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$4,000,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$1,800,000 to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$36,000,000: *Provided*, That of that said amount, \$11,000,000 shall be provided to the New Jersey Department of Community Affairs and \$25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: *Provided further*, That assistance provided under this paragraph shall be for very low-income fami-

lies displaced by flooding caused by Hurricane Floyd and surrounding events: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ADMINISTRATIVE PROVISION

SEC. 3801. (a) Subject to subsection (d) and notwithstanding any other provisions of law, from any amounts made available for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that remain unobligated, the Secretary of Housing and Urban Development shall, for each request described in subsection (b), make a 1-year grant to the entity making the request in the amount under subsection (c).

(b) A request described in this subsection is a request for a grant under subtitle C of the title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) For permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that—

(1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved;

(2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and

(3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000.

(c) The amount under this subsection is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request.

(d) The entire amount for grants under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The entire amount for grants under this section shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an increase in the authority to use unobligated balances specified under this heading in appendix E, title I, chapter 2, of Public Law 106-113. In addition to other amounts made available, up to an additional \$77,400,000 may be used by the Director of the Federal Emergency Management Agency for the purposes included in said chapter: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

**EDWARDS (AND TORRICELLI)
AMENDMENT NO. 3582**

(Ordered to lie on the table.)

Mr. EDWARDS (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 2522, *supra*; as follows:

On page 140, between lines 19 and 20, insert the following:

EMERGENCY FUNDING TO ASSIST COMMUNITIES
AFFECTED BY HURRICANE FLOYD, HURRICANE
DENNIS, OR HURRICANE IRENE

SEC. 5. (a) ECONOMIC DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2001, for an additional amount for “Economic Development Assistance Programs”, \$125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2001, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), \$125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

**KYL (AND DOMENICI) AMENDMENT
NO. 3583**

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2522, *supra*; as follows:

At an appropriate place in the bill, insert the following:

SEC. . IMPLEMENTATION OF SECURITY REFORMS AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—Congress finds that—

(1) On March 18, 1999, President Clinton asked the President's Foreign Intelligence Advisory Board (PFIAB) to undertake an inquiry and issue a report on “the security threat at the Department of Energy's weapons labs and the adequacy of the measures that have been taken to address it.”

(2) In June 1999, the PFIAB issued a report titled “Science at its Best, Security at its Worst,” which concluded the Department of Energy “represents the best of America's scientific talent and achievement, but it has been responsible for the worst security record on secrecy that the members of this panel have ever encountered.”

(3) The PFIAB report stated, “Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.”

(4) The PFIAB report further stated, “The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . . Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department . . . real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture.”

(5) The PFIAB report stated, “Specifically, we recommend that the Congress pass and the President sign legislation that: Creates a new, semi-autonomous Agency . . . [to] oversee all nuclear weapons-related matters previously housed in DOE.”

(6) The bipartisan Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China of the House of Representatives released an unclassified report on May 25, 1999 which concluded that “The People's Republic of China (PRC) has stolen design information on the United States' most advanced thermonuclear weapons. These thefts of nuclear secrets from our national weapons laboratories enabled the PRC to design, develop, and successfully test modern strategic nuclear weapons sooner than would otherwise have been possible. The stolen U.S. nuclear secrets give the PRC design information on thermonuclear weapons on a par with our own.”

(7) The report of the Select Committee further concluded that, “Despite repeated PRC thefts of the most sophisticated U.S. nuclear weapons technology, security at our national nuclear weapons laboratories does not meet even minimal standards.”

(8) In response to the findings of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China of the House of Representatives and the President's Foreign Intelligence Advisory Board, Senators Kyl, Domenici, and Murkowski offered Amendment 446 to the Fiscal Year 2000 Intelligence Authorization Act calling for the creation of a semi-autonomous agency to manage all United States nuclear weapons programs, which was passed by the Senate on July 21, 1999, by a vote of 96 to 1. This amendment called for the semi-autonomous agency to be organized with clear lines of authority and accountability to replace the previous structure with confused, overlapping reporting channels and diffused responsibility that led to earlier security failures.

(9) The provisions of Amendment 446 were incorporated in the Fiscal Year 2000 Defense Authorization Conference Report, which was approved by the House of Representatives on September 15, 1999, by a vote of 375 to 45, and the Senate on September 22, 1999, by a vote of 93 to 5.

(10) President Clinton signed the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) on October 5, 1999.

(11) Notwithstanding his signing into law the legislation creating the National Nuclear Security Administration headed by a new Under Secretary, on October 5, 1999, President Clinton issued a statement which said, “Until further notice, the Secretary of Energy shall perform all duties and functions of the Under Secretary for Nuclear Security. The Secretary is instructed to guide and direct all personnel of the National Nuclear Security Administration. . . .”

(12) On May 3, 2000 the nomination of General John Gordon to head the National Nuclear Security Administration (NNSA) was received by the Senate from the President. On June 14, 2000, General John Gordon was confirmed by the Senate by a vote of 97 to 0.

(13) The Secretary of Energy has failed to fully implement the law signed by the President on October 5, 1999. For example, Section 3213 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) states that, with the exception of the Secretary of Energy, NNSA employees, “shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy.” Yet page 16 of the Department of Energy's Implementation Plan for the National Nuclear Security Administration released on January 1, 2000, states that in order to manage the performance of non-weapons related to work at NNSA facilities such as the three national labs, “non-NNSA officers or employees of the Department retain the authority to direct NNSA employees and contractor employees with regard to the accomplishment of such work.”

(14) On May 26, 1999, Secretary of Energy Bill Richardson stated, “Americans can be reassured: Our nation's nuclear secrets are, today, safe and secure.”

(15) In response to a question from Senator Fitzgerald at a joint hearing of the Committees on Energy and Natural Resources, and Governmental Affairs of the Senate on October 19, 1999, that “So if there's a problem, God forbid, with security at our Nation's labs while we have not fulfilled or appointed somebody as Under Secretary in this new agency within an agency, you would be willing to assume full responsibility. . . .” Secretary Richardson testified that, “I would assume full responsibility.”

(16) The recent security lapses at Los Alamos National Laboratory demonstrates that security and counterintelligence measures continue to be significantly deficient at United States nuclear facilities.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) The national security of the United States has been significantly harmed due to weak and ineffective security and counterintelligence measures at America's nuclear facilities.

(2) The National Defense Authorization Act for Fiscal Year 2000, if implemented, will improve security and counterintelligence measures at United States nuclear facilities by establishing clear lines of authority and accountability to enable lasting reforms to be put in place.

(3) The President and the Secretary of Energy should faithfully implement the provisions of Public Law 106-65, which established

the National Nuclear Security Administration.

(4) The Secretary of Energy should permit the Administrator of the National Nuclear Security Administration to manage all aspects of United States nuclear weapons programs without interference.

(5) The Secretary of Energy should drop efforts to "dual-hat" officers or employees of the Department of Energy to serve concurrently in positions within the National Nuclear Security Administration and the Department of Energy. Such efforts to extensively "dual-hat" officials are contrary to the intent of Congress when it passed Public Law 106-65.

(6) The Administrator of the National Nuclear Security Administration shall take all appropriate steps to ensure that the protection of sensitive and classified information becomes the highest priority of the National Nuclear Security Administration.

ABRAHAM AMENDMENTS NOS. 3584-3585

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by him to the bill, S. 2522, supra; as follows:

AMENDMENT NO. 3584

On page 14, line 4, strike "\$15,000,000" and insert "\$35,000,000".

AMENDMENT NO. 3585

On page 14, beginning on line 4, strike "not less than \$15,000,000" and all that follows through the period on line 7 and insert the following: "and existing accounts, not less than \$250,000,000 should be made available to Lebanon to be used for, among other programs, rebuilding power generation plants, schools, water purification facilities, roads, and general infrastructure projects, with the understanding that the most immediate need is in the South of Lebanon.".

EDUCATIONAL OPPORTUNITIES ACT

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3586

(Ordered to lie on the table.)

Mr. EDWARDS (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF AGRICULTURE

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the rural community advancement program under the section 381E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), \$250,000,000, to remain available until expended, to provide grants under the rural community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)): *Provided*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PRO- GRAMS APPROPRIATIONS ACT, 2001

TORRICELLI (AND EDWARDS) AMENDMENT NO. 3587

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. EDWARDS) submitted an amendment intended to be proposed by them to the bill, S. 2522, supra; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$250,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the entire amount made available under this heading shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SPECTER AMENDMENT NO. 3588

Mr. SPECTER proposed an amendment to the bill S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . UNITED STATES-CUBAN MUTUAL ASSIST- ANCE IN THE INTERDICTION OF IL- LICIT DRUGS.

ALLOCATION OF FUNDS.—Of the amount appropriated under the heading "Department of State, International Narcotics Control and Law Enforcement", up to \$1,000,000 shall be available to the Secretary of Defense, on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters, provided that such assistance may only be provided after the President determines and certifies to Congress that:

(a) Cuba has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction of illegal drugs; and

(b) that there is no evidence of the involvement of the government of Cuba in drug trafficking.

EDWARDS (AND OTHERS) AMENDMENT NO. 3589

Mr. MCCONNELL (for Mr. EDWARDS (for himself, Mr. TORRICELLI, Mr. ROBB,

and Mr. LAUTENBERG)) proposed an amendment to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

EMERGENCY FUNDING TO ASSIST COMMUNITIES AFFECTED BY HURRICANE FLOYD, HURRICANE DENNIS, OR HURRICANE IRENE

SEC. 5 _____. (a) ECONOMIC DEVELOPMENT AS- SISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for "Economic Development Assistance Programs", \$125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), \$125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The \$125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 21, 2000. The purpose of this meeting will be to discuss the Commodity Futures Modernization Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 21, 2000 at

9:30 a.m., in open and closed session to receive testimony on security failures at Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 21, 2000, at 9:30 a.m. on the United/US Airways merger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 21, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 21, 2000, at 4:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 21, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 21, 2000, at 2:30 p.m. to hold a joint closed hearing on intelligence matters with the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND
WATER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Wednesday, June 21, 2000, at 10 a.m., to receive testimony on S. 1787, the Good Samaritan Abandoned or Inactive Mine Waste Remediation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sub-

committee on Water and Power be authorized to meet during the session of the Senate on Wednesday, June 21 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1848, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999; S. 2301, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, a bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; 2594, and S. a bill to authorize the Secretary of the Interior to contract with Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and other beneficial purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Ken Moskowitz, a fellow on the staff of Senator JEFFORDS, be granted the privilege of the floor for the pendency of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Jill Hickson, a congressional fellow, and Tanja Rinkes and Daniel May, who are interns, have the privilege of the floor today during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Alisa Nave, a congressional fellow in my office, be entitled to floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent that Robin Meyer, a fellow in the office of Senator KENNEDY, be permitted on the floor during the consideration of action on the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Jon Lauder, a fel-

low on my staff, be accorded floor privileges during the consideration of the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST
TIME—H.R. 4601 AND H.R. 3859

Mr. MCCONNELL. Mr. President, I understand the following bills are at the desk, H.R. 4601 and 3859. I ask for the first reading of each of these bills and ask that it be in order to read the titles consecutively.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

A bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

Mr. MCCONNELL. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, JUNE 22,
2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 22. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with the time equally divided between Senator AKAKA and Majority Leader LOTT or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will be in a period for morning business to be followed by the consideration of the House Labor-HHS appropriations bill as under the previous order. Amendments are expected to be offered and debated throughout the morning. Under a previous order, the amendments debated tonight with regard to foreign operations appropriations bill will be voted on tomorrow at 2 p.m. Any votes ordered relative to the Labor-HHS bill will be stacked to occur at the end of the series of votes

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in relation to the foreign operations appropriations bill. Therefore, Senators may expect votes into the evening.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous

consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Thursday, June 22, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, June 21, 2000

The House met at 9 a.m.

The Reverend Dr. Nelson Price, Roswell Street Baptist Church, Marietta, Georgia, offered the following prayer:

Mr. Speaker, to you and your colleagues, it is a privilege to pray in your presence as I do often in your absence.

Dear Lord, with a firm belief that our Nation was given birth because of Your concurring aid, we come again to ask Your aid.

Renew within us the fervor and faith of our founders that we might truly be "one Nation under God."

Rekindle the ardor and the awe of our predecessors that we may avoid a state of spiritual impoverishment and shrunken moral aspiration.

We praise You for the bounty of the land and Your blessings on the people. In gratitude we bow before You imploring You to give wisdom that supersedes knowledge to those who govern here.

In Your Holy Name I ask it. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. MOAKLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MOAKLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Georgia (Mr. BARR) will be recognized for 1 minute. All other 1-minutes will be postponed until the end of the day.

WELCOMING REVEREND DR. NELSON PRICE

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, it is a wonderful pleasure and true honor along with my colleague JOHNNY ISAKSON of the Sixth District to wel-

come Reverend Nelson Price to this great body, the people's House, today. We also extend a welcome on behalf of the House of Representatives to his lovely wife Trudy who is with him here today.

Reverend Price has been the pastor at Roswell Street Baptist Church, as the Speaker indicated, for close to 35 years. During those 35 years, he has ministered to countless thousands of God's children, both in his parish, visitors to his parish, citizens of his community, citizens of this land and indeed citizens around the world.

His voice truly, Mr. Speaker, is one of those voices that President Reagan spoke about in his second inaugural address of 1985 when he spoke of the American sound. The American sound that in the words of President Reagan echoed out across the prairies, across the mountains as the settlers moved west, as our Nation prospered, as our Nation fought wars during the lonely hours of Presidents seeking to retain the Union and preserve the Union, that American sound, as President Reagan admonished all of us in 1985, is always waiting to be passed on as a torch to a new generation so that it continues to echo for freedom, truth, honor and dignity and the belief and a recognition that our Nation truly was founded by the hand of God and to whom we have a special responsibility.

We heard a continuation of that American sound today in the words of Reverend Nelson Price. As Nelson Price prepares to retire from the active ministry at the end of this year in November after 35 years as the pastor of Roswell Street Baptist Church and its some 9,000 members, I know that I speak for all Members of this body and for the Speaker in wishing him well and Godspeed.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization. The joint resolution shall be considered as read for amend-

ment. The joint resolution shall be debatable for two hours of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, Representative Paul of Texas, and Representative DeFazio of Oregon or their designees. Pursuant to section 152 of the Trade Act of 1974 and section 125 of the Uruguay Round Agreements Act, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

The SPEAKER. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Monday the Committee on Rules met and granted a closed rule for H.J. Res. 90, a bill to withdraw the approval of the United States from the agreement establishing the World Trade Organization. The rule provides for 2 hours of general debate equally divided and controlled by the chairman and the ranking member of the Committee on Ways and Means, the gentleman from Texas (Mr. PAUL) and the gentleman from Oregon (Mr. DEFazio).

Mr. Speaker, 6 years ago this body passed legislation known as the Uruguay Round Trade Agreements. The legislation established the World Trade Organization, or WTO, which replaced the General Agreement on Tariffs and Trade, or GATT, with a more comprehensive and workable trade agreement.

In "Democracy in America," Alexis DeTocqueville wrote that "in democracies, nothing is more great or more brilliant than commerce." In our great democracy, this United States is the world leader in the global marketplace, affecting the lives and quality of life of millions of American workers, farmers and businesspeople who depend on open and stable world markets. The United States is the world's leading exporter and importer, trading over \$2 trillion worth of goods and services each year in the international marketplace.

While the underlying measure would not necessarily provide for the President to withdraw from the WTO, it would call the United States global future into question. Without a solid defeat of this measure, Congress will send the wrong message to the other 135 member countries. U.S. participation and strong leadership in the WTO is an

integral part of the success of the stable trade environment the organization is creating.

Mr. Speaker, the Committee on Ways and Means reported this bill unfavorably on June 12. The committee reasoned that continued U.S. participation in the global trading system is vital to America's long-term economic and strategic interests, continued prosperity and strengthening the rule of law around the world. In reporting the bill unfavorably, the committee reinforced a fundamental fact that this is a Nation of leadership, not of isolationism.

The WTO provides a forum to lower tariffs and other barriers to international trade. This is not the time for the U.S. to move away from the global economy by sending the wrong message to its trading partners. Additionally, through the World Trade Organization, member countries have established multilateral rules for trade that provide a stable environment for businesses and farmers who export their products. The WTO plays a vital role in enforcement and resolution of trade disputes. In fact, the WTO has been much more effective than its predecessor, GATT, in providing timely resolutions to global trade disputes. Finally, the WTO provides a forum for ongoing negotiations to reduce trade barriers and advance global trade.

Mr. Speaker, the fact is that U.S. exports have increased in the last 5 years under WTO. Our growth in international trade stimulates greater capital investment, higher productivity, technological innovation and more American jobs. American goods, crafted and innovated by the skill and labor of America's workers, are second to none. But our success in selling those goods and services in a global marketplace is assured only through free and open markets. The WTO continues to advance and create those freer and more open markets. We must keep our commitment to our workers and our businesses by allowing the U.S. to continue to be a leader in the global marketplace. Through that leadership and our success, our economy will continue to grow and more jobs will be created. Even more important, we will demonstrate our continued faith in the quality and the productivity of American workers.

Mr. Speaker, I urge my colleagues to support the rule and oppose the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my good friend the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule but in opposition to H.J. Res. 90, the resolution that it makes in order.

This rule provides 2 hours of general debate and the time is divided equally between the proponents, the chair and ranking member of the Committee on Ways and Means, and the opponents, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Texas (Mr. PAUL). This rule is necessary, Mr. Speaker, because of a provision in the Uruguay Round Agreements Act that authorized the President to accept the United States' membership in the World Trade Organization. Sections 124 and 125 of this act require that the President every 5 years report to the Congress on United States participation in the World Trade Organization.

The purpose of this report, according to the Committee on Ways and Means, is to provide an opportunity for Congress to evaluate the transition of the GATT to the WTO, and also to assess periodically whether continued membership in this organization is in the best interest of the United States. After receipt of this report, Mr. Speaker, any Member of Congress may introduce a joint resolution to withdraw congressional approval of the agreement that establishes the WTO. That resolution is on a fast track which requires committee action within 45 days and up to 20 hours of floor consideration within 90 days unless a rule establishing debate is enacted prior to that time. This is the rule that we are working on.

Mr. Speaker, I do not support withdrawal of the United States from the World Trade Organization. The World Trade Organization and its predecessor, the General Agreement on Tariffs and Trade, or GATT, have opened many foreign markets for U.S. goods and services around the globe, particularly for farmers and for business. While I have expressed opposition to the WTO's opening of its membership to countries such as China, I believe it would be a mistake for the United States to leave this organization and to isolate itself from the world's other industrial nations.

I think most would agree that overall the benefits of the WTO outweigh the costs. However, having said that, there is much room for improvement in the way the WTO operates. The 5-year report by the President to Congress serves to highlight areas where improvements could be made. A significant portion of our current booming economy is due to increased trade abroad through the rules of the WTO and GATT. But this organization needs to be about more than just trade and tariffs.

□ 0915

It needs to expand its thinking and its priorities and its rulemaking to the quality of life for those populations it has attempted to serve. The WTO policy needs to focus on improving work-

ing conditions, not simply global trade but increased worker protection, increased environmental protection, and respect for human rights.

Mr. Speaker, these issues need to be part of any meaningful trade discussions or negotiations, and any rules regarding these areas need to be vigorously enforced.

One of the most important changes would be to lift the veil of secrecy under which the WTO functions. This organization operates almost entirely behind closed doors, and such a policy has only served to heighten the mistrust of those who already question the WTO. This mistrust can be minimized only, only if there is an opening of the agenda and opening of the minds of the membership on the WTO.

There is an urgent need for public access, as well to public input into the WTO. We must address the current makeup of the World Trade Organization and particularly the total absence of representatives from labor, the total absence of representatives from the environment, and total absence from people representing human rights groups and from any other WTO advisory groups.

These entities should be given more access to this organization as it develops its policies and rules that ultimately impact in all of these areas. Enforcement of actions that have been negotiated by the members of the World Trade Organization must be tightened.

The creation of the World Trade Organization was, in part, an effort by the GATT to legally bind member governments to GATT's rules.

American trade negotiators have been successful in winning trade disputes and other violations, but, unfortunately, the enforcement to correct these cases has not been satisfactory. Agreements that have been reached must be enforced for all involved parties.

Whether we like it or not, Mr. Speaker, the world is changing. We truly are moving towards a global economy. The World Trade Organization currently has a membership of 135 nations, with another 32 who seek to join this organization.

I think it would be very detrimental to the United States to pull out of the World Trade Organization at this time. But that does not mean that we should turn our backs on those people and those issues that desperately need to be part of the World Trade Organization's agenda. We can probably do more than any nation to see that these critical but overlooked matters become top priorities with our trading partners.

Mr. Speaker, let us pass the rule, but let us defeat H. Res. 90.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield as much time as he may consume to

the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, who is not only an expert, but a global authority on trade issues in the WTO.

Mr. DREIER. Mr. Speaker, that is kind of a frightening introduction, and I hope it did not offend the gentleman from Texas (Mr. PAUL) here.

Mr. Speaker, let me thank my friend for yielding me the time; and I rise, first of all, to compliment my friend, the gentleman from Texas (Mr. PAUL). The gentleman clearly shares my view that we need to do everything that we possibly can to diminish barriers that allow for the free flow of goods and services throughout the world. In fact, the gentleman and I were discussing this issue yesterday, and we both agreed that we very much want to diminish those barriers.

I wish that there were not a single tariff that existed in the world, because we all know that a tariff is a tax; and we, as Republicans, were born to cut taxes.

If you go back to 1947 and look at the establishment of the General Agreement on Tariffs and Trade, it came following the Second World War, and we all know that protectionism played a role in exacerbating both the Great Depression and, I believe and most economists agree, establishing the hand of Adolph Hitler.

Following the defeat of Naziism in the mid-1940s, we saw world leaders come together and establish the GATT. They had one simple goal they put forward. What was it? To decrease tariff barriers. So with that as a goal, the GATT worked for years and years and years, decades in an attempt to bring down those barriers through a wide range of agreements; and as my friend from New York pointed out very well in his statement, we today have the World Trade Organization.

Mr. Speaker, 5 years ago it was established; and it was established again with the continuation of that goal of trying to decrease tariff barriers. There are not 135 nations that belong to the World Trade Organization, and I am not going to stand here and argue that the World Trade Organization is the panacea to all of the ailments of society. I am not going to say that there are not problems within the WTO. And I know that my friend from Houston will clearly point those out; but I am one who has concluded that we cannot let the perfect be the enemy of the good, because clearly the goal of the WTO is to cut taxes, to decrease those tariffs.

I think that it is the right thing to do. I am very pleased to have my friend from South Boston, the distinguished ranking minority member of the Committee on Rules (Mr. MOAKLEY) join in support of continuation of the WTO; and in his statement, he correctly pointed out, that when this was estab-

lished 5 years ago, there was a provision in the implementing legislation that said that we could have a resolution offered that would allow us to have the debate which we are going to have today dealing with the question of whether or not the United States should maintain its membership in the WTO.

Mr. Speaker, it is very clear to me that if we look at the past 5 years, since we saw the WTO established, it has been an overwhelming success; and I think that the wisest thing for us to do is to point to the economy of the United States of America and the economy of the world.

Today we have the lowest unemployment rate, the strongest economic growth, low inflation. We have very positive economic signs. I believe that that is in large part, not totally, but in large part due to the fact that we have worked to try to diminish those barriers. We very much want to find opportunities for the United States to gain access to new markets around the world. We, time and time again, stand here and point to the fact that 96 percent of the world's consumers are outside of our borders; and as such, we want to do what we can to try and find new opportunities for our workers.

We know that the United States of America being the world's global leader has understood the benefit of imports. We allow the rest of the world to have access to our consumer market, and that benefits us. That is a win-win for us. It allows us to have the highest standard of living on the face of the earth. So what we need to do now is recognize that the WTO is the structure through which we are able to gain access to other countries around the world.

I believe that we have a great opportunity here in a bipartisan way to send a signal that we believe in reducing taxes. We believe in reducing those tariff barriers so that we can allow for that free flow of goods and services, and so I urge support of the rule that would allow us to go ahead and have very vigorous debate. And then as my friend from New York (Mr. REYNOLDS) and my friend from Massachusetts (Mr. MOAKLEY) have said so well, we need to overwhelmingly defeat this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the rule. I supported the bill. When the WTO was first proposed, it was deemed unconstitutional. And I believe today if it was put under a microscope, it would be unconstitutional; but Congress made it mainstream. To me that is unbelievable. But my question today is what is happening and, even worse, what has happened to America.

American troops are often under the command of foreign generals. Just

think about that. The United Nations now wants to levy a world tax, the same United Nations that uses Uncle Sam like a policeman. And Uncle Sam, as a policeman for the United Nations, saves monarchs and dictators who then screw America by raising oil prices.

Mr. Speaker, then we look at Japan. Think about it. \$60 billion a year every year, 20 years in trade deficits, every President from Nixon to Clinton threatened Japan with sanctions if they did not open their markets. Evidently, Japan never opened their markets, and we have done nothing about it. Now, let us look at the big one. China's taking \$80 billion a year out of our economy, buying missiles and nuclear submarines with our money, aiming the missiles at our cities and telling America keep your hands off Taiwan and do not question China's military policies.

What has happened to America and what happened to Congress, beam me up, we pledge an oath of allegiance to the Constitution of the United States, not to the charter of the United Nations, and certainly by God, not to the World Trade Organization that has ruled against us every single year, from Venezuelan oil to Chinese trinkets.

This is not a matter of trade. This is not a matter of exclusion. This is a matter of American sovereignty. And by God, I think some common sense should infuse itself into the Congress of the United States who is acting like world citizens who took an oath to the United Nations.

Mr. REYNOLDS. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, it is true that I believe in low tariffs, because it means low taxes. When we had that problem facing us at the time of the constitutional convention, we were able to correct that problem in one sentence, no tariff barriers between the States, and it has been very successful. That is not what we are talking about here today.

We are talking about a very complex treaty, an illegal treaty, an unconstitutional treaty. This is the size of the treaty. This is the size of the agreement. This has nothing to do with trying to reduce taxes. As a matter of fact, when this was passed in 1994, the thought was and the statement was made on the House floor that it would lower taxes; and that I would support.

The truth is, there was an offset for every tax that was lower. Even with NAFTA, one gentleman told me that he immediately benefitted from NAFTA, because the tariff barriers went down. But do you know what happened, there was a reclassification of his product, and his tax went back on because he was a little guy, but the big guys got the benefits.

So there is something very unfair about the system. It is an unconstitutional approach to managing trade. We cannot transfer the power to manage trade from the Congress to anyone. The Constitution is explicit. "Congress shall have the power to regulate foreign commerce." We cannot transfer that authority. Transferring that authority to the WTO is like the President transferring his authority as Commander in Chief to the Speaker of the House.

We cannot do that, and we cannot give up our responsibilities here in the House and relinquish it through a very complex treaty arrangement. Now, even if we had passed this as a treaty, it would not be legal, because we cannot amend the Constitution with a treaty, and that is essentially what is happening here.

What is happening here is the people have lost control and they know it, and that is why the people are speaking out. They are frustrated with us, and they are going to the streets. That is a bad sign. That is a bad sign that we are not representing the people.

The WTO represents the special interests not the people. Why is it that the chairman of the board of Chiquita banana decided in the last 3 years to give \$1.6 million to the politicians? Because he will have access to the U.S. Trade Commissioner. Now, it is not us who will vote, but it will be the non-elected officials at the WTO who will fight the battles in an unelected international bureaucracy, the WTO, which acts in secrecy.

□ 0930

There is something wrong with that. We only have a chance every 5 years to debate this issue. The original bill allowed for 20 hours of debate. That is how important the issue was thought to be. Realizing how difficult that would be and the odds against that happening, I was quite willing to agree to 2 hours of debate. But that really is not enough, because this is a much more important issue than that.

I know the opposition, those who believe in international managed trade through the World Trade Organization, would not like to have this debate at all, because I think deep down inside they know there is something wrong with it. I think that they do not want to hear the opposition.

I am absolutely convinced that truth is on our side, that we will win the debate, disregarding the vote. But we have a greater responsibility here than just to count the votes. We have a responsibility to try our best to follow the law of the land, which is the Constitution; and quite clearly we do not have the authority to transfer this power to unelected bureaucrats at the WTO.

The WTO has ruled against us, stating that the Foreign Corporation tax

sales credit is illegal; and we have promised by October 1 to rescind this tax benefit, and unfortunately we will. I would like to know from the Committee on Ways and Means when this is going to happen, how we are going to do it, because it is going to be a \$4 billion increase on our taxes. This will be passed on to the people. At the same time the European Community is preparing to file a case against the U.S. in the WTO to put a tax on international sales.

In Europe there is a tax on international sales. If you buy software over the Internet, you are charged a sales tax. The Europeans said they will absolutely not reduce that tax. In America we do not have that tax, which is wonderful. So for the Europeans, what would the logical thing be? If you can transfer value over the Internet, they buy their software from us. That is good. Since they refuse to lower their taxes, they are going to the WTO to get a ruling. Well, maybe they will rule against us. They may well call it a tax subsidy. What will we do? We are obligated, we are obligated under the rules, to accommodate and change our laws. We have made that promise. Some will say, Oh, no, we still have our sovereignty. We do not have to do it. What happens? Then the complaining nations go to the WTO who then manages a trade war. They permit it. This results in a continual, perpetual trade war managed by the WTO, something we need to seriously challenge.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding the time.

This debate is going to be constrained today in the House. It is being held at an unusually early hour, with little notice to Members, except at 11 o'clock last night; and the debate itself is constrained by this rule to 2 hours, although the legislation which passed this body, a lame duck Congress, I might add, without any amendments allowed, was to have up to 20 hours of debate.

This should be an important debate, with the United States running this year probably a \$300 billion-plus trade deficit, something that we cannot do forever without dire consequences, although the gentleman from California spoke eloquently earlier about how wonderful it is to import things. Of course, if you import more than you export, you are losing jobs and you are running up a tab with foreign nations, and the U.S. is running up a tab at a record rate, \$300 billion a year, probably \$80 billion with China this year. We are helping to finance their military expansion and other things that the dictators are doing over there with our addiction to their extraordinarily cheap exports. But there are problems that come with those cheap exports, in addition to the loss of U.S. jobs.

But what particularly concerns me here today is the fact that the debate is constrained; it is at an early hour, and this follows a pattern. The original adoption of the legislation that bound the U.S. to the WTO was passed in a lame duck Congress, when the Democrats had just lost the House of Representatives, and it was brought up under extraordinary procedures that allowed no amendment.

Luckily, that law has not been renewed, the so-called fast track legislation, allowing a President to negotiate an incredibly complex agreement and then bring it to Congress and say oh, you can't change anything, because if you change it that is the end of it and the U.S. will be an isolationist. That is what we are going to hear again today, you are either for an isolationist or you are for engagement. I am for engagement with the rest of the world and for trading with the rest of the world, but just not under these rules, not under the secretive WTO organization, not under an organization that resolves disputes between parties in secret tribunals.

Now, when I first brought this up during the original deliberations under GATT to then Mickey Kantor, the President's special Trade Representative, I said, You know, how can the U.S. bind itself to an organization that will resolve disputes in secret tribunals with no conflict of interest rules, to intervenors, not public scrutiny? How can the U.S. bind itself to that, and they can overturn our laws?

He said Oh, you don't understand. They can't overturn our laws. All they can do is fine us in perpetuity if we want to keep our laws.

I said, Oh, that is an interesting and subtle distinction.

But that is the way it works. And there a list of U.S. laws, thus far ones most people apparently do not care a lot about, Marine Mammal Protection Act, Endangered Species Act, Clean Air Act.

But now there is one on the radar screen. They want us to change our tax laws, \$4 billion-a-year subsidy. Now the Europeans have won the decision against the United States that would mandate that the United States change its tax laws, a \$4 billion-a-year subsidy to the largest corporations in America.

Now people are getting a little bit excited about this process, Marine Mammal Act, you know, sea turtles, you know, Endangered Species Act, Clean Air Act. It did not register on the radar screen downtown with the Clinton administration. It would be different if we had a Democratic administration, I guess. But when it is a tax break for foreign corporations, now they are pulling out all stops.

Of course, the U.S. has had some victories. The U.S. banana growers, wait a minute, we do not grow bananas in the United States. Well, a large political

contributor who owns control of the company that grows bananas under U.S. corporate ownership won a major decision against the Europeans, which is decimating the small growers in the Caribbean. The U.S. has forced the Europeans or is now penalizing the Europeans or fining the Europeans for not letting in hormone-laced beef. These are the kinds of decisions we are getting out of the WTO.

Now, this process needs to change. Even the President says it needs to change. He wants labor included. He wants environmental things included in the future in the WTO. But, guess what? This organization is not very likely to change. It would require a two-thirds or maybe a three-quarters vote, the rules are not quite clear, to change the charter in those ways, and, as we all noticed, the whole Seattle round fell apart just because the U.S. was asking that we might have a meaningless, nonbinding working group on labor rights or environmental considerations in the future.

This organization needs dramatic change. Unfortunately, the only choice we are going to be given here today is not to vote to begin a process of the U.S. pressuring the WTO for change or amending the WTO agreement itself, but an up or down vote under very constrained debate on whether or not the U.S. will be in the WTO.

I regret those conditions, and will urge Members to vote for the resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to talk about internationalism. Many of us who have been critical of some aspects of the World Trade Organization and in particular have been critical of an international economic policy which consists entirely of freeing restraints on capital and paying no attention to the problems it can call for worker rights and for environmental problems, we have been accused sometimes of not caring enough about poor people overseas.

Well, I think it is time to focus on the question of who is trying to alleviate poverty overseas in its fullest, because, without question, the single most important thing that this Congress will consider, dealing with poverty overseas, grinding, abject, life-threatening poverty, is international debt relief.

Last year the House Committee on Banking and Financial Services, on which I serve in a bipartisan way, brought forward legislation that created a framework within which the United States could grant debt relief to the poorest countries in the world, countries, in some cases, that had been

run by thugs and crooks who had indebted their countries, and these are now countries where people are going without the basic necessities of life because of the need to make debt payments. So a very impressive coalition of religious and charitable and welfare-oriented and private sector groups have come together to press for international debt relief.

Unfortunately, the Committee on Appropriations last year grudgingly voted only some the money that was necessary. This year we were hoping that we could, within the legislative authorization that is already there, get enough money to complete debt relief, debt relief that is being urged by the Pope, by every major religious organization, by every group internationally that cares about alleviation of poverty and fighting disease.

What have we gotten from the majority party? Basically, not very much. The appropriations process is going forward, and so far the result has been an unwillingness to vote the funds for debt relief.

So we ought to be clear. We have people among us, and I am not saying I have not heard from the business community, from all the internationalists, who wanted the World Trade Organization, who wanted permanent trade with China, I have not heard from them. So I have to ask the question, do we have people for whom internationalism and concern for others means a chance to make some money?

Now, making money is a good thing. It helps the people who make it and it helps the rest of us. But when people are internationalists only because they are looking for a chance to increase their profit margins by trade with China, and they are silent when debt relief for desperately poor people in Africa and Asia and elsewhere is denied, I have to say that my guess is we are talking about self-interest, rather than internationalism and concern for the poor. Self-interest is not a bad thing. What is bad here is not the actual motive, but the pretense.

So I would hope that in the spirit of internationalism, I would hope that this spirit of internationalism turns out to be more than a license to make some more money in China. I would hope that the spirit of internationalism does not turn out to be an understanding of the attractiveness of low-wage, non-environmental, no-OSHA type activities as a place to invest. I would hope it would show as a genuine concern for sharing the vast resources of this country and other wealthy countries with poor people. But so far that is not what is happening. So far, the Subcommittee on Foreign Operations just voted, and essentially voted virtually nothing, I think 20 percent of what was needed for debt relief.

Now, this is poverty alleviation. This is a case of people who are desperately

hungry, children who do not have food or medical care, people who do not have shelter; and if the majority party's appropriation goes forward, what little revenue these people are able to get will be extracted for debt payments, debts contracted in many cases by thugs working with irresponsible financial institutions.

So we will have a test over the next month of internationalism. Right now we have a very incomplete internationalism. The rest of the world, poor countries as a venue in which to make money, then we are all for it. And as I said, I think in and of itself making money is a good thing. But when a request for relieving these people of debts, which are grinding them into poverty, debts which are dysfunctional in their impact on these economies, when every significant religious leader, every international-oriented organization, every group concerned with health care and child welfare and food says our highest priority is debt relief, and the majority party responds by saying, Oh, sorry, not this year, then internationalism does not look very good.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Massachusetts for yielding me time.

Mr. Speaker, as a new Democrat, I rise in strong support of fair trade, not unfettered free trade, and I also rise in support of the rule, but against the underlying bill.

As a fair trader, as a new Democrat who believes that the trade deficit that we seem to build month by month by month is becoming a bigger and bigger problem, but also as a Member of Congress who believes that we need to pry open and penetrate new markets overseas so that we can export products, not jobs, we need a working, viable, reformed, modernized WTO.

□ 0945

Now, the gentleman from Oregon (Mr. DEFAZIO), my good friend, said we need dramatic change in the WTO. I agree. I agree with that statement. I think where we differ is that I believe we need dramatic and fundamental change in the WTO to emphasize human rights, to emphasize labor law, to enforce and implement the trade laws that we in the United States have on the books to protect our jobs in the Midwest and throughout the country, but we do not want to blow up the WTO, and that is what this vote is about. We do not want to mow it down, we want to modernize it. We want to improve it, not remove it.

The WTO needs to do a much better job of enforcing the trade laws that we have, whether that be the 1995 South Korean automobile trade law that I do not think is well enforced from an

American perspective. The WTO needs to do a much better job of implementing trade laws, of insisting on the rule of law and transparency in our trade laws. However, Mr. Speaker, when we had the debate for the last 4 or 5 years about the United Nations, most of us said with respect to the United Nations, let us change the bureaucracy and get rid of some of it; let us change what we contribute; we contribute too much today to the United Nations; let us leverage some of our aid to the United Nations to get them back to their original mission, but let us not blow up the United Nations. They do some wonderful things to help the poor, for food relief; and, as Kofi Annan said, one in five people, one in five people in the world live on less than \$1 per day. One in five people do not have access to safe drinking water. We need the United Nations, but we need to reform it.

With the WTO, we need a working, viable, modernized, revolutionized, reformed WTO; but this vote would remove the WTO. So let us work together to get dramatic change. Let us work together to put more emphasis on labor law and human rights, on enforcement and implementation. Let us pass the rule, and let us defeat this underlying bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as we enter the 21st century, we see that the American dream is still alive. America is still a place where an honest day's work can get one an honest day's pay. But we see that it is beginning to be challenged. It is being challenged because America is giving up its sovereignty to foreign bureaucrats, because we are losing control over our own laws. It is being challenged because America is giving up its democratic principles to a secret multinational trade organization that does its work behind closed doors. It is being challenged by workers in other nations who cannot enjoy the same freedoms and benefits American workers receive.

Foreign workers who work for pennies a day, foreign workers who work in dangerous and hazardous conditions, foreign workers who work without health benefits, foreign workers who are forced to live in dirty environments, breathe dirty air and drink dirty water, foreign workers who cannot organize and speak out for fair wages and fair benefits. Foreign workers who, because of such conditions and through no fault of their own, turn out cheap products and dump them in the United States of America.

It is unfair for American workers to compete with foreign workers on an unfair playing field. It is also unfair for

foreign workers to have to work every day in such miserable conditions.

In this world, in this type of global economy, where labor and environmental safeguards are not in place, where the majority of the World Trade Organization members continue to stall and delay and fight against real reform, all workers will continue to suffer while corporate profits skyrocket.

Remember that the American dream is just not for Americans; it is also something that is sought by many people around this world. It is a hope for a better life for workers and their families. Unfortunately, for many in this world, it will be a hope that will never become a reality.

A number of my colleagues here in this body have urged the WTO to establish real reform and put labor and environmental safeguards into place. So far, that has fallen upon deaf ears. That is why I plan to vote for H.J. Res. 90. In its current form, the WTO only ensures economic prosperity for the elite multinationals and leaves millions and millions of workers behind. We need to send a signal to the WTO that if they do not get serious about reform, we will push even harder. We have only begun the fight.

Mr. Speaker, I believe we need real reform of WTO. We need real reform that will bring the American dream to everyone, so workers around the world can have a real hope of achieving happiness.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

The WTO provides a forum for ongoing negotiations to reduce trade barriers and advance global trade. The fact is that U.S. exports have increased in the last 5 years under WTO. Our growth in international trade stimulates greater capital investment, higher productivity, technological innovation, and more, I repeat more, American jobs. American goods crafted and innovated by the skill and labor of America's workers are second to none. But our success in selling those goods and services in a global marketplace is assured only through free and open markets. The WTO continues to advance and create those freer and more open markets.

We must keep our commitment to our workers and our businesses by allowing the United States to continue to be a leader in the global marketplace. Through that leadership and our success, our economy will continue to grow and more jobs will be created. Even more important, we will demonstrate our continued faith in the quality and the productivity of the American workers.

Mr. Speaker, I urge my colleagues to support the rule and oppose the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 61, not voting 30, as follows:

[Roll No. 298]

YEAS—343

Ackerman	Cramer	Hall (TX)
Aderholt	Crane	Hansen
Allen	Crowley	Hastings (FL)
Archer	Cummings	Hastings (WA)
Armey	Cunningham	Hayes
Baca	Danner	Hayworth
Bachus	Davis (FL)	Hefley
Baird	Davis (VA)	Herger
Baker	Deal	Hill (IN)
Baldacci	DeGette	Hill (MT)
Baldwin	Delahunt	Hilleary
Ballenger	DeLay	Hinojosa
Barcia	DeMint	Hobson
Barr	Deutsch	Hoeffel
Barrett (NE)	Diaz-Balart	Hoekstra
Barrett (WI)	Dickey	Holden
Bartlett	Dicks	Hoolley
Bass	Dixon	Horn
Bateman	Doggett	Hostettler
Becerra	Dooley	Houghton
Bentsen	Doolittle	Hoyer
Bereuter	Doyle	Hulshof
Berry	Dreier	Hunter
Biggert	Duncan	Hutchinson
Bilbray	Dunn	Hyde
Bilirakis	Edwards	Inslee
Bishop	Ehlers	Isakson
Bliley	Ehrlich	Istook
Blumenauer	Emerson	Jenkins
Blunt	English	John
Boehlert	Eshoo	Johnson (CT)
Boehner	Etheridge	Johnson, Sam
Bonilla	Evans	Jones (NC)
Bono	Everett	Jones (OH)
Borski	Ewing	Kanjorski
Boswell	Farr	Kaptur
Boucher	Fattah	Kasich
Boyd	Fletcher	Kelly
Brady (PA)	Foley	Kennedy
Brady (TX)	Forbes	Kildee
Bryant	Fowler	Kilpatrick
Burr	Franks (NJ)	Kind (WI)
Buyer	Frelinghuysen	King (NY)
Callahan	Galleghy	Kingston
Calvert	Ganske	Klecza
Camp	Gekas	Klink
Canady	Gephardt	Knollenberg
Cannon	Gibbons	Kolbe
Capps	Gilchrest	Kuykendall
Cardin	Gillmor	LaFalce
Castle	Gilman	Lampson
Chabot	Gonzalez	Lantos
Chambliss	Goode	Larson
Chenoweth-Hage	Goodlatte	Latham
Clement	Goodling	LaTourette
Coble	Gordon	Lazio
Coburn	Goss	Levin
Collins	Graham	Lewis (CA)
Combest	Granger	Lewis (KY)
Condit	Green (TX)	Linder
Conyers	Green (WI)	LoBiondo
Cooksey	Greenwood	Lowey
Cox	Gutknecht	Lucas (KY)
Coyne	Hall (OH)	Lucas (OK)

Luther	Pickett	Smith (TX)
Maloney (NY)	Pitts	Smith (WA)
Manzullo	Pombo	Snyder
Mascara	Pomeroy	Souder
Matsui	Portman	Spence
McCarthy (MO)	Price (NC)	Spratt
McCarthy (NY)	Pryce (OH)	Stabenow
McCollum	Quinn	Stearns
McCrery	Radanovich	Stenholm
McDermott	Rahall	Stump
McHugh	Ramstad	Stupak
McInnis	Rangel	Sununu
McIntyre	Regula	Talent
McKeon	Reyes	Tancredo
McKinney	Reynolds	Tanner
McNulty	Riley	Tauscher
Meehan	Rivers	Tauzin
Menendez	Rodriguez	Taylor (MS)
Metcalfe	Roemer	Taylor (NC)
Millender-	Rogan	Terry
McDonald	Rogers	Thomas
Miller (FL)	Rohrabacher	Thompson (CA)
Miller, Gary	Ros-Lehtinen	Thornberry
Minge	Roukema	Thune
Mink	Royce	Thurman
Moakley	Ryan (WI)	Tiahrt
Mollohan	Ryun (KS)	Toomey
Moore	Sabo	Trafigant
Moran (KS)	Salmon	Turner
Morella	Sanchez	Udall (CO)
Murtha	Sandlin	Upton
Myrick	Sanford	Vitter
Neal	Sawyer	Walden
Nethercutt	Saxton	Walsh
Ney	Scarborough	Wamp
Northup	Schaffer	Watkins
Norwood	Scott	Watts (OK)
Nussle	Sensenbrenner	Waxman
Oberstar	Serrano	Weiner
Ortiz	Sessions	Weldon (FL)
Ose	Shadegg	Weldon (PA)
Oxley	Shaw	Weller
Pascarell	Shays	Weygand
Pastor	Sherwood	Whitfield
Paul	Shimkus	Wicker
Pease	Shows	Wilson
Pelosi	Shuster	Wise
Peterson (PA)	Simpson	Wolf
Petri	Sisisky	Wu
Phelps	Skeen	Young (FL)
Pickering	Smith (MI)	

NAYS—61

Berkley	Jackson-Lee	Payne
Bonior	(TX)	Peterson (MN)
Brown (FL)	Johnson, E. B.	Rothman
Brown (OH)	Kucinich	Rush
Capuano	LaHood	Sanders
Clay	Leach	Schakowsky
Clyburn	Lee	Sherman
Costello	Lewis (GA)	Skelton
Davis (IL)	Lipinski	Slaughter
DeFazio	Lofgren	Stark
DeLauro	Maloney (CT)	Strickland
Dingell	Markey	Thompson (MS)
Filner	McGovern	Tierney
Frank (MA)	Meek (FL)	Towns
Frost	Miller, George	Udall (NM)
Gejdenson	Nadler	Velazquez
Gutierrez	Napolitano	Visclosky
Hilliard	Obey	Waters
Hinchey	Olver	Watt (NC)
Holt	Owens	Woolsey
Jackson (IL)	Pallone	

NOT VOTING—30

Abercrombie	Cubin	Moran (VA)
Andrews	Engel	Packard
Barton	Ford	Porter
Berman	Fossella	Roybal-Allard
Blagojevich	Jefferson	Smith (NJ)
Burton	Largent	Sweeney
Campbell	Martinez	Vento
Carson	McIntosh	Wexler
Clayton	Meeks (NY)	Wynn
Cook	Mica	Young (AK)

□ 1015

Ms. JACKSON-LEE of Texas and Messrs. STRICKLAND, LEACH, and PALLONE changed their vote from "yea" to "nay".

Ms. GRANGER changed her vote from "nay" to "yea".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 298 I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. BURTON of Indiana. Mr. Speaker, on the vote for H. Res. 528, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. MICA. Mr. Speaker, on rollcall No. 298, rule for H.J. Res. 90, I was detained due to the malfunctioning of my office electronic voting signal equipment. Had I been present, I would have voted "yes."

Mr. CRANE. Mr. Speaker, pursuant to House Resolution 528, I call up the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the House Joint Resolution 90 is as follows:

H.J. RES. 90

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 528, the gentleman from Illinois (Mr. CRANE), the gentleman from Michigan (Mr. LEVIN), the gentleman from Texas (Mr. PAUL), and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 90.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H.J. Res. 90, a resolution to withdraw congressional approval of the agreement establishing the World Trade Organization. The Committee on Ways and Means reported this resolution with an adverse recommendation by a vote of 35 to nothing.

Put simply, the consensus in the committee was that it would be unthinkable and illogical for the United States to withdraw from the WTO.

The WTO stands apart from many other international institutions in that

it functions on a day-to-day basis almost completely in favor of American interests. In setting international rules for trade, the United States has had to make relatively few concessions in exchange for having open access to consumers in 136 other countries.

The WTO system is fundamentally American-based rules of the road for commerce that limit discriminatory trade barriers and damaging sanctions. Because of the strength of U.S. leadership since World War II, our trading partners have been willing to accept the structure of fair trade rules and principles.

Congress has been heavily involved in the development of these rules and principles since the establishment of the GATT in 1947. At the same time, the WTO cannot prevent the United States from establishing whatever level of food, safety, or environmental protection on imports that we see fit to impose. The WTO system of fair play only requires that we apply the same standards to both foreign and domestic producers.

Since its inception in 1995, the WTO has functioned effectively, aiding our efforts to increase job-creating U.S. exports. The best engine for our impressive economic growth has been expanding international trade under the oversight of the WTO.

Since 1995, exports have risen by \$235 billion. When we increase exports, in particular, we are increasing the number of high-wage high-tech jobs in cities and towns across America. There is absolutely no better strategy for improving living standards than to pry away trade barriers and grow foreign markets for U.S. products. Nearly 12 million high-wage American jobs depend directly on our ability to export under predictable rules.

Rules without a mechanism for enforcement would not mean much. The WTO dispute settlement system succeeds in encouraging the resolution of hundreds of trade conflicts through amicable consultations. In the 27 cases where the U.S. filed a formal challenge to foreign practices, we prevailed in 25. Our victories have won millions of dollars in increased sales for U.S. firms and workers.

In establishing the WTO dispute settlement system, Congress insisted on a mechanism with moral authority, but with no power to compel a change in our laws or regulations. Any decision to comply with a WTO panel is solely an internal decision of the United States. In the difficult WTO case against U.S. Foreign Sales Corporations that we are struggling with now, neither the European Union nor the WTO can impose any course of action on the United States.

As the world's leading exporter, the United States benefits enormously from the common sense ground rules of the WTO, such as national treatment,

nondiscrimination, and due process. This is not a perfect organization by any stretch, but to pull out now would mean reverting to a dark time 60 years ago when international trade was governed by political whim and a dangerous absence of rules and fair practices.

I urge a no vote on H.J. Res. 90.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent to allow a nonmember of the Committee on Ways and Means to control the balance of the time yielded to me until I am able to return to the Chamber.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, first let me thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Speaker, it would be irresponsible for us to support this resolution and to withdraw from international trade community, and I certainly oppose this resolution. But let me point out, I think we can do a better job in this body in monitoring our participation in the World Trade Organization.

Let me just point out a couple points if I might. First, we could improve our antisurge provisions in our own trade laws, our antidumping and countervailing duty provisions in our section 201 relief.

Last year, we had a surge of steel, cheap steel, subsidized steel into the United States which costs us many jobs around our country. We could have done a better job. In fact, we did a better job with the recently negotiated agreement with China. We have a better provision in our current law. The gentleman from Michigan (Mr. LEVIN) was instrumental in incorporating that into statute in the legislation that we approved the permanent NTR. So we could do a better job with all of our trading partners in protecting our industries from illegally imported subsidized products.

Secondly, we could do a better job on the review process. A 5-year review without much preparation and advance is not the way we should be reviewing our participation with the WTO.

Today, Mr. Speaker, I filed legislation, and I would like my colleagues to review it and hopefully join me in supporting, that incorporates the suggestion of Senator Dole and supported by the USTR that would set up a commission composed of five Federal appellate judges to review the WTO dispute settlement reports and to make a report to Congress. This Commission would, if

they found that the WTO exceeded its authority, affected our rights under the Uruguay Rounds, acted arbitrarily or decided a case outside of the applicable standards, if that happened, and it has happened that the WTO has made, in the view of legal experts, decisions that do not hold with the precedent and the laws and the obligations under the WTO and Uruguay Rounds, they would make that report to Congress.

Any one of us could file a joint resolution requesting the President to negotiate dispute resolutions within the WTO that address these concerns. If there were three such adverse rulings in a 5-year period, any one of us could file a joint resolution of disapproval of participation in the WTO.

Mr. Speaker, I think that is a more effective way to deal with the review than voting on this every 5 years, when it would be irresponsible to vote in favor of it. If we did that, I think we are showing the WTO that we are watching their decision making very carefully and expect that their decisions will be in compliance with the international standards and the obligations that every Nation with the WTO has agreed to. It would be a more effective review process for us to decide whether we want to continue in the WTO.

I urge my colleagues to support that approach and to reject this resolution.

Today the House will consider H.J. Res. 90, a resolution to withdraw Congressional approval of the Agreement establishing the World Trade Organization (WTO). I voted against this measure in the Ways and Means Committee, and I urge you to join me in voting against this resolution today on the floor. The United States' role as the clear leader in advancing the cause of free and fair trade demands our continued participation in the WTO.

At the same time, there are serious problems in the operations and deliberations of the WTO that we should seek to address. Toward that end, I ask today that you join as a cosponsor on legislation I have prepared which would create a WTO Dispute Settlement Review Commission.

The need for this legislation is clear. Over the past several years, we have witnessed too many instances in which unfounded interpretations of international trade law have led to WTO decisions that adversely impacted U.S. workers and industries. Specific cases involving lead bars, Korean DRAM's, and Japanese film all raised serious issues regarding the processes and conclusions of WTO actions. We need to provide a process by which these decisions can be reviewed by an impartial, nonpartisan panel that has the responsibility to inform the Congress and the American people of its findings.

In 1994 the United States Trade Representative (USTR) wrote to then-Senator Bob Dole to endorse the establishment of a WTO Dispute Settlement Review Commission. The bill I am introducing would revive a proposal made by Senator Dole to create a mechanism to provide that WTO decisions are carefully re-

viewed to assure the fair and sensible application of the rules of international trade.

The Commission would consist of five federal appellate judges, and would review all final and adopted WTO dispute settlement reports. The Commission would review adverse WTO findings, using the following set of four criteria to determine whether the WTO panel: (1) demonstrably exceeded its authority or its terms of reference; (2) added to the obligations, or diminished the rights, of the United States under the Uruguay Round; (3) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from established panel or appellate procedure in the applicable Uruguay Round Agreement; and (4) deviated from the applicable standard of review, including in antidumping cases, set forth in the 1994 GATT agreement.

The Commission would issue its determination within 120 days after the report is adopted. Upon the issuance of any affirmative determination by the Commission, any Member of each House would be able to introduce a joint resolution calling on the President to negotiate new dispute settlement rules that would address and correct the problem identified by the Commission. The resolution would be privileged and considered under expedited committee and floor procedures.

If there are three affirmative determinations in any five-year period, any Member of each House would be able to introduce a joint resolution to disapprove U.S. participation in the Uruguay Round agreements, again using expedited procedures.

While we may disagree on the appropriate remedy for responding to an adverse WTO panel decision, we all agree WTO panel decisions must treat American economic interests fairly. The Review Commission would raise the visibility of important WTO decisions that have a profound effect on the economy of the United States. I hope that the Commission would also reinvigorate the Congressional oversight role regarding trade policy, and encourage Members of Congress to seriously reflect on WTO decisions and their impact on the United States.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have the opportunity to vote to get out of the WTO. We joined the WTO in 1994 in a lame-duck session hurried up because it was fearful that the new Members would not capitulate and go along with joining the WTO. The WTO was voted by the House and the Senate as an agreement, and yet it is clearly a treaty. It involves 135 countries. It is a treaty. It has been illegally implemented, and we are now obligated to follow the rules of the WTO.

This is the size of the agreement that we signed and voted on in 1994. Now, if that is not an entangling alliance, I do not know what could be. It is virtually impossible to go through this and understand exactly what we have agreed to. But this is it, and this is what we are voting on today. If my colleagues vote against the resolution, they are rubber stamping this. That is what they are doing.

Some argue that, yes, indeed the WTO is not quite perfect. But we need it. We need the WTO to manage this trade. But at the same time, they have no options. We cannot change the WTO. This is our only opportunity to vote and dissent on what is happening.

The people of this country are being galvanized in opposition to this. They never opposed GATT. GATT did not have the same authority as WTO. But now the WTO is being found to be very offensive to a lot of people around this country.

It is said that the WTO has no control over our sovereignty. That is like saying the U.N. has no control of our sovereignty. Yet what body in the world directs our foreign policy? Where do we send troops around the world? Why do we put our troops under U.N. command? Where do we get authority to march into Kosovo and Somalia? From the United Nations. The WTO is the same.

□ 1030

It is the same sort of thing. It is incrementalism. People say we can always oppose it. That is sort of like saying in 1913, The income tax is not all that bad; it is only 1 percent placed on the rich. We don't have to worry about it. But before we know it, it is out of control. There is incrementalism here to be concerned about.

To the issue of whether or not we are obligated to follow the WTO rules, Congressional Research Service on August 25, 1999, did a study on the WTO. Their interpretation is this:

"As a member of the WTO, the United States does commit to act in accordance with the rules of the multilateral body. It is legally obligated to ensure national laws do not conflict with WTO rules."

That is why we will be very soon changing our tax laws to go along with what the WTO tells us to do. In an article recently written by D. Augustino, he says:

"On June 5, WTO Director General Michael Moore emphasized the obedience to WTO rulings as not optional. Quote, the dispute settlement mechanism is unique in the international architecture. WTO member governments bind themselves to the outcome from panels and if necessary the appellate body. That is why the WTO has attracted so much attention from all sorts of groups who wish to use this mechanism to advance their interests."

Indeed, this is a treaty that we are obligated to follow. It is an illegal treaty because it was never ratified by the Senate. Even if it had been, it is not legal because you cannot transfer authority to an outside body. It is the U.S. Congress that has the authority to regulate foreign commerce. Nobody else. We will change our tax law and obey the WTO. And just recently, the European Union has complained to us

because we do not tax sales on the Internet, and they are going to the WTO to demand that we change that law; and if they win, we will have to change our law. The other side of the argument being, We don't have to do it. We don't have to do it if we don't want to. But then we are not a good member as we promised to be. Then what does the WTO do? They punish us with punitive sanctions, with tariffs. It is a managed trade war operated by the WTO and done in secrecy, without us having any say about it because it is out of our hands. It is a political event now. You have to have access to the U.S. Trade Representative for your case to be heard. This allows the big money, the big corporations to be heard and the little guy gets ignored.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself 2 minutes. We have heard already that this organization only has moral authority, no power to change U.S. laws, they cannot impose any action. That is not true. It is patently not true. If the secret tribunal with no conflict-of-interest rules which does not allow intervenors other than the nation states involved, no interest groups, no one else whose laws or interests might be in jeopardy loses a decision, then the complainant nation can impose penalties on you if you do not change your law.

So we are saying, there is no power to change our laws. We can pay to keep them. If we had wanted to continue to protect sea turtles, we could have paid the foreign shrimpers who want to kill sea turtles at the same time they catch shrimp. We could have paid off Venezuela because they wanted to import dirty gasoline if we did not want to allow it to be imported. But no, we changed our laws.

Now, for anybody to say that they do not have leverage, that they cannot make us change our laws is patently untrue unless you are adding the little proviso, U.S. taxpayers can pay for our laws. Well, that is not right.

There are other problems with this. The gentleman from Maryland talked about how we need to improve the antidumping provisions. The antidumping provisions are on the EEC hit list. The European Economic Community has chosen a number of areas of U.S. laws they are going to appeal in the WTO to try and get binding penalties against the U.S. unless we repeal those laws.

They include the restraint of foreign investment in or ownership of businesses relating to national security. National security. So the Chinese could come in and buy up Lockheed Martin. The 1916 anti-U.S. dumping act is in contradiction with the WTO agreement. They intend to file complaints against that. We have a gentleman saying, and I think with great merit, we need to make it stronger, but it is on

the target list. If we lose the decision, we have to pay to keep out dumped foreign steel or other goods. The EU is going to go after Buy America provisions. They say those are WTO illegal. Finally, the small business set-aside. It is outrageous the things that are being ceded under this agreement.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

The distinguished gentleman from Texas (Mr. PAUL) quoted from a Congressional Research Service report and he indicated the U.S. sovereignty was imperiled through membership in WTO.

As a member of the WTO the United States does commit to act in accordance with the rules of the multilateral body. It is legally obligated to ensure national laws do not conflict with WTO rules.

Not quoted, however, in this quote from Congressional Research Service is the remainder of what was contained in that which states:

However, the WTO cannot force members to adhere to their obligations. The United States and any other WTO member may act in its own national interest in spite of the WTO rules. The WTO even recognizes certain allowable exceptions such as national security.

That is a direct quote from the Congressional Research Service World Trade Organization background and issues, August 25, 1999. Membership in the WTO is not a surrender of U.S. sovereignty but its wise exercise.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman yielding me this time, and I appreciate his leadership on this issue.

I rise in strong opposition to this resolution. Supporters of it would have us believe that the United States would be better off if we withdrew from the World Trade Organization, but I believe that nothing could be further from the truth. Political leaders and statesmen who created the WTO and its predecessor, the GATT, did so for good reasons. They had lived through some of the darkest days in the history of the world, famine, poverty, war that dominated the lives of millions of people around the world.

Protectionism and economic stagnation put millions of Americans out of work. Factories closed, homes were lost, families were destroyed. They witnessed the havoc which trade wars and military wars and the protectionism that comes from trade wars can bring. And they vowed not to let it happen again. So they created an organization whose sole purpose was to open up closed markets, promote economic growth, provide a forum for the peaceful resolution of trade disputes. This was the GATT, the predecessor to the WTO. And it worked. Since World War II, the world has experienced unprecedented economic growth. Millions of people around the world have been pulled from economic poverty.

But the system certainly was not perfect. So, we tried to correct some of the deficiencies of the past by creating the WTO which would further liberalize trade and provide for an even stronger dispute settlement procedure. Again, I believe the system has worked, especially for the United States.

In the first year of implementation, U.S. exports rose 14.4 percent, seven times greater than the GDP growth in that same year. When fully implemented, it is estimated that the agreement establishing the WTO will add somewhere between 125 and \$250 billion each year to the GDP of this country.

I agree that it is still not perfect, it is an evolving institution. But what is it supporters of this resolution disapprove of? Tariff cuts? Opening export markets? Peaceful dispute resolution? Economic growth? Full employment? And if this is what they disapprove of, what exactly is the alternative that they propose? It is easy to criticize, it is easy to point fingers, to lambaste, but what is the proposed alternative? I have yet to hear anyone that can prove to me that there is a better way than to proceed with the WTO.

We will be hearing a lot today about how our antidumping laws are the cornerstone of U.S. trade policy, critical to our economic growth, that they are responsible for the prosperity we experience today. I say baloney to that. Our antidumping laws are more often than not little more than special interest protectionism for select U.S. industries, protectionism that costs every single American.

Take a look at the recent editorial in the Washington Post, not exactly a conservative newspaper, entitled "Steel's Deal." It says:

"The theory of antidumping cases is that foreigners are protecting their markets, allowing firms to make huge profits at home and sell at a loss to Americans. Even where this is the case, it is not obviously bad. Cheaper steel helps the U.S. carmakers and other manufacturers that buy the stuff, and these firms employ far more American workers than do U.S. steelmakers."

Mr. Speaker, I could not have said it better. The WTO may not be perfect, but it is the best that we have. I urge a "no" vote on this resolution.

Mr. Speaker, I include the Washington Post editorial in its entirety:

STEEL'S DEAL

Sometimes the administration sings anthems to free trade. But last week, faced with a study documenting the steel industry's efforts to hobble foreign competitors, the Commerce Department felt obliged to defend protectionist policies. Rather than concede the obvious facts, a department official pleaded that the U.S. market is relatively open and complained that the study was "totally ridiculous and absurd" because it was paid for by foreign steel makers.

It is true that the tariffs and quotas that once excluded foreign steel are mostly gone, thanks to international trade deals. But the

new battle has shifted to anti-dumping suits. Whenever foreign imports surge, U.S. makers allege that steel is being "dumped" on the U.S. market at prices lower than it would fetch in its country of origin. If the U.S. side can convince a special tribunal that its business is damaged by such dumping, the Commerce Department imposes punitive tariffs on the dumpers. The steel industry uses this device so aggressively that about 80 percent of steel imports from Japan are subject to anti-dumping tariffs or investigations. As of last December, steel accounted for 103 of 250 punitive orders in effect across the economy.

The theory of anti-dumping cases is that foreigners are protecting their markets, allowing firms to make huge profits at home and sell at a loss of Americans. Even where this is the case, it is not obviously bad: Cheaper steel helps the U.S. car makers and other manufacturers that buy the stuff, and these firms employ far more American workers than do U.S. steel makers. But foreign protectionism occurs less often than U.S. industry claims, and these claims get too little scrutiny. Because of pressure from the steel caucus in Congress, the dumping tribunal tends to side with U.S. firms; just last week, a House committee refused to appropriate funds for the tribunal's budget because members disliked one of its recent findings.

In addition to pushing up U.S. prices, anti-dumping actions weaken America's ability to lead the world toward trade liberalization. One reason for the failure of November's Seattle trade summit was that the United States had refused to put its dumping rules on the table. Most countries rightly regard anti-dumping law as a cover for protectionism. In the only test of this suspicion so far, the World Trade Organization's dispute-settlement panel found against a U.S. claim that South Korea's computer-chip "protectionism" warranted anti-dumping action.

America's steel industry accounts for a tiny proportion of the national economy. But its lobby fills the campaign coffers of both parties and can distort trade policy. Most American workers, employed in competitive industries that depend on open markets, suffer from this quiet corruption.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I am opposed to this resolution. In a word, globalization is growing. It is here to stay. The question is whether and how we are going to shape it. If you vote yes, I guess you are saying, Don't try to shape it; throw up your hands, retreat from the process. I think the answer instead is to pursue, to persevere, to roll up our sleeves, to understand the strengths of the WTO; and where there is a need for reform to get in there and work for those reforms.

The WTO provides a rule-based foundation for growing international trade. There is no alternative but to have some kind of a global rule-based system. The alternative is anarchy, and that is not in the interest of the U.S. as the largest world trader. The World Trade Organization has also provided a means for us to attack nontariff barriers in addition to the traditional barriers to trade, tariffs, et cetera.

It is far from perfect. We continue to press Japan in terms of their nontariff barriers. We have made some progress through the WTO in certain areas. It also has addressed the new tech-

nologies as they evolve in the world. But there are other ways that the WTO has not adapted to change. Now its rulings are binding. They were not under GATT. That means that the procedures have to be more open than they are. We have to eliminate the secret procedures. We should be in there and this administration has been in there fighting for those changes.

Also, more and more globalization includes the evolving economies. That means there are new issues, issues of labor, of worker rights, labor market issues, issues of the environment. The World Trade Organization needs to address these issues. With the help and support of some of us, the administration has been endeavoring to do that.

So, in a word, it seems to me this is the question: If you vote yes, what are you saying? You cannot be saying reform. You cannot reform an organization that you say withdraw from. What you need to do is to get in there and to work at it. That is why I believe there needs to be a no vote.

Let me just say a word about some of the arguments that are used, for example, sea turtles and the Venezuela ruling. What the World Trade Organization said in those cases was the U.S. has to apply the same laws to others as we apply to ourselves. That is not a radical proposition.

Let me comment briefly on what the gentleman from Arizona said. The WTO does not endanger American anti-dumping laws. Period. The way the Uruguay Round was structured, our antidumping laws can persevere and we can pursue them.

Mr. Speaker, I think to vote yes on this sends the wrong message. It is the message of retreat. It is the message of withdrawal. A no vote, if shaped correctly, and I think we need to do it, says to the world, we are going to be part and parcel of a global organization. Where it has strengths, we will support it vigorously.

□ 1045

Where it has weaknesses we can work actively to change it; that is what we have been doing these last years. That is what we need to do with even greater energy and endeavor. I urge a no vote on this resolution.

Mr. PAUL. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Texas (Mr. PAUL) has 25 minutes remaining.

Mr. PAUL. Mr. Speaker, I yield myself 15 seconds. It is said that we do not have to listen to the WTO, but they threaten us with sanctions. They do not give us incentives. It is a threat, and we capitulate.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho, (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise in strong support of

H.J. Res. 90, which would officially withdraw the United States from the World Trade Organization and would fully restore our sovereignty, and I think that is the heart of the problem.

Mr. Speaker, as the recent debacle in Seattle clearly demonstrated, the United States has absolutely no business in a bungling international organization that can unconstitutionally raise our taxes and threaten our sovereignty. The Seattle meeting was touted to be an opportunity for nations to openly and freely discuss multilateral trade agreements.

In truth, this was simply a charade, and most of the meetings were closed door or secret, where certain bureaucrats and countries were allowed to negotiate while others were left at the doorstep. For instance, some of our own Members of Congress, who are constitutionally responsible for the U.S. citizens they represent, were denied access to these meetings. And all of this happening while protesters were being gassed and shot with rubber bullets by law enforcement.

What a circus, Mr. Speaker. This is not the way that we should conduct trade. This is certainly not the way our Founding Fathers envisioned how we should conduct trade. When the Founding Fathers of our country drafted the Constitution, they placed the treaty-making authority with the President and the Senate, but the authority to regulate commerce was placed with the House and the Senate. As governmental units cannot treaty away authorities they do not have, for example, those reserved only to the States, our Constitution left us with a system that made no room for agreements regarding international trade that does not involve treaties or specific actions by Congress.

Moreover, Mr. Speaker, the Constitution certainly does not give the authority to international entities to tax the American people. Yet, this is exactly what the WTO has done. The WTO recently ruled that \$2.2 billion of United States tax reductions for American businesses violates WTO rules and must be eliminated by October 1 of this year.

Now, Mr. Speaker, the Constitution requires that all appropriation bills originate in the House and specify that only Congress have the power to lay and collect taxes. Taxation without representation was a predominant reason for America's fight for independence during the American Revolution. Yet, now we face an unconstitutional delegation of taxing authority to an unelected international body of international bureaucrats.

Mr. Speaker, the bottom line is that we do not need the WTO to maintain free and fair trade. Trade negotiations occurred with great success millennia before the existence of the WTO. So let us return to a system of negotiating trade that is constitutionally founded.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank gentleman for yielding me the time.

Mr. Speaker, although, I do not think that withdrawing from WTO is the best course of action right now, the organization must be dramatically reformed to continue to enjoy U.S. support.

In addition to incorporating labor rights and environmental protection, the WTO needs to become far more transparent to operate in full public view. Dispute settlement proceedings need to be opened to the public. Civil society needs to be allowed into the process. Developing countries need to be able to fully participate.

But lack of transparency is not just a problem in the WTO. It is a problem in the U.S. relationship with the WTO. Trade policy in this country operated behind closed doors, only a few special interests making decisions for the entire country.

Most of the advisory committees that guide the President of the United States on trade policy are made up solely of industry representatives. The meetings are closed to the public. The process is not transparent. It is not democratic, and it is not right.

The recent court decision said that two Forest Industry Sector Advisory Committees need to include environmental representative. That is what the court says in terms of the public's right to know. This is progress, but it is not enough.

There are still too many committees on tobacco, on chemicals, on all aspects of trade, that are comprised only of industry representatives. And even in a few instances where labor or the environment is actually represented, it is simply a token effort.

Labor, human rights, environmental, and the public need an equal seat at the table. Before the U.S. decides to challenge another country's health or environmental standards as a barrier to trade, we need an open and transparent process. That means before the U.S. lobbies against the EU plan to protect kids from toxic toys, there should be public involvement. The U.S. agency should not just be doing the bidding of industry, they should be representing all Americans.

That is what transparency is all about. I urge my colleagues and the administration to push for greater transparency in the WTO and also in our process here at home that leads up to these trade agreements.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, proponents of the WTO and our colleagues, especially the gentleman from the State of Oregon (Mr. DEFAZIO), have indicated that supporters of the resolution perpetuate the weakening of our clean air rules to

implement a WTO-panel decision concerning cleaner burning gasoline. And reality is the issue before the WTO was discrimination against foreign gasoline producers, not the level of environmental protection.

The regulations allowed U.S. refiners three ways in which to meet the standards while giving foreign refiners only one, a clear case of discrimination.

In short, this discrimination gave an opportunity to the WTO dispute settlement panel to hear the case on the grounds of this discrimination and what their panel considered and what they concluded was the level of protection was never an issue rather the U.S., the panel determined, is free to regulate in order to obtain whatever air quality it wishes. We just cannot have that kind of discrimination between the two.

Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the chairman of the Subcommittee on Trade, and I rise to strongly oppose this resolution. The WTO is the keystone of an international trading system that we have belonged to and helped shape since the late 1940s.

This is an essential part of our strategy long term for fair and open trade. The WTO is essential to maintaining a rules-based trading framework that is critical to the little guy in international trade, not just us, and to the small company, participating in international markets.

I have listened to the debate here, and there is no question that the WTO needs reform. We need to improve transparency and its decision making. We need to address the weak and arbitrary dispute settlement process that I have been critical of, but these facts make the case for our involvement, not for our withdrawal, any more than a disagreement with an individual court decision makes the case for our withdrawing from the Constitution. Do any of these individual cases make the case for our withdrawal from the WTO?

We are the greatest economy on earth, and we cannot turn our back on the rest of the world where 75 percent of the world economy is. We need to play in that arena. And the only way we can do it and shape world trade is by participating in the WTO. I have no doubt that some of our trade competitors would delight in seeing us withdraw from the WTO and create a windfall for them and a clear field for their policies.

If we are in favor of fair and open trade, if we are in favor of involving ourselves in a trading system that will continue to improve our quality of life and our economy, it is critical that we engage. I have no doubt in the future if we fail to address a need for reform in

the WTO, that there will be a legitimate case for reassessing our involvement, but that case is not been made today. Vote down this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I want to thank the gentleman for yielding me the time, and I want to also sincerely thank the gentleman from Texas (Mr. PAUL) for bringing this resolution to the floor. I, for one, with the greatest reluctance will oppose it. Because as advertised, WTO was to solve many of our problems. It was to be good for America. It was to be good for U.S. workers.

We have heard remarks on the floor today about how our exports have gone up over the last 5 years. What has gone up 120 percent over the last 5 years is our trade deficit. Before the WTO was implemented, our trade deficit was \$150 billion. This last year, 1999, it has increased to \$330 billion. We have heard that the WTO has put money into the American economy.

I am concerned about putting money in the pockets of American workers. And from my perspective, that has not happened. In constant 1982 dollars, the average American for that average one hour's worth of work, not stock options, not benefits, not executive compensation, one hour's worth of work is making a nickel less 18 years later, so I do not know whose pocket these profits and these renewed incomes are going into.

There has been no progress over the last 5 years, as far as improving international environmental standards. There has been no progress over the last 5 years as far as improving labor rights.

And most recently, there has been an abject failure by the President of the United States and this administration to use the WTO as advertised. It is my understanding that quantitative limitations on the import or export of resources or products across borders is violative of international trade law. As we debate this moment, OPEC nations are meeting in Europe fixing the production of oil, and it is causing a crisis for the taxpayers in this country and the President has not filed a complaint under the WTO.

Mr. PAUL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me remind those who would like to reform the WTO that we are helpless, Congress cannot do that. We need a unanimous consent vote from the WTO members. So that is not going to happen. Even the committee describes what we are talking about as a system of fair trade administered by the WTO. Fair trade, fine, we are all for fair trade, but who decides the WTO? That is not fair to the American citizens.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Paul amendment, and some will see that as unnecessary, and they say work with the WTO and it will only get better. But what we have seen under the WTO is a tax on our environment, our health and safety standards, and we continue to have steel dumping here in the United States.

I am concerned about our American sovereignty. Our democratic form of government is threatened by trade agreements like NAFTA, Permanent Normal Trade Relations with China, and WTO, that allows claims to be made against America's markets. It allows claims to be made against, our natural resources without regard to laws to protect the health, safety, welfare and environment of our great Nation like our fresh water resources.

Mr. Speaker, I have raised the fresh water resources in the sale of the version of Great Lakes water and our natural resources when we have debated NAFTA, when we debated WTO, and when we talked about trade with China. But the fact remains, once these trade agreements are passed, WTO kicks in and the U.S. sovereignty is kicked out. Take the FO Corporation from Richmond, Virginia, that wanted to put MMT in Canadian gasoline. It is a gas additive. Canada said, no, we want to protect our environment. We want to protect the health and safety of our people. We do not want this stuff in our gas. They went and they filed suit.

What happened? Canadian government had to pay them \$13 million to put the gas additive in, and now, in Canadian gas, we find MMT. Well, let us just take the reverse, now we have a British Columbia company trying to put MTBE, another gas additive, here in the United States. We banned MTBE in California, because of our environment. We are banning MTBE in the Committee on Commerce in which I sit because of a threat to the health and safety of the American people.

□ 1100

But they go to WTO to get them to allow them to sell it in the United States. So the British Columbia firm will now be selling MTBE in the United States. If not, they want \$360 million. That is what WTO gives us, a forum, where if they cannot get our resources, then we have to pay them. Then, after we pay them, not only do they get their gas additives, they have to put it in our gas.

Who is going to stand up for our environment? Who are the people making decisions with the WTO that affect your health, safety and welfare? Who is

going to be the one to stand up for our water resources when the NOVA group wants to ship it or when the Columbia River is being attacked, both on the Canadian and the U.S. side, because they want the fresh water resources because of droughts in this country? Who is going to stand up?

Who is elected to this WTO? No one here in this Congress knows. We have no say in it. I believe that these organizations are subject to attack on our environment, our sovereignty, our natural resources, and we as Americans have no say in it.

So before we lose all of our control over our sovereignty, before we lose all of our control over our natural resources, before we lose all of our control over our environment, the health and safety of our people, we as elected representatives should say enough of WTO. Let us get out of it while we still can.

Mr. DEFAZIO. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, in 1994, supporters of free trade and globalization painted a very positive picture of how the Uruguay Round and GATT would influence and shape the U.S. and the global economy. They declared it would not erode U.S. sovereignty or undermine environmental health or food safety policy. It would, they promised, improve labor standards worldwide.

Five years into its implementation, though, it has become clear that these promises have failed to materialize. Instead, we have suffered through global financial instability, massive ballooning of the U.S. trade deficit, and ever-increasing income inequality in the United States, and especially in the developing world.

As we have engaged with developing countries in trade investment, democratic countries in the developing world are losing ground to more authoritarian countries. Democratic countries, such as India and Taiwan, are losing ground to more totalitarian nations, such as Indonesia, where the people are not free and the workers do as they are told.

In the post-Cold War decade, the share of developing country exports to the U.S. for democratic nations fell from 53 percent a dozen years ago to 34 percent today. In manufacturing goods, developing democracies' share of developing country exports fell from 56 percent to 35 percent. Companies are relocating their manufacturing bases from democratic countries to more authoritarian regimes, where the workers are docile and obedient and where unions and human rights are suppressed.

As developing nations make progress towards democracy, as they increase worker rights, as they create regulations to protect food safety and protect

the environment, the American business community punishes them by pulling their trade and investment in favor of totalitarian countries and totalitarian governments, such as China and Indonesia.

The WTO has clearly undermined health, safety and environmental standards, human rights and democratic accountability. One of the most tangible examples is the WTO's refusal to permit poor nations to gain access to low-priced pharmaceuticals, which puts essential medicines out of the reach of hundreds of millions of people in poor nations. Hundreds of millions of people continue to suffer from diseases that are treatable.

Some governments have sought to use policy tools, including compulsory licensing and parallel imports, to make drugs more accessible to the poor. Compulsory licensing and parallel imports are permissible under WTO rules on intellectual property. Nonetheless, the U.S. Government has threatened to impose unilateral trade sanctions and the USTR used WTO as a hammer for the American pharmaceutical industry.

Mr. Speaker, until such time as the administration really does do an honest assessment of the WTO, the WTO remains a tool for multinational corporations and should not receive our support.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I rise in very strong opposition to this resolution. As the chairman of the Committee on Agriculture, I know how essential exports are to farmers and ranchers across the United States; but, more importantly, the U.S. farmers and ranchers recognize the importance of trade to their own success.

Withdrawing from the WTO would have the effect of isolating American producers from the rest of the world. For an industry that exports 30 percent of its production, a resolution such as this would have a devastating impact. If the House supports this resolution, the effect will be that the United States will be applying economic sanctions to the world; and we know who feels the effect of economic sanctions first, it is the American farmer and rancher.

There are three things that can happen when agricultural sanctions go into effect, and they are all bad: exports go down, prices go down, and farmers and ranchers lose their share of the world market.

The 1980 grain embargo on the Soviet Union is one of the examples of the effect on sanctions on U.S. agriculture. Our wheat sales were lost, while France, Canada, Australia and Argentina sold wheat to the former Soviet Union. H.J. Res. 90 can have the same

or more devastating impact on American agriculture. U.S. farmers and ranchers provide much more than is consumed in the United States; and, therefore, exports are vital to the prosperity of the American farmer and rancher.

The WTO is not a perfect organization, and Congressional oversight is essential and needed. Nevertheless, it is superior to previous organizations, and American agriculture recognizes this. Negotiations to further improve access to markets around the world and eliminate export subsidies are now going on.

Since the end of World War II, eight rounds of negotiations have reduced the average bound tariff on industrial goods from 40 percent to 4 percent. Meanwhile, bound agricultural tariffs remain at an average of about 50 percent. If agriculture is to catch up, it is essential to keep the U.S. a part of the negotiating process to convince our trading partners to talk about further reforms in agriculture. U.S. membership in the WTO is necessary to continue this progress.

I urge my colleagues to reject H.J. Res. 90 for the future of American agriculture.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to H.J. Resolution 90, and, in doing so, associate myself with those who support the resolution.

Indeed, the WTO is in need of significant reform. Workers' rights and environmental protection are competitiveness issues and should play a stronger role in the WTO. However, I do believe we need a rules-based approach to international trade which can create a more stable climate for U.S. workers, farmers, and businesses who seek to export their products abroad.

The global economy is here to stay. Nowhere is that more evident than in my district in San Francisco, Mr. Speaker, which was built on trade in the days when the clipper ships sailed the oceans and today is one of the gateways to Asia.

This debate today provides an opportunity for us to get beyond the outdated, outmoded, free traders versus protectionist characterization, which I believe does a disservice to the trade issue. A new vision is needed of a more democratic way to deal with the new challenges posed by the global economy.

The old way of the WTO, of conducting trade negotiations behind closed doors, must end, and the people must be allowed to participate. We must demand transparency in the WTO. We must insist that the administration gives as much weight to workers and the environment as it does to corporate America. We must enforce

all of these concerns with equal vigor. We must see anyone who does not see the connection between commerce and the environment is on the wrong side of the future. We must all work together to have a WTO organization that is an agent for progress and not of exploitation. We must make it work for the American workers.

President Clinton himself has said, "If the global market is to survive, it must work for working families." We must apply that standard to the WTO.

In terms of transparency, very specifically, Mr. Speaker, we must insist that the WTO bring trade advisory committees to broader public concerns, notify the public before challenging other countries' environmental or health and labor standards, and give the EPA a stronger role in settling trade and environmental policy.

Mr. Speaker, I myself am voting against this, but I understand and appreciate the concerns expressed by those who support it. We must all work together to change the WTO.

Mr. PAUL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to respond to the gentleman from Texas. This is not an issue of trade. This is an issue of who gets to manage and decide whether it is fair trade or not. It is the issue of power, whether it is by the environmental bureaucrats or by the U.S. Congress. The one thing under this arrangement, the little farmer has very little say. He cannot get into the WTO and make a complaint. The great meat packers of the country may well.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, the U.S. membership in WTO violates our Constitution. Article I, section 8, clause 3 of the Constitution delegates to Congress the sole authority to "regulate commerce with foreign nations." Our membership in WTO transfers authority to regulate trade to a foreign body. It removes it from our elected representatives, this Congress.

This Congress does not have the authority to set aside such constitutional requirements. In its 1998 decision regarding the line item veto, the Supreme Court ruled that Congress cannot divest itself of duties delegated to it by the Constitution, unless the Constitution is amended.

The U.S. Constitution has not been amended to allow an international organization like the WTO to regulate American trade policies. Therefore, Congress cannot divest itself of the duty to regulate commerce with foreign nations.

I believe the WTO is an entirely non-legitimate international organization. Many of its member states do not represent the people of their country. They represent the single will of the sovereign of their country. The American Congress gets its legitimacy from

the people of the United States. It cannot grant legitimacy to an international body over and above that of our own citizenry.

To suggest by our membership that the WTO is legitimate, we must ignore our people, our citizenry, and our Constitution. However, it seems that sovereignty or legitimacy are no longer issues that many in this Congress want to address. It seems as though the rule of law is no longer an issue that many in this Congress want to address. It seems as though strictly adhering to the provisions of our Constitution is no longer an issue that many in this Congress want to address. Instead, economic power and the accumulation of wealth seem to occupy increasing amounts of attention these days.

America's legitimacy rests solely in its citizens' good offices as the sole sovereigns of this country. If this Congress does not protect American sovereignty, then who will? If this Congress does not reaffirm the rule of law, then who will? It is we in this Congress that must reassert the constitutional directive that Congress must have the sole authority over America's trade with foreign nations.

Vote yes, vote yes proudly on H.J. Resolution 90. Remove this Nation from the unconstitutional jurisdiction of the WTO.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, it has been said on this floor that you cannot reform an organization you withdraw from. Well, we forget so soon. The very ground we are standing upon to engage in this debate is the result of America's Founding Fathers and Mothers who decided to withdraw from the control of England. England was in need of reform. That is why we broke with them 224 years ago.

Remember the words, "We the people of the United States, in order to form a more perfect union," ordained a Constitution which established representative government and put the Congress of the United States in charge of trade, and does not give Congress the right to cede that to an international body which attacks American interests.

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The World Trade Organization imposes obligations on State and local governments which limit their ability to promote the local economy, promote employment, protect consumers, and establish environmental standards. The WTO attacks laws which give preference to companies bidding for State business if they employ State residents and use locally made products. It attacks laws that offer tax exemptions to companies to create jobs. It attacks laws that promote investment in recycled material. It attacks laws that impose bilocal requirements or preferences for State procurement.

Mr. Speaker, 95 laws in California have been identified as WTO-illegal, according to the Georgetown University Law Center. Several States are facing legal challenges to their laws under NAFTA. California's ban of a poisonous chemical, methyl tertiary butyl ether, MTBE, is being challenged, and Mississippi is being sued for violating NAFTA. The U.S. administration wants the WTO to include NAFTA-like investor protections in the future, further undermining local and State governments.

Three key WTO and NAFTA investment chapter principles caused problems for State and local lawmaking. The principles include national treatment. This is when a State favors a local corporation. It says it is discriminating against foreign corporations. So we cannot promote local businesses over foreign businesses. I mean, wake up, America.

Second, general treatment. This principle prohibits State governments from regulating business by applying what is called the least restrictive trade standard. This standard can be used against State laws promoting recycling, minority business development and so on.

The third principle is expropriation which makes the State governments liable for paying damages if a corporation persuades a jury or the WTO Settlement Dispute Panel that a State law has caused a foreign business losses in even potential profits.

Now, these principles do not come from the U.S. Constitution, but from international trade agreements, which represents a loss in the ability of State governments to pass laws in the public interest.

Mr. Speaker, we need to stand up for America and American interests. Vote for this resolution.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume to remind my colleague from Ohio that we have delegated responsibility on trade issues to our Committee on Ways and Means and, more specifically, the Subcommittee on Trade. That is not an unnatural way to proceed, because we still retain the option to negate anything we might want to do.

The same principle, I might add, applies to WTO rulings. Any WTO ruling could be negated at any time by the United States. If we do not like it, we do not have to observe it. We will pay a price if we do not play the game according to the rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong opposition to H.J. Res. 90. Certainly, passage of H.J. Res. 90 would send a completely wrong signal to our trading partners around the world, and it would be very much contrary to both the short-term and long-term interests of the United States.

The United States gains nothing from withdrawal from the WTO. We would, however, be at the mercy of other countries' desires to erect highly discriminatory and prohibitive tariffs and nontariff barriers against U.S. exports. The U.S. would not have access to the WTO dispute settlement mechanism to challenge these new barriers, but instead, we would only have limited and ineffective bilateral defenses. The U.S. would have no leverage at all in setting agendas for future trade and investment agreements having unilaterally surrendered our seat at the table through withdrawal from the WTO.

The end result of H.J. Res. 90 is hundreds of thousands of lost American jobs and hundreds of millions of dollars of lost American exports for no discernible benefit. Since the creation of the WTO, our exports of goods and services have increased over \$250 billion. Though estimates vary, implementation of the current WTO agreement is estimated to boost U.S. gross domestic product by a minimum of \$27 billion per year.

While there are legitimate concerns about some of the WTO operations, the WTO system, certainly they can be and are being improved. Replacing this successful rule of law-based system of trade fairness which has directly benefited the United States with some undefined form of trade anarchy that discriminates against American competitiveness is simply reckless.

Mr. Speaker, to withdraw from the WTO system is, in fact, both reckless and counterproductive. It is significantly harmful to our short-term and long-term economic and national security. Accordingly, I urge strong support for the WTO, our involvement in it, and opposition to H.J. Res. 90.

I would say to the distinguished gentleman from Washington, we are not losing sovereignty, this is not unconstitutional; there are no significant scholars that suggest it is.

The Uruguay Round Agreements Act, which legislatively approved the United States' membership in the World Trade Organization (WTO), requires that the United States Trade Representative submit to Congress an annual report which includes a thorough analysis of the effects of the WTO Agreement on the interests of the United States, the costs and benefits to the United States of its participation in the WTO, and the value of continued participation of the United States in the WTO. As the most recent Report to Congress clearly states, "The WTO is a crucial vehicle for maximizing the advantages from, and managing our interests in, a global economy. To ensure that Americans receive fair treatment in the global economy, the U.S. has negotiated a framework of clear, transparent rules that: prohibit discrimination against American products; safeguard Americans against unfair trade; and afford commercial predictability. As the world's largest exporter and importer, we need such a system more than any other country."

Indeed, the consequences of withdrawing from the WTO would be so severe as to be

unimaginable. As this Member previously noted, since the creation of the WTO, our exports of goods and services have risen by over \$250 billion. The U.S. Department of Commerce estimates that exports currently represent approximately 12 percent of the entire United States Gross Domestic Product (GDP). Overall trade represents one-third of our entire economy. Clearly, the strength of the U.S. economy today is due in very substantial measure to our ability to competitively sell U.S. goods and services abroad.

If the United States were to withdraw from the WTO, as directed by H.J. Res. 90, then foreign countries would be free to impose whatever trade barriers they want on U.S. exports. For example, U.S. agricultural exports would face prohibitive tariffs and be allocated tiny import quotas, if any at all. Contrast this to the present situation within the 136-member WTO system which has offered important market access opportunities through the first enforceable commitments to reduce barriers, limited the use of export subsidies and established science-based rules for any import restrictions pertaining to animal or plant health and safety. This Member reminds his colleagues that the far-reaching agricultural trade benefits the United States recently negotiated with China—the reduction of meat tariffs from 45 percent to just 12 percent and the elimination of quotas on soybeans—were within the context of China's accession to the WTO.

A key benefit of participation in the WTO is America's access to its multilateral dispute settlement process. A new study released this month by the General Accounting Office (GAO) shows that the U.S. has won or resolved disputes 92 percent of all cases in its favor—that is 23 of 25 times since the dispute settlement system was created in 1995. In three-quarters of the 25 cases filed by the U.S., other WTO members agreed to remove their trade barriers, rather than face an adverse judgment, leading to millions of dollars in increased U.S. exports. For example, one of the settlements in favor of the U.S. was related to Korea's discriminatory standards for food imports. As a result, this market is now open to \$87 million in U.S. chilled beef and \$79 million in pork exports.

As a defendant in 17 WTO cases, the U.S. has prevailed or was able to resolve the case without an adverse WTO ruling in 11 of 17 cases. The outcome of all of these cases had limited or no commercial effect.

On balance, the WTO settlement dispute process has proven to be a powerful instrument in bringing down barriers to American exports. House Joint Resolution 90 would eliminate American access to this successful dispute resolution mechanism leaving us with only very limited and largely ineffective bilateral defenses.

Contrary to the misleading arguments of protectionists in the United States, the WTO has certainly not made America poorer. In fact, during the last five years living standards have been rising for all Americans, low- and high-income workers alike. More than 80 percent of jobs created since 1993 are in occupations that pay above the median wage. Many of these jobs are in the high-technology export sector. Yet, for example, if the U.S. were to withdraw from the WTO, the U.S. economy

would no longer enjoy the benefit of the WTO Information Technology Agreement, which reduced tariffs to zero for American high-technology exports to 54 countries. These export opportunities would be lost to our European and Japanese competitors at disastrous expense to American jobs here at home. This is only one example of the many American economic sectors which would be badly damaged by a withdrawal of our country from the WTO.

The WTO has not eroded America's manufacturing base. Manufacturing in America today is thriving. It is true that this base is constantly evolving as we gain comparative advantage in some sectors and lose it in others. However, since 1992, studies show that the manufacturing output of the U.S. has risen by 42%, all against a backdrop of record imports.

United States participation in the WTO most assuredly does not have a negative effect on the U.S. trade deficit. It is, indeed, disappointing, as well, that WTO opponents always reference the U.S. trade deficit in terms of manufactured products only, ignoring the service sector. Yet, in 1997–98, the U.S. services sector represented three-fourths of the U.S. national economic output and employed 80 percent of the U.S. workforce. In 1998, services exports constituted nearly 30 percent of all U.S. exports totaling over \$260 billion and achieving a trade surplus of almost \$80 billion. Among the important trade benefits of the WTO system is the Financial Services Agreement which covers nearly \$60 trillion in banking, insurance and securities transactions each year and has opened the doors for U.S. ownership and investment in foreign institutions. H.J. Res. 90 would slam that door shut.

Like any new institution, the WTO can and should be improved. There is certainly the need for greater transparency and for undertaking the other institutional reforms raised during the WTO ministerial meeting last December in Seattle, Washington. More expedient, efficient and effective dispute resolution is warranted. A new trade round that would further open foreign markets to American exports would strengthen the WTO system and the American public's understanding of its importance. Yet, all of these objectives can only be pursued if the United States is part of the rules-based system itself, not a lonely outsider.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, withdrawal from the WTO would isolate the United States from the international economy. I oppose the resolution.

In today's Internet-based, lightning-fast economy, it is critical for the U.S. to have the ability to resolve trade crisis through a binding, rules-based international system. While there is room for improvement, the WTO and its dispute resolution mechanism have served the United States workers, farmers, and businesses well. Throughout the existence of the WTO, the U.S. has succeeded in winning 25 out of the

27 cases that we have initiated in the dispute resolution system.

Mr. Speaker, the Clinton-Gore years have been prosperous for our country. One of the best ways to continue this success is by pursuing international markets. The WTO's rule-based approach to settling disputes will limit costly, inefficient trade retaliations, and international strife. But in today's information-based economy, it is critical that the U.S. be able to preserve our place as the world's technology leader by protecting our intellectual property.

While I think the WTO has moved trade policy many steps forward, there are reforms that I would like to see. The WTO should increase the transparency of its operations and take into account the impact of its actions on workers and the environment. It should disclose more information, preferably on line. Were the WTO's operations more open to the public, I believe many of its critics' concerns could be resolved.

Mr. Speaker, I urge my colleagues to vote down this resolution.

Mr. PAUL. Mr. Speaker, I yield myself 15 seconds.

The Financial Times does support the WTO, but this is what they said after NTR was passed. "Already, many Washington trade lawyers are smacking their lips at the thought of the fees to be earned from bringing dispute cases in the WTO against Chinese trade practices. Says one, what will China be like in the WTO? It is going to be hell on wheels."

Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, the World Trade Organization is in need of serious reform. Interestingly, while Western economists are proclaiming that foreign investment and trade have been a blessing for the world's poor, we hear quite a different message coming from the poor themselves.

The recent meeting of developing countries from Asia, Africa, and Latin America known as the G-15 saw host Hosni Mubarak say that despite assurances early on that globalization would lead to an improvement in living standards, instead, imbalance in the world economy is increasing instead of decreasing. In fact, in 1999, 45 percent of the world's income went to the 12 percent of the world's people who live in rich, industrial nations. The three richest Americans own more than the world's 20 poorest countries.

Mr. Speaker, developing countries were sold a bill of goods, but so were we. Corporations, with the help of the WTO, have forced workers throughout the world into a deadly game of chicken. The WTO should protect basic social services and prioritize human

rights and the environment in an environment that is democratic and transparent. Instead, it hurts the poor, benefits the rich at the expense of us all, and it does it in secret and in back rooms.

Mr. Speaker, this is no way to build a new world order. We need to put our money where our professed values are: fair trade, democracy, respect for workers, sensible environmental standards, and allowing poor countries to grow.

Mr. Speaker, I have introduced the Corporate Code of Conduct Act because I do not think that freedom, equality, human dignity and human rights are for sale. Unfortunately, the folks at WTO do not agree. They have unleashed unbridled corporate excess on all of us. The current system is wrong and in need of a serious fix.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I really do not want to withdraw from the WTO. We need to be there, but I am voting yes out of frustration.

There are two problems. At home, the issue is simply whether those in this society, the investing class, the managing elite, the venture capitalists, the multinational corporations who have so much to gain by further globalization will be willing to see a tiny fraction of that increased wealth used to help those who would otherwise be caught in the prop wash of their incredible prosperity. So far, I see very little evidence of that.

Internationally, the question is simply, who is going to have a seat at the table? Now, only the voices of the economic elites are heard at WTO. The interests of workers, farmers, and the environment are not adequately taken into account. In fact, the incentives present in the WTO structure on questions of worker rights and environmental protection are in the wrong direction.

An economic system without moral foundation is not an economic system at all, it is a jungle. I cast this vote not because I want to withdraw, I do not. I am a committed internationalist. For 10 years I chaired the Subcommittee on Foreign Operations. But I am casting this vote to send a signal to WTO and our representatives to it that they have to give more than lip service to the needs of workers, farmers, and the environment. When you do, give me a call. I will be happy to change my vote. Until then, sorry, wrong number!

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, WTO needs reform, not withdrawal. We do have a stake in en-

suring the effectiveness of WTO because it has helped to eliminate trade barriers and improve market access for U.S. goods and services in foreign markets, which translates into jobs. But this does not mean there is not room for improvement within the WTO.

Several areas for improvement come to mind. First, we must ensure that the WTO dispute settlement system is used to work out genuine trade disputes and does not become a forum for other nations to challenge U.S. trade laws. It is my understanding that Japan has established a government agency specifically for the purpose of pursuing WTO litigation against the United States, signaling a willingness to continue to challenge U.S. trade laws.

Secondly, we must counter the disturbing trend of other nations challenging U.S. trade laws. Our laws are consistent with WTO rules, and not even the most productive U.S. industry can or should have to compete against dumped or subsidized imports.

Thirdly, there must be greater transparency in the dispute settlement process. The dispute settlement panel proceedings are conducted in almost complete secrecy. We must open up the closed-door atmosphere that is present today at the WTO.

Finally, dispute settlement panels are now made up primarily of diplomats, bureaucrats and academics who may not be trained to serve in a judicial capacity.

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Yet they are sitting on panels that are reviewing laws passed by legislatures and agreements negotiated between governments. It seems appropriate that panels should include more judicially-trained experts to ensure due process for the parties involved.

Rather than withdrawing from the system we have in place, I think we need to work to improve it so that we have a rules-based trading system that benefits U.S. industry, U.S. jobs, and the American public generally. I hope that in the process, we will get action on some of these reforms that are sorely needed in terms of our membership in WTO.

Mr. Speaker, I rise today in opposition to House Joint Resolution 90, the proposal to withdraw from the World Trade Organization (WTO). The WTO represents the current system of rules and regulations that govern trade between most nations.

We do have a stake in ensuring the effectiveness of the WTO because it has helped to eliminate trade barriers and improve market access for U.S. goods and services in foreign markets. But this does not mean that there isn't room for improvement within the WTO.

Several areas for improvement come to mind. First, we must ensure that the WTO dispute settlement system is used to work out genuine trade disputes and does not become a forum for other nations to challenge U.S. trade laws. It is my understanding that Japan

has established a government agency specifically for the purpose of pursuing WTO litigation against the United States, signaling a willingness to continue to challenge U.S. trade laws.

A recent WTO case filed by Japan challenges the antidumping duties that resulted from the hot-rolled steel import case filed at the height of the 1998 steel import crisis.

We must counter the disturbing trend of other nations challenging U.S. trade laws. The U.S. trade laws are consistent with the WTO rules and are necessary to ensure that domestic producers and manufacturers are able to compete on a level playing field. Not even the most productive U.S. industry can or should have to compete against dumped or subsidized imports.

Second, there must be greater transparency in the dispute settlement process. The dispute settlement panel proceedings are conducted in almost complete secrecy. Only government delegations are allowed to attend oral arguments and there is no requirement that the panels consider written submissions from domestic interested parties. We must open up the closed-door atmosphere that is today present at the WTO.

Finally, dispute settlement panels are now made up primarily of diplomats, bureaucrats and academics, who may not be trained to serve in a judicial capacity. Yet they are sitting on panels that are reviewing laws passed by legislatures and agreements negotiated between governments. It seems appropriate that panels should include more judicially trained experts to ensure due process for the parties involved.

Rather than withdrawing from the system we have in place, let's work to improve it so that we have a rules-based trading system that benefits U.S. industry and the American public.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to speak against the resolution, which would undermine U.S. markets abroad for billions of dollars of U.S. agricultural products.

Trade is essential to U.S. prosperity, and the WTO makes trade work for America. Is it perfect? No. But all of the criticisms that I have heard this morning by my colleagues who oppose or support this resolution, all of these criticisms can be corrected by the United States maintaining a strong leadership role in making the WTO better.

Academic studies estimate an annual GDP gain for the United States from the Uruguay Round of about \$32 billion. These estimates do not even fully take into account gains due to reduction of non-tariff barriers to trade and the growth effects of more open markets.

The WTO provides member states with a set of rules that open markets to U.S. agricultural and industrial products and services. At the heart of the WTO rules-based trading system is

the WTO dispute resolution system, which keeps trade disputes from escalating into trade wars.

From the agricultural point of view, the WTO dispute resolution is working to expand market opportunities around the world:

There was a recently reported victory on Korean beef that adds about \$35 million a year in U.S. sales to that country.

The WTO has sanctioned retaliation of over \$300 million against the European Union on beef and bananas.

It has expanded varieties of U.S. fruit exports to Japan.

It has increased exports of U.S. pork and beef by pressuring Korea to modernize shelf life restrictions.

Dispute resolution has improved the European Union grain importation regulations that have benefited U.S. rice exports.

It has reduced Hungarian export subsidies.

I can go on and on with significant victories for United States agricultural products.

It ruled, for example, against a Canadian dairy export subsidy scheme before it could be copied in Europe.

In conclusion, Mr. Speaker, we need the WTO dispute resolution system to keep opening markets for U.S. agricultural products, and we need the WTO. A strong vote against Joint Resolution 90 will send an important signal to our trading partners that America is ready to lead a new round of WTO negotiations.

Mr. PAUL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to say to the gentleman from Texas that the giant meat packers may well be represented at the WTO, but the small rancher and farmer is not. The same people who promote this type of international managed trade where we lose control and it is delivered to an international bureaucracy are the same ones who fight hard to prevent us trading with Cuba and selling our products there.

Essentially no one here advocating trade, as managed through the WTO, supports me in my efforts to open the Cuban markets to our farm products. There's a lot of talk regarding free trade and open markets but little action. The support by the WTO advocates is for international managed trade along with subsidies to their corporate allies.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the WTO is a majestic dream that predictably will become Americans' worst nightmare. The lure of more open trade with hundreds of countries is being used as a disguise for an awesome transfer of power and authority that will in the long run ill

serve the interests of the American people.

Let us recognize that this is not about whether there should be or should not be trade. That is a nonsensical argument. America is the world's largest market, and there will always be countries clamoring for commerce with the American people.

The question is, how will we trade and what will be the procedure that we trade with these countries? The question is if we, through our democratic processes and bilateral agreements negotiated by elected officials, people elected by the people of the United States, will be setting the ground rules for this trade, or whether it be controlled by international boards, commissions, and committees of the WTO.

Let us admit, yes, Third World countries and developing countries will probably have more open markets to American and multinational corporations if this WTO goes through and keeps going on. That trade potential, let me point out, is minuscule. We are talking about trade with a bunch of countries like Rwanda or like tiny countries in Latin America, Paraguay, as compared to large developing countries.

We are going to trade, give up our rights here in this country to determine our own economic destiny, to open up the markets of these tiny little countries? That is ridiculous. So there is an economic down side if we do not go through with WTO, yes. It is a minimal down side. But the potential down side in terms of the loss of the ability of the American people to control their own destiny is staggering.

Predictably, the boards, commissions, and the rest of the decision-making apparatus of the WTO will within a decade or two be dominated by the same crooks and despots who now control so many of these Third World countries that refuse to open up their markets, and bribery and corruption will come with this centralization of power. There is no doubt about that.

If we try to predict that is not going to happen, give me a break. Idealistic globalism is today the greatest threat to freedom and liberty in this country, for the people of this country. We should not be transferring power and authority to an unelected, appointed international bureaucracy. That is what the WTO is all about.

Can one foresee a country like Communist China bribing WTO commissioners in the future? How about multinational corporations? Will they try to influence decisions that dramatically impact the standard of living of the American people, without any protection of our own elected officials? We can bet on it. We can also bet that they are going to try to just do that, and that we will not have anything that we can do about it. Yet, we will have little recourse in this whole situation except to quit.

I oppose PNTR with Communist China now because it is a dictatorial system. Now we are being eased into a system that will mandate that every despotic regime in the world be treated equally with democratic societies. The WTO plan is a blueprint for bolstering tyrannical regimes throughout the world. Trade will not turn the hearts of these despots, or it will not make honest people out of corrupt officials who end up with power.

Please, I ask Members to support this resolution. Do not sacrifice American liberty on the altar of globalism.

Mr. DEFAZIO. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, it is very interesting that Member after Member who opposed this resolution will get up on the floor and agree that the WTO is making decisions that destroy the environment, endangering the health and safety of the peoples of the world, thumb their noses at human rights, but they say, yes, we know all this, but we do not want to leave. We want to stay.

It does not make good sense. It does not make good sense unless they simply are doing the business of multinational corporations of the world in the interests of making more profits.

I know a lot about the WTO. I have followed them intimately for the last 3 years. I have watched what they have done as they have destroyed the ability of small farmers in the eastern Caribbean to earn a living from producing and selling bananas to the European Union. Why do they do that? One man, Carl Linder from Chiquita Bananas, who gave money on both sides of the aisle, who is well-connected politically, simply teamed up with Mickey Kantor, who is our United States Trade Representative, took the case to the WTO, because he did not like competition.

We do not grow any bananas in the United States, but they took the case on behalf of Carl Linder, who grows bananas down in Central America and who does a terrible job of protecting the rights of the workers, spraying pesticides on them while they till the soil, many of them dying and coming up with terrible diseases.

They took this case on behalf of Carl Linder to the WTO, and guess what, we won, because Carl Linder and Chiquita are very powerful corporate interests.

Do Members know what is happening over in the eastern Caribbean? The farmers no longer will have the banana crop. Do Members know what will replace it? Ganja, marijuana, drugs. It will be a transshipment point for drugs into the United States and into our communities. That is what the WTO did.

In addition to that, he created a trade war that is now hurting our small businesses because of the sanctions that we have imposed on the European Union. It does not make good sense.

Further, let us talk about the trade-related intellectual properties or the TRIPS agreement that provides another example of a WTO policy that benefits wealthy and powerful special interests.

The TRIPS agreement gives patent rights over plants and medicines that come from small countries to wealthy corporations, the soybean in east Asia, which is patented by a subdivision of Monsanto Chemical; the mustard seed that was developed by the people of India has also been patented by Monsanto. I could go on and on and tell Members why we must get out of the WTO.

I think reasonable minds will agree that the WTO simply is substituting for the responsibilities that we should be exercising as elected representatives.

We have elected representatives in democracies around the world, and criminal justice systems in democracies that can resolve problems, can negotiate disputes. Yet, we have decided to give up our rights, and there is no transparency. They make all of these decisions in secret. They make these decisions in secret. We do not know who they are.

We are beginning to find out that the multinational corporations have inserted their people, have gotten them appointed so that they are making decisions to protect them and their ability to make money on the backs of poor people, on the backs of small nations, on the backs of Americans who do not even know who these people are and how they are making these decisions.

Mr. Speaker, I ask support for this resolution. It makes good sense.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this resolution to withdraw from the WTO. The WTO is critical to the United States' interests. It has been instrumental in opening foreign markets to our goods and in promoting U.S. values throughout the world.

The U.S. is the world's largest exporter, and it is not just multinational corporations that export, it is small businesses, and medium-sized businesses. In fact most of the jobs associated with exports are associated with small- and medium-sized businesses. It is a job creator, a high-paying job creator, in the towns and cities throughout America.

But because we are the world's largest exporter, we benefit tremendously from the WTO's dispute settlement process. In fact, of the 27 cases that have been brought for dispute resolution, the U.S. has prevailed in 25 of those cases.

Let me make another point about being part of a rules-based system. We

have had testimony before the Committee on Ways and Means by human rights advocates that wanted us to bring China into the WTO explicitly because it would for the first time bring them into an international rules-based law-based system.

They made the point that if China has to abide by international norms in the economic area, for example protect intellectual property rights—that is, our ideas—then it will be easier to get that government to also recognize that it must respect the religious commitment of their people, too, the human rights of their people.

Mr. Speaker, spreading a rules-based system to govern economic activity is the first and critical step to developing a rules-based political system worldwide that respects human rights.

We cannot afford to withdraw from the WTO because our economic growth will be substantially determined by our ability to sell U.S. goods and services abroad. Removing ourselves from a multilateral rules-based institution will only undermine the tremendous growth the U.S. has achieved through the expansion of world trade, and imperil our goods, subjecting them to trade barriers by other countries.

I urge opposition to this resolution. In the long run, we must be strong and capable competitors if our people are to have high-paying jobs. We cannot afford not to be able to compete, and we cannot afford not to be able to spread the concept of rules-based law-based systems, both for our economic well-being and for our human rights commitments.

□ 1145

Mr. DAVIS of Florida. Mr. Speaker, I yield 2¼ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Mr. Speaker, I rise in strong opposition to the resolution before us today. The gentleman from Oregon (Mr. DEFAZIO) often speaks of the flat-Earth society that emerges here on the floor of the House from time to time. I fear that we have some Members here today bringing that philosophy forward who feel that we could either force our will unilaterally on other Nations around the world or that we can just go our separate way in the matter of international trade or commerce or that somehow we are in danger of being taken over by a faceless team of sinister international bureaucrats. All of that is pure and simple hogwash.

We are in a very powerful position today. As has been documented time and time again on the floor of this House already, we are in the catbird seat. We win the preponderance of the cases that are brought before the WTO. We do not have to go along with something that strikes us on its face as

being unfair and unequitable against the environment.

In the final analysis, this Congress retains the power, the sovereign power, to, on the floor, turn anything that we think is wrong. But in the meantime, we have a strong interest in making sure that we have an international system.

The United States was the institution that prompted the evolution of the WTO. We benefit the most because we are the largest exporting Nation in this world. I agree it is true the WTO is an imperfect organization, like the United Nations, like God forbid this Congress that continues to treat the citizens of the District of Columbia like members of a colony.

Do not talk to me about somehow the WTO is imperfect. We are holding up that same mirror to us. We can talk about lack of transparency in this Congress, lack of responsiveness to the will of the people of the United States. But we are all here slugging it out trying to do our best to move it forward. That is what we should be doing here with the WTO.

Withdrawing from the League of Nations did not make Europe safer prior to World War II. Staying in the WTO, exercising our leadership is going to hasten the day when it provides the type of transparency that we want, the type of leadership. But for heaven's sakes reject this resolution.

Mr. PAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Texas (Mr. PAUL) for yielding me the time.

Mr. Speaker, I rise to support the resolution of the gentleman from Texas (Mr. PAUL) to remove the United States from the WTO, and I hope others in this body will agree with us on that.

One of my friends and a man I respect greatly, the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture, said a minute ago that, if we remove ourselves from the WTO, the farmers and the ranchers will lose their shirts. Well, we are in the WTO, and the farmers and ranchers are losing their shirts. There is no reason for me to expect, under the present rules of the WTO, that that is going to get a bit better for them without reform.

It has been odd to me that so many distinguished Members of this body have stood up and said, well, we have to stay in the WTO, but it certainly does need changing, it certainly does need reform. But we just need to stay in there so we can change it or reform it. Well, I do not understand that. It requires unanimous consent to make any changes inside the WTO today.

If our leaders in the WTO simply want to try to improve our situation for our cotton farmers and they take it

to the WTO, I can assure my colleagues that China is going to be there to veto that. If our representatives in the WTO want to improve our situation for our wheat farmers, I can assure my colleagues that France, a nation that subsidizes its wheat in order for prices to be low and competitive, is going to be sitting in the WTO to absolutely veto that.

What I would like to do is, some of these very distinguished Members who want to stay in the WTO, and every one of them almost have come up and said we must reform it, well I am going to stay on the floor and listen to the rest of the debate. I would be very pleased if some of them would get up and explain to me how we are going to reform the WTO. I do not believe it can be done without a great threat and/or removing ourselves from the WTO.

We need to work within an organization; I do not disagree with that. We need world trade; I do not disagree with that. But we need to be in an organization where we, indeed, have a little more say so about what happens to the trade in America.

Mr. DEFAZIO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am puzzled by some of the earlier remarks by the gentleman from Oregon and the gentleman from Illinois. They say, well, we do not have to go along. In fact, we can overturn anything we think is wrong. We reserve our sovereignty. All we have to do is pay for it.

Well, what kind of logic is that? If we want to have clean air laws that discriminate against dirty foreign gasoline, we can have them if we want to pay penalties levied against any and all U.S. products exported abroad. There does not have to be any relationship. We can have consumer protection laws. We can have a Buy America. We can purchase any U.S. law we want. All we have to do is pay for it.

This is an absurdity on its face. My colleagues are right, constitutionally, we certainly could not give them the right to reach in and overturn our laws, but what we have done is tended to seek tribunals before the WTO with no conflict of interest rules, no intervenors, no outside scrutiny, the authority to give foreign Nations the right to levy fines against any and all U.S. products with no relationship to the complaint. We lose on clean air; they can go after big jet liners.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, before I start, let me commend the gentleman from Texas (Mr. PAUL) for bringing this to the floor and for the work of the gentleman from Oregon (Mr. DEFAZIO), for his work on arguing this issue before us today.

Mr. Speaker, a very gifted man once wrote that "no extraordinary power

should be lodged in any one individual." That man was Thomas Paine. It was over 200 years ago, a time when Americans were first coming to terms with the question of what it meant to be free, what it meant to be a democracy.

Well, today our Nation is faced with a very different challenge. New technologies, as we have seen and as we have heard on this floor, has sent America and the world hurdling into a global economy. We are told it is an economy where market forces must be allowed to reign, an economy where the law of supply and demand take precedence even over the laws of a free people.

Who will settle these conflicts whose outcome, whose very outcome will shape this new global economy? One single body with extraordinary power, the World Trade Organization. It is an organization that operates in virtual secrecy. An organization that operates without the participation of consumers, of workers, of farmers, of people of faith, or any other representatives of the communities that its decisions affect. Yet, it is an organization whose choices can effectively nullify even the hardest-won laws governing worker safety, product safety, the environment, and worker rights.

The WTO has already forced changes in the United States laws affecting everything from formulation of gasoline to the labeling of canned tuna. There are literally over 100 pending decisions out there that could affect decisions and laws that one's State legislatures, one's county commissioners, one's city governments have written into law.

It is an extraordinary power for an organization that is extraordinarily unaccountable. That is what the demonstrations in Seattle last fall were all about, what the demonstrations in Brasilia, where 100,000 people came, were all about. It was the privatization of the public policy process. That is what is going on.

While citizens stood out in the rain in Seattle, corporate interest enjoyed an open-door access to WTO officials. At one point, listen to this, the corporate host of the Seattle ministerial were even selling opportunities to dine with the visiting trade ministers, dine, that is, if one can come up with \$250,000. If one has got a quarter of million dollars, one gets to dine with the people who are inside the room. If one contributed \$150,000, one could still come to dinner, one just could not bring as many guests.

Mr. Speaker, I am convinced that we need to rebuild this idea of an international trade organization. Of course we need to trade. The gentleman from Georgia (Mr. NORWOOD) is absolutely right. Of course we need relations with our allies and friends and even some of those who are not our allies and friends around the world. But we need to build

an international organization that is not able to interfere with the laws of our country, our States, and our cities.

The fact is that the WTO rulings could override the decisions of a town council, a county commission to buy only American-made products. Is there anybody here what wants to do away with that? I have seen the votes on the board. They are overwhelming on Buy America. They are almost 400 to 5 or 400 to 6.

We do not want a WTO that takes a walk on the questions of human rights. We have human rights issues debated regularly on this floor.

What we need to do is to build a World Trade Organization that is as committed to promoting human rights and human dignity as it is to promoting the interest of large corporations, a WTO where consumers and workers and farmers and people who care about the environment are not spectators, but are participants. We want a WTO where working families are not trapped on the outside looking in, but where all of us have a seat at the table.

But until there is a commitment to begin that process, and it is a process, and it will not be happening overnight, and it is going to happen eventually, until there is a commitment to do that, I have no choice but to vote yes on the gentleman's resolution. I thank him for bringing us to this opportunity today.

Mr. CRANE. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter to me from the Emergency Committee for American Trade and also a letter to the gentleman from Texas (Mr. ARCHER), our distinguished chairman of Ways and Means, from the U.S. Alliance for Trade Expansion. Both letters are in very strong opposition to H.J. Res. 90. The one to the gentleman (Mr. ARCHER) contains 4 pages of single-spaced type.

Mr. DEFAZIO. Mr. Speaker, I do not object if the gentleman from Illinois inserts the letters, but if he reads them, I will say he has to claim time.

Mr. CRANE. Mr. Speaker, I did not hear the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the point I am making is, if he is using the time to read the letters, that is one thing. If he is making a unanimous consent and he is not using his time, I will object to reading the letters.

Mr. CRANE. Mr. Speaker, I am not reading the letter.

The SPEAKER pro tempore (Mr. GILLMOR). The unanimous consent request does come out of the time of the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, the letter to the gentleman from Texas (Chairman ARCHER) contains four pages of two-column names of businesses and associations that also very strongly object to H.J. Res. 90.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I include the letters I referred to for the RECORD as follows:

EMERGENCY COMMITTEE
FOR AMERICAN TRADE,
Washington, DC, June 7, 2000.

Hon. PHILIP M. CRANE,
Longworth House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing, as Chairman of the Emergency Committee for American Trade and Chairman of Cargill, Incorporated, to urge you to vote against H.J. Res. 90, withdrawing congressional approval of the agreement establishing the World Trade Organization (WTO). Withdrawal of U.S. support for the WTO would undermine the tremendous growth and prosperity that the United States has achieved through the expansion of world trade—an expansion enabled by the WTO and the multilateral trading system.

With 96 percent of the world's population and four-fifths of the world economy located outside U.S. borders, we cannot sustain economic growth here at home unless we have access to expanding opportunities in world markets. As documented in ECAT's 1998 groundbreaking study, *Global Investments, American Returns*, and its "1999 Update," world economic expansion and integration have enabled American companies with global operations to make important contributions to the U.S. economy and standard of living that in many cases are greater than those of purely domestic firms. For the past two decades, American companies with global operations have accounted for over half of all U.S. research and development and over half of all U.S. exports. They also have undertaken the majority of total U.S. investment in physical capital in the manufacturing sector. In addition, American companies without global operations pay their workers 5 to 15 percent less than American companies with global operations.

While American companies have sought opportunities in global markets, they have nearly three-fourths of their total employment in the United States. These American companies have provided an important source of new business opportunities in the United States, as the have purchased from U.S. suppliers over 90 percent of their intermediate inputs for their products, totaling \$3 trillion in 1997. The foreign affiliates of American companies also have created significant new markets for U.S. companies, as foreign affiliates account for over 40 percent of U.S. exports. In addition, over 70 percent of the income from the foreign affiliates of American companies is repatriated, thereby promoting greater U.S. economic growth.

The trade liberalization shaped by the WTO and its GATT predecessor has been the major engine of the global economic growth that is so vital to our prosperity as a nation. Since the founding of the multilateral trading system at the end of World War II, the world economy has grown six-fold, per capita income worldwide has tripled, and hundreds of millions of families around the globe have risen from poverty. The historic liberalization under the Uruguay Round Agreements provided significant new market access through substantial tariff cuts on agricultural and industrial products, reductions in agricultural trade barriers, limits on the use of agricultural export subsidies, and the creation of new disciplines to open up global

markets to services providers. This liberalization is expected to produce a \$230 billion increase in world GDP and a \$745 billion increase in world trade by 2005. This means an additional annual \$100 to \$200 billion in purchasing power for consumers worldwide.

Since the Uruguay Round, the WTO has helped to pave the way for continued growth in the 21st century by producing an information technology agreement cutting tariffs on \$600 billion worth of trade in computers and other high-tech goods, a financial services agreement covering \$60 trillion in financial transactions, and a telecommunications agreement opening up 95 percent of the world's telecommunications markets by eliminating monopolies and establishing pro-competitive regulatory principles. The 1998 commitment among WTO members to maintain "duty-free cyberspace" also has laid the foundation for world economic growth in new areas by ensuring the unhindered development of electronic commerce as a means to promote trade.

For the United States, this global economic growth has helped the U.S. economy grow from \$7 trillion in 1992 to over \$9 trillion last year. U.S. unemployment levels are now at their lowest point in 30 years, and U.S. poverty rates are the lowest in two decades. The WTO has helped to ensure that this growth is sustained even in times of economic instability as evidenced by the fact that U.S. exports of goods and services, even with the disruption of the Asian financial crisis, have grown by 55 percent since 1992 to a record total of nearly \$959 billion last year.

WTO membership has grown since 1986 from 90 members to 136 members in April of this year, with 30 other countries applying for membership. As a result, the WTO is becoming a truly global system of trade rules in which WTO disciplines have become a key element not only in developed nations, but also in emerging economies in Central and Eastern Europe, Asia, Africa, and the Middle East. Achieving China's entry into the WTO and its integration into the rules-based world trading system is vital to this process and will help to ensure that China, the largest emerging economy in the world, develops its economy in accordance with WTO rules. China's WTO accession along with the U.S. extension of Permanent Normal Trade Relations (PNTR) to China will help to guarantee that the U.S. farmers, manufacturers, and services providers will reap the full benefits of the historic U.S.-China bilateral WTO accession agreement.

The United States also has benefited from the strong WTO dispute settlement process put in place as a result of the Uruguay Round Agreement. The United States has used the WTO dispute settlement process to ensure strong enforcement of U.S. rights under the WTO, as the United States has prevailed in 23 of the 25 U.S. WTO complaints acted on to date. It is important to note that while the WTO dispute settlement process is binding, compliance with WTO panel recommendations is voluntary. The WTO has no authority to force a member country to change its domestic laws or policies and therefore does not pose a threat to enforcement of U.S. health, safety, or environmental standards. In cases in which a WTO member chooses not to bring itself into conformity with a panel decision, the affected WTO member countries have the right to request compensation or to retaliate.

Maintaining strong U.S. support and leadership in the WTO is critical to ensuring full enforcement and implementation of existing WTO agreements, and to carry on the work

of the WTO "built-in" agenda, including the negotiations on agriculture and services. It is essential that the United States sustain its effort to continue trade liberalization in agriculture and services through the ongoing negotiations and to find ways to build a consensus among WTO members to expand liberalization negotiations to include other areas, such as industrial tariffs, trade facilitation, and transparency in government procurement, and to successfully complete the sectoral accelerated tariff liberalization and information technology ITA II negotiations.

For the reasons outlined above, especially the benefits to the United States from the operation of the WTO over the last five years, ECAT member companies urge you to vote against H. Res. 90.

Sincerely,

ERNEST S. MICEK,
Chairman, Cargill,
Incorporated and
Chairman, Emer-
gency Committee for
American Trade.

U.S. TRADE,
Washington, DC, March 31, 2000.

Hon. BILL ARCHER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ARCHER: On March 2, 2000, the President, pursuant to Sections 124-125 of the Uruguay Round Agreement Act (URAA), submitted the 1999 Trade Policy Annual Report to Congress which included an expanded assessment of the operation and effects of U.S. membership in the World Trade Organization (WTO). Under the law, any Member of either House could introduce a joint resolution that calls on the U.S. to withdraw from the WTO. We are writing to urge you to oppose H.J. Res. 90, introduced by Representative Ron Paul (R-14-TX), which calls on the United States to withdraw from the World Trade Organization.

Removing ourselves from the rules-based trading system would have disastrous consequences for the American economy, jeopardizing both the longest economic expansion in U.S. history and continued U.S. global economic leadership. The consequences include:

Agriculture: The WTO Agreement on Agriculture required countries, for the first time, to reduce or cap tariffs, export subsidies and internal support mechanisms, and established new science-based rules for measures restricting imports on the basis of human, animal or plant health and safety. If the U.S. withdrew, American farmers could be excluded from these benefits. Moreover, American farmers would not benefit from further negotiations already launched at the WTO to reduce trade-distorting export subsidies overseas. One-third of American farm production is sold overseas. These exports support approximately 750,000 American jobs.

Intellectual Property Rights (IPR): The enforcement mechanisms now available to the U.S. under the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are critical to American holders of patents, trademarks and copyrights. Total foreign sales of the core copyright industries amounted to an estimated \$45.8 billion in 1993. TRIPS implementation has produced the most significant progress to date for protecting pharmaceutical patents in developing countries. We should not make the world safe for pirated American software, pharmaceuticals, and other high value-added products.

Manufacturing: With \$527 billion in exports in 1998, the U.S. is by far the largest exporter

of manufactured products in the world—17 percent larger than our nearest competitor. Manufactured products account for 62 percent of all U.S. exports and 72 percent of all U.S. imports. Under the Information Technology Agreement (ITA), 52 countries representing 95 percent of trade in high-tech products eliminated tariffs in a rapidly-expanding \$600 billion global market that is critical to U.S. growth. Given these statistics, it should be no surprise that a rules-based international trading system—one that opens markets and protects against abusive trade practices—is more important than ever to American manufacturers.

Retailing: The U.S. retailing sector employs nearly one-fifth of the American workforce, and contributes greatly to the high U.S. standard of living by providing consumers with the wide variety of products they demand at affordable prices. Tariffs are essentially import taxes that, if re-introduced as a result of a U.S. pullout, could add 30 percent or more to the price of consumer products. As Federal Reserve Chairman Alan Greenspan has noted on several occasions, imports have also served as a great inflation-tamer in a period of rapid economic growth, and contribute substantially to our rising standard of living.

Services: The WTO General Agreement on Trade in Services (GATS) established a rules-based trading system for services. The WTO rules safeguard American service exports, which were \$260 billion in 1998 and resulted in a surplus of \$79.4 billion. The Basic Telecommunications Agreement represents 91 percent of the total domestic and international revenue of \$600 billion generated in this sector annually. The Financial Services Agreement represents 95 percent of the international trade in banking, insurance, securities and financial information. Negotiations to further liberalize world-wide trade in services—including the delivery of services via electronic commerce—began in January 2000.

It's not just the economy that is at stake, but our national security as well. The rules-based trading system that has developed since the end of World War II stands in sharp contrast to the mushrooming trade barriers that the world saw in the 1930s. These policies sent trade flows into a long downward spiral that culminated in the virtual collapse of international commerce, depression and, finally, war. The bitter lessons of the first half of the 20th century provide a map of what roads not to go down in dealing with an integrated world economy—economic nationalism, isolationism and protectionism.

The WTO is by no means perfect. We, along with other groups, have advocated a range of measures to improve the functioning of the system. At the same time, it is indisputable that the rules-based trading system has been a positive force shaping the world since the end of World War II. It has played an essential role in the transformation of the American economy since the mid-1980s, driven in no small measure by the competition faced both here and abroad. Concerning the alleviation of poverty, trade is a key element in any economic growth strategy worth mentioning in the developing world.

U.S. membership in the World Trade Organization deserves the support of all Americans. We urge you to oppose H.J. Res. 90, which calls on the United States to withdraw from the World Trade Organization.

Sincerely,

3M
ABB, Inc.
ACE-INA Insurance

ACPA
Aerospace Industries Association of America
AFMA, formerly the American Film Marketing Association
Agriculture Ocean Transportation Coalition
Air Tractor, Inc.
Aitken Irvin Lewin Berlin Vrooman & Cohn, LLP
Alcan Aluminum Corporation
Aluminum Association
America Online, Inc.
American Apparel Manufacturers Association
American Assn of Exporters and Importers
American Bus. Council of the Gulf Countries
American Business Conference
American Bus Council of the Gulf Countries
American Chamber of Commerce in Germany
American Chamber of Commerce in Slovakia
American Council of Life Insurance
American Crop Protection Association
American Electronics Association
American Express Company
American Farm Bureau Federation
American Forest & Paper Association
American Institute for International Steel
American Insurance Association
American International Group
American Int'l Automobile Dealers Assn
American Iron and Steel Institute
American Petroleum Institute
American Plastics Council
American River International Ltd
American Textile Manufacturers Institute
American Wire Producers Association
Amway Corporation
Andersen Consulting
APCO Associates Inc.
ARCO
Armstrong World Industries, Inc.
Associated Industries of Massachusetts
Associated Industries of Missouri
Association of Intl Automobile Manufacturers
AT&T Corp.
Atlas Electric Devices Company
Austin Nichols & Company, Inc.
Automotive Trade Policy Council
Avon Products, Inc.
Bank of America
BASF Corporation
Bechtel Corporation
Bestfoods
Bethlehem Steel Corporation
Biotechnology Industry Organization
BMW (US) Holding Corporation
Boeing Company
Bretton Woods Committee, The
Brown & Williamson Tobacco Corporation
Business Roundtable, The
C & M International
California Council for International Trade
Cargill Incorporated
Caribbean/Latin America Action
Caterpillar Inc.
Cato Institute
Celanese Corporation
Champion International Corporation
Chase Manhattan Corporation
Chemical Manufacturers Association
Chicago Tribune
Chilean-American Chamber of Commerce
Chubb Corporation, The
CIGNA
Citigroup
Citizens Against Government Waste
CNH Global N.V.
Coalition of New England Companies for Trade

Coalition of Service Industries
Competitive Enterprise Institute
Computer & Communications Industry Association
ConAgra, Inc.
CONNECT
Connecticut Business & Industry Assn, Inc.
Construction Industry Manufacturers Assoc.
Consumer Industry Trade Action Coalition
Consumers for World Trade
Coors Brewing Company
Copper and Brass Fabricators Council
Corn Refiners Association
Council of Growing Companies
Council of Insurance Agents and Brokers
Creative Pultrusions, Inc.
DaimlerChrysler Corporation
Detroit Free Press
Diamond Machining Technology Inc.
Distilled Spirits Council of the United States
Diversified Trade Company, LLC
Dow Chemical Company, The
Dow Corning Corporation
DuPont
Eastman Chemical Company
Eastman Kodak Company
ECAT
Edison Electric Institute
EDS
Hoffman International, Inc.
Hogan & Hartson
Honeywell International Inc.
Hong Kong Economic & Trade Office
Hormel Foods International Corporation
Huntway Refining Company
Information Technology Assoc. of America
Information Technology Industry Council
Ingersoll-Rand Company
Institute for Int'l Insurance Development
Intellectual Property Committee, The
Interactive Digital Software Association
El Paso Energy Corporation
Elan International LLC
Electronic Data Systems Corporation
Electronic Industries Alliance
Ellicott Machine Corporation International
Emerson Electric Co.
Employers Group
Enron Corp.
ERC Wiping Products Inc.
EREXCORP
Exxon Mobil Corporation
Farm Equipment Manufacturers Association
Fashion Accessories Shippers Association, Inc.
Federation of Israeli Chambers of Commerce
FMC Corporation
Forest City Gear Company
Foster Wheeler Corporation
Franklin International, Inc.
Gateway, Inc.
Gemmex Intertrade America, Inc.
General Electric Company
General Mills, Inc.
General Motors Corporation
German Industry and Trade
Global Customs Advisors
Global USA
Greenberg, Traurig, et al.
Grocery Manufacturers of America, Inc.
Guardian Industries Corporation
Halliburton Company
Hardwood, Plywood and Veneer Association
Hasbro, Inc.
Health Industry Manufacturers Association
Hewlett-Packard Company
High Voltage Engineering Corporation

Hills & Company
 International Assoc. of Drilling Contractors
 International Business Machines
 International Business-Govt. Counsellors
 International Dairy Foods Association
 International Insurance Council
 International Mass Retail Association
 International Paper
 International Strategic Advisors
 Investment Company Institute
 IPC, Assoc Connecting Electronics Industries
 ITT Industries
 Japan Automobile Manufacturers Assn.
 JBC International
 Jefferson Waterman International
 JETRO
 John B. Shlaes & Associates
 John Hancock Financial Services
 Johnson & Johnson
 Joint Industry Group
 Joseph E. Seagram & Sons, Inc.
 Kissinger McLarty Associates
 Landegger Industries
 Lincoln National Corporation
 Liz Claiborne, Inc.
 Malichi International, Ltd.
 Manatt, Phelps & Phillips
 Manchester Associates
 Manchester Trade
 Manufacturers Assn of NW PA
 Marconi Commerce Systems, Inc.
 Massachusetts Inst for Social & Econ Rsrch.
 Matsushita Electric Corporation of America
 Maytag Corporation
 MCI WorldCom
 McLarty International
 MD International
 Merck & Company, Inc.
 Merrill Lynch & Company Inc.
 Merritt Tool Company
 Miami Valley Marketing Group, Inc.
 Michigan Manufacturers Association
 Midmark
 Motion Picture Association of America
 Motor and Equipment Manufacturers Assoc.
 Motorola Inc.
 National Association of Manufacturers
 National Association of Wheat Growers
 National Center for APEC
 National Fashion Accessories Association, Inc.
 National Food Processors Association, The
 National Foreign Trade Council
 National Marine Manufacturers Assn.
 National Oilseed Processors Association
 National Retail Federation
 National U.S.-Arab Chamber of Commerce
 Nationwide
 New York Life Insurance Company
 Securities Industry Association
 Semiconductor Equip and Materials Int'l.
 SFI
 New York Life International, Inc.
 Nordic Group of Companies, Ltd.
 North American Assn of Food Equipment Mfrs.
 Northwest Environmental Business Council
 Novartis Corporation
 NPES The Association for Suppliers of Printing, Publishing and Converting Technologies
 O'Melveny & Myers
 Optical Industry Association
 Oracle Corporation
 Organization for International Investment
 Owens-Illinois, Inc.
 PACCAR Inc
 Pacific Basin Economic Council-U.S. Committee

Pacific Coast Council of Customs Brokers & Freight Forwarders Assoc., Inc.
 Pacific Northwest International Trade Association
 Parker Associates
 PepsiCo, Inc.
 Pet Food Institute
 Pet Friendly, Inc.
 Pfizer Inc.
 Pharmaceutical Research and Mfrs of America
 Philip Morris Companies, Inc.
 Pioneer Hi-Bred International Inc.
 Polaroid Corporation
 PPG Industries, Inc.
 Praxair Inc.
 Precision Metalforming Association
 Princewaterhouse Coopers LLP
 Principal Financial Group
 Pro Trade Group
 Procter & Gamble
 Prudential
 Purafil, Inc.
 Ralston Purina Company
 Reebok International, Ltd.
 Representative of German Industry and Trade
 Ross Manufacturing
 Samuels International
 Sara Lee Corporation
 Sea-Land Service Inc/CSX Corp.
 Seba International, Inc.
 Secondary Materials and Recycled Textiles
 Shelby Industries, Inc.
 Siemens Corporation
 SISCORP, Inc.
 Skyway Luggage Company
 Small Business Exporters Association
 Smaller Business Assoc. of New England
 Society of the Plastics Industry
 Sonoco Products Company
 Sony Electronics Inc.
 St. Maxens & Company—Mattel
 Staffing Innovations, Inc.
 Stern Group, Inc., The
 Synthetic Organic Chemical Manufacturers Association
 Systems Integrated
 Telecommunications Industry Association
 Telect, Inc.
 Tenneco
 Texas Assn. of Business & Chambers of Commerce
 Texas Instruments, Inc.
 Textron Inc.
 The AIMAC Center for ADR
 The American Int'l Automobile Dealers Assoc.
 The Clorox Company
 The Gallatin Group
 The Goodyear Tire & Rubber Company
 The Hawthorn Group, L.C.
 The McGraw-Hill Companies
 The Port Authority of NY & NJ
 The Sapphire Group, Inc.
 The Stern Group
 The Trade Partnership
 Timken Company, The
 Toy Manufacturers of America
 TradeCom International, Inc.
 Trans-Americas FSC, Inc.
 Tricon Global Restaurants
 TRW Inc.
 U.S. Chamber of Commerce
 U.S. Council for International Business
 U.S. Dairy Export Council
 U.S. Grains Council
 U.S. Wheat Associates
 Underwriters Laboratories
 Unilever United States, Inc.
 United Parcel Service
 United Technologies Corporation
 Universal Fabricators, Inc.
 Unocal Corporation

US ASEAN Business Council
 USX Corporation
 Valmont Industries
 Warnaco Inc.
 Warner-Lambert Company
 Washington Council on International Trade
 Waste Equipment Technology Association
 Westex International Inc.
 Westinghouse Electric Corporation
 Westvaco Corporation
 Wheat Export Trade Education Committee
 Whirlpool Corporation
 White & Case, LLP
 Wilhelm Resource Company
 William T. Robinson PLLC
 Willkie Farr & Gallagher
 Wilmer, Cutler & Pickering
 Wiring Harness Manufacturers Association
 World Perspectives
 World Trade Center Institute
 Xerox Corporation

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before the House of Representatives today simply says that we should withdraw from the World Trade Organization. If my colleagues have listened to the debate today, the question really is not whether we should withdraw, the question is how should we reform the WTO and what types of reforms we should pursue.

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And the best example that has been cited today widely is the need to have a more open judicial process that more closely mirrors the process that has served us so well in the United States.

So the question before the House today is really what tactic should we take in order to pursue reform. And I would suggest that what we should do is stand up and act like leaders; act like leaders, as expected by other countries and by the citizens we represent here today. What they expect us to do is to take specific action and not just simply support some blanket general withdrawal of the WTO.

So let us begin to debate the specific types of reforms we need to undertake, and let us pursue our right in the World Trade Organization to lead an effort for a two-thirds vote, to pursue more openness and the other types of reforms we have debated today. And let us use our time on the floor more wisely. Let us debate how we can expand the benefits of trade for everybody, how we can expand the winners circle, how we can begin to open up the benefits of trade for more small- and medium-sized businesses, so that they too can enjoy the benefits of trade.

And let us get back to debate on what we can do to be an important partner with our States and our local governments to fund the types of job training and education programs that American workers need today to succeed and survive in this global economy. There are tax credits available;

there are programs we know that can work, that can create partnerships between employers and employees so more of the people we represent can succeed in this global economy. That is the debate we ought to be having today. We ought to defeat this resolution and we ought to get back to work.

Mr. PAUL. Mr. Speaker, I yield myself 1 minute.

Let me say to the gentleman that reforms are not permissible. The Congress cannot reform the WTO. Only they can reform themselves. But they work in secret, and they have to have a unanimous vote. Our vote is equal to the country of Sudan. So do not expect it to ever be reformed. The only way we can voice our objection is with this resolution. And there will never be another chance to talk about the WTO for 5 more years.

Let me state that the Congress is required to state a constitutional justification for any legislation. The Committee on Ways and Means amazingly used article I, section 8 to justify their position on this bill. And let me state their constitutional justification. It says, "The Congress shall have power to lay and collect taxes, duties, imposts and excises." But the Constitution says the Congress. But what we are doing is allowing the WTO to dictate to us.

Even those on the Committee on Ways and Means said that they endorse this system of "fair trade administered by the WTO". Who is going to decide what is fair? The WTO does. And they tell us what to do.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding me this time. I certainly oppose our withdrawal from participation in the World Trade Organization, but I share many of the concerns that have been voiced here today concerning the way the WTO operates.

When a dispute arises in the WTO, perhaps over another nation's claim that an environmental law represents a discriminatory barrier to international commerce, the WTO tribunal acts in a somewhat star chamber-type proceeding. The complaint itself may be sealed. The hearings are closed. The briefs are confidential. If there are outside concerned parties that would file an amicus brief, if a United States court were involved, they are denied that right to reflect broader policy considerations that might arise from the dispute resolution. And conflict of interest procedures are lacking.

I do not think, given that circumstance, that there can be any wonder why conspiracy theorists and why many people, who simply have a reasonable and legitimate concern about the environment and human rights, are

very suspicious about the way that the WTO operates.

An additional area of the decision-making processes of the WTO concerning trade policy, though not relating directly to dispute resolution, also fails both to provide openness and adequately to involve nongovernmental organizations or other international organizations, such as the World Health Organization. WTO reports are not being released immediately too much information is being classified out of public view.

I do not believe that this administration has done enough to open up the processes of the WTO, nor has the international business community worked vigorously enough to open up the processes. The propensity of the WTO bureaucracy and many of our trading partners to be consumed with secrecy presents much of the problem that we have here today.

Despite that wrongful secrecy, it should be noted that many of those who are basically opposed to more international trade have misstated or greatly exaggerated the consequences of WTO decisions. Of the 140 issues that have been brought before the WTO, only about 10 have involved health or environmental concerns, and these have not produced the adverse consequences claimed by some WTO opponents.

I believe we need a trade policy that addresses environment and health concerns as much more central concerns. Have a sustained push for real reform of the WTO, but we must not follow a course of economic isolationism. That latter course would only reduce our economic growth, increase consumer prices, and reduce opportunities for more good high paying jobs in Central Texas and across the country.

Mr. LEVIN. Mr. Speaker, may I ask how much time is remaining on the four sides, please.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Michigan (Mr. LEVIN) has 8¼ minutes remaining; the gentleman from Texas (Mr. PAUL) has 5¼ minutes remaining; the gentleman from Oregon (Mr. DEFAZIO) has 9½ minutes remaining; and the gentleman from Illinois (Mr. CRANE) has 7½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I agree with all those who have said it is important for the future of America and for our economy to continue to participate in the World Trade Organization. It is simply common sense that the nation with the most open trade regime in the world would gain from supporting the international organization whose purpose is to open up the trade

regimes of all nations and police those arrangements.

Many Members today have talked about the faults of the WTO, and the gentleman from Michigan (Mr. BONIOR), is in part correct; they are many. But we have to keep in mind that these faults take place against a backdrop of international agreement and cooperation. We are not going to win every case, and sometimes the WTO is simply going to be wrong. But that does not mean that we are better off without having a WTO. It provides a place to resolve trade conflict that historically can easily escalate into more serious matters.

There are a number of improvements to the WTO that we want and have been working to persuade other countries to agree to, and the Committee on Ways and Means speaks to that frequently. They involve opening up the WTO to public view and input, expanding the scope of trade agenda to fit the realities of modern technology and economic integration, consistent enforcement of core labor standards, bringing environmental considerations more forcefully into the discussion, and certainly reaching out to developing countries.

However, there is something we can do here that is equally important, and we need to do it ourselves. In these trade debates, including the debate that we recently had over China, and others as well, they are infused with a certain cultural elitism that needs to be changed. Those who make key decisions in this Nation on trade issues are going to have their jobs, for the most part, after the decision is made. But there are thousands and thousands of people who believe that they will not, and they are scared about it.

A factory that closes in New England and moves to Tennessee, a merger between two companies that leads to downsizing for cost efficiencies, and the start-up of new production lines overseas all look about the same from the factory floor. While we criticize and support the WTO throughout the morning, I would ask Members, Mr. Speaker, to think about the job we need to do to talk about trade in such a way that it is less threatening and more universally accepted.

If we cannot change the tone of the debate, if we cannot sell free trade to those who are nervous about it, then perhaps we have a lot less to say than we thought. And I would predict that if we do not, and we simply vote against this resolution and go on our merry way, then we are going to have a much bigger problem 5 years from now.

Mr. DEFAZIO. Mr. Speaker, I yield myself 3 minutes.

Financial Times, senior WTO staffer: "The WTO is the place where governments collude in private against their domestic pressure groups."

I would posit that actually the WTO is working very much the way its principal authors intended, and its principal authors were the multinational corporations who want to be unfettered from the restrictions of consumer rights, labor rights, environmental rights and protections.

The WTO does have a few standards. It prohibits slave and prison labor. It does not prohibit child labor, bonded child labor. On the environment, it does allow cases to be brought on the issue of the environment. A case can be brought against any nation's environmental laws as not being the least trade restrictive, but there is no mechanism to bring a case for having a lack of environmental laws or a lack of enforcement of environmental laws, if they exist.

And then, of course, consumers. Consumers are not part of the equation here, except the buying power they might present. This organization does not allow nations to have the precautionary principle upon which most of our consumer protections and environmental laws are based. It sets new standards that they say are scientifically based and higher than the precautionary principle.

We have to prove a substance is harmful before we can prohibit it. Thalidomide would have had to be imported into the United States, under the WTO rules, until it was proven that it was causing horrible birth defects. It was a guess by a person at the FDA that kept it out of this country. They did not have a scientific basis. They were applying the U.S. precautionary principle. They saved tens of thousands of babies from being horribly deformed in this country. But under the WTO we could not do that because we could not prove it before the fact.

Now, I would posit that this is working exactly as was intended. People who are well intentioned have stood here and called it a star chamber process and said it needs reform. And I think others who are a little less well intentioned are up here saying, oh, of course, it needs reform. We will go back to the organization. We will go to the members and ask them to reform.

We will go to some of the members of the WTO and ask them to put forward reform proposals. I think we are going to ask Cuba to put forward reform proposals. Well, no, maybe not Cuba. How about Myanmar, that great bastion of human rights abuse. No, I do not think Myanmar is going to put them forward. Well, maybe Pakistan. How about the OPEC countries, who are constraining trade to drive up gasoline prices in the United States?

I have asked the U.S. to file a complaint at the WTO against them. Our Trade Representative says, oh, no, we cannot do that. Well, I am not sure why we cannot do it. I think they are violating rules of the WTO. Or maybe

we just cannot do it because the WTO is really designed to protect corporate multinational interests and the profits of gasoline companies and the oil companies, which are up 400 to 500 percent. People in the Midwest are paying up to almost \$3 a gallon, and we cannot do anything about that in the WTO; but we can stick it to consumers, we can stick it to the environment. We cannot protect things we believe in, except the multinational corporations.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

In 1990, before the WTO, trade protection cost U.S. consumers approximately \$70 billion per year. Trade barriers hit the lowest income consumers the hardest because they have to spend a greater share of their paychecks on the everyday products most affected by hidden import taxes. I am referring to such things as clothes, shoes, and many food products.

According to the U.S. Trade Representative, the market access opportunities culminating in the Uruguay Round amount to "the largest global tax cut in history." By the time the WTO agreements are fully implemented in 2005, the annual effect will be equal to an increase of \$1,500 to \$3,000 in purchasing power for the average American family of four. By giving American consumers more buying power with every dollar, the WTO helps to raise the living standards for America's families, especially low-income families.

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Moreover, as Americans buy more, the availability of low-cost imports has helped to ward off inflation. Holding down inflation helps to keep mortgages, car loans, credit card interest, and other credit expenses lower.

Mr. Speaker, I think it is vital for our colleagues to pay attention to the discussion that is being held here today, to examine the evidence, and conclude to vote against H.J. Res. 90.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I reserve the balance of my time for closing.

Mr. DEFAZIO. Mr. Speaker, may I inquire of the Chair as to who will have the right to close?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

The majority manager, will be the last speaker.

Mr. LEVIN. Mr. Speaker, so the speakers will be in what order?

The SPEAKER pro tempore. The gentleman from Oregon (Mr. DEFAZIO), the gentleman from Texas (Mr. PAUL), the gentleman from Michigan (Mr. LEVIN), and the gentleman from Illinois (Mr. CRANE).

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Dooley).

Mr. DOOLEY of California. Mr. Speaker, as our world's economy makes the transition from an industrial-based economy to one that is information based, what we are finding increasingly is that geography is going to become less important. We are going to find that national borders are no longer going to be barriers to the flow of information, to the flow of commerce, and to the flow of new ideas.

What is important for us to understand, as globalization takes hold, is that we have these international bodies that can develop the rules of the road that can ensure that we can have a level of certainty in terms of how international laws related to trade can be effectively and equitably implemented.

There is no country that has more at risk in this endeavor as the United States, with our country only having 4 percent of the world's population, 96 percent of the world's population outside our borders, when we look at the fact that we consume 25 percent of all the world's GDP. It is important for us to understand that we have more at risk than any country in terms of the opportunities that a consistent set of rules that help to guide international trade provide us.

I also would make a strong case that, for those of us who are very interested in seeing how we can advance issues related to human rights, how we can advance issues that can elevate labor and environmental standards, is that the WTO has the potential to be one of the most effective vehicles in order to achieve that outcome.

Because if we ever looked to see what would be the impact of this legislation passing today, it would, basically, leave us without an effective mechanism with which the United States can exert its influence among a world body.

And so, that is why I think it is important for us to certainly vote against this measure today and dedicate ourselves to continue to have the United States provide the leadership through the WTO to advance the issues of labor and environmental standards.

This will make good sense in terms of ensuring that U.S. workers have the economic opportunities the global marketplace provides and, also, to maximize the influence of the United States in developing countries.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to this bill to call for removal from the World Trade Organization.

Quite simply, the reason for the WTO is that organized, rule-based trading is more reliable and more beneficial to all than unregulated exchanges. This is what we were talking about just a few weeks back when we are talking about permanent normal trade relations with China.

I think the argument follows that, of course, what is good for trading of goods is also relevant to other things we hold important. And certainly, the WTO is far from perfect. We need to make some improvements with regard to transparency and the information that is included in the decision-making and public disclosure, and we need to improve the trade and labor working groups and the way the environment is considered. But without the organization, we have nothing to work with.

It should be clear that a trade free-for-all is not better than a principle-guided trade regime.

Mr. DEFAZIO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a recent study by the School of Public Affairs at the University of Maryland found 93 percent of Americans agree with the statement "Countries that are part of international trade agreements should be required to maintain minimum standards for working conditions." Over 80 want to buy products made by children under the age of 15. Seventy-eight percent said labor standards and environmental protections should be part of the agreement. Seventy-four percent said countries should be able to restrict the import of products if they are produced in a way that damages the environment. Seventy-four percent said there should be a moral obligation to ensure foreign workers do not have to work in harsh or unsafe working conditions.

Guess what? None of those things are protected by the WTO. None of them are allowed to be protected by the current rules of the WTO by us, by the United States, enforcing those values in trade.

We cannot restrict the movement of goods produced under any of those problem conditions by child labor, bonded child labor, in an environmentally destructive manner, on and on. The list goes on. Labor rights. Those are not part of this agreement.

The gentleman from Illinois talked about American consumers are benefiting so much. He might have said the newly impoverished American workers that have lost their jobs to unfair foreign trade have more buying power. But, of course, that is absurd. Because, since their wages have dropped dramatically or have been held steady by the fact that we cannot go out and enforce labor rights or higher standards of living through these trade agreements, all we can do is chase the cheapest labor around the world to the bottom, those people, in fact, are not doing so well. We are running huge and growing trade deficits. Under this regime there are so many problems.

This is an indiscriminate tool, and I admit that. But we are never allowed to debate this issue on the floor. When we passed it, it was an up or down vote on this huge volume that no one had

read. Now we are told we get 2 hours out of the 20 hours we were supposed to have to debate the issue. Again, up or down vote, in or out, trade or no.

Well, I would suggest that many of the dozens and dozens of Members who have come to the floor and said there are problems with this, we need to change it, should vote present if they cannot vote no to send their concerns.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of the resolution to withdraw the United States from the World Trade Organization.

It had not been my intent to do that today, since I do believe in a world trading regime with strict, enforceable rules that are inclusive of not just capitalists' rights but laborers' rights, environmental protection, and the standards of democracy building that all of us would hope we could aspire to.

But today I rise in protest, my vote against WTO will be a protest vote. Because in Ottawa, Ohio, right next door to where I live, Netherlands-based Philips Components also has announced that it will move 1,500 more area jobs to Mexico.

The firm is going to take the production lines that exist at this Ottawa plant and transfer it to Mexico over a 3-year period starting now. Work will be moved on making the 25- and 27-inch picture tubes. And the spokesman for Philips, which is based somewhere in the Netherlands, no one seems to be able to find it, we cannot even get a phone call returned, we get a recording when we call the firm in Ohio, a spokesman for Philips declined to give any specifics on the Mexican facility, even what city these goods will be moved to or what the factory is making now.

Yesterday's announcement had been dreamed in this Putnam County, Ohio, community. Now, David Thompson, the Philips' spokesman, said, the company maintained that moving production to Mexico was the best alternative for the long-term health of the business, so any counter-proposal for the company to stay had to come from Local 1654, the International Brotherhood of Electrical Workers.

But as the newspaper reports this morning, when John Benjamin of that local contacted company representatives several times trying to find what areas they felt needed to be addressed in the contract, they received no response.

So today my vote against the U.S. involvement in WTO is a protest vote, and it is standing with the workers of our country who have no rights in this regime.

I have tried to get the head of another group of workers in Ohio whose jobs had been moved to China to come

and meet with these workers to help these 1,500 people adjust to the world that they are about to face now, and the leader from the other company said he was going through a divorce because life has been so hard for them. They have lost over 2,000 jobs to China.

I stand in protest to this regime, which turns its back on the working people of our country. It is absolutely wrong. I rise in support of this resolution.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind our colleagues that we are the biggest export nation on the face of this Earth. Every billion dollars in increased U.S. exports translates into roughly 15,000 to 20,000 new jobs here in the United States. And those new jobs that are trade-related jobs pay on average about 17 percent more than jobs simply for domestic consumption.

In other words, trade is one of the biggest benefits economically this country has experienced. We are at a point because we have been at full employment for almost 5 years now where we are importing skilled labor, thousands of skilled workers, because of the shortage of workers we have in this country. And there has been some suggestion by the gentleman from New York (Mr. SWEENEY) that there may be 6 million illegal immigrants working in the United States that are filling those empty slots because we have no opportunities for any increased jobs. We are short of labor in this country, just like we are short of virtually everything else.

Let me read a Statement of Administration Policy here for the RECORD:

Though its origins date back more than 50 years, the WTO continues to be a critical forum for the United States to (1) assert and advance U.S. interests in the global economy; (2) lower trade barriers and promote new opportunity for American workers, firms, and farmers; (3) advance the rule of law; (4) promote economic stability and peace by giving nations stronger stakes in one another's prosperity and stability.

If the United States did not participate in the WTO, we would (1) expose ourselves to discrimination by virtually all other major trading nations; (2) weaken our ability to get other countries to abide by trade commitments; (3) threaten U.S. competitiveness and living standards; (4) create uncertainty and risk in the U.S. and world economy.

U.S. participation and leadership in the WTO is critical at this time. There are more than 30 nations, including some economies in transition, seeking to join the WTO, as well as a number of developing countries that are working to meet their WTO obligations. Withdrawal of congressional support for the multilateral system would send precisely the wrong message to these countries."

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, I want to say to the gentlewoman from Ohio (Ms. KAPTUR), I totally agree with her statement and she has every right to be angry. We do not do a very good job at all in this country of helping those who lose from trade, even though I strongly believe that the majority of Americans benefit from trade and I concur with what the gentleman from Illinois (Mr. CRANE) just said. She has every right to be angry.

But this prescription being proposed, withdrawing from the WTO, would not do one thing to help those workers in Ohio or any other workers; and, in fact, it would probably make their lot worse.

What the gentleman, my dear colleague from Texas (Mr. PAUL) is proposing, would lead us down the road towards trade anarchy at the expense of the American worker and the American consumer. It would not solve the legitimate concerns that some of the proponents of this resolution have. It would make matters much worse for all Americans.

I hope the whole House will reject this unwise resolution.

Mr. Speaker, I rise in opposition to H.J. Res. 90, a resolution to withdraw Congressional approval of the agreement establishing the World Trade Organization (WTO). I want to point out that the Ways and Means Committee rolled this resolution adversely by a unanimous roll call vote of 35 to 0.

U.S. membership in the WTO is clearly in our national interest. The multi-lateral rules-based trading system of the WTO, which was first established in 1947 as part of the General Agreement on Tariffs and Trade (GATT), has been vital to global economic growth, peace and stability. In its five-year existence, the WTO has helped create a more stable climate for U.S. businesses, improved market access for industrial goods, agricultural products and services worldwide, promoted the protection and enforcement of intellectual property rights, and provided an effective means for settling trade disputes. More than any other member, the U.S. has benefited from the dispute resolution mechanism, winning 23 of the 25 actions it has brought against other WTO members.

It is important to note that while WTO dispute settlement process is binding, compliance with WTO panel recommendations is voluntary. The WTO has no authority to force a member country to change its domestic laws or policies and therefore poses absolutely no threat to enforcement of U.S. health, safety, or environmental standards. In cases in which a WTO member chooses not to bring itself into conformity with a panel decision, the affected WTO member countries have the right to request compensation or to retaliate.

The trade liberalization shaped by the WTO and its GATT predecessor has been the major engine of global economic growth and is vital to our continued economic prosperity. Since the founding of the multilateral trading system at the end of World War II, the world economy has grown six-fold, per capita income worldwide has tripled and hundreds of thousands of

families around the world have risen from poverty. For the U.S., this global growth has helped the economy grow from \$7 trillion in 1992 to \$9 trillion in last year. The WTO has helped to ensure that this growth is sustained even in times of economic instability as evidenced by the growth of U.S. exports of goods and services, even with the disruption of the Asian financial crisis, have grown by 55 percent since 1992 to a record total of nearly \$959 billion last year.

During the first five years of the WTO, the U.S. economy generated 1.4 million new jobs. Almost 10 percent of all U.S. jobs—nearly 12 million—now depend on our ability to export goods abroad. Membership in the WTO also yields concrete benefits to Texas workers and families. Since the WTO was created, U.S. exports have grown by \$235 billion, creating thousands of jobs for Texas workers. Texas is the second largest exporting state in the U.S., totaling more than \$78 billion in exports in 1998. Texas and the U.S. would lose these benefits if it withdraws from the WTO and member countries could, and likely would, erect a host of protective barriers to U.S. goods and services. They could, in fact, block U.S. access to their markets altogether. Given that international trade now accounts for nearly one-third of U.S. gross domestic product and one-fourth of U.S. income, Texas and the U.S. simply cannot afford to lose access to these markets.

The WTO is not a perfect organization. While I will vote against this resolution, I believe we should open up the WTO to greater public view and public input. Recent events have shown us that as trade has increased and had greater impact on people's lives, there has been a greater desire for knowledge about the WTO and the development of international trade rules. Opening the process, by allowing public submissions to dispute settlement panels and opening panel proceedings to public view will go a long way toward making Americans more comfortable with WTO recommendations.

Trade now represents nearly one-third of our economy. Leaving U.S. exports and imports with no effective rules or framework is reckless and counterproductive. Withdrawal of U.S. support for the WTO would undermine the tremendous growth and prosperity that the U.S. has achieved through the expansion of world trade—an expansion enabled by the WTO and the multilateral trading system.

Mr. Speaker, I urge my colleagues to support the growth of international trade and institutional reform and urge a "no" vote on this resolution.

[From the Blade, Toledo, OH, June 21, 2000]
SHIFT OF PHILIPS JOBS OFFICIALLY
SCHEDULED

OTTAWA, OH.—Netherlands-based Philips Components has made it official: It will move 90 per cent of its television-tube production from this northwest Ohio town to a facility it bought in north-central Mexico, leaving 1,500 area workers without jobs.

The Ann Arbor-based division of Royal Philips Electronics announced yesterday that production lines from the Ottawa plant will be transferred in phases to Mexico over a three-year period, starting in the last six months of 2001. When the move was disclosed in April, the company said it planned for the transfer to start next spring.

The equipment to be moved from the Ottawa plant will join machinery for two new production lines in an existing factory. Work to be moved from Ohio to Mexico is production of 25-inch and 27-inch picture tubes. A spokesman for Philips declined to give any specifics on the Mexican facility, even what city it is in or what the factory makes now.

The Ottawa plant will retain 250 to 300 workers to make 32-inch tubes.

Yesterday's announcement, although expected, has been dreaded in this Putnam County town.

"It's definitely a hit. But we had tried to run this community like a business, so we've been planning for it and we'll survive," said John Williams, municipal director of the village of Ottawa.

The company said in April and reiterated yesterday that the move to Mexico is part of its strategy to improve the efficiency and cost effectiveness of its manufacturing operations because retail prices in the North American market have declined.

David Thompson, a Philips spokesman, said the company maintained that moving production to Mexico was the best alternative for the long-term health of the business, so any counterproposal needed to come from Local 1654 of the International Brotherhood of Electric Workers.

"We needed to take a look at significant cost-savings in production . . . and the union never came back with a counterproposal, so we finalized our plans," said Mr. Thompson.

John Benjamin, president of Local 1654, said union officials contacted company representatives several times trying to find what areas they felt needed to be addressed, either in the contract or otherwise, and received no response.

"We've seen it at other facilities where workers have given up stuff to secure their future and it didn't work," said Mr. Benjamin, a 34-year employee of the plant.

The current contract expires Sept. 27 and Mr. Benjamin said he has contacted the company about dates to start renegotiating a contract.

"We've got to have something in place for people until they find other work," he said. He declined to reveal what type of severance package or retraining help the union might be seeking.

Since the announcement two months ago, the Ottawa plant has lost about 3 per cent of its work force, prompting the company to offer an updated bonus plan to raise production levels. The union's Mr. Benjamin said workers with greater seniority will be allowed to bump into jobs that are staying in Ottawa.

Severance packages for the 1,300 hourly workers who will lose their jobs will be negotiated. Severance and benefit packages are being prepared for the 200 salaried workers who will lose their jobs, Mr. Thompson said.

Mr. Williams, Ottawa's municipal director, said village officials contacted legislators and learned that the plant's workers are eligible for displacement benefits under the North American Free Trade Agreement but that will be handled by the federal government.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Oregon (Mr. DEFAZIO) has 2 minutes remaining, the gentleman from Texas (Mr. PAUL) has 5½ minutes remaining, the gentleman from Michigan (Mr. LEVIN) has 1½ minutes remaining, and the gentleman from Illinois (Mr. CRANE) has 3 minutes remaining.

□ 1230

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of my time.

The gentleman from Illinois just quoted a statement about exports and 15 to 20,000 jobs per \$1 billion. Apparently that is true. But unfortunately one cannot just use one side of the equation. One has to get to the net. The net is we ran last year a \$271 billion trade deficit which by his math would mean 4,065,000 jobs were lost. We are heading toward more than \$300 billion this year, and the administration itself admits with the accession of China our trade deficit with China and PNTR will grow dramatically. So you cannot just use the side of the equation that goes to your argument. It goes both ways.

We are running a huge and growing trade deficit because American workers cannot and should not be competing with bonded child labor, with people who work in unsafe conditions, with people who work in factories where they dump the toxic waste out the back door. No, that is not what the U.S. represents, that is not what we want to drive the rest of the world to, and it is not what we should be driving our Nation to. We should be demanding more. This organization was set up basically so it could not be changed. You are going to get Cuba and China and Myanmar and those other great bastions of democracy, workers rights, environmental protections to go along with improvements in the WTO? I think not. But it is working quite well for their oppressive regimes as well as it is working for the giant multinational corporations. It is working as designed.

Every once in a while, once every 5 years we will be allowed 2 hours on the floor of the House, if we are still here, to stand up and debate this issue; but we will never see a resolution demanding improvements on the floor of this House, even though dozens of Members have come here and said, it is wrong, it has got to be fixed, we cannot be in this organization unless they fix the dispute resolution, unless they protect the environment, unless they protect workers.

If Members really believe that and they cannot bring themselves to vote for the resolution, then I urge them at least to cast a protest vote for reform by voting "present."

Mr. PAUL. Mr. Speaker, I yield myself the balance of my time.

"Peace, commerce and honest friendship with all nations, entangling alliances with none, I deem one of the essential principles of our government and consequently one of those which ought to shape its administration." Thomas Jefferson.

Thomas Jefferson, I am sure, would be aghast at this WTO trade agreement. It is out of the hands of the Congress. It is put into the hands of

unelected bureaucrats at the WTO. I would venture to guess even the Hamiltonians would be a bit upset with what we do with trade today. I am pro-trade. I have voted consistently to trade with other nations, with lowering tariffs. But I do not support managed trade by international bureaucrats. I do not support subsidized trade. Huge corporations in this country like the WTO because they have political clout with it. They like it because they have an edge on their competitors. They can tie their competitors up in court. And they can beat them at it because not everybody has access. One has to be a monied interest to have influence at the World Trade Organization.

Earlier today I predicted that we would win this debate. There is no doubt in my mind that we and the American people have won this debate. We will not win the votes, but we will do well. But we have won the debate because we speak for the truth and we speak for the Constitution and we speak for the American people. That is why we have won this debate. It is true there are a lot of complaints about the WTO from those who endorse it. I think the suggestion from the gentleman from Oregon is a good suggestion. Those who are uncomfortable with the WTO and they do not want to rubber-stamp it, and they do not think it is quite appropriate to vote "yes" on this resolution, vote "present." Send a message. They deserve to hear the message. We have no other way of speaking out. Every 5 years, we get a chance to get out of the WTO—that's it.

We cannot control the WTO. None of us here in the Congress has anything to say. You have to have a unanimous vote with WTO to change policy. Our vote is equal to all the 134 other countries; and, therefore, we have very little to say here in the U.S. Congress.

Why is it that I have allies on the other side of the aisle where we may well disagree on the specifics of labor law and environmental law. We agree that the American people have elected us, we have taken an oath of office to obey the Constitution, that we have a responsibility to them and we should decide what the labor law ought to be, we should decide what the environmental law should be, we should decide what the tax law should be. That is why we have an alliance.

But let me remind my colleagues, the American people are getting frustrated. They feel this sense of rejection and this loss of control. Why bother coming to us? We do not have control of the WTO and they feel like they are being hurt. This is the reason we are seeing demonstrations. They say if we did not have the WTO we would have anarchy? I predict chaos. I predict eventual chaos from WTO mismanagement. The trade agreement is unmanageable. They would like to do it in secrecy, and they like to wheel and deal; but it is unmanageable.

Let me say there is another reason why we expect chaos in the economy and in trade. It has to do with the trade imbalances. Today we are at record highs. The current account deficit hit another record yesterday. It is 4.5 percent of the GDP, and it is significant. But unfortunately the WTO can do nothing about that because that is a currency problem. It too causes chaos. Yet there will be an attempt by the WTO to share the problem of imbalances. Just think of how NAFTA came to the rescue of the Mexican peso immediately after NAFTA was approved; a \$50 billion rescue for the politicians and the bankers who loaned money to Mexico.

Quite frankly, I have a suspicion that when the Chinese currency fails, that will be one of the things that we will do. China will be our trading partner. They are in the family of countries, so therefore we will bail out their currency. That is what I suspect will happen. Why else would the Chinese put up with the nonsense that we pass out about what we are going to do, investigate them and tell them how to write their laws? They have no intention of doing that. I think they are anxious to be with WTO because they may well see a need for their currency to be supported by our currency, which would be a tax on the American people.

This is a sovereignty issue. We do not have the authority in the U.S. House of Representatives to give our authority to the President. We do not have the authority and we should never permit the President to issue these executive orders the way he does, but this is going one step further. We have delivered this sovereignty power to an unelected bunch of bureaucrats at the WTO.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

The WTO has its roots in the decision of this country and others after the Second World War not to make the mistakes that we made after the First World War, and that was for this country to engage, to take a leadership position, to craft international institutions to respond to problems, to challenges, and to opportunities. Trade is not win-win. There are losers as well as winners. Our challenge is to try to make sense out of that dynamic, to try to make sure that in our country we come out ahead and not fall behind in terms of the international scene.

They say send a message. It is the wrong message. It is the message of withdrawal. It is a message to tear down. It is much harder to build, and it is easy to tear down. Do not tell me the WTO never changes. I went to Geneva with others to work to safeguard our antidumping laws in those negotiations and we succeeded. If Members think the world is unmanageable, if they want to put blinders on, vote "yes" or "present." If they want to roll up their

sleeves and make this a better world economically for this country and the other nations, vote no. Vote no.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard references made to jobs; we have heard references made to our trade deficits. The economic concerns involved in trade are important, but I think it is important for us to recognize that trade plays a critically important role in our economy today, and it is because we are less than 5 percent of the world's population and the market is beyond our borders and we have bountiful employment. We are at the biggest increases in gross domestic production that we have experienced in years. In fact, last year over \$9.2 trillion was our GDP. I think it is important to recognize, too, the studies have already discovered that better than 90 percent of job dislocation here in the United States is totally unrelated to trade. When we then wonder about these increases in U.S. deficits, it is because of the insatiable appetites we have; and notwithstanding our incredible productivity, we cannot produce enough to meet the demands of the American consumers here at home.

Let me conclude with a point, and this deals with the question of sovereignty. U.S. law which approved and implemented America's membership in the WTO makes clear that the U.S. reigns supreme.

The Uruguay Round Agreements Act, URAA, states, "No provision of any of the Uruguay Round Agreements, namely, the WTO agreements, nor the application of any such provision to any person or circumstance that is inconsistent with any of the United States law shall have effect."

Secondly, "Nothing in this act shall be construed to amend or modify any law of the United States, including any law relating to, one, the protection of human, animal or plant life or health; two, the protection of the environment; or, three, worker safety unless specifically provided for in this act of Congress."

Mr. Speaker, I think it is essential that all Members here recognize the importance of this vote. I know we have some honest disagreements. I hope that we can move some of our opponents in this debate through a presentation of facts and the evidence to a different position. But in the interim, I think it is vital that Members recognize that we must vote down H.J. Res. 90.

Mr. CROWLEY. Mr. Speaker, I speak today in strong opposition to H.J. Res. 90, which seeks to withdraw Congress's approval of the agreement establishing the World Trade Organization (WTO).

Although I have come to this floor many times to oppose pieces of legislation that I believe would damage U.S. interests; few of them pose a greater danger than this one.

Since the failure of the International Trade Organization (ITO) to gain recognition by key nations, such as the United States, the world has relied on the General Agreement on Tariffs and Trade (GATT) as a temporary measure to help liberalize international trade and promote world economic growth. This measure, although imperfect, remained in effect from 1948 until 1995 when the World Trade Organization effectively replaced it.

Although the GATT was an effective tool for reducing tariff barriers, it was an ineffective instrument when it came to dealing with dispute settlement procedures and did not apply to services or intellectual property.

Now, with the WTO, nations, including the United States, have an effective international regime in place to settle trade disputes and further promote trade liberalization, not just in tariff reductions, but in non-tariff barriers as well.

The United States has played an extremely active role in the creation of the WTO and has been an active member. Since the creation of the WTO, the United States has won the majority of its cases that have reached a final decision. Additionally, the United States has filed almost half of the distinct cases considered by the WTO. Clearly, we are one of the most active participants in this organization and it is responding favorably to our concerns.

Mr. Speaker, U.S. exports of goods and services accounted for one-third of U.S. economic growth in the past seven years. We need the WTO to safeguard the global trading system to ensure safe and predictable trading patterns. This is vital to our economy because it has created millions of new jobs for Americans.

While I understand the concerns of many of my colleagues about some of the WTO rulings, such as the shrimp-turtle case, withdrawal from the WTO is not the answer. Rather, we must work with other nations to ensure our trade agreements consider issues such as the environment, worker rights and human rights. The WTO, like any international organization, has the ability to grow and adapt. In order to effect the future of the WTO in a positive way, as we have the past and the present, we must continue to play a leading role.

Mr. Speaker, I urge my colleagues to oppose this resolution.

Mr. KNOLLENBERG. Mr. Speaker, I rise today in opposition to this resolution. The WTO serves as a forum for negotiations to eliminate trade barriers, allowing us to export our goods and services freely around the world. It provides the only multilateral dispute mechanism for international trade, administers rules to discourage discrimination, and ensures greater security on how trade will be conducted. For example, stronger dispute resolution procedures within the WTO prevent nations from keeping U.S. goods and services out of their markets through tariffs and non-tariff barriers.

Engaging in global trade helps American workers and consumers and overall economic progress. Since 1994, approximately one fifth of U.S. economic growth has been linked to the dynamic export sector. If we choose instead to build trade barriers and ignore the potential of consumers in other nations, we will

only reverse our incredible economic expansion and the subsequent higher standard of living.

I have heard many allegations that, as a member of the World Trade Organization, we undermine our ability to determine our own domestic policy and compromise our national security. But when we look closely at the WTO structure and how it operates, we realize this is not true.

First, the trade rules by which member nations agree to follow are reached by consensus by all members, allowing the U.S. to vote against any rules it finds unacceptable. Further, neither the WTO nor its dispute panels can compel the U.S. to change its laws or regulations. Under the WTO charter, members can enact trade restrictions for reasons of national security, public health and safety, conservation of natural resources and to ban imports made with forced or prison labor.

Isolationist policies will only destroy jobs and stifle innovation, while at the same time discourage environmental responsibility. I encourage my colleagues to vote against this resolution and for engagement with the world trade community.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.J. Res. 90. This legislation withdraws congressional approval for the agreement establishing the World Trade Organization (WTO). Its adoption would mean that for the first time in 50 years, the U.S., the world's largest economy, would not be a member of the world trading system.

I will be the first to admit that the WTO is far from perfect. Despite our efforts, it remains a closed, non-transparent decision-making body in which anti-U.S. biases are strong and due process is weak. Whether it's the dispute with the European Union (EU) over the Foreign Sales Corporation (FSC), market access for bananas and hormone treated beef, Airbus subsidies, or EU restrictions on U.S. biotechnology products, the WTO has either rejected or failed to enforce U.S. rights. Nevertheless, turning our backs on the rest of the world, as H.J. Res. 90 would have us to, is a wholly unacceptable solution to the WTO's problems.

If we want to trade with the world, we must remain a part of the world trading system. And, as a member of the world trading system, we must show the rest of the world that, truly, this system can only serve the interests of all when it transcends the biases and prejudices that now infest it, and it starts rendering honest judgments based solidly on the actual language of agreements reached. Fair, impartial and open decisionmaking must become the WTO's standard, if it is to promote economic efficiency and world prosperity.

The WTO is far from meeting that standard today. Until real progress is made, we should expect that sentiments for the resolution we are considering today will become more, not less, prevalent. Let me describe some of the major problems facing the WTO.

Our major trading partners, including Japan, Korea, and the EU, have turned the WTO dispute settlement process into a de facto appeals court that reviews U.S. trade agency determinations and strikes down our trade laws. Japan and Korea have gone so far as to say they will launch WTO appeals of every U.S.

trade determination that is adverse to their interests. Already, WTO decisions are gutting the effectiveness of U.S. trade remedies in ways that the Administration and Congress expressly rejected during the negotiations on the agreement establishing the WTO.

In the UK Bar case, the WTO tribunal actually usurped the role assigned to the U.S. Commerce Department by refusing to accept the agency's reasonable interpretations of WTO agreements. The WTO Antidumping Agreement contains a special standard of review which recognizes that national authorities (e.g., the U.S. Commerce Department) should have the primary role in interpreting the complicated and technical WTO rules. A 1994 WTO Ministerial Declaration provides that subsidies cases (like UK Bar) should also be subject to this deferential standard of review. Despite this fact, the WTO tribunals disregarded the WTO Members' intent and said the standard of review was "non-binding".

The simple fact is that the WTO dispute settlement process is structurally biased against the U.S. Panels are staffed by the WTO Secretariat that over the years has demonstrated a bias against U.S. fair trade laws. WTO documents, including the WTO Annual Report, reveal a hostility to anti-dumping laws. In addition, the actual members of the panels are selected from a cadre of foreign diplomats, economists, and academics, many of whom have no judicial training and have very negative opinions of U.S. trade laws.

The U.S. must take steps to increase its participation in the WTO dispute settlement process. Without even changing WTO rules, the U.S. could "deputize" counsel for domestic industries so they can hear the presentations to the panelists. We should also increase federal support by assigning Commerce Department personnel to our country's WTO mission in Geneva. The WTO process must also become more transparent by permitting panels to consider written submissions from interested private parties and by giving private counsels, under appropriate protective order, access to all materials in cases considered by panels.

Mr. Speaker, the WTO dispute settlement process needs thorough reform. It is to these reforms that we must now direct our efforts and not to the abandonment of the world trading system. I urge my colleagues to vote "No" on H.J. Res. 90.

Mr. BUYER. Mr. Speaker, I rise today in opposition to this resolution withdrawing approval of the United States in the World Trade Organization. Although I have some concerns, the United States must be actively engaged in global trade and we need to be forceful, perhaps more forceful than we have been, in advocating a rules-based, transparent trading system.

My main concerns stem from the potential for manipulation of the WTO by some of our trading partners to challenge our domestic laws to address unfair trading practices. These are legitimate tools to ensure fairness to American industries and American workers.

We need a viable dispute resolution process that permits a full, open airing of grievances. In a rules-based trading system, the rules need to be transparent—everybody needs to know what the rules are. It also must address any non-tariff barriers that are erected to inhibit free and fair trade.

The United States must be vigilant to seek openness, access, and transparency in international trade. We must also be able to preserve our ability to ensure fairness when American producers and workers are placed at risk from unfair trading practices.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time for debate has expired.

Pursuant to House Resolution 528, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. PAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1245

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4635, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4635.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 20, 2000, the bill was open for amendment from page 57, line 22, to page 58 line 14.

Pursuant to the order of the House of that day, no further amendment shall be in order, except pro forma amendments offered by the chairman and the ranking minority member of the Committee on Appropriations or their designees and the following further amendments, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The following additional amendments, debatable for 10 minutes:

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding VA mental illness research;

An amendment by the gentleman from New Jersey (Mr. PASCRELL) regarding the VA Right To Know Act;

An amendment by the gentleman from New Jersey (Mr. SAXTON) regarding EPA estuary funding;

An amendment by the gentleman from Indiana (Mr. ROEMER) regarding the space station;

The amendments printed in the CONGRESSIONAL RECORD numbered 7, 8, 13, 14, 15, 17, 33, 41 and 43.

The following additional amendments debatable for 20 minutes:

An amendment by the gentleman from Texas (Mr. EDWARDS) regarding VA health and research;

The amendments printed in the CONGRESSIONAL RECORD numbered 23, 34, and 35; and,

The following additional amendments debatable for 30 minutes:

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding NSF;

An amendment by the gentleman from Georgia (Mr. COLLINS) regarding clean air;

An amendment by the gentleman from Florida (Mr. BOYD) regarding FEMA;

An amendment by the gentleman from Massachusetts (Mr. OLVER) regarding the Kyoto Protocol;

And the amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 24, 25, and 39.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized

by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses, \$1,900,000,000, which shall remain available until September 30, 2002: *Provided*, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: *Provided further*, That none of the funds made available in this or any prior Act may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Loads, published in the Federal Register on August 23, 1999.

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAXTON:

Page 59, line 6, after the dollar amount insert "(increased by \$33,900,000)".

Page 74, line 12, after the dollar amount insert "(reduced by \$33,900,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, January 20, 2000, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New York (Mr. WALSH) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to increase the funding by

\$33.9 million under the Environmental Protection Agency's Environmental Programs and Management Account to fund the National Estuary Program.

Mr. Chairman, the National Estuary Program has been a tremendous success, but is drastically underfunded. This year's appropriation provides approximately \$18 million for this purpose, and it is inadequate to fund the National Estuary Program for the 28 estuaries that are included in the program.

If anyone is from almost any coastal State where there is a high density population in a coastal area you will find that your estuaries are under stress. And the National Estuary Program, which came into being a number of years ago, was set up to provide for a partnership arrangement between the Federal Government and Federal dollars and State and local people who know well the problems involving their estuaries and who know well how to study and fashion solutions for various types of estuarine problems.

I first became aware of this program with the trip to Narragansett Bay, which was part of the National Estuary Program, a number of years ago. Then Representative Claudine Schneider introduced me to the problems of Narragansett Bay; and now, 10 years later, because of the National Estuary Program, Narragansett Bay is well on its way to recovery. I wish I could say the same was true for all of the estuaries that are included in the National Estuary Program, but such is simply not the case.

We need to move forward with this program, and we need to fashion a financial program that will adequately take care of these needs. Congress recognized the importance of preserving and enhancing coastal environments. With the establishment of this program as section 320 of the Clean Water Act, and the Clean Water Act amendments of 1987, this program was passed by the House on May 8, 2000, to reauthorize it. We also authorized an appropriation of \$50 million for fiscal year 2001 for the purpose of facilitating the State and local governments preparation of the Comprehensive Conservation Management Plan, CCMPs, for threatened and impaired estuaries.

This is a simple, straightforward program that addresses a variety of unique needs of these stressed bodies of water. I rise to urge an aye vote on this amendment, as I think it is extremely important to coastal areas, coastal States, and the inhabitants thereof.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am reluctantly opposed to the Saxton amendment. The gentleman has shown through proven leadership throughout his years in the Congress a dedication to, certainly the

New Jersey shoreline and the estuaries all over the country, which as we know are the most productive areas of our waters in terms of wildlife and fish life.

While I am sympathetic to the amendment of the gentleman from New Jersey (Mr. SAXTON), I would have to say that the estuary program is fully funded at the President's request level. In fact, we have taken great pains to fully fund this program every year. For fiscal year 2001, the program would receive almost \$17 million, a slight decrease from last year's level of \$18 million, an increase over the 1999 level of \$16.5 million.

In addition to this general estuary program, we also fund through EPA's specific estuary-related programs for wetlands, including South Florida Everglades, Chesapeake Bay, Great Lakes, Long Island Sound, Pacific Northwest, and Lake Champlain. Together these programs total over \$63 million for each of year 2000 and 2001.

The Saxton amendment would nearly triple what we now have provided for this program. In addition, the Saxton amendment would take funds, important funds from NASA and we have already taken \$55 million out of NASA in the production of this bill through the amendments.

This cut would further reduce their ability to adequately operate programs, so I would urge a no vote on the Saxton amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SAXTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

On page 59, line 19, after the word "Protocol", insert: *Provided further*, That any limitation imposed under this Act on funds made available by this Act for the Environmental Protection Agency shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House, of Tuesday, June 20, 2000, the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, will the amendment be read?

The CHAIRMAN. The amendment is considered as read. Without objection, the Clerk can read the amendment.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is short and clear. It simply affirms the agreement which has been in effect the last 2 years after painstaking negotiations by the House, the Senate, and the executive branch in passing the fiscal 1999 VA-HUD bill.

Mr. Chairman, the final fiscal VA-HUD conference committee bill contained limitation language which is used again in this year's bill. The accompanying conference report language was only approved after extensive negotiation.

But the conferees specifically agreed, and I quote in part: "The conferees recognize that there are longstanding energy research programs which could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided that they have been funded and approved by Congress."

For fiscal 2001 again we have the same bill language as fiscal 1999 and fiscal 2000, but the report language this year has been greatly changed and goes far beyond the carefully negotiated fiscal 1999 conference agreement.

Without my amendment, this report language can be construed to limit even longstanding authorized and funded programs, our renewable energy research and development programs to promote clean power, our program to develop new homes that are 50 percent more energy efficient and save families dollars, our program to reduce methane emissions because methane is one of the most powerful greenhouse gases, and even the Clean Air Act which became law with the initiative and strong support of President Nixon a generation ago.

All are geared towards reducing greenhouse gases and have been approved and funded by this Congress, but could be jeopardized.

Mr. Chairman, the language of my amendment allows the EPA to operate as it has over the last 2 years under the fiscal 1999 VA-HUD conference agreement and the accompanying negotiated report language. Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that this amendment is different than the amendment that we had previously. Now, the amendment that was given to me previously provided a little bit different picture than what I think this amendment does. We like the idea that we are now dealing with activities which have been the thing that we have been looking at for a long time.

If I am not mistaken, and I would like some clarification from the gentleman from Massachusetts (Mr. OLVER), the language that we were pre-

pared to accept was a slightly different variation from what the gentleman has included here.

I will read the language, not that the gentleman needs to know; but this body needs to know exactly what was inserted in your previous language, and it said "provided further that any limitation imposed under this act on funds made available by this act for the Environmental Protection Agency shall not apply to activities related to the Kyoto Protocol which are otherwise authorized by law."

I ask the gentleman to help me, if he will, but my understanding is that now the gentleman has changed this to saying in the third line "shall not apply to activities specified in the previous proviso related to the Kyoto Protocol."

I ask the gentleman what exactly has the gentleman changed here from the previous wording?

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we were apprised last night that the language as the gentleman has read it, in fact, left a question of interpretation as to what the words "activities related to the Kyoto Protocol" would mean. And the Clerks advised me and others who were interested in this that there would be no ambiguity if the word related was tied to the very provisions that are in the previous proviso, which is, of course, the provided further proviso that gives the bill language as it has stood, and that, therefore, it would be limited very carefully to those items.

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Mr. KNOLLENBERG. Mr. Chairman, the gentleman suggested that we were concerned about the wording in the previous amendment? Who was concerned? Because we showed no such concern.

Mr. OLVER. Mr. Chairman, if the gentleman will yield further, the clerks were concerned it was ambiguous, the language with the word "related," and there would be some question to determine what was related to the proviso. In this instance, it is clearly tied to those items which are listed in the previous proviso, but are also authorized and funded by previous law.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me proceed with my comments, because I do want to resolve this in a fashion that is acceptable. My immediate view was, why was the language changed? No one presented that change to me. So let me proceed with my comments. I appreciate the gentleman's explanation of why the change, but it certainly was not one that came from our side.

Mr. Chairman, I do want to congratulate the gentleman from Massachusetts

(Mr. OLVER), the gentleman from West Virginia (Mr. MOLLOHAN), and the others for the recognition of the original and enduring meaning of the law that has existed for years now, specifically that no funds be spent on unauthorized activities for the fatally flawed, in my judgment, unratified, Kyoto Protocol.

I am grateful for the acknowledgment of the administration's plea for clarification. The whole Nation I think needs to hear the plea of this administration in the words of the coordinator of all environmental policy for this administration, George Frampton. In his position as acting chairman of the Council on Environmental Quality, on March 1 of this year and on behalf of the administration, he stated this before the Committee on Appropriations subcommittee: "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language which gives rise to our wanting to not have the continuation of this uncertainty next year."

Mr. Chairman, I also agree with the gentleman from Wisconsin (Mr. OBEY) when he stated to the administration, "You're nuts," upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities. I think that is important, of this administration, both authorized and unauthorized.

As I read this amendment, it appears to be now fully consistent with the provision that has been signed by President Clinton in current appropriations laws. First, no agency, including EPA, can proceed with activities that are not authorized or not funded; second, no new authority is granted to EPA; third, since neither the United Nations framework convention on climate change nor the Kyoto Protocol are self-executing, and I repeat that, they are not self-executing, specific implementing legislation is required for any regulation, program or initiative; fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, I have had numerous communications with key agencies about the propriety of some of their activities. In most cases there has been a reasoned response that indicates there is recognition that some activities can cross the line and be implementation of the Kyoto Protocol.

Apparently, President Clinton agrees with us, since he has been clear in his statements that he has no intention of implementing the Kyoto Protocol before it is ratified by the U.S. Senate. I think we have to assure the American taxpayers that they will not pay the bill for activities that are not legal.

In my view, this amendment, after looking at it a second time, the second

amendment prepared by the presenter, is consistent with the position that we have been taking since 1998; and we all know the EPA has been challenged by the courts on their abuse of the Clean Air Act, Safe Drinking Water Law, and an effort to use internal guidance in contravention of legal requirements. Because of the recent activities of the EPA, I just wanted to take this time to thoroughly and carefully review this bill language and consider the content of report language that will be necessary to explain it.

Mr. Chairman, I want to again say to the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Massachusetts (Mr. OLVER), I do think you are focusing on the kernel here that we have to focus on; and in that regard, I do want to offer some time to my colleagues to comment as well, and I am sure the gentleman does as well.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 16, 2000.

Hon. C.W. BILL YOUNG,
Chairman, House Committee on Appropriations.

DEAR MR. CHAIRMAN. We write to express our strong support for the inclusion of the Knollenberg provision in the Foreign Operations and Commerce, State and Justice Appropriations bills for Fiscal Year 2001. This same provision has also been adopted in report language contained in the Subcommittee Report drafted by the Commerce, Justice, and State Subcommittee of the House Appropriations Committee.

As you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but decided not to submit this treaty to the United States Senate for ratification. The Protocol places severe restrictions on the United States while exempting most countries, including China, India, and Brazil, from taking any measures to reduce carbon emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Byrd-Hagel resolution calling for commitments by all nations to the Protocol and on the condition that it not adversely impact the economy of the United States.

We believe that the Knollenberg provision is required to preserve the Congress's authority to ratify treaties prior to their implementation. We are also concerned that actions taken by several Federal agencies, including the State Department and the Agency for International Development, constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. The Knollenberg provision is required to block any further implementation of the proposed treaty by the executive branch until Congress addresses this matter. We wish to be clear that this provision will not in any way inhibit the ability of the Administration to negotiate international treaties or conduct the foreign policy of the United States. Rather, this provision seeks to preserve the proper consultation and review process with regard to international agreements that has been reserved to the Congress by the Constitution of the United States.

Thank you for your kind consideration of our request.

Sincerely,

BENJAMIN A. GILMAN.
F. JAMES SENSENBRENNER,
Jr.

COMMITTEE ON COMMERCE,
Washington, DC, October 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic
Growth, Natural Resources and Regulatory
Affairs, Committee on Government Reform.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources" and an October 12, 1998 memorandum entitled "The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act" prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819-821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the "Clean Air Act Amendments of 1990," the Public Law does not specify that reference as the "short title" of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled "Information Gathering on Greenhouse Gases Contributing to Global Climate Change" appears in the United States Code as a "note" (at 42 U.S.C. 7651k). It requires regulations by the EPA to "monitor carbon dioxide emissions" from "all affected sources subject to title V" of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a "pollutant" for any purpose.

Finally, Title IX of the Conference Report, entitled "Clean Air Research," was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled "Pollution Prevention and Control," calls for "non-regulatory strategies and technologies for air pollution prevention." While it refers, as noted in the EPA memorandum, to carbon dioxide as a "pollutant," House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate

conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 10, 2000.

Hon. GARY S. GUZY,
General Counsel, Environmental Protection
Agency.

Dear Mr. Guzy: Thank you for your February 16, 2000 letter responding to our December 10, 1999 letter examining the Environmental Protection Agency's (EPA's) legal authority with respect to carbon dioxide (CO₂). After studying your answers to our questions, we are more convinced than ever that the Clean Air Act (CAA) does not authorize EPA to regulate CO₂. Indeed, we find it amazing that EPA claims authority to regulate CO₂ when the legislative history of the CAA—particularly in 1990—does not support such a claim and when Congress, since 1978, has consistently enacted only non-regulatory laws on climate change and greenhouse gases. Furthermore, some of your answers asserting that EPA has not yet considered certain basic legal issues are not credible.

To make clear why your February 16th letter has only reinforced our conviction that EPA may not lawfully regulate CO₂, we review below each of your answers in the order of the questions posed.

Your response to Q1 of our December 10th letter addresses an argument we pointedly and explicitly did not make and sidesteps the argument we did make. You write: "As we stated previously, specific mention of a pollutant in a statutory provision is not a necessary prerequisite to regulation under many CAA statutory provisions." We agreed with this observation in Q3 of our October 14th letter and again in Q1 of our December 10th letter, where we acknowledge that the CAA sensibly allows EPA to regulate substances not specifically mentioned in the CAA when such regulation is necessary to "fill in gaps" in existing regulatory programs. Yet you repeat that observation as though we had taken the position that EPA may not regulate any substance unless it is listed in a regulatory provision of the CAA.

Our point was different, to wit: Congress was quite familiar with the theory of human-induced global warming when it amended the CAA in 1990; and, consequently, the fact that the CAA nowhere lists CO₂ as a substance to be regulated is "evidence" (note: we did not say proof) that Congress chose not to authorize EPA to launch a regulatory global warming mitigation program. EPA's assertion, that the absence of CO₂ from all CAA regulatory provisions furnishes no evidence against EPA's claim that it may regulate CO₂, strikes us as unreasonable, especially in light of Congress' practice, in amendment after amendment to the CAA, of specifically designating substances for regulation.

In addition, we are troubled by the apparent implication of your statement, "Congress did not in 1990 limit the potential applicability of any of the CAA regulatory provisions to CO₂." You seem to suggest that, if Congress did not expressly forbid EPA from regulating CO₂, EPA must be presumed to have such power. That implication, we think, contradicts the core premise of administrative law, namely, that agencies have no inherent regulatory power, only that which Congress intentionally and specifically delegates.

We do not find persuasive your response to Q2 of our December 10th letter. We asked, "if Congress intended to delegate to EPA the authority to regulate greenhouse gases, why did it admonish EPA not to assume such authority in the only CAA provisions [sections 103(g) and 602(e)] dealing with CO₂ and global warming?" You answer that those sections are nonregulatory, and that Congress "would not intend the Agency to regulate substances under authorities provided for non-regulatory activities." You then conclude that the admonitory language of those provisions "does not directly or indirectly limit the regulatory authorities provided to the Agency elsewhere in the Act." We agree that the admonitory language does not repeal by implication any existing authority provided elsewhere in the CAA. However, we do not agree that, when Congress enacted that language, it was merely affirming a tautology (i.e., nonregulatory authorities cannot authorize regulatory programs). It is far more likely that Congress meant to caution EPA against assuming an authority that does not in fact exist.

Please again recall the legislative history surrounding Title VI. When Congress enacted Title VI, it also rejected a Senate version known as Title VII, the "Stratospheric Ozone and Climate Protection Act," which would have required EPA to regulate greenhouse gases. The admonitory language of section 602(e) states that EPA's study of the global warming potential of ozone-depleting substances "shall not be construed to be the basis of any additional regulation under this chapter [i.e., the CAA]." This is very significant because it means Congress was not content just to reject Title VII. Congress also thought it necessary to state in Title VI that it was in no way authorizing a greenhouse gas regulatory scheme.

The admonitory language of section 103(g) is also worth quoting. EPA's whole case boils down to the argument that section 103(g) refers to CO₂ as an "air pollutant," and the CAA authorizes EPA to regulate air pollutants. This argument is incredibly weak. To begin with, under section 302(g) of the CAA, the term "air pollutant" does not automatically apply to any substance emitted into the ambient air. Such a substance must also be an "air pollution agent or combination of such agents." EPA has never determined that CO₂ is an air pollution "agent." More importantly, the admonitory language of section 103(g) is unequivocal: "Nothing in this subsection shall be construed to authorize the imposition on any person of air pollution control requirements" (emphasis added). If nothing in section 103(g) shall be construed to authorize the imposition of air pollution control requirements, then the reference therein to CO₂ as a "pollutant" should not be construed to be a basis for regulatory action. EPA's case is further undermined by Congressman John Dingell's commentary on the legislative history connected with section 103(g). In his October 5, 1999 letter to Chairman McIntosh, Rep. Dingell

wrote: "While it [section 103(g)] refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory purposes."

We find disturbing your response to Q3 of our December 10th letter. Citing the very passage of *Chevron v. NRDC* quoted by EPA in its December 1st letter, we asked whether there was not a vital, practical distinction between EPA's filling a "gap left, implicitly or explicitly, by Congress" in a "congressionally created . . . program" and EPA's creating new programs without express Congressional authorization. Your answers to Q3(a) and N do not acknowledge that EPA is in any meaningful way constrained by the distinction between filling gaps and creating programs.

In addition, we believe your answer to Q3(c) lacks credibility. We asked whether EPA's authority to control substances based upon their global warming potential "is as clear and certain and unambiguous as EPA's authority to control substances based upon their impact on ambient air quality, their toxicity, or their potential to damage the ozone layer." Rather than acknowledge the obvious (i.e., EPA's regulatory authority with respect to CO₂ rests on a tortuous interpretation at best), you reply that "EPA has not evaluated the strength of the technical and legal basis for such findings under any particular provision of the Act," because it has "no current plans" to regulate CO₂. While that statement is welcome assurance in light of the Knollenberg limitation, it leaves a void as to the legal basis for EPA's view of its authority.

Your answer to Q4 of our December 10th letter is similarly nonresponsive. We noted that, under CAA section 112(b)(2), EPA may not classify an ambient air pollutant like sulfur dioxide (SO₂) as a hazardous air pollutant (HAP) unless it "independently meets the listing criteria" of section 112. In Q4(a), we asked: "What are the criteria for listing under section 112 that SO₂ and the other ambient air pollutants do not independently meet?" Your reply corrects our formulation by pointing out that an ambient air pollutant may be listed as a HAP only if it is an ambient air pollutant "precursor" and "meets the criteria for listing under section 112(b)(2)." However, you did not state what those criteria are; you did not explain the specific difference between an ambient air pollutant and a HAP. In short, you did not answer our question. The reason, we suspect, is that a clear statement of the criteria that a substance must meet in order to be classified as a HAP would also make clear that CO₂ is unlike any of the substances currently listed as HAPs. That, in turn, would cast grave doubt on EPA's claim that section 112 is "potentially applicable" to CO₂.

Your response to Q4(b) implies that EPA may actually have greater flexibility to list CO₂ as a HAP than any section 108 ("ambient") air pollutant, because CO₂ is not listed under section 108 and, thus, is not subject to the qualification that it be a "precursor." We disagree. The ambient air pollution program is the foundation of the CAA. The fact that Congress and EPA did not list CO₂ under section 108 is evidence that CO₂ is not a "pollutant" in any substantive meaning of the word. The HAPs program deals with substances that typically are deadlier or more injurious than ambient air pollutants. However, even at many times current atmospheric levels, CO₂ is a benign substance compared to ambient air pollutants like lead,

ozone, or SO₂. Therefore, the fact that Congress and EPA never listed CO₂ as an ambient air pollutant is an argument against CO₂s ever being listed as a HAP.

Your responses to Q4(c) and (d) employ the same flawed reasoning. Section 112(b) provides that no ozone-depleting substance may be classified as a HAP "solely due to its adverse effects on the environment." Noting this restriction, we asked: "[D]oes it not stand to reason that no greenhouse gas may be listed solely due to its adverse environmental effect? Indeed, is not the exemption of greenhouse gases from listing under section 112 even stronger than that for ozone-depleting substances, inasmuch as the CAA nowhere expressly authorized EPA to regulate greenhouse gases?" You replied: "Since section 112 says nothing precluding the listing of greenhouse gases (or, for that matter, any other pollutants not regulated under Title VI) on environmental grounds alone, EPA does not agree with the conclusion in the last sentence of your question." Here again you come close to saying that EPA may lawfully do anything Congress has not expressly forbidden it to do. We would suggest that Congress did not need to exempt greenhouse gases from EPA's section 112 authority, because Congress never gave EPA authority to regulate greenhouse gases in the first place.

We regard your brief response to Q5 to be a tacit admission that the HAPs framework is unsuited to control substances that deplete the ozone layer. You comment that "Congress included on the section 112(b)(2) list of HAPs several substances that deplete the ozone layer (e.g., methyl bromide, carbon-tetrachloride [CCL₄])." However, this merely shows that some ozone-depleting substances (i.e., those that are carcinogenic, mutagenic, neurotoxic, etc.) independently meet the criteria for listing under section 112. It does not prove that EPA could act effectively to protect stratospheric ozone without new and separate authority (e.g., Title VI). We also note that, in Title VI, Congress did not declare any of the ozone-depleting substances to be an "air pollutant." This suggests that EPA's authority with respect to ozone-depleting chemicals comes from a specific grant by Congress, not from a generalized authority to control substances emitted into the air.

We regard your answer to Q6 as nonresponsive. We pointed out that stratospheric ozone depletion is, by definition, a phenomenon of the stratosphere, not of the ambient air, and that it differs fundamentally from ambient air pollution in both its causes and remedies. We therefore asked: "In light of the foregoing considerations, do you believe the NAAQS [National Ambient Air Quality Standards] program has any rational application to the issue of stratospheric ozone depletion?" You responded: "Since Title VI adequately addresses stratospheric ozone depletion, EPA has not had any occasion or need to undertake an evaluation of the use of the NAAQS program to address this problem." We believe that Congress' enactment of Title VI is further evidence that the CAA is a carefully structured statute with specific grants of authority to accomplish specific (hence limited) objectives, not an undifferentiated, unlimited authority to regulate any source of any substance that happens to be emitted into the air.

In Q7, we asked whether the NAAQS program, because it targets local conditions of the ambient air, is unsuited to address a global phenomenon of the troposphere, such as the supposed enhancement of the greenhouse effect by industrial emissions of CO₂."

You replied: "EPA has not reached any conclusion on this question because, as already noted, the Agency has no current plans to propose regulations for CO₂." We do not think it necessary for EPA to start a rule-making in order to evaluate whether a particular portion of the CAA is suited to control CO₂ in the context of a global warming mitigation program. We regard your answer as a tacit admission that EPA is unable to rebut our argument.

In your answer to Q8, you state: "There is nothing in the text of section 302(h) and we have found nothing in its history to support Mr. Glaser's speculation that the scope of that provision was limited to local or regional air pollution problems" such as those arising from particulate pollution. We disagree. The text in question refers to the effects of pollution on "weather, visibility and climate." As you note in your answer to Q12, CO₂ has never been "associated with visibility concerns." Particulate pollution, on the other hand, can impair visibility as well as affect local or regional weather and climate. As to the legislative history, the source of the phrase "weather, visibility and climate" in the 1970 CAA Amendments would seem to be the National Air Pollution Control Administration's 1969 air quality criteria for particulates, which discussed the interrelated impact of fine particles on weather, visibility and "climate near the ground" (Air Quality Criteria for Particulate Matter, Jan. 1969). The climate effects referred to were not global but local and regional in nature. In any event, we find nothing in the text and legislative history of section 302(h) to suggest that Congress intended that provision to address CO₂ in the context of the issue of global warming.

In Q9, we asked whether the NAAQS program is fundamentally unsuited to address the issue of global warming, since there seems to be no sensible way to set a NAAQS for CO₂. For example, a NAAQS for CO₂ set below current atmospheric levels would put the entire country out of attainment, even if every power plant and factory were to shut down. Conversely, a NAAQS for CO₂ set above current atmospheric levels would put the entire country in attainment, even if U.S. coal consumption suddenly doubled. You replied: "Since EPA has no current plans to propose regulations for CO₂, the Agency has not fully evaluated the possible applicability of various CAA provisions for this purpose. At this point in time, your question is entirely hypothetical." Whether "hypothetical" or not, our question points out that CO₂ does not seem to fit into the NAAQS framework. We regard your answer as a tacit admission that EPA has no idea how to set a NAAQS for CO₂ in the context of a global warming mitigation program.

In Q10, we noted that the attainment of a NAAQS for CO₂ would be impossible without extensive international cooperation, and that EPA had not yet determined whether CAA section 108 authorizes the designation of nonattainment areas where attainment cannot be achieved without international action. From these facts, we drew the reasonable conclusion that, until EPA determines that the CAA does grant such authority, it is "premature" for EPA to claim that section 108 is "potentially applicable" to CO₂. You replied: "Section 108 of the CAA authorizes regulation of air pollutants if the criteria for regulation under that provision are met. EPA has not yet evaluated whether such criteria have been met for CO₂. Thus, at this time, we believe it is accurate to state that section 108 (and other CAA provisions au-

thorizing regulation of air pollutants) are 'potentially applicable' to CO₂." We disagree. The mere fact that EPA has not evaluated whether CO₂ meets section 108 criteria furnishes no evidence that section 108 is potentially applicable to CO₂.

Before examining whether CO₂ meets the criteria for regulation under section 108, EPA would first have to determine whether the CAA authorizes EPA to designate nonattainment areas where attainment cannot be achieved without international action. Also, as noted above, before examining whether CO₂ meets section 108 criteria, EPA would have to resolve the basic conceptual issue of whether setting a NAAQS for CO₂ is possible without putting the entire country either in attainment or out of attainment. Since EPA has not resolved these threshold questions, it is disingenuous to claim that section 108 is "potentially applicable" to CO₂. The most EPA can honestly say at this point is that it does not know whether section 108 could be found to be applicable to CO₂.

In Q11, noting that unilateral CO₂ emissions reductions by the United States would have no measurable effect on global climate change, we asked whether the NAAQS program can have any application to CO₂ outside the context of an international regulatory regime, such as the Kyoto Protocol, since CAA section 109(b) requires the Administrator to adopt NAAQS that are "requisite to protect" public health and welfare. You replied: "The Clean Air Act does not dictate that EPA must be able to address all sources of a particular air pollution problem before it may address any of those sources. Rather, EPA may address some sources that 'contribute' to a problem even if it cannot address all of the contributors. For example, EPA was not precluded from addressing airborne lead emissions because there are other sources of lead contamination, some of which may be beyond EPA's jurisdiction. See *Lead Industries Ass'n v. EPA*, 647 F.2d 1130, 1136 (DC Cir. 1980)." We agree that EPA may address some sources that contribute to a problem even if it cannot address all of the contributors. However, there is a fundamental difference between lead pollution and CO₂ "pollution."

As the D.C. Circuit Court of Appeals observed in the *Lead Industries* case, airborne lead is one of three major routes of exposure, the others being diet and accidental ingestion of lead objects by small children. Accordingly, setting a NAAQS for lead cannot provide comprehensive protection against lead pollution. However, setting a NAAQS for lead can significantly reduce exposure to airborne lead. Moreover, reducing airborne lead would also reduce the amount of lead in the nation's food supply—another major route of exposure. Therefore, it is possible to set a NAAQS for lead that is "requisite" to protect public health. In contrast, setting a NAAQS for CO₂ outside the context of a global treaty cannot significantly reduce (or even measurably slow the growth of) atmospheric concentrations of CO₂, particularly since China alone will soon overtake the U.S. as a source of greenhouse gas emissions. Thus, it is hard to imagine that a NAAQS for only one gas—CO₂—that applies only to the U.S. could satisfy the section 109(b) requirement that it be "requisite" to protect public health and welfare.

In Q12, we asked which provisions of the CAA apply to "major stationary sources" and "major emitting facilities," and whether such provisions are among those EPA considers "potentially applicable" to CO₂. You

explained that the regulatory requirements of Parts C and D of Title I and Title V of the CAA apply to major stationary sources and major emitting facilities. You also noted that, to be a major stationary source or major emitting facility, an entity must emit an air pollutant that EPA regulates "pursuant to other provisions of the CAA (e.g., if it were a criteria pollutant under section 108)." As you know, section 302(j) defines "major stationary source" and "major emitting facility" as any stationary facility or source that emits, or has the potential to emit, "one hundred tons per year or more of any air pollutant." It is our understanding that several hundred thousand small and mid-sized businesses and farms individually emit 100 tons or more of CO₂ per year. Regulating CO₂, therefore, would dramatically expand EPA's control over the U.S. economy generally and the small business sector in particular. We are concerned that EPA has an enormous organizational interest in laying the legal predicate for future regulation of CO₂.

In Q13, we challenged EPA's reading of the Knollenberg funding limitation. We noted that there is no clear practical difference between issuing regulations for the purpose of reducing greenhouse gas emissions, which EPA claims is legal, and issuing regulations "for the purpose of implementing . . . the Kyoto Protocol," which EPA acknowledges is illegal. Rather than speak to the substance of our concern, you refer to previous letters which, in our judgment, also sidestep that concern. We believe that EPA has once again failed to elucidate any criteria that would enable Congress, or other outside observers, to distinguish between legal and illegal greenhouse gas-reducing regulations under the Knollenberg limitation.

In your response to Q13, you also took issue with our understanding of the conditions on which the Senate agreed to ratify the Rio Treaty. We asked: "[Would it not have been pointless for the Senate to have insisted, in ratifying the Rio Treaty, that the Administration not commit the U.S. to binding emission reductions without the further advice and consent of the Senate, if it were already in EPA's power to impose such reductions under existing authority?" You replied: "[T]he Senate insisted that the Executive Branch not commit the U.S. to a binding international legal obligation (i.e., a treaty obligation) without further advice and consent. The Senate's statement on this point has no bearing on the scope of existing domestic legal authority to address pollution problems as a matter of domestic policy, independent of any international legal obligations." We agree in part, and disagree in part. We agree that the Senate's statement referred to international obligations. Nonetheless, that statement does have a bearing on the scope of EPA's authority.

A major reason for the Senate's instruction was the concern that the Administration might commit to an international agreement that imposes costly burdens on the U.S. and a few other countries while exempting most nations, including major U.S. trade competitors like China, Mexico, and Brazil, from binding emission limitations. Acting on this same concern, the Senate in July 1997 passed the Byrd-Hagel Resolution (S. Res. 98) by a vote of 95-0. Byrd-Hagel stated, among other things, that the U.S. should not be a signatory to any climate change agreement or protocol that would exempt developing nations from binding emissions limits.

Now, if the Senate is overwhelmingly opposed to a climate change treaty that would

exempt three-quarters of the globe from binding obligations (even though they emit significant greenhouse gases), it is unthinkable that Congress would support a unilateral emissions reduction regime binding upon the U.S. alone. Simply put, when the Senate ratified the Rio Treaty, it did so with the understanding that the Executive Branch would not attempt via administrative action, executive agreement, or rule-making to go beyond the Treaty's voluntary goals.

In Q14, we asked you to account for the fact that, although the Administration claims to regard the science supporting the Kyoto Protocol as "clear and compelling," EPA apparently does not believe the science is strong enough to commence a "formal scientific review process" to determine the appropriateness of domestic regulatory action. Rather than explain how such seemingly inconsistent positions cohere, EPA simply asserts without explanation that there is no incongruity or contradiction.

In summary, with EPA's answers in hand, we are more convinced than ever that the CAA does not authorize EPA to regulate CO₂. As we have stated in previous letters, it is inconceivable that Congress would delegate to EPA the power to launch a CO₂ emissions control program—arguably the most expansive and expensive regulatory program in history—without ever once saying so in the text of the statute. We also think it is obvious that the basic structure of the NAAQS program, with its designation of local attainment and nonattainment areas and its call for State implementation plans, has no application to a global phenomenon like the greenhouse effect. Furthermore, in view of the well-known fact that CO₂ is a benign substance and the foundation of the planetary food chain, we are appalled by the Administration's insistence that EPA might be able to regulate CO₂ as a "toxic" or "hazardous" air pollutant.

The CAA is not a regulatory blank check. The Administration's claim that the CAA authorizes regulation of greenhouse gas emissions can only serve to undermine Congressional and public support for legitimate EPA endeavors.

Sincerely,

DAVID M. MCINTOSH.
KEN CALVERT.

CO₂: A POLLUTANT?

The Legal Affairs Committee Report to the National Mining Association Board of Directors on The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act.

(Fredrick D. Palmer, Chairman, Legal Affairs Committee)

(Peter Glaser, Barbara Van Zomeren, Doherty, Rumble & Butler, PA)

(Harold P. Quinn, Jr., Sr. Vice President & General Counsel, Bradford V. Frisby Assistant General Counsel, National Mining Association)

PREFACE

Fear of apocalyptic global warming centers on an increasing atmospheric concentration of carbon dioxide (CO₂) due to human activity. The United Nations' voluntary Framework Convention on Climate Change (the Rio Treaty) seeks to prevent "dangerous human interference" with climate. A successor treaty negotiated at the meeting in Kyoto, Japan in December 1997 (the Kyoto Protocol) would place the responsibility on developed nations to substantially cut their greenhouse gas emissions. What is really at issue in this debate is human reliance on carbon fuels as our primary source of energy.

Of course, the economic consequences are enormous for those countries who truly pursue the commitments established in Kyoto. The reduction of greenhouse gases means substantial constraints on economic prosperity—including, perhaps, reducing income, employment and output. These dire economic realities no doubt explain the administration's reluctance to inform the American people of the sacrifices they would be called upon to make in order to fulfill the commitments made by U.S. negotiators in Kyoto. No less daunting is the task of explaining to Americans why they must accept such wrenching changes to their well-being when the evidence does not show that the increase in CO₂ levels attributed to human activity is responsible for a measured rise in global temperature, or, for that matter, that a warmer climate, if it did occur, poses the threat of an environmental catastrophe.

These realities pose substantial obstacles to both public and political acceptance of the Kyoto commitments. Notably, the administration has not submitted the Protocol to the Senate for ratification and, apparently, it has no plans to do so any time soon. Yet, the absence of this constitutional prerequisite to implementation has not deterred others in the administration from suggesting the (ab)use of administrative powers in order to secure the greenhouse gas emission cuts they agreed to in Kyoto.

Perhaps the most stunning suggestion in this regard is the Environmental Protection Agency's (EPA) claim that it currently possesses authority to regulate CO₂ as a pollutant under the Clean Air Act. The characterization of CO₂ as a pollutant is, in a word, remarkable. After all, this benign gas is a limiting nutrient required for life on earth. To be sure, EPA's characterization of CO₂ as a pollutant and claim of regulatory powers over it are not the mere musings of a few wishful bureaucrats at the agency. The Administrator of EPA herself endorsed this view in congressional testimony on March 11, 1998. When pressed by members of Congress on the legal basis for this claim, the Administrator agreed to provide a legal opinion. A month later, EPA's general counsel supplied one that attempts to support the Administrator's claim.

The sweeping claim of regulatory powers over such a pervasive, yet benign, substance as CO₂ presents the prospect of unparalleled bureaucratic, legal and economic burdens imposed on the entire heart of the American economy—more than one million businesses of all sizes in most sectors. In view of the grave consequences posed by EPA's expansive claim of administrative powers, the National Mining Association's Board of Directors requested its Legal Affairs Committee to evaluate EPA's authority to regulate in this area. What follows is the Committee's report and analysis which concludes that, contrary to EPA's claim, the agency lacks authority under the Clean Air Act to regulate carbon dioxide emissions.

One need not be an expert on the Clean Air Act or, for that matter, a lawyer to comprehend the reasoning for this conclusion. Simply recall the bedrock principle upon which our system of government rests: the legislative branch makes the laws and the executive branch executes them. The corollary principle is, of course, that an agency's administrative powers are limited to the authority delegated by Congress. The analysis that follows probes this fundamental question.

The natural tendency of administrative agencies to swell their mission beyond the

will of Congress as expressed in the law is, unfortunately, a product of our modern regulatory state. On occasion, this tendency is also accompanied by a callous disregard for the most basic of principles that undergird our system of government, as was the case not long ago when the White House challenged "Congress [to] amend the Clean Water Act to make it consistent with the agencies' rulemaking." See *National Mining Association v. U.S. Army Corps of Engineers*, 145 F.3d 1399 (D.C. Cir. 1998). If nothing else, this viewpoint should inform us that if we are to assure fidelity to the basic principles of our system of government, we must embrace the wisdom offered in Thomas Jefferson's suggestion that the price of liberty is eternal vigilance, and always follow Abraham Lincoln's recognition that the U.S. Executive Branch, under the Constitution, lacks the authority to "make permanent rules of property by proclamation."

EXECUTIVE SUMMARY

Soon after the negotiators returned from Kyoto last December with a protocol that mandates sharp reductions in greenhouse gas emissions by the United States and other developed nations, the Administrator of the Environmental Protection Agency (EPA) informed Congress that the agency already possessed authority to begin meeting the targets for emission cuts. Specifically, the Administrator claimed that carbon dioxide (CO₂) could be characterized as a pollutant and regulated by EPA pursuant to the Clean Air Act (CAA). At the request of the National Mining Association's Board of Directors, its Legal Affairs Committee evaluated this claim. After a comprehensive review of the language and structure of the CAA, its legislative history and other related laws, the analysis concludes that, contrary to EPA's claim, Congress did not provide EPA with such authority. Instead, Congress deliberately limited EPA's endeavors in this area to non-regulatory activities.

NMA's legal analysis probes the fundamental question of whether Congress intended to delegate to EPA the power to regulate CO₂ emissions. The analysis first demonstrates that the plain text of the statute fails to delegate such authority to EPA. Second, it examines each of the sections of the CAA cited by EPA in its legal opinion, and shows that EPA's attempt to regulate CO₂ is inconsistent with those very sections of the CAA. Third, the legislative history of the CAA is examined and shown to contradict EPA's position. Fourth, the analysis explains that other statutes and treaties support the inevitable conclusion that Congress did not want EPA to regulate CO₂ without additional legislation. Finally, the analysis cautions that even if Congress decided to authorize EPA to regulate CO₂ under the CAA, the agency would have great difficulty sustaining its burden of showing that CO₂ emissions endanger the public health and welfare.

There is no disputing the fact that the CAA does not explicitly state that EPA may regulate CO₂. Despite the longstanding debate about global warming, not one of the sections cited by EPA (or any other section) provides that the agency may regulate CO₂. In fact, the only sections of the CAA that even mention global warming or CO₂ emphasize that such emissions should be the subject of study, but not regulation.

The agency's legal opinion cites several provisions of the CAA (§§108-112, 115, 202(a) and 211(c)) that it contends are "potentially applicable" to confer EPA jurisdiction over CO₂. Even though the most direct evidence shows that Congress did not intend that EPA

regulate CO₂, the agency hangs its tenuous claim on general language contained in the CAA. Such language, of course, cannot defeat the specific intent of Congress on the question of whether Congress intended for EPA to regulate CO₂ emissions. But, even if the statute were not clear that EPA cannot regulate CO₂, the regulatory structure of the sections cited by EPA are completely inconsistent with the regulation of a substance like CO₂ and therefore also compel a conclusion that EPA may not regulate CO₂.

One example of the general language in the CAA cited by EPA are the sections on criteria pollutants (§§108-109). Under these sections, EPA is authorized to establish National Ambient Air Quality Standards ("NAAQS") to control national, statewide, and local pollution. However, these provisions, which are aimed at pollution that affects air quality locally or regionally, cannot even theoretically address the CO₂ concentrations that purportedly implicate an atmospheric phenomena of climate change on a global scale. Since Congress does not delegate regulatory authority to an agency to impose restrictions that are somehow calculated to serve an unattainable goal, Congress did not intend for EPA to regulate CO₂ using these sections of the law. Other examples abound, and the analysis discusses why the regulation of CO₂ does not fit within the regulatory scheme established by Congress. The extreme difficulty that EPA has in trying to force CO₂ into a regulatory scheme that does not fit provides further evidence that Congress never intended CO₂ to be regulated under what EPA says are "potentially applicable" sections of the CAA.

The legislative history of the CAA confirms NMA's conclusions. The CAA did not refer to CO₂ until the 1990 amendments were passed. In those amendments, Congress specifically debated and ultimately rejected proposals to allow EPA to regulate CO₂ emissions. Instead, Congress authorized EPA only to study certain greenhouse gases, not regulate them. By specifically considering this issue and resolving it against regulation, Congress clearly withheld from EPA any powers to regulate CO₂.

In determining the meaning of a statute, one may also consider related statutes on the same subject. Such related legislation can provide corroborating evidence of congressional intent. Such is the case here, since several laws and treaties support the conclusion that Congress did not delegate authority to regulate CO₂ to EPA. These include the Energy Policy Act of 1992, the Rio Treaty, the National Climate Program Act, the Global Change Research Act, and the Food and Agriculture Act of 1990. These laws have consistently rejected proposed measures to mandate restrictions on greenhouse gas emissions, and instead directed the executive branch agencies to study the matter and report back to Congress. Likewise, treaties have been consistently negotiated with the understanding that any binding emissions reduction targets would require Congressional approval.

EPA's claim has one further flaw. Even if Congress left to EPA's discretion the decision of whether to regulate CO₂ under the CAA, EPA would still be required to prove that CO₂ emissions cause harmful effects to the public health, welfare or the environment. Given the complexities and uncertainties over global warming, and the serious flaws in some of the fundamental evidence relied upon by global warming advocates, it is doubtful that EPA could support such a finding. A separate technical report that was

prepared in conjunction with this legal analysis demonstrates that the available evidence does not support EPA's implicit assumption that increased levels of CO₂ would be detrimental to the public health and welfare.

In sum, the language of the CAA, its structure, its legislative history, and other related statutes all lead to the same conclusion: Congress has not delegated authority under the Clean Air Act for EPA to regulate carbon dioxide emissions.

INTRODUCTION

Carbon dioxide is a clear, odorless gas that appears naturally in the earth's atmosphere and is a fundamental component of life on earth. All animals (including human beings) inhale oxygen and exhale carbon dioxide, and plants take in carbon dioxide from the atmosphere as a part of photosynthesis and return oxygen to the atmosphere as a byproduct of the same process.

Carbon dioxide is also a naturally occurring "greenhouse gas." The earth has a natural "greenhouse effect" in which heat from the sun is trapped below the earth's atmosphere and is partially prevented from re-radiating back into space. The greenhouse gases that cause this effect appear in trace amounts in the atmosphere and include water vapor (by far the most significant greenhouse gas), carbon dioxide, methane, nitrous oxides and stratospheric ozone. Without the naturally occurring greenhouse effect, the earth's climate would be far too cold to sustain life as we know it.

It is known that since the industrial revolution, carbon dioxide levels in the atmosphere have been increasing as a result of human activities (principally the combustion of fossil fuels for transportation, electric generation, residential and commercial heating and a variety of other processes, as well as deforestation). Presently, atmospheric levels of carbon dioxide are estimated to be approximately 25% higher than in pre-industrial times.

Some scientists believe that the increased levels of carbon dioxide in the atmosphere are enhancing the natural greenhouse effect to the extent that the world is facing a climatological Armageddon. These scientists believe that increasing atmospheric carbon dioxide will cause unprecedented warming of the Earth resulting in a variety of climatological disasters running the gamut from more storms and flooding to more drought and desertification.

The alarm set off by the predictions of these scientists resulted in the United States entering into the 1992 Framework Convention on Climate Change, the so-called Rio Treaty. The United States and other developed nations agreed in the Rio Treaty to take voluntary action in an attempt to reduce emissions of carbon dioxide to 1990 levels by the year 2000.

Despite a variety of efforts by government and industry, the Clinton Administration's Climate Change Action Plan has not succeeded in reducing United States carbon dioxide emissions. There is now virtually no possibility that the Rio target will be met. Other countries similarly will fail to meet that target.

The Clinton Administration, nevertheless, wants to commit the United States and other developed countries to even more stringent emissions reductions than set forth in the Rio Treaty. In December of last year, the Administration entered into the Kyoto Protocol, which would require the country to meet binding targets and timetables for reducing carbon dioxide emissions signifi-

cantly below 1990 levels before the end of the next decade.

As a treaty of the United States, the Kyoto Protocol cannot become legally binding on this country until ratified by a two-thirds vote of the U.S. Senate. Prior to Kyoto, the Senate, by a 95-0 margin, adopted the Byrd-Hagel resolution in which the Senate expressed that it would not ratify any protocol that did not require substantive Third World participation and which would damage the U.S. economy. By the Administration's own admission, the Kyoto Protocol fails to achieve the first condition (and by any reasonable analysis fails to achieve the second condition as well). The Administration has not yet submitted the treaty to the Senate for its consent and states that it will not do so until there are meaningful commitments by Third World countries to reduce their carbon dioxide emissions.

The Administration has pledged that it will not implement the Kyoto Protocol unless it is ratified by the Senate. Nevertheless, in testimony before Congress, the Administrator of the U.S. Environmental Protection Agency (EPA) took the position that, even if the Kyoto Protocol is not ratified, the agency currently possesses authority under the Clean Air Act to regulate carbon dioxide emissions. Several weeks later, EPA produced a legal opinion by its then General Counsel, Jonathan Z. Cannon, to support EPA's claim of expansive authority in this regard.

The National Mining Association (NMA) Board of Directors asked its Legal Affairs Committee to evaluate whether EPA has the authority it now asserts. This legal analysis presents our report. We conclude that EPA does not have authority under the CAA to regulate the emission of carbon dioxide.

Our analysis begins with the fundamental inquiry of whether Congress intended to delegate to EPA the power to regulate carbon dioxide emissions. It is, of course, axiomatic that an agency's administrative powers are limited to the authority delegated by Congress. In order to ascertain congressional intent we employ the traditional tools of statutory construction including the language and structure of the statute as a whole, its legislative history, the history associated with congressional activities in this area, and, to some extent, other relevant statutes. This approach to discerning congressional intent is not only well-accepted, it is particularly appropriate where, as here, an agency takes an expansive view of the scope of its delegated authority.

The EPA general counsel claims that the scope of the agency's CAA regulatory powers extends to any substance that is an "air pollutant" which the Administrator determines endangers public health, welfare or the environment. According to the general counsel, carbon dioxide emissions fall within the general statutory definition of "air pollutant." We need not debate this conclusion now since, as even the general counsel acknowledges, the inquiry does not end with the definition of "air pollutant." A substance that may literally fall within the definition of "air pollutant" may not be regulated unless it also meets the standards for regulation under specific statutory criteria. Satisfaction of this threshold requirement includes not only a determination that a substance, here carbon dioxide, may cause adverse public health, welfare or environmental effects, but also that the statutory provision, or scheme, provides an appropriate and effective means for its regulation. The general counsel merely assumes that the former determination can be made, and wholly avoids

evaluation of the latter consideration. Moreover, the general counsel's analysis is devoid of any consideration of congressional activity on this subject in the context of both the CAA and other relevant statutes that evince Congress' intent to withhold authority from EPA to regulate carbon dioxide emissions. In short, the general counsel's analysis is less than complete and, as a consequence, his conclusion that carbon dioxide emissions are within the scope of EPA's authority to regulate lacks substantive foundation.

It is our conclusion, grounded on what we believe is a more comprehensive approach to statutory construction, that the CAA does not provide EPA with authority to regulate carbon dioxide emissions. As discussed in more detail below:

1. The language of the CAA demonstrates the absence of agency authority to regulate carbon dioxide;
2. The regulation of carbon dioxide as a pollutant does not fit within the regulatory scheme created by Congress;
3. The legislative history of the CAA Amendments of 1990 confirms that EPA does not have authority to mandate restrictions on carbon dioxide emissions; and
4. Other Congressional enactments regarding potential global climate change demonstrate Congress' intent not to regulate carbon dioxide emissions.

In addition, we do not believe that the available evidence would support a finding that carbon dioxide emissions endanger the public health or welfare or the environment. The Greening Earth Society has released an October 12, 1998 report entitled "In Defense of Carbon Dioxide: A Comprehensive Review of Carbon Dioxide's Effects on Human Health, Welfare and the Environment," prepared by the firm of New Hope Environmental Services, to accompany this legal analysis. The Greening Earth Society report rebuts the claim that increased levels of carbon dioxide are leading to a climatological disaster. Our legal analysis herein does not depend on the results of this technical report. Whether or not carbon dioxide emissions present a danger to the public health, welfare or the environment, EPA does not have authority to regulate that substance. Nevertheless, as shown in the Greening Earth Society report, there is no basis to conclude that carbon dioxide emissions are damaging the environment and every basis to conclude that such emissions are benefiting the environment.

ANALYSIS

I. THE LANGUAGE OF THE CLEAN AIR ACT DEMONSTRATES THE ABSENCE OF AGENCY AUTHORITY TO REGULATE CARBON DIOXIDE

We begin our analysis with an examination of the statutory language. A proper examination of the statutory text includes not only the language itself but the context of the language as it appears in the overall regulatory scheme created by Congress. Toward this end, a review of the detailed regulatory provisions of the CAA reveals that none of them mention carbon dioxide emissions or global warming. When Congress did speak directly to the issue, it did so solely in the context of non-regulatory activities such as research and technology programs. Accordingly, the text and structure of the CAA reveals Congress' deliberate choice to confine EPA's CAA endeavors on carbon dioxide to non-regulatory activities.

As part of our examination of the language and structure of the CAA, it is useful to refer to the historic context of both the debate surrounding global warming and congressional

activities in this area. The theory that emissions of carbon dioxide and other greenhouse gases could possibly lead to a dangerous global warming has been under consideration in Congress since the late 1970's. During that period, proponents of greenhouse gas regulation have informed Congress on numerous occasions of the environmental catastrophe which, in their view, could result if no such regulation is undertaken. Indeed, EPA has taken the view that global climate change as a result of greenhouse gas emissions is the number one environmental issue facing the world today.

Of course, significant restrictions on emissions of carbon dioxide could have devastating consequences for our society. Carbon dioxide is the inevitable result of the combustion of fossil fuels, and the combustion of fossil fuels is far and away the most important source of energy for modern civilization. Because there is no even remotely feasible way of preventing carbon dioxide emissions when fossil fuels are combusted, carbon dioxide regulation means potentially severe reductions in the use of fossil fuels and far-reaching changes in the way society uses energy.

In view of this longstanding debate on the potential for global warming from greenhouse gas emissions, one would expect that any congressional authorization to address this concern through the CAA regulatory scheme would be plainly expressed in the language of the statute. Congress is not in the habit of granting far-reaching authority to administrative agencies sub silentio. Yet nowhere in the CAA is there an explicit authorization for EPA to regulate carbon dioxide. Congressional silence on a matter of such significance is not unlike the "watch-dog [that] did not bark in the night."

Our conclusion that the language of the CAA does not support EPA's claim of authority to regulate carbon dioxide need not rest upon congressional silence alone. The text of the statute demonstrates Congress' deliberate choice to limit EPA's endeavors on carbon dioxide to non-regulatory activities.

The CAA expressly provides authority to regulate numerous substances specifically referenced in the statute. For example, Sections 108 and 109 authorize EPA to regulate so-called "criteria pollutants," which are explicitly listed and placed in the context of a specific scheme for their regulation. Section 112 directs EPA to designate and regulate hazardous air pollutants ("HAPs"), and lists no less than 190 specific such pollutants Congress determined are the most important to regulate. Similarly, Title VI of the CAA authorizes EPA to list and regulate substances which deplete the stratospheric ozone layer, and designates 53 substances to be so regulated. But neither global warming generally, nor carbon dioxide specifically, are mentioned anywhere in this prolific regulatory scheme developed by Congress.

To be sure, the CAA does contain references to carbon dioxide and global warming. However, the context in which these terms appear within the statutory scheme provides powerful guidance on congressional intent. The statute mentions carbon dioxide and global warming solely in the context of provisions that authorize their study, monitoring and evaluation of non-regulatory strategies. For example, CAA Section 103(g) lists carbon dioxide as one of several items to be considered in EPA's conduct of a "basic engineering research and technology program to develop, evaluate and demonstrate nonregulatory strategies and technologies." Global warming is mentioned in CAA Sec-

tion 602(e) which directs EPA to examine the global warming potential of certain listed substances that contribute to stratospheric ozone depletion. However, this provision—the only one in the statute that mentions global warming—is accompanied by an express admonishment that it "shall not be construed to be the basis of any additional regulation under [the CAA]."

This examination of the statutory language in its context within the overall scheme of the CAA provides a more complete analysis than the EPA's general counsel's mechanistic approach whereby the agency simply bootstraps itself into carbon dioxide regulation through a broadly worded definition of "air pollutant." To accept the analysis, proffered by EPA's general counsel is to presume a delegation of power merely by the absence of an express withholding of such power—a view plainly out of step with the principles of administrative law. The fundamental principles of statutory construction do not permit one to read into the CAA's detailed regulatory provisions greenhouse gases such as carbon dioxide that Congress deliberately left out. Congressional silence on carbon dioxide in this part of the CAA is audible. The intentions of Congress by such silence in the CAA's regulatory scheme become unmistakable with its deliberate choice to address global warming and carbon dioxide solely in the non-regulatory provisions of the statute.

This approach to evaluating the language within the overall statutory scheme leads us to conclude that, with respect to carbon dioxide, Congress has indicated that EPA's authority stops at the point of non-regulatory activities. Any claim that EPA currently possesses authority to regulate carbon dioxide emissions would extend the CAA beyond the scope intended by Congress.

II. THE REGULATION OF CARBON DIOXIDE AS A POLLUTANT DOES NOT FIT WITHIN THE REGULATORY SCHEME CREATED BY CONGRESS.

A. Introduction

The EPA general counsel identifies several CAA regulatory provisions that are, in his words, "potentially applicable" to carbon dioxide emissions. Without any meaningful analysis, the opinion simply concludes that the specific criteria for regulation under these provisions could be met if the Administrator determines that carbon dioxide can be reasonably anticipated to cause or contribute to adverse effects on public health, welfare or the environment.

For the moment, we leave aside the question of whether the Administrator would be able to make the health, welfare or environmental effects determination the general counsel poses as singularly important, because his analysis is incomplete. For the purposes of this step of our analysis, our examination of those "potentially applicable" provisions discloses that they do not provide appropriate tools for the regulation of carbon dioxide emissions' purported effects on global warming. The fact that the regulation of carbon dioxide as a pollutant does not fit into the regulatory scheme established in the statute confirms the conclusion that its regulation by EPA under the CAA is not intended by Congress.

B. There is No Authority in the CAA to Regulate Carbon Dioxide as a Criteria Pollutant.

1. EPA's Authority to Designate Substances as Criteria Pollutants.—The EPA general counsel states that one potential source of EPA authority to regulate carbon

dioxide emissions is CAA Sections 108, 109 and 110. These sections provide authority to EPA to establish, implement and enforce National Ambient Air Quality Standards (NAAQS) for what are known as "criteria pollutants." Under CAA Section 108(a)(1), criteria pollutants are those substances which, in the judgment of the EPA Administrator, "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare" and which are produced by "numerous or diverse mobile or stationary sources."

Once a substance is identified as a criteria pollutant, the Administrator is required under CAA Section 109 to publish primary and secondary NAAQS for each such substance. Primary NAAQS are "ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health." Secondary NAAQS are standards "requisite to protect the public welfare."

Once NAAQS are established, a complex regulatory structure is triggered that mandates reductions of criteria pollutants in the ambient air to levels which protect the public health and welfare as set forth in the applicable NAAQS. Under CAA Section 107(d)(1)(B), within a defined period EPA is required to designate nonattainment, attainment and unclassifiable areas. Under CAA Section 110(a)(1), within three years after promulgation of a NAAQS, every state must "adopt and submit to the Administrator" a state implementation plan, or "SIP," "which provides for implementation, maintenance, and enforcement" of the primary and secondary NAAQS. CAA Section 110(a)(2) provides a long list of SIP requirements designed to ensure that states will achieve the air quality required by the NAAQS. Similarly, CAA Section 172 provides EPA with extensive authority to ensure that nonattainment areas are brought into attainment "as expeditiously as practicable."

2. Congress Could Not Have Intended to Regulate Carbon Dioxide and Other Greenhouse Gases as Criteria Pollutants Because the Statutory Regime for Regulating Criteria Pollutants is Wholly Unsuitable to Preventing or Mitigating Potential Global Climate Change.—The criteria pollutant regulatory structure described in the foregoing section is designed to apply to local air pollution in the sense that ambient concentrations of the pollution will differ from locality to locality, causing some localities to be designated as attainment areas and others as nonattainment areas. All of the substances which EPA has designated as criteria pollutants meet this framework. Lead, sulfur oxides, nitrogen dioxide, carbon monoxide, particulate matter and ozone concentrations in the air all present local air pollution problems that have resulted in discrete portions of the country being designated as nonattainment for each. Some of the pollutants (principally ozone) are blown downwind, causing EPA to seek to exercise authority in the CAA to require modifications in SIPs to prevent ozone formation in downwind states. But even ozone presents a local air pollution problem in that ambient ozone concentrations differ from locality to locality, resulting in the designation of discrete ozone nonattainment areas.

Emission controls implemented under the CAA criteria pollutant regulatory structure described above are designed to cure the specific cause of the local nonattainment problem. States in their SIPs select those types of controls "as may be necessary" to achieve

attainment in designated nonattainment areas, and these types of controls may differ from state to state and from nonattainment area to nonattainment area depending on the particular problem being addressed.

As a result of the criteria pollutant statutory structure, ambient concentrations of each of the criteria pollutants have been steadily reduced through the application primarily of local controls but with upwind controls as well. Although not all localities designated as nonattainment have been brought into attainment, the criteria pollutant regulatory structure has achieved significant progress in reducing atmospheric concentrations of criteria pollutants and nonattainment. More importantly, while industry and environmental groups frequently have their disputes as to the exact requirements of the criteria pollutant regulatory structure, and the speed with which nonattainment can be cured, the fact remains that such regulatory structure is plainly designed to require local nonattainment areas to achieve attainment.

This statutory structure has no rational application whatsoever to a substance such as carbon dioxide, which is fundamentally different than any of the substances that EPA regulates as a criteria pollutant. Although groundlevel and lower atmospheric ambient concentrations of carbon dioxide may differ slightly from locality to locality owing to differing sources and sinks, the greenhouse effect results from overall greenhouse gas concentrations in the troposphere rather than at groundlevel. Tropospheric levels of carbon dioxide over any particular locality are not influenced by emissions of carbon dioxide locally or upwind. Carbon dioxide mixes in the troposphere globally through the natural processes of atmospheric circulation and air movement. Thus, ambient tropospheric carbon dioxide levels in any one part of the world are roughly the same as in any other part of the world. As a result, one ton of carbon dioxide emitted in Washington, D.C., has the same effect on ambient tropospheric concentrations of carbon dioxide over Washington as a ton of carbon dioxide emitted in Bangladesh.

Moreover, carbon dioxide with anthropogenic (human) origins compromise only a small part of the greenhouse gases appearing in the atmosphere. In the first place, as stated, carbon dioxide is by no means the only anthropogenically emitted greenhouse gas. Other greenhouse gases emitted by man include methane, nitrogen oxides and chlorofluorocarbons, each of which has far greater heat trapping capacity per molecule than carbon dioxide.

Similarly, anthropogenically emitted greenhouse gases contribute only a minuscule amount of the greenhouse gases occurring in the troposphere. Water vapor occurring naturally in the atmosphere is the main greenhouse gas, contributing about 98% of the greenhouse effect. Similarly, naturally occurring sources of carbon dioxide far outweigh anthropogenic sources of carbon dioxide.

The United States itself is a leading source worldwide of anthropogenic carbon dioxide emissions. However, the United States contributes only about 22% of all anthropogenic emissions of greenhouse gases, and that number is projected to decline dramatically as the Third World industrializes. U.S. anthropogenic emissions of carbon dioxide thus are, and will continue to be, only a tiny fraction of the total sources—both anthropogenic and natural—of greenhouse gases in the atmosphere.

For these reasons, it is not even theoretically possible to affect ambient concentrations of carbon dioxide in the troposphere through a program of designating nonattainment areas and requiring the submission of state-by-state SIPs. It is not known what level of ambient concentration of carbon dioxide that EPA might deem necessary to protect the public health and welfare. If EPA were to set the level below current concentrations (for instance, at preindustrial levels), every square inch of the United States would immediately become a nonattainment area, a result that would be unprecedented in nearly three decades of CAA administration. Every state would become responsible to submit SIPs within three years containing emissions restrictions "as necessary to assure that" the NAAQS for carbon dioxide is met. Yet there would be nothing a state could do, individually or in concert with every other state, that would be effective in reducing tropospheric carbon dioxide concentrations.

In sum, it is obvious that the statutory scheme established by Congress for the regulation of criteria pollutants was never intended, and cannot rationally be applied, to regulate carbon dioxide emissions. Under elementary principles of statutory construction, therefore, that statutory structure cannot be interpreted as providing the regulatory authority EPA claims. It is axiomatic, for instance, that Congress should not be presumed to provide regulatory authority to an agency "to impose restrictions that [are] should one make a 'fortress of the dictionary' by accepting the literal meaning of statutory language where such meaning is contradicted by a statute's purposes and structure. Statutory construction is a 'holistic endeavor' that 'must include, at a minimum, an examination of the statute's full text, its structure, and the subject matter.'"

Based on these principles, it has been held that Congress cannot have intended to create regulatory jurisdiction where "the operative provisions of the Act simply cannot accommodate" the object of the asserted regulatory authority. And this principle applies even where an agency is given a broad mandate to protect the public health and welfare. As stated by the Supreme Court, "[i]n our anxiety to effectuate the congressional purpose of protecting the public, we must take care not to extend the scope of the statute beyond the point where Congress indicated it would stop."

In the present case, the phrase "endanger the public health or welfare" in CAA Section 108 must be read in context of a criteria pollutant regulatory structure which, as described, is intended to eliminate such endangerment through a system of individual state implementation plans aimed at eliminating local pockets of pollution. That structure is wholly unsuitable to the global warming issue and cannot possibly eliminate the asserted danger of carbon dioxide emissions. No conclusion is possible other than that Congress does not intend to regulate carbon dioxide as a criteria pollutant.

C. EPA Does Not Have Authority to Regulate Emissions of Carbon Dioxide through the Imposition of Technology-Based Controls under CAA Section 111.

1. EPA authority under Section 111.—The EPA General Counsel opines that another potential source of authority to regulate carbon dioxide emissions would be CAA Section 111. CAA Section 111 provides EPA with authority to establish "new source performance standards," or "NSPS," for categories

of sources which emit air pollutants. Unlike the NAAQS, NSPS requirements are direct emissions limitations that any plant to which such controls apply must meet as a condition of operation. NSPS are sometimes referred to as technology-based standards because they require installation of equipment that limits emissions from emitting sources and are not directly tied to the level of pollutants in the ambient air.

Under CAA Section 111(b)(1)(A), the Administrator shall designate a category of sources as subject to NSPS requirements if she finds that sources within such category "cause . . . or contribute . . . significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." CAA Section 111(a)(1) defines "standard of performance" as: "a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated."

2. *EPA Is Without Authority to Regulate Carbon Dioxide Emissions under CM Section 111 Because There Are No Adequately Demonstrated Systems of Emissions Reduction that Would Limit Such Emissions from Stationary Sources.*—Unlike the NAAQS, NSPS standards cannot be set at whatever level the Administrator determines is reasonably necessary to protect human health and welfare. The NSPS limitation must be set at a level that is "achievable" through "the best system of emission reduction which . . . has been adequately demonstrated."

The case law related to EPA determinations under CAA Section 111 has "established a rigorous standard of review. . . ." While an achievable standard need not be one already routinely achieved in the industry, any such standard "must be capable of being met under most adverse conditions which can reasonably be expected to recur. . . ." There must be "some assurance of the achievability of the standard for the industry as a whole." "An adequately demonstrated system is one which has been shown to be reasonably reliable, reasonably efficient, and which can reasonably be expected to serve the interests of pollution control without being exorbitantly costly in an economic or environmental way."

As explained by the courts, the degree to which an adequately demonstrated system must be based on commercially available technology depends on how soon the standards will become effective. Because NSPS standards are generally applied to new, as yet unconstructed sources, the NSPS provision "looks towards what may fairly be projected for the regulated future, rather than the state of the art at present, since it is addressed to standards for new plants—old stationary source pollution being controlled through other regulatory authority" (i.e., CAA Sections 108 and 109). Where standards are put into effect to "control new plants immediately, as opposed to one or two years in the future, the latitude of projection is correspondingly narrowed." Under this rationale, "the latitude of projection" would be narrowed even more were EPA to attempt to apply standards of performance to carbon dioxide emissions from existing stationary sources under CAA Section 111(d).

There are, however, no cost-effective systems of emissions control, either commercially available at the present time or even

projected to be commercially available in the foreseeable future, for controlling carbon dioxide emissions from stationary sources that could conceivably meet the standards of CAA Section 111. As a result, CAA Section 111 cannot be applied to control stationary sources of carbon dioxide.

D. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions as Hazardous Air Pollutant.

1. *EPA Authority under CAA Section 112.*—The EPA General Counsel's opinion claims that EPA may have authority to regulate carbon dioxide as a hazardous air pollutant, or "HAP," pursuant to CAA Section 112.⁷² Under CAA Section 112(b), the Administrator is required to compile a list of HAPs, defined to include the 190 substances specifically listed in such subsection as well as:

" . . . pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) or adverse environmental effects, whether through ambient concentrations, bioaccumulation, deposition, or otherwise . . . "

Under CAA Section 112(c), the Administrator is further required to compile a list of categories of major sources and area sources of HAPs. Under CAA Section 112(d), the Administrator is required to promulgate regulations establishing national emissions standards for HAPs (NESHAPs) applicable to both new and existing sources. Such NESHAPs must require the use of maximum available control technology (MACT) in controlling sources of HAPs.

2. *Carbon Dioxide is not a HAP Subject to EPA Authority under CAA Section 112.*—The argument that carbon dioxide may be regulated as a HAP borders on the frivolous. Each of the 190 substances listed as HAPs under CAA Section 112 is a poison, producing toxic effects in small dosages. Carbon dioxide, by any stretch of the imagination, is not a poison. Moreover, if Congress had really intended that carbon dioxide be regulated as a HAP, it would have been exceedingly strange for it to have specifically named 190 of the presumably most obvious and important HAPs in CAA Section 112 while omitting carbon dioxide, which is by many orders of magnitude more ubiquitous in the environment than any of the substances expressly listed.

In addition, the language of CAA Section 112 excludes regulation of carbon dioxide because that substance does not present either "a threat of adverse human health effects" or adverse environmental effects" within the meaning of the section. With respect to health effects, the use of the phrase "through inhalation or other routes of exposure" in CAA Section 112(b) demonstrates that a substance may be a HAP only if it causes health impacts through direct exposure. It is the direct inhalation of the substance or other direct exposure to it that must cause the health effect.

The fact that health effects must be experienced from direct exposure is shown by the examples of such effects given in CAA Section 112(b): "carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic." Each of these is a health effect caused by direct exposure to a hazardous substance, whether that exposure is inhalation, ingestion or contact with the skin or sensory organs. It is also borne out

by the list of substances which Congress predesignated as HAPs in CAA Section 112(b) each of which causes a health effect through a direct exposure.

Carbon dioxide in the amounts present and likely to be present in the atmosphere in the future do not cause health effects through inhalation or other direct exposure. The health effect typically postulated to occur as a result of global warming is the potential for an increase in tropical diseases. Such effect (even if true) would be, at best, highly indirect, caused by the reaction carbon dioxide and other greenhouse gases have in the atmosphere, which might warm the climate, which might make areas of the United States conducive to insects carrying tropical diseases, which might lead to an increase in such diseases. Such effect is completely unlike the health effects referred to in CAA Section 112.

Similarly, the effect carbon dioxide is argued to have on the environment is not caused by the direct interaction of carbon dioxide and animal or plant life but the indirect effect of carbon dioxide on the climate. The use of the terms "bioaccumulation" and "deposition" to describe the causes of environmental effects contemplated by CAA Section 112(b) demonstrates that Congress did not intend to regulate through CAA Section 112 effects not directly caused by the HAP itself. And, again, the effect greenhouse gases are asserted to have on the environment is nothing like the effect of the various chemicals included on Congress' pre-designated list of HAPs in Section 112(b), each of which causes a harm through direct exposure.

The legislative history of CAA Section 112 makes it abundantly clear that carbon dioxide cannot be considered to be a HAP. In distinguishing between the types of substances that are HAPs and the types that are criteria pollutants, the legislative history states that criteria pollutants are "more pervasive, but less potent, than hazardous air pollutants." "Hazardous air pollutants are pollutants that pose serious health risks. . . . They may reasonably be anticipated to cause cancer, neurological disorders, reproductive dysfunctions, other chronic health effects, or adverse acute human health effects."

Similarly, "adverse environmental effect" is defined in the legislative history as follows:

"Adverse environmental effects—The chemical is known to cause or can reasonably be anticipated to cause, because of: (i) its toxicity, (ii) its toxicity and persistence in the environment, or (iii) its toxicity and tendency to bioaccumulate in the environment," a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

As seen, carbon dioxide does not fit any of these standards. It is not a HAP that can be regulated under CAA Section 112.

E. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions under CAA Section 115.

The EPA general counsel also suggests that EPA may regulate carbon dioxide under CAA Section 115 regarding control of international air pollution. CAA Section 115(a) provides:

"Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger

public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate."

Under CAA Section 115(b), the giving of notice to a governor under CAA Section 115(a) constitutes a "SIP call." The applicable state is thereupon required to amend the portion of its SIP "as is inadequate to prevent or eliminate the endangerment referred to in subsection (a) of this section."

CAA Section 115 does not apply to carbon dioxide emissions because the provision is self-evidently designed to apply only to situations where wind borne pollution from the United States is being deposited in a near-by country. It stretches the provision beyond its intended scope to say that it applies to a phenomenon such as the greenhouse effect, where emissions anywhere on the globe contribute equally to tropospheric levels of carbon dioxide that are roughly the same anywhere else on the globe.

The limited intent of CAA Section 115 is demonstrated by its use of the "SIP call" mechanism as the means of enforcing emissions reductions. As discussed above, it would be entirely unprecedented to use the SIP process to mandate emissions reductions from the entire country, particularly where reductions even from the U.S. as a whole cannot solve presumed global warming.

The limited intent of CAA Section 115 is also demonstrated in subsection (c), entitled "reciprocity," which states that "[t]his section shall apply only to a foreign country which the Administrator determines has given the U.S. essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this section." As can be seen, this section provides that the U.S. will not restrict emissions of pollutants causing injury to another country unless that country reciprocates. Such section has no logical application to the global warming phenomenon, where U.S. emissions are presumably harming every other country in the world. Such section could presumably be applied as to carbon dioxide emissions only if every other country reciprocated. That is a circumstance so unlikely to occur that it is impossible to believe that Congress intended that CAA Section 115 would be applied to a phenomenon such as global warming.

In any event, unless and until the Senate ratifies the Kyoto Protocol (and unless and until the Protocol is adopted by enough countries to enter into force), no country has given the U.S. any "rights" with respect to the control of carbon dioxide emissions within their borders. Even if the Kyoto Protocol enters into effect, if the U.S. does not become a party to it then the U.S. is not entitled to any "rights" thereunder respecting foreign countries that have.

In sum, CAA Section 115 cannot provide authority to regulate carbon dioxide emissions.

III. THE LEGISLATIVE HISTORY OF THE CAA AMENDMENTS OF 1990 CONFIRMS THAT EPA DOES NOT HAVE AUTHORITY TO MANDATE RESTRICTIONS OF CARBON DIOXIDE EMISSIONS.

A. Introduction.

The only provisions in the CAA that explicitly refer to carbon dioxide or global climate change were enacted as a part of the CAA Amendments of 1990. The legislative history of the 1990 Amendments confirms

that Congress never intended to impose or authorize mandatory restrictions on carbon dioxide emissions.

During Congressional consideration of the 1990 Amendments there was a sharp dispute between those who believed that the time had come for the United States to impose mandatory reductions on carbon dioxide emissions and those that did not. The latter group prevailed. Congress specifically rejected proposals to authorize EPA to regulate emissions of carbon dioxide. The only carbon dioxide/global warming provisions adopted were non-regulatory.

As the Supreme Court has emphasized, "[f]ew principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to-

* * * * *

with what were argued to be the related issues of stratospheric ozone depletion and global climate change." Title VII found that "stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated chlorine containing halocarbons with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, imperil human health and the environment worldwide;" and that "emissions of other gases, such as methane and carbon dioxide, should be controlled." The legislation included as goals not just protection of the ozone layer but prevention of possible global warming as well:

"The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth's atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone depleting chemicals to the use of safe chemicals, products, and technologies that do not threaten the ozone layer, and to reduce the generation of greenhouse gases in order to protect the Earth's ozone layer and to limit anthropogenically induced global climate change . . .

"In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chlorofluorocarbons and other halogenated chlorine or bromine containing halocarbons with ozone depleting and global warming potential, to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate and to provide for an orderly shift to alternative, safe chemicals, products, and technologies. (Emphasis supplied.)"

In order to accomplish these goals, the Administrator would be required to publish priority and secondary lists of all manufactured substances "which are known or may reasonably be anticipated to cause or contribute significantly to atmospheric or climatic modification, including stratospheric ozone depletion." The Administrator would also be required to promulgate regulations providing for the phase-out of substances on the lists. The legislation as reported also contained a modified version of the carbon dioxide tailpipe standards originally contained in S. 1630 as introduced. Consistent with these legislative requirements, the Senate Committee Report on S. 1630 contains a great deal of discussion on the need for the country to deal with the "[t]wo distinct but closely related global environmental crises,"

that is, destruction of the ozone layer and potential global warming."

The Senate adopted Title VII of S. 1630 as reported from committee almost without change.

C. House of Representatives Consideration.

The House CAA Amendment bill was H.R. 3030, introduced by Representative Dingell, Chairman of the House Energy and Commerce Committee to which the bill was referred. As introduced and as reported from Committee, the bill contained no terms dealing with stratospheric ozone depletion or global warming.

On the floor of the House, a comprehensive stratospheric ozone title was adopted as an amendment introduced by Rep. Dingell. The House amendment was closer to the final legislation regarding stratospheric ozone than the Senate bill. As in the final legislation, there were no findings or purposes stated in the House bill regarding the need to deal with global warming or referring to carbon dioxide or other greenhouse gases. And, significantly, the definition of the substances that could be regulated, set forth in Section 151(a) of Rep. Dingell's bill, did not even arguably include greenhouse gases that were not ozone depleting substances.

D. The Final Legislation.

The final legislation that emerged from the conference committee and became law contains a stratospheric ozone title that was a compromise between the House and Senate versions. However, the House version prevailed completely in eliminating the language in the Senate bill that would have authorized regulation of non-ozone depleting greenhouse gases such as carbon dioxide. Title VI as enacted did not include the Senate's language authorizing EPA to regulate "manufactured substances" in terms broad enough to cover both substances that deplete the ozone layer and substances that do not deplete the ozone layer but which affect global climate. Instead, CAA Section 602(a) as enacted requires the Administrator to list "Class I" and "Class II" substances that would be phased out pursuant to CAA Sections 605 and 606. These substances are defined as those which could affect the stratospheric ozone layer; nothing in the definition of such substances refers to global climate change. And there are no findings or purposes included anywhere in the CAA specifically regarding global warming or the need to regulate greenhouse gases, as there had been in the Senate bill.

In sum, the Senate in 1990 plainly saw the need to adopt amendments to the CAA to regulate greenhouse gas emissions. Yet all of the provisions proposed in the Senate dealing with global warming—the findings and purposes language and the "manufactured substances" language which were in the final Senate bill, as well as the authority to impose NSPS requirements for carbon dioxide on mobile, stationary and residential sources and the authority to impose carbon dioxide tailpipe standards which had been considered in the Senate Committee—were not enacted. Instead, only the non-regulatory provisions on global warming discussed above were enacted. No conclusion is possible other than that Congress determined that it did not intend to authorize regulation of greenhouse gases.

IV. OTHER CONGRESSIONAL ENACTMENTS REGARDING POTENTIAL GLOBAL CLIMATE CHANGE DEMONSTRATE CONGRESS' INTENT NOT TO REGULATE CARBON DIOXIDE EMISSIONS.

A. Introduction.

Courts have consistently ruled that "[i]n determining the meaning of a statute, the courts look not only at the specific statute at issue, but at its context of related statutes. Similarly, "... in a situation in which prior law may be unclear it is appropriate to examine a later germane statute for aid in construing the earlier law.

Congress' rejection of greenhouse gas regulation in the 1990 CAA Amendments has a detailed context stretching back to the late 1970s when the issue first arose. In the two decades since that time, Congressional committees have held dozens of hearings on the subject, and Congress has enacted a number of major items of legislation dealing with potential global climate change both before and after the 1990 CAA Amendments.

In all of this time, and with all of this intensive consideration, Congress has consistently rejected measures to restrict greenhouse gas emissions. As seen, Congress rejected efforts to amend the CAA to adopt such measures. It also rejected efforts to adopt such measures in the omnibus Energy Policy Act of 1992 (EPAct), and it rejected such efforts in other legislative vehicles as well. Instead, Congress has adopted legislation for various Executive Branch agencies to study the matter and report back to Congress. It has also declared it to be U.S. policy to participate in international negotiations regarding climate change that may eventually lead, if Congress so determines in the future, to a decision to authorize restrictions on U.S. emissions of greenhouse gases. In the meantime, pending further action, Congress has explicitly determined, through the Senate's ratification of the Rio Treaty, that the United States will not adopt binding or mandatory restrictions on greenhouse gas emissions.

It is simply not possible to square this history of Congressional rejection of greenhouse gas restrictions with EPA's claim today of discretion to issue far-reaching regulations.

B. The Energy Policy Act of 1992.

EPAct is omnibus legislation containing 30 titles on the subject of energy regulation and policy. The global warming issue was discussed in detail during the legislative history of the Act. The final legislation contains a specific global climate change title, Title XVI. The title contains various provisions for study, planning and funding but no provisions authorizing mandatory reductions in greenhouse gases.

As with the 1990 CAA Amendments, the non-regulatory provisions of EPAct were adopted in lieu of proposals specifically to mandate restrictions on greenhouse gas emissions. For instance, Senator Wirth, in the 100th and 101st Congresses, introduced omnibus national energy legislation containing detailed findings and purposes language describing global warming as an imminent threat to mankind. Both bills would have established a national goal "that the introduction into the atmosphere of CO₂ from the United States of America shall be reduced from 1988 levels by at least 20 per centum by the year 2000 through a mix of Federal and State energy policies that are designed to mitigate the costs and risks, both economic and environmental, associated with meeting national energy needs while reducing the generation of carbon di-

oxide and trace gases and sustaining economic growth and development. Both bills would have required DOE to adopt a national energy plan designed to meet such goal." The plan would be required to include an action plan which DOE "shall implement . . . to the maximum extent possible." None of these provisions, however, were included in EPAct.

Another proposal to regulate greenhouse gas emissions rejected by Congress in the debate over EPAct was the so-called Cooper-Synar bill. Cooper-Synar was originally introduced as H.R. 5966 in the 101st Congress and again as H.R. 2663 in the 102d Congress. The bill proposed to amend the CAA to prohibit operation of new stationary sources that emit 100,000 tons or more per year of carbon dioxide without obtaining offsets under a permit program to be established by EPA. It was opposed by the Bush Administration, which took the position during the debate on EPAct that the United States should undertake no actions regarding global warming other than those which would be economically justified for other reasons (the so-called "no regrets" strategy).

A much watered down version of Cooper-Synar was included as Section 1605 of EPAct, but only after its sponsors had assured Congress that any provisions of a binding or regulatory nature had been removed. As enacted, Section 1605 provides for *voluntary* reporting of greenhouse gas emission reductions, in contrast to the mandatory restrictions originally proposed. Section 1605 was offered as an amendment to H.R. 776, the bill that became EPAct, by Rep. Cooper during the mark-up of that legislation in the House Subcommittee on Energy and Power. It was included in H.R. 776 as passed by the House but was opposed by the Administration in the Senate. Speaking in favor of Rep. Cooper's amendment on the floor of the Senate, Senator Lieberman (who co-sponsored the Cooper language in the Senate) stated:

"As a part of this energy bill, the Senator from Colorado [Mr. Wirth] who is on the floor now, and I, have prepared a simple amendment, virtually identical to one offered by Representative Jim Cooper to H.R. 776, the House energy bill, which [H.R. 776 without the Cooper amendment] was adopted unanimously on a bipartisan basis by the House Subcommittee on Energy and Power.

"That amendment would have provided the Administrator of EPA with the power to establish a system for rewarding the good work of industries that voluntarily—and I stress voluntarily—either reduced their own greenhouse gas emissions or undertake programs to reduce emissions from other sources.

"This was a simple amendment. It did not set goals or mandates. It did not establish timetables. It did not require reductions. It did not impose a requirement on firms to obtain credits or reduce emissions. But it did provide that good corporate citizens who voluntarily contribute to greenhouse gas emissions will have an opportunity to let the Government record their efforts at reducing those emissions in a data bank."

As can be seen, Congress chose to reject the original Cooper-Synar proposal which had included all the requirements that Senator Lieberman informed Congress were not included in the voluntary reporting proposal that was enacted, that is, goals and mandates, timetables, required emissions reductions and required offsets. Instead, Congress adopted non-binding provisions as to greenhouse gases, consistent with the description of U.S. policy towards potential global

warming enunciated in the House Report on H.R. 776, the bill that became law:

"The greenhouse warming title, together with the numerous provisions in the rest of the comprehensive energy bill, embodies the following basic approach: We should take cost-effective actions that will reduce greenhouse gas emissions (such as improving energy efficiency, facilitating coalbed methane recovery, and promoting renewable energy resources); we should analyze the important technical and policy issues that will enable us to make wiser decisions on more dramatic and possibly higher cost actions which should be taken only in the context of concerted international action."

As with the 1990 CAA Amendments, the view of the global climate change issue that prevailed in the debate over EPAct did not include, and specifically rejected, mandatory restrictions on greenhouse gas emissions.

C. The Rio Treaty

As reflected in the 1992 Report of the House Committee on Energy and Commerce on the legislation that became EPAct, Congress has consistently resisted adopting mandatory restrictions of greenhouse gas emissions in part because Congress wished to address what was essentially an international issue in an international forum. Indeed, for all of the period during which such restrictions were being proposed in Congress, and particularly during debate of the CAA Amendments of 1990 and the 1992 EPAct, the issue of potential greenhouse gas restrictions was the subject of intense international negotiation. However, as the following discussion shows, those negotiations have never resulted in Congress approving, in a treaty or otherwise, binding restrictions on greenhouse gas emissions.

The U.S. Government has been extensively involved in international discussions concerning human impacts on the global climate at least since 1979 when the first conference of the World Meteorological Organization (WMO), the United Nations Environment Program (UNEP) and the International Council of Scientific Unions (ICSU) was held. After a number of additional international conferences during the 1980s, the Intergovernmental Panel on Climate Change (IPCC) was created to address the issue of climate change. The first of a number of IPCC meetings was held in Geneva, Switzerland in November, 1988 and was attended by thirty-five nations, including the United States. The IPCC produces reports on global warming science, potential environmental and economic impacts and potential response strategies. It also advises the International Negotiating Committee, (INC).

The INC was established by the United Nations General Assembly on December 21, 1990 to coordinate negotiation of an international treaty dealing with potential climate change. These negotiations led to adoption, on May 9, 1992, of the Framework Convention on Climate Change, or Rio Treaty, by the resumed fifth session of the INC. The Framework Convention was signed on behalf of the United States on June 12, 1992. The U.S. Senate ratified the Framework Convention on October 7, 1992 by the required two-thirds vote.

The Framework Convention calls for the U.S., on a non-binding basis, to reduce greenhouse gas emissions to 1990 levels by the year 2000. It was ratified by the Senate with the clear understanding that the reductions called for in the treaty are purely voluntary. As a part of the Hearings of the Senate Committee on Foreign Relations on the Framework Convention, the Committee submitted

written questions to the Administration on various aspects of the Treaty. These questions and the Administration responses were included as an Appendix to the transcript of the Hearings of the Committee. In responding to these questions, the Administration represented that its responses could be considered to be "authoritative statements for the Executive Branch." With respect to subparagraphs 2(a) and (b) of Article 4, which are the provisions containing the operative U.S. commitments as to targets and timetables for emissions reductions, the Administration stated:

"Neither subparagraph 2(a) nor subparagraph 2(b), whether taken individually or jointly, creates a legally binding target or timetable for limiting greenhouse gas emissions.

Similarly, the Report of the Senate Committee on Foreign Relations favorably reporting the Framework Convention states that:

"Article 4.2b establishes an additional reporting requirement for developed country parties, including those with economies in transition, requiring them to report on national policies and measures adopted pursuant to Article 4.2a, and on the projected impact of these measures on net emissions up to the end of the decade, with the aim of returning these emissions to their 1990 levels. This aim is in the reporting section of article 4.2 and is not legally binding." The Framework Convention was ratified by the Senate with the further understanding that the Administration could not agree to amendments of or protocols to the treaty creating binding emissions reduction commitments without the further consent of the Senate. The Senate Foreign Relations Committee Report states:

"The committee notes that a decision by the Conference of the Parties to adopt targets and timetables would have to be submitted to the Senate for its advice and consent before the United States could deposit its instruments of ratification for such an agreement.

"The committee notes further that a decision by the executive branch to reinterpret the Convention to apply legally binding targets and timetables for reducing emissions of greenhouse gases to the United States would alter the 'shared understanding' of the Convention between the Senate and the executive branch and would therefore require the Senate's advice and consent.

The Framework Convention is perhaps the most authoritative statement of U.S. policy regarding greenhouse gas emissions. It represented years of effort both domestically and internationally. The result of that effort is a plain statement directly antithetical to EPA's claim that it has discretionary authority to impose mandatory restrictions on greenhouse gas emissions. To the contrary, Congress clearly has refused to delegate such authority to the agency.

D. Other Congressional Action. on Global Warming.

Three other Congressional enactments regarding global warming bear mentioning because they each demonstrate Congress' intent to reserve for itself the decision on whether regulation of carbon dioxide emissions should be undertaken.

First, on December 22, 1987, Congress enacted its first legislation specifically targeting the global warming question, the National Climate Program Act. Congress chose not to enact restrictions on the emission of greenhouse gases. Instead, it explicitly recognized the need for an international ap-

proach to the global warming issue, and it recognized the need for further study of the issue. Towards this end, the Act provides for the Secretary of State to coordinate U.S. participation in international negotiations regarding global climate change. And it provides that the President, through EPA, shall be responsible for developing and proposing to Congress a coordinated national policy on global climate change.

Second, on November 16, 1990, Congress adopted the Global Change Research Act, providing for the President to establish a Committee on Earth and Environmental Sciences to coordinate a ten year research effort.

Finally, on November 28, 1990, as Title XXIV of the Food and Agriculture Act of 1990, Congress directed the Secretary of Agriculture to establish a Global Climate Change Program to research global climate agricultural issues and to provide liaison with foreign countries on such issues.

These enactments are consistent with the approach taken by Congress in the 1990 CAA Amendments, in EPAct and at Rio: study the issue and participate in international negotiations. However, no agency of the executive branch possesses authority to regulate on such matter.

E. The Kyoto Protocol.

The international community has continued negotiations on the global warming issue culminating in the Kyoto Protocol. The Kyoto Protocol would create legally binding mandates on certain countries, including the United States, to restrict greenhouse gas emissions by certain amounts as of certain dates. As stated, prior to the negotiation of the Kyoto Protocol, the Senate, by a vote of 95-0 passed a resolution stating that the Senate would not ratify any treaty absent meaningful participation from Third World countries and if the treaty would damage the U.S. economy. The Administration has not yet submitted the proposed protocol to the Senate for ratification pending further international negotiations. The Kyoto Protocol has no legal standing unless ratified by the Senate.

F. Sum as to Congressional Climate Change Legislation.

Through nearly two decades of debate on what may be the most important environmental issue of our time, Congress has consistently rejected efforts to regulate carbon dioxide emissions. Its intent could not be more plain: unless Congress acts, neither EPA nor any other agency has authority to restrict such emissions.

V. CARBON DIOXIDE EMISSIONS DO NOT ENDANGER THE PUBLIC HEALTH OR WELFARE.

Our analysis above has examined whether the CAA is intended to regulate the changes to global climate that are assertedly resulting from a human-induced enhancement of the natural greenhouse effect. We stated at the outset that such analysis is not dependent on whether or not carbon dioxide emissions are, in fact, leading to dangerous climate change. We have shown that, even if, *arguendo* it could be demonstrated reliably that carbon dioxide emissions are leading to dangerous climate change, EPA nevertheless may not regulate such emissions under the CAA.

The available evidence, however, would not support a finding that carbon dioxide emissions are endangering the public health, welfare or environment. The Greening Earth Society report that accompanies this legal analysis demonstrates that, objectively

viewed, the scientific evidence of potential global climate change supports a conclusion that there is no climatological catastrophe underway or likely to occur, as is so often claimed.

We are, of course, familiar with the deferential standards that apply when EPA is making complex technical judgments relying on information "from the frontiers of scientific knowledge." We are also aware that EPA, given the precautionary nature of the CAA, may regulate under the "endanger" standard without definitive proof of actual harm.

On the other hand, deference to technical agency decisionmaking, does not trump the substantial evidence test as to agency factual determinations or the arbitrary and capricious standard as to policy decisions. EPA may regulate under the "endangerment" standard only where there is a finding of "significant risk of harm." EPA must take a "hard look" at the evidence and engage in "reasoned decision making." Moreover, EPA has a burden to demonstrate that its methodology is reliable, and such burden "requires more than reliance on the unknown, either by speculation, or mere shifting of the burden of proof." The Greening Earth Society report shows that the evidence on which EPA would rely to show dangerous climate change as a result of carbon dioxide emissions cannot meet these standards.

Application of the arbitrary and capricious test is particularly important in judging the use by EPA of computer simulation models as the basis for a conclusion that carbon dioxide emissions are harming the public health, welfare or environment. Again, courts will defer to agency expertise in their reliance on computer models. But Courts will overturn agency decisionmaking where reliance on a computer model was arbitrary and capricious. In particular, oversimplifications in models can render an agency decision arbitrary. Similarly, agency decision-making will be deemed arbitrary where a model incorporates assumptions which are known to be wrong and which bear no rational relationship to known information concerning the data being inputted or the phenomenon being measured. Each step of an agency's analysis using a model will be examined to ensure that "the agency has not departed from a rational course." Again, the Greening Earth Society report shows the many technical flaws in the computer models on which claims of a pending climate disaster are based. Use of these models to supply the technical justification to regulate carbon dioxide would be arbitrary. In sum, there is no basis for EPA to regulate carbon dioxide either as a matter of law under the terms of the CAA or as a matter of fact under the "endanger the public health, welfare or environment" standard.

CONCLUSION

The congressional testimony of the EPA Administrator that EPA currently has authority to regulate carbon dioxide, followed by the release of a legal opinion by its general counsel supporting the Administrator's claim, raises the question of whether EPA intends to move forward with carbon dioxide regulation. Our analysis shows that any such effort by EPA would be unlawful.

In particular, the plain language and structure of the CAA does not support an effort to regulate carbon dioxide. Similarly, the legislative history of the CAA and of the various Congressional enactments regarding carbon dioxide demonstrate Congress' express decision, based on years of explicit and detailed consideration of the matter, not to regulate

in the area of carbon dioxide and potential climate change.

Proponents of greenhouse gas regulation have tried diligently through the years to obtain a different result. They have not been successful. Unless Congress provides the authority EPA plainly desires, the agency cannot regulate carbon dioxide emissions.

Dated: October 12, 1998. Prepared by: National Mining Association Legal Affairs Committee.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, April 10, 1998.
MEMORANDUM

Subject: EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources.

From: Jonathan Z. Cannon, General Counsel.

To: Carol M. Browner, Administrator.

I. Introduction and Background

This opinion was prepared in response to a request from Congressman DeLay to you on March 11, 1998, made in the course of a Fiscal Year 1999 House Appropriations Committee Hearing. In the Hearing, Congressman DeLay referred to an EPA document entitled "Electricity Restructuring and the Environment: What Authority Does EPA Have and What Does It Need." Congressman DeLay read several sentences from the document stating that EPA currently has authority under the Clean Air Act (Act) to establish pollution control requirements for four pollutants of concern from electric power generation: nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon dioxide (CO₂), and mercury. He also asked whether you agreed with the statement, and in particular, whether you thought that the Clean Air Act allows EPA to regulate emissions of carbon dioxide. You agreed with the statement that the Clean Air Act grants EPA broad authority to address certain pollutants, including those listed, and agreed to Congressman DeLay's request for a legal opinion on this point. This opinion discusses EPA's authority to address all four of the pollutants at issue in the colloquy, and in particular, CO₂, which was the subject of Congressman DeLay's specific question.

The question of EPA's legal authority arose initially in the context of potential legislation addressing the restructuring of the utility industry. Electric power generation is a significant source of air pollution, including the four pollutants addressed here. On March 25, 1998, the Administration announced a Comprehensive Electricity Competition Plan (Plan) to produce lower prices, a cleaner environment, increased innovation and government savings. This Plan includes a proposal to clarify EPA's authority regarding the establishment of a cost-effective interstate cap and trading system for NO_x reductions addressing the regional transport contributions needed to attain and maintain the primary National Ambient Air Quality Standards (NAAQS) for ozone. The Plan does not ask Congress for authority to establish a cap and trading system for emissions of carbon dioxide from utilities as part of the Administration's electricity restructuring proposal. The President has called for cap-and-trade authority for greenhouse gases to be in place by 2008, and the Plan states that the Administration will consider in consultation with Congress the legislative vehicle most appropriate for that purpose.

As this opinion discusses, the Clean Air Act provides EPA authority to address air pollution, and a number of specific provi-

sions of the Act are potentially applicable to control these pollutants from electric power generation. However, as was made clear in the document from which Congressman DeLay quoted, these potentially applicable provisions do not easily lend themselves to establishing market-based national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems.

II. Clean Air Act Authority

The Clean Air Act provides that EPA may regulate a substance if it is (a) an "air pollutant," and (b) the Administrator makes certain findings regarding such pollutant (usually related to danger to public health, welfare, or the environment) under one or more of the Act's regulatory provisions.

A. Definition of Air Pollutant

Each of the four substances of concern as emitted from electric power generating units falls within the definition of "air pollutant" under section 302(g). Section 302(g) defines "air pollutant" as "any air pollution agent or combination of such agents, including any physical, chemical, biological, [or] radioactive . . . substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent that the Administrator has identified such precursor or precursors for the particular purpose for which the term 'air pollutant' is used."

This broad definition states that "air pollutant" includes any physical, chemical, biological, or radioactive substance or matter that is emitted into or otherwise enters the ambient air. SO₂, NO_x, CO₂ and mercury from electric power generation are each a "physical [and] chemical . . . substance which is emitted into . . . the ambient air," and hence, each is an air pollutant within the meaning of the Clean Air Act.

A substance can be an air pollutant even though it is naturally present in air in some quantities. Indeed, many of the pollutants that EPA currently regulates are naturally present in the air in some quantity and are emitted from natural as well as anthropogenic sources. For example, SO₂ is emitted from geothermal sources; volatile organic compounds (precursors to ozone) are emitted by vegetation; and particulate matter and NO_x are formed from natural sources through natural processes, such as naturally occurring forest fires. Some substances regulated under the Act as hazardous air pollutants are actually necessary in trace quantities for human life, but are toxic at higher levels or through other routes of exposure. Manganese and selenium are two examples of such pollutants. EPA regulates a number of naturally occurring substances as air pollutants, however, because human activities have increased the quantities present in the air to levels that are harmful to public health, welfare, or the environment.

B. EPA Authority to Regulate Air Pollutants

EPA's regulatory authority extends to air pollutants, which, as discussed above, are defined broadly under the Act and include SO₂, NO_x, CO₂, and mercury emitted into the ambient air. Such a general statement of authority is distinct from an EPA determination that a particular air pollutant meets the specific criteria for EPA action under a particular provision of the Act. A number of specific provisions of the Act are potentially applicable to these pollutants emitted from electric power generation. Many of these specific provisions for EPA action share a common feature in that the exercise of

EPA's authority to regulate air pollutants is linked to a determination by the Administrator regarding the air pollutants' actual or potential harmful effects on public health, welfare or the environment. *See, e.g.*, sections 108, 109, 111(b), 112, and 115. *See also* sections 202(a), 211(c), 231, 612, and 615. The legislative history of the 1977 Clean Air Act Amendments provides extensive discussion of Congress' purposes in adopting the language used throughout the Act referencing a reasonable anticipation that a substance endangers public health or welfare. One of these purposes was "[t]o emphasize the preventative or precautionary nature of the act, i.e., to assure that regulatory action can effectively prevent harm before it occurs; to emphasize the predominant value of protection of public health." H.R. Rep. No. 95-294, 95th Cong., 1st Sess., at 49 (Report of the Committee on Interstate and Foreign Commerce). Another purpose was "[t]o assure that the health of susceptible individuals, as well as healthy adults, will be encompassed in the term 'public health,'" *Id.* at 50. "Welfare" is defined in section 302(h) of the Act, which states:

"[a]ll language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants."

EPA has already regulated SO₂, NO_x and mercury based on determinations by EPA or Congress that these substances have negative effects on public health, welfare, or the environment. While CO₂, as an air pollutant, is within EPA's scope of authority to regulate, the Administrator has not yet determined that CO₂ meets the criteria for regulation under one or more provisions of the Act. Specific regulatory criteria under various provisions of the Act could be met if the Administrator determined under one or more of those provisions that CO₂ emissions are reasonably anticipated to cause or contribute to adverse effects on public health, welfare, or the environment.

C. EPA Authority To Implement an Emissions Cap-and-Trade Approach

The specific provisions of the Clean Air Act that are potentially applicable to control emissions of the pollutants discussed here can largely be categorized as provisions relating to either state programs for pollution control under Title I (e.g., sections 107, 108, 109, 110, 115, 126, and Part D of Title I), or national regulation of stationary sources through technology-based standards (e.g., sections 111 and 112). None of these provisions easily lends itself to establishing market-based national or regional emissions cap-and-trade programs.

The Clean Air Act provisions relating to state programs do not authorize EPA to require states to control air pollution through economically efficient cap-and-trade programs and do not provide full authority for EPA itself to impose such programs. Under certain provisions in Title I, such as section 110, EPA may facilitate regional approaches to pollution control and encourage states to cooperate in a regional, cost-effective emissions cap-and-trade approach (*see* Notice of Proposed Rulemaking: Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing

Regional Transport of Ozone, 62 F.R. 60318 (Nov. 7, 1997)). EPA does not have authority under Title I to require states to use such measures, however, because the courts have held that EPA cannot mandate specific emission control measures for states to use in meeting the general provisions for attaining ambient air quality standards. See *Commonwealth of Virginia v. EPA*, 108 F.3d 1397 (D.C. Cir. 1997). Under certain limited circumstances where states fail to carry out their responsibilities under Title I of the Clean Air Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. Yet EPA's ability to invoke these provisions for federal action depends on the actions or inactions of the states.

Technology-based standards under the Act directed to stationary sources have been interpreted by EPA not to allow compliance through intersource, cap-and-trade approaches. The Clean Air Act provisions for national technology-based standards under sections 111 and 112 require EPA to promulgate regulations to control emissions of air pollutants from stationary sources. To maximize the opportunity for trading of emissions within a source, EPA has defined the term "stationary source" expansively, such that a large facility can be considered a "source." Yet EPA has never gone so far as to define as a source a group of facilities that are not geographically connected, and EPA has long held the view that trading across plant boundaries is impermissible under sections 111 and 112. See, e.g., National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, 59 Fed. Reg. 19402 at 19425-26 (April 22, 1994).

III. Conclusion

EPA's regulatory authority under the Clean Air Act extends to air pollutants, which, as discussed above, are defined broadly under the Act and include SO₂, NO_x, CO₂, and mercury emitted into the ambient air. EPA has in fact already regulated each of these substances under the Act, with the exception of CO₂. While CO₂ emissions are within the scope of EPA's authority to regulate, the Administrator has made no determination to date to exercise that authority under the specific criteria provided under any provision of the Act.

With the exception of the SO₂ provisions focused on acid rain, the authorities potentially available for controlling these pollutants from electric power generating sources do not easily lend themselves to establishing market-based national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems. Under certain limited circumstances, where states fail to carry out their responsibilities under Title I of the Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. However, such authority depends on the actions or inactions of the states.

Mr. Chairman, I reserve the balance of my time.

Mr. OLIVER. Mr. Chairman, I yield 3½ minutes to the distinguished ranking member, the gentleman from the State of West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan has spent a considerable amount of time on this issue during the last 3 years, beginning with the conference report on the 1999 VA-HUD appropriation bill. The gentleman mentions today the necessity for clarity with regard to this issue, and suggests that there is a certain lack of clarity.

I would like to speak to that issue, because I respectfully disagree that there is anything unclear about the issue or about the agreement associated with the issue that was achieved in the context of the 1999 VA-HUD conference. In that conference it was made clear, to put it in simple terms, that the EPA or the United States Government could not, would not, under the terms of that conference report, and they acknowledged that they would not if there was nothing in the conference report, try to implement the Kyoto Protocol prior to its being ratified by the United States Senate, meaning that they would not engage in a rule-making proceeding to establish standards for American industry out of any requirement, any agreement, flowing out of the Kyoto Protocol.

In that agreement, Mr. Chairman, the gentleman from Michigan was very much a part of that negotiation. Subsequent to that, he has worked in the report language to modify that original report understanding. His modifications, unfortunately, would muddy the original agreement and would breach the ability of the Environmental Protection Agency, or any agency of the United States Government, to engage in international conferences and discuss this topic, this global warming topic, in a very general way or in a specific way.

Now, that does muddy the water, because that was never intended. We do not want to gag the Environmental Protection Agency. We do not want to prevent it from engaging developing economies around the world and encouraging them to incorporate increasingly strict emissions standards in their countries as their economies develop. We want to encourage them to do that.

Under the gentleman's language, unfortunately, he challenges the ability of any government agency to engage in those agreements. That is why the language of the gentleman from Massachusetts is clear, because it returns the understanding as it is set forth in the 1999 bill and report and eliminates all of the confusion created by the gentleman from Michigan's efforts subsequent to that time.

We want to prevent the Environmental Protection Agency from implementing, from engaging in any rule-making activity under Kyoto, and they do not want to do it anyway. We want them also to engage the world in this topic, so that the world can improve its environmental standards.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), who has been a strong supporter and leader in this effort to bring about some sanity.

Mrs. EMERSON. Mr. Chairman, first I really want to commend the gentleman from Michigan (Mr. KNOLLENBERG) for the tremendous job he has done in taking the lead on this issue and also say that, as one who has been working fervently to make certain that the Kyoto Protocol is not implemented through the back door, I will say that I can live with this amendment, because I know that we are working in a bipartisan manner to ensure that the administration cannot implement the unratified Kyoto Protocol.

I, too, have some concerns about clarifying the meaning and intent of the exact language used in this amendment, and I am hopeful that as we work through the process in a bipartisan way, we can get this figured out, at least in conference. But let me say for the record, Mr. Chairman, that the Senate does stand on record with the unanimous bipartisan vote of 95 to 0 that called on the administration not to sign the Kyoto Protocol, for lots of reasons, because it is going to harm our economy in rural America; because it lets off the hook some of our largest trade competitors, like China, India, Mexico and many others who, quite frankly, will in the next few years be competing with us on somewhat of a level playing field, but yet they will not have to abide by any of the emissions restrictions that this protocol would have us do here in the United States.

I am also worried because it is projected to throw about 2.5 million Americans out of work. In my rural district, this is a huge problem, because we, unlike the cities, are not experiencing the economic prosperity that others are seeing today.

So, meanwhile, in continuing our efforts to find political justification for this dangerously flawed treaty, the administration has been issuing these climate assessments that even the EPA says are nothing more than horror stories based on junk science. I want to make certain that we, in fact, do this the right way.

Mr. Chairman, I am willing, with the approval of the gentleman from Michigan (Mr. KNOLLENBERG), to accept this amendment; and I sure look forward to continuing to work with colleagues on both sides of the aisle to continue our bipartisan efforts to ensure that the administration does not implement through the back door the very dangerous Kyoto Protocol before the constitutionally required advise and consent of the United States Senate.

I thank the gentleman from Michigan very much for all his work.

Mr. OLVER. Mr. Chairman, I am happy to yield 2½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I do not think the question here is whether or not we are going to implement the Kyoto Protocol, because we are not, because that has not been ratified by the Senate. In my mind, the question is do we exchange and do we have the opportunity and the ability to exchange information about these climate change research ideas with the international community?

Let me just share some of the research that has come out by about 99 percent of the scientists involved in this. The atmosphere contains only a very tiny trace amount of carbon dioxide, CO₂, and yet we know through drilling in ice cores around the planet, evaluating the landscape, looking at the seas, that in the last 10,000 years carbon dioxide has increased about 1 degree centigrade every 1,000 years, with the exception of the last century. It has increased by about 1 degree centigrade in the last century.

If we put that in Fahrenheit degrees, just in this century, most of it since World War II, carbon dioxide has increased 4 degrees since World War II. Now, if we project that using models over the next century, you get anywhere from 5 more degrees increase to 15 degrees increase.

If we look at the atmosphere, if we look at carbon dioxide, we understand that is the heat balance that protects the biological diversity, the very life on this planet, the heat balance we call now as laymen the greenhouse effect.

Mr. Chairman, there is another example I want to give to you from a book on Laboratory Earth by a biologist from Stanford University, who is respected throughout the world, not as a nutty scientist, but as a reasonable, competent individual. Here is what he says: "When we burn a lump of coal today, we are recovering the carbon dioxide and the solar heat of dinosaur times in fossil organic matter."

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While it took millions of years to make a coal deposit, we are releasing the CO₂ and other embedded elements in tens of years." What took nature millions of years to lock up as far as carbon dioxide is concerned, that greenhouse gas we are releasing in a matter of decades.

Will that have an effect on our climate? The answer is yes. Scientists agree that it is going to have an effect on our climate. Sure, there is a lot of dialogue, a lot of discussions about that, but that is the important thing. We need to discuss that issue.

So I support the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me this time.

As usual, I find this a very interesting and stimulating discussion. We never really have the time to get into the details, because it is very complicated.

But why should we be suspicious of language changes, as we were here, when we received the recent language change? The Clinton-Gore administration year after year in their budget process have tried to fund implementation of the Kyoto Treaty. It was obvious that there were billions of dollars tucked into our budget originally, a treaty that he did not present to the Senate, a treaty that was not debated and properly approved.

I guess the question I would ask is why would any bright representative of our government agree to such a horribly flawed concept as the Kyoto Treaty? This is an agreement negotiated by our Vice President who would force American businesses to purchase credits from Third World developing countries who are not a part of the agreement. Now, think about that. We debate foreign aid here a lot. We are going to be requiring American businesses under this agreement to be giving dollars to foreign-country developing businesses to compete with us. Horribly flawed concept.

Now, I do not have time to get into detail, but we just heard from the last speaker about such agreement. More than half of the scientists in this country do not agree to the global warming concept. It is a debate that should continue. But there is not agreement out there. In fact, the evidence shows that most of the warming was preindustrial age, not since we have been into fossil fuels in the last few decades. This CO₂, this evil force that we are proclaiming, it is what is needed for plant life in this country. It is what makes vegetation grow. Vegetation makes the exchange from CO₂ to oxygen. It is part of the life chain.

Many of those who are crying scare tactics on this are also against cutting forests, but young growing forests are the best exchanger and absorb more CO₂ and give us more oxygen back. This is a debate that unfortunately has not happened in this Congress. But we continually hear the scare tactics that the seas are rising, the shorelines are going to disappear, and that this country is going to be in a disaster state.

Mr. Chairman, I say to my colleagues, that is far from a fact, and we should not be scaring people into this. This is a legitimate discussion we should have, and no administration should be allowed to use funds to sell their theory. They can exchange ideas with other countries, there is no prohibition

of that. But they should not be using resources to sell their global warming scare concepts.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Olver amendment which will restore the 1998 agreement that allows the EPA to pursue common sense policies on greenhouse gas emissions.

In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions. Eight years later, the U.S. has failed even to make those moderate reductions. Instead, our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Some on the other side seem to favor a "don't ask, don't tell" policy on global warming. Unfortunately, silence will not make this problem go away. Even the fossil fuel industry recognizes the threat of global warming. BP-Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions. These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

Instead of fighting common sense solutions every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost-effective ways to cut greenhouse gas emissions. I believe this amendment is a step in the right direction, and I urge my colleagues to support it.

Mr. Chairman, I rise in support of the Olver amendment, which will restore the 1998 agreement that allows the EPA to pursue common sense policies on greenhouse gas emissions.

Once again, the Republican leadership wants to handcuff the EPA from addressing the threat of global climate change.

Unfortunately, this rider is just one more sign that many in this House are in a state of denial when it comes to climate issues.

It wasn't always this way.

In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions.

Eight years later, the U.S. has failed to make even those moderate reductions.

Instead our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Despite increasing emissions, it seems that the Republican policy on greenhouse gases has regressed since 1992.

Language in this year's VA-HUD appropriations report would prevent EPA from taking any action to stem the threat of climate change.

It's questionable if EPA would even be allowed to discuss climate policy with other nations.

To make matters worse, this bill cuts funding for voluntary climate change programs by \$124 million.

Some on the other side seem to favor a "don't ask, don't tell" policy on global warming.

Unfortunately, silence will not make this problem go away.

Each day, the scientific community becomes more united in the belief that greenhouse emissions have an effect on global temperature.

It now appears that the 1990s weren't just the hottest decade of the last century, but perhaps of the last millennium.

Even the fossil fuel industry recognizes the threat of global warming.

BP-Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions.

These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

They have even called for cuts in emissions that are more stringent than those required by the Kyoto protocol.

Mr. Chairman, with only 4 percent of the world's population, the U.S. emits more than 20 percent of global greenhouse gases.

Any solution to global climate change must include U.S. participation.

Instead of fighting common sense solutions every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost effective ways to cut greenhouse gas emissions.

This amendment is a step in the right direction, and I urge my colleagues to support it.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Missouri.

Mrs. EMERSON. Mr. Chairman, just for an inquiry, can I take it from what the gentleman has just stated that he believes that we should regulate CO₂, carbon dioxide, or that the EPA has the authority to regulate it?

The CHAIRMAN. The time of the gentleman from Maine (Mr. ALLEN) has expired.

The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, including the time to close; the gentleman from Massachusetts (Mr. OLVER) has 5½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the Subcommittee on Energy and Water.

Mr. VISCLOSKEY. Mr. Chairman, I thank the gentleman for yielding me this time. I do think this debate is what is best about the House of Representatives. I think everyone who has spoken today is agreed on fundamental policy, and that is Kyoto has not been ratified, it is not the law of the land and it should not, therefore, be implemented.

We have had a continuing debate as far as the language that has been included in a number of bills, and I am

very pleased that the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) have worked out a compromise.

In the limited time I have, I simply want to put this debate into perspective. Kyoto did not come from the vacuum of space; it did not come from Bill Clinton's mind. The fact is, it is a point on a continuum that began under the George Bush administration pursuant to a treaty President Bush signed on May 9, 1992, that was ratified by the United States Senate on October 7 of 1992, and the instrument of ratification was signed on October 13. That is where Kyoto came from.

It is not implemented, but there are discussions, there are considerations taking place.

My concern about the language that has been included in a number of bills is that we would be placing qualitative and quantitative restrictions on thought, on judgment, on opinion, and on the preexchange of information which, in the end, is to all of our benefit to make sure that that is not impeded.

Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. OLVER) for offering his amendment. I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) for continuing to have an open mind on this issue. Hopefully, all of us will be able to reach an appropriate compromise that allows authorized, legal programs to deal with environmental problems we face today to continue unimpeded while we continue to negotiate enhancement of the Kyoto protocol.

Mr. Chairman, I support the Olver amendment.

Mr. OLVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Olver amendment.

Mr. Chairman, this amendment protects the younger generation, whom otherwise would pay the bill and suffer the consequences of global warming.

Global warming is the largest environmental issue for young adults, because the long-term impacts could be disastrous and today's younger generation will be left to deal with the costly impacts.

The human race is engaged in the largest and most dangerous experiment in history—an experiment to see what will happen to our health and our planet when we change our atmosphere and our climate.

The buildup of carbon dioxide and other "greenhouse gases" in our atmosphere causes global warming. The main causes of carbon dioxide are burning ever increasing quantities of coal, oil, and gas. These harmful gases hold the sun's energy in our atmosphere and are causing our world's temperature to increase.

Like a parked car on a hot day, the sun's heat comes in through car windows, but cannot escape. Eventually, you have an unbearably hot car and this is now happening to our planet.

The United Nation's Intergovernmental Panel of Climate Change, a panel of the world's best scientists, have concluded global warming is a very real concern. The temperature has already risen as much as five degrees in some regions. Today, we see glaciers melting, more heat-related deaths, and a shift and increase in infectious diseases.

The most important step we can take to curb global warming is to improve our nation's energy efficiency. Our cars and light trucks, lighting, home appliances, and power plants could be made much more efficient by simply installing the best current technology. Using the best technology can also mean more jobs for more Americans.

But the language in this bill will hamper efforts to seek solutions to this serious problem. We can't afford to play deaf and dumb to this issue.

Vote for the Olver amendment.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this amendment. The amendment will ensure that nothing we do here will undermine our ability to address the threat of global warming to the extent authorized by current law.

In the last 2 years, we have had the Knollenberg amendment, which would prevent the administration from taking any action that is intended to implement the Kyoto protocol prior to ratification. What we fear now is that the Knollenberg amendment not be used to interfere with existing authorities and obligations under the U.N. Framework Convention on Climate Change, the Clean Air Act, and the Constitution. The fear that I have is not that we are going to implement the Kyoto Treaty, but that the Knollenberg language will act as a gag rule on people who are trying to implement other existing laws. That is something that this Congress should not accept.

I would hope that we act sensibly on global warming. The American people want us to find solutions to climate change. This amendment will help end the harassment of staffers who are trying to find the smartest way to protect the environment. I urge all Members to support this amendment. It does not implement the Kyoto Treaty; it simply allows EPA to act under existing authorities, whether a domestic law or a ratified treaty.

Mr. KNOLLENBERG. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me this time.

As I read the proposed amendment, it strengthens the committee position that ensures the administration will not implement the Kyoto protocol without prior congressional consent.

This was a key element in the Byrd-Hagel resolution passed by the Senate in July of 1997. This congressional consent involves the Senate in its constitutional role regarding treaties and involves both Houses in approving and implementing legislation, regulation, programs and initiatives. The amendment clarifies that activities authorized under current law and funded by Congress will proceed.

Mr. OLVER. Mr. Chairman, I yield the remaining time on this side to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment, because fundamentally, when it comes to climate change, the House should not adopt the posture of the ostrich. We are not compelled to act by the Kyoto Treaty. We are compelled to act by common sense, common sense to make sure by this amendment that we can move forward and do what the law already authorizes people to do, which is to continue to talk across the waters.

The Earth is heating up, and we are a cause. The northern hemisphere is the hottest it has been in 1,000 years. The 1990s were the hottest decade. The 3 hottest years in human history were 1995, 1997 and 1998. Glaciers are rapidly receding. Bird populations are disappearing. Why? Why? The answer is clear. Carbon dioxide levels in the atmosphere have gone up 30 percent since the preindustrial age. They will go up, and there should be no doubt about this. They will double, in fact, in the next 100 years unless this House pulls its head out of the sand and deals with climate change issues. That is a simple fact, and there is nothing to debate about that subject.

Every 6th grader in this country understands that if we double CO₂ layers in the atmosphere, we will substantially increase the temperatures in Chicago and heat deaths will increase in Chicago. That is not alarmist. Human life will continue to persist, but Maple trees may not in New England.

This House has got to act; the country understands that. Ford is moving, Chrysler is moving, British Petroleum is moving. We need to keep this country moving by a simple amendment that will continue to allow us to do what we need to do.

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Mr. Chairman, I want to encourage Members on this issue, I think it is our individual responsibility to read on this issue. If the gentlemen will read the latest evidence, they will conclude we have a responsibility to act, not because of the Kyoto, but because of common sense.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the administration has negotiated some time ago the

Kyoto Protocol. They have yet to submit that treaty to the United States Senate for ratification.

The Constitution demands the Senate's consent, and they will not get it. This protocol places such severe restrictions on the United States while exempting most countries, including China, Brazil, Mexico, and India, from taking any measures to reduce carbon dioxide equivalent emissions.

The administration took this course of action despite unanimous support in the U.S. Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations, and on the conditions that the Protocol not adversely impact the economy of this country.

In closing, let me just say that I support the amendment and look forward to the report language to clarify what activities are and are not authorized.

Mr. DINGELL. Mr. Chairman, as an active participant in the initial floor debate on the Kyoto Protocol funding limitation I want to clarify several issues.

I supported the effort of my good friend, Mr. OBEY, to clarify EPA's role. At that time we were concerned that EPA might violate the laws against advocating a treaty that has not been ratified by the United States Senate.

We agreed that we should curtail lobbying and other activities, including implementing by regulation or statutory action a treaty which is, A. not in the interest of the United States, and B. which is not ratified and is not going to be ratified.

The amendment regarding the Kyoto Protocol funding limitation offered by Mr. OLVER to the VA/HUD appropriations bill today also raises the issue of what authority EPA has under current law.

At this point, I would like to enter into the RECORD a letter I sent to Mr. MCINTOSH, Chairman of the House Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, and Mr. CALVERT, Chairman of the House Subcommittee on Energy and the Environment.

As the Chairman of the House Conference on the Clean Air Act amendments of 1990, I understand the boundaries on EPA authority. The boundaries must be maintained and not allowed to grow through mission-creep. I will insist on this point and be watching over EPA.

OCTOBER 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources" and an October 12, 1998 memorandum entitled "The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act" prepared for the National Mining

Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819-821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the "Clean Air Act Amendments of 1990," the Public law does not specify that reference as the "short title" of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled "Information Gathering on Greenhouse Gases contributing to Global Climate Change" appears in the United States code as a "note" (at 42 U.S.C. 7651k). It requires regulations by the EPA to "monitor carbon dioxide emissions" from "all affected sources subject to title V" of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a "pollutant" for any purpose.

Finally, Title IX of the Conference Report, entitled "Clean Air Research," was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled "Pollution Prevention and Control," calls for "non-regulatory strategies and technologies for air pollution prevention." While it refers, as noted in the EPA memorandum, to carbon dioxide as a "pollutant," House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$34,000,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; \$1,270,000,000 (of which \$100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of \$630,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and \$640,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$11,500,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2002, and \$35,000,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2002.

AMENDMENT NO. 14 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BILIRAKIS:

Page 62, line 2, under the heading, "Hazardous Substance Superfund", after "2002" insert "; *Provided further*, That of amounts

appropriated under this heading, \$2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

Mr. NORWOOD. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. At the appropriate time, the gentleman from Georgia (Mr. NORWOOD) will be recognized.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment No. 14 would create a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman within the U.S. Environmental Protection Agency.

I am offering this amendment with the intent of asking for unanimous consent to withdraw it after Members who wish to be heard on this issue have had an opportunity to do so. I appreciate the willingness of the gentleman from New York (Chairman WALSH) and members of the Committee to work with me as this legislation moves forward to ensure adequate funding within the EPA budget for the Office of the National Hazardous Waste and Superfund Ombudsman.

I have experienced, Mr. Chairman, firsthand the Ombudsman's important work in connection with the Stauffer Superfund site located in my congressional district and my hometown. I might add, in Tarpon Springs, Florida. I invited the Ombudsman to conduct an independent review of the Stauffer site when it became apparent to me that many of my constituents felt that they were shut out of the process by the EPA.

For example, EPA initially failed to address local residents' concerns about the appropriate cleanup standard for arsenic. In addition, EPA has not conducted any sinkhole studies to determine if the proposed remedy, which includes consolidating the waste on-site into a capped mound, will remain intact should sinkholes develop. Sinkholes are common in the area, and should the proposed remedy fail due to sinkhole development, the waste could contaminate the drinking water of the local community.

The Ombudsman highlighted these concerns in town meetings I sponsored to discuss the proposed clean-up plan for the Stauffer site. Because of his actions, the EPA has amended the consent decree for the clean-up plan and has required additional studies.

However, something is clearly wrong at the EPA. While I have been assured publicly and privately by high-level EPA officials that they fully support

the activities of the Ombudsman, their actions suggest a different attitude.

For instance, after I planned a June 5 public hearing with the Ombudsman, EPA officials threatened to withhold the necessary funding to continue his investigation in Tarpon Springs. With the help of the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. TAUZIN), I was able to exact a guarantee from Administrator Browner that adequate funds would be provided for the Ombudsman's important work.

During that June 5 meeting, however, it became clear that EPA did not intend to cooperate with the Ombudsman's investigation. EPA Region IV representatives stated at the outset that they would make a brief presentation and take only 10 minutes of questions, and then they would leave, denying my constituents and the Ombudsman a chance to ask some very important questions about the revised consent decree.

In the middle of a question, Mr. Chairman, they stood and walked out without saying a word. I was outraged by the contempt displayed by these public servants toward the taxpaying public.

My amendment seeks to ensure that the Ombudsman has the adequate funding to continue his independent investigations. The amendment creates a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman. Currently, funding for that office is not specifically designated within the VA-HUD appropriations act.

That line item will ensure sufficient resources are made available within the EPA's budget to allow the Ombudsman to continue to advocate on behalf of local communities afflicted with the Superfund sites.

The other amendment No. 13 that I intended to offer would establish a \$2 million line item of funding while also expanding the statutory authorities of the Ombudsman to make them consistent with model standards for ombudsmen promulgated by the American Bar Association and other national organizations. These provisions are necessary to preserve the integrity and independence of their investigations and prevent interference by EPA officials for political purposes.

Because this amendment would be subject to a point of order as legislating on an appropriations bill, and because I do not want to waste the time of the assembly, I have decided not to offer it today. However, I want to reiterate how important it is that Superfund ombudsmen be allowed to continue to operate independently, underlined independently, of the very agency they often investigate.

Mr. Chairman, our constituents benefit enormously from these advocacy efforts. As we have learned in Tarpon

Springs, Florida, it can be very difficult to overcome EPA intransigence. The ombudsmen are critical to give local communities a voice in the clean-up process. I urge all of my colleagues to protect the interests of their constituents in the Superfund clean-up process by supporting necessary funding for that office.

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) had been previously recognized to claim the time in opposition.

Does the gentleman from New York (Mr. WALSH), the chairman of the committee, wish to claim the time in opposition?

Mr. WALSH. No, I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I claim part of the time in opposition due to the fact that there is not enough time to discuss this very important issue, but I support the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

We need to grant the ombudsmen subpoena power. We need to grant the ombudsmen subpoena power because there are some grave injustices being committed at the EPA, oftentimes with inadequate and bogus science. The EPA needs to be held accountable to the people that they were created to protect.

For my fellow Members who may not be familiar with this situation, the EPA Ombudsman's office is or should be a final remedy within the EPA for anyone with a dispute or grievance with that agency. We all want to hold lawsuits to a minimum, particularly when taxpayer dollars are involved.

In numerous other fields, this body has encouraged arbitration in lieu of litigation as a tried and true method of holding down court costs while still protecting the consumers. It also opens up the crowded court dockets, frankly, for cases that truly need to be in court.

This is the purpose of the EPA Ombudsman's office. There is, however, a very large problem with how the program is currently being operated. Current funding has allowed only two arbitrators for the entire country, two for the entire country. Those two officials have no binding legal authority to conduct any real investigation into a complaint. They cannot force truthful testimony, the release of necessary documents, or other evidence. They do not even have the legal power to enforce the EPA to participate in a hearing.

This lack of funding, lack of staff, lack of legal authority has given the EPA the ability to run roughshod over local and State government and private citizens without any accountability outside of Federal court action,

which is often a practical impossibility for those who have been injured.

My constituents unfortunately have firsthand experience in what this shortcoming really means in real life. In Augusta, Georgia, my farmers used sludge from a waste treatment plant as fertilizer on their fields after EPA recommended the procedure as a safe and practical means of eliminating sludge.

The farmers explicitly followed the EPA guidelines. It now appears this recommended procedure is being seriously questioned, and it may have been under question as the farmers were being advised to do so.

Upon this discovery, did the EPA do anything to look into this matter? No. They closed ranks and did everything possible to deflect responsibility for the matter. That is not accountability. We do not know who is right or wrong in this fiasco at home, but we do believe that the EPA Ombudsman should be allowed to find the truth.

Currently, the Ombudsman has limited authority to examine questionable EPA dealings. We need to give this office adequate oversight power to watch what the EPA is doing. They are accountable to taxpayers, and we need to make sure that they uphold that mission.

The Bilirakis amendment would give the Ombudsman the legal power to force EPA to participate in a grievance hearing. My word, the Chairman has a hearing in his hometown and the EPA will not even participate. It gives the Ombudsman the ability to compel the agency to testify truthfully. For any citizen, business, or agency in this country to be held accountable for their actions, it is crucial that they be required by law to cooperate with the process of an independent investigation of a complaint.

This measure provides this critical oversight for EPA. It is long overdue. I thank the gentleman from Florida (Mr. BILIRAKIS) for bringing this to our attention. Support this amendment. Support the Ombudsman for the EPA.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman from Florida for bringing this to the attention of the subcommittee. This is an important issue. He has shown real leadership in the course of removing toxic waste or remediating toxic waste.

The Ombudsman is in an important position, and we will work with the gentleman through the conference to make sure this important position is adequately funded.

Mr. NORWOOD. I thank the gentleman.

Mr. SAWYER. Mr. Chairman, ninety-eight weeks ago, EPA Administrator Carole Browner, gave Ombudsman Robert Martin clearance

to conduct a preliminary review of the Industrial Excess Landfill (IEL) superfund site in my district.

I know that, in addition to being asked to look at the IEL site, Mr. Martin has experienced any upswing in calls for his attention to similar sites across the country—in fact, he advised me in May that he is actively working on at least 25 sites.

But the clock continues to tick by for the people of Lake Township in Ohio's Stark County. I can only assume that the delays in issuing the findings of his preliminary review are a result of budgetary constraints. If this is the case, then the solution offered by the gentleman from Florida (Mr. BILIRAKIS) will be of great help to our community.

I have high hopes that Mr. Martin will resolve this issue at long last. The substantial delays—the report was first promised to be ready in September of 1998—exacerbates any threat to public safety. I hope that the Ombudsman will be effective in helping Township officials and the nearby residents identify testing protocols that will help them find peace of mind and the best solutions for this troubled site. Again, I will say, if this amendment will speed the process at the IEL site, I am certainly for it.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of the Bilirakis Amendment, which earmarks \$2 million for the activities of the EPA's Ombudsman.

The office of The Ombudsman performs a vital function that is essential to ensuring that the health and safety of communities living near hazardous waste sites are not compromised.

Most importantly, the Ombudsman is the only entity that is truly independent. Our constituents can be assured that, if the Ombudsman conducts a review of a particular site, that there will be a fair, thorough and objective analysis done.

This is an essential office that desperately needs funding.

\$2 million will not bust that bank.

For a very, very modest investment, the taxpayers are getting a huge return.

I think the country is lucky to have the services of Bob Martin, the EPA Ombudsman.

He is highly competent, he is honest and he is effective.

I urge approval of the amendment, and I commend the gentlemen from Florida for bringing this amendment forward.

Ms. DEGETTE. Mr. Chairman, today I speak in support of providing additional funds to support the Environmental Protection Agency's National Hazardous Waste and Superfund Ombudsman. The Office of the Ombudsman has been instrumental in providing further investigation and access to information for the public on a number of complicated Superfund sites across the nation.

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and bureaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further insured that public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays

an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and that information surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman redirected EPA's focus by fostering greater public participation in EPA's decision to allow radioactive waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

Mr. BILIRAKIS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

LEAKING UNDERGROUND STORAGE TANK
PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$79,000,000, to remain available until expended.

OIL SPILL RESPONSE
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,176,957,000, to remain available until expended, of which \$1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; \$825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$8,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$1,068,957,000 shall be for grants, including associated program support costs, to States,

federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration of the fund: *Provided further*, That notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: *Provided further*, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C-180840-01, C-180840-04, C-470319-03, and C-470319-04, are hereby resolved in favor of the grantee.

POINT OF ORDER

Mr. BILIRAKIS. Mr. Chairman, I make a point of order that the language beginning with the words "except that" appearing at page 63, line 4, and following through the words "drinking water contaminants" on line 9 violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on an appropriations bill.

The language in question countermands the directive given to the Administrator of the Environmental Protection Agency in section 1452(n) of the Safe Drinking Water Act that she reserve \$10 million of funds appropriated to the drinking water State revolving funds for health effects studies on drinking water contaminants.

As such, Mr. Chairman, it changes current law and constitutes a violation, as I have said earlier, of clause 2 of rule XXI. I must regrettably insist on my point of order.

The CHAIRMAN. Does any other Member desire to be heard on this point of order?

The Chair is prepared to rule. The Chair finds that this provision explicitly supersedes existing law, in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION

For fiscal year 2001 and thereafter, the obligated balances of sums available in mul-

multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,150,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND
OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, \$2,900,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,661,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which \$5,500,000 shall be transferred to "Emergency management planning and assistance" for the consolidated emergency management performance grant program; of which \$30,000,000 shall be transferred to the "Flood map modernization fund" account; and up to \$50,000,000 may be obligated for pre-disaster mitigation projects and repetitive loss buyouts (in addition to funding provided by 42 U.S.C. 5170c) following disaster declarations.

□ 1345

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOYD:

Page 66, line 18, after the dollar amount, insert the following: "(increased by \$2,609,220,000)".

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

The gentleman from Florida (Mr. BOYD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I represent a district in North Florida that has been hit by a hurricane or tropical storm almost every year in recent history. The Federal Emergency Management Agency is the 911 service that we all rely on when disaster strikes. In order to ensure that FEMA has the resources necessary to provide relief to disaster victims, the administration and the Congress are supposed to set aside the sufficient funds to cover the average yearly cost for disasters for the last 5 years.

This year, the administration did its job, and they requested \$2.9 billion for FEMA to provide disaster relief. Now, this money is used to provide aid to families and individuals, clear debris, repair infrastructure damages to our communities, any damages that are caused by Presidentially declared natural disasters.

Unfortunately, because of the completely unrealistic spending constraints placed on this bill, FEMA only received \$300 million for disaster assistance in this bill. This is over \$2.4 billion less than what was appropriated last year by this Congress and \$2.6 billion less than the 5-year average that we should have placed in this account to ensure that FEMA has the resources that they need.

Now, many of the opponents of this amendment will argue that we can quickly pass an emergency supplemental when disaster assistance is needed. Well, let us just take a look at how quickly supplementals move in this Congress. Five months ago, this House passed this year's emergency supplemental. We are still waiting on our colleagues in the Senate to act on this legislation.

Is that the answer that my colleagues want to give a family who just lost everything in a natural disaster or to their community who just lost its infrastructure to a disaster. What happens when this money is needed and Congress has recessed during the election year and is back home campaigning in October or November? How long will it take for Congress to come back into session and enact a supplemental?

Now, many of my fellow fiscally responsible colleagues will point out this is emergency spending and does not have offsets. That is true, it is. However, let us talk about the cost of supplementals. If we do not do this in the regular order and do it in emergency supplemental, we are likely to have a much larger price tag than the \$2.6 billion that we are asking to refill this account. In other words, pay up now or pay a lot more later when we come back to do the emergency supplemental.

The question is very simple. Are we going to admit that this money will be

spent in the regular order of the appropriations process and provide the funding needed to meet ongoing emergency situations that we know are going to occur, or are we going to continue to play the budgetary games and pretend that we are not going to spend this money? If we choose the latter, we are fooling ourselves.

I ask each of my colleagues, Mr. Chairman, this question: Do they want to tempt fate? We are going to have floods, fires, we have got fires in eight States going on right now, hurricanes and winter storms. Do my colleagues want to go home after a natural disaster hits and tell their people that help is on the way, or do they want to tell them they decided to play budget games with our future and did not provide FEMA with adequate resources?

I urge my colleagues to do what is right for their constituents. I urge the gentleman from New York (Mr. WALSH) to not insist upon his point of order.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Florida (Mr. BOYD) for bringing up this issue because the American public needs to be informed on how we are operating.

What the gentleman from Florida is really saying is we are playing a smoke and mirrors game as far as emergency funding in this country, and that, in fact, we have spent more than \$2.7 billion each of the last 5 years on emergency, yet we fail to plan for the rainy days for the constituencies that we have in this country and for the emergencies that they face. His point is a good one. We should, in fact, be budgeting within the 302(b)s and within the budget of this Congress.

Now, let us talk about why it is not. The reason it is not in there is because when we are all said, done, and through this year, we will reach back into year 2000 money and pay for emergency spending and not have to account for it. Until we get new updates, what we will really be taking that money from is Medicare. That money will come from Medicare.

So I want to commend the gentleman from Florida. I think his point is right on. We need to be budgeting as a part of the budget process, and we need to be appropriating yearly this amount of money. It comes with being part of the

fiscal discipline and the budgetary process that is open and honest. This one is not.

What we are going to do with FEMA and how we are going to fund it to you, we all know we will fund it, the question is will we fund it honestly or will we reach back and claim the surplus last year and then steal the money, not tell the American public that the money that is going to be spent in fiscal 2001 is actually their 2000 that we, at one time, called a surplus.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not have any additional speakers at this point in time, so by way of closing, I would just like to thank the gentleman from Oklahoma (Mr. COBURN) for his statement. He is right. He and I have worked together on budgetary honesty, fiscal responsibility, and I think that most of the people of this Nation want their government to perform certain functions. But they also want their government to be honest and make sure that we understand that those functions are going to be paid for so that we do not have to come back later with smoke and mirrors or we do not have to borrow money to fund those particular functions.

This is a function that this Federal Government will perform. When a disaster hits, whether it be a hurricane or a fire or a winter storm or a tornado, those natural disaster events occur all over this country every year, the Federal Government, through FEMA, will step up to assist those local communities and those families that have been affected.

The 5-year average cost of that assistance is \$2.9 billion, \$2.9 billion, Mr. Chairman. We have appropriated about 10 percent of that money in this bill. I think that it is not being honest with the public in terms of doing our budget. We all know that later on we will come back and do this through a supplemental emergency appropriation. At that point in time, it is likely to cost us a lot more money.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. COBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me.

Mr. Chairman, I do reserve the point of order. I just wanted to explain that

both of these gentleman are right. We should appropriate these funds through the proper, through the normal appropriations process, and we do need to have funds in the pipeline available. The reason that we did not appropriate additional emergency funds in this bill is because there are currently \$2 billion in the pipeline. The money is there. It is available. If this year continues to proceed as it has, those funds will be available through the fall into the spring. Will we do another emergency supplemental in the spring? I would suspect we will. We seem to do one every year. But the fact of the matter is we did not appropriate additional funds because we have money in the pipeline to deal with an emergency.

So that basically is the reason that I would reserve the point of order.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make one final point. If in fact we need \$2.9 billion and there is \$2 billion in the pipeline, then \$900 million out of this appropriation bill should have been set aside, appropriated for that purpose, and it was not. It was not because we know we can reach back. It is easier to spend your money, Mr. Taxpayer, Mrs. Taxpayer, than it is to not spend it. That is why, in fact, it is not.

Mr. Chairman, I yield back the balance of my time.

Mr. BOYD. Mr. Chairman, I ask unanimous consent to claim 30 seconds of the time that I have yielded back.

The CHAIRMAN. The Chair will reclaim 30 seconds for each side.

The gentleman from Florida (Mr. BOYD) is recognized for 30 seconds.

Mr. BOYD. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to thank the gentleman from New York (Mr. WALSH) who I think is one of the outstanding Members of this body and does a great job as chairman. I would like to say that the \$1.7 billion that is in the pipeline now for FEMA, we have talked to FEMA about that. They expect that that will probably last through the end of the fiscal year and maybe through the end of the calendar year. But they expect soon after the end of this calendar year that they would be very nervous if we did not fill this pipeline again.

Mr. ETHERIDGE. Mr. Chairman, I rise to highlight one of the most egregious problems in this severely deficient VA-HUD appropriations bill.

Earlier today, my good friend Mr. BOYD, offered an amendment to increase funding for the Federal Emergency Management Agency by \$2.7 billion dollars, and match the President's budget request for this agency.

Incredibly, when our Nation is facing potentially one of the worst hurricane seasons ever to be recorded, the majority party instead proposes to cut funding for FEMA, the agency that responds to such disasters.

For those Members whose memories are short, let me remind them that in my state last

year, nearly 60 people lost their lives and more than \$6 billion dollars in damage occurred in the space of a month, due to hurricanes.

My state is still suffering from the after effects of Hurricanes Dennis, Floyd and Irene, and we are still working to get emergency assistance from Congress.

The other side says: let's not have money in the pipeline, ready to come to aid of any part of America that suffers a disaster.

Instead, they say, we'll just take care of it in a supplemental, even though it may mean a delay of months before the assistance can be delivered.

Victims of Hurricane Floyd in North Carolina still reside in temporary housing, and it grieves me to think they could be hit by another hurricane before they have an opportunity to finally leave their current shelters.

The striking down of the Boyd amendment calls into question certain priorities being set by the other side.

Do we want to have the funds available when disaster strikes, or do we want to make sure we have enough money to give a \$1 trillion dollar tax cut?

Mr. BOYD. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 20, 2000 (House Report 106-683). This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Florida (Mr. BOYD) would increase the level of new discretionary budget authority in the bill. Because of the attending emergency designation, the amendment automatically occasions an increase in the section 302(a) allocation to the Committee on Appropriations, but it does not occasion an automatic increase in the section 302(b) suballocation for the pending bill.

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is, therefore, sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

Notwithstanding any other provision of law, the foregoing amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided,*

That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I make a point of order that on page 67, lines 4 through 14 constitute legislating on an appropriation bill in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair in that regard.

The CHAIRMAN. If no other Member wishes to be heard, the Chair finds that this provision explicitly supersedes existing law in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$19,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$420,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses, \$190,000,000.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, on May 12, 1998, 17-month-old Daniel Keysar of Chicago, Illinois was strangled to death when a portable crib at a day care center collapsed on his throat. Just 3 months after that, 10-month-old William Curan of Fair Haven, New Jersey suffered the same fate. At least 13 children have died in these types of portable cribs.

These are tragic deaths, Mr. Chairman, causing inexpressible sorrow to the parents. They did not have to happen. The portable cribs in which these

infants died had been recalled 5 years earlier, but nobody knew. Despite efforts of the Consumer Product Safety Commission to notify the public of the dangers posed by these cribs, over 1.2 million may still be in use today.

Mr. Chairman, the Consumer Product Safety Commission handles recalls of defective products and would make information about these recalls more accessible to the public. Specifically, we are seeking to establish a comprehensive Consumer Product Safety Commission listing all of the children's products subject to recall or corrective action over the last 15 years. It would strengthen the Consumer Product Safety Commission's ability to notify consumers of truly dangerous products and would enable the CPSC to monitor the effectiveness of product recalls.

□ 1400

Let us make sure that no other child dies as a result of a product that has been recalled and the public was not made aware.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I share the gentleman's concerns; and I think it might be possible to find a solution in the conference, and I will certainly bring the gentleman's concern to the attention of the conferees.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentleman's yielding to me.

Mr. Chairman, I also share the gentleman's concerns. We can certainly try to address this issue in the conference with the other body, and I appreciate the gentleman raising the issue. It is particularly poignant, and it certainly does need to be addressed; and I hope we can address it in conference. I appreciate the gentleman bringing it to our attention.

Mr. DREIER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) designate the gentleman from California (Mr. DREIER) to strike the last word?

Mr. WALSH. I do, Mr. Chairman.

Mr. DREIER. Mr. Chairman, I would like to begin by extending congratulations to the distinguished chairman of the subcommittee, and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their fine work under challenging circumstances. I would also like to extend congratulations to the gentleman from Indiana (Mr. PEASE), chairing this very, very important measure.

I rise, along with my colleague, the gentleman from California (Mr. ROGAN), who shares representing Pasadena, California, to bring to the attention of my friend, the gentleman from Syracuse, New York, some concerns I have about efforts in the other body to

transfer away from Pasadena's Jet Propulsion Laboratory some of its important functions. I believe these efforts are unjustified and that they would hinder the ability of NASA to carry out its very important scientific mission.

As the gentleman knows, the Jet Propulsion Laboratory is the lead U.S. center for unmanned exploration of the solar system. JPL has led the world in exploring the solar system with robotics spacecraft by visiting all known planets except Pluto. Over the last several years, JPL has saved taxpayer money by turning to outside vendors, wherever appropriate, and reducing its workforce by almost 30 percent from its 1992 high.

In fiscal year 2000, for example, 41 percent of JPL's Telecommunication and Mission Operations Directorate is already contracted out to outside vendors for routine services. So they have demonstrated a very clear and strong commitment at JPL to contract out whenever possible.

While JPL contracts out routine services where appropriate, many functions are not routine and cannot be properly performed by outside vendors. Space communications, for example, Mr. Chairman, requires highly specialized capabilities. To accomplish this mission, JPL developed the Deep Space Network, a highly advanced system of powerful antennae designed to communicate with our planetary missions. The DSN is more than just a communications device, however. It is an incredibly powerful scientific instrument used in many radio-astronomy experiments.

Last year, Congress asked NASA to study the idea of transferring all of JPL's Telecommunication and Mission Operations Directorate to a private contractor under the Consolidated Space Operations Contract, also known as CSOC. This would include the operations of the entire deep space network as well as the flight operations of current and future missions, including Galileo, Cassini, Ulysses, and Voyager. NASA conducted the study and, in a letter to Congress, recommended against such a transfer because the speculative savings were based on erroneous assumptions and such an action would introduce an extreme amount of risk in the mission operations.

Now, Mr. Chairman, on behalf of my colleague who chairs the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), who is very supportive of this effort, I would like to say that we strongly agree, as I know my colleague, the gentleman from California (Mr. ROGAN), does, with this report that has come out. It has come to my attention that our friends in the other body may be seeking to direct NASA to transfer these functions to the CSOC contract

despite the findings that came out in NASA's report. This action would be devastating to NASA's space exploration program as well as to the men and women who serve this Nation at the Jet Propulsion Laboratory.

Mr. Chairman, I would ask that the gentleman from New York (Mr. WALSH) and his fellow House conferees strongly oppose any attempt to cripple NASA's planetary exploration program by transferring essential aspects of JPL to an outside contractor.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his distinguished service on the Committee on Rules. I want to thank him for bringing this to our attention, as well as the other gentleman from California (Mr. ROGAN), who is a fighter and an advocate for JPL.

My goal has always been to invest the resources of the Nation wisely. While this means getting the most out of every dollar we spend, it does not mean being penny-wise and pound-foolish. There is no other organization in the world that possesses the knowledge and the capabilities of JPL for deep space exploration. We must fully utilize the talents of the men and women of JPL in order to succeed.

The recent difficulties in the Mars program have taught us all the dangers of dividing important capabilities between lab and outside contractors. I wish to assure the gentleman that I will not accept any proposal to transfer these functions away from JPL.

Mr. DREIER. Reclaiming my time, Mr. Chairman, I thank my friend for his very supportive comments and appreciate his commitment to this extremely important program and also his kind words not only about the Jet Propulsion Laboratory but about my friend, the gentleman from Pasadena, California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. ROGAN. First, Mr. Chairman, I want to thank my good friend and neighbor to the east, the distinguished chairman of our Committee on Rules, for yielding to me and also for his incredible leadership on this particular area.

I also want to express, on behalf of all of the employees and families at JPL, our deep appreciation to the gentleman from New York, our distinguished subcommittee chairman, for helping us in this particular area.

The CHAIRMAN. The time of the gentleman from California (Mr. DREIER) has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1 additional minute.)

Mr. DREIER. Mr. Chairman, I continue to yield to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, what I just wanted to share with my colleagues is that a visit to JPL is an incredible experience. When one goes there, one sees not only the incredible benefits they have made with respect to space exploration but what JPL has done for our national economy with the spin-off technology that has come out of there, from robotics surgery, to breast cancer research, data compression, laser technology, global communications, and the list goes on and on.

To contract this out now would have a devastating effect not just on JPL but upon our technology, because we cannot contract out the cumulative knowledge and experience of these people, these incredibly dedicated men and women.

So, once again, I want to urge the subcommittee Chairman, in his dealings with the other body, to do as the Chairman of the Committee on Rules has suggested. Let us keep this where the knowledge is founded, and in doing so we help not just our Nation but our economy, as well as continuing to get the incredible advancements we have had in space exploration.

Mr. DREIER. Reclaiming my time once again, Mr. Chairman, I thank my friend for his contribution and his strong commitment to addressing this very, very important national need.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to ask my good friend and colleague, the gentleman from New York (Mr. SWEENEY), also a fellow New York Yankee fan, to engage in a colloquy with me.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I want to thank my friend and my neighbor, and I just want to say that the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), does great work for all of this Nation, and we New Yorkers are particularly proud of the work that he does.

I rise today, Mr. Chairman, with concerns I have regarding an important issue that affects my region of the country but, sadly, I think, a growing part of the Nation is being affected as well, and it is certainly the greatest environmental challenge for the Adirondack Mountains of New York, and that is the issue of acid rain.

The Members of the New York congressional delegation, in particular, my Adirondack neighbor to the north, the gentleman from New York (Mr. MCHUGH), as well as the subcommittee chairman, the gentleman from New York (Mr. WALSH), have been very aggressive in combating the toxic rain

that is falling on our region and killing our lakes and forests. Specifically, I would like to address three acid rain monitoring programs at the EPA that I fear are currently in danger of being dismantled.

First, earlier this year, EPA announced a decision to discontinue funding for the Mountain Acid Deposition Project, MADPRO, under its Office of Research and Development. This program is doing important work in monitoring cloud water chemistry and quantifying the debilitating effects of acid rain on our region.

Operating since 1994, the MADPRO cloud monitoring program has located one of its three monitoring sites at Whiteface Mountain, in the heart of the Adirondack Park, I know a place near and dear to the chairman's heart. Thankfully, under pressure from many of us, EPA this month reversed its earlier decision to discontinue funding. However, I remain concerned about the long-term commitment of the EPA to this important initiative.

Secondly, I want to express continued concern for the Clean Air Status and Trends Network, CASTNet. In 1997, there was concern that CASTNet was at risk of being defunded; and since that time, Congress has set a floor for the funding of that program.

Lastly, I am concerned about important Temporally Integrated Monitoring of Ecosystems/Long-Term Monitoring Network, TIME/LTM, which measures water chemistry in lakes and streams throughout the Adirondacks and Appalachian Mountains. TIME/LTM is the only long-term network which helps us determine whether past emission controls are having their intended effect on the environment.

TIME/LTM was initially funded at \$2.4 million in 1992, but was cut to \$1.1 million in 1995 and received only \$900,000 last year. Mr. Chairman, I believe that the dwindling budget for TIME/LTM and EPA's attempts earlier this year to cut funding for cloud water monitoring stations raises serious concerns about EPA's commitment to all three of these important long-term acid rain monitoring programs.

I would like to make the point that without the data showing the ecological impact in the field, we cannot effectively seek solutions to curbing acid rain in the future. I believe that the EPA has clearly been willing to halt funding for CASTNet and MADPRO over the past 5 years, and it easily justifies a funding floor for all three of these programs.

As my colleague from New York knows, acid rain is a cancer that is eating at the ecosystem of the Adirondack region as well as other areas, stunting our forests and rendering many of our lakes and streams lifeless. So I ask the distinguished Chairman to affirm his commitment to the funding of these programs and ask his help in devel-

oping language to ensure the continuation of these critical acid rain monitoring programs.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I thank the gentleman for his strong advocacy for this critical ecosystem in upstate New York. As a Member who has worked closely with him on a number of issues, I understand the importance of the acid rain programs not only to the Adirondacks but to the entire Eastern Seaboard.

As the gentleman knows, the Subcommittee on VA, HUD and Independent Agencies has consistently supported funding for acid rain monitoring programs and would agree that a funding floor may be appropriate to ensure they can continue to operate in the long term. I would most certainly work with my colleague from New York to develop language that ensures the continued funding of these important environmental programs.

Mr. SWEENEY. Mr. Chairman, if the gentleman will continue to yield, I thank the Chairman again for his commitment to fighting acid rain.

It is important to note at this time, Mr. Chairman, a recent GAO report, which I requested, revealed that half of the lakes in the Adirondacks have shown increases in nitrogen levels since the Clean Air Act Amendments were signed into law in 1990. These deposits are at levels far higher than EPA's own worst-case scenario estimates, and we are clearly not doing enough.

I believe that the current evidence of the worsening of the acid rain problem shows that this is a time to be strengthening the Federal Government's commitment to acid rain programs, not retracting it; and I once again thank the Chairman for his commitment.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 1978, \$267,000,000. And in addition, \$5,500,000 to be derived by transfer from the "Disaster relief" account.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106-74, shall not be less than 100 percent of the amounts anticipated by the agency necessary for its radiological emergency preparedness program for the next fiscal year.

The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended, \$110,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND (TRANSFER OF FUNDS)

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, \$30,000,000 to be derived by transfer from the "Disaster relief" account, and such additional sums as may be received under 1360(g) or provided by State or local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed \$25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$77,307,000 for flood mitigation, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$455,627,000 for agents' commissions and taxes; and (3) \$40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104-208, is further amended by striking "2000" and inserting "2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "September 30, 2001".

NATIONAL FLOOD MITIGATION FUND (INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)-(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, \$20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$7,122,000, to be deposited into the Federal Consumer Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of \$12,000,000. Appropriations, reve-

nues, and collections accruing to this Fund during fiscal year 2001 in excess of \$12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,499,900,000, to remain available until September 30, 2002.

AMENDMENT NO. 33 OFFERED BY MR. CUMMINGS

Mr. CUMMINGS. Mr. Chairman, I offer an amendment that has been designated No. 33.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. CUMMINGS:

Page 73, line 3, after the dollar amount insert the following: "(reduced by \$2,800,000)".

Page 73, line 18, after the dollar amount insert the following: "(increased by \$2,800,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to thank the chairman and the ranking member for their support. I have offered this amendment to increase funding for the NASA University Research Centers, better known as URCs, at 14 minority institutions by \$2.8 million.

URCs are funded through NASA's Science Aeronautics and Technology Division. The amendment is offset by deducting the same amount from the Human Space Flight account.

□ 1415

The URC program has expanded the Nation's base for aerospace research, increased participation by faculty and students at historically black colleges and universities and other minority universities in mainstream research, and increased the production of disadvantaged students with advanced degrees in NASA-related fields.

Furthermore, each research unit has developed a broad-based competitive research capability in areas related to NASA's strategic enterprises while

contributing to support the Agency's scientific and technical human resource requirements.

Under this amendment, each URC would be eligible to receive up to \$1.2 million per year, an increase of \$200,000, to support activities and operations in the subaccounts from which they are funded. I hope the chair and the ranking member will work with me to ensure that this is stated in any report language.

This is a great investment in our students, and I urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. CUMMINGS), and I yield myself such time as I may consume. However, I am not in opposition.

We have considered this and we have discussed this with the gentleman from West Virginia (Mr. MOLLOHAN) the ranking member. We believe this is a friendly amendment, it is a proper use of funds, and we think it is a good allocation of funds. For that reason, I have no objection to the amendment offered by the gentleman from Maryland.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I agree with the chairman and have no objection. I compliment the gentleman from Maryland (Mr. CUMMINGS) for bringing it up.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS). The amendment was agreed to.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. ROEMER: Page 73, line 3, after the dollar amount insert the following: "(reduced by \$2,100,000,000) (increased by \$300,000,000)".

Page 73, line 18, after the dollar amount insert the following: "(increased by \$290,000,000) (increased by \$20,000,000) (increased by \$6,000,000) (increased by \$49,000,000)".

Page 77, line 1, after the dollar amount insert the following: "(increased by \$405,000,000)".

Page 77, line 22, after the dollar amount insert the following: "(increased by \$62,000,000)".

Page 78, line 5, after the dollar amount insert the following: "(increased by \$34,700,000)".

Page 78, line 21, after the dollar amount insert the following: "(increased by \$5,900,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20,

2000, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to yield 10 minutes additional time to both sides evenly divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. WALSH. Mr. Chairman, reserving the right to object, if I could inquire of the gentleman from Indiana (Mr. ROEMER), it is our understanding that he has several other amendments that have time allocated for them; and if he would withhold from offering those amendments, and if my colleague from West Virginia (Mr. MOLLOHAN) who was a part of this agreement would agree, we could provide the additional 10 minutes to this amendment.

Mr. ROEMER. Mr. Chairman, an additional 10 minutes per side to this amendment?

Mr. WALSH. Mr. Chairman, that is correct.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN) for clarification.

Mr. MOLLOHAN. Mr. Chairman, if the Chair would indulge, I do not know how complicated this might be to do, if it could be done in the Committee of the Whole or done in the whole House. But if such an agreement could be worked out easily, I would agree to that, give the gentleman another 10 minutes, and save us 20 minutes on the other two amendments.

Mr. WALSH. Mr. Chairman, reclaiming my time, as I understand it, there would then be provided a total of 30 minutes in the aggregate, 15 minutes a side, on this amendment.

Mr. MOLLOHAN. Mr. Chairman, it would be a total of 20 minutes, with 10 minutes on each side for this amendment.

Mr. ROEMER. Mr. Chairman, I understood it to be a total of 30 minutes, 15 minutes per side.

Mr. MOLLOHAN. Mr. Chairman, we discussed this very clearly. It would be a total of 20 minutes on this amendment No. 48, 10 minutes to a side on that; on the other two amendments the gentleman would be able to speak for 2 minutes just to talk about the amendment and then to withdraw them and not to exercise a point of order with regard to them.

Mr. ROEMER. Mr. Chairman, if the gentleman will continue to yield, how about I would agree to the 10 minutes per side on this amendment and then I have 4 minutes to discuss my two amendments in the next title and withdraw the amendments?

Mr. WALSH. Mr. Chairman, I have no objection to that. If the gentlemen are all in agreement, I would be happy to agree to that.

Mr. MOLLOHAN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. ROEMER) will have 10 minutes and a Member opposed will have 10 minutes on this amendment.

There was no objection.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman and the ranking member for their gracious opportunity to work through this amendment, which oftentimes is given an hour or 2 hours of debate.

Mr. Chairman, this amendment would cut \$2.1 billion and thereby eliminate the Space Station, transfer \$508 million to the National Science Foundation, and transfer another \$365 million back into NASA, thereby leaving over \$1 billion for debt reduction, probably the highest priority for the American people right now to keep this economy going and provide low interest rates and low mortgage payments.

For NASA, Mr. Chairman, this is the best of times and the worst of times. It is the best of times in that we are succeeding in many endeavors: the Hubell returning great pictures from space, the Pathfinder landing on Mars and exciting the American people with new knowledge, and John Glenn saying our senior citizens going into space can teach us every bit as much as a 25-year-old endeavoring into space. But they are also the worst of times, with a Space Station eating up \$2.1 billion and being \$80 billion over budget.

Now, according to this graph, Mr. Chairman, the initial cost of the Space Station was \$8 billion. It is now \$100 billion and growing. The initial missions for the Space Station, we had eight. Now we are down to one. I do not think this is a good investment of the taxpayers' money.

Now, Bill Gates, the chairman of Microsoft, was just up here testifying the other day and told Congress that the best investment we could make as a Congress, as a people, is to invest in research and development and science so that we stay on the cutting edge and keep jobs in America and export products abroad.

This amendment moves \$508 million into the National Science Foundation to invest in research and development, to invest in the American workers, to invest in the cutting edge, and to invest in American jobs.

I would conclude so that I could have more speakers have the opportunity to discuss this amendment by saying this: Our dream has expanded beyond the Space Station, outside of the universe with the Hubell pictures and Mars; and now with the Russians and MIR, their space station is now being paid for by wealthy Americans paying \$20 million to travel to MIR.

Is that the future of the American Space Station, an expensive amuse-

ment park for the wealthy, when it can do little else?

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, the proposed amendment would delete funding for the International Space Station and reallocate the funds to various worthy programs in other portions of the bill and designate a portion of the savings for debt reduction.

While I may agree with the plea for additional funds in some of the programs proposed by the gentleman from Indiana (Mr. ROEMER), I must oppose the amendment.

Terminating the Space Station would end what could be the most significant research and development laboratory in history and cause upheaval in the Shuttle program for years into the future, effectively terminating NASA's Human Space Flight program. It would also render useless over a half million pounds of hardware, much of which is already in space.

Mr. Chairman, there are broad and important applications for the Space Station, not the least of which is that there will be schoolchildren all over the world who not only will be able to watch with great interest the progress, but they will see the cooperation that the nations of the world have formed to launch this expression of man's hope for the future.

The intrinsic value of the inspiration that it will provide to our young people is incalculable. We have children in my school district in Syracuse who will be providing an experiment that will go on the Space Station. They will be watching it, monitoring it, using the Internet to conduct their research, and working with colleges and scientists throughout the world. These young people are the people we need to get involved in space and mathematics. The Space Station will help us to do that.

In addition, termination of the contracts for the Space Station at this time would subject NASA to liability of about \$750 million. And the amendment makes no provision for these costs. I believe it is important for everyone to understand where we stand today with regard to the Space Station.

The prime contractor has completed nearly 90 percent of its development work. U.S. flight hardware for missions through flight 12A is at the launch site at the Kennedy Space Center awaiting either final testing or launch for assembly.

In addition to Russia, the second largest infrastructure provider, the other international partners remain committed to the station program, having spent over \$5 billion to date.

The Russian Service Module is on schedule for a summer launch. This element will allow a permanent crew to be placed in orbit later this year.

NASA is actively encouraging commercial participation in the station program, having just concluded a major multimedia collaboration.

Mr. Chairman, within one year, the station will be inhabited by three international crew members. In five years, the station will be complete and serving as an outpost for humans to develop, use, and explore the space frontier. We have come far, and soon the station research will be underway. Now is not the time to stop this incredibly important program.

I ask all Members to oppose the Roemer amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a cosponsor of the bipartisan amendment.

Mr. GANSKE. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time. I will try to save a little time.

Mr. Chairman, the International Space Station is a failure and it is a misuse of taxpayer money. In 1983, Ronald Reagan first presented the idea of the Space Station and NASA predicted the cost would be \$8 billion.

Between 1985 and 1993, we spent \$11.4 billion on this project and never sent anything to orbit. So we started over and, voila, we had the International Space Station.

In 1993, NASA told us that the station would cost \$17.4 billion to build, would be completed in the year 2002, and would be operational for 10 years. They told us the total operational costs from construction to decommissioning would be \$72.3 billion. We were presented with a new program that would cost twice as much and that would last one-third as long.

And this was a good idea?

As my colleagues can see from my chart, since 1993 we have spent more than \$2 billion every year. With funding provided in this bill, we will have spent \$25.4 billion since 1995. Construction is 4 years behind schedule and is expected to cost the U.S. around \$26 billion. That is 50 percent above the original quote.

The United States is expected to pay 74 percent of construction costs. If this Station is completed and if it becomes operational, the United States is scheduled to pay 76 percent of operational costs. And we call that an International Space Station?

The United States is the only country expected to make cash payments for this Station's operating expenses. The other countries will reimburse through in-kind contributions.

□ 1430

Where is the international commitment? Vote for this amendment. It re-

stores necessary funding to the National Science Foundation; it boosts successful NASA programs; and it reduces the national debt.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, once again we are faced with an amendment to kill the International Space Station and once again I rise in the strongest possible opposition to that amendment.

Last year, I said that the time for debate on this issue had passed. It was true then, and it is certainly true today. It is even more true today. All of these arguments that are being advanced against the International Space Station were applicable a long time ago. We have now a functional Space Station in Earth's orbit. We have a team of astronauts who have just returned from a resupply, repair, and reboost mission to that station and by the end of this summer, the launch of the long-awaited Russian service module will allow the station to be inhabited by humans.

Mr. Chairman, the gentleman from Indiana would throw all of that away, flushing literally tens of billions of dollars down the drain, money invested by the United States and also money invested by our international partners, yes, by Russia, Canada, Japan, Italy, and France to name just a few. Pulling out of the joint effort at this stage is, in my judgment, irresponsible.

Mr. Chairman, we have had a number of recent votes on this issue. I think from 1992 to date, a series of maybe eight or nine votes on this issue. In each instance, the body has expressed its solid support and increasing support for the International Space Station. There is simply not much else to say in this debate. It has all been said so many times before during those years.

But let us be honest. This amendment is not really about anything else other than killing the Space Station, however attractive some of the accounts are to where the money is spent. This debate has been decided in the past. I urge defeat of the gentleman's amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I suggest we can do better by our budget and by our children by investing the Space Station money in more worthy, reliable programs, both at NASA and in other areas of the science budget as well as reducing our national debt.

Mr. Chairman, what could we do with \$2.1 billion? We could fund the National Institutes of Health for 16 years. We could provide low-income heating assistance for thousands of families; or fund child immunization programs nationwide. We could also clean up our Superfund sites, fund drug prevention programs, provide Head Start to our

children in need, pay our debt to the United Nations, and provide a tax cut for working families. These are investments we should be making for our children and for their future. I strongly believe that the Space Station is a case of misplaced priorities. With the many needs here on Earth, the Space Station is just too expensive. We need to shore up our Social Security system and protect Medicare and Medicaid. This amendment must be passed.

Mr. WALSH. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER), a member of the subcommittee.

Mr. CRAMER. I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, 9 years we have been at this. The gentleman from West Virginia, the ranking member, referred to the number of votes that we have had before. When we add in the authorizing committee battles that we have had over the Space Station issue and now this battle as well, it seems like we have voted hundreds of times on this amendment. We need to give our support to the good NASA employees that have given their careers to building the Space Station program. This is not the time to pull the rug out from under this program. As we speak, the prime contractor is 90 percent through developing the hardware. As we speak, there are 12 International Space Station payloads already at the Kennedy launch site. Just last month, the shuttle dropped off 2,000 pounds of supplies for the first crew.

We have got numerous experiments and other scientific projects that will be carried aboard the Space Station project as well. It is up there. We need to give our support to this program.

If there ever was a time to discuss this issue, it was years and years ago. The gentleman from Indiana is wrong now. He was wrong then. We have been at this for 9 years. Give it a rest.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN) in support of my bipartisan amendment.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this amendment. As both the gentleman from Indiana (Mr. ROEMER) and the gentleman from Iowa (Mr. GANSKE) mentioned, the original estimate on the cost for this Space Station was \$8 billion in 1984. The old Washington con game or shell game is at work here again, drastically lowballing the original estimate of cost and then spreading the funding around to as many congressional districts as possible to try to get political support.

Seven years after the start of this in 1991, an extraordinary coalition of 14 leading scientific groups came out strongly against the Space Station because of the tremendous drain on funding from other worthwhile scientific

projects. Robert L. Park, executive director of the American Physical Society, has estimated the full cost to build and equip the station to be \$118 billion and said, "If you include operating costs over what NASA claims will be a 30-year life, it comes to an S&L-bail-out-sized \$180 billion."

This, Mr. Chairman, is going to go down as probably the biggest boondoggle in the history of this Congress. I know this is probably a losing effort, but I admire the gentleman from Indiana's courage and perseverance; and I urge support for his amendment.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the full Committee on Science and a strong advocate of the Space Station program.

Mr. HALL of Texas. Mr. Chairman, here we go again. Of course I oppose this amendment. I have opposed it ever since the gentleman from Indiana has been in Congress. I hope I am opposing it for the next 10 years with him because he is a wonderful guy; he just has a lousy amendment.

He is continuing that tradition even though the first segment of the International Space Station is already in orbit and operational and additional elements of the station are awaiting launch from Cape Kennedy. There are so many reasons. I will just say that we are here in the annual argument again. It has been argued before time and time again. It has never passed. I think if it should pass this station to go on to the next station that we would have every hotel and every eating establishment within 100 miles of here covered by school children and university people and people across the country that know that this is the future of America. We have to have a Space Station. We need it for many reasons: medical, all types of electronic fallout, national defense. You name it; we need it.

I urge my colleagues to vote against the amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of my friend from Indiana's amendment. It is time for this Congress to finally realize that previous Congresses have simply made a bad investment decision. But let me preface my remarks by saying that there is no bigger cheerleader for NASA at the space program in this Congress than myself who has the privilege of representing the hometown area of Deke Slaton, one of the original Mercury astronauts, and one of the current Shuttle astronauts, Mark Lee. But what started out as an \$8 billion commitment from the American taxpayer to the international space station has now ballooned to over \$100 billion and the cost is increas-

ing. It is time for this Congress to at least take action to save the American taxpayer additional billions of dollars.

I like what the Roemer amendment does by dedicating a large portion of the savings to national debt reduction which we know is going to pay back economic dividends to the American people as well as makes a healthy investment in the National Science Foundation. I do not think it is too bold to predict that over the next couple of decades, we are probably going to see more scientific discoveries than we have seen in the last 300 years.

This Congress has an obligation as the representatives of this democracy to invest heavily in science so that we make these breakthroughs first rather than a dictatorial power who might see these scientific discoveries for nefarious purposes. That's why increased support for the National Science Foundation is so important.

I, like many Americans, am very supportive of NASA's efforts to explore the universe and expand our knowledge of space, but I do not support such efforts at any price. What must be questioned is the tremendous cost that the American taxpayers are facing today to perpetuate a space station that many in the scientific community believe has limited value. That is why I support canceling the International Space Station.

The space program has exceeded all spending predictions and failed to achieve its intended mission. In 1993, NASA said construction of the space station would be finished in June 2002 and the entire program would cost \$72.3 billion. Recent estimates, however, place the cost at nearly \$100 billion and we are still years away from completion. In fact, NASA had to launch a shuttle mission last month to apply boosters to the station because it was falling from its orbit by 1.5 miles each week.

Additional problems have occurred recently, such as those in Huntsville, Alabama, where two parts of the space station, valued at \$750,000 were mistakenly discarded in a land fill. These tanks were never found and had to be replaced at an additional expense.

Yet, knowing that the space station has become a budgetary black hole, Congress continues to spend billions of taxpayers' dollars year after year to fund such an expensive program.

How can we justify the space station when our country is being forced to make tough decisions about how to fund Social Security for seniors, how to ensure that our children have a quality education system, how to shore up Medicare, and how to reduce our \$5.7 trillion national debt? We must stop this annual waste of money and better prioritize our investment decisions.

It is essential that we continue to scrutinize the projects upon which our Government spends taxpayer money and I commend my colleagues who support this amendment and continue to speak out against the Budgetary Black Hole known as the International Space Station.

Mr. Chairman, I urge my colleagues to support this amendment to terminate this failed program and do what is right for our citizens.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for allowing me to oppose the Roemer amendment one more time. I sometimes think like Yogi Berra that it is *deja vu* all over again. Or maybe like the movie *Ground Hog Day*, every year we keep experiencing the same thing.

I join my colleague from Texas in saying that the gentleman from Indiana is a great person with a bad amendment. Again, the International Space Station represents the future of our space exploration. It will be a high-tech laboratory with innovations. It will have countless applications to the daily lives of Americans. It represents an era of international cooperation from which everyone will benefit.

If Congress does undermine the funding for the International Space Station by passing this amendment, it will represent a major reversal in the commitment made to the program's stability over the years. It will be a betrayal to our international partners. Among the criticisms are that the cost for the life cycle of the Space Station has dramatically risen over the years. In fact, the cost for the life cycle of the Space Station has gone up only 2 percent in the last 3 years. Critics have charged that the funding for the Space Station will push out smaller space exploration endeavors, like Mars Pathfinder and Hubbell. That is just simply not true. We will use this platform for those.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, in my 6 years in Congress I have consistently voted to stop the fiscal hemorrhaging represented by the International Space Station. Because I have done so, I often have constituents in a surprised tone ask me how I can be against space-based research. My answer is that I am not against space research. In fact, I am ardently for such science. Unfortunately, the International Space Station does not advance the scientific mission of NASA and actually threatens the scientific payoff the United States can expect from the agency.

Evidence today shows that few non-NASA scientists believe the project has scientific value. And continuous cost overruns suck the air out of worthwhile programs, making it unlikely we will be able to duplicate the success of missions like the Pathfinder.

Mr. Chairman, the pro space science vote is the no Space Station vote.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

The Roemer-Ganske-Woolsey-Duncan-Rivers-LoBiondo-Roukema-Kind-Camp-Ramstad bipartisan amendment is strongly supported by the Taxpayers for Common Sense, the National Taxpayers Union, Citizens Against Government Waste, the Concord Coalition,

and Citizens for a Sound Economy. Ten leading scientific associations, including the American Physical Society, the Carnegie Institution, and the American Society of Cell Biologists also support it.

I encourage bipartisan support to stop the Space Station and invest in the National Science Foundation and debt reduction.

Mr. WALSH. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. I thank the gentleman for yielding me this time.

Mr. Chairman, terminating the International Space Station would end what could be the most significant research and development laboratory in history and cause a complete upheaval of the shuttle program for years into the future, effectively terminating NASA's human space flight program.

High-cost growth often cited as the reason to terminate the Space Station is simply not the case. The initial congressional budget projection for ISS from 1994 to 2000 was approximately \$14.5 billion. During those years, actual expenditures have totalled \$15.8 billion, reflecting a growth of less than 10 percent. Termination costs could total over \$750 million. And the prime contractor has completed nearly 90 percent of its development work. In addition, Russia and the other international partners remain committed to the ISS and have spent over \$5 billion to date. Within 1 year, the ISS will be inhabited by three international crew members. In 5 years, the Space Station will be complete and serving as an outpost for humans to develop, use, and explore the space frontier.

We have come so far and soon the ISS research will be under way. The last 2 decades have seen magnificent high-tech growth in this world. Imagine what this facility will do for the children and education in the next 2 decades and beyond. Vote no on this misguided amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to oppose the Roemer-Ganske-Woolsey-Duncan et al. amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

We cannot squander this historic opportunity to invest in America's future; if approved, this amendment to the VA-HUD Appropriations measure risks doing just that.

Despite the shortcomings of this bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the pre-eminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the \$13.7 billion appropriation, \$322 million (2 percent) less than requested by the administration, could have been even more generous.

But the amendment offered to completely eliminate funding for the international space station would be entirely reckless and would

abandon our commitment to the American people.

Although many of us would have clearly preferred to vote on a bill that includes more funding for other NASA priorities, Veterans Administration and National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides \$2.1 billion for continued development of the international space station, and \$3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

The reality is that we have a historic opportunity to continue paying down the debt while passing an appropriations measure that adequately meets the needs of those that have been left behind in the New Economy.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The International Space Station represents a unique scientific opportunity to perform research. Research which will lead to innovations and breakthroughs that will improve the quality of life for all of us. NASA has already grown crystals aboard the Shuttle that have provided scientists with useful insights into the mechanisms of crystal growth. Information gained on crystal growth will make it easier and more predictable to develop specialized materials on Earth. During relatively short duration Shuttle missions scientists have gained a better understanding of underlying biological mechanisms that will help us understand balance and hearing in humans. Of particular interest has been research aboard the Shuttle which has given scientists a better understanding of the structure of a specific strain of the flu virus that kills 3,000 infants in the U.S. annually, providing pharmaceutical manufacturers key information needed to develop antibodies.

Clearly, research aboard the Shuttle in the zero gravity environment of space has led to keen insights into various scientific phenomena. However, this is only a fraction of the scientific discoveries enabled by the Space Station. The Shuttle can only fly a handful of times per year and only a couple weeks at a time. On the other hand, the Space Station enables research to be conducted 365 days a year.

Scientific discovery and technological development are the key drivers behind our prosperity. We must not turn our backs on the pay-offs that research on the Space Station can provide to improve life on Earth for all of us. Because our children and grandchildren will benefit most from that research, I urge that the proposed amendment be rejected.

Mr. LOBIONDO. Mr. Chairman, I rise in support of the amendment offered by Mr. ROEMER. After countless missed deadlines, technical glitches, cost overruns, and a lack of support from our so-called "partners," it's time we face facts; the International Space Station program must end.

The original estimate for the first space station put the cost of such an endeavor at \$8 billion dollars. Congress ended up spending \$11.4 billion and what it got was a failed program that offered little hardware, and no launch. Since this program did not work, Congress needed a new way to waste taxpayer dollars. So in 1993 this new program was called the International Space Station.

NASA recently estimated the cost of building this station through completion, whenever that will be, at well over \$26 billion. This estimate does not even include the billions of dollars a year it will take to maintain the station after that. What's more, our so-called "partners," Japan, Canada, and 10 other countries, are only required to collectively spend \$9 billion. It seems the partners of the International Space Station actually share little more than a name. Once again the United States is left holding the bag.

On March 16, 2000, Mr. Allen Li, Associate Director, National Security and International Affairs Division of the Government Accounting Office gave testimony before the House Science Subcommittee on Space and Aeronautics saying Russia is still not complying with the space station's safety requirements. His testimony states the Russian Control and Service Modules have not met NASA guidelines to protect the station from orbiting debris, yet NASA said this risk was "acceptable." NASA is still reviewing other safety concerns including excessive noise levels and outright operational failure. Where billions of dollars are concerned and, more importantly, human life, is any risk acceptable? My greatest fear is that NASA is ignoring quality standards in a futile attempt to justify this albatross.

It is for these reasons I fully support Mr. ROEMER's amendment to the Veterans Administration-Housing and Urban Development Appropriations bill for FY 2001. This amendment transfers the \$2.115 billion appropriated to the International Space Station and places it in the National Science Foundation and in other valuable NASA programs. Additional money will go towards paying down the national debt.

Mr. Chairman, enough is enough. Congress has already dumped too much into this space station, to no benefit. I believe we should give America's taxpayers a break by canceling the International Space Station.

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the Roemer amendment to H.R. 4635, VA-HUD-Independent Agencies Appropriations for FY 2001 to terminate the International Space Station. As Co-Chair of the Congressional Aerospace Caucus, I strongly support continued funding for the International

Space Station (ISS). The Space Station is critical for NASA to maintain America's leadership in space exploration, research and technology. In addition, this international endeavor fosters peaceful relationships among 16 countries by collaborating on mutual goals for the benefit of humankind.

The practical benefits to space exploration are countless. It is proven that for each tax dollar we spend in space, we receive a \$9 return here on Earth in new products, new technologies and improvements for people around the world. Research in the Space Station's unique orbital laboratory will lead to discoveries in medicine, materials and fundamental science. Space station research will build on proven medical research conducted on the Space Shuttle to benefit diseases such as cancer, osteoporosis and AIDS. Medical equipment technology developed for early astronauts are still paying off today. For example:

NASA developed a "cool suit" for the Apollo missions, which is now helping to improve the quality of life of multiple sclerosis patients.

NASA technology has produced a pacemaker that can be programmed from outside the body.

NASA developed instruments to measure bone loss and bone density without penetrating the skin which are now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across which provides more precise control of blood sugar levels and frees diabetics from the daily burden of insulin.

Second, the ISS enhances US economic competitiveness by providing an opportunity for the private sector to use the technologies and research applications of space. This will increase the number of high-tech jobs and economic opportunities available today and for future generations.

Third, the Space Station serves as a virtual classroom for students of all levels and ages. Innovative programs have been designed that will allow students to actively participate in research on board the Station. Our commitment to long-term research and development will encourage today's youth to consider careers in science and technology, fields where American workers are desperately needed.

With nearly 90 percent of the International Space Station development completed, we are only months away from having a permanent human presence in low orbit and beginning the research that holds so much promise for the global community. Ending progress on the ISS now would require NASA to scrap billions of dollars of hardware that has been designed and developed for the ISS. Furthermore, we would be throwing away years of international cooperation and ending the peacetime collaboration in history.

I urge my colleagues to ensure that the United States remains at the forefront of space research. Vote NO on the Roemer amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

□ 1545

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. HULSHOF) to enter into a colloquy.

Mr. HULSHOF. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for yielding to me. As my good friend, the gentleman from New York (Mr. WALSH) the chairman of the Subcommittee VA, HUD and Independent Agencies knows, in a 6-hour time frame between May the 6 of this year and Sunday morning, May the 7, 15 inches of rain fell in parts of my district. As a result of some severe flash flooding, two lives were lost, over 200 of my constituents were left homeless and numerous businesses have suffered property damage.

Recognizing the severity of these damages caused by the flooding, the President on May the 12 of this year designated three Missouri counties, Franklin County, Gasconade and Jefferson County as Federal disaster areas.

Believing that a precedent had been set by Congress in their dealings with past disasters, the Mayor of the City of Washington, Missouri submitted to me a request for an appropriation that would permit their city to implement a flood buyout and relocation program.

Though a specific line item was not used to secure relief for the victims of past floods, it is my understanding that a precedent was set by allowing money through the Housing and Urban Development's Community Development and Block Grants program to pay for buyouts, to pay for relocation and mitigation in communities in North Dakota, South Dakota, and Minnesota.

While I certainly, Mr. Chairman, would prefer that more money be made available in the Community Development Block Grant program for the State of Missouri to pay for the buyout and relocation of businesses impacted by this flash flood, I do recognize the budgetary hardships that the gentleman from New York (Chairman WALSH) has encountered in crafting this fiscal year 2001 bill.

Mr. Chairman, I had considered offering an amendment to waive the Community Development Block Grant low- and moderate-income requirements for those areas affected by the major disaster that was the subject of this May 6 and 7 flood. However, I also recognize

that the provisions of such a proposal would constitute legislating on an appropriations bill and would have been ruled out of order.

Mr. Chairman, recognizing that at this point there is little that this body can do, I would ask the gentleman from New York (Mr. WALSH) should an opportunity present itself to help those families and businesses that were severely impacted for him to look for that and grasp that opportunity on behalf of those families and businesses.

Mr. Chairman, I want to thank the gentleman from New York (Mr. WALSH) for his willingness to work with me to address this very critical and serious situation.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Missouri (Mr. HULSHOF) for his hard work on behalf of his constituents who have been so severely impacted by these flash floods. The gentleman has been absolutely diligent about bringing this to the attention of the subcommittee, to protect his constituents and rightly so. Congress is working within an extremely tight budget again this year, and the subcommittee thanks the gentleman for his cooperation working within these restrictions.

Accordingly, I intend to work in conference to find a reasonable solution to this problem.

Mr. BOEHLERT. Mr. Chairman, will the gentleman from New York (Mr. WALSH) yield to me for the purpose of engaging in a colloquy on another subject?

Mr. WALSH. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, H.R. 4635 includes bill language that would prevent EPA from finalizing or implementing changes to the Agency's TMDL program that are based on the August 23, 1999 proposed rule during fiscal year 2001. This limitation is consistent with my own position that, due to the overwhelming opposition from groups as diverse as the United States Conference of Mayors, Friends of the Earth, Earth Justice Legal Defense Fund, the Sierra Club, the Clean Water Industry Coalition, the National Federation of Independent Business, the American Foreign Bureau Federation and the American Forest and Paper Association, EPA should withdraw its August 23, 1999 TMDL proposals and go back to the drawing board.

However, I also want to make sure that H.R. 4635 also is consistent with my position that State work on TMDLs continues as expeditiously as possible, in accordance with EPA's existing regulations, while work on a new proposal is underway.

Mr. WALSH. Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) can be assured that the committee intends States to move forward as expeditiously as possible, with the development and implementation of TMDLs

under current regulatory authorities. This is one of the primary purposes of the \$130 million increase in funding for State Clean Water programs under section 106 of the Clean Water Act.

The committee expects States to use these resources in part to fill the data gaps identified by GAO in their March 2000 report on data quality and to develop and implement TMDLs that are scientifically and legally defensible.

Mr. BOEHLERT. Mr. Chairman, in addition, I would like to seek clarification of the committee's intent if EPA ignores my request and the requests of other Members of Congress, our Nation's mayors, major environmental groups, agricultural groups, forestry groups and industry groups and finalizes this rule within an effective date that occurs prior to the enactment of H.R. 4635.

The CHAIRMAN. The time of the gentleman from New York (Mr. WALSH) has expired.

(By unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. BOEHLERT. If the gentleman will continue to yield, some have suggested that if EPA's new TMDL rules go into effect, existing regulations will be removed from the Code of Federal Regulations and the language of H.R. 4635 will not reinstate those existing regulations.

Mr. WALSH. Mr. Chairman, I thank my friend for his advocacy. If EPA refuses to withdraw the TMDL rules and issues final rules with an effective date that will occur before enactment of this legislation, I will work with the Senate in conference to ensure that the TMDL regulation in effect today remain in place.

Mr. BOEHLERT. Mr. Chairman, I want to thank the gentleman for his leadership, and it is pleasure to work in partnership with him.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,606,700,000, to remain available until September 30, 2002.

AMENDMENT NO. 39 OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. MOLLOHAN:

Page 73, line 18, insert after the dollar amount the following: "(increased by \$322,700,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, January 20, 2000, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. The gentleman from New York reserves a point of order.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me express appreciation to my dear friend and colleague, the gentleman from Alabama (Mr. CRAMER) for his assistance in working on this amendment and working on NASA issues generally. The gentleman is a real champion for NASA funding and he has a passionate concern for the underfunding of some of the accounts that we are trying to address here today. I just want to give a special note of appreciation to him for his assistance.

This amendment, Mr. Chairman, would accomplish a simple goal: to bring NASA's long-reduced budget up to the President's requests. After years of repeated cuts the administration has proposed a modest increase for NASA, only 3.2 percent, but it is a modest increase and barely takes care of inflation. Indeed, the gentleman from New York (Chairman WALSH) has done his best to fund NASA in this bill, and we express appreciation for him for those efforts.

Let me briefly explain why I think there are some accounts that deserve funding. The so-called Living With a Star Initiative that would help us understand the Sun's behavior, extremely important, Mr. Chairman, when to expect sun flares, when to expect these abnormalities affect us here on Earth. Mr. Chairman, my amendment would provide \$16.5 million to that end.

Secondly, the bill before us completely eliminates funding for the space launch initiative, extremely important, including funding for advanced technology research on the next generation Space Shuttle, as well as ongoing work on two experimental vehicles, the X34 and the X37.

My amendment, Mr. Chairman, would provide \$260 million for this purpose, which represents \$30 million less than the President's requests, but it at least gets significant amounts of money on those very important projects.

Thirdly, my amendment would provide \$39.1 million to the aviation sys-

tem capacity program for a total of \$49.2 million. This important ongoing program of research and development has the goal of improving air traffic control and reducing airport and aerospace congestion.

Finally, my amendment provides \$7 million for the small aircraft transportation system, to develop technology for use in improving utilization and safety of general aviation airports and aircraft, which have the highest accident rate of all modes of transportation, Mr. Chairman. This is an area that we desperately need to put these additional funds.

Let me restate that by offering this amendment, I am in no way intending to criticize my chairman, the gentleman from New York (Mr. WALSH) for his hard work in crafting this bill. We simply did not have enough money to go around and hopefully we will as we move forward.

We have, however, I think, with this amendment, put important resources back into NASA's programs that were underfunded so that it can carry out these important responsibilities.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose the amendment of the gentleman from West Virginia (Mr. MOLLOHAN). As we all know, there is no offset for this, but we are certainly sensitive to the desire of the gentleman to provide these funds where they are needed. Unfortunately, we do not have the additional funds to provide under our allocation. If, perhaps, later in the process, additional funds come available, we would be happy to work with the gentleman to resolve this. At this time, I must continue to hold a point of order against him.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my colleague from New York (Mr. WALSH) for yielding me the time, and I want to say that I have enjoyed working with the gentleman for years on NASA's issues.

I represent the Marshall Space Flight Center back there in Alabama. When I came to the Congress in 1991, the gentleman was among the first people that we began working with to plan for a future for NASA that was beyond the space station. Also in coming to this subcommittee, I want to pay tribute to

the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) during my now two terms on the subcommittee, the gentleman has struggled vainly and against a lot of odds with allocations that made it very, very difficult for us to have the kind of NASA budget that some felt like we needed to have.

However, at the end of the process, we made sure that NASA did receive the support of the committee, and I thank the gentleman from New York for that and for enduring with those of us that want to make sure that the particular line item programs are heard and have a voice there.

Mr. Chairman, I want to speak more specifically to the Space Launch Initiative, because the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) is attempting through this amendment to restore funding that would help a number of NASA's programs, and he has spoken about those programs. But the Space Launch Initiative is a very important initiative that really defines NASA's future.

It is designed to enable the aerospace industry and NASA to come together to look at a new version of space transportation. The Space Launch Initiative envisions NASA eventually purchasing launches from commercial launch vendors allowing NASA to then concentrate its resources on the science missions and space exploration as well. In Subcommittee on Space and Aeronautics, I know the ranking member, the gentleman from Texas (Mr. HALL) is here, and he will spend time discussing over this particular amendment the initiatives that the Committee on Science has undertaken here.

We have given a mandate to NASA to come up with alternative means of transportation, working with the aerospace industry to make sure that they come up with these alternate means of transportation. Unless we restore this funding to NASA's budget, they will not be able to do that.

I hope that the committee will hear this amendment, and especially as the process winds its way through, as we continue the rest of the summer, that we will be able to restore this important funding to NASA to make sure that the Space Launch Initiative is indeed a reality.

Mr. CHAIRMAN. Does the gentleman from New York (Mr. WALSH) reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland, (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my distinguished friend from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee for yielding me the time, and I rise in strong support of his amendment.

I want to say at the outset that I believe that the chairman of this sub-

committee is not necessarily in theory opposed to the dollars being added back and, therefore, I think in terms of substance, we can all support this amendment.

The ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) will argue that we are constrained by funding priorities, but I believe that this is a priority. I believe that is why the gentleman from West Virginia (Mr. MOLLOHAN) has offered it. If we think NASA's work is confined to scientific esoterica that only a handful of Ph.D.s can understand, we need to think again. Research and development conducted by NASA for our space program has led to widespread social benefits, everything from improvements in commercial airline safety to understanding global climate change.

□ 1500

NASA's research also has benefited medical science. For example, its research on the cardiovascular systems is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today's space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images. You would not think of that at first blush. The amendment before us would restore \$322.7 million in funding for NASA's space and aeronautical programs, funding that was cut in committee from the President's number.

The amendment before us brings our national priorities back into focus, which is, in my opinion, what we ought to do. It would restore \$260 million to NASA's space launch initiative, which is critical for our future space needs. In addition, this amendment would restore \$16.6 million in funding for NASA's Living With a Star initiative, a project that will be run at Goddard Space Flight Center.

Mr. Speaker, the tapestry of our national history is woven together by exploration and discovery, from the first settlers in Jamestown to the expeditions of Lewis and Clark, to Neil Armstrong's first step on the Moon 31 years ago. Today, let us reaffirm our national commitment to the latest frontier, science and technology.

I urge my colleagues to support this amendment.

Mr. Chairman, let me state my strong support for this amendment on NASA funding. It's not about pork-barrel spending and pet projects. It's about our Nation's peace and prosperity, and our quality of life.

If you think that NASA's work is confined to scientific esoterica that only a handful of Ph.D.s can understand, think again.

Research and development conducted by NASA for our space program has led to widespread social benefits—everything from improvements in commercial airline safety to understanding global climate change.

NASA's research also has benefitted medical science. For example, its research on the

cardiovascular system is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today's space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images.

The amendment before us would restore \$322.7 million in funding to NASA's space and aeronautical programs—funding that was cut in committee. That's certainly a lot of money. However, before I describe the NASA programs that would be forced into a stare down with the budget ax, and why funding for these programs ought to be restored, let me ask this question: Are our national priorities so out of whack that we're willing to sacrifice our commitment to science and technology on the altar of enormous and irresponsible tax cuts? Despite the pioneering spirit that courses through our national character, the majority party apparently thinks so.

Last year, they pushed their huge tax cut scheme through Congress, even though it could have put at risk the healthiest economy in our lifetimes. This year, they're back with equally irresponsible tax schemes.

That's what this cut to NASA funding is all about—funding tax cuts that would benefit the wealthiest among us.

The Republican Party—with its \$175 billion in tax cuts over five years, which, according to some estimates, would rise to nearly \$1 trillion over 10 years—has to make its budget numbers add up somehow.

Today, NASA's neck is stretched out on the chopping block. Yesterday, it was our school modernization and class-size reduction efforts. And tomorrow, it will be our initiative to put more police officers on our streets.

All of these vital programs—and our effort to add a prescription drug benefit to Medicare—face the budget ax because the Republican Party would rather pass tax-cut schemes than invest in our Nation's future.

The amendment before us brings our national priorities back into focus. It would restore \$260 million to NASA's space launch initiative, which is critical for our future in space. Safe, low-cost space transportation is the key to expanded commercial development and civil exploration of space. This NASA program would enable new opportunities in space exploration and enhance international competitiveness of the U.S. commercial launch industry. It's no wonder that NASA believes this program could impact space exploration and commerce as deeply as the Apollo program.

This amendment also would restore \$16.6 million in funding for NASA's Living With a Star initiative—a project that will be run at Goddard Space Flight Center in my district. The Living With a Star initiative will enhance our understanding of the Sun and its impact on Earth and the environment. It will enable scientists to predict solar weather more accurately, and understand how solar variations affect civilian and military space systems, human space flight, electric power grids, high-frequency radio communications, and long-range radar.

In addition, this amendment would restore \$46.1 million in funding for two programs that are developing solutions to expensive delays in commercial airline traffic. NASA uses its

unique research capabilities to diagnose problems with current air traffic systems and develop technology solutions.

Mr. CHAIRMAN, the tapestry of our national history is woven together by exploration and discovery—from the first settlers in Jamestown to the expeditions of Lewis and Clark to Neil Armstrong's first step on the Moon 31 years ago. We have never turned our backs on challenge. We have never been content with the status quo. We have always dared to peer over the next horizon.

Today let's reaffirm our national commitment to the latest frontier, science and technology. I urge my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman from New York reserve his point of order?

Mr. WALSH. I continue to reserve, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the Committee on Science.

Mr. HALL of Texas. Mr. Chairman, I am honored to support this amendment. It is a good amendment. I thank the gentleman from West Virginia (Mr. MOLLOHAN) for bringing it forth. I also want to suggest that the subcommittee chairman, the gentleman from New York (Mr. WALSH), in his very level and fair-handed handling of this, has agreed to look at this with the gentleman and see if something cannot be worked out. That allows me to give back maybe some of the 3 minutes the gentleman has given me. The gentleman has covered almost everything. The figures have been covered.

Members know I am a strong supporter of the national space program. I will not spend time today recounting all the benefits that have come out of the program over the years. I think everybody is aware of them.

But I am disappointed in the way this appropriations bill treats NASA. NASA is not a Republican thrust nor a Democratic thrust. It is really an American thrust, and it has always been handled that way.

When it came time, when the information came from the executive to cut back on programs, NASA was cut back more than any. NASA complied. Administrator Goldin agreed and cut it back because he knew he could cut it decisively with an intelligent knife; and if we cut it, sometimes we cut it with a baseball bat, not knowing really what we are doing. He cut it back about 35 percent over a period of 2½ years. I think we have kept the faith and we ought not to be cutting back on this NASA program again.

I urge that the Mollohan amendment be supported. The gentleman touched on Living With the Star, and that has already been addressed, the space launch initiative and our skills in that field, and the space launch initiative, which transforms telecommunications,

weather prediction, defense intelligence work, just to list some of the areas. It would be a mistake I think to lose our leadership in space transportation by failing to make these important investments.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of our ranking member's amendment. As the House considers this important amendment, I wanted to bring to Members' attention just one of the success stories of our space program.

For the last 2 years, I have had the opportunity to meet with and get to know an outstanding scientist and an astronaut in Houston, Texas. Dr. Franklin Chang-Diaz has accompanied me to six of my middle schools in my district to talk about the need for students to take more math and science classes. I have also had the opportunity to visit Dr. Chang-Diaz in his plasma jet propulsion laboratory at Lyndon B. Johnson Space Center in Houston.

Dr. Chang-Diaz is obviously a man of many talents. He is a veteran astronaut with six space flights and has logged over 1,269 hours; but even more so, he is a scientist and he is developing the new, and forgive me if I mispronounce it, the Variable Specific Impulse Magnetoplasma Rocket concept called VASIMR. The VASIMR prototype rocket engine is designed to shorten the trip to Mars, or anywhere else, and provide a safer environment for the crew.

Dr. Chang-Diaz has been working with the scientists throughout NASA and the Department of Energy to develop this process today, and he has been able to secure funds to keep the project going. However, this project is just too important just to allow it to survive. While I do not make a specific request, Mr. Speaker, I hope in the future for assistance to fund the development of the VASIMR prototype rocket engine, and the ranking member's amendment will go far in that direction.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. Mr. Chairman, I do.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), my final speaker.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the amendment introduced by the gentleman from West Virginia to restore funds to aeronautics research programs. This amendment is particularly important, given the actions we took last night to cut an additional \$30

million from these programs on top of the cuts contained in the bill.

Our national investment in aeronautics is moving dangerously in the wrong direction. We have already experienced a 30 percent cut in NASA aeronautics funding over the last 2 years, and then we made cuts in the bill and another cut last night.

The National Research Council report in 1999 warned us that past cuts have already wreaked havoc and may threaten U.S. preeminence in our aerospace industry. Their leading panel of scientists warned us that continued reductions in aeronautics research and technology would jeopardize the ability of the United States to produce preeminent military aircraft and the ability of the aeronautics sector of the United States economy to remain globally competitive.

Mr. Chairman, if these cuts are to be enacted, our aviation system is set on a disastrous course. The cuts we are making will put the safety and reliability of our air transport system at risk in the near future.

Mr. Chairman, aeronautics research has yielded significant technological breakthroughs that we have seen recently; aircraft safety and efficiency, which includes wing design, noise abatement, structural integrity and fuel efficiency.

Mr. Chairman, every aircraft worldwide uses NASA technology, and it is important to remember that these technological developments take 5, 10, 20 years before they ever come to fruition. We know that domestic air traffic will triple in the next 20 years, and that is why we need to make these investments today.

Mr. Chairman, these cuts are not just shortsighted, they are dangerous. I support the Mollohan amendment, because it will ensure the future safety and efficiency of our air transportation system.

Ms. PELOSI. Mr. Chairman, I rise to support the Mollohan Amendment to increase funding for important housing programs. A shortage of affordable housing plagues America's cities and rural communities. Nonetheless, this bill fails to fund America's tremendous housing needs. Even worse, this bill cuts several billion dollars from last year's budget for many important affordable housing programs.

The majority's bill denies housing assistance to low-income Americans living in federally subsidized affordable housing. On average, residents of Section 8 housing and public housing and public housing earn only \$7,800. This bill denies housing assistance for senior citizens on fixed incomes. It forces working men and women to choose between housing, health care, food, and other basic needs.

Compared to President Clinton's requested budget, HUD estimates it reduces housing assistance for San Francisco by \$10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.

Representative MOLLOHAN's amendment would invest additional funding to provide assistance across the country. At the Appropriations Committee, the Republicans rejected MOLLOHAN's amendment. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build and modernize public housing; promote community economic development; provide housing and services to seniors, individuals with disabilities, and individuals with HIV/AIDS. Americans need this assistance and this bill falls short.

I urge my colleagues to support Representative MOLLOHAN's amendment and increase housing assistance to low-income Americans.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this amendment to increase funding for NASA's Science, Aeronautics, and Technology account to the level of the President's request.

When adequate funding for NASA was threatened in last year's VA-HUD appropriations bill, I received hundreds of letters and calls from my constituents in the 2nd Congressional district in Colorado expressing their concerns about the proposed budget cuts to federal science and NASA programs. Many of these calls and letters were from students, researchers, and employees who would have seen their work directly affected by cuts in NASA's budget. But many of the letters I received were from citizens with no direct involvement in NASA's programs. To me, their voices were especially significant because they point to a common understanding of the importance of continuing our investment in science, technology, research, and learning.

This past February, I hosted a "space weekend" for constituents in my district. I told them at that time that I was encouraged by the President's proposed budget number for fiscal 2001 in the areas of research and development programs in general, and in NASA funding in particular. I told them I was hopeful that Congress would make the wise decision to make these needed investments—investments that will allow us to build on the foundation we've already laid.

Unfortunately, those hopes have not been fulfilled. Today, the bill before us leaves NASA programs \$322 million below the budget request. It eliminates almost all of the funding for the Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce air traffic congestion. It eliminates all of the funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation. And it eliminates all the money for NASA's effort to better forecast "solar storms" that, if undetected, can damage the nation's communications and national security satellites. This "Living with a Star" program is especially important to the University of Colorado at Boulder and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. We only have to look at some examples of the successful transfer and commercialization of NASA-sponsored research and technology to see why. From advances in

breast tumor imaging and fetal heart monitoring to innovative ice removal systems for aircraft, NASA technology continues to benefit U.S. enterprises, economic growth and competitiveness, and quality of life.

NASA's Science, Aeronautics, and Technology programs comprise the bulk of NASA's research and development activities. Two of these programs that are of great importance to my district are NASA's Offices of Space Science and Earth Science, which focus on increasing human understanding of space and the planet through the use of satellites, space probes, and robotic spacecraft to gather and transmit data.

There are still so many unanswered questions about the origins of the universe, the stars and the planets, as well as about how we can use the vantage point of space to develop models to help us predict natural disasters, weather, and climate. But NASA can't answer these questions if we don't provide it with adequate resources. This bill does not make these much needed investments in our future, which is one reason I cannot support it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. WALSH. I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000, House Report 106-683. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of this act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

The Clerk will read.

The clerk read as follows:

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of fa-

cilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, \$2,584,000,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.), shall not exceed \$3,000,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility shall not exceed \$296,303: *Provided further*, That \$1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which \$650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and \$350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as

amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; authorized travel; acquisition, maintenance and operation of aircraft and purchase of flight services for research support; \$3,135,690,000, of which not to exceed \$264,500,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic Program; the balance to remain available until September 30, 2002: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOLT:

Page 77, line 1, after the dollar amount, insert the following: "(increased by \$404,990,000)".

Page 77, line 2, after the dollar amount, insert the following: "(increased by \$20,910,000)".

Page 77, line 22, after the dollar amount, insert the following: "(increased by \$61,940,000)".

Page 78, line 5, after the dollar amount, insert the following: "(increased by \$34,700,000)".

Page 78, line 21, after the dollar amount, insert the following: "(increased by \$5,890,000)".

Page 79, line 4, after the dollar amount, insert the following: "(increased by \$580,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 15 minutes.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment and to reserve the time in opposition.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

The gentleman from New Jersey (Mr. HOLT) is recognized for 15 minutes.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a number of problems with this bill, but I think one of the greatest is the lack of adequate funding for the National Science Foundation. This is an area that I think we should work in a bipartisan way to correct.

Let me be clear: the gentleman from New York (Chairman WALSH) and the ranking member and the members of

the subcommittee have worked hard to meet the pressing needs with the limited funds that they have been given. They are not at fault here. But because of inadequate appropriations allocation, the National Science Foundation does not receive the funds it needs to continue its vital work.

Now, in order to maintain our superb economic growth in this country, we need at least two things: a smart, well trained workforce and new ideas. The National Science Foundation plays a crucial role in both areas, in education, both elementary and secondary, as well as higher education, public education and museums and radio and television, and research in all areas.

The NSF supports nearly 50 percent of nonmedical research conducted at academic institutions, and provides the fundamental underpinning for much of the medical research and other research we value in our society.

The VA-HUD appropriations bill we are being asked to support comes up short in the needed investments for the National Science Foundation. It cuts NSF investments in science and engineering by over \$500 million, or 13 percent below the level requested by the President. So as funded, the bill would weaken U.S. leadership in science and engineering and deny progress that would result in improvement of the quality of life of all Americans.

This is not just a case of the congressional leadership ignoring the President's request for the National Science Foundation. No. The leadership is ignoring its own plan for NSF funding. Just two months ago, Congress passed a budget blueprint for FY 2001 that called for significant increases in the National Science Foundation funding. As a member of the Committee on the Budget, I worked to increase that funding. In committee I helped pass an amendment to include an additional \$100 million for the National Science Foundation and other government research. Later, as the budget came to the floor, along with advocates on both sides of the aisle, we succeeded in raising that allocation almost to the amount requested by the President.

I do not think any of us suspected that a short 60 days later we would be presented with such a disappointing appropriation. At that time, with great fanfare, the majority presented these budget increases, this increase in money for the National Science Foundation. Can they not meet their own level?

This is not, and should not be, a partisan issue. Increasing NSF funding would substantially help colleges and universities across the country and would help all Americans benefit in making prudent investments in our future. If we are going to continue to lead the global economy, we must have a well-trained workforce and the best research and scientific explorations in

our colleges and universities and research institutions that we can provide.

Mr. Chairman, I urge my colleagues to join me in supporting full funding for the National Science Foundation.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

□ 1515

Mr. WALSH. Mr. Chairman, I would like to reassure the gentleman that offered this amendment that the subcommittee did not ignore the President's request. We honored the President's request, and I think the desires of the Congress to the best of our ability, given our allocation. The President requested a \$675 million increase in NSF. He also requested a 20 percent increase in HUD and substantial increases elsewhere in the budget. There was no way, given the available resources that we had, to meet that request.

However, what we did do was we increased funding for NASA, increased funding for HUD, increased funding for the Veterans Administration, and we increased funding for the National Science Foundation. In fact, we increased NSF by almost \$170 million. That is a substantial increase. The budget is now over \$4 billion. We believe strongly in investing in science and technology. I think that our conference has been clear and our record strong on supporting investments in science. However, we do not have unlimited resources. We are constrained by the allocation.

I would add that if funds are made available at the end of this process as we go into the conference that we will look, and I know the gentleman from West Virginia feels the same way, we will look strongly at providing those resources for further investments in technology. At this time, we do not have those funds available to us, and for that reason, I would reluctantly oppose the gentleman's amendment.

Mr. Chairman, I continue to reserve my point of order, and I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, we are here today because the committee has underfunded the President's budget request for the National Science Foundation by \$500 million. Last year, Chairman Greenspan of the Federal Reserve said this: "Something special has happened to the American economy in recent years. I have hypothesized on a

number of occasions that the synergies that have developed, especially among the microprocessor, the laser, fiber optics and satellite technologies have dramatically raised the potential rates of return on all types of equipment."

What has happened to the American economy, in my view, has a lot to do with the work of this committee and the work of this subcommittee. If we take a look at the technologies that Chairman Greenspan was talking about, this committee has been largely responsible for funding a number of them through the years, and the results show.

If we take a look at the Internet, for instance, in 1985, the National Science Foundation built the first national backbone, the very infrastructure that makes the Internet work today. In 1993, the NSF provided the funding for the development of the first Web browser. The Internet economy will be worth \$1 trillion by next year. It employs more than 1 million workers, and it is the engine of our economic growth.

Biotechnology. In one of its first grants in 1951, NSF gave \$5,000 that helped to establish the very basis of genetic research. Since that pivotal discovery, the field has exploded. Sixty-five biotechnology drugs have been approved by the FDA since that time.

DNA fingerprinting. In 1995, using a key NSF discovery which made that technique possible, the Centers for Disease Control was able to stop an outbreak of E. Coli illness because of what they had learned over the previous 10 years.

MRI machines. That technology is amazing. It has revolutionized medicine, and that too has grown out of NSF funding.

So has the satellite technology that Dr. Greenspan was talking about.

Mr. Chairman, I would like to point out that in January of 1992, the Wilshire 500 index, which measures the value of all of the publicly owned companies in this country, stood at 4,337, which means that all of the stocks in those companies was worth about \$4.3 trillion. Today, it is over \$13 trillion. Just one company, Oracle, the growth in that company alone in the last 12 months has been larger than the total valuation of the Big 3 automakers, Ford, General Motors and DaimlerChrysler. That has been due in significant part to what we have learned through the research funded by NSF.

Mr. Chairman, if we want the economy to grow, if we want to expand our knowledge of the problems that face us on the health front, we have to fund NSF to do the basic science that is required. When they do that, they can, in turn, pass it through to the National Institutes of Health who take it a step further, and we can finally come up with discoveries on how to deal with some of the most dreaded diseases in this society.

So all it helps to do is to make the economy the engine that it is today. All it helps to do is to help human beings struggle with illnesses that we have fought against for generations. It is well worth the investment. It is extremely shortsighted for this agency to be short cut just so that the majority party can provide \$90 billion in tax cuts to people who make over \$300,000 a year. That is a wrong priority; this is the right one. I congratulate the gentleman for offering the amendment.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the amendment.

Mr. Chairman, there are many Federal agencies that compete for the VA-HUD budget allocation: the Veterans Administration, housing and urban development, Environmental Protection Agency, and other independent agencies such as the National Science Foundation. All of us here, Republican or Democrat, support the National Science Foundation because we know that much of their work, the greatest portion of their work, in fact, goes into university-based research. That support is bipartisan and nonpartisan, in fact.

Further, this bill under discussion clearly reinforces the commitment of this Congress to scientific research as we are aware of the National Science Foundation marks its 50th anniversary this year. It is funded at a record \$4.1 billion. This is an increase of \$167 million, or 4.3 percent over last year. We wish it could be more.

It is also the first time funds for this agency have topped the \$4 billion level. With only a small portion of Federal spending, this agency has been, has had a powerful impact on national science and engineering in most every State and institution of higher learning. Every dollar invested in the National Science Foundation returns manyfold its worth in economic growth.

I note that 5 years ago, the National Science Foundation budget was \$3.27 billion in the fiscal year 1997, and 3 years ago, the National Science Foundation budget had climbed to \$3.6 billion in 1999.

This year's increased National Science Foundation appropriation for the fiscal year 2000 continues us in the right direction. The remarkable discoveries mentioned by the gentleman from Wisconsin will continue with this allocation, and with more money, we can find it as this bill goes to conference.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the ranking member of the House Committee on Science.

Mr. HALL of Texas. Mr. Chairman, I rise, of course, in strong support of this amendment. The National Science

Foundation is one of the few agencies in the government that is investing in the Nation's future. While we are enjoying the very greatest prosperity and the finest economic conditions since I have been in Congress, 20 years, and two generations, I think this is a time when we ought to be increasing our investment and not decreasing it. If not now, when are we going to do it? We have not been able to with the deficits back for the last 15 to 18 years.

NSF is shorted by \$500 million from the President's request, and this amendment would fix this problem. If we adopt it, we would fully fund advanced information technology research that is endorsed today by leading American computer firms who tell us that we need it and we ought to do it. And these are important programs that will keep the U.S. at the forefront of new computer communications technologies.

This is the same research this body unanimously supported in the February authorization. We supported it then, we ought to support it now.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, one of the things that the other side will try and do as far as smoke and mirrors is they will talk about the President's request. Republicans brought forward the President's budget, even his tax increase. The President made false assumptions. He increased taxes, he took Social Security money to balance his budget, and he used false assumptions such as the gas prices would stay the same, and guess what? We know what happened to them. They did not vote for it, but yet they use his numbers.

An example is special education. The most the Democrats when they were in power ever increased special education was 6 percent. With Medicaid, in 5 years, we put it up to 18 percent. We increased special education by \$500 million this year, but yet the President's budget, which none of them voted for, wanted over \$1 billion, so Republicans are now cutting special education. That is the logic, and that and tax breaks for the rich is to fool the uninformed. It is a sham.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON), someone who is very well positioned to speak to this as the ranking member on the Subcommittee on Basic Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation again to the committee and subcommittee chairs for their effort, but it is time to set the record straight. This is what we need the most to keep the rich rich and to provide for educational opportunities for young people coming along so we

can stop having to lift the caps of H1-B visas to bring people over here to do the job. This is the area that provides for that research and provides for the support of teachers and who get our young people educated so that they can enter this marketplace.

Mr. Chairman, it is time for us to stop faking an attempt to tell the real truth. The very rich in this country have not begged for this tax break. We are trying to cut all the basic things in order to save the money to give this tax cut for the very, very rich.

We have made them have the opportunity for this wealth by this very research that can be done right here with these dollars. Mr. Chairman, \$500 million is merely a drop in the bucket for what we will get in return. Every dollar we have ever put in research has come back fourfold.

Mr. Chairman, I rise in strong support of the amendment. It will restore over \$500 million cut by the underlying bill from the President's historic budget proposal for the National Science Foundation. The increase will bolster the activities of an agency with a critically important role in sustaining the nation's capabilities in science and engineering research and education.

Basic research discoveries launch new industries that bring returns to the economy that far exceed the public investment. One striking example is information technology, which Federal Reserve Chairman Alan Greenspan has repeatedly cited as primarily responsible for the nation's sparkling economic performance. Applications of information technology alone account for one-third of U.S. economic growth, and create jobs that pay almost 80 percent more than the average private-sector wage.

Restoring funding for NSF is important for the overall health of the nation's research enterprise because NSF is the only federal agency that supports basic research and education in all fields of science and engineering. While a relatively small agency, NSF nevertheless is the source of 36% of federal funding for basic research performed at universities and colleges in the physical sciences; 49% in environmental sciences; 50% in engineering; 72% in mathematics; and 78% in computer science.

Recent trends in basic research support in some important fields have been alarming. For example, since 1993, physics funding has gone down by 29%; chemistry by 9%; electrical engineering by 36%; and mathematics by 6%.

Last year alone, NSF could not fund 3,800 proposals that received very good or excellent ratings by peer reviewers. Good research ideas that are not pursued are lost opportunities. The amendment will greatly reduce the number of meritorious research ideas doomed to rejection because of inadequate budgets.

The amendment will enable NSF to fund 4,000 more awards than the underlying bill for state-of-the-art research and education activities. It will prevent the curtailing of investments in exciting, cutting-edge research initiatives, such as information technology, nanoscale science and engineering, and environmental research. The effect of the amendment will be to speed the development of new discoveries

with immense potential to generate significant benefits to society.

Past examples of NSF research amply demonstrate the payoffs possible:

Genetics—NSF played a critical role in supporting the basic research that led to the breakthroughs of mapping the human genome for which NIH justly receives credit. Research supported by NSF was key to the development of the polymerase chain reaction and a great deal of the technology used for sequencing.

Magnetic Resonance Imaging—MRI, one of the most comprehensive medical diagnostic tools, was made possible by combining information gained through the study of the spin characteristics of basic matter, research in mathematics, and high flux magnets.

Jet Printers—The mathematical equations that describe the behavior of fluid under pressure, which were developed under NSF support, provided the foundation for developing the ink jet printer.

Ozone Hole—NSF-funded research in atmospheric chemistry identified ozone depletion over the Antarctic, or the "ozone hole" as it has come to be known, and established chlorofluorocarbons as the probable cause. Since CFCs are used in many commercial applications, this discovery has driven the search for benign substitutes and has led to a reduction of CFC emissions.

The increase in funding made possible by the amendment also translates into almost 18,000 more researchers, educators, and students receiving NSF support. This is a direct, and positive, effect on the shortages projected in the high-tech workforce. It will increase the number of well-trained scientists and engineers needed for the Nation's future.

I regret that H.R. 4635 limits support for NSF-sponsored research that will lead to breakthroughs in information technology, materials, environmental protection, and a host of technology dependent industries.

The amendment will help sustain the economic growth that has been fueled by advances in basic research by restoring needed resources for the math, science, and engineering research and education activities of the National Science Foundation.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and since I have no further requests for time, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Obey-Holt amendment to restore the funding to the National Science Foundation in the amount of \$508 million. As a former superintendent of my State schools, I know firsthand that the support for NSF for science and engineering education is so important. Every dollar invested in this agency returns manyfold its worth in economic growth.

As the lead source of Federal funding for basic research at colleges and universities, NSF supports research in educational programs that are crucial to technological advances in the private sector and for training of our next

generation of scientists and engineers, as we have already heard.

This appropriation bill will jeopardize the Nation's investment in the future by cutting off NSF funding for science and engineering research and education by over \$500 million.

This is about 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research and eliminate funding for almost 18,000 researchers and science and mathematics educators.

At a time when we are trying to improve the quality and quantity of science and mathematics in the United States, the bill is calling for an education cut that includes a reduction of 21%, or over 30 million, below the request for undergraduate education—including the nearly 50% cut in requested funding for the National Science, Math, Engineering and Technology Digital Library. These investments are key components of the Administration's 21st Century Workforce Initiative and critical to enable students to compete in the today's knowledge-based economy.

Our values call on us to invest in our people for our nation's future rather than to waste our resources on an irresponsible tax plan.

□ 1530

This is about 11 percent below the requested level, and this reduction will seriously undermine previous investments in cutting edge technology and jeopardize research.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HOLT. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

First let me compliment the gentleman from New Jersey (Mr. HOLT). In a very short period of time in the Congress he has distinguished himself as an expert in the area of government-sponsored research, and also has been its strongest advocate.

I want to say that it is particularly appropriate that he is the author of this amendment because of the reputation that he is establishing in this area. We appreciate the gentleman's efforts.

Mr. Chairman, let me also compliment the chairman of my subcommittee for being able to find money for a 4 percent increase in the NSF budget. In this budget allocation that we were given in our committee, that is quite a feat. It is in fact a recognition of his attitude towards how important basic funding research is.

But it is not enough. Our economy, our new economy, demands that we invest more in the National Science Foundation in basic research. That is why I strongly support the gentleman's amendment.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLIVER), who knows of

what he speaks. He in fact has done NSF-funded research.

Mr. OLIVER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Obey-Holt amendment. Work funded by the NSF touches our lives every day in a multitude of ways, from the meteorological technology like Doppler radar, which more accurately predicts storm paths, to advances in fiber optics used by the cable TV, the long distance telephone, and computer industries that benefits every American, to research to develop edible vaccines which would make vaccinating large groups of people easier.

Mr. Chairman, these scientific advances are the result of decades of sustained research. We must invest in NSF research today to maximize the benefits of science and technology for tomorrow and the future. Our world and our economy are changing rapidly. We should not shortchange basic science research because that would shortchange our very futures.

I urge passage of the amendment.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his good remarks, and I also thank the gentleman from West Virginia (Mr. MOLOHAN). I think they hit it on the head.

What we are confronted with here, Mr. Chairman, is an appropriation that comes in not just below the President's budget but below the request of the majority party.

In their budget resolution with great fanfare just a couple of months ago they announced that they had increased the number for research to nearly the President's budget. Now we are faced with an appropriations bill that is \$500 million below that. This is pennywise and pound foolish. Our investments in research have paid off.

I am especially troubled by the \$34 million reduction in NSF's education programs below this request. Cuts in undergraduate education undermine scholastic endeavors in every State in the Nation. In my own central New Jersey district, NSF education programs are funding projects at Monmouth University and Princeton University and Rider University. It would be a big mistake to reduce funding in these crucial areas.

Mr. Chairman, economists do not agree on much, I find, but there is one thing that I hear over and over again from economists from Berkley to Harvard to Chicago to Alan Greenspan at the Federal Reserve. We are now enjoying the fruits of investment in research and development made in decades past.

We are not talking about just a little tweaking of the NSF and Federal research budget. We need to make a significantly greater investment in the research budget if we have any hope of maintaining the kind of economic growth that we are coming to rely on.

We also need a smart, well-trained work force, and NSF contributes directly to that through education in elementary and secondary schools through higher education and through public education. We will not find better investments in our children's future than investment in education and in research and development. That is what this amendment is about.

Mr. LARSON. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from New Jersey, Mr. HOLT, to the Fiscal Year 2001 VA-HUD Appropriations bill. Without the adoption of Mr. HOLT's timely amendment this bill will be woefully inadequate. As it stands, this bill would cut the National Science Foundation's budget for science and engineering research by over \$500 million from the President's request. Mr. HOLT's amendment will reinstate much of this funding and will allow important NSF programs to continue and grow.

The current version of H.R. 4635 includes a reduction of 21 percent from NSF's requested sum for undergraduate education. This includes a nearly 50 percent cut in funding for the National Science, Math, Engineering and Technology Education Digital Library. Obviously, today's students cannot become tomorrow's leaders if they do not have a proper education. We must strive to give our students pertinent knowledge in these important fields. Mr. HOLT's amendment will allow tomorrow's scientists to learn the valuable information they will need for the 21st century.

Additionally, the bill we have on the floor today will eliminate funding for almost 18,000 researchers and science and mathematics educators. These scientists and educators perform cutting edge research on a daily basis, and the elimination of their funding will weaken the United States world leadership in the fields of science and engineering. Furthermore, the bill will severely undercut funding for basic research, including health care, environmental protection, energy, and food production. Fortunately, Mr. HOLT's amendment will restore this funding and allow the United States to maintain its positive reputation in the field of international research.

Moreover, H.R. 4635 would result in the elimination of 4,000 grants for research and educational endeavors. Through this reduction, investments in the crucial fields of information technology, nanoscale science and engineering, and environmental research will drop, and thus will slow the development of new discoveries. Clearly, these cuts must be restored so that American technology can stay competitive in the global marketplace. Mr. HOLT's amendment will allow American technology to continue to advance and improve.

Finally, we must remember that in the past 50 years, half of U.S. economic productivity can be attributed to technological innovation. In order to stimulate the economy for the next 50 years, we must make this important investment in America's future and support the NSF. As a result, I urge all my colleagues to support this amendment and I commend Mr. HOLT for his steadfast leadership on this issue.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I do insist on my point of order. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, House Report 106-686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard?

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey (Mr. HOLT) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, \$76,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$694,310,000, to remain available until September 30, 2002: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$152,000,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance

and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$5,700,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$90,000,000, of which \$5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$23,000,000: *Provided*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

The CHAIRMAN (during the reading). The Clerk will suspend the reading.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentlewoman from New York (Mrs. KELLY); amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY); the amendment offered by the gentleman from Massachusetts (Mr. OLVER); amendment No. 48 offered by the gentleman from Indiana (Mr. ROEMER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. KELLY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. KELLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. KELLY:

Page 25, line 19, after the dollar amount, insert the following: “(increased by \$1,000,000)”.

Page 45, line 12, after the first dollar amount, insert the following: “(reduced by \$1,000,000)”.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 170, not voting 14, as follows:

[Roll No. 299]

AYES—250

Aderholt	Castle	Frelinghuysen
Archer	Chabot	Galleghy
Armey	Chambliss	Ganske
Bachus	Chenoweth-Hage	Gekas
Baker	Clement	Gibbons
Baldacci	Coble	Gilchrest
Balenger	Coburn	Gillmor
Barr	Collins	Gilman
Barrett (NE)	Combest	Goode
Berry	Cooksey	Goodlatte
Bartlett	Cox	Goodling
Barton	Crane	Goss
Bass	Cubin	Graham
Bateman	Cunningham	Granger
Bereuter	Danner	Green (WI)
Berry	Davis (VA)	Gutknecht
Biggert	Deal	Hall (TX)
Bilbray	DeMint	Hansen
Bilirakis	Diaz-Balart	Hastings (WA)
Bishop	Dickey	Hayes
Bliley	Doolittle	Hayworth
Blunt	Doyle	Hefley
Boehlert	Dreier	Herger
Boehner	Duncan	Hill (IN)
Bonilla	Dunn	Hill (MT)
Bono	Ehlers	Hilleary
Boswell	Ehrlich	Hobson
Brady (TX)	Emerson	Hoeffel
Bryant	English	Hoekstra
Burr	Eshoo	Horn
Burton	Everett	Hostettler
Buyer	Fletcher	Houghton
Callahan	Foley	Hulshof
Calvert	Fossella	Hunter
Camp	Fowler	Hutchinson
Canady	Franks (NJ)	Hyde
Cannon		

Inslee	Northup	Shuster
Isakson	Norwood	Simpson
Istook	Nussle	Skeen
Jenkins	Ose	Smith (MI)
Johnson (CT)	Oxley	Smith (NJ)
Johnson, Sam	Packard	Smith (TX)
Jones (NC)	Pascrell	Smith (WA)
Kelly	Pastor	Souder
King (NY)	Paul	Spence
Kingston	Pease	Stabenow
Klink	Peterson (MN)	Stearns
Knollenberg	Peterson (PA)	Stenholm
Kolbe	Petri	Stump
Kuykendall	Pickering	Stupak
LaHood	Pickett	Sununu
Largent	Pitts	Sweeney
Latham	Pombo	Talent
LaTourette	Porter	Tancredo
Lazio	Portman	Tauzin
Leach	Pryce (OH)	Taylor (MS)
Lewis (CA)	Quinn	Taylor (NC)
Lewis (KY)	Radanovich	Terry
Linder	Ramstad	Thomas
LoBiondo	Regula	Thornberry
Lucas (KY)	Riley	Thune
Lucas (OK)	Roemer	Tiahrt
Luther	Rogan	Toomey
Manzullo	Rogers	Trafigant
Martinez	Rohrabacher	Upton
Mascara	Ros-Lehtinen	Vitter
McCarthy (MO)	Rothman	Walden
McCollum	Roukema	Walsh
McCrery	Royce	Wamp
McHugh	Ryan (WI)	Watkins
McInnis	Ryun (KS)	Watts (OK)
McKeon	Salmon	Weldon (FL)
Meehan	Sanford	Weldon (PA)
Metcalfe	Saxton	Weller
Mica	Scarborough	Weygand
Miller (FL)	Schaffer	Whitfield
Miller, Gary	Sensenbrenner	Wicker
Moakley	Sessions	Wilson
Moore	Shadegg	Wise
Moran (KS)	Shaw	Wolf
Myrick	Shays	Young (AK)
Neal	Sherwood	Young (FL)
Nethercutt	Shimkus	
Ney	Shows	

NOES—170

Abercrombie	Dixon	LaFalce
Ackerman	Doggett	Lampson
Allen	Dooley	Lantos
Andrews	Edwards	Larson
Baca	Engel	Lee
Baird	Etheridge	Levin
Baldwin	Evans	Lewis (GA)
Barcia	Farr	Lipinski
Barrett (WI)	Fattah	Lofgren
Becerra	Filner	Lowey
Bentsen	Forbes	Maloney (CT)
Berkley	Ford	Maloney (NY)
Berman	Frank (MA)	Markey
Blagojevich	Frost	McCarthy (NY)
Blumenauer	Gejdenson	McDermott
Boniior	Gephardt	McGovern
Borski	Gonzalez	McIntyre
Boucher	Gordon	McKinney
Boyd	Green (TX)	McNulty
Brady (PA)	Gutierrez	Meek (FL)
Brown (FL)	Hall (OH)	Meeks (NY)
Brown (OH)	Hastings (FL)	Menendez
Capps	Hilliard	Millender
Capuano	Hinchee	McDonald
Cardin	Hinojosa	Miller, George
Carson	Holden	Minge
Clay	Holt	Mink
Clayton	Hooley	Mollohan
Clyburn	Hoyer	Moran (VA)
Condit	Jackson (IL)	Morella
Conyers	Jackson-Lee	Murtha
Costello	(TX)	Nadler
Coyne	Jefferson	Napolitano
Cramer	John	Oberstar
Crowley	Johnson, E. B.	Obey
Cummings	Jones (OH)	Oliver
Davis (FL)	Kanjorski	Ortiz
Davis (IL)	Kaptur	Owens
DeFazio	Kasich	Pallone
DeGette	Kennedy	Payne
Delahunt	Kildee	Pelosi
DeLauro	Kilpatrick	Phelps
Deutsch	Kind (WI)	Pomeroy
Dicks	Klecza	Price (NC)
Dingell	Kucinich	Rahall

Reyes	Skelton	Udall (CO)
Rivers	Snyder	Udall (NM)
Rodriguez	Spratt	Velazquez
Rush	Stark	Visclosky
Sabo	Strickland	Waters
Sanchez	Tanner	Watt (NC)
Sanders	Tauscher	Waxman
Sandlin	Thompson (CA)	Weiner
Sawyer	Thompson (MS)	Wexler
Schakowsky	Thurman	Woolsey
Scott	Tierney	Wu
Sherman	Towns	
Sisisky	Turner	

NOT VOTING—14

Campbell	Matsui	Serrano
Cook	McIntosh	Slaughter
DeLay	Rangel	Vento
Ewing	Reynolds	Wynn
Greenwood	Roybal-Allard	

□ 1558

Ms. KILPATRICK and Messrs. FATTAH, SAWYER, TIERNEY and BARCIA changed their vote from “aye” to “no.”

Ms. ESHOO, Mr. LATHAM and Mr. WISE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1600

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 525, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY: Page 46, line 21, after the dollar amount, insert the following: “(increased by \$4,770,000)”.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 16, as follows:

[Roll No. 300]

AYES—207

Ackerman	Becerra	Borski
Allen	Bentsen	Boswell
Andrews	Bereuter	Boucher
Baca	Berkley	Brady (PA)
Baird	Berman	Brown (FL)
Baker	Berry	Brown (OH)
Baldacci	Bishop	Capps
Baldwin	Blagojevich	Capuano
Barcia	Blumenauer	Cardin
Barrett (WI)	Bonior	Carson

Clay	Johnson, E. B.	Pascarell
Clayton	Jones (OH)	Pastor
Clement	Kanjorski	Payne
Clyburn	Kaptur	Pelosi
Condit	Kasich	Peterson (MN)
Conyers	Kelly	Phelps
Costello	Kildee	Pomeroy
Coyne	Kilpatrick	Price (NC)
Crowley	Kind (WI)	Rahall
Cummings	Kleczka	Reyes
Danner	Klink	Riley
Davis (FL)	Kucinich	Rivers
Davis (IL)	LaFalce	Rodriguez
DeFazio	Lampson	Rothman
DeGette	Lantos	Rush
Delahunt	Larson	Sabo
DeLauro	Leach	Sanchez
Dicks	Lee	Sanders
Dingell	Levin	Sandlin
Dixon	Lewis (GA)	Sawyer
Doggett	Lipinski	Schakowsky
Doyle	Lofgren	Scott
Edwards	Lowe	Sherman
Engel	Lucas (KY)	Shows
Eshoo	Lucas (OK)	Sisisky
Etheridge	Luther	Skelton
Evans	Maloney (CT)	Slaughter
Farr	Maloney (NY)	Smith (WA)
Fattah	Manzullo	Snyder
Filner	Markey	Spratt
Forbes	Mascara	Stabenow
Ford	Matsui	Stark
Frost	McCarthy (MO)	Stenholm
Ganske	McCarthy (NY)	Stupak
Gejdenson	McDermott	Tanner
Gephardt	McGovern	Tauscher
Gonzalez	McIntyre	Taylor (MS)
Green (TX)	McKinney	Terry
Gutierrez	McNulty	Thompson (CA)
Gutknecht	Meehan	Thompson (MS)
Hall (OH)	Meek (FL)	Thurman
Hall (TX)	Meeks (NY)	Tierney
Hastings (FL)	Menendez	Toomey
Hefley	Millender-McDonald	Towns
Hill (IN)	Miller, George	Turner
Hilliard	Minge	Udall (CO)
Hinchey	Mink	Udall (NM)
Hinojosa	Moakley	Velazquez
Hoeffel	Morella	Visclosky
Holden	Murtha	Vitter
Holt	Nadler	Waters
Hoolley	Napolitano	Watt (NC)
Horn	Neal	Waxman
Hoyer	Oberstar	Weiner
Inlee	Obey	Wexler
Jackson (IL)	Oliver	Weygand
Jackson-Lee	Ortiz	Wise
(TX)	Owens	Woolsey
Jefferson	Pallone	Wu
John		

NOES—211

Aderholt	Chambliss	Frelinghuysen
Archer	Chenoweth-Hage	Gallegly
Armey	Coble	Gekas
Bachus	Coburn	Gibbons
Ballenger	Collins	Gilchrest
Barr	Combest	Gillmor
Barrett (NE)	Cooksey	Gilman
Bartlett	Cramer	Goode
Barton	Crane	Goodlatte
Bass	Cubin	Goodling
Bateman	Cunningham	Gordon
Biggert	Davis (VA)	Goss
Bilbray	Deal	Graham
Bilirakis	DeMint	Granger
Bliley	Diaz-Balart	Green (WI)
Blunt	Dickey	Greenwood
Boehlert	Dooley	Hansen
Boehner	Doolittle	Hastings (WA)
Bonilla	Dreier	Hayes
Bono	Duncan	Hayworth
Boyd	Dunn	Herger
Brady (TX)	Ehlers	Hill (MT)
Bryant	Ehrlich	Hilleary
Burr	Emerson	Hobson
Burton	English	Hoekstra
Buyer	Everett	Hostettler
Callahan	Ewing	Houghton
Calvert	Fletcher	Hulshof
Camp	Foley	Hunter
Canady	Fossella	Hyde
Cannon	Fowler	Isakson
Castle	Frank (MA)	Istook
Chabot	Franks (NJ)	Jenkins

Johnson (CT)	Packard	Simpson
Johnson, Sam	Paul	Skeen
Jones (NC)	Pease	Smith (MI)
King (NY)	Peterson (PA)	Smith (NJ)
Kingston	Petri	Smith (TX)
Knollenberg	Pickering	Souder
Kolbe	Pickett	Spence
Kuykendall	Pitts	Stearns
LaHood	Pombo	Strickland
Largent	Porter	Stump
Latham	Portman	Sununu
LaTourette	Pryce (OH)	Sweeney
Lazio	Quinn	Talent
Lewis (CA)	Radanovich	Tancredo
Lewis (KY)	Ramstad	Tauzin
Linder	Regula	Taylor (NC)
LoBiondo	Roemer	Thomas
Martinez	Rogan	Thornberry
McCollum	Rogers	Thune
McCrery	Rohrabacher	Tiahrt
McHugh	Ros-Lehtinen	Traficant
McInnis	Roukema	Upton
McKeon	Royce	Walden
Metcalf	Ryan (WI)	Walsh
Mica	Ryun (KS)	Wamp
Miller (FL)	Salmon	Watkins
Miller, Gary	Sanford	Watts (OK)
Mollohan	Saxton	Weldon (FL)
Moore	Scarborough	Weldon (PA)
Moran (KS)	Schaffer	Weller
Myrick	Sensenbrenner	Whitfield
Nethercutt	Sessions	Wicker
Ney	Shadegg	Wilson
Northup	Shaw	Wolf
Norwood	Shays	Young (AK)
Nussle	Sherwood	Young (FL)
Ose	Shimkus	
Oxley	Shuster	

NOT VOTING—16

Abercrombie	Hutchinson	Roybal-Allard
Campbell	Kennedy	Serrano
Cook	McIntosh	Vento
Cox	Moran (VA)	Wynn
DeLay	Rangel	
Deutch	Reynolds	

□ 1606

Mr. DAVIS of Florida and Mr. SNYDER changed their vote from “no” to “aye.”

Mr. CRAMER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DEUTSCH. Mr. Chairman, on rollcall No. 300, had I been present, I would have voted “yea.”

AMENDMENT OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 108, not voting 12, as follows:

[Roll No. 301]

AYES—314

Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)

Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern

McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northrup
Nussle
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascarelli
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu

Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney

Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner

Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NOES—108

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barton
Bateman
Berry
Biggert
Bilirakis
Bliley
Blunt
Bonilla
Bono
Boucher
Brady (TX)
Burr
Burton
Buyer
Callahan
Canady
Chabot
Chambliss
Coble
Coburn
Combest
Cramer
Crane
Cubin
Deal
DeMint
Diaz-Balart
Dingell
Duncan
Everett

Goode
Goodlatte
Goodling
Graham
Granger
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
McIntyre
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Ney
Norwood
Paul

Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Scarborough
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Stump
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Whitfield
Wicker
Young (AK)

NOT VOTING—12

Abercrombie
Campbell
Cook
DeLay

Gekas
McIntosh
Rangel
Reynolds

Roybal-Allard
Serrano
Vento
Wynn

□ 1616

Mr. WAMP and Mr. BURTON of Indiana changed their vote from “aye” to “no.”

Messrs. CANNON, DICKEY, and McNULTY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 48 offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 325, not voting 11, as follows:

[Roll No. 302]

AYES—98

Barrett (WI)
Bass
Bereuter
Bilbray
Blagojevich
Blumenauer
Bonilla
Brown (OH)
Bryant
Camp
Carson
Chabot
Coble
Conyers
Coyne
Danner
DeFazio
DeLahunt
Dingell
Duncan
Evans
Ford
Frank (MA)
Franks (NJ)
Ganske
Goode
Goodlatte
Goodling
Green (WI)
Gutierrez
Hefley
Herger
Hilleary

Hoekstra
Holden
Holt
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kolbe
Largent
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Maloney (NY)
Manzullo
McInnis
Meehan
Miller, George
Minge
Mink
Myrick
Nadler
Nussle
Oberstar
Obey
Oliver
Pallone

Pascarelli
Paul
Pease
Pelosi
Petri
Phelps
Pomeroy
Porter
Portman
Ramstad
Rivers
Roemer
Roukema
Ryan (WI)
Sanders
Sanford
Schaffer
Shays
Shuster
Smith (MI)
Spratt
Stark
Strickland
Tancredo
Tierney
Udall (NM)
Upton
Velazquez
Visclosky
Waxman
Woolsey
Young (AK)

NOES—325

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth-Hage

Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler

Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam

Jones (NC)	Murtha	Skeen
Jones (OH)	Napolitano	Skelton
Kasich	Neal	Slaughter
Kennedy	Nethercutt	Smith (NJ)
Kilpatrick	Ney	Smith (TX)
King (NY)	Northup	Smith (WA)
Klecza	Norwood	Snyder
Klink	Ortiz	Souder
Knollenberg	Ose	Spence
Kucinich	Owens	Stabenow
Kuykendall	Oxley	Stearns
LaFalce	Packard	Stenholm
LaHood	Pastor	Stump
Lampson	Payne	Stupak
Lantos	Peterson (MN)	Sununu
Larson	Peterson (PA)	Sweeney
LaTourette	Pickering	Talent
Lewis (CA)	Pickett	Tanner
Lewis (GA)	Pitts	Tauscher
Lewis (KY)	Pombo	Tauzin
Linder	Price (NC)	Taylor (MS)
Lipinski	Pryce (OH)	Taylor (NC)
Lofgren	Quinn	Terry
Lucas (KY)	Radanovich	Thomas
Lucas (OK)	Rahall	Thompson (CA)
Maloney (CT)	Regula	Thompson (MS)
Markey	Reyes	Thornberry
Martinez	Riley	Thune
Mascara	Rodriguez	Thurman
Matsui	Rogan	Tiahrt
McCarthy (MO)	Rogers	Toomey
McCarthy (NY)	Rohrabacher	Towns
McCollum	Ros-Lehtinen	Traficant
McCrery	Rothman	Turner
McDermott	Royce	Udall (CO)
McGovern	Rush	Vitter
McHugh	Ryun (KS)	Walden
McIntyre	Sabo	Walsh
McKeon	Salmon	Wamp
McKinney	Sanchez	Waters
McNulty	Sandlin	Watkins
Meek (FL)	Sawyer	Watt (NC)
Meeks (NY)	Saxton	Watts (OK)
Menendez	Scarborough	Weiner
Metcalfe	Schakowsky	Weldon (FL)
Mica	Scott	Weldon (PA)
Millender-	Sensenbrenner	Weller
McDonald	Sessions	Wexler
Miller (FL)	Shadegg	Weygand
Miller, Gary	Shaw	Whitfield
Moakley	Sherman	Wicker
Mollohan	Sherwood	Wilson
Moore	Shimkus	Wise
Moran (KS)	Shows	Wolf
Moran (VA)	Simpson	Wu
Morella	Sisisky	Young (FL)

NOT VOTING—11

Abercrombie	McIntosh	Serrano
Campbell	Rangel	Vento
Cook	Reynolds	Wynn
DeLay	Roybal-Allard	

□ 1625

Messrs. KENNEDY of Rhode Island, MARKEY, and FOSSELLA changed their vote from "aye" to "no."

Messrs. NADLER, OLVER, and PEASE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Chairman, earlier today, I was unavoidably detained from presence on the House floor as a result of meetings at the White House with respect to the Medal of Honor winners.

Had I been present, I would have voted on amendments to H.R. 4635, Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001: on rollcall number 300, yes; rollcall number 301, yes; and rollcall number 302, yes.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 90, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill from page 81, line 11 through page 90, line 16 is as follows:

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program,

project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. NASA FULL COST ACCOUNTING.—Title III of the National Aeronautics and Space Act of 1958, P.L. 85-568, is amended by adding the following new section at the end:

“SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, “Human space flight”, “Science, aeronautics and technology,” and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for two fiscal years. Each account shall include the planned full costs of the Administration’s related activities.

“(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

“(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the “Mission support” account are to be transferred to the “Human space flight” and “Science, aeronautics and technology” accounts. Such balances shall be transferred and merged with the “Human space flight” and “Science, aeronautics and technology” accounts, and remain available for the period of which originally appropriated.”

SEC. 421. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the

Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. PESTICIDE TOLERANCE FEES.—None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Notwithstanding any other provision of law, and effective with enactment of this Act, the General Services Administration shall allocate one Senior Executive Service slot for the position of Director, Federal Consumer Information Center, from the total number of Senior Executive Service positions authorized to the General Services Administration by the Office of Personnel Management: *Provided*, That said Senior Executive Service slot shall be a permanent career reserved position and filled with all due speed: *Provided further*, That this Senior Executive Service slot shall remain hereafter in the Federal Consumer Information Center. Such funds as may be necessary to carry out this provision shall be made available from funds appropriated to the Federal Consumer Information Center Fund.

SEC. 425. None of the funds provided in title III of this Act shall be obligated or expended to support joint research programs between the United States Air Force and the National Aeronautics and Space Administration. Specifically, none of the funds in this Act shall be used to support the activities of the AF-NASA Council on Aeronautics and the AFSPC-NRO-NASA Partnership Council.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this time I rise to enter into a colloquy with the gentleman from Wisconsin (Mr. GREEN).

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from New York (Chairman WALSH), as he knows, there is report language attached to this bill that tells the EPA not to undertake dredging of contaminated sediments until the completion of a study by the National Academy of Sciences.

I understand that similar language has been included in the VA-HUD report in each of the past 2 years.

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, that is correct.

Mr. GREEN of Wisconsin. Mr. Chairman, as the gentleman may know, sediments in the Fox River in Northeast Wisconsin have been determined to be contaminated with PCBs.

Last year a number of the paper companies along this river did a dredging demonstration project, commonly referred to as 5657. Unfortunately, the demonstration project did not remove enough of the contaminated sediments to adequately clean up the site.

□ 1630

I along with most of the citizens of Northeast Wisconsin have been

pushing both the paper companies and the EPA to complete the cleanup of this site. Fortunately, one of the companies involved recently reached an agreement with EPA and the Wisconsin Department of Natural Resources to go back into 56/57 and complete the dredging to its original specifications. Some people have expressed concern that this report language might have an effect on this agreement and on the overall push for a settlement and cleaning up of the Fox River. I want to ask for a clarification on this matter. Specifically, can the gentleman from New York tell me whether this report language will have any impact on the work scheduled for the Fox River?

Mr. WALSH. I thank the gentleman for his inquiry. Specifically, this language says that, and I quote, “exceptions are provided for voluntary agreements,” and therefore I can assure him that this language will not affect the specific project he is concerned with, the site he called 56/57. Furthermore, nothing in this report language should be construed as preventing or discouraging a prompt settlement between the EPA and the paper companies along the Fox River for cleanup of the PCBs.

Mr. GREEN of Wisconsin. I thank the gentleman for this clarification and for his attention to this matter.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I thank the gentleman for yielding. My friend from New York knows that I have been greatly concerned about the chronic problem of transborder sewage pollution coming from Mexico which continues to contaminate the oceans and close the beaches of the communities of South San Diego County, including my hometown of Imperial Beach. I have been working closely with the gentleman to address this problem of protecting the public health in my community.

Specifically, I want to thank the gentleman for his careful consideration of my request to take action on the issue of the arbitrary cap on the spending limit on the U.S. international wastewater treatment plant across from Tijuana, Mexico, that treats their sewage and discharges it onto the beaches of my hometown of Imperial Beach. This cap was put in place in this VA-HUD bill by the 102nd Congress in 1992-1993. The sad result of this cap is that the international treatment plant, which is operated by the Federal Government, is now operating in violation of the Clean Water Act. This arbitrary cap must be lifted in order to provide for

construction of secondary treatment on our side of the border that will adequately address both current and future flows of Mexican sewage.

The Federal Government requires upgrades for environmental reasons at similar private sector and local facilities all over this country, but at the same time this arbitrary cap which was set by a previous Congress is resulting in the violation by the Federal Government of its own Clean Water Act. As the chairman of the subcommittee is aware, I have prepared an amendment to his bill which would have sought a lifting of this cap, and the facilitation of the timely construction of the secondary sewage facility. However, I am informed that the amendment would have been subject to a point of order as legislation on an appropriation bill.

Mr. WALSH. I thank the gentleman for his statement and I thank him also for his strong environmental leadership in Southern California. He is noted throughout this House for his clear thinking. The gentleman is also correct that while the intentions of this amendment are quite clear, because the effect of the amendment would alter existing law, it would be in violation of clause 2 of rule XXI, and I would reluctantly be forced to bring a point of order against the amendment which would be sustained.

Mr. BILBRAY. I thank the gentleman for the clarification. Given this procedural situation, I will not be offering my amendment at this time but will continue to work together with the gentleman on his bill to address the cap issue as the legislation moves forward.

Mr. Chairman, it is essential that the Federal Government be required to achieve the same environmental standards that they and we require on every-one else.

Mr. WALSH. I appreciate the gentleman's remarks and will certainly continue to work with him on this issue. The gentleman from California has made very clear to me the chronic problems his community faces as a result of the problems of Mexican sewage flows, and he has made clear his desire to lift the cap in order to help provide the appropriate levels of treatment to do so.

While we share his interest in resolving this issue, we remain concerned with the preferred proposal which EPA has chosen by which to provide secondary treatment which we believe would not be adequate to protect the public health. We therefore believe it would be unwise to raise the cap at this time. As is stated in the report, however, the committee will be continuing to examine progress on this issue, including the potential for secondary facilities to be sited in Mexico. We anticipate revisiting this important issue of secondary treatment at a later time.

Mr. BILBRAY. I want to thank the gentleman for his consideration and

commitment. Mr. Chairman, my community is just asking how many more decades have to pass before the citizens of Imperial Beach and South San Diego are protected by their Federal Government from pollution from a foreign country.

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, May 22, 2000.

Hon. JAMES WALSH, Chairman, Subcommittee on Veterans Affairs, HUD, and Independent Agencies, House Appropriations Committee, the Capitol, Washington, DC.

DEAR CHAIRMAN WALSH: I am writing to follow up on our continuing conversations regarding the public health and environmental threats posed by untreated Mexican sewage flowing into the U.S. and on to beaches in my district, and the need for secondary sewage treatment along our border with Mexico. I greatly appreciate the level of attention you and your staff have shown to me on this critical issue to date.

As you well know, the Environmental Protection Agency has selected a ponding alternative for 25 mgd of secondary treatment at the International Wastewater Treatment Plant (IWTP). While EPA has indicated that its chosen alternative would not require the appropriation of new monies, it nonetheless remains extremely controversial in South Bay communities. There is widespread concern that constructing ponds at this site would be shortsighted for two significant engineering reasons—(1) current levels of sewage have already reached to 50 mgd and higher, which would overcapacitate the 25 mgd ponds from day one, and (2) potential future expansion of the IWTP's capacity would be precluded by the location of secondary ponds on this site.

It was for these reasons that I prevailed on the EPA throughout much of last year to give every possible consideration to the construction (by a public-private partnership) of a secondary treatment facility in Mexico, which would utilize the same kind of technology preferred by the EPA, but would have the ability to build out to treatment levels of 50, 75 or even 100 mgd, and in the process reclaim the wastewater for reuse in Mexico. It is clear that capacity levels of this magnitude are going to be needed in order to meet the needs of this rapidly growing region. However, the EPA has made clear its intention to proceed with its preferred alternative on the U.S. side, and has asked for your support in raising the cap on spending at the IWTP, in order to construct the ponds with funds already appropriated to it within the Border Environmental Infrastructure Fund (BEIF).

I have reservations about the practicality of the EPA's preferred alternative, and believe that the immediate threat to our ocean and beaches in the U.S. stems from untreated Mexican sewage flows which are not being captured and treated at the IWTP. However, it is nonetheless critical to communities in the region, such as my hometown of Imperial Beach, that this effluent is treated to secondary levels, and that the capacity for doing so is able to be expanded in a timely manner in order to address the increasing levels of flow from Mexico. In order to achieve this target of secondary treatment, regardless of the alternative or technology chosen, the existing cap on spending will need to be raised. In a letter dated April 12, the EPA specifically asked for your assistance in this regard.

You will recall that I supported a similar request from the EPA to raise the spending

cap in the waning hours of the 105th Congress; however, it was submitted by the Administration too late to merit serious consideration at that "eleventh hour." I recognize and appreciate the Subcommittee's fiscal and policy concerns about EPA's preferred alternative which you have outlined to me previously, including the subsequent likely need in the very near future to construct yet another costly facility in the U.S. to treat sewage flows which will exceed 25 mgd capacity of secondary ponds. I know that is a challenging issue your Subcommittee; however, the need for secondary treatment is clear. Therefore, I would respectfully urge you to pursue language in your FY 2001 bill which would facilitate raising the cap and embarking on a means to achieve secondary treatment which will comprehensively address this problem.

I greatly appreciate your continued concern for and interest in this important issue, and thank you again for your consideration. Please don't hesitate to contact me directly, or Dave Schroeder of my staff, should your have question or require any additional information.

Sincerely,

BRIAN BILBRAY,
Member of Congress.

AMENDMENT TO H.R. 4635, AS REPORTED, VA
HUD APPROPRIATIONS ACT, 2001, OFFERED
BY MR. BILBRAY OF CALIFORNIA

Page 90, after line 16, insert the following:
SEC. 426. The limitation on the amounts of funds appropriated to the Environmental Protection Agency that may be used for making grants under section 510 of the Water Quality Act of 1987 under the heading STATE REVOLVING FUNDS/CONSTRUCTION GRANTS in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (106 Stat. 1599) shall not apply to funds appropriated in this Act or any other Act approved after the date of enactment of this Act.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN) for a colloquy between himself and the gentleman from California (Mr. LEWIS).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate very much the gentleman from West Virginia (Mr. MOLLOHAN) yielding to me. In turn I want to express my appreciation to the chairman and the ranking member for their longstanding interest in the subject we are about to discuss.

Mr. Chairman, I would like to ask the gentleman from California (Mr. WAXMAN) to enter into a colloquy to clarify the effects of this legislation on EPA's pending radon drinking water regulation. It may surprise some in this body to know that the gentleman from California (Mr. WAXMAN) and I have a long history of working together on behalf of the environment, particularly in California. The issue of radon gives us another opportunity to

work together in a bipartisan fashion. Water districts across the country are understandably concerned about the high costs of treating water for radon while little is done to address radon in indoor air. EPA's own science indicates that 98 percent of the threat from radon comes from sources other than drinking water. Is this the gentleman's understanding?

Mr. WAXMAN. The gentleman is correct. I would also note our history of working together to protect the environment. Radon in indoor air is the second leading cause of lung cancer and is a serious public health concern. Although radon in tap water can pose significant risk, the clear majority of the risk from radon on a national basis comes from radon seeping into homes from soil. For this reason and for the reasons the gentleman stated, the Safe Drinking Water Act was drafted to allow for the implementation of multimedia programs that would allow States to focus on radon more on indoor air than on drinking water. This would allow the States to address radon in the most cost-effective manner possible. If States implement these programs, then public water systems could comply with much less stringent standards while we achieve improved public health protection.

Mr. LEWIS of California. I agree that radon is a serious public health issue and that a multimedia approach is a sensible way to address it. Unfortunately, I have heard many concerns from my constituents about this proposed regulation. I believe other Members have as well. In California alone, if the State does not adopt a multimedia program, the water agencies have stated that this new standard for radon in water would cost water customers some \$400 million in the first year of implementation. Would the gentleman agree that it may be appropriate for Congress to pass legislation to provide greater health protection than the proposed radon drinking water rule? My intent is to provide reasonable resources to address radon in indoor air and provide greater certainty to drinking water providers that they will be spending money sensibly.

Mr. WAXMAN. I agree and believe the law could be strengthened in this manner. I want to commit to working together on an expedited basis to develop legislative language that would achieve these goals. I believe we do not need to delay the EPA regulations to achieve this goal and that delaying the regulations may be counterproductive. Will the gentleman agree to work on legislation with technical assistance from EPA?

Mr. LEWIS of California. I certainly will. I appreciate the gentleman extending that hand, for there is little doubt that this problem does not know partisan lines and to be able to work together with him dealing with EPA

would be very helpful to me and much appreciated.

Mr. WAXMAN. Will the gentleman also agree to address the radon report language in conference to prevent the rule from being delayed?

Mr. LEWIS of California. Yes, I will if the gentleman will agree to work on a bipartisan approach to this problem that is a good solution. Bipartisan legislation could address the concerns of all stakeholders. I look forward to working with the gentleman.

Mr. WAXMAN. I look forward to working with him in seeing that we can resolve this in a way that will be most productive for protecting public health.

Mr. LEWIS of California. We appreciate the committee's cooperation.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:
Page 19, after line 21, insert the following new section:

SEC. 114. Not later than March 30, 2001, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the Senate and House of Representatives a report on the program of the Department of Veterans Affairs for the establishment and operation at Department medical centers of Mental Illness Research, Education and Clinical Centers (MIRECCs). The report shall include the following:

(1) Identification of the allocation by the Secretary, from funds appropriated for the Department in this Act and for prior fiscal years, of funds for such Centers, including the number of Centers for which funds were provided and the locations of those Centers.

(2) A description of the research activities carried out by those Centers with respect to major mental illnesses affecting veterans.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume. The amendment I am offering today would require the Department of Veterans Affairs by March 30 of next year to report to the Congress on the establishment and operation of their mental illness research, education and clinical centers. In addition, the report would include an accounting of the funds allocated by the Department for these centers and a description of the research activities carried out by these facilities.

Let me say that serious mental illness remains one of the most debilitating and costly scourges facing individuals who suffer, their families and friends and our Nation's communities. Among those who suffer are thousands and thousands of veterans. Nearly 2

years ago right outside these doors, Officers Gibson and Chestnut were gunned down just inside this Capitol by a man who suffered from serious mental illness. I asked myself then when would we as a Nation look this set of illnesses squarely in the eye and do what is required to unlock the mysteries that shroud medical understanding and treatment.

Importantly, at the direction of this Congress, the Department of Veterans Affairs has now opened eight mental illness research, education and clinical centers across our country. The Department is noted for so many scientific breakthroughs. I just want to also state for the record that three of the centers that currently operate were opened in 1997, three more in 1998, and the last two in 1999. In the 1999 selection process, there were eight applicants and of these, five merited site visits and two were considered outstanding and were approved.

But it is estimated that even with the opening of these centers, the Veterans Affairs budget for mental health research has remained flat for a decade and a half.

VA mental health research remains disproportionate to the utilization of mental illness treatment services by veterans. In fact, in 1988 only 11 percent of all VA research was dedicated to chronic mental illness, substance abuse and post-traumatic stress syndrome, despite the fact that nearly 25 percent of patients in the system receive mental illness treatment. That is one system where people are actually being treated. The problem is we do not have answers to so many of these serious illnesses, illnesses like schizophrenia, illnesses like bipolar disorder, illnesses that do not go away but are in fact chemical imbalances of the central nervous system.

My amendment is an attempt to get the Department of Veterans Affairs to carefully focus on what they are doing to provide this Congress with a better understanding on the mission of each of the centers, their funding as well as their achievements so we can work hand in hand with the Department to help not just find answers for America's veterans but indeed to use the Department of Veterans Affairs to find answers for all those who suffer from these horrendous diseases here in our country.

Mr. Chairman, I reserve the balance of my time.

□ 1645

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not in opposition, and I thank the gentlewoman from Ohio (Ms. KAPTUR) for her amendment. I thank her for her strong advocacy for the mentally ill. She has always worked extremely hard and with real dedication to this issue to ensure that medical and social services are reached by those in need, especially our veterans.

I know of no objection to this amendment, and for that reason, I would accept the amendment and urge its adoption.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) for his openness and willingness to work hand and hand with us on this and also express my appreciation on behalf of all of those who suffer.

Mr. Chairman, I also want to thank the ranking member of the subcommittee, the gentleman from West Virginia (Mr. MOLLOHAN) for allowing me this time early on in this particular title. I genuinely appreciate the acceptance of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with a member of the subcommittee, the gentleman from Michigan, a distinguished Member (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I appreciate the gentleman for yielding to me on this issue. I want to report to the gentleman from New York (Mr. WALSH) that the NRC, the Nuclear Regulatory Commission, has just contacted me to state their claim that any failure to achieve an MOU, a memorandum of understanding, with the EPA is not for any lack of trying on the part of the NRC.

I hope that as we move to and through the conference that we have an opportunity to look into the matter and examine the facts and merits of their claim.

Mr. WALSH. Mr. Chairman, I thank the gentleman for communicating this matter to me and to the subcommittee and will look into the claim of the Nuclear Regulatory Commission and the attendant report language.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. (a) The amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical Care" is hereby increased by \$500,000,000, and the amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical and Prosthetic Research" is hereby increased by \$65,000,000.

(b) Any reduction for a taxable year beginning before January 1, 2003, in the rate of tax on estates under the Internal Revenue Code of 1986 that is enacted during 2000 shall not apply to a taxable estate in excess of \$20,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from Texas (Mr. EDWARDS).

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can think of no group that deserves Congress' support more than America's veterans, and this amendment is about supporting and keeping our commitment to those veterans.

According to the Disabled American Veterans, the Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America, the \$535 million in increased VA medical care and research funding in this amendment is needed and I quote, "to fill the funding gap so the needs of our Nation's veterans can be properly met."

Dennis Cullinan, director of the National Legislative Service for the Veterans of Foreign Wars sent me a letter 2 days ago saying the VFW, and I quote, "would like to take this opportunity to extend our support to your amendment."

Mr. Chairman, why is this amendment needed? The answer is very simple, to keep our commitment to our Nation's veterans, just as those veterans have kept their commitment to us. As the DAV, VFW, AMVETS and Paralyzed Veterans of America have said, "over the past decade, spending for veterans' health care has fallen dramatically short of keeping pace with medical inflation and associated cost increases."

How do we pay for my amendment? We do it by simply delaying the recently passed estate tax reduction for estates only over \$20 million. That would save us \$1 billion over 2 years, the exact same amount it would take to improve health care for America's 25 million veterans.

In other words, we can see that millions of veterans receive the health care they need and deserve if this

House will simply today say that approximately 6 of the richest families in each State should not receive a \$500 million a year tax windfall.

The choice is very clear. We can tell one-ten thousandth of 1 percent of the richest estates in America that we are not going to give you a tax break. Why? So we can take care of the millions of veterans who sacrificed to ensure your family's freedom and opportunity.

The question today is, whose side are we on? Do we want to help millions of veterans struggling to get better health care, or do we want to help one ten-thousandth of 1 percent of America's most affluent families?

Mr. Chairman, I have heard a lot of candidate speeches lately about values, but I would suggest that, as Members of Congress, how we vote on budget priorities says a lot more about our values than all of our speeches combined.

To keep our Nation's commitment to veterans, we do not have to undo the entire estate tax reform bill passed just 2 weeks ago on this floor.

We do not even have to raise taxes on the wealthy, who frankly have already received enormous tax cuts through reductions and capital gains taxes. All we have to do is tell Bill Gates and Steve Forbes and about 300 of America's richest estates each year that we believe that taking care of millions of veterans and their health care is more important than giving another tax break.

Mr. Chairman, this amendment should be a simple choice. It is a clear choice. If no Member of this House will object this afternoon, we can pass this amendment and help veterans today.

I would point out the Republican leadership did let tax provisions be put in the appropriations bill passed on October 20 of 1998 on this floor. I would hope the Republican leadership would give America's veterans the same procedural respect today that hundreds of other less deserving groups were given in October of 1998 on the appropriations bill in this House.

Mr. Chairman, let me say they have done a very respectable, fine job of supporting veterans given the Republican budget constraints caused by massive regressive tax proposals.

I do want to commend the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their subcommittee work. They have done well within those constraints.

This amendment though is not about their work on the Appropriations Subcommittee, rather this amendment is about a clear choice of whether Congress should spend an additional \$500 million helping one-ten thousandth of 1 percent of America's families or whether we want to take that same \$500 million and help millions of America's veterans.

It is a clear choice. This amendment is about our priorities in this House. It is about our values. It is about whose side are we on. Let us vote for the Edwards amendment and stand by the veterans who have stood up for all of America's veterans.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) has 5 minutes remaining, the gentleman from New York (Mr. WALSH) has reserved his time and his point of order.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), who is the senior Democrat on the Committee on Veterans Affairs and has been a stalwart fighter on behalf of veterans' programs in this Congress.

Mr. EVANS. Mr. Chairman, I commend the gentleman from Texas (Mr. EDWARDS) for his amendment. He is a great advocate for veterans as his amendment again demonstrates.

The Edwards amendment increases funding next year for veterans' medical care, by \$500 million and funding for the VA medical research by \$35 million. These increases are needed if veterans are to receive access to timely and high-quality medical care and services, and the research program of VA is to be adequately funded.

Too many veterans are being forced to wait too long to receive the medical care they need and deserve. Today some veterans are waiting as long as 6 months for an appointment with a primary care provider. The waiting list for an appointment with the specialist can actually be longer.

The Edwards amendment provides resources to improve the quality and timely delivery of medical care to our Nation's veterans. VA is recognized worldwide as a leader in medical research.

The Edwards amendment will increase funds for the VA medical research program next year by \$65 million. Under the current level of funding for VA medical research, only a small portion of worthwhile projects are provided needed funding. The Edwards increase in research funding is a sound investment to enable VA researchers to make breakthrough discoveries which will benefit veterans and the general population.

Again, I commend the gentleman from Texas (Mr. EDWARDS) for offering his amendment, it is a sign of his leadership on these issues. I urge my colleagues to vote for the Edwards amendment.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER), a ranking Democrat on the VA Subcommittee on

Benefits. He also has been a real leader on veterans' programs in this Congress.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Edwards amendment and in strong support of our Nation's veterans. The amendment of the gentleman from Texas (Mr. EDWARDS) calls for an increase in \$500 million in the health budget of the VA. This money was not just pulled from the air, that figure, it comes from this document, the Independent Budget for the Department of Veterans Affairs, a comprehensive policy document created by veterans for veterans.

All of the veterans in this Nation got together to say what do we need for a professional Veterans Administration and one that will keep up our health and our benefits. This is a professional job, an analytical job. Let me just tell Members where that \$500 million will go.

Under the section on staff shortages, in this independent budget, let me just read what veterans experts have concluded, faced with severe budget shortfalls, VA facilities have laid off hundreds of employees, including physicians, nurses, physicians assistants, and other clinical staff.

Layoffs combined with staff attrition from retirement, transfer and resignation have left VA facilities with insufficient clinical staff to meet veterans' needs. In some cases, administrators have had difficulty filling vacant positions compounding their staff shortages.

We have witnessed many cases of poor quality care that are the direct result of inadequate staffing. For example, one spinal cord injury center with dangerously low staffing levels has seen its mortality rate increase threefold during the last 4 years. We are killing veterans because we have inadequate staffing levels.

Adequate numbers of well-trained staff are needed to keep up with the workload to prevent potentially harmful delays in care and to provide appropriate care. At one VA center in our country, for example, a patient faced a 97-day wait for an appointment at the vascular clinic and a 14-month wait for dental prosthetics at the dental clinic.

One stroke patient at this medical center reported having his outpatient rehabilitation therapy suspended for several weeks, because his therapist went on vacation and there was no one to cover her. Because of staff shortages brought on by budget constraints, VA facilities have drastically reduced services or eliminated them altogether.

After the dental department at one medical center was downsized from 5 to 3, routine oral exams given to veterans as part of their physicals were simply phased out. This was done despite the fact that dentists at the clinic found an

unusually high number of oral cancers from veterans during these exams.

What are we doing to the people who have provided us with this great economy that we have today? We are eliminating the services that can save their life or prolong the quality of their life. Not only is elimination of routine oral exams inconsistent with VA's goal of increasing access to primary and preventive care, but it increases expenses over the long run.

We have concluded that we have crossed the boundaries. We are not providing our veterans with sufficient care.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the amendment here in front of me, and I think it needs to be commented on that we have increased veterans' medical care almost \$1.4 billion this year. We increased veterans' medical care a \$1.7 billion last year. Those are record level increases in veterans' medical care, and they were properly appropriated for. These additional funds, the \$500 million included in the amendment, are not offset.

There is no source of these funds available to us. In addition, the gentleman from Texas (Mr. EDWARDS) provides an additional \$35 million for medical and prosthetic research.

We just, last night, added \$30 million back into that category for research, which was properly offset. The presenter of the amendment looked into the budget, found some additional funds, we agreed there is a proper use of those funds, and a higher priority went to research.

I just would restate that I think we have done our job. We have done it well within the available funds. If additional funds become available later on in the process, we will look at prioritizing those also, but I must oppose the gentleman's amendment.

Mr. Chairman, I continue to reserve my point of order.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me agree with the gentleman from New York (Mr. WALSH), he has done very well within the constraints that the Republican leadership and the House has put on what we can spend on VA health care. The problem is, that the multibillion dollar tax cut for the wealthiest one-tenth thousandth of 1 percent of families in America that we passed 2 weeks ago provides less money for this bill.

We do have an offset in this bill. We just choose to help 25 million veterans get better health care rather than giving 300 of America's richest estates a further tax cut, that is a choice we should be allowed to make.

□ 1700

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, is there any time remaining on our side?

The CHAIRMAN. The gentleman has 8 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will not take more than 30 seconds.

My friend on the other side has worked diligently. As a matter of fact, this is one of the most bipartisan issues that we have, with the gentleman from California (Mr. FILNER) and the gentleman from Texas (Mr. EDWARDS) and the ranking minority on this committee. But I would say to my friends, the veterans have served this country, the United States of America, and all the citizens made a promise to keep health care. Subvention is a pilot program and a Band-Aid. TRICARE, FEHBP, we are all working on those in a bipartisan way. But that promise was made by all Americans, not just a few families.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. The Chair finds that this amendment indirectly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 23 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HINCHEY:

At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. . None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. FRELINGHUYSEN)

be allowed to control 5 of the 10 minutes I have been allotted.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, over the last couple of years particularly, the chairman of the subcommittee on VA-HUD has done an admirable job in ensuring that additional funds were allocated for the Veterans Administration, especially and particularly for veterans health care. In spite of his best efforts, however, many veterans in certain parts of the country are getting inadequate health care nevertheless. That is as the result solely and completely of a program administered within the Department of Veterans Affairs known as the Veterans Equitable Resource Allocation program, otherwise known as VERA.

VERA, in spite of its name, is wholly inequitable. Under VERA, we have seen cuts in veterans health care in many parts of the country, particularly throughout New England, New York, Pennsylvania, the Midwest, the far West, and other places as well. In addition, we have seen cuts in Illinois, Michigan, Wisconsin, Missouri, Kansas, Colorado, California, in addition to other States.

This amendment would provide that no money be allowed for the administration of this program.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this amendment, which I offer with my colleague, the gentleman from New York (Mr. HINCHEY), and many others. Quite simply, Mr. Chairman, this amendment would prevent the VA from using the Veterans Equitable Resource Allocation formula, known as VERA, to allocate funding to 22 Veterans Integrated Service Networks, known as VISNs, throughout the country. Instead, this amendment would send the VA back to the drawing board to develop a formula which would be truly equitable and which would distribute funding across the Nation, so that all of our veterans, regardless of where they live, would be provided with the same access to medical care based on need.

Under the current formula, VISN 3, which includes New York and New Jersey, has seen its funding cut by over 66 percent since 1997. The funding shortfall has hampered VISN 3's ability to provide a full range of medical services to veterans.

For example, look at the VA's VERA-based allocation of funding for hepatitis C testing and treatment. The fiscal year 2000 budget provided \$190 million. The fiscal year 2001 budget under consideration today would increase that amount to \$340 million.

Hepatitis C is a growing problem in our Nation, especially among Viet Nam-era veterans. It is approaching epidemic proportions in VISN 3 in New York and New Jersey, where 26 percent of all veterans tested for hepatitis C have tested positive. The VISN needs approximately \$10 million this year just to provide hepatitis C treatment to veterans who test positive for the virus and additional funding to pay for testing, which can cost between \$50 and \$200 per person.

In March, VA Secretary Togo West told the Subcommittee on Veterans Affairs of the Committee on Appropriations that he had not spent all of the hepatitis C money in the fiscal year 2000 budget because the demand was not there. Because this funding is allocated under the VERA formula, our area has found itself in need of at least an additional \$22 million to pay for hepatitis C testing and treatment this year. These are for veterans in need.

Mr. Chairman, because of the skewed distribution of funding under VERA, under that formula, we are faced with a system of winners and losers. When it comes to providing health care for veterans, there should be no winners and losers.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition?

Mrs. MEEK of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida is recognized for 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all respect and deference to my colleague, I rise in opposition to this amendment. I rushed to get here, and I have been on the floor all day waiting for this amendment.

Mr. Chairman, as you know, the Veterans Equitable Resource Allocation system, better known as VERA, was implemented to ensure that VA resources followed the veterans who are moving to southern and western States. This VERA formula has come under scrutiny many, many times; and each time it has come under scrutiny, there was no way to skew the figures, because the figures must go wherever the veterans are.

For a decade and a half, as more and more veterans moved to southern and western States, our facilities and our services were overwhelmed by the needs of our new veteran arrivals. Even today, our Florida veteran facilities are finally beginning to get the resources we need after so many years of neglect to care for our ever-growing veterans population. VERA has been working well, Mr. Speaker; and our committee knows it has been working well because it has been done in a fair and equitable way.

In 1997, the General Accounting Office reported that VERA makes resource allocations more equitable than the previous system that was in effect. In 1998, the PricewaterhouseCoopers accounting firm found that VERA was sound in its concepts and methods and that VERA was also ahead of other global budgeting systems that are based on historical allocations with periodic adjustments.

Let us face it, Mr. Chairman. Whenever there is an allocation formula, everyone cannot be happy. There are two sides of this, but you cannot get away from the statistical evidence that is presented through these studies. It is obvious that the money goes where the veterans go.

VERA is constantly being refined. Seven adjustments are being implemented in this fiscal year. Florida, the State I represent, the State the gentleman from Florida (Ms. ROSLEHTINEN) represents, the State that the gentleman from Florida (Mr. DIAZ-BALART) represents, and many of us, we have the second largest population of veterans among the 50 States. We have 1.7 million veterans, and that is still growing. There are over 435,000 veterans in the seven counties of South Florida alone, and 48 percent of these veterans are over 65 years of age. Forty-eight percent of these veterans are over 65 years of age.

In fact, the population of veterans over 65 in just these seven South Florida counties is greater, and I emphasize greater, than the entire populations of veterans over 65 in 40 other States. That is a very significant statistic, and I will repeat it: that the population of veterans over 65 in just these seven South Florida counties is greater than the entire population of veterans over 65 in 40 States.

I know that some States that are experiencing decreasing veteran populations, they are very highly critical of VERA, and well they might be; and they have attempted many times to short-circuit VERA in our VA-HUD bill, and each time I have gone to the floor to really defend our system of VERA.

As one who has lived through base closures and realignment, I know how painful it is to close these underutilized facilities. There have been claims that the veterans left behind in States that have been losing veterans are older and sicker. That is what the other States are saying, they are older and sicker. But, by my demonstration here today, I have shown you that we have older veterans. These claims are not supported by the facts.

So VERA is statistically sound; it is following the veterans, that allocation is. So in view of the overwhelming evidence that VERA is targeting VA resources to veteran populations that would need it most, and doing so in a fair manner, I strongly oppose this

amendment and urge my colleagues to do the same, in fairness. Mr. Chairman, it is a simple matter of fairness.

Mr. PRELINGHUYSEN. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the Hinchey amendment. There is nothing fair or equitable about the current VERA allocation formula. If you are from the Northeast, if you are from a sparsely settled part of the country, like my State, veterans are getting the back of hand by the VA. That is what you are getting. There has to be a more equitable distribution of funds.

I will tell Members this, we must have a basic threshold level of quality health care for veterans, no matter where they live. They have to have adequate facilities, they have to have adequate services, and when you have a formula, like VERA strictly distributing funds on a population basis, with major outmigration from some areas, with sparsely settled populations of veterans in others like Nebraska, our veterans are not being treated fairly on VA health care.

I can tell you what is happening in Iowa and Nebraska, in our area. We are being cut dramatically in funds, to the point that veterans are not being served in our part of this country.

This formula has been unfair since it started. They simply will not listen to us down there in the Veterans Affairs Department. They simply go on and treat us unfairly. It is time to stop the use of this inequitable VERA formula. Support the Hinchey amendment.

Mr. Chairman, this Member rises today in strong support of the amendment offered by the distinguished gentlemen from New York (Mr. HINCHEY) which would prohibit funds in the bill from being used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation (VERA) system. Unfortunately this has turned into a regional legislative battle between northeastern states and especially low-population Great Plains and Rocky Mountain states' delegations on one hand, and the Sunbelt states with larger numbers of veterans retirees on the other. Those of us representing the former see our veterans left out in the cold while the money flows to the populace Sunbelt states. Once again, we may be out-voted but it certainly isn't fair to veterans in our states.

From the time the Administration announced this new system, this Member has voiced his strong opposition to VERA because of its inherent flaws in inequitable distribution of funds, and has supported funding levels of the VA Health Administration above the amount the President recommended.

Continuing action in previous years this Member has also recently co-signed a letter to the Chairmen and ranking members of the House and Senate Appropriations Subcommittees on VA/HUD expressing frustrations and concerns with VERA and VISN 14 shortfalls.

This Member was proud to support the increase in funding Congress provided for vet-

erans health care in FY2000. Congress provided \$1.7 billion over the President's request which was far more than ever provided for VA health care in one year and the highest level of increase over a President's budget request for veterans health care. However, the veterans health care system in Nebraska continues to experience growing service and funding shortfalls each year even after the forced closing of two of our three inpatient facilities, reducing the number of full time employees fourteen percent and completing integration of all three VA Medical centers. In FY1999, the VISN 14 area (consisting of Nebraska and Iowa) experienced a \$6 million shortfall, and in FY2000 the shortfall is \$17 million and the project shortfall for FY2001 will be between \$35 and \$45 million. While VISN 14 continues to experience shortfalls in funding, the number of patients continues to increase. Despite the regrettable ruling of non-eligibility for in-patient care for large numbers of Nebraska veterans, the number of patients grew from 59,412 in FY1996 to 75,101 in FY1999.

Clearly the VERA system has had a very negative impact on Nebraska and other sparsely populated areas of the country and on the northeast part of our nation. All members of Congress should agree, Mr. Chairman, that the VA must provide adequate services and facilities for veterans all across the country regardless of whether they live in sparsely populated areas with resultant low usage numbers for VA hospitals. The funding distribution unfairly reallocates the VA's health care budget based strictly on a per capita veterans usage of facilities. There must be at least a basic level of acceptable national infrastructure of facilities, medical personnel, and services for meeting the very real medical needs faced by our veterans wherever they live. There must be a threshold funding level for VA medical services in each state and region before any per-capita funding formula is applied. That is only common sense, but this Administration has too little of that valuable commodity when it comes to treating our veterans humanely and equitably!

In closing Mr. Chairman, this Member urges his colleagues to support the Hinchey amendment and fulfill the obligation to provide care to all those veterans who have so honorably served our country—no matter where they live in this country.

Mrs. MEEK of Florida. Mr. Chairman, if I may yield myself 1 minute again, I would like to say we cannot base this on opinion. Each of us is opinionated because of where we live and the people we serve. We must deal with the facts. That is what VERA does.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, this amendment by the gentleman from New York (Mr. HINCHEY) was on the floor last year, and it was defeated soundly. I have here, Mr. Chairman, several letters, one from the Department of Veterans Affairs which I will make part of the RECORD, from Dr. Garthwaite, which indicates that we should not, should not, adopt the Hinchey amendment.

Mr. Chairman, obviously I rise in opposition to this amendment. Basically it aims to dismantle what this House overwhelmingly approved. It was one of the most important reforms in the VA health care system.

VERA is a system for distributing VA health care doctors equitably, to ensure that veterans have similar access to care, regardless, regardless of the region they live in. Before 1996, when Congress directed VA to establish this system, veterans experienced enormous disparity in access to care. Veterans who received all needed care from VA facilities in New York, for example, found after retiring to Florida the VA's doors were closed to them.

□ 1715

This happened because a system for distributing funds did not take into account the demographic changes that occurred.

According to the General Accounting Office, VA's former allocation system not only resulted in unequal access to care, it also encouraged inefficiency. GAO cited the need for a system like VERA. So my colleagues, the GAO has studied this carefully, and they have cited the need for such a system as VERA, which the gentleman from New York (Mr. HINCHAY) would like to remove and dismantle. Price Waterhouse did an analysis of this as well. They validated the methodology that was used and indicated that it was sound. VERA recognizes that there is variability in labor costs and other factors from region to region and makes adjustments accordingly. It is fundamentally a fair system.

Mr. Chairman, that is not just me speaking. Price Waterhouse has validated this system, and GAO cited the very legislation that we passed overwhelmingly in the House.

So as I mentioned earlier, I have this letter from the VA's acting Under Secretary of Health who confirms that the VERA system is working and that the VA administration itself continues to support it, and I will include that for the RECORD at this time.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
Washington, DC, June 19, 2000.

Hon. BOB STUMP,
Chairman, Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to affirm the Veterans Health Administration's (VHA) continued support for the Veterans Equitable Resource Allocation (VERA) system.

Implemented in April 1997, the VERA methodology remains an equitable model for distributing funds to the 22 networks. During the past two and a half years independent reviews by the General Accounting Office and PricewaterhouseCoopers LLP have validated the VERA methodology as meeting the intent of Congress. In fact, PricewaterhouseCoopers LLP concluded that VERA is ahead of other global health care funding system around the world. In addition

to these external VERA assessments, since the beginning of VERA, the VHA has established internal workgroups, comprising clinical and administrative staff from both Headquarters and the Field, to provide input to the VHA Policy Board for VERA refinement and to evaluate the appropriateness and effectiveness of the VERA methodology. Ongoing improvements and refinements to VERA continue as issues arise. Refinements that have been identified for the FY 2001 allocation are listed below.

Non-recurring Maintenance (NRM)—FY 2001 will complete the three-year phase-in of NRM being fully based on patient care workload and the cost of construction using the Boockh Index (a geographically-based, nationwide standard).

Geographic Price Adjustment (labor index)—A change in the workload factor for computing the labor index that would weight Basic and Complex Care workload consistent with recent costs is under review. A recommendation was presented to the VHA Policy Board in May 2000 and was approved June 15, 2000.

Research Support—A decision to again pass through research support funds directly to VA medical centers for FY 2001 will be reviewed by the VHA Policy Board in July 2000. A decision on these recommendations will be made subsequent to Policy Board discussion well ahead of the time to allocate FY 2001 funding.

Care Across Networks—A Care Across Networks Workgroup studied the need for a transfer pricing system to cover veterans who receive care outside of their home networks (e.g., northeast networks would reimburse southern networks for the care provided to veterans who travel south in the winter). The group recommended implementation of a default pricing system based on Medicare rates, modification of the current billing system, and preauthorization to ensure that care provided is clinically appropriate. Because concerns were expressed about the adequacy of the infrastructure to handle transfer pricing and possible impediments imposed by preauthorization, VA tested the proposed transfer pricing system. The Workgroup considered several key issues: the impact on improving coordination of care; whether the level of effort to effect transfer pricing is worth the benefit; and the technical and software challenges to implement. A recommendation by the Workgroup not to go forward with transfer pricing in FY 2001 was approved in March 2000. VA will continue to use the existing pro-rated person (PRP) concept to ensure that care across networks is compensated. The default pricing system will be completed and made available to networks that are trying to understand care patterns as well as other issues.

Additionally, VHA Headquarters has maintained a national reserve fund to assist networks that are experiencing fiscal difficulties. VHA has established a process whereby a network's request for additional funding is first reviewed by a team of VHA field-based managers. The VISN's request and the team's review are then presented to the VHA Policy Board, which in turn makes recommendations to the Under Secretary for Health. Once a final decision is made, the results are communicated to the requesting VISN.

Enclosed is a chart with text to show that VERA is not moving all networks to an average expenditure per patient, but adjusts network allocations for differences in patient mix, labor costs, research and education sup-

port costs, equipment and non-recurring maintenance activities.

Please note that all major VERA shifts in funding have been completed. Beginning with the FY 2001 VERA distribution to the networks, changes in VISN funding will depend on the following factors:

The change in the Medical Care Appropriation from one year to the next,

Each VISN's change in the number and mix of veterans provided care relative to the system-wide change in total veteran patient workload, and

VERA refinements that may be made during the year.

Thank you for the opportunity to comment on VERA.

Sincerely,

THOMAS L. GARTHWAITE, M.D.

Acting Under Secretary for Health.

Enclosure.

The chart that follows displays the average VERA price for each network, based on the preliminary FY 2001 VERA Allocation. (It should be noted that these are subject to change; workload data continues to undergo data validation, Specific Purpose funding continues to be reviewed, and final decisions about funding levels are dependent on the Congressional Appropriation.)

PROJECTED AVERAGE PRICE BY NETWORK—PRELIMINARY
FY 2001 VERA ALLOCATIONS

Network	Average Price	Percent variation from national average
05 Baltimore	\$5,673	17.74
21 San Francisco	5,543	15.04
12 Chicago	5,440	12.90
03 Bronx	5,375	11.56
20 Portland	5,023	4.24
22 Long Beach	4,978	3.31
02 Albany	4,970	3.14
11 Ann Arbor	4,950	2.74
13 Minneapolis	4,941	2.55
01 Boston	4,936	2.45
National Average	4,818	0.00
17 Dallas	4,783	(0.73)
07 Atlanta	4,768	(1.05)
08 Bay Pines	4,657	(3.34)
06 Durham	4,657	(3.36)
10 Cincinnati	4,465	(3.60)
15 Kansas City	4,539	(5.80)
19 Denver	4,539	(5.80)
14 Lincoln	4,538	(5.81)
09 Nashville	4,471	(7.20)
16 Jackson	4,452	(7.60)
18 Phoenix	4,452	(7.91)
04 Pittsburgh	4,433	(8.00)

The chart shows that total VERA funding for networks is not a simple national average rate, for example, in FY 2001 four networks receive more than 10% above the national average price.

Since its inception in FY 1997, VERA has been effective in reducing the amount of variation between networks in average cost per patient. In FY96, one network had a 33% variation above the average; in FY99 that variation from average cost per patient was reduced to 22%. At the other end of the spectrum. In FY96 there was a network that was 38% below the national average cost per patient; in FY99 this variation had been reduced, so the network with the lowest average cost per patient was 22% below the national average. This has not been an arbitrary movement toward a single national mean; some networks above the national average have appropriately moved even further above the national average due to complexity of their patient population and other workload factors.

VERA has completed the shifting of dollars among network based on workload, that began in FY 1997. When VERA was implemented, nearly \$500M was identified by the VERA model as needing to be shifted among

networks; in the FY 2001 allocation, there are no dollars to remaining by be shifted. All networks are receiving increase to their FY2000 VERA allocation.

Mr. STEARNS. Mr. Chairman, we have a similar debate on this amendment last year when the gentleman offered it. I urge the gentleman not to dismantle a system that is working for the veterans in this country. I also note that the VA maintains a reserve fund to handle the kind of problems that the gentleman has raised, and I am sure others will raise from the northeast. In fact, the New York/New Jersey Network received \$60 million last year from that reserve fund that was set up just to handle problems that they are going to get on the floor and talk about.

For those areas of the country that have legitimate funding problems, there is this safety mechanism with the reserve fund. We need not and should not, I say to my colleagues, take the extreme step that the gentleman proposes. Adopting the Hinchey amendment would hurt veterans all across this country.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would merely say that Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

The author of this amendment argues that the veterans in New York are not being treated equitably. VERA takes all of that into consideration, and under VERA, veterans in the metropolitan New York area will receive an average of \$5,339 per veteran patient. That is 16 percent-plus higher than the national average. The Florida VISN will receive \$4,485 per patient under VERA, an average payment that is 2.5 percent below the national average. Certainly we should ask ourselves how is this unfair to New York veterans.

Mr. Chairman, I urge that we oppose this amendment.

Mr. Chairman, I rise in strong opposition to the Hinchey amendment which would prohibit the use of VA funds to further implement the Veterans' Equitable Resource Allocation system.

VERA, as it is called, corrects historic geographic imbalances in funding for VA health care services and ensures equitable access to care for all veterans.

Florida has the second largest veterans population in the country with 1.7 million veterans. Approximately 100 veterans move to Florida every day. Since coming to Congress, I have heard from veterans who were denied care at Florida VA medical facilities. In many instances, these veterans had been receiving care at their local VA medical center. However, once they moved to Florida, the VA was

forced to turn them away because the facilities in our state simply did not have the resources to meet the high demand for care.

This lack of adequate resources is further compounded in the winter months when Florida veterans are literally crowded out of the system by individuals who travel south to enjoy our warm weather.

It is hard for my veterans to understand how they can lose their VA health care simply by moving to another part of the country or because a veteran from a different state is using our VA facilities.

Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

Since VERA's implementation, the Florida Veterans' Integrated Service Network (VISN) has experienced a forty percent increase in its workload. The Florida network estimates that it will treat a total of 300,000 veterans by the end of Fiscal Year 2000.

The Florida network has also opened 18 new community based outpatient clinics since VERA's implementation. It plans to open additional clinics in the near future. None of this could have happened without VERA.

The author of this amendment argues that veterans in New York are not being treated equitably. The VERA system already takes regional differences into account by making adjustments for labor costs, differences in patient mix and differing levels of support for research and education.

According to the Department of Veterans' Affairs, VA facilities in the metropolitan New York area will receive an average of \$5,339 per veteran patient. This means that these facilities will receive an average payment for each patient that is 16.07 percent higher than the national average. On the other hand, the Florida VISN will receive \$4,485 per patient—an average payment that is 2.5 percent below the national average. How is this unfair to New York veterans?

VERA ensures that veterans across the country have equal access to VA health care and that tax dollars are spent wisely. If the Hinchey amendment passes, continued funding imbalances will result in unequal access to VA health care for veterans in different parts of the country.

I urge my colleagues to vote against the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume to say that this is not a regional argument. The issue is bureaucratic bungling by computer. If your area is not being hurt today, it most certainly will be tomorrow.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in strong support for the Hinchey-Frelinghuysen amendment, and I urge my colleagues to do the same.

We want to suspend the VERA program. It is not working, and it is certainly not working for New Jersey. We are the only VISN to lose money. It is unacceptable to the veterans in New Jersey. It is unacceptable to me.

According to this year's bill, our VISN will receive \$22 million less than we did in fiscal year 1999, and \$14 million less than we did in fiscal year 2000. In fact, when we consider the supplemental appropriation, New Jersey will receive \$52 million less than we received for the entire fiscal year 2000.

This is not a question of making everybody happy, this is a question of equity. The program is not working. What we are going to do is wedge one veterans' group against the other. That is not acceptable to us in New Jersey, and I am sure to the gentlewoman from Florida (Mrs. MEEK) and to the gentleman from New Jersey (Mr. FRELINGHUYSEN), it is not acceptable to them as well.

Mr. Chairman, I rise today to voice my strong support for the Hinchey, Frelinghuysen amendment and I urge my colleagues to do the same.

The amendment is simple, it suspends the VERA program. What we need to do is go back to the drawing board and come up with a program that is fair to ALL veterans.

In Fiscal Year 2000, Congress provided \$1.7 billion more for veteran's medical care. Yet, in New Jersey we lost \$36 million in funding.

We were the only VISN to lose money. It is unacceptable to the veterans of New Jersey. It is unacceptable to me.

According to this year's bill, our VISN will receive \$22 million less than we did in Fiscal Year 1999 and \$14 million less than we did in Fiscal Year 2000!

In fact, when we consider the supplemental appropriation we received this year, New Jersey will receive \$52 million less than we received for the entirety of Fiscal Year 2000. This is a disgrace.

And that is because of VERA, the Veterans Equitable Resource Allocation program, which redirects money from some regions of the country to pay for veterans who live in other parts of the country.

Our veterans deserve better.

The fact is that the VERA system is not equitable to all veterans. This amendment sends the message that VERA is not working. The VA should develop a truly equitable plan.

Members of the military have put themselves at great risk to protect American interests around the world. In return for this service, the federal government has made a commitment to both active duty and retired military personnel to provide certain benefits.

Our veterans helped shaped the prosperity our nation currently enjoys. It is OUR duty to ensure that commitments made to those who served are kept.

The VERA system is simply not working.

I urge my colleagues to support this important amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the dean of the New York Congressional Delegation.

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in strong support of the Hinchey-Frelinghuysen amendment prohibiting funds from being used

to implement VERA, the Veterans Equity Resource Allocation system, which was created to correct an inequity in the manner in which veterans' health care funds were being distributed across the country. While conceived as a sound effort, VERA was fundamentally flawed in that it did not look at the quality of care being delivered to veterans in any given region. Moreover, it also failed to consider the effect of regional costs in providing health care.

Under VERA, the watchword was efficiency: deliver the most care at the least cost. While ideal for outpatient care, VERA has unfairly penalized those VISNs that provide vital services such as substance abuse treatment, services for the homeless, veterans' mental health services, and spinal cord injury treatments. Under VERA, those services are all deemed too expensive and inefficient.

VERA was implemented at a time when the VA budget was essentially flat lined. VISN directors were not provided additional funds to offset the cost of annual pay raises for VA staff and annual medical inflation costs.

The CHAIRMAN. The time of the gentleman from New York (Mr. GILMAN) has expired.

Mr. GILMAN. Mr. Chairman, I thank the gentleman.

This was not a problem for those directors of VISNs who received money under VERA. However, for those directors of VISNs that were losing money under VERA, it was a double hit that crowded out additional funds needed for other vital services.

It is commendable that the subcommittee was able to find an additional \$1.3 billion for veterans' medical care. Yet, due to VERA, very little of that money is going to find its way to the Northeast where it is vitally needed. Instead, it will be sent to those VISNs that have already seen increases.

Accordingly, I urge my colleagues to support the Hinchey-Frelinghuysen amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I very seldom come down here to remark on some of these, and the reason is that most of us have made up our minds already and nobody is going to convince us to change.

Let me give my colleagues some information. If my colleagues think that reforms have been instituted recently in veterans' health services, they are wrong. In L.A. they have caused nothing but disruption. You have closed offices where people need the offices, and in L.A. the transportation problem there is terrific. There are log jams all the time. Veterans have a hard time, some of them unable to drive, and especially those with mental services needs

have a hard time getting to the centers as it is now. So you close some. Then you close administrative offices and move them to Phoenix, Arizona, when the population is in L.A.

What is the matter with you in this reform. You need to open your eyes and see that there is something very, very wrong with the reform. In other words, the cure is worse than the illness, and veterans are not getting the attention they need. I am sorry if my colleagues cannot see that, but they ought to realize it; they ought to take a better look. My colleagues ought to go back to their districts and talk to their veterans and ask them if they are getting the services they need, because they are not.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I stand here in strong support of the Hinchey amendment. I think the bottom line that we have heard from both sides, and there should not be any arguments here, is that we are supposed to take care of our veterans. I have been out to my VA hospital, and let me tell my colleagues, they have cut the budget as far as they can go. Yes, a lot of my veterans do go to Florida. That is where they are part of the time of the year. But they are still using the services in my North Port hospital.

This should not be a fight among colleagues. We are supposed to take care of our veterans. That is the bottom line. We have made promises to our veterans. This should not even be a budget fight.

Mr. Chairman, I strongly support the Hinchey amendment; and we should certainly, in the future, start allotting more money for our veterans to take care of them. We, the government, made a promise to our veterans: you serve this country and we will take care of you.

Well, I am embarrassed to say that the 3½ years that I have been here, we have not kept that promise to our veterans; and as a nurse, I can tell my colleagues, they know it.

Mr. HINCHEY. Mr. Chairman, I yield myself the remaining time.

In closing, I would just say to my colleagues that this is not a regional issue, this is an issue that affects veterans coast to coast, as we have seen in the arguments that have been presented here this evening. If it happens that one's particular district or one's particular State is not adversely affected at this particular moment, it will be shortly.

Mr. Chairman, this formula has got to change. Please support the amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to the Hinchey amendment.

Mr. Chairman, I rise in opposition to the Hinchey amendment, which would block the continued implementation of the VERA system, a change which would cripple the VA. An identical amendment was offered last year and failed on a vote of 158–266.

On April 1, 1997, the VA began to implement the VERA system, which allocates health care resources according to numbers of veterans in each of 22 regional VISNs (Veterans Integrated Service Networks). The Hinchey amendment would jeopardize health care in a majority of VA networks by blocking continued implementation of this system.

Before VERA, funds were allocated according to the historical usage of VA facilities, adjusted annually for inflation. When veterans migrated to the West and the South, funding continued to be concentrated in the Northeast. The VERA system directly matches workloads with annual allocations, taking into account numbers of basic and special care veterans, national price and wage differences, and education and equipment differences. More efficient networks have more funds available for local initiatives and less efficient networks have an incentive to improve. Some regions do see a substantial change in their health care allocations under VERA, but all VA network administrators agree that this reform is crucial to the sustainability of VA programs.

The amendment proposes to prohibit funding for the VERA allocation model, creating a significant question about what model the VA would use instead. Presumably, the authors of the amendment would support a return to the allocations of FY96. When FY00 levels are compared to FY 96 allocations, such an adjustment would mean that 20 of 22 VISNs would lose money.

Some areas would be particularly devastated by such a reallocation: the Pacific Northwest would be cut 24 percent, the Southeast would be cut 14 percent, the Southwest would be cut 15 percent. To restore funding for these 2 VISNs at FY96 levels, all 20 other VISNs would take an approximate hit totaling \$132 million. If VA was forced to recompute allocations according to the old model, the cuts would be even more severe. The two VA medical centers I represent would see their budget cut by more than \$9 million this year if we restored the old formula.

Such a budget hit would cripple the vast majority of VISNs across the country. VERA is working—of the 22 VISNs, only ONE, in the Bronx, saw its overall allocation decrease from FY99 to FY00. I believe that we should encourage the VA to continue moving forward with this successful initiative. Please join me in opposing the Hinchey Amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

First of all, we in Florida, we have visual acuity, I want to let my colleagues know. We can see, and when we see, we can read these numbers, Mr. Chairman. We have the numbers. There is no question about it, we all want veterans served. But should we yield because we have to satisfy one part of

the Nation? We have to satisfy all of the veterans.

Vote against the Hinchey amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Hinchey Amendment to suspend the Department of Veterans' Affairs mis-guided Veterans' Equitable Resource Allocation (VERA) plan.

The VERA plan takes scarce resources away from the veterans in my district and other areas of the Northeast based on flawed data about veteran populations around the country.

The veterans who use the VA health care system in New York deserve better than the VERA plan gives them. Each year, about 150,000 veterans use the eight VA facilities in the New York Metropolitan region. These veterans have come to rely on the excellent services provided by these facilities, and the cuts in these services under VERA have been disastrous.

Since the implementation of VERA began, I have received reports from many veterans in my district of diminished quality of care at VA medical centers. In fact, the VA's own Office of the Medical Inspector investigated the Hudson Valley VA hospitals and found more than 150 violations of health and safety rules at those hospitals alone. It is not a coincidence that these violations came at a time when these hospitals were trying to cut costs to comply with VERA.

And the situation is getting worse. The service network that serves New York and New Jersey will receive a cut of over \$40 million. This means the quality of care will suffer and more services will be cut as hospitals and clinics face even more reductions in force. All of our veterans, regardless of where they live, deserve better.

Mr. Chairman, I understand the need to provide services to growing veterans populations in other regions of the country, but that must not be done at the expense of New York's veterans. An assessment of the VERA plan by Price Waterhouse highlighted a major flaw in the fundamental assumptions of the plan. The report stated that "basing resource allocation on patient volume is only an interim solution because patient volume indicates which veterans the VHA (Veterans Health Administration) is serving, not which veterans have the highest care needs." This is especially relevant to the New York region, which has the highest proportion of specialty care veterans in the country.

We cannot turn our backs on our proud veterans, but that is exactly what will happen if we allow VERA to continue. I urge my colleagues to treat our veterans with the dignity and the respect they deserve. Support the Hinchey Amendment.

Mrs. KELLY. Mr. Chairman, I rise today in strong support for the Hinchey amendment.

Under the Veterans Equitable Resource Allocation plan, I have witnessed the results of cuts that have effectively removed nearly \$300 million from the lower New York area veterans network.

VERA is fundamentally flawed. These flaws permeate VERA's methodology, its implementation, and the VA's oversight of this new spending plan.

Our veteran's network has the oldest veterans population, the highest number of veterans with spinal cord injuries, the highest number of veterans suffering from mental illness, the highest incidence of hepatitis C in its veterans population, and the highest number of homeless veterans. It is inconceivable and intolerable that the VA would continually reduce our regions funding.

VISN 3 has required reserve funding for the last 3 years because our veterans hospitals keep running out of money. In this fiscal year, VISN 3 required \$102 million in reserve funding. In the next fiscal year it expects to request even more. When will we realize that the VA should fund our hospitals properly the first time and leave reserve funds for emergencies?

I beseech my colleagues on both sides of the aisle to support this amendment and make the investment in our veterans hospitals necessary to keep our promise to our veterans. The veterans of this Nation gave their best for us. Now we need to do our best for them.

Mr. GOSS. Mr. Chairman, I rise today in strong opposition to this amendment. My home state of Florida has 1.7 million veterans and serves as home to thousands more during the busy winter season. Given the age and special needs to this population, many of these men and women require extensive medical attention.

The lack of timely, quality health care for our veterans has reached a crisis point across the country, but the problem is particularly acute in southwest Florida. Every year more and more veterans flock to Florida to enjoy their golden years; and every year the veteran clinics and hospitals in my state are hard pressed to meet the demand. Sadly, the need far exceeds our resources in southwest Florida. Veterans routinely wait months—and sometimes over a year—just to get an appointment for something as simple as vision and hearing care. This is an unacceptable way to treat those who served our country honorably.

VERA begins to address this injustice by allocating funds according to the number of veterans having the highest priority for health care. VERA is a fair and just system: it puts the money where the vets are. This is straightforward, commonsense policy. I urge my colleagues to reject the Hinchey amendment and support a fair and equitable policy of providing for our veterans.

Mr. ALLEN. Mr. Chairman, I rise in support of the Frelinghuysen/Hinchey amendment to prohibit the VA from distributing health care funds through the Veterans Equitable Resource Allocation (VERA) formula.

As I have said many times in the past, VERA has negatively impacted the VA's ability to meet the health care needs of veterans in the Northeast.

I understand that VERA has benefitted certain regions of the country, but the level of care in those regions has been raised at the expense of Northeast veterans. The situation continues to get worse, not better for the 150,000 veterans in Maine.

Veterans in my district rely on Togus VA hospital in Augusta. Those veterans who are treated at Togus cannot say enough about the quality of care. There is no question about it,

if you can get in to see a doctor, the care is exceptional.

The Doctors and nurses have dedicated their careers and lives to serving this population and recognize the unique care veterans need.

But Mr. Chairman, Togus is located within VISN1. Despite this bill's \$1.35 billion increase in the fiscal year 2001 VA health care budget, VISN 1 will only receive a \$15 million increase.

Togus alone already has a \$9 million shortfall in Fiscal Year 2000. There is clearly a need for increased funding, and yet VISN 1 is one of only two VISNs that has lost funding since 1996 when VERA was implemented.

While the quality of medical care remains high, budget constraints have forced Togus to reduce staff, causing severe strains on access to care, as well as staff morale.

The excessive waiting time makes it difficult to enroll new patients. Because funding increases through VERA are tied to the number of patients seen, veterans in the Northeast regions are put at an automatic disadvantage.

I am told over and over by the VA Undersecretary for Health, Dr. Thomas Garthwaite, that the VERA numbers work out. I am told that each VISN receives the appropriate amount of money to cover its costs.

Mr. Chairman, the numbers are not working out. The former Acting Director of VISN 1 recently said that over the past few years equipment and construction funds were used to supplement funds for direct medical care.

VERA simply does not provide the means to cover the facility costs of hospitals in the Northeast and still provide quality care.

Recently, two Boston VA hospitals, West Roxbury and Jamaica Plain, began to consolidate their operations. However, there is no money to complete this kind of transition without affecting the care to veterans.

Because Boston serves as the major surgical center for the VISN, the patient population of the whole region is going to suffer. The VISN does not have the \$40 million required to complete this process smoothly.

The cost of providing health care in aging facilities is not adequately accounted for in VERA. The formula must be reexamined.

I am tired of hearing, "the numbers work out." Anyone who visits Togus, or any hospital in the Northeast will clearly see that it is not working out for those veterans seeking care.

There is simply no excuse, Mr. Chairman, for the hurdles our veterans must now face to access high quality health care. We need to make a greater commitment to funding veterans' health programs and we must find a new and better way to direct those resources to those in need.

This Congress' fixation on huge tax cuts for the wealthy is endangering funding for veterans programs, for housing and for other domestic programs.

We must get our priorities straight, and keep our promise to the veterans in this country. Support the Frelinghuysen/Hinchey amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to this amendment to change the VERA formula and return to an obsolete methods of allocating veterans funding in this nation.

VERA, the Veterans Equitable Resource Allocation system is one of the smartest, fairest, and simplest things we've done at VA.

What we did with VERA is very straight forward. We discovered that a lot of our older veterans are moving from places up North like Pennsylvania and Ohio and moving to warmer spots like Florida and Arizona. In my own district and in my home state of Florida we have seen an explosive growth in the number of senior citizen veterans living in our communities who requires resources. While in some Northern states we have VA hospitals that used to serve a lot of veterans 20 years ago that are now abandoned because of declining veterans populations in those areas. The demographic evidence is very clear.

So Congress decided to put VERA in place to more equitably distribute VA health care dollars so that the money goes to where the veterans actually are and not where the abandoned buildings are. This "radical" concept is fair and it's working, so I guess if you're a little cynical of Washington, it's no wonder that some people want to get rid of it now.

VERA has meant a marked improvement for our veterans in Florida. Working closely on the 2000 Census I recognize that VERA is just one part of the larger issue of re-allocating federal resources based on our nation's changing demographics. For instance, my district and state have similar issues with all senior citizens relating to the Older Americans Act which also attempts to shift some federal funding based on changing demographic patterns.

Just as Florida and Texas and some other growing states may gain Congressional seats in re-apportionment while some states lose seats because of population changes, so too must veterans funding follow the population. I know it's hard for my colleagues on the other side of this issue to see federal funds or Congressional seats go elsewhere and I don't begrudge them for fighting for the amendment, but VERA is fundamentally fair and it's the right thing to do.

VERA also helps force VA to cut waste and inefficiency. The Government Accounting Office (GAO), Congress' non-partisan investigative agency, recently reported that VA is wasting almost \$1 million per day maintaining and heating empty obsolete VA facilities, \$1 MILLION PER DAY, almost all of it in the Northeast and Midwest. GAO also reported that there are over 30 obsolete VA hospitals with only 20-40 patients.

Mr. Chairman, we're moving to a period of completely different health care needs for our aging veterans population, away from the 1950's hospital system and to a system of outpatient care and long term nursing home care. The number of veterans being treated in hospitals has gone down 60% while the outpatient visits have skyrocketed. VERA helps get us there by shutting down obsolete hospital facilities and freeing up those resources to build clinics that are closer and more accessible to veterans and pay for the doctors and pharmacists to staff those clinics.

Mr. Chairman, keeping money locked up in obsolete facilities, serving needs that don't exist for a population that has moved elsewhere is wrong. I urge my colleagues to keep VERA intact and, vote against this harmful amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today as a cosponsor of this amendment.

The Veterans Equitable Resource Allocation is anything but what its name indicates. VERA is not equitable. In fact, it has had a disastrous effect on veteran health care in New Jersey.

VERA was intended to direct VA health resources to the areas with the highest veteran population. However, the VERA equation fails to calculate the level of care required by the patients.

Well intended? Yes. Well thought-out? Not in the slightest, Mr. Chairman.

VISN 3, of which my district is a part, has the second oldest veteran population in the country. Clearly, these veterans have the greatest need for medical care and pay the highest health care costs of all veterans. Without this amendment, they will suffer across the board cuts in all of their programs.

While I appreciate the fact that after years of shortchanging veterans' health services, the President has finally proposed a budget that increases funding for veteran's health care. However, that increase will provide no additional benefits to the veterans in my state.

Mr. Chairman, it's time to end the inequity. Not only is the level of support provided to New Jersey veterans unfair, it is jeopardizing their health care. Lyons Medical Center has closed its emergency room. East Orange VA hospital has closed its pharmacy. There have been round after round of RIFs in New York and New Jersey's veteran hospitals.

VERA is a failure! I urge my colleagues to support this amendment. Send the VA back to the drawing board and tell them to come up with a system that meets the needs of ALL veterans. Our veterans deserve no less.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York, which would impose a one-year moratorium on the VA's implementation of the "Veterans Equitable Resource Allocation." VERA, as this funding mechanism is known, was instituted in 1997 as a way to distribute VA resources fairly across the country. But the outcomes since then have not been equitable.

The VERA formula punishes regions like the Northeast and Midwest by calculating need solely on the basis of the number of veterans served—without any regard for the type of individualized or specialized care given to these patients. Veterans in the New York/New Jersey area (which makes up Veterans Integrated Service Network or VISN 3 in my district) for example, are older than former service men and women in other parts of the country. Because age is usually accompanied by more severe health problems, these veterans often require more extensive—and therefore more expensive—care than veterans elsewhere.

In addition, New York/New Jersey veterans have a higher-than-average incidence rate of Hepatitis C (HCV) and AIDS, which we all know are very costly treatments. As the VA continues to make HCV diagnosis and treatment a priority—which it should—the costs associated with these procedures will rise. A March, 1999 one-day prevalence study found that six percent of veterans who were tested for Hepatitis C tested positive; in VISN 3 that

number was 13 percent—almost double the national rate. And the going rate for one Hepatitis C treatment cycle, for one patient, is between \$15,000 and \$20,000. Yet the VERA formula does not factor this treatment cost into its allocation.

Finally, with the migration of veterans to the Sunbelt, those remaining in regions like the Northeast and Midwest often lack the money, if not physical condition, to move to a warmer climate. VERA should not penalize these neediest of veterans for remaining where they are.

Mr. Chairman, the VERA issue is more than just abstract numbers and percentages on paper. For regions like VISN 3, the Veterans Equitable Resource Allocation formula has not been equitable, and it has resulted in serious delays in health care delivery for area veterans. It has also forced these veterans to live under the fear that crucial specialty services offered by facilities like the VA clinic in Brick, New Jersey—located in my district—could be slashed. This nearly happened two years ago, when the VA responded to VERA-imposed budget cuts by seeking to close the clinic. I am still grateful for the efforts of Monmouth and Ocean County veterans who fought side by side with me to keep the facility open. If the Brick clinic were unable to provide rheumatology, podiatry, and a range of other services, these veterans would have had to take much longer drives for desperately needed treatment.

As the vice chairman of the Veterans' Affairs Committee, I have questioned VA officials about the VERA system, and the explanations I have received are not satisfactory. The solution is to adopt the Hinchey amendment and force the VA to halt the VERA formula, so that we can measure the full impact of this questionable system on veterans nationwide.

Mrs. ROUKEMA. Mr. Chairman, I rise today in strong support of this bipartisan amendment. This amendment will stop implementation of VERA, the VA's allocation formula, and send it back to the drawing board so the VA can create a funding formula that is fair to every veteran in every state.

VERA IS UNFAIR

VERA unfairly pits veteran against veteran for the desperately needed health care services depending on which state they live in. Under VERA, even with the historic \$1.7 billion for veterans' health care provided last year, VISN 3, which encompasses New Jersey and New York was cut by \$33 million.

Let me give you another example of how unfair VERA truly is. VISN 3 has the second highest rate of Hepatitis C in the nation. But because of VERA, our veterans will not receive any money to combat the disease.

How is this fair? How is this equitable? New Jersey has one of the oldest veterans' populations and the highest number of special needs veterans. The funding reduction caused by VERA is taking a tragic toll on the veterans of New Jersey and the Northeast.

HEALTH SERVICES IN NEW JERSEY ARE BEING REDUCED

To save money, the VA has cut back on numerous services for veterans and instituted various managed care procedures that have the impact of destroying the quality of care the veterans receive. For instance, the VA has reduced the amount of treatment offered to

those who suffer from Post Traumatic Stress Disorder (PTSD) and reduced the number of medical personnel at various health centers.

As a result of these cuts, there has been erosion of confidence between veterans and the VA. I can not describe the anger and pain I see in the faces of veterans in my district because of the reduction in health services. This erosion threatens to destroy the solemn commitment that this nation made to its veterans when they were called to duty.

We can not allow the VA to use VERA to save money by destroying the health care of veterans in New Jersey. We can not allow the VA to use VERA to use managed care to reduce quality. And we can not allow the VA to use VERA to close veterans' hospitals just because they are within sixty miles of each other.

CONCLUSION

The bottom line is: VERA is unacceptable and must change to a fairer more equitable system.

Let me state as firm as possible: There can be no compromise when it comes to veterans' health care. The promise made to veterans must be kept. We must do everything in our power to ensure that veterans receive the best health care possible.

Defending the Constitution of the United States on foreign soil is the greatest duty the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the highest standard. We must keep our promise to our veterans regardless if they live in Florida, Texas, Maine or New Jersey. I believe a veteran is a veteran, period. The VA must have the same view. I strongly urge you to support this important amendment. Thank you.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of this amendment. I understand the goal of VERA is to distribute money according to the number of veterans using veterans facilities, but it doesn't take into consideration the basic overhead expenses of operating medical care facilities in rural, less populated states.

Despite the fact that Congress has fully funded the President's request for the VA next year, at least four VISNs are projecting serious shortfalls. One of these VISNs, VISN 14, which includes Iowa and my home state of Nebraska, is projecting a \$40–40 million shortfall.

Although Congress has increased the VA's budget 23.5 percent since Fiscal Year 1996, VISN 14 has only received a 6.2 percent increase—less than the cost of medical inflation. These shortfalls will continue until we are able to find a fairer way to allocate funds.

I believe VISN 14 has taken significant steps to lower costs—in fact, despite the increase in patient load of 26 percent, VISN 14 has closed two inpatient facilities and the number of full time employees has dropped 16 percent. Unfortunately, these changes will not save enough to make up for the large projected shortfall.

Mr. Chairman, when the VA closed the Grand Island inpatient wards, I was assured that the VA would use the money saved to improve services to Nebraska's veterans, but the opposite has been true—services have gotten worse. Many veterans in my district are forced to travel hundreds of miles to receive the care

they were promised. Veterans often wait weeks or even months for appointments to see VA doctors. This is unacceptable. Eligible veterans should have reasonable access to VA facilities no matter where they live.

I urge a yes vote on this amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. HINCHEY to basically gut the present veterans' medical fund allocation system Congress established a little over three years ago. The reason we established the so-called VERA or Veterans Equitable Resource Allocation was to correct the arbitrary funding for veterans' medical care in various parts of the United States. As the name says, it is about equitable resource allocation—it is about fairness and putting and the health care money where the veterans are.

My veterans in Alabama deserve the same adjusted basic per capital funding as any other part of this country, not more and certainly not less. I don't know how anyone could object to that.

But here's what we should object to: having unneeded VA hospitals in a number of large metropolitan areas, including New York and Chicago. Hearings by the Oversight and Investigations Subcommittee, which I chair, established that the VA is wasting more than a million dollars a day by operating unneeded buildings and facilities. Personally, I think that number is underestimated, but that is what the General Accounting Office reported, and the VA did not deny it.

Any way you look at it, a million dollars a day is a lot of waste. We shouldn't be supporting waste by sending extra money to certain areas to support unneeded VA facilities. That's what this amendment would do. We should be encouraging the efficient expenditure of veterans' health care dollars. Taxpayers want the men and women who have served their country in uniform to have quality health care, and they want Congress to take care that their money is well spent.

Mr. Chairman, a vote for this amendment is a vote for waste of veterans' health care money, pure and simple. It would be a step backward that would hurt most veterans by virtue of where they live. I urge my colleagues to do right for both veterans and taxpayers by defeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. HINCHEY:
Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to—

(1) the use of dredging or other invasive sediment remediation technologies;

(2) enforcing drinking water standards for arsenic; or

(3) promulgation of a drinking water standard for radon

where such activities are authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

MODIFICATION TO AMENDMENT NO. 35 OFFERED

BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I ask unanimous consent to modify the amendment in accordance with the submission that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO THE AMENDMENT OFFERED

BY MR. HINCHEY

The amendment as modified is as follows:

Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to:

(1) the use of dredging or other invasive sediment remediation technologies; or

(2) enforcing drinking water standards for arsenic

where such activities are authorized by law.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from New York?

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this amendment is to strike from the bill language which is antienvironmental in its intention. It is a rider which is contrary to environmental protection, which I believe has been inappropriately placed in the bill.

First of all, this language would make it impossible for the EPA to conduct activities which are designed to find out what exactly exists in certain areas that are contaminated, in river, lakes, streams and the oceans in and adjacent to the country.

□ 1730

The importance of this is simply to discover what threat these sediments pose. In many instances, these sediments are cancer-causing agents such as polychlorinated biphenyls, heavy metals, and other agents.

The intention of the amendment is to make it impossible for the EPA to proceed with its program to remediate these bodies of water, I believe, which are in dire need of that remediation. In some cases, this situation has been carried on for decades.

So the purpose of the amendment is to strike that language, and also to

strike language which involves the issue of arsenic in drinking water. This language would prevent the EPA from establishing standards with regard to arsenic in drinking water.

I need not point out to the Members of the House that arsenic is indeed a particularly vitriolic poison. In fact, it occurs in many water bodies and public water supplies in a number of places around the country. So the EPA, in carrying out its responsibilities to protect public health, the EPA is establishing these standards in order to protect the environment, but even more particularly, in order to protect public health.

This language prevents us from dredging and from finding out what is in the bottom of water bodies around the country and taking appropriate remedial action. It also prevents us from establishing standards with regard to arsenic in drinking water.

I ask the majority of the Members of the House to join me in striking this anti-environmental rider from this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to say that this is an amendment that does not do what the author would like it to do. Very simply, the author would like to strike language contained in the committee report, not in the bill but in the report, dealing with direction to the EPA on dredging and in enforcing certain arsenic regulations.

Although he and others will allege that this language somehow reaches in and cancels report language, certainly no reasonable interpretation would come to that conclusion. Specifically, the language refers to limitations in this Act on funds made available in this Act.

I would say to the gentleman that there is no limitation in the Act on any of the above-mentioned issues. There is in particular no limitation of funds in the Act on any of these issues. Moreover, there is not even a limitation of funds on either of the issues contained in the report language.

Despite the author's best intentions to somehow link what he would hope to accomplish with this language, it plainly and simply cannot and does not do what he would like it to do.

I would like to shift now from a technical interpretation of the amendment to specific comments on the issues that the gentleman objects to. I will confine my comments to the issue of dredging.

This is a very controversial issue. The EPA itself, up until just recently, had rejected the option of dredging be-

cause of the resultant pollution downstream from the dredging site. As we all know, when we stir up mud in the river, it travels down the current. When there are toxins in the mud in the river, they travel with the current, so other parts of these rivers would be affected as that dredging began to occur.

The EPA was opposed to dredging for many, many years. Now there has been a change of heart and they want to proceed. Mr. Chairman, we all agree that the toxins that are in our bodies of water need to be dealt with. They need to be dealt with in the safest, most effective ways. We do not want our fish and our wildlife and our vegetative growth and our fellow human beings poisoned by these toxins.

But there is much to sit and debate about the best way to deal with this. What the report language in this bill suggests is that the National Academy of Sciences will come out with a study sometime in September. At that point, the EPA will receive some direction in their decision-making from the National Academy of Sciences report, and they will then incorporate that into their operating plan.

Once they have accomplished that, they can proceed, so we want them to get the benefit of the good science and then incorporate that into their plan, and make a good decision and go forward.

I would just state lastly that this is the last time that this issue will be dealt with in this bill because the body of knowledge will be available for informed decision-making by the end of this year, so this is the last time we will deal with this in this bill.

I would urge rejection of this amendment. Let us make sure we have good science before we proceed.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 90 seconds to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the Hinchey-Brown-Waxman amendment.

As the ranking member of the Subcommittee on Health and Environment, which has jurisdiction over the Safe Drinking Water Act, I am very concerned about the report language of the Committee on Appropriations with respect to arsenic.

The committee report language essentially tells the EPA not to enforce current law regarding arsenic. The current standard of 50 parts per billion was established in 1975 based on a public health standard originally established in 1942. However, arsenic is now understood to be much more toxic than we thought it was even 10 years ago.

In addition to more evidence on skin cancer, sufficient evidence has been found to link arsenic to fatal lung and bladder cancers and to other organ can-

cers. Arsenic is a known human carcinogen.

The EPA is in the process of revising the arsenic drinking water standard to be more stringent, but the new standard will not go into effect until 2004 at the earliest. It would be irresponsible for Congress to instruct the EPA to ignore cases in which drinking water supplies do not even achieve the current standards of 50 parts per billion.

This appropriations rider makes a significant change in national policy on drinking water, but the Subcommittee on Health and Environment, which successfully reauthorized the Safe Drinking Water Act just 4 years ago, has not been given the opportunity to review it, nor have any bills introduced in this Congress on arsenic in drinking water.

This anti-environment rider in the report is bad procedure and bad policy. I strongly urge my colleagues to vote yes on the amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to my colleague and good friend, the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) would like us to believe that dredging over 1 million tons of sediment from the Hudson River, disrupting the recovering ecosystem, releasing PCBs downstream, shutting off recreational use of the river, and landfilling 85,000 truckloads of dredge material on dairy farms in the Upper Hudson region is somehow the only reasonable action to be taken in the best interests of New Yorkers in order to remediate the Hudson River.

I would advise the gentleman that neither he nor the EPA should feel it necessary nor appropriate to lecture our residents on what is best for their communities. I do not believe we should let politics dictate our efforts to remediate the Hudson River. Simply put, I want to see science and facts applied here.

Mr. Chairman, the public has lost confidence in the EPA and in this endeavor. As the chairman mentions, it has gone on way too long. I have brought a couple of charts that will exemplify what we are talking about here.

In the first chart here, the level of 10 exists. These are the past dredging experiences that the EPA has conducted. In each of the dredging experiences they have conducted the level of 10, which is now what the upper Hudson River level is, has been met in their most successful operations, meaning that if they dredge now they will have to realize unprecedented successes.

The second chart, using EPA science, shows the three ways, the natural recovery, the source control natural recovery, the source control dredging recovery, in terms of remediation of the river. If we look at those lines, we will

notice that there is barely a distinction in terms of the kind of recovery.

The EPA has lied to the citizens in the upper Hudson valley. They began a covert study to look at landfilling those dredge materials. They have lost the confidence of those people in that area.

As the chairman pointed out, the National Academy of Sciences report due out in September needs to be incorporated in so that we have the public confidence regained in this endeavor. I urge a no vote, a strong no vote in this effort.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I thank the gentleman for yielding time to me. I strongly rise in support of the Hinchey amendment.

Mr. Chairman, the concern I have is that we are seeking knowledge and seeking better ways to do clean-ups with the National Academy studies. On the other hand, we have existing technologies and we have problems that are endangering people's health today.

I think we ought to use the knowledge and technology that is available today to help our fellow citizens in cleaning up these waterways while we continue to seek better ways to do so. I am very concerned about the potential delay.

I have a similar situation in my own district that has been studied for 24 years. One of the elements we have incorporated in the project cooperative agreement is a review every 5 years so we can incorporate new technologies as they come online, but I think it would be a mistake today to delay improvements in cleaning up our waterways that today endanger people's health.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), the remaining time to close.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from New York.

Here we go again. The EPA is rushing to implement a new arsenic standard in the water with very little justifiable new scientific evidence. They will tell us that the new, more stringent standards of our communities will be at risk, and therefore we must plow ahead.

No one on this floor wants anyone's drinking water to be unsafe. I, for one, am not condemning the EPA for setting scientific safe and reasonable drinking water standards. But there is a consequence to these authoritative actions.

I oppose the EPA requiring small, rural community water districts to spend \$10 million to \$20 million to comply with the current arsenic standards when the EPA is going to mandate an

entirely new and more stringent standard in January of 2001. This tactic is simply going to force small rural water districts to unnecessarily spend millions of taxpayer dollars to build a new water treatment facility to comply with current standards, and then 6 months later spend an additional \$10 million to \$20 million to build an entirely new facility to comply with the new EPA standards.

If the EPA, Mr. Chairman, has its ways, these small communities will spend up to \$35 million to comply with two separate standards. Would it not make sense for communities to build one safe and adequate facility that seeks to comply with the new more stringent standard, rather than 6 months down the road spending an additional \$20 million?

This situation occurs throughout my State, it occurs throughout a number of other States. I am sure that there are many communities around who are concerned, whether they are small or large, with the attempt to have to comply with the current existing arsenic standards, facing the new future standards as well.

Let me say, Mr. Chairman, that this is a wrongheaded tactic. Why should any community, large or small, be forced to spend that extra \$1 million? I stand here, Mr. Chairman, in opposition to this amendment. We should oppose the Hinchey amendment because it is unnecessary. This is a common-sense report language, and in no way ties the hands of the EPA. It merely allows communities to concentrate on meeting one arsenic standard, build one water treatment facility, and save rural water districts millions of dollars in unneeded and duplicative and costly regulations.

Mr. Chairman, I ask all my colleagues to oppose the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of the Hinchey amendment and against the rider prohibiting the EPA from cleaning up contaminated sediments in our waters.

This language is simply a delay tactic to protect those who have polluted our waterways and do not want to incur the expense of cleaning them up. Many of our rivers and lakes are still polluted from years and years of toxic chemicals being released into them. The people of New York have been waiting for decades. We are not plowing ahead, we have been waiting for decades for the EPA to begin the process of cleaning up the PCB-polluted Hudson River.

Now, as the EPA is on the cusp of beginning the clean-up, this provision was included in this bill to stall the EPA yet again. While I agree that we should make all efforts to ensure that

any environmental remediation activities are as safe as possible, I do not believe that this is the case here.

□ 1745

Quite frankly, this language is meant to delay action on cleaning up the Hudson River by making it more difficult for the EPA to take actions in defense of the environment. I urge my colleagues to vote in favor of the amendment and in favor of finally moving to clean up our waterways.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in support of this amendment and commend the gentleman from New York (Mr. HINCHEY) and Representative BROWN for their leadership on this important issue.

Once again, we are confronted with a VA-HUD appropriations bill and report that contains damaging and mind-boggling antienvironmental riders.

There are two contenders for this year's winner in the category of the most outrageous and ludicrous antienvironmental riders. The nominee is the language that actually makes it more difficult to clean up PCB, and it is competing against an equally nonsensical provision that would make it more difficult for EPA to keep arsenic out of drinking water.

I really am quite mystified at the fact that we are in the middle of an election year; and 2 weeks ago, the Republicans bring to the House floor a tax break of \$20 billion for 400 families. The next week they come in with a bill that cuts the funding for nursing home inspections. Then tomorrow we are going to have to fight whether we are going to continue a lawsuit against the tobacco industry. Now they want arsenic in our drinking water. What constituents are they appealing to?

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. BORSKI), ranking member of the Subcommittee on Water Resources and Environment).

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey amendment and express my opposition to the antienvironment provisions contained in the bill and its report. It seems as though we go down this road every year fighting riders and report language designed specifically to stop the Environment Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the majority claimed to have adopted a policy of no antienvironmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the majority has determined to place antienvironmental provisions in the committee report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminating sediments from rivers and lakes, even when such removal has been thoroughly studied and is the correct response. Contaminated sediments possess huge risks to health and the environment.

Mr. Chairman, we all know there are two sites that drive this issue every year which are both heavily contaminated with PCBs.

This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 States. It is time to stop interfering with EPA protecting human health and the environment. Support the Hinchey amendment.

Mr. Chairman, I include the following letters for the RECORD:

JUNE 19, 2000.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the organizations listed below, we are writing to you in strong opposition to an anti-environmental rider on the FY2001 VA-HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this and other such anti-environmental riders on appropriations bills this year.

The section of the VA-HUD Sub-Committee report, under EPA-Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing pollution is fairly allocated. The conservation community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a clean Water Act guidance document issued by the agency's Region IX related in part to the TMDL program that is deemed by the Committee to be too "stringent" for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters com-

prehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation; Daniel Rosenberg, Natural Resources Defense Council; Ted Morton, American Oceans Campaign; Paul Schwartz, Clean Water Action; Steve Moyer, Trout Unlimited; James S. Lyon, National Wildlife Federation; Rick Parrish, Southern Environmental Law Center; Nina Bell, Northwest Environmental Advocates; Ann Mills, American Rivers; David Anderson, Chesapeake Bay Foundation; Jackie Savitz, Coast Alliance; Barry Carter, Blue Mountain Native Forest Alliance; Norma Grier, NW Coalition for Alts to Pesticides; Daniel Hall, American Lands; Jim Rogers, Friends of Elk River; Bruce Wishart, People for Puget Sound; Jennifer Schemm, Grand Ronde Resource Council; Ric Bailey, Hells Canyon Preservation Council; Steve Huddleston, Central Oregon Forest Issues Committee; Mary Scurlock, Pacific Rivers Council; Mick Garvin, Many Rivers Group, Sierra Club; Francis Eatherington, Umpqua Watersheds, Inc.; James Johnston, Cascadia Wildlands Project; Hillary Abraham, Oregon Environmental Council; Asante Riverwind, Blue Mountains Biodiversity Project; Karen Beesley, Nurse Practitioner; Mettie Whipple, Eel River Watershed Association, Ltd.; John Kart, Audubon Society of Portland; Bill Marlett, Oregon Natural Desert Association; Mr. Benson, Association of Northwest Steelheaders; Elizabeth E. Stokey, Organization for the Assabet River; Maria Van Dusen, Massachusetts Riverways Program; Pepper Trail, Rogue Valley Audubon Society; Glen Spain, Pacific Coast Federation of Fishermen's Associations; Ed Himlan, Massachusetts Watershed Coalition; Pine duBois, Jones River Watershed Association; Michael Toomey, Friends of Douglas State Forest; Ellen Mass, Friends of Alewife Reservation.

ASSOCIATION OF METROPOLITAN

SEWERAGE AGENCIES,

Washington, DC, June 16, 2000.

Re: Municipalities Support EPA's Revised TMDL Program.

Hon. ROBERT A. BORSKI,

House of Representatives,

Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA)—AMSA represents the interests of 246 of the nation's publicly-owned wastewater treatment agencies. Together, AMSA member agencies serve the majority of the sewered population and treat and reclaim more than 18 billion gallons of wastewater every day—supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing

TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide as "reasonable assurance" that all source of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists.—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters.—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired waters list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines.—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for a developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or

grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years of develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWS in your home state can assist you in any way, please call me at (202) 833-4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,
Executive Director.

Mr. HINCHEY. Mr. Chairman, may I inquire as to the time that is remaining.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 1½ minutes remaining.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, for over 25 years, the General Electric Company in New York has been thwarting any effort to clean up the Hudson River of the tons and tons of PCB they dumped into that river. For 20 years, they demanded study after study after study. For 20 years, they told us the river itself would eliminate the sediments. It has been studied. It has been studied and studied and studied to death for 20 years. We know that the river itself did not eliminate the sediments. We know they must be required to do so.

The EPA, having finished its findings, is finally requiring GE to clean up the crud that they put in the river that is poisoning the ability of communities downstream to use the water, to drink the water, to use it for other purposes.

Now we have this language that says, in the interest of General Electric, we will tell millions of people you cannot clean up your water. This language is foul. It is intended to protect the foulness of our water. I urge everybody to unfoul it by supporting the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that there are 14 States, some 30 sites that will be affected by the language in this amendment, 30 places around the country which are heavily contaminated with heavy metals and toxic contaminants of various kinds which the EPA will not be able to investigate, to find out what is there, to develop a technology and a program for remediation if this language stays in the bill.

This language is inappropriate in this appropriations bill. It ought to be

taken out. I ask everyone to join us in support of this amendment.

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of the amendment introduced by my dear colleagues Mr. HINCHEY, Mr. BROWN and Mr. WAXMAN. This amendment would ensure that this Body does not impose limits on the use of EPA funds for dredging or other remediation technologies to clean up contaminated sediments in lakes and rivers.

The Gowanus Canal, located in Brooklyn, New York, is in great need of being dredged. Historic industrial uses in and around the canal have caused significant amounts of hazardous materials to accumulate at the bottom. The shallow depth restricts the use of the canal for navigation and commercial purposes. Most importantly, Mr. Speaker, the contaminated sediments represent a continued health threat for the natural resources of the area.

This amendment is about many lakes and rivers around the country and their surrounding communities. It is about the economic development and prosperity opportunities that can not properly take place in contaminated areas. It is about not limiting resources to enforce drinking water standards.

Mr. Chairman, let us not limit the great economic and community development possibilities and the restoration of the environment for my constituents and for people and communities around the country. Limiting those opportunities by limiting resources would be a disservice to the people we represent.

I urge my colleagues to support this amendment and ensure that the people we represent have no limits imposed upon their health, and the restoration of their lakes and rivers.

Mr. HOBSON. Mr. Chairman, I rise today to speak against this amendment and in favor of the report language included in this bill. As a member of the Appropriations Committee and the VA-HUD Subcommittee, I support the common-sense approach the Committee has already taken to address the problem of contaminated sediments in our rivers.

Three years ago, Congress directed the EPA not to issue dredging or capping regulations until the National Academy of Sciences completes a study on the risks of such actions. Qualified scientists are working to finish this report to determine the best way to clean up rivers with minimal impact to the surrounding environment. This has been an open process, allowing input from the public, environmental organizations, and from the EPA itself.

Mr. Chairman, I agree that this is an environmentally sensitive issue, and it is important that most qualified, independent scientists weigh in on this regulation. This is why I support the existing language, which directs the EPA not to act prematurely and wait until the NAS study is complete. I encourage a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on

the amendment, as modified, offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, pursuant to an agreement that we reached earlier in the day, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER) only for purposes of discussing his amendment No. 7.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from West Virginia and will briefly discuss an amendment that was subject to a point of order and, therefore, legislating on appropriations bill, and I could not offer it.

This body just decided to go forward and fund a Space Station that is \$90 billion overbudget. Now, if this body is going to proceed with that kind of decision, I would hope that they would do it prudently and with our taxpayers in mind and with science at the forefront. My amendment would simply say get the Russians out of the critical path and build it with the American interests in the forefront.

Right now, according to this graph, this is the pie graph of how the Space Station is built. The United States funds about 74 percent of it; Europe, 11 percent; Canada, 3 percent; Russia has a question mark. Why? The General Accounting Office has just come out with a new study saying that the Russian participation will cost the American taxpayer \$5 billion in the future because they are not coming forward with their money, with their time, with their components. The U.S. taxpayers in Indiana, Illinois, Massachusetts, New York, and West Virginia are going to have to fund this.

So I encourage this committee to address this very critical issue and get the Russians out of the critical path, get them out of the critical path so that they cannot gum up the works and they cannot force the American taxpayer to send their hard-earned money over to Russia.

Mr. Chairman, will the gentleman from West Virginia (Mr. MOLLOHAN) yield to me for the second amendment?

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER) for the purpose only of speaking on his amendment No. 8.

Mr. ROEMER. Mr. Chairman, the other amendment would simply again look at the U.S. taxpayers' interest, and it would cap the overall costs of the Space Station.

According to a graph put together by CRS back in about 1988, the Space Station took about 4 percent of NASA's budget. So out of an overall spending of \$13 billion, \$13.2 billion, the Space Station consumed about 4 percent.

Today, in the year 2000, that spending level is up to almost 20 percent of the NASA budget. So NASA is starting to cannibalize, cancel, withdraw from,

and not do some very important scientific projects within the NASA budget. That might be Shuttle safety programs, guaranteeing the safety of our astronauts. They might be programs to do things faster, cheaper, better. They might be space science programs. They may be missions to Mars where, according to today's paper, scientists are claiming that they have discovered water on Mars. Instead of building a Space Station that limits our dreams, why not go beyond that?

So I would encourage my colleagues, if we are going to build this Space Station, do it smartly, do it prudently, do it wisely, and do it with the taxpayers' interests in mind. Do not send \$5 billion in the next couple years to Russia, not our hard-earned money, not our families' hard-earned money. These are two steps that the appropriators and the authorizers should take to curtail costs of the Space Station in the future.

I would encourage my colleagues not to build it and plow this money back into the National Science Foundation, back into NASA, back into other good manufacturing programs that keep good high-paying jobs in America.

So with that in mind, I would hope the gentleman from New York (Chairman WALSH), who I greatly respect, and the gentleman from West Virginia (Mr. MOLLOHAN) would consider these kinds of amendments next year if we are going to go forward with this.

Get the Russians out of the critical path and also put a cap on the Space Station that Mr. MCCAIN has led efforts on in the Senate side. The Senate has agreed to do that, but the House has not.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used prior to June 15, 2001, for the designation, or approval of the designation, of any area as an ozone non-attainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997, (62 Fed. Reg. 38,356, p.38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, *American Trucking Ass'ns. v. EPA* (No. 97-1440, 1999 Westlaw 300618).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Georgia (Mr. COLLINS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1999, the U.S. Court of Appeals ruled the EPA had unconstitutionally usurped Congress' legislative authority in establishing strict new Federal air quality standards. Reasonable persons expected the agency to delay further implementation of these standards until the Supreme Court rules on the agency's appeal early next year. However, the EPA has decided to go forward with the process of designating hundreds of new areas in non-attainment status despite the legal uncertainty.

This amendment is simple. It does not affect existing air quality standards, nor does it render judgment on new standards. It only requires the EPA to postpone further action until the Supreme Court issues its final ruling. The only common sense reasonable approach is to delay this process until the Supreme Court renders its decision in early 2001.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Chairman, I yield 5½ minutes to the gentleman from New York (Mr. BOEHLERT), my colleague and neighbor to the east.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong, strong opposition to this amendment. Let me begin by explaining what the debate over this amendment is not about. This is not a referendum on the underlying ozone standards. The Supreme Court will review those standards later this year. This amendment takes no stand on whether those standards should move forward or not.

Second, and even more importantly, this amendment has nothing, absolutely nothing to do with whether the Environmental Protection Agency can impose sanctions on communities under the 8-hour ozone standard. The D.C. Circuit Court decision already prohibits EPA from imposing any sanctions before the Supreme Court hands down its decision.

Let me emphasize this again. With or without this amendment, no community will lose its highway funding, no community will face new restrictions on plant expansions, no community will face any new penalty or regulation under the new ozone rules before the Supreme Court decision.

□ 1800

The sponsors of this amendment know that. When I suggested to them that statutory language to make it even clearer that the 8-hour standard could not be enforced before the Su-

preme Court rule, the sponsors dismissed it, telling me that EPA was already prevented from enforcing the new standard.

So, again, no one should vote for this amendment thinking that it will somehow protect their communities from enforcement of the new ozone rules before the Supreme Court rules. The lower court has already accomplished that.

So, then, what will this amendment do? This amendment would unnecessarily delay implementation of the new ozone standard if, and only if, it is upheld by the Supreme Court. This amendment would deny the public complete information about air quality by enabling communities to pretend that they do not have an air quality problem when the data indicate that they do.

This amendment would slow the cleaning of our Nation's air by short-circuiting a designation process that has been approved by the D.C. Circuit Court. In short, this amendment would undermine and delay efforts to clean our Nation's air.

And why would we undermine clean air efforts? The answers the sponsors provide are far from compelling. First, they say that continuing with the designation process would cost States and localities additional money. That is not the case. Governors will submit their designation proposals at the end of this month, long before this amendment takes effect.

Moreover, the data for these proposals comes from existing monitors that are already collecting data under the current ozone standard. The only remaining costs are marginal. Existing staff at the EPA and the State environmental agencies will spend some of their time reviewing the proposals and reacting to EPA's decisions.

There is no cost issue here. Voting for the amendment will not save much, if any, money. Cost savings are illusory. But approving the amendment would have very real human cost. The amendment will delay clean air efforts, resulting in more hospital admissions, more lost days of work, more misery, more suffering for American families. Those are real costs.

The sponsors of this amendment also suggest that this measure is needed because otherwise communities would get a damaging black mark. The idea here, I guess, is that dirty air does not exist if it is not officially recognized. But, unfortunately, our lungs do not react to political designations; they react to the chemicals actually present in the air. All the official designation does is to enable the new rules to move forward if, and only if, they are upheld by the Supreme Court.

Also, this black mark argument is a bit of a joke. It is not exactly a secret which counties may be out of attainment. EPA released a list of those

more than 3 years ago, and the sponsors themselves have been circulating lists of out-of-attainment counties for weeks. In other words, the black marks have already been given. The only question is what we are going to do about those black marks. The amendment would remove the black mark temporarily by pretending they were never given. Without this amendment, communities can begin to figure out how to remove the black marks by actually cleaning up their air.

Mr. Chairman, I urge all of my colleagues to oppose this amendment. It is not necessary and it is contrary to the best interests of American families.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LINDER), cosponsor of this amendment.

Mr. LINDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the crocodile tears the gentleman from New York has for the number of hospital admissions must come from a bad dream, because the EPA said to the court there is no way for us to quantify the health statistics with their new rule.

The EPA wants to move forward with designating areas, and the gentleman says that is not going to hurt anyone. But let me tell my colleagues what happens when designations are made. Highway funds stop under the Clean Air Act. Yes, highway funds stop, not because of enforcement but because of designation. Fewer loans are extended to businesses. A mountain of lawsuits from environmental groups, who are now given standing, are filed against States and localities. Many more thousands of dollars are spent by States and localities to comply with the designation process, not the enforcement process. News articles labeling regions as polluted, using standards that are unenforceable, will occur, and businesses moving or expanding will go elsewhere.

Finally, an effective designation triggers a conformity process under the Clean Air Act. That clearly means hundreds of billions of dollars in highway funds lost. This is real. The EPA ought to abide by the court decision.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I ask the House to support my colleagues from Georgia and vote in favor of this amendment.

Mr. Chairman, the EPA's new standards could potentially triple the number of counties nationwide in violation of the Clean Air Act. Chattahoochee County, in my congressional district, could possibly be one of those counties impacted by the new national ambient air quality standards.

Mr. Chairman, Chattahoochee County is not an industrial county. It is a small poor rural county that is trying

to build its economic base. EPA's new standards, no matter how well intentioned, could seriously damage this effort.

Last year, the United States Court of Appeals ruled that EPA's standards are legally unenforceable. The Supreme Court announced that they would consider EPA's appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars to comply with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I rise in strong, strong support of the Collins-Linder amendment.

Now, I am sure we are going to hear today the standard EPA mantra that the new air quality standards would prevent thousands of asthma attacks and hospital admissions. We have already heard it. The problem is that was determined with very faulty studies and bad science. These were precisely the studies, the faulty studies, that the D.C. District Court found were not backed by credible evidence and violated Congress' legislative authority, and that led the court to overrule this agency. That is the first branch of the Federal Government saying to this Federal court that they must stop.

Furthermore, the Committee on Commerce listened hours on end to a debate with EPA on this and found the same thing: this science is not credible. We should not go forward with something until we know exactly what we are doing because there are negative consequences of this.

Everybody needs to vote for this amendment and tell the EPA to cut it out.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Chairman, I thank the gentleman for yielding me this time.

It is my understanding, and I will address this to the gentleman from Georgia, that the courts did rule or they did say that the science was reasonable.

The other gentleman from Georgia, for whom I have great respect, made a comment about the gentleman from New York (Mr. BOHLERT) having crocodile tears. Well, I can tell my colleague that I have crocodile tears be-

cause of some of the ozone days that we have here in the State of Maryland.

One of the counties in my district, Anne Arundel County, and I will say it for all to hear, is the 11th worst county in the United States for these kinds of ozone particulate problems. When that came out in the press, and it was substantiated, the people did not get angry that that information was there. The people were happy that they had that information so they could talk to the local county executive and figure out ways maybe they could help resolve that issue.

We have, in the State of Maryland, I do not know if it is worse than anybody else, but we happen to be in the jet stream, the confluence of the westerly winds that blow from the Midwest, and they come right across the mid-Atlantic States, and they come right across my district, and they carry everything from, well, not much from California, one would assume, but the industrial area of the Midwest, and all of that dirty air that they happen to put up in the atmosphere with the high smokestacks, and I am not saying anything about the industrial area of the Midwest, it just so happens we get a lot of the particulates and ozone problems from that region as a result of the jet stream.

Now, because of that, we do not want to not know that information. We want to know that information because, number one, we put up a lot of pollution ourselves. We have coal-fired power plants; we have the I-95 corridor that runs right through the State of Maryland and brings all that traffic and all those problems. So we want to know what we can do with our own situation here in the State of Maryland. Not placing the blame anywhere else, but saying we have a problem, we have the information, we want to learn about how we can solve it.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Scientists have been studying the effects of ozone on human health for many years, and we know there are serious adverse health effects associated with ozone air pollution. Ozone can trigger asthma attacks, reduce lung function, inflame and damage the lining of the lung. Prolonged exposure can lead to permanent damage in the way human lungs function. So we have a serious health issue associated with ozone.

In 1997, EPA finalized new standards for ozone and fine particulate matters. In May of 1999, in a court case, the Court of Appeals for the District of Columbia remanded these standards back to EPA, and there is an appeal now going on to the Supreme Court. But an issue that is not under contention is

whether ozone is harmful or whether EPA had the science to promulgate these standards. No one disagreed with that, and the court was explicit in underscoring EPA's decision that it was based on the science.

What is at issue before the Supreme Court is an issue under the nondelegation doctrine. And the Supreme Court is going to be looking at that question. It is really quite an unprecedented matter of law. But in the meantime, areas have been designated under this new standard. This Linder-Collins amendment would stop the designation.

Well, the designation ought to go forward. It does not require expenditure of money for costly monitoring. It does not require a loss of highway funding. It is not EPA disregarding the court case. This is important to go forward with the designations so the areas can be prepared to move once the Supreme Court has decided the issue.

If this amendment were agreed to, it would set us years further along before the localities would be in line to meet the standards and would be prepared to do what is necessary to meet those standards. I would hope Members would oppose the Collins-Linder amendment.

Mr. COLLINS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I rise in strong support of this amendment, and I start with one question: Have we walked through the looking glass with Alice? Have we now entered Wonderland?

I want my colleagues to follow this with me. The Clean Air Act Amendments of 1990 specify in section 181 that EPA is to put in place a 1-hour standard for ozone and particulate protection, and to measure communities out of attainment based upon that standard.

EPA decided on its own to revise that standard. The court of appeals here in Washington said that was unconstitutional.

□ 1815

It further held that their standards were arbitrary and capricious and they use no intelligible standards by which to address the science to this new formula they came up with. So they have got an unconstitutional formula standard on their hands. They are told they cannot enforce it. And yet today they are demanding that States declare communities across America out of the attainment on a standard that has been declared unconstitutional.

Have we entered Wonderland? Now we are told this is not going to cost anything. EPA says this is going to cost \$9.6 billion to implement. Have we got \$9.6 billion to throw away, designating nonattainment communities on a standard that the Supreme Court

might indeed declare unconstitutional? I ask my colleagues, who of them in their district has \$9.6 billion to give to this worthless effort?

Secondly, the Supreme Court is going to rule on this next year. We are going to get an answer as to whether this is real or not. In the meantime, EPA wants to designate communities across America in 324 congressional districts, 324, three-quarters of the congressional districts of this House, are going to be designated out of attainment. For what? For a standard that has been declared unconstitutional.

Every one of those communities and congressional districts will be stigmatized for economic growth and development and will be told they are out of attainment, they are not in compliance with Federal law. And my colleagues tell me damage will not be done.

This is Wonderland. We need to adopt this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER).

Mr. Chairman, this amendment would rightly supersede and suspend a bureaucratic fiat by unelected agency officials that could cost our States and communities billions of dollars as they struggle to comply with an unattainable, unsubstantiated, and unconstitutional standard.

We should protect our constituents from the significant costs of EPA's decision to mandate a new, highly restrictive ozone standard until the Supreme Court decides whether or not they have the legal and enforceable right to do so.

Already, the Court of Appeals has rejected the reasoning underlying the EPA's decision to mandate these standards. Taxpayers should not be burdened by premature enforcement of an agency's standard that cannot be enforceable and should not be issued.

Exposing taxpayers to the increased costs of regulations erected on a highly unstable constitutional footing makes little sense.

Let me be clear. This amendment is not a referendum on the Clean Air Act. It simply protects taxpayers by postponing further action by the EPA from prematurely designating these areas until the court has decided that the EPA has the right to do that.

Congress should protect its own prerogatives and the taxpayers by supporting this amendment and allowing the Supreme Court to render a final determination.

Support common sense and fairness. Require the Congress to accept our full

responsibility in this area and allow the Supreme Court to make its decision.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman very much for yielding me the time.

Mr. Chairman, America is only as strong as its communities; and by placing a giant question mark over our communities, we do a disservice to community growth.

My district, obviously, is one of the communities that would be adversely impacted by the implementation of the EPA standards.

The United States Court of Appeals has ruled that the EPA label for new air standards are legally unenforceable. So why does the EPA insist to place a badge of inferiority over our Nation's cities?

Indianapolis, from which I am elected, is a badge that the U.S. Court has viewed as having no merit. I support clean air. However, let it be under a standard that has the legal sanction of the U.S. court system.

If allowed, this badge of inferiority that lacks legal precedent could have an adverse impact on new businesses that may be less likely to open new facilities in areas designated as contaminated. It may have an impact on the hiring of new employees and community growth in that people may not desire to move into an area that has been deemed to be polluted.

Let us not place an illegal badge of inferiority on our American citizens.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) a distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

As one of the 325 Members who could have all or part of our congressional districts included in the nonattainment areas under the EPA's 8-hour ozone standard, I want my constituents, especially seniors, children and those with asthma, to have cleaner air sooner rather than later.

In New Jersey, the months from April to October are not only the summer season, but they are also known as the ozone season. During this period, the Garden State will see an average of 240,000 asthma attacks; 2,000 related hospital admissions; and 6,000 related emergency room visits. These statistics are from the New Jersey Department of Health.

The 8-hour standard is 10 percent more stringent than the current 1-hour standard and incorporates larger geographic areas. This forces up-wind polluting States, such as those in the Midwest, to do more of their fair share to help down-wind receiving States, such as mine, come into compliance.

EPA's implementation of the Clean Air Act should go forward. I urge that the amendment be rejected.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, there is so much misinformation in this debate it is mind boggling.

Let me read from the D.C. Circuit Court decision. "The factors EPA uses in determining the degree of public health concern associated with different levels of ozone and particulate matters are reasonable." That is a direct quote.

Secondly, not one penny is going to be spent in the designation process. The only money that will be spent is if the Supreme Court upholds these rulings. The fact of the matter is not one penny will be spent by any community. No community loses highway funds. No community loses any support from the Federal Government for economic development activities.

The gentleman from Maryland (Mr. GILCHREST) was absolutely correct. It all boils down to this: The American people have a right to know. The American people have a right to know.

Mr. COLLINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman is right, there is a lot of misinformation about this; and he just delivered some more.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I rise in strong support of the Linder-Collins amendment.

We are all supporters of clean air. This debate is not whether or not ozone is harmful. We all know it is. This debate is about fairness. It is a debate about whether or not we should all be able to play by the same rules.

Over a year ago, the Federal Circuit court found that the EPA acted without authorization in drafting these new 8-hour ozone standards. We know that that matter is on appeal. But we also know that the EPA is continuing to use these standards to label our communities and to designate some of them as nonattainment areas.

What does a nonattainment label mean? It means a suspense of Federal highway funds. It could mean the imposition of auto emissions testing programs. And it certainly means restrictions on all of our local industries. It is like a bright neon sign at the county line saying "stay out" to every business and industry that is looking for a new place to invest.

We believe that everybody should be able to play by the same rules and that we should wait until the Supreme Court rules.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman, and I strongly associate myself with the comments from my colleague the gentleman from New York (Mr. BOEHLERT). He has it right. The ozone problems are proven.

This amendment would be a significant step backward. It is, in fact, legal and required to be done by the EPA. It would be wrong to set back this work up to 2 years while some of the legal issues are, in fact, being hashed out.

In Atlanta, failure to comply with the Clean Air Act provided much-needed catalyst for making a serious examination of the impacts of unplanned, rapid growth in its metropolitan area.

I think what is happening in Atlanta in Georgia is part of the success stories. Because the new governor had the courage and the foresight to move through a comprehensive approach they have not yet lost one dime of Federal highway money, they have been able to channel it for things that are in compliance with the plan, and they are able to move ahead and move forward.

It would be a disservice to Atlanta and to other areas of the country to not give people the best information, to not move forward as rapidly as we can, and not be ready to implement this if, as I believe it is in fact going to be the case, this is sustained by the Supreme Court.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Chairman, I would just like to make a comment on the previous speaker, the gentleman from Texas (Mr. TURNER), as far as putting a neon sign on his area that was considered in a nonattainment area for business purposes.

New York and Atlanta are both in nonattainment areas, and their economies are prospering. So I think that is a nonargument.

And, also, the gentleman from Oregon (Mr. BLUMENAUER) said no highway funds would be withheld as a result of this, and that is also true.

I think that people should know the quality of their air.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the amendment.

The EPA has already acted. The energy and commerce committee acted in 1990, laid it out fairly specifically.

I certainly respect the gentleman from New York (Mr. BOEHLERT) but I differ with him on his interpretation of what the Court of Appeals said. He relayed some information that they had deemed something reasonable, but they

also deemed it unconstitutional and they wrote I think very clearly.

I think where the mistake is here, the gentleman from New York (Mr. BOEHLERT) says that to pass this amendment would unduly delay implementation. Of course it would. That is the whole idea of the amendment, asking them not to be unconstitutional, not to usurp the congressional authority here.

They are presuming that the Supreme Court is going to bail them out. I presume the Supreme Court is going to follow the law and tell the EPA that they acted unconstitutionally, not to act. I think it is just that clear.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, throughout the VA/ HUD appropriations hearings this year, I have had occasion to engage both EPA Administrator Carol Browner and Assistant Administrator for Air and Radiation Bob Perciasepe in a dialogue about their legal troubles and their faulty standards and their flips and their reversals and their scientific troubles.

In light of all that, let me explain a little personal experience we are having with EPA in Michigan.

The EPA implemented national restrictive mandates on air using a 1-hour measurement. Then EPA revoked the 1-hour measurement and switched to an 8-hour measurement. Next the courts explained to EPA that their actions were unconstitutional. Then the EPA flipped back again to the first restrictive mandate.

As my colleagues can imagine, the States and the regulated community are frustrated and harmed by EPA's failures.

Now the EPA is ignoring the most recent air quality data and is instead relying on old, out-of-date designations that were in place at the time the 1-hour measurement was revoked the first time.

Now, if my colleagues are lost, so were we and so are we.

Now, this bad action by EPA violates the long-standing legal principle of fairness known as "detrimental reliance."

We can do a whole lot better than this. For just such examples as these, I support the amendment and congratulate the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER) for their leadership.

Mr. COLLINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a lot has been said about gathering information. And information is important. It is important for our cities and our communities to know just exactly what kind of quality of air they have there for their citizenry. But this does not stop information gathering.

What we are concerned about is the designation, the mark, the stigma, the scarlet letter that so many people will look at prior to entertaining that community as a place to locate a business or even to locate themselves.

□ 1830

The amendment is just good common sense: wait until such time as the Supreme Court rules on this issue. Mr. Chairman, I know a lot of times common sense does not prevail that much here. But I hope it does today.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. LINDER).

The CHAIRMAN. The gentleman from Georgia is recognized for 1½ minutes.

Mr. LINDER. I thank my colleague for yielding me this time.

Mr. Chairman, let me just deal with three points. None of us want our constituents to suffer illness because of air. But let us talk about what actually was said in the court. The D.C. Circuit specifically noted that EPA's arguments on the health effects of changing from the 1-hour rule to the 8-hour rule for the 1997 standard were bizarre. That is the court's response. Bizarre. The EPA itself argued during the trial that the health effects were irrelevant to the development of the rule, and EPA's own final rule on the 8-hour standard notes that quantitative risk assessment could not be developed. This is the EPA speaking.

With respect to the transportation issue and the highway funds, in the Clean Air Act a nonattainment designation, which the gentleman from Georgia (Mr. COLLINS) referred to, triggers the conformity process. Under this process, a region can lose all access to its Federal highway funds even if it is in conformity. No EPA enforcement actions are necessary to trigger conformity. Only a nonattainment designation is needed to threaten a region's highway funding. The Federal DOT directs all enforcement during this process.

Finally, let me say that this is not unprecedented. The gentleman from New York voted for this 2 years ago. In TEA-21, we had a provision that stayed the rules, that stayed the designation process for 1 year; and we had that because we thought the court would be completed within 1 year. All Members who voted for TEA-21 voted for this moratorium, 297 Members strong. Unfortunately, the delay was not long enough. We will just be extending it until the court finally decides.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I would just like to congratulate both sides in this debate. I thought the debate was conducted at a high level. Solid points were made on both sides. My view is that we should, when we have a decision to make, make it based

on facts; and I think we should err on the side of caution. Caution in the sense of human health would dictate that we oppose the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. BOEHLERT), who has been a leader and one of the reasons that New York's air and water are cleaner than ever.

Mr. BOEHLERT. Mr. Chairman, the Collins-Linder amendment is nothing less than an effort to unnecessarily undermine clean air efforts by dragging them out forever. All the designation does is give the public information, information that they need to protect their families. Nothing can go forward until the Supreme Court acts.

Are the sponsors afraid that a simple listing of a nonattainment area will do damage? Are they worried that communities might start planning to clean up their air? Are they afraid the citizens might start agitating for cleaner air? Do they think that pretending that an area has clean air by delaying its listing will enable its citizens to breathe easier? We want to equip the American public with the information they need to make intelligent decisions. If all we do is continue to study these problems, we will end up with the best documented environmental disaster in history.

Mr. ALLEN. Mr. Chairman, I rise in opposition to this amendment, which could delay health protections for millions of Americans.

National ozone standards are a key tool in the fight against respiratory disease.

Last year the DC Circuit court ruled that the new 8-hour ozone standards can not be implemented in their current form.

However, it did not question their scientific basis, and it recognized that current law requires EPA to designate non-attainment areas for the new standards.

Because the case is under appeal to the Supreme Court, the EPA cannot impose sanctions or restrictions on non-attainment areas.

EPA cannot enforce the new standards until the Court has ruled on the appeal, so this amendment will not save any counties or states from paying federal penalties.

This amendment will only prevent us from knowing just how polluted our air really is And needlessly delay ozone reductions that will improve air quality for every American.

Opponents of tighter standards say that designating non-attainment areas will be too costly.

They say that gathering air quality information is not worth our time or money.

But with rising asthma rates and soaring health care costs, delaying tough ozone standards will be far more expensive.

Today 30 million Americans live with lung disease, and their conditions worsen with each breath of unhealthy air.

It costs more than \$10 billion a year to treat the 17 million Americans who suffer from asthma.

Asthma rates are growing most quickly among young children, so there is every reason to believe that costs will continue to climb.

But health care costs alone don't tell the whole story.

Unhealthy air hurts everyone's quality of life.

Last fall, when I introduced a bill to cut toxic emissions from power plants, I was joined at a press conference by Joan Benoit Samuelson, an Olympic marathon gold medalist, and Maribeth Bush, a young woman from Portland, Maine who suffers from chronic lung disease.

Ironically, each woman said that she doesn't need to watch the weather report to learn the air quality in Maine that day.

One woman has met challenge as a world class athlete, while the other finds every breath she takes a challenge.

Yet both need only step outside each morning to determine if the air is unhealthy to breathe.

On a bad ozone day, everyone suffers, and this amendment will only delay improvements in air quality that will help us all breathe more freely.

The amendment is unnecessary, it is harmful, and I urge its defeat.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in support of the Linder/Collins amendment.

Despite a ruling last year from the U.S. Court of Appeals, the Environmental Protection Agency continues to press states to enforce its new air regulation standards. The Appeals Court had declared the new standards unconstitutional delegations of legislative powers. The EPA has now appealed to the Supreme Court, and the Court will hear the case.

In the meantime, however, EPA has notified governors that they have until June 30 to designate areas that will not meet the new air standards or the EPA will do it for them. EPA should not be pushing states to enforce regulation that have been struck down in court and whose future will be decided by the Supreme Court.

Five counties in my district have been put on notice that they will not be in attainment of these new rules. How can these counties become non-attainment areas of a regulation that has been declared invalid by the Appeals Court? The EPA does not know what the outcome of the Supreme Court decision will be, yet it is acting as though the air standards are law, instead of respecting the decision of the Appeals Court.

Edmonson County in my district is a rural area with little industry. Much of the country is home to Mammoth Cave National Park. Yet Edmonson County faces the possibility of becoming an ozone non-attainment area. The area easily meets the current ozone standards. Requiring the state and local government to plan for a possible regulation is a waste of resources. At the same time, the area's efforts to attract industry to provide more and better paying jobs to its residents will be hampered by EPA's decision to move forward with null and void standards.

Western parts of my district around Owensboro are facing a similar situation. Local officials are left in limbo, being told they will have to take steps to change ozone levels in their counties but also knowing that without the Supreme Court's approval, the regulations they are planning for will not take affect. This is not prudent policy making.

Officials in Kentucky stated in media reports that the technology is not available to determine the source of ozone, only its current location. The counties in my district that could become non-compliant will likely become so because of moving ozone. If the science is not available to know where the higher ozone comes from, how are these areas expected to eliminate it?

All of us support clean air. But air standards must have a scientific background, be set according to the law and be evaluated on their costs and benefits. Regulations for regulation's sake, such as these, produce no benefits. EPA's job is to enforce the law, not create it. EPA should enforce the provisions of the Clean Air Act, but it should do so in accordance with the law and scientific standards. EPA has not presented sufficient reasons for regulations beyond the 1990 standards.

Until the Supreme Court has issued its judgement on the validity of the EPA's 1997 air quality regulation, we need to support this amendment and keep state and local communities from bearing the costs of this invalid regulation. Until a regulation that can legally be enforced is in effect, this designation process must be postponed. This is a simple, common sense request.

I urge support for this amendment.

Mr. BARR of Georgia. Mr. Chairman, I would like to commend both Mr. COLLINS and Mr. LINDER for offering this extremely important amendment to stop EPA from implementing the National Ambient Air Quality Standards (NAAQS) until resolution of the matter by the Supreme Court.

The suburbs of Atlanta have, since 1997, been grappling with the problems created by Atlanta's non-attainment of Clean Air Act standards. The EPA has attempted to include these outlying areas in their enforcement of these non-attainment standards, wreaking havoc on the citizens, governments, and industries located in these areas. Last year, a federal appeals court has ruled EPA acted unconstitutionally in proposing the new NAAQS in 1997, because Congress had not empowered EPA to act unilaterally on the matter. The Supreme Court has agreed to hear the case, but it may not issue a decision until early 2001.

The resulting situation is one of increasing uncertainty. First, communities already out of attainment are left shooting at a moving target, because they have no idea whether the changes they are making today will conform with the standards of tomorrow. Secondly, EPA may end up including additional regions of the state in the non-attainment area, in an effort to force them to change zoning and development practices before the Court issues a ruling. Obviously, either situation is extremely unfair, especially since EPA lost the first round of litigation in court.

The Linder-Collins amendment simply states that EPA cannot enforce the new standards until the Court determines whether the federal agency acted constitutionally. By passing this amendment, we can ensure that reasonable, common sense development practices are not supplanted by a last-ditch effort by EPA to enforce its unconstitutional mandates in the face of judicial and congressional opposition. The bottom line is that EPA's games will cost tax-

payers dollars, make local planning impossible, create gridlock and increases pollution from idling cars. Let's put a stop to this, and see what the Supreme Court has to say on the issue.

I urge you to support passage of this amendment, to bring fairness and accountability to the process whereby EPA sets mandated clear air standards. Citizens cannot be allowed to flout the law and judicial process, and neither should a federal regulatory agency.

Vote yes for the Linder-Collins amendment to VA-HUD Appropriations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COLLINS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Georgia (Mr. COLLINS) will be postponed.

AMENDMENT OFFERED BY MR. PASCRELL

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PASCRELL:

At the end of the bill (page 90, after line 16) insert the following new section:

"SEC. . The second dollar amount otherwise provided in title I under the heading 'DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES', is hereby reduced by \$100,000 and increased by \$100,000."

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I yield myself such time as I may consume. With this amendment I seek to correct the great neglect, Mr. Chairman, with which the Veterans Administration treats many of our Nation's veterans. The neglect to which I refer is the VA's lack of effort in reaching out to our veterans and informing them what benefits they are entitled to. Too often our Nation's heroes are not adequately informed as to what benefits they are entitled to receive or how to obtain those benefits, and their families are not as well. In fact, a survey conducted by the VA indicated that less than half the veterans contacted were aware of certain benefits they were entitled to receive, including pension benefits for disabled and low-income veterans.

My amendment is simple. It mandates that whatever amount has been previously earmarked for outreach to veterans must be increased by \$100,000 from the general operating fund. This

extra funding is desperately needed. It is time for the VA to take seriously its responsibility for informing the veterans community about available benefits.

To further achieve this goal, I have introduced legislation, the Veterans Right to Know Act. My bill mandates that the Veterans Administration inform widows and survivors of vets about what benefits and services are available to them. It further requires that the VA develop an annual outreach plan designed to help identify veterans who are not registered and devise ways to inform vets of changes to their benefits.

Most importantly, my bill requires that the VA consult with veterans' organizations in developing the plan. That way we know it will work. I am a veteran. I am fully aware of the challenges that we face, the hardships that many of us have endured, and the pride we take in having served our country. Members of the Armed Forces have put themselves at great risk to protect America. In return, the Federal Government has made a commitment to both active duty and retired military personnel to provide certain benefits. Veterans throughout this country deserve these benefits. They have earned these benefits through their patriotism and their courage and their values. It is an absolute outrage that the Government they fought for is not doing a good enough job informing them of what they are entitled to receive. It is our responsibility to inform our veterans as to what benefits they are entitled to receive. Abraham Lincoln spoke of this responsibility in his second inaugural address, saying we must "care for him who shall have borne the battle, and for his widow and his orphan."

Throughout our Nation's history, millions of men and women have served in our Armed Forces, during times of peace and in times of war. They have defended the very freedoms our country was founded upon. My legislation honors that commitment. I am going to fight to make it the law of the land.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike the last word. I thank the gentleman for his hard work in this area. We share his concerns regarding veterans and their ability to know all their benefits and that their dependents are entitled to that. This legislation is before the authorizing committee. We would urge them to consider it in a timely manner. I thank the gentleman for withdrawing the amendment.

AMENDMENT NO. 24 OFFERED BY MR.

HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume. Today, I offer an amendment that would prohibit the Department of Housing and Urban Development from spending any Federal funds on the Communities for Safer Guns Coalition. This unauthorized program implemented by HUD could have adverse consequences on State and local law enforcement. According to HUD's press releases, coalition members sign a pledge and agree to show buying preferences to gun manufacturers who agree to impose gun control on themselves, their dealers and their customers. In other words, HUD and the communities signing these pledges are willing to sacrifice the requirements of law enforcement in order to coerce manufacturers into gun control agreements that they in turn impose upon their dealers and their customers. But you need not take my word for it. Two major law enforcement groups oppose these preferences.

Let me share with Members a few of their comments. The Law Enforcement Alliance of America, or LEAA, states this in their opposition to these preferences and I quote:

"LEAA disapproves of any attempt by the Clinton administration to strip law enforcement agencies of their right to choose the firearms for their officers. Each individual law enforcement agency is wholly qualified to decide the firearm manufacturers and models that they deem best suited for the needs of their officers. In fact, the individual law enforcement agencies are the most qualified to understand their particular needs. They do not need the Federal Government's partisan politics manipulating this or any other officer safety decisions made at the local level."

The Fraternal Order of Police states:

"The top concern of any law enforcement agency purchasing firearms is officer safety, not adherence to a particular political philosophy. Law enforcement agencies have to stretch every dollar and they need to get the best weapons for their officers that their budget allows. Reducing their choices by imposing a requirement

that they buy only from gunmakers who agree to certain HUD stipulations does not help the law enforcement mission."

We cannot allow those who lay their lives on the line each and every day to go into the field with equipment ill-suited for their mission. We owe it to them to ensure that they have the best equipment they can afford without regard to HUD's end run around this legislature to legislate by litigation and coercion.

I urge all Members to support my amendment and show their support for law enforcement. Do not allow HUD to overrule officer safety for the purpose of a political agenda. Support the ability of law enforcement to choose the best equipment for themselves. Vote yes on my amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. The Hostettler amendment will prevent the Department of Housing and Urban Development from working with the Community for Safer Guns Coalition. The coalition consists of more than 411 State and local governments around the Nation that have signed on to reduce gun violence in their communities. Those governments came together following Smith & Wesson's agreement with HUD in which the manufacturer agreed to make safer guns and to prevent guns from being sold to criminals. Some communities in the coalition include Syracuse, New York; Bloomington, Indiana; Daventry, Iowa; Los Angeles; Oakland; Wilmington; Peoria; Bowling Green; Anderson, South Carolina; Brink, New Jersey, and many others.

Mr. Chairman, I include the complete list for the RECORD:

COMMUNITIES FOR SAFER GUNS COALITION

ALABAMA

Mitchell, Quitman, Mayor, Bessemer.
Price, Julian, Mayor, Decatur.
Snow, Willie, Mayor, Hobson City.
Phillips, Leon, Mayor, Lake View.
Daniel, Edward, Mayor, Marion.
Dow, Michael, Mayor, Mobile.
May, James, Mayor, Uniontown.

ARKANSAS

Hays, Patrick, Mayor, North Little Rock.

ARIZONA

Grijalva, Raul, Board of Supervisors Chair, Pima County.
Wilcox, Mary Rose, Board of Supervisors, Maricopa County.

CALIFORNIA

Chan, Wilma, President of the Board of Supervisors, Alameda County.
Rocha, Mary, Mayor, Antioch.
Shoup, Mark, Mayor, Apple Valley.
Cruz-Madrid, Christina, Mayor, Azusa.
Dean, Shirley, Mayor, Berkeley.
Clegg, Legrand, City Attorney, Compton.
Wilson, Sharifa, Mayor, East Palo Alto.
Morrisson, Gus, Mayor, Fremont.
Cooper, Roberta, Mayor, Hayward.

Van Arsdale, Lori, Mayor, Hemet.
Dorn, Roosevelt, Mayor, Inglewood.
Hahn, James, City Attorney, Los Angeles.
Brown, Jerry, Mayor, Oakland.
Bogaard, Bill, Mayor, Pasadena.
Gardner, Garth, Mayor, Pico Rivera.
Corbin, Rosemary, Mayor, Richmond.
Yee, Jimmie, Mayor, Sacramento.
Renne, Louise, City Attorney, San Francisco.
Miller, Harriet, Mayor, Santa Barbara.
Valles, Judith, Mayor, San Bernadino.
Carlson, Brenda, County Supervisor, San Mateo County.
Trindle, Greg, LT, San Mateo County Police Chief.
Andre, Curt, Mayor, Turlock.
Nolan, Robert, Mayor, Upland.
Intintoli, A.J., Mayor, Vallejo.

COLORADO

Richards, Rachel, Mayor, Aspen.
Markalunas, James, Councilman, Aspen Council.
Toor, Will, Mayor, Boulder.
Parsons, Donald, Mayor, Northglenn.

CONNECTICUT

Ganim, Joseph, Mayor, Bridgeport.
Eriquez, Gene, Mayor, Danbury.
Larson, Timothy, Mayor, East Hartford.
Amento, Carl, Mayor, Hamden.
Peters, Michael, Mayor, Hartford.
Marinan, Joseph, Mayor, Meriden.
Destefano, John, Mayor, New Haven.
Malloy, Dannel, Mayor, Stamford.
Blumenthal, Richard, Mr., State of Connecticut.
Borer, Jr., Richard, Mayor, West Haven.

DELAWARE

Sills, James, Mayor, Wilmington.

DISTRICT OF COLUMBIA

Williams, Anthony, Mayor, Washington, DC.

FLORIDA

Aungst, Brian, Mayor, Clearwater.
Hanson, Carol, Mayor, Boca Raton.
Jackson, Robert, Mayor, Largo.
Brown, Samuel, Mayor, Lauderdale Lakes.
Schwartz, Arlene, Mayor, Margate.
Wolland, Frank, Mayor, North Miami.
Foster, E., Mayor, Ocala.
Miller, Alvin, Mayor, Opa-Lacka.
Hickson, Linda, Deputy Clerk, Palm Beach County.
Armstrong, Rae, Mayor, Plantation.
Reeder, Dottie, Mayor, Seminole.
Anthony, Clarence, Mayor, South Bay.
Fischer, David, Mayor, St. Petersburg.
Feren, Steven, Mayor, Sunrise.
Schreiber, Joe, Mayor, Taramac.
Daves, Joel, Mayor, West Palm Beach.
Penelas, Alexander, Mayor, Miami-Dade County.

GEORGIA

Campbell, William, Mayor, Atlanta.
Albritten, Robert, Mayor, Dawson.
Hillard, Patsy, Mayor, East Point.
Hightower, Michael, County Commissioner, Fulton County.
Gresham, Emma, Mayor, Keyville.
Ellis, Jack, Mayor, Macon.
Adams, Floyd, Mayor, Savannah.
Burris, Chuck, Mayor, Stone Mountain.
Davis, Willie, Mayor, Vienna.
Johnson, BA, Mayor, Wadley.
Carter, James, Mayor, Woodland.

HAWAII

Cayetano, Benjamin, Governor, Hawaii.
Harris, Jeremy, Mayor, City and County of Honolulu.

IOWA

Crews, Jon, Mayor, Cedar Falls.

Clancy, Lee, Mayor, Cedar Rapids.
Yerington, Phil, Mayor, Davenport.
Rooff, John, Mayor, Waterloo.
Koehrsen, Bernal, Chief, Waterloo Police Department.

ILLINOIS

Williams, Carolyn, Mayor, Alorton.
Mulder, Arlene, Mayor, Arlington Heights, Village of.
Powell, Debra, Mayor, East St. Louis.
Bennett, Sillierine, Mayor, Ford Heights.
Jackson, Linda, Mayor, Glendale Heights.
Kolb, Ernest, Mayor, Oak Lawn.
Grieves, Lowell, Mayor, Peoria.
Box, Charles, Mayor, Rockford.
Schwiebert, Mark, Mayor, Rock Island.
Wade, Jr., Casey, Mayor, Sun River Terrace.

INDIANA

Selman, Edwin, Mayor, Angola.
Ullrich, Richard, Mayor, Aurora.
Abplanalp, Bill, Mayor, Batesville.
Fernandex, John, Mayor, Bloomington.
Glassley, Ron, Mayor, Columbia City.
Johnson, Thomas, Mayor, Dunkirk.
Pastrick, Robert, Mayor, East Chicago.
King, Scott, Mayor, Gary.
Dedelow, Duane, Mayor, Hammond.
Buzinec, Linda, Mayor, Hobart.
McGahan, Larry, Mayor, Kendallville.
Dembowski, Nancy, Mayor, Knox.
Heath, Dave, Mayor, Lafayette.
Sheriff, Lafayette.
Huntington, Albert, Mayor, Madison.
Brillson, Sheila, Mayor, Michigan City.
Beutter, Robert, Mayor, Mishawaka.
Canan, Dan, Mayor, Muncie.
Overton, Regina, Mayor, New Albany.
Redick, Dennis, Mayor, Noblesville.
Blair, Richard, Mayor, Peru.
Yeazel, James, Mayor, Plymouth.
Arihood, Herb, Mayor, Rensselaer.
Campbell, Douglas, Mayor, Salem.
Margerum, Sonya, Mayor, West Lafayette.
Bercik, Robert, Mayor, Whiting.

KANSAS

Wagnon, Joan, Mayor, Topeka.
Marinovich, Carol, Mayor, Wyandotte County/Kansas.

KENTUCKY

Renaud, Eldon, Mayor, Bowling Green.

LOUISIANA

Roberson, Joyce, Mayor, Campti.
Washington, Bobby, Mayor, Cullen.
Davis, Willie, Mayor, Farmerville.
Coco, Jean, Mayor, Grand Coteau.
Geyen, Rodney, Mayor, Lake Charles.
Pierce, Abe, Mayor, Monroe.
Jupiter, Darnell, Mayor, Napoleonville.
Morial, Marc, Mayor, New Orleans.
Berry, Isam, Mayor, Rayville.

MASSACHUSETTS

Galluccio, Anthony, Mayor, Cambridge.
Menino, Thomas, Mayor, Boston.
Yunits, John, Mayor, Brockton.
Ragucci, David, Mayor, Everett.
Tobey, Bruce, Mayor, Gloucester.
Rurak, James, Mayor, Haverhill.
Sullivan, Michael, Mayor, Holyoke.
Dowling, Patricia, Mayor, Lawrence.
McManus, Patrick, Mayor, Lynn.
Howard, Richard, Mayor, Malden.
McGlynn, Michael, Mayor, Medford.
Kalisz, Frederick, Mayor, New Bedford.
Mead, Lisa, Mayor, Newburyport.
Barrett, John, Mayor, North Adams.
Higgins, Mary, Mayor, North Hampton.
Torigan, Peter, Mayor, Peabody.
Doyle, Jr., Gerald, Mayor, Pittsfield.
Sheets, James, Mayor, Quincy.
Ambrosino, Thomas, Mayor, Revere.

Usovicz, Stanley, Mayor, Salem.
Kelly Gay, Dorothy, Mayor, Somerville.
Albano, Michael, Mayor, Springfield.

MARYLAND

Carter, Cynthia, Councilwoman, Annapolis.
O'Malley, Martin, Mayor, Baltimore.
Dodson, Vivian, Mayor, Capitol Heights.
Simms, Jack, Mayor, District Heights.
Williams, Donjuan, Mayor, Glen Arden.
Beverly, Lillian, Mayor, North Brentwood.
Krasnow, Rose, Mayor, Rockville.
Kennedy, Eugene, Mayor, Seat Pleasant.
Curran, Joseph, State Attorney, State of Maryland.

MAINE

Kane, Thomas, Mayor, Portland.

MICHIGAN

Guido, Michael, Mayor, Dearborn.
Canfield, Ruth, Mayor, Dearborn Heights.
Archer, Dennis, Mayor, Detroit.
Stanley, Woodrow, Mayor, Flint.
Hampton, Hilliard, Mayor, Inkster.
Kirksey, Jack, Mayor, Livonia.
Moore, Walter, Mayor, Pontiac.
Loster, Gary, Mayor, Saginaw.
Dumas, Curtis, Mayor, St. Clair Shores.
Notte, Richard, Mayor, Sterling Heights.
Pitoniak, Gregory, Mayor, Taylor.
Thomas, Robert, Mayor, Westland.

MINNESOTA

Kautz, Elizabeth, Mayor, Burnsville.
Belton, Sharon, Mayor, Minneapolis.
Anderson, Karen, Mayor, Minnetonka.
Canfield, Chuck, Mayor, Rochester.

MISSOURI

Duncan, Phil, Mayor, Belton.
Deinbo, Babatunde, Mayor, Berkeley.
Eagan, James, Mayor, Florissant.
Green, Alexander, Mayor, Hayti Heights.
Stewart, Rondell, Mayor, Independence.
Shields, Kathryn, County Executive, Jackson County.
Brooks, Alvin, Mayor Pro Tem, Kansas City.
Bush, Errol, Mayor, Northwoods.
Whitfield, Kennard, Mayor, Rock Hill.
Harmon, Clarence, Honorable, St. Louis.
Hensley, Robert, Mayor, Velda City.

MISSISSIPPI

Scott, Alice, Mayor, Canton.
King, Rober, Mayor, Fayette.
Smith, Eddie, Mayor, Holly Springs.
Johnson, Harvey, Honorable, Jackson.
Phillips, Joe, Mayor, Jonestown.
Norman, Nerissa, Mayor, Mound Bayou.
Arnold, Amelda, Mayor, Port Gibson.
Otis, Larry, Mayor, Tupelo.
Walker, Robert, Mayor, Vicksburg.
Leach, Wardell, Mayor, Yazoo.

NEBRASKA

Ryan, Jerry, Mayor, Bellevue.

NORTH CAROLINA

Wilson, Frank, Mayor, Bolton.
Liles, George, Mayor, Concord.
Tennyson, Nicholas, Mayor, Durham.
Holliday, Keith, Mayor, Greensboro.

NEW JERSEY

Tomasko, Paul, Mayor, Alpine.
Russell, Wilbert, City Manager, Asbury Park.
Whelan, James, Mayor, Atlantic City.
Lunn, Scott, Mayor, Barrington.
Doria, Joseph, Mayor, Bayonne.
Escott, William, Mayor, Bellville.
Lynch, Richard, Chief of Police, Belmar.
Lowden, Robert, Mayor, Beverly.
Bukowski, John, Mayor, Town of Bloomfield.
Thatcher, David, Mayor, Borough of Laurel Springs.

Sacco, Nicholas, Mayor, North Bergen.
Scarpelli, Joseph, Mayor, Township of Brick.

Pirroli, Michael, Mayor, Bridgetown.
Sandve, Edward, Borough Administrator, Caldwell.
Milan, Milton, Honorable, Camden.
Kurzenknabe, George, Chief of Police, Chatham.
Poindexter, Arland, Mayor, Chesilhurst.
Ellenport, Robert, Mayor, Clark.
Morin, III, Philip, Mayor, Cranford.
Fisher, Douglas, Chair, Cumberland County.

Musso, Carol, Mayor, Deerfield.
Vittorino, Victor, Mayor, Delanco.
Colasurdo, Lawrence, Mayor, East Hanover.
Bowser, Robert, Mayor, East Orange.
Bollwage, J., Mayor, Elizabeth.
Jung, Louis, Mayor, Fanwood.
Chizukula, Upendra, Mayor, Franklin Township.
Seaman, Annette, Mayor, Fredon Township.

De Rienzo, John, Mayor, Haworth.
Russo, Anthony, Mayor, Hoboken.
Bost, Sara, Mayor, Irvington.
Delucca, Jr., Frank, Mayor, Lindenwald.
Schneider, Adam, Mayor, Long Branch.
Corradino, Angelo, Mayor, Manville.
Dobies, Ronald, Mayor, Middlesex.
Thompson, Lewis, City Clerk, Administrator, Millville.

James, Sharpe, Mayor, Newark.
Cahill, James, Mayor, New Brunswick.
Morgan, Allen, Mayor, New Providence.
George, Randy, Mayor, North Haledon.
Weldon, Terrance, Mayor, Ocean.
Letts, Mimi, Mayor, Parsippany.
Barnes, Martin, Mayor, Paterson.
Wyant, Jr., Harry, Mayor, Phillipsburg.
McWilliams, Albert, Mayor, Plainfield.
Kennedy, James, Mayor, Rahway.
Nolan, Brian, Mayor, Rocky Hill.
DeBell, Louis, Mayor, Roseland.
Gage, Earl, Mayor, Salem City.
Harelik, Clara, Mayor, Springfield.
Adams, Frank, Mayor, Spring Lake Heights.

Palmer, Douglas, Mayor, Trenton.
Garcia, Raul, Mayor, Union City.
Force, Maria, Mayor, Verona.
Riga, Raymond, Chief of Police, Wayne Township Police Department.
Wright, David, Mayor, Winfield.
McGrevey, James, Mayor, Woodbridge.
Higgins, Josephine, Mayor, Woodcliff Lake.

NEW MEXICO

Baca, Jim, Mayor, Albuquerque.
Smith, Ruben, Mayor, Las Cruces.
Hunting, Louis, Mayor, Los Lunas.
Delgado, Larry, Mayor, Sante Fe.

NEVADA

Mack, Michael, Mayor, Las Vegas.
Griffin, Jeff, Mayor, Reno.

NEW YORK

Charles, Michael, Mayor, Akron, Erie County.
Jennings, Gerald, Mayor, Albany.
Breslin, Mike, County Executive, Albany.
Duchessi, John, Mayor, Amsterdam.
DeAngelis, Christopher, Mayor, Auburn, Cayuga County.
Schaffer, Richard, Mr., Babylon Township.
Engelbracht, J.C., Town Attorney, Baldwinsville, Onondago County.
O'Hara, Dan, Mayor, Baldwinsville, Onondago County.
Hollwedel, John, Town Supervisor, Town of Bethany.
Fiala, Anthony, Majority Leader, Binghamton.

Fiala, Barbara, County Clerk, Binghamton.
 Harder, David, Sheriff, Binghamton, Broome County.
 Pasquale, Vincent, Minority Leader, Binghamton, Broome County.
 Whalen, Mark, Binghamton, Broome County.
 Frankel, Sandra, Ms., Brighton Township.
 Engel, Eliot, Congressman, Bronx.
 Espada, Pedro, NYC Council, Bronx.
 Ortiz, Felix, State Assembly, Bronx.
 Rivera, Jose, NYC Council, Bronx.
 Brennan, James, State Assembly, Brooklyn, Kings County.
 Cymbrowitz, Lena, Assembly Member, Brooklyn, Kings County.
 Jacobs, Rhoda, State Assembly, Brooklyn, Kings County.
 Perry, Nick, State Assembly, Brooklyn, Kings County.
 Masiello, Anthony, Mayor, Buffalo.
 Hoyt, Sam, State Assembly, Buffalo.
 Eichenberger, Robert, Supervisor, Town of Byron.
 Bilow, Donald, Supervisor, Chateaugay.
 Battiato, Joseph, Mayor, Chester.
 Kobre, Jerome, Mayor, Village of Chestnut Ridge.
 Deno, George, Town Supervisor, Chozy.
 Leak, Frank, Mayor, Village of Colonie.
 Phillips, Harold, Supervisor, Town of Constable.
 O'Shea, Donal, Supervisor, Town of Coven-try.
 Elliott, Robert, Mayor, Croton-on-Hudson.
 Drew, K. John, Mayor, Darien.
 Schneiderman, Jay, Supervisor, East Hampton, Suffolk County.
 Hughes, Stephen, Mayor, Elmira.
 Clark, Frank, District Attorney, Erie County.
 Catalino, Robert, Supervisor, Town of Evans.
 Glacken, William, Mayor, Village of Freeport Incorporated.
 Kennison, Weston, Town Supervisor, Genesee, Livingston County.
 Feiner, Paul, Supervisor, Greenburgh, Westchester County.
 McNulty, Jack, Mayor, Green Island, Albany County.
 Suozzi, Thomas, Mayor, Glen Cove.
 Garner, James, Mayor, Hempstead.
 Donley, Frances, Supervisor, Town of Russia, Herkimer County.
 Passarelli, Lewis, Mayor, Holley, Orleans County.
 Hogan, Shawn, Mayor, Hornell.
 Cohen, Alan, Mayor, Ithaca.
 Blumenthal, Susan, Alderperson, Ithaca.
 Wade, George, Mayor, LaGrange.
 Taylor, Ronald, Town Supervisor, Leray.
 Mullen, Kevin, Mayor, Village of Liberty.
 Crystal, Joel, City Council Vice President, Long Beach.
 Salone, John, Mayor, Village of Lyons.
 DiVeronica, Rocco, Mr., Madison County.
 Gottfried, Richard, State Assembly, Manhattan.
 Miller, A. Gifford, Council Mbr, Manhattan.
 DeStefano, Joseph, Mayor, Middletown.
 George, Thomas, Supervisor, Town of Monlius.
 Christiano, Joseph, Mayor, Mount Morris.
 Davis, Ernest, Mayor, Mount Vernon.
 Altmann, Lisanne, Legislator, Nassau County.
 Idoni, Timothy, Mayor, New Rochelle.
 Spitzer, Israel, Deputy Mayor, New Square.
 Carrion, Adolfo, Council Mbr, New York.
 Michels, Stanley, City Council, New York City.
 Stringer, Scott, Assembly Mbr, New York.

Vallone, Peter, City Council, New York.
 Spitzer, Elliot, Mr., State of New York
 Keller, John, Chief, Niagara Police Department.
 Newburger, May, Supervisor, North Hempstead Township.
 Kabasakalian, Mary, Mayor, North Tona-wanda.
 Leifeld, Berndt, Supervisor, Town of Olive.
 Muller, Kim, Mayor, Oneonta, Otsego County.
 Kleiner, Thom, Mr., Orangetown.
 Cudney, Toni, Town Supervisor, Orchard Park, Erie County.
 Cambariere, Thomas, Mayor, Ossining.
 Eiser, Bonnie, Council Mbr, Town of Osyter Bay.
 Venditto, John, Supervisor, Town of Osyter Bay.
 Mayle, Judith, Town Supervisor, Plattekill.
 Stewart, Daniel, Mayor, Plattsburgh.
 Marshall, Herbert, Mayor, Village of Pomona.
 Clark, Barbara, Assemblywoman, Queens, Queens County.
 Cohen, Michael, State Assembly, Queens, Queens County.
 Pheffer, Audrey, State Assembly, Queens, Queens County.
 Scarborough, William, Assembly Member, Queens.
 Reisman, Herbert, Town Supervisor, Ramapo/Rockland County.
 Murray, Eugene, Mayor, Rockville Center.
 Klotz, Kenneth, Mayor, Saratoga Springs.
 Jurczynski, Albert, Mayor, Schenectady.
 Cannuscio, Vincent, Supervisor, Southampton, Suffolk County.
 Cochran, Jean, Supervisor, Town of Southold.
 Armstrong, Thomas, Town Supervisor, Town of Springfield, Erie County.
 Thompson, Alan, Mayor, Spring Valley, Rockland County.
 Gentile, Vincent, Senator, Staten Island.
 Bernardi, Roy, Mayor, Syracuse.
 O'Connell, Katharine, Council at Large, Syracuse.
 Pattison, Mark, Mayor, Troy.
 Ludwick, Richard, Mayor, Village of Unionville.
 Hanna, Edward, Mayor, Utica.
 Spano, Andrew, County Executive, Westchester County.
 Klein, John, Mayor, Wurtsboro.
 Fuller, Richard, Supervisor, Town of York-shire.

OHIO

Plusquellic, Donald, Mayor, Akron.
 Watkins, Richard, Mayor, Canton.
 Onunwor, Emmanuel, Mayor, East Cleveland.
 Campbell, Jane, County Commissioner, Cuyahoga County.
 Grace, W., Mayor, Elyria.
 Oyaski, Paul, Mayor, Euclid.
 Stare, Frank, Mayor, Newark.
 Liebherr, Raymond, Chief of Police, Fairborn Police Department.
 Mills, James, Mayor, Lebanon.
 Salter, Shirley, Mayor, Lincoln Heights.
 Boldt, Gerald, Mayor, Parma.
 Rawson, Judith, Mayor, Shaker Heights.
 Copeland, Warren, Mayor, Springfield.
 Schaffer, Lee Ann, Mayor, Stow.
 Finkbeiner, Carleton, Mayor, Toledo.
 Fudge, Marcia, Mayor, Warrensville Heights.
 Farley, Susan, Mayor, Woodlawn.
 Rice, Robert, Mayor, Woodmere.

OKLAHOMA

Fox, Helen, Mayor, Grayson.

Murrell, Marilyn, Mayor, Arcadia.

OREGON

Torrey, Jim, Mayor, Eugene.
 Stein, Beverly, Mayor, County of Multnomah.

PENNSYLVANIA

DiGirolamo, Joseph, Mayor, Bensalem.
 Goldsmith, Thomas, Mayor, Easton.
 Street, John, Mayor, Philadelphia.
 Shadle, Forest, County Commissioner, Schuylkill County.
 Young, Wilbert, Mayor, Wilkinsburg.
 Robertson, Charles, Mayor, York.

PUERTO RICO

Marin, William, Mayor, Caguas.
 Lopez Gerena, Julio, Mayor, Humacao.
 Cordero Satiago, Rafael, Mayor, Ponce.

RHODE ISLAND

O'Leary, John, Mayor, Cranston.
 Cianci, Vincent, Mayor, Providence.
 Avedisian, Scott, Mayor, Warwick.

SOUTH CAROLINA

Anderson, Lovith, Mayor, Andrews.
 Carter, John, Mayor, Gray Court.
 Talley, James, Mayor, Spartanburg.

TENNESSEE

Fulmar, Ken, Mayor, Bartlett.
 Dotson, J., Chief, Chattanooga Police Department.

TEXAS

White, John, Mayor, Ames.
 Aranda, Jose, Mayor, Eagle Pass.
 Saleh, Mary, Mayor, Euless.
 Thurston, Cathy, Mayor, Everman.
 Carreathers, Raymond, Mayor, Prairie View.
 Beatty, Chuck, Mayor, Waxahachie.

UTAH

Anderson, Ross, Mayor, Salt Lake City.

VIRGINIA

Ward, William, Mayor, Chesapeake.
 Hedgepeth, Roger, Mayor, Blacksburg.
 Archer, Ruby, Mayor, Danville.
 Warren, Druie, Mayor, Lynchburg.
 Frank, Joe, Mayor, Newport News.
 Fraim, Paul, Mayor, Norfolk.
 Holley, James, Mayor, Portsmouth.
 Kaine, Timothy, Mayor, Richmond.
 Oliver, Jerry, Mr., Richmond.
 Bowers, David, Mayor, Roanoke.
 Gaskins, A.L. (Joe), Mr., Roanoke.

VERMONT

Clavelle, Peter, Mayor, Burlington.

WASHINGTON

Asmundson, Mark, Mayor, Bellingham.
 Sims, Ron, County Executive, King County.

WEST VIRGINIA

Colombo, Jimmy, Mayor, Parkersburg.

WISCONSIN

Bauman, Susan, Mayor, Madison.
 Smith, James, Mayor, Racine.

Mrs. MCCARTHY of New York. Mr. Chairman, officials in the coalition sign a pledge saying they support giving a preference to making purchases from gun manufacturers that have adopted a set of new gun safety and dealer feasibility standards, 411 participants. Cities, counties, States and some police departments have joined the coalition voluntarily. What do they get from HUD in exchange for their membership? Absolutely nothing. Except they know that their police departments are buying from a company

that is manufacturing safer guns. They know that this company has worked to prevent gun injuries and keeping gun criminals from getting guns. It simply says if firearms are the same in price and quality, then the locality would give a preference to the manufacturer that makes safer guns. This is a preference, not a straitjacket. It is up to the locality to determine how to implement it. This is really a matter of local control.

If Members believe their local officials in Nassau County, New York, or Knox, Indiana, should have the option to promote gun safety through participation in the coalition, which they have, then they will oppose the amendment. This amendment says that communities cannot come together to stop gun violence. I again say this amendment states the status quo is acceptable. The amendment says that it is permissible to ignore the gun violence that has affected our schools and made our communities into killing zones. The Congress should not micromanage how 411 communities around the Nation fight gun violence. The Congress should not be able to mandate how a locality does business.

□ 1845

If a city wants to conduct its business in the society in a responsible way, that is the city's business, not the Congress'. We should do the right thing and vote no on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Maryland, (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I would first like to note that LEAA is in support of this amendment. They oppose any legislation which would limit the sources from which firearms could be procured.

If this is really gun safety, the police should be the first in the country to want this. I understand that a third of the policeman who are shot are shot with their own gun. When this technology is mature, the police will be the first to support it. The fact that they are not supporting this should send a message to us that we do not need to be supporting planning in this bill which the Secretary of Housing and Urban Development could use to require or influence the purchase of guns only from those companies that have been coerced into a settlement with the government to avoid a long and expensive lawsuit.

When this technology is mature, it will be there. And us passing silly legislation that this amendment would be is not going to hasten the orderly development of that technology. There is nobody that I know of who does not

want safe guns, and the police should be the first who would want this, because it would assure their safety because a third of them when they are shot are shot with their own gun.

Furthermore, what this does is to clearly violate longstanding Federal procurement regulations, which require that what we are doing to purchase is going to be the best value for the dollar, not going to be something that supports a political agenda. What this amendment does is to make sure that the best firearms are going to be procured to meet the requirements of those who are procuring them without any political pressure, to give preference to a company that has been coerced by the Federal Government into agreeing to something to avoid a lawsuit which would cost them a lot of money.

This could just be the first step. What next? Will the FBI and other law enforcement agencies follow HUD if we permit this to go forward. I would hope not, because I am sure that what every one of these agencies wants, what every one of their members wants is the best firearm, the safest firearm to protect them.

We cannot just legislate safety. Safety has to come from development. And when that development is there, the first people who are going to support this are the law enforcement officials themselves. They are now opposing what is in this legislation. They are supporting this amendment. That should send a clear message to us that the right vote on this amendment is a yes vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Massachusetts (Mr. NEAL of Massachusetts).

Mr. NEAL of Massachusetts. Mr. Chairman, quickly in reference to what the previous speaker, the gentleman from Maryland (Mr. BARTLETT), said before I enter into my formal remarks, the gentleman said we cannot legislate safety. We do with automobiles. We decide what kind of sheets and pillow cases infants sleep on.

We make sure that all sorts of precautions are taken every day for the youngest among us, to ensure their safety. The argument we somehow cannot legislate safety.

Let us be clear about the purpose of this amendment that is offered by the gentleman from Indiana (Mr. HOSTETTLER). His objective is very simple and it is to put Smith & Wesson out of business.

I represent the city where Smith & Wesson is located. They essentially are being punished for doing the right thing. This is sound public policy, not policy that was put upon them. It was negotiated after months of intense conversations back and forth.

What Smith & Wesson said in this historic agreement is this, and I want

everybody to listen to this, they want to change the way guns are designed, distributed and marketed.

They want to add locking devices and other safety features, and they wanted to develop landmark smart gun technology. We ask ourselves in this Chamber who could be against all of that? Then we look to the other side; and we see who could be against this sensible public policy position, for their courage, Smith & Wesson is now being penalized by the gun lobby, House Republicans who adamantly oppose common sense safety legislation, legislation that the vast majority of the American people overwhelmingly support. Every year, 30,000 Americans including almost 12 children a day are killed by gun violence.

Why do Members of this House fear the advancement of smart gun technology? Who could be opposed to the meaningful development of a firearm that can only be used by its rightful owner, and who would prevent children in the end from accidentally discharging these weapons? Why are the people on the other side of the aisle in this Chamber trying to thwart the unprecedented agreement between Smith & Wesson and the Clinton administration.

Many times I have found myself on the other side of an initiative that Smith & Wesson would not be comfortable with, but I want to tell my colleagues something, they are a great employer. And that term Smith & Wesson is synonymous over many, many years of American history with a quality product that they, indeed, want to make better to speak to the concerns of the American people.

It is no threat to the second amendment, which we frequently hear in this Chamber, and the Clinton administration has proceeded with wise and warranted public policy that speaks to the concerns of the American people in advancing what most people would believe to be a highly sensible initiative, smart gun technology, trigger locks.

But the idea that Smith & Wesson would enter into protracted negotiations with the administration, come up with a marvelous solution that we would think everybody in this Chamber could come to agreement upon, they find themselves isolated. They find themselves set upon by the gun lobby. They find themselves set upon by an element that wants no sort of gun legislation in this country.

In the end, all of us this evening have an opportunity to vote up or down on what is perhaps the most sensible initiative that has come forth over many years on the whole question of how to deal with guns in this society, and we will have a chance to be recorded later on, and that is the vote that people ought to remember in November.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address some comments that have been made by the other side in this argument, and that is that Congress should not micromanage local law enforcement. I would agree with that 100 percent, but neither should HUD, and that is exactly what is happening in this process; that is why this Congress is defunding the micromanagement of local law enforcement by HUD through this amendment.

Secondly, the argument is made that Congress should not tie the hands of local government, and that is not what this amendment does either. This amendment merely states that Federal taxpayers will not give money to HUD to micromanage local law enforcement. We are not saying, for example, that if local government wishes to deprive their law enforcement personnel of the best equipment and, therefore, compromise the safety of their law enforcement officers and the public safety, they are more than welcome to do so, I just do not believe and I think a majority of this House does not believe that the Congress should be a party to that.

Thirdly, the gentleman from Massachusetts (Mr. NEAL) just spoke just said that as a result of this amendment, we are going to run Smith & Wesson out of business. It could not be further from the truth. In fact, Smith & Wesson will still be able to continue to compete and potentially win contracts.

We simply do not believe there should be a preference in those contracts; and if Smith & Wesson does indeed have the best product at the best price, they will win these competitions and win these contracts.

I would say to the gentleman with regard to that issue, if Smith & Wesson is the only company that enters into this type of agreement, which they are at this point, and they are the preferred contractor, what incentive will be there for Smith & Wesson to create a better quality product if there is no competition to obtain a higher quality product? Smith & Wesson could quite simply produce a much lower quality product as a result of a political agenda that is being forwarded and not the consideration of law enforcement safety and public safety. Smith & Wesson will get the agreement with the lower quality product.

Mr. Chairman, I think that this is a very common sensical amendment. I think the Law Enforcement Alliance of America believes the same thing. The Fraternal Order of Police believes this is common sensical, and I would ask the majority of the House to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment. To me, this is the most mean-spirited amendment I have ever seen on this floor. It cuts to the chase. It prohibits the Office of Housing and Urban Development from using funds to administer HUD's Community for Safer Guns Coalition. What does the gentleman from Indiana (Mr. HOSTETTLER) have against the Communities for Safer Guns Coalition? I cannot figure it out.

First the gentleman was against every legislative mandate. The gentleman is against it. Now, we do not have a mandate, what we are saying is we have an agreement between the administration and a company. We did not pass any legislation for the Clinton administration to come to that agreement. This is something the gentleman should support. The gentleman is proactive about it.

The Communities for Safer Guns Coalition keeps guns out of the hands of criminals and children. I know the gentleman supports that. How can the gentleman support this amendment? It closes the gun show loophole. I do not know if the gentleman supports that. It cuts down on straw purchasing. The gentleman supports that, do you not? It mandates full background checks for all purchases.

I think these are important steps towards making our streets safer. Does it take one gun away from anybody? One of the program's strengths is that it starts in the community and stays in the community. This is a movement of local and State leaders who have pledged to support giving a preference in firearm purchases to companies who follow a code of responsible conduct.

These advances that you have heard on the floor just a few moments ago all help law enforcement by making guns less attractive to criminals and making it harder for bad apple dealers to supply criminals. After all the ATF reports that just 1.2 percent of dealers account for 57 percent of gun crime traces to active dealers.

There is 411 communities at this point, at this very moment that have signed on. A vote to stop the coalition is a vote to support less responsible gun makers and less responsible dealers.

Mr. Chairman, I urge everyone of us to vote against this ill-conceived amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would respectfully disagree with my colleague from New Jersey (Mr. PASCRELL). I guess the gentleman can see the equation from either side. I guess the way that I would

see it, and some on this side of the aisle would see it, would be that by prohibiting local law enforcement agencies from choosing I guess the equipment or the gun manufacture of their choice, it seems to me to be more coercive and it seems to be a case rather than a local choice being made, it is actually a case of being directed from above.

Two, I would say to me this is about the whole fundamental breakdown of government that our Founding Fathers intended with the legislative branch being responsible for one area of government, the executive branch being responsible for another, and the judicial final for another.

What we have here with this agreement is the executive branch going into the business of creation of laws or lawmaking, because there are two new Federal programs, the Communities for Safer Guns Coalition and the Oversight Commission, both of which would be created by executive branch activity without the authorization of Congress, without the Hostettler amendment.

I simply rise in support of his amendment. Finally, I would make the point in that they are legitimately different perspectives on this thing, and I come from down South and I guess we have a different take on the whole gun equation down there, but for me, I do not like the idea of smart technology because the idea of an intruder breaking into our house and my fingerprint being the only one that could stop that intruder with a given handgun, to me is not a good idea.

I would like the idea of me being able to hand the gun to my daughter or to my young son or to the neighbor who is visiting to help in stopping that intruder. I think there is a legitimate difference of opinion on this.

Mr. Chairman, I rise in support of the Hostettler amendment.

□ 1900

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the gentleman be granted one additional minute.

Mr. WALSH. We have a very strict time agreement. I have to object.

The CHAIRMAN. Objection is heard.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment because this amendment runs counter to what the American people have repeatedly asked Congress to do, make our children and our communities safer.

This amendment just does not make any sense. The Smith & Wesson agreement includes common sense measures, like internal safety locks, development of smart gun technology to ensure that only a gun owner can discharge the firearm, child safety trigger locks, and

other provisions aimed at reducing the number of accidental shootings and deaths due to gun violence. Smith & Wesson has also pledged to cooperate with Federal, State and local law enforcement to ensure that its products are used safely and legally.

Agreements such as these should be encouraged, not penalized. This irresponsible amendment, in my judgment, sends the wrong message to manufacturers trying to demonstrate their own accountability for the safety of those who use their products.

Codes of conduct by firearm manufacturers will make our communities and streets safer. They will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistics technology; and they will protect our children from the tragic accidental shootings that end far too many innocent lives.

Congress should heed the call of the American people, who have told us loud and clear that they support common sense initiatives to make firearms safer and to keep them out of the hands of children. I urge my colleagues, listen to your neighbors, listen to our friends. Let us defeat this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply say that the naming of this coalition, The Communities for Safer Guns Coalition, is simply a name given to it by an entity which seeks to forward a political agenda. If the truth be told, according to our correspondence from the Law Enforcement Alliance of America and the Fraternal Order of Police, that have written the Congress, a more appropriate name would probably be something like this, and I apologize for its length. It would probably be The Communities for Compromising Law Enforcement Personnel and Public Safety in Order to Forward a Political Agenda Coalition. That is what the true name of the coalition should be.

We should not forward that political agenda and we should not run around with the intent of Congress by doing so. I would have to say I will be offering an amendment subsequent to this discussion, Amendment No. 25, that will actually talk about the Smith & Wesson agreement itself. We have heard a lot of discussion about the Smith & Wesson agreement, but this amendment is actually to stop HUD from creating this environment of preferences for purchase of firearms for local law enforcement.

The gentleman talked about various issues that we should all commonly be opposed to, and he made some points; but some of the points that he made were a little bit outdated in that the gentleman from New Jersey said we should all be opposed to straw pur-

chases. Straw purchases are actually in opposition to Federal law today; and, in fact, we know a young lady in connection to the Columbine tragedy actually made a straw purchase and broke the law as it stands today.

So this agreement is not going to stop criminals that will break the law anyway. That is why we call them criminals. It will simply create an environment whereby local law enforcement agencies will feel compelled to purchase equipment that may or may not be in their best interests; and as a result of that, they may compromise not only the safety of their personnel, which is heinous enough, but it would also compromise the safety of the public at large.

Mr. Chairman, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, one thing I will say, this is all voluntary. The coalition has come forward freely on this; and this, in my opinion, will help and save police officers.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am not surprised that the gentleman from Indiana (Mr. HOSTETTLER) is offering amendments to weaken HUD's ability to fight crime in our neighborhoods. The Republican leadership in the House has done everything in its power to promote the NRA agenda. They have killed the common sense gun safety measures that the American people have demanded for over a year. They have blocked trigger locks and failed to close the gun show loophole. They have blatantly ignored the request of the Million Mom March for licensing and registration of all handguns.

Now the Republicans are trying to prevent gun makers from making safer products. The gentleman from Indiana (Mr. HOSTETTLER) wants to prevent Smith & Wesson from developing safer guns with internal trigger locks and safe gun technology. I guess the purpose must be the guns should be as unsafe and dangerous as possible. It is truly unbelievable.

Over 400 communities are participating in HUD's Communities for Safer Guns Coalition, working to make our streets a little safer. Because of their actions at local levels, Smith & Wesson agreed to require their dealers to close the gun show loophole, require background checks for all sales, limit the delivery of multiple purchases, limit children's access to weapons, and a few other things to keep guns out of the hand of criminals and children.

We should be doing everything we can to support these communities in the struggle to limit gun violence. The Hostettler amendment is actually worse than anything else the Republican leadership has proposed this year in this respect. In the past, we were

fighting for additional protections to save our people from gun violence. Today, we are fighting to preserve what little protections we have managed to achieve already.

This is a dangerous proposal, and I fear the American people will pay for it dearly in communities across the Nation. Secretary Cuomo and HUD should be commended, and this amendment should be defeated.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the leadership once again of the gentlewoman from New York.

I was surprised by this. We have debated gun regulation, and the arguments have always been we should not interfere with the right of an individual to own a gun. This has got nothing to do with that. What we now see is that what we have got is an animus against trying to improve gun technology.

This does not interfere with anybody's right to own a gun. This is not an amendment; it is a dangling participle. It rewrites the second amendment. The second amendment will now say, "A well-regulated militia being necessary for the security of the people, let's not have any smart guns in local police forces."

This is total disconnect between all of the previous arguments about gun regulation. Individuals will be totally free to buy guns. What this says is HUD will not coerce, but will work with and cooperate with local police departments and local governments that want to purchase safer guns.

It is not an accident that two of the previous speakers against this amendment were former mayors of tough urban areas, who understand the importance of law enforcement. This is a cooperative effort, and as my colleague, the gentleman from Massachusetts, said, there is an animus against Smith & Wesson.

The gentleman from Indiana said, "Well, you won't have competition if this happens, because if Smith & Wesson gets a preference for selling smart gun technology, where will the incentive be to improve it?"

I will tell you where it will be, from all of the other manufacturers. That is precisely what we want. We want to encourage a competition for the best smart gun technology. One way you do that, one way to increase that supply, is to increase the demand.

So what this is is a cooperative effort, led by HUD but fully voluntary on the part of the cities, to increase the demand for smart gun technology, knowing that that will lead to an increase in the supply. I understand people's objections when individuals are

concerned, although I do not agree; but this can only be an objection to the principles of safer guns.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

At the end of title IV (relating to General Provisions), add the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount made available for "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and increasing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND (HCF)" for use only for incremental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by \$344,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from Colorado (Ms. DEGETTE) and I are offering this amendment to increase funding to provide for 60,000 new section 8 vouchers to help low-income families afford safe, decent housing. The bill before us provides for zero new section 8 vouchers.

The need for housing assistance remains staggering. The Nation's robust economic growth has sent housing prices soaring. Today, a record 5.4 million low-income families pay more than 50 percent of their income for rent, or live in severely substandard housing. Not one of these 5.4 million families receives any Federal housing assistance. Their needs are desperate, and we must not ignore the severity of these needs any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The approximately 3 million families, that is almost 7 million Americans, receive section 8 vouchers. For these families, section 8 is more than a contract or a subsidy, it

is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. As was said yesterday, section 8 is a free-market approach pioneered by the radical Nixon administration.

The bill in its current form does a terrible disservice to those most in need. The administration's request for 120,000 new section 8 vouchers has been ignored, and there is not one dollar in this bill for new vouchers to address the worst case housing needs of our most vulnerable citizens. The bill merely holds out the possibility of 20,000 vouchers, unlikely to be funded since they are contingent on overly optimistic levels of section 8 recaptures.

Rather than building on the successful provision of 50,000 or 60,000 incremental vouchers the past 2 years, this bill would contribute to the growing backlog of families who cannot afford decent, safe and sanitary housing, by going from 60,000 new housing vouchers last year to zero this year, this at a time of incredible prosperity and huge budget surpluses.

Let me mention one other point. Some may ask why we ought to provide new housing for vouchers when existing funding is not spent quickly. Why is desperately needed money not spent right away? The answer is that the housing crisis is so severe right now that many families are having real difficulty using vouchers because they cannot find any apartments to rent that are affordable, that are within the limits of the voucher.

The Federal Government should be doing more to build affordable housing, but this bill actually reduces Federal assistance for production of new low-income housing. But that is beyond the scope of this amendment.

Our amendment will allow 60,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that we meet about 1 percent of the need for affordable housing in our Nation.

The money is there. In fact 100,000 new section 8 vouchers have been authorized for this coming fiscal year. The bill as currently written reneges on the national commitment to create decent, affordable housing, and fails to fulfill the promise Congress made to poor families in the Housing Act of 1998, which authorized 100,000 new section 8 vouchers for next year.

Mr. Chairman, we must house our people. We ought to fulfill that promise and adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, which is a proposed reduction of \$344 million, or a 20 percent cut, from the International Space Station budget. That is an astounding cut and would cripple the program.

There are currently two elements of the Space Station in orbit. Most of the remaining elements have been constructed and are in Florida waiting for final testing. In the next few weeks, Russia is going to be launching the third element of the Space Station, which will enable the United States to move forward with launch and assembly of the station.

The reduction proposed by the amendment would severely disrupt the revised assembly schedule and cause significant cost increases to the program. Specifically, the cuts proposed by the amendment would result in the following programmatic change: cancellation of the U.S. Propulsion Module program, cancellation of the Crew Return Vehicle Development program, and cancellation of logistics flight hardware support.

□ 1915

On the transfer to section 8, first of all, I am delighted to know that the gentleman from New York (Mr. NADLER) is a fan of Richard Nixon. I was not aware of that, and I am proud of his acknowledgment of that fact. Very few people are willing to acknowledge that today.

Secondly, can we imagine if a Republican President had a housing administration that, in effect, denied 237,000 Americans access to housing vouchers. Can we imagine the outcry from the other side if a Republican President had this terrible record of not providing 237,000 American citizens housing, funds appropriated by the Congress. It would be unbelievable.

The fact of the matter is, we have provided and fully funded the section 8 voucher program. If we put more money into that program with this attack on the Space Station, it will not be spent. Over \$1 billion last year was provided to HUD for section 8 vouchers; they did not spend it. The Administration came back, recaptured those funds and then spent it somewhere else. We cannot continue to allow HUD to be the bank for the Administration's priorities, especially at this late point in the process. We cannot steal money from NASA, providing it to HUD, and allow it to go unspent and then God knows where it goes in a reprogramming.

So this is not a wise amendment. We have strongly supported section 8

vouchers. It is a Republican idea. We are proud of that fact. But let us make it work better, I say to my colleagues on the other side. Let us make this program work better to benefit all of those Americans out there who need and deserve good housing.

So, Mr. Chairman, I strongly urge a no vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Colorado (Ms. DEGETTE), the cosponsor of this amendment.

Ms. DEGETTE. Mr. Chairman, it is a privilege to offer this amendment with the gentleman from New York (Mr. NADLER), my esteemed colleague, who has worked for many years on affordable housing issues.

Mr. Chairman, one of the greatest mistakes we can make during a time of great prosperity is to turn our backs on those who have been left out of the economic mainstream. This country is experiencing an economic boom, the likes of which we have not seen in a generation. But it would be a grave mistake to forget that many people have not been included in this financial good fortune. It is times like this when it is more important than ever to help with issues like this.

The last time the VA-HUD bill was being debated on the floor, I spoke about the affordable housing emergency we were facing. Well, Mr. Chairman, it is a year later, and the predicament in this country has increased. One of the lifelines that low-income families count on is the section 8 voucher program, and the bill before us today does not allot one more dollar for new vouchers. This is not acceptable for the harsh reality we are facing today.

During this debate, we will undoubtedly hear the argument, in fact, we just did, that we do not need to fund additional section 8 vouchers. We will hear that renewing expiring vouchers is enough. We might hear, and, in fact, we did, that some fiscal year 2000 vouchers might be recaptured; and we will hear that this is enough.

The truth is, though, and I would ask my colleagues to consider this, there are over 12 million Americans, men, women and children, who are considered to have worst-case housing needs. The average waiting period for either a section 8 housing voucher or a space in a public housing unit is over 2 years. We have all the proof that we need that additional vouchers are desperately needed.

While it is true that there are some cases where there are recaptured vouchers, that is not because there is not a need; it is because there are technical problems that are now going to be fixed, we hope, within rulemaking in HUD. But the truth is, these families who are waiting over 2 years need section 8 housing vouchers.

Let me talk about my district, the First Congressional District of Colorado, where rents have soared in the past 10 years as a result of a red hot economy. Between 1995 and 1999, rents in the Denver area rose more than 20 percent, growth matched only by that in the San Francisco Bay area. There is great irony that the areas that are experiencing the most economic growth are also the ones where working families are priced right out of the housing market.

Affordable housing is not a problem that exists in a vacuum, and it will negatively affect our economy if we do not ensure that all Americans have effective housing. We need more section 8 vouchers, not less.

Now, we have heard how much we need the Space Station; and I always vote and, in fact, just voted a little while earlier this evening, to support the Space Station, unlike many of my colleagues on this side of the aisle.

However, if we have to make the choice between our citizens, our lower-income citizens living in housing and having section 8 vouchers and taking a little money away from the Space Station, the choice is clear to me.

The international Space Station is \$2.1 billion, and this offset is \$344 million. We do not kill the Space Station with this amendment. Rather, what we say is, we will move it a little bit more slowly so that we can give the millions of low-income Americans that need them section 8 vouchers.

I say to my colleagues, the majority that wrote this bill have put us in this situation of having to make this very real and very tough choice; and the reason is because they put nothing in the bill to fund the section 8 vouchers that are needed.

Mr. Chairman, I urge support of the Nadler-DeGette amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to point out to the gentlewoman that we put \$13 billion in this bill for section 8 vouchers.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, the gentleman would agree, I would assume, that none of the money in the bill is for new section 8 vouchers.

Mr. WALSH. Mr. Chairman, reclaiming my time, we put in 10,000 additional vouchers by using the recapture money from last year.

Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I appreciate the gentleman yielding me this time.

I would like to, in part, associate myself with the remarks of the gentlewoman from Colorado. While I do not agree with her ultimate position, I

would suggest that the reason we are in this tough position is because of the budget that the majority has come forward with and the stingy allocation that it results in for not only this subcommittee, but for all appropriation subcommittees.

That is what the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member, has spoken to so eloquently throughout this process, the fact that we have a budget agreement supported and written by the majority which is totally unrealistic and totally inadequate when we come over to the other part of the budget process, and that is the appropriation process. That is why we do not have enough money in this bill for vouchers and for NASA and for science research. That is the problem that we are really confronted with; and we all can only hope that as the process moves forward, we will get additional allocation, and money will come; and certainly with the performance of the economy, that is justified.

We do not need to starve domestic discretionary programs in this time of prosperity. We do not need to have people in need of housing; we do not need to have homeless that are not being cared for. We do not need to choose between Space Station and the science programs and housing or any other programs. So I wanted to agree with the gentlewoman. Except, making the distinction that in our committee, given our allocation, I really do want to compliment the chairman for doing the very best job he could; and I know he looks forward to the day that we might get additional allocation.

Mr. Chairman, I do not know how much of my time I have used in speaking to that, but I want to suggest that I have no disagreement with the gentleman's objective of adding funding for incremental section 8 housing vouchers, housing assistance vouchers. I know that the chairman has supported that; and hopefully, as time goes forward and we get that additional allocation, we can be more responsive to that.

Unfortunately, my disagreement with the gentleman stems from his proposition to cut the appropriation for human space flight. This is the account that funds the Space Station and the Space Shuttle, and it is hard to see how a cut of this proportion will not have a severe impact on both of these programs.

His offering the amendment and the concerns expressed by the gentlewoman from Colorado are just expressions of the frustration we are all having in having to deal with a totally unrealistic budget resolution. The inadequacies reflect themselves when we come to the appropriations process.

So unfortunately, I am going to have to rise in opposition to the gentleman's amendment, while still being supportive of the objective of the amendments.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, the ranking minority member of the subcommittee has quite cogently pointed out the fundamental problem with this budget. I would say to the gentleman from New York (Mr. WALSH), although I am about to disagree with his most recent arguments, that none of us have any criticism to make of the very good job he did in a very bad situation. We believe he did the best he could with what he was handed. What he was handed, probably the EPA should not let anyone hand him, but he did not have any choice about that.

Now, the one thing that I disagree with that he said, suppose a Republican President had a Secretary of HUD; can we imagine a Republican President having a Secretary of HUD who handled the program so badly. I do not have to imagine it. I remember Sam Pierce in the golden days of Ronald Reagan, when Sam Pierce was the Secretary of HUD for 8 years. Ronald Reagan thought he was a mayor, the only time he apparently ever met him; and Sam Pierce was, to use a technical term, disgraceful. He was incompetent, he enabled corruption. More people from that administration went to prison for misuse of HUD. So the notion that somehow we want to get back to the golden days of the Republican administration of HUD is not persuasive.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, the point that I was trying to make was, there should be an outcry today also. As then, there should be now.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I would have to say to the gentleman if that was the point he was trying to make, I do not understand why he made a totally different one.

I was quoting him when he said, if a Republican President did this, we would have an outcry. A Republican President did much worse. In fact, I think the current administration of HUD is doing a very good job in difficult circumstances. I think there is a misperception about the section 8 program.

The section 8 program is not one undifferentiated pile here in Washington that is doled out from Washington. It is broken up, it is allocated among thousands of jurisdictions, and the rate at which section 8 is utilized depends on the jurisdictions, the administrative efficiency in the jurisdictions, the rents that go up in the jurisdictions, the difficulty that people have in those jurisdictions of finding housing. I know of section 8 vouchers that have gone

unused in my own district because the rents have been so high. Indeed, there is probably a logic in linking this to the Space Station, because pretty soon it is going to be as about as expensive to live in parts of Boston and San Francisco as it is to get them up there in the Space Station.

The section 8 program is a decentralized program in its administration, and the failure to have a 100 percent utilization rate is inherent in the program. There are also, of course, situations where people's incomes go up and there is more money, so we do not use as much money for that; but there is a pattern with the distribution which leads, in many cases, to vouchers not being used. I do not believe it is possible to get 100 percent utilization. It is possible to get a high rate, and the more vouchers we vote, the more vouchers we will get in the hands of the people, given that there is an inevitable slippage in a program administered in this fashion.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE).

□ 1930

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, this is an uncomfortable position when we have to match oranges and apples, and we have to stretch a penny for programs that we advocate for. Let me also acknowledge that this debate on the appropriations bill for VA-HUD has been one of the more civil debates, because there is a lot of agreement on money issues. One is we need more money for needed programs.

I happen to be a very strong supporter of what Section 8 vouchers do. In fact, I was on the floor recently saying that the provision that allows Section 8 vouchers to be utilized for the purchasing of homes is a very important new feature of this housing program to allow low-income to buy homes.

But I am saddened to rise to oppose this amendment because of the \$344 million that is taken out of the International Space Station. I think this again raises the question, and I do not know if we will ever get to do this, of separating out these independent agencies from these very large programs like VA and HUD; not to say that these other independent agencies are not important, but they have a narrow focus, and their focus is important.

HUD is suffering from the fact that these other agencies have funding and HUD does not have enough. However, the Space Station funding and the NASA budget has been flat for almost 5 years. In fact, it has a flat 5-year budget, to a certain extent.

The Space Station has been on an orderly funding cycle. It has utilized the

money efficiently. It is almost completed. It is a project that most Americans would support or do support, believing that it does provide the kind of research that we ultimately need in finding cures for diabetes, heart disease, and stroke; and other difficult diseases, so there is a viable role for the Space Station. It helps us with creating work for the 21st century in the research that can be done there.

This \$344 million, 20 percent of its budget would literally kill that program. This is not to say that there is not a need for Section 8 vouchers. I do recognize the need for Section 8.

Mr. Chairman, what I would hope is that we will find our way in conference to be able to respond to the needs for affordable housing for Americans. I will support that effort. That should be the commitment of this House. But I also believe, Mr. Chairman, that to gut an independent agency program that has been efficient and consistently doing its job with the monies that have been allocated would be unfair and would be ill-timed, at this time.

I support the Space Station. I unfortunately have to oppose this amendment. I would ask my colleagues to vote no on this amendment, and let's work together to pass a final VA-HUD bill that puts more money for housing in the Conference Report.

Mr. Chairman, I rise today to oppose the Nadler-DeGette amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

We cannot squander this historic opportunity to invest in America's future; if approved, this amendment to the VA-HUD Appropriations measure risks doing just that.

Despite the shortcomings of the VA-HUD appropriation measure, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the \$13.7 billion appropriation, \$322 million (2%) less than requested by the administration, could have been even more generous.

The Nadler-DeGette amendment seeks to appropriate \$344 million for 120,000 Section 8 incremental (new) vouchers to provide assistance to additional low-income families. Regrettably, the amendment offsets this appropriation by slashing funding for the international space station by an equal amount. Mr. Chairman, the adoption of such a funding decrease for the international space station would essentially destroy the program.

Although many of us would have clearly preferred to vote on a bill that includes more funding for vouchers to provide assistance to low-income families, the Veterans Administration and

National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides \$2.1 billion for continued development of the international space station, and \$3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise very enthusiastically to support the Nadler-DeGette amendment to increase funding for incremental Section 8 housing vouchers.

President Clinton requested 120,000 new or incremental Section 8 housing vouchers to alleviate America's housing crisis. The majority's 2001 appropriations bill provides zero funding for new this-year vouchers. Given America's shortage of affordable housing, this bill should provide funding to expand the amount of Section 8 housing assistance available to America's families.

I know that the gentleman from New York and the distinguished ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), have both spoken against this amendment because the gentleman from New York (Mr. WALSH) did the best he could with what he had.

However, sadly, the budget figures that went into this produced a bad result. As I have said over and over again in this appropriations process, the reason so many great mathematicians come out of MIT is that so many great mathematicians go into MIT. If we have a bad budget allocation that goes into the bill, we can only come out with a bad appropriations bill. That is just most unfortunate.

What is the need for this? This amendment adds 60,000 incremental

Section 8 housing vouchers, half of what the President requested, for a total of \$344 million. HUD estimates the need as being more than 4.4 million Americans who suffer worse-case housing needs, pay more than half their income for rent, or are living in sub-standard housing.

This amendment will assist only a small percentage of those in worst-case households. We should do more. Nonetheless, this amendment is very important and would help low-income renters afford rental housing.

According to HUD's most recent 2000 State of the Cities report, California is experiencing an inequitable economic growth and an inequitable distribution of wealth. As the gentlewoman from Colorado pointed out, we are having problems with our success. As our economy flourishes, our housing costs rise, making problems for those who need affordable housing. This amendment would go a long way to help them.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will work on the assumption that there is some misunderstanding, as opposed to the direct attempt to confuse. I really believe that. I think there is just some misunderstanding here.

It has been said twice now that there is no money in this budget for new incremental vouchers. I will read from the bill, page 23 of the bill, that says, "Provided further, that of the total amount provided under this heading, up to \$60 million shall be made available for incremental vouchers under Section 8 of the Act on a fair share basis to those public housing authorities that have 97 percent occupancy rate."

Mr. Chairman, that translates into over 14,000 new, I would emphasize new, Section 8 housing vouchers. So I understand that we have disagreements over priorities, but we really have to deal on the floor on the basis of fact. The facts are that we have provided \$60 million for new incremental vouchers to the tune of 14,000.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the last 2 years we, this Congress, funded respectively 50,000 new vouchers and 60,000 new vouchers, after a number of years at zero. Now we are told we are going back to zero.

The Administration requested 120,000 new Section 8 vouchers. The bill provides none. The amendment asks for 60,000. We are told that the bill does provide for new vouchers from recaptures. The fact is, the expected amount of recapture money available is already anticipated in the bill and has been given to four other priorities before new Section 8 vouchers, so we do not

expect that there will be any new substantial amount of money from those recaptures available for new vouchers, number one.

Number two, there are millions and millions of people at need. We should be doing hundreds of thousands, and even if some of that money is recaptured, it is not nearly sufficient for the need.

Now we are told we should not take this money, 16 percent, we should not reduce the budget for the Space Station by 16 percent in order to provide half as many new vouchers as the administration requested. I voted against the Space Station, so I cannot say I would like to see the money given.

But the fact is, even if Members support the Space Station, a 16 percent reduction will not materially delay it. It is certainly worth providing 60,000 people with decent housing.

Mr. Chairman, I will also say that this is a decentralized program. Not every local housing authority is tremendously efficient. Therefore, they do not use every one. Also, very often when people get a Section 8 voucher it takes them months to find housing within the limits, or maybe they cannot even afford it. That is why money is not spent, necessarily. It does not mean we do not need the money.

I would urge that we adopt this amendment and provide the money we need.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would just ask the gentleman rhetorically if he would rather have the Administration use those recaptured funds for Kosovo, like they did last year?

Mr. NADLER. Reclaiming my time, I am not here to defend the Administration, whatever it uses or does not use recaptured funds for. I am simply saying, 60,000 new Section 8 units, even if we could recapture some and get 10,000 more, that is little enough, a piddling sum. We should not be in the position of having to choose between the Space Station and 60,000 new vouchers.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), and then I will close.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. I understand very well the gentleman's concerns from New York City, but if we take this amount of money out of the Space Station program, we are effectively going to kill it. This program is operating on absolutely no margin. It has been cut repeatedly by this Congress.

We have a load of hardware built and ready to fly. The Russian module was supposed to launch next month. The missions are essentially stacked up.

Cutting this amount of money in my opinion is going to be potentially lethal to the program. The gentleman has admitted that he voted against the Space Station, so a cutting amendment like this that is going to kill it I am sure is no offense to him.

Might I just add, I understand there are some legitimate issues in housing, but I believe HUD is being plussed up \$4 billion in this VA-HUD bill that we are taking up today. NASA has been declining for the past 7 years. I would support the chairman on this issue.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would strongly urge we reject this amendment. The Space Station is ready to go. This 20 percent cut in the program would kill the program, and all the science and good will that goes with the program.

It is a very important program. As I mentioned earlier, we have young people all over the world who will participate in this. Seeing their parents and their countries cooperating globally to conduct a major science project is an inspiration.

We need to inspire young people today, especially certainly towards idealism and altruism, but also towards math and science, which is what this program is all about.

Lastly, to take the funds out of a program that needs the money and put it into a program that is, for all intents and purposes, fully funded is a mistake. So I would strongly urge that we reject this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in strong support of the Nadler/DeGette Amendment to increase funding for new Section 8 housing vouchers.

HUD estimates that over 5.4 million low-income renter families spend more than half of their incomes on housing or live in severely substandard housing. This bill would contribute to the growing backlog of families who can't afford decent, safe and sanitary housing.

In New York City we are experiencing a severe shortage of affordable housing. The need for the Section 8 vouchers is so overwhelming that the New York City Housing Authority closed the waiting list for this program in December of 1994. No other applications have been accepted for 66 months. Yet despite this drastic measure, as of January 1st of this year, there were still 215,385 families on the Section 8 waiting list in New York City.

We are experiencing a housing crisis in our nation's urban communities. Section 8 vouchers serve as a safety net for thousands of working families. The Nadler/DeGette Amendment ensures that this safety net continues to be available. In a time of unprecedented economic prosperity, it is shameful to continue to ignore the basic needs of our poorest citizens.

I strongly urge all of my colleagues to vote in favor of the Nadler/DeGette Amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from New York. Quite simply, they threaten our long-term future. This

amendment will transfer \$344 million out of NASA's Human Space Flight account and put it in HUD's Section 8 program.

The space program is part of our national science and technology enterprise. We all know that our current economy owes much of its success to forty years of federal investments in science and technology. That federal effort generates the pre-competitive breakthroughs in science and technology that make day-to-day applications possible in the future. Because that benefit is long-term, most of us will not be in this Chamber to see the benefits of the decisions we make today, just as the Members who nurtured our science and technology program forty years ago have left this body to enjoy the political benefits of their support for the space program. Thus, there's little political payoff in advocating science and technology.

That's why science and technology demand statesmanship and long-term vision. Federal investments serve the good of the country and the future of our grandchildren. Fortunately, this Chamber has repeatedly demonstrated the long-term vision needed for our nation's science and technology programs in space. It did so last year by rejecting similar amendments and preserving funding for the space program. It should do so again this year, by maintaining the space program as a high priority and voting against the Nadler amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Nadler/DeGette Amendment to appropriate \$344 million for 60,000 section 8 incremental (new vouchers) to provide housing assistance to low income families.

First of all Mr. Chairman, we know that the overall appropriation recommended for VA-HUD is too low, which forces us into an either-or situation. Either we shortchange some of the pressing needs which are most immediate, or we delay development of new horizons and new opportunities like space exploration; and I tell you Mr. Chairman, I, like countless others want to see us is space as much, as often and in as many ways as we can possibly be. But, Mr. Chairman, I also recognize that there are thousands of people in my district alone who live in dilapidated buildings with vermin, termites, and hopelessness all around them. I know that there are more than 165,000 people in my district who live at, or below the poverty level and I know, I know Mr. Chairman that they need relief; they need help, they need a chance to live decently and they need it now.

I met last week with a group of residents at Boulevard Commons on the Southside of Chicago. Boulevard is a project based section 8 program where the building is going to be vacated because of need for repair. They are frustrated, filled with uncertainty, and not sure about what their future will be. I am also working with a group of senior citizens on the near Northside of Chicago at Neighborhood Commons where they are being told that they no longer have section 8, one can imagine the consternation being experienced by this group.

And so, Mr. Chairman, I urge passage of this Amendment to add 120,000 new section 8 vouchers for low-income families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. _____. None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of Housing and Urban Development (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on April 7 I joined with 62 other Members in a bipartisan fashion to write to the chairman of the Subcommittee on VA, HUD and Independent Agencies and the Subcommittee on Treasury, Postal Service and General Government of the Committee on Appropriations to ask that they prohibit HUD and the BATF from using taxpayers' money to implement a settlement agreement entered into between HUD and Smith & Wesson.

As we said in our letter, this settlement agreement sets terms for the continued operation of Smith & Wesson that affect many retail customers and wholesale distributors. This agreement has been widely touted in the media as an agreement for Smith & Wesson to include trigger locks with the firearms they sell.

In reality, however, this agreement is much, much more. This 22-page settlement agreement requires Smith & Wesson to implement gun control measures, and for Smith & Wesson to require their dealers to implement the same gun control measures. Smith & Wesson received in exchange HUD's promise not to sue.

The last time I checked, Mr. Chairman, the Congress is the legislative body of the United States government. I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in

February of 1999, "The era of big government may be over, but the era of regulation through litigation has just begun."

Let me give a few examples of this new regulation, or, more properly defined as legislation, contained in this agreement. Keep in mind that this body did not agree to these provisions, and in some cases we have rejected similar provisions.

Also keep in mind that in the agreement, Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales, regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one firearm; again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes are covered. Did Congress authorize this restriction?

Three, the agreement authorizes the Bureau of Alcohol, Tobacco and Firearms to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

□ 1945

Four, this agreement requires the BATF or an agreed upon proofing entity to test firearms. Did we do this in this Congress?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, not immediately, 36 months to incorporate this technology in all new firearm designs.

I would say as an aside, with regard to the debate that happened concerning my previous amendment, some speaker said that this would happen immediately. But, in fact, the agreement says that 36 months from now this must happen.

It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate? I could go on and on, but time prevents me from doing so.

What is the result of this legislation through litigation tactic employed by HUD? Well, a few days ago, Smith & Wesson announced that it would shut down two of its plants for a month, leaving 500 workers with an unscheduled vacation. But is this not really what HUD wants? We should not allow HUD to legislate through litigation.

I ask my colleagues to support my amendment, to take the power of legis-

lation out of HUD's hands, and return it where the Constitution requires, the Congress.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mrs. MCCARTHY) claim the time in opposition to the amendment?

Mrs. MCCARTHY of New York. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 15 minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, the gentleman from Indiana (Mr. HOSTETTLER) references the problems that Smith & Wesson is facing as a result of, not HUD's activity, but retaliation against an industry leader that has been willing to be courageous in being part of a long overdue effort to reduce gun violence in America. A part of the retaliation is here on the floor today.

For far too long, we have drug our feet in simple common sense steps to make gun safety a part of an overall strategy. Things like trigger locks, gun lockboxes, smart weapon technology, making a better gun is a prudent thing to do.

One out of six of our law enforcement officers who die in the line of duty are killed with their own service revolver. But it is not good enough for the gentleman from Indiana. He wants to try and gut the amendment to make real progress towards eliminating this problem. This is using the private sector to produce safer weapons, have a code of conduct that would help end the scandal that we have in this country, that there are more consumer protections for water pistols than for real guns, that this Congress has the courage to make an aspirin bottle difficult for a 2-year-old to open, but this Congress does not have the courage to make that hard for that 2-year-old to kill his baby sister.

This amendment is a disgrace. I have in the foyer of my office a picture of Kevin Imel, a young child of a friend of mine who was killed by a classmate in an angry moment. It is time for us to put faces on the million Americans who have been killed by gun violence since I started my public service career. It is time for us to stand up to the tyranny of the gun lobby and the people who would pander to them, and we can start by rejecting this amendment tonight.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply say, if there is retaliation that is going on as a result of the agreement that Smith & Wesson has taken place, if the gen-

tleman from Oregon (Mr. BLUMENAUER) would talk to his constituents, he would find out who it is doing that, and that is gun owners, gun purchasers, or his constituents who do not want Smith & Wesson to bring in more gun control through the back door by legislating through the executive branch.

I would say with regard to the comment of the gentleman from Oregon about law enforcement, having the ability to use proper guns, I think the gentleman has probably seen the news clip of Governor Glendening's attempt to try to get a firearm to become unlocked so that the Governor could use it. The Governor was unable to do so. I am afraid it was very possible that a police officer would likewise run into similar situations on the job.

Likewise, the gentleman from Oregon said that there is more regulation for a squirt gun than for the purchase of a real gun. Well, that is intriguing. My 3-year-old recently purchased a squirt gun. I should say his mother did. It was not a straw purchase. But his mother purchased a squirt gun for him. In doing so, my 3-year-old son did not have to fill out paperwork asking if he had committed a crime or if he was an alien of the United States of America. So I am not quite sure that that is accurate.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman I commend the gentleman from Indiana (Mr. HOSTETTLER). He is highly principled and has the courage to do what I think is clearly right by the people of the United States in offering this amendment. The points that he has made I agree with completely.

The Clinton administration and the liberals could not get through the Congress what they wanted to, so they tried to do it through a settlement using the power of the Government, suing the gun manufacturer, and then securing a whole raft of restrictions entered into supposedly voluntarily as part of the settlement. It affects the gun rights of everyone. I just think it is terribly misplaced.

I hope we approve the amendment of the gentleman from Indiana that will, in essence, gut the settlement, because it deserves to be set aside. If we are going to enact legislation or policies of this type, then bring them here to the Congress of the United States. Let us debate them and let the people's Representatives make the decision about this rather than simply having this done off to the side in the secrecy of settlement agreements that are entered into.

The thing that bothers me the most, though, Mr. Chairman, is this constant focus of liberals on the gun, the instrumentality, rather than on the people who are misusing the instrumentality. I mean, we have seen this time and

time and time again. It is just a diversionary tactic because it is covering up the fact that, under the Clinton administration, Federal prosecution of gun crimes has dropped precipitously.

When we had a great program that we knew worked, like Project Exile in the Commonwealth of Virginia, and we tried to expand that to the rest of the country, the administration would not do it. Only this year under extreme pressure did they finally have to relent and start that program in other parts of the country where we have seen dramatic reductions in gun violence because the Federal Government, through the U.S. attorney in cooperation with local law enforcement, is prosecuting vigorously and to the fullest extent of the law the misuse of a firearm.

That is the direction we ought to be heading in, punishing the misuse of the firearm, not trying to achieve through stealth, in my judgment, what cannot be done by getting a majority of the House and Senate to go along with these very same policies when they are put to a vote here.

The gentleman from Indiana (Mr. HOSTETTLER) has a great amendment. I hope people support it.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time, and I thank her for her leadership.

Mr. Chairman, it seems to be a little extreme to suggest that the Clinton administration that spear-headed the passage of the Brady bill that has caused thousands of criminals not to have guns in their hands and the passage of the ban on assault weapons.

But I rise in opposition to this amendment, because I do not believe the gentleman from Indiana (Mr. HOSTETTLER) understands the premise of what he intends to do. The Housing and Urban Development had every right to make a freestanding contract with Smith & Wesson, and that is what they did.

The retaliation comes from the underlying advocacy and opposition to the agreement by the National Rifle Association. But to encourage a gun manufacturer to have trigger locks and to be able to adhere to a code of conduct that would help close gun show loopholes so that children 6 years old do not kill children and that a distraught young man does not kill his teacher, I think HUD should be applauded. Smith & Wesson should be applauded.

This amendment should be voted down. We should go on with the business of saving lives in America.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respond to the gentlewoman from Texas (Ms. JACKSON-LEE) in her assertion that I do not understand what I am doing. I think I understand what I am doing perfectly well, and that is reasserting the Congress' authority under article I, section 1 of the Constitution; and that simply states that all legislative powers shall be vested in a Congress.

When HUD entered into the settlement agreement with Smith & Wesson, creating all these gun control measures that not only affect Smith & Wesson's relationship to its dealers and to its customers, but the relationship of all gun manufacturers, all retailers, all customers in every transaction, that it takes place in an authorized dealer of Smith & Wesson, they did take a back door to the legislative process.

It is my desire, through this amendment, to once again reassert the legislative prerogative of this body; and that is to have the people's House determine what the legislation should be, what the direction of course should be in this policy-making arena, and not to allow unelected bureaucrats to do that.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentlewoman very much for yielding me this time.

Mr. Chairman, it is most unfortunate and unwise to sit here on the floor and hear all of the rhetoric from the proponents of this amendment try to align its substance as being anti-Clinton and anti-liberals. When children pick up guns, they are not political. They do not know who manufactures a gun. They do not know whether or not it has a trigger lock on it. They just know they pull the trigger.

I think it is most unfortunate, given the outbreak of violence around this country where innocent people have died at the hands of an innocent person until they pull the trigger, it would be most unfortunate if we supported this amendment.

I want to applaud Smith & Wesson, even though I am not a gun owner and a gun user, for exerting corporate responsibility. That is what it is.

If my colleagues adopt the Hostettler amendment, with all deference to the gentleman from Indiana, if my colleagues adopt his amendment, however, it would have a chilling effect on other companies who are willing to take steps in the right direction in promoting gun safety.

We talk about the bureaucracy in the Clinton administration and Big Brother government; but as I recall, even before I got here, we talked a lot about public safety, air bags in automobiles,

safety belts in cars, to keep people from dying accidentally.

We talk about imposing training on people when people have to be trained to even get their license to drive an automobile, which if used recklessly and wantonly, will kill people.

We require airline pilots who take the gentleman from Indiana (Mr. HOSTETTLER) and I back and forth to Indiana on a weekly basis, to have a certain amount of training. I would hate for us to get on an airline with an untrained pilot. We both would be in trouble regardless whether we are Democrat or Republican or conservative or liberal.

Mr. Chairman, I urge a defeat, respectfully, of the amendment of the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in very strong support today of the Hostettler amendments, both this one and the one that we debated earlier.

I want to just stop for a minute and take a look at our country. Every single day, there are men and women in our country that get up, most of the time they are in uniform, fire fighters, police officers, men and women in the military, and they get up, they button their uniform on; and when they do that, they are saying to us, today I will die if I need to to protect your freedom.

Well, we owe those people something. If the Communities for Safer Guns Coalition gets everything that they want, then what they are doing is they are taking the maximum security that those people could have away from them.

We would never in this body attempt to regulate the kind of ropes that fire fighters might be able to use while they do their job to try to save their life. We would never ask for lower quality guns and ammunition or tanks for our military people just because it was the political action of the day or the political discussion of the day.

So why should we, why should we take the right of chiefs of police in local communities away from them to get the equipment that they think gives their force the greatest possibility of survival, God forbid they should come into a situation where they needed to use that equipment, where they needed to use those weapons.

□ 2000

That is unthinkable. And that is really what the Communities for Safer Guns Coalition is about. It is about diminishing the safety of those people who say they will die for us if they have to do that. It is not about saving lives.

Let me talk about the other issue, of whether or not we should be spending

Federal funds to implement and enforce the agreement with Smith & Wesson. As my colleagues know, I represent the great State of Wyoming. I am a gun owner. I have a permit to carry a concealed weapon in the State of Wyoming, and I do. I am trained in the use of this gun. I am trained in the use of rifles. My husband and I together trained our children. We took them hunting. We took them target practicing. We taught them to respect what a gun is and to respect the way to handle it. And we also taught them to respect the law and that if they did not respect the law and obey the law, there would be consequences to pay.

Well, what this administration needs to do with their time and with their money is to enforce the laws that we have and make sure that people who break the law using guns suffer the consequences. President Clinton brags that about 540,000 felons who tried to purchase weapons illegally were prevented from doing so under the Brady bill. Do my colleagues know how many of those people were prosecuted? Fewer than 200.

I would say that if the President really wants to stop death and violence, that he should see to it that we start punishing criminals, locking them up, and letting law-abiding citizens own their guns, be responsible, and protect themselves.

In Australia, just lately, not too long ago, the government took the guns away from all the citizens. The crime rate skyrocketed because only the criminals have guns. I want to have a gun, to be able to defend myself or defend my family. But most of all I want to defend the Constitution of the United States of America. I want to defend not just the second amendment but all of them, and I ask my colleagues to vote in favor of the Hostettler amendment so that we can do that.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. First of all, in response to my friend from Wyoming, the number of arrests and prosecutions are up significantly since 1992. They are obviously not adequate enough, but if we had more BATF enforcement officers, that would help that situation.

Certainly public safety officers are not endangered when they can obtain guns, when they are licensed, when they are trained. And I would think many of them would like to have a child safety lock on their gun when it is at home and their kids might have access to it.

But, Mr. Chairman, I want to try to paraphrase from Dante's *Inferno*. He talks about the fact that the lowest level and the depths of hell is reserved for those who, knowing the difference between good and evil, choose not to

become involved, thereby letting evil prevail. In fact, Rabbi Saperstein, in his letter to all of us, urging rejection of the Hostettler amendment, quotes Leviticus and Jewish tradition that we should not sit idly by the blood of our neighbors.

How can we not get involved when more than a dozen kids a day are dying of firearms. Maybe we do not believe that. Maybe we do not care, because most of those deaths are in urban minority low-income communities. When it happens in a white suburban middle-class community we read about it at least. Or maybe we do not even read about it; maybe we do not care about it. But the fact is we ought to do something about it. It is wrong. These children are losing their lives because guns are all over the place. They are pervasive in our society, and that is wrong.

When 411 communities try to get together to do something about it, to try to protect the kids in their communities, what do we do? We try to stop them. We do not let them get away with that interfering. Let us see what constructive alternatives our colleagues have, because what we are doing today is not enough: 300,000 deaths, a dozen kids a day. Show us what those on the other side of the aisle would do about it, more than rhetoric.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

I would simply call to point that this is a very passionate debate that has taken place tonight, and that is exactly what the framers of the Constitution intended to happen. They intended to have passionate debate on issues relating to things as important not only as the second amendment and the right to keep and bear arms, that shall not be infringed, but as well the ability for the legislative branch to maintain its prerogative to do just that, and that is to legislate.

What this amendment will do is simply stop the legislative activity on the part of the administration in this one small particular area so that the gentleman from Virginia, the gentlewoman from New York, everyone else involved in this debate can have that passionate debate; and they can have that passionate debate based on the understanding of the Constitution, public safety, and all other things, separation of powers, Federalism and all that, according to what the legislation should be and what their elected representatives should do.

These people in HUD, the BATF, they are there to faithfully execute the laws of the United States. They are not there to faithfully create the laws of the United States. That is what they did in this agreement.

Mr. Chairman, I simply ask for Congress to once again assert our legislative prerogative. Defund this agreement. And if the other side wants to

create another debate about gun control, they can do that. But that should happen in the halls of this building, the Congress, and not behind closed doors in the bureaucracy.

Mr. Chairman, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I would like to take my time, this 1 minute, to commend the gentlewoman from New York for her extraordinary leadership and her extraordinary courage. She has become the personification in this country of gun safety, and to the mothers and families of America she is a leader and a source of hope and inspiration.

It seems the least we can do here, out of respect for the concerns that parents in America have about gun safety, is to defeat the Hostettler amendment. This amendment, and the one that preceded it earlier regarding the coalition, are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

This code of conduct really should be serving as a model; and, instead, this House of Representatives is considering eliminating it, taking a step backward. Who can oppose the idea of HUD engaging in an agreement for a code of conduct for gun safety?

HUD should be commended, the gentlewoman from New York should be commended, and we should defeat the Hostettler amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her extraordinary leadership.

Mr. Chairman, I rise in opposition. Why are we attacking companies trying to do the right thing? This amendment would defund the settlement reached between Smith & Wesson and HUD to reduce handgun violence. Smith & Wesson agreed to develop safer handguns, install child safety locks, and to sell only to vendors who require background checks. All reasonable, common sense gun safety actions.

We have, Mr. Chairman, over 13 young people dying each day due to gun violence. We have children killing children. I guess protecting children is just too much to ask. This amendment prevents Smith & Wesson and other responsible companies from working to make our communities safer. This amendment will do nothing but appease the NRA and some members of the gun industry.

I urge a "no" vote, Mr. Chairman. Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, the Hostettler amendment is another example of how far out of step the Republican leadership is with the American people. They refuse to move ahead with gun safety legislation, and now they have gone out of their way to punish Smith & Wesson simply because Smith & Wesson wants to include a child safety lock with their handgun. It is mind-boggling.

Further, they would gut the Communities for Safer Guns Coalition. This is 411 cities and towns across the country who have agreed to purchase handguns for their police officers from gun makers that agree to include child safety locks with the guns they sell and to keep a close eye on the gun dealers that sell to criminals.

Let me tell my colleagues that if they vote for this amendment, if they support it, they turn their backs on the values of this country and on the American people. This is the people's House. Overwhelmingly this country wants to see gun safety legislation. And what is more, those who vote for this amendment will be living up to the old saying that "no good deed goes unpunished." They will be telling people that they not only oppose mandatory child safety locks but they are going to punish companies who voluntarily include child safety locks with their guns.

What is next? Shall we punish car manufacturers who make safe cars, pharmaceutical companies that put child safety locks on aspirin bottles? Smith & Wesson, my colleagues, have done the right thing. They have agreed to include a child safety lock with the guns they sell. They have agreed to help ensure that dealers who sell their guns will only sell to law-abiding citizens. We should be thanking them. Instead, the gun lobby and the Republican leadership of this House want to prevent local efforts to make our communities, our neighborhoods safer, and to punish the gun makers that act responsibly.

This is so wrong, it is unbelievable. We should reject this kind of revenge by legislation. Let us defeat the Hostettler amendment tonight.

Mrs. MCCARTHY of New York. Mr. Chairman, may I ask how much time is remaining.

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) has 4 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Unfortunately, Mr. Chairman, we are having this debate on this bill, and I would like to clarify a couple of points. First of all, our staff has checked and, according to HUD's records and their budget office, there are no funds being

spent to implement this agreement. The administration has not requested funds for this purpose, and the bill does not include those funds. Consequently, the amendment really has no practical impact on HUD and is, therefore, unnecessary.

The problem is, for us, with this bill, it creates real difficulties. It creates a diversion away from the real issues of the bill. Much like the Kyoto debate on report language, we are trying to anticipate what the administration might do when no funds are actually being expended.

So I would urge that Members vote against this amendment. It really is not, in my mind, germane to this bill; and for that reason, I would urge a "no" vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously, I stand against this amendment for many reasons. Unfortunately, we have heard an awful lot, in my opinion, on not understanding exactly what the agreement was. We have heard Members talking about gun control. This is not gun control. It is not even near gun control. What we are talking about is child safety, safety and guns. And our police officers across this Nation certainly have the opportunity to either reject or not accept this agreement when they buy their guns.

Let me say something to my colleagues. Across this Nation all of our communities, all of our cities are trying to figure out how to reduce gun violence in this country. Secretary Cuomo, with HUD, has come up with an agreement with Smith & Wesson, which has taken on the responsibility of trying to make safer guns. Not eliminate guns, make safer guns. Safer guns for our police officers and certainly, hopefully, safer guns for our citizens.

□ 2015

Yes, they want background checks. Well, I think almost everybody should agree that we do not want to sell guns to criminals, so people should go for background checks. Smith & Wesson has agreed to do this. Guns cannot be marketed to children.

Wow, that is some sort of gun control, is it not? Guns cannot be marketed to children. The smart guns again.

We talk about using taxpayers' money. My colleague from New York (Mr. Walsh), the chairman, has said no monies have been appropriated for this. But let me tell my colleagues what we spend on health care in this country every single year because of gun injuries in this country. It is over \$2 billion a year.

If our communities and certainly the housing that we are putting people in can be made safer, that is what we

should be doing. This is not a Republican issue. This is not a Democratic issue. As far as I am concerned, this is part of a health care issue. Smith & Wesson, certainly Secretary Cuomo of HUD, have tried to do something to try to make this country safer. I applaud him for this.

I wish we could get past this thing of gun control. There is not one person, not one person, in this Congress that is trying to take away the right of someone owning a gun. That is something everyone should start to remember. I am tired of hearing that. I will never try to take away the right of someone owning a gun. That is not what I am here for. But I am certainly trying to keep health care costs down. I am certainly trying to save lives.

I think that Smith & Wesson has done the right job, and I say let us support them for a change.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 23 offered by the gentleman from New York (Mr. HINCHEY); amendment No. 35, as modified, offered by the gentleman from New York (Mr. HINCHEY); the amendment offered by the gentleman from Georgia (Mr. COLLINS); amendment No. 24 offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 4 offered by the gentleman from New York (Mr. NADLER); amendment No. 25 offered by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 23 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 23 offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by the voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 277, not voting 12, as follows:

[Roll No. 303]

AYES—145

Ackerman	Greenwood	Mollohan
Allen	Gutierrez	Moore
Andrews	Hinchey	Murtha
Baldacci	Hoeffel	Nadler
Baldwin	Hoekstra	Neal
Barcia	Holden	Obey
Barrett (NE)	Holt	Oliver
Barrett (WI)	Horn	Owens
Bass	Houghton	Pallone
Bereuter	Hulshof	Pascrell
Biggart	Hyde	Payne
Blagojevich	Jackson (IL)	Petri
Boehlert	Johnson (CT)	Pitts
Bonior	Kanjorski	Porter
Borski	Kaptur	Quinn
Boswell	Kelly	Reynolds
Brady (PA)	Kennedy	Rivers
Camp	Kildee	Rothman
Capuano	Kilpatrick	Roukema
Carson	Kind (WI)	Rush
Castle	King (NY)	Ryan (WI)
Chabot	Kleczka	Sanders
Clay	Klink	Saxton
Conyers	LaFalce	Schakowsky
Costello	LaHood	Sensenbrenner
Coyne	Larson	Shays
Crane	Latham	Sherwood
Crowley	Lazio	Shimkus
Danner	Leach	Shuster
Davis (IL)	Levin	Slaughter
Delahunt	Lipinski	Smith (NJ)
DeLauro	LoBiondo	Stabenow
Dingell	Lowey	Stupak
Doyle	Maloney (CT)	Sununu
Ehlers	Maloney (NY)	Sweeney
Engel	Manzullo	Terry
English	Markey	Tierney
Ewing	Martinez	Toomey
Fattah	Mascara	Towns
Forbes	McCarthy (NY)	Upton
Fossella	McGovern	Velazquez
Frank (MA)	McHugh	Walsh
Franks (NJ)	McIntosh	Waters
Frelinghuysen	McNulty	Weiner
Ganske	Meehan	Weldon (PA)
Gejdenson	Meeks (NY)	Weller
Gilman	Menendez	Weygand
Goodling	Mink	
Green (WI)	Moakley	

NOES—277

Abercrombie	Callahan	Dreier
Aderholt	Calvert	Duncan
Archer	Canady	Dunn
Armey	Cannon	Edwards
Baca	Capps	Ehrlich
Bachus	Cardin	Emerson
Baird	Chambliss	Eshoo
Baker	Chenoweth-Hage	Etheridge
Ballenger	Clayton	Evans
Barr	Clement	Everett
Bartlett	Clyburn	Farr
Barton	Coble	Filner
Bateman	Coburn	Fletcher
Becerra	Collins	Foley
Bentsen	Combest	Ford
Berkley	Condit	Fowler
Berman	Cooksey	Frost
Berry	Cox	Gallegly
Bilbray	Cramer	Gekas
Bilirakis	Cubin	Gephardt
Bishop	Cummings	Gibbons
Bliley	Cunningham	Gilchrest
Blumenauer	Davis (FL)	Gillmor
Blunt	Davis (VA)	Gonzalez
Boehner	Deal	Goode
Bonilla	DeFazio	Goodlatte
Bono	DeGette	Gordon
Boucher	DeMint	Goss
Boyd	Deutsch	Graham
Brady (TX)	Diaz-Balart	Granger
Brown (FL)	Dickey	Green (TX)
Brown (OH)	Dicks	Gutknecht
Bryant	Dixon	Hall (OH)
Burr	Doggett	Hall (TX)
Burton	Dooley	Hansen
Buyer	Doolittle	Hastings (FL)

Hastings (WA)	Millender-	Scott
Hayes	McDonald	Sessions
Hayworth	Miller (FL)	Shadegg
Hefley	Miller, Gary	Shaw
Herger	Miller, George	Sherman
Hill (IN)	Minge	Shows
Hill (MT)	Moran (KS)	Simpson
Hilleary	Moran (VA)	Sisisky
Hilliard	Morella	Skeen
Hinojosa	Myrick	Skelton
Hobson	Napolitano	Smith (MI)
Hooley	Nethercutt	Smith (TX)
Hostettler	Ney	Smith (WA)
Hoyer	Northup	Snyder
Hunter	Norwood	Souder
Hutchinson	Nussle	Spence
Inslee	Oberstar	Spratt
Isakson	Ortiz	Stark
Istook	Ose	Stearns
Jackson-Lee	Oxley	Stenholm
(TX)	Packard	Strickland
Jefferson	Pastor	Stump
Jenkins	Paul	Talent
John	Pease	Tancred
Johnson, E.B.	Pelosi	Tanner
Johnson, Sam	Peterson (MN)	Tauzin
Jones (NC)	Peterson (PA)	Taylor (MS)
Jones (OH)	Phelps	Taylor (NC)
Kasich	Pickering	Thomas
Kingston	Pickett	Thompson (CA)
Knollenberg	Pombo	Thompson (MS)
Kolbe	Pomeroy	Thune
Kucinich	Portman	Thurman
Lampson	Price (NC)	Tiahrt
Lantos	Pryce (OH)	Trafficant
Largent	Radanovich	Turner
LaTourette	Rahall	Udall (CO)
Lee	Ramstad	Udall (NM)
Lewis (CA)	Regula	Visclosky
Lewis (GA)	Reyes	Vitter
Lewis (KY)	Riley	Walden
Linder	Rodriguez	Wamp
Lofgren	Roemer	Watkins
Lucas (KY)	Rogan	Watt (NC)
Lucas (OK)	Rogers	Watts (OK)
Luther	Rohrabacher	Waxman
Matsui	Ros-Lehtinen	Weldon (FL)
McCarthy (MO)	Royce	Wexler
McCrery	Ryun (KS)	Whitfield
McDermott	Sabo	Wicker
McInnis	Salmon	Wilson
McIntyre	Sanchez	Wise
McNulty	Sandlin	Wolf
McKinney	Sanford	Woolsey
Meeks (FL)	Sawyer	Wu
Metcalfe	Scarborough	Young (AK)
Mica	Schaffer	Young (FL)

NOT VOTING—12

Campbell	McCollum	Tauscher
Cook	Rangel	Thornberry
DeLay	Roybal-Allard	Vento
Kuykendall	Serrano	Wynn

□ 2040

Mrs. CUBIN, Mr. SMITH of Texas, Mrs. CLAYTON, Messrs. REGULA, BROWN of Ohio, WATKINS, DIXON, MORAN of Virginia, VISCLOSKY, RAHALL, and RAMSTAD changed their vote from “aye” to “no.”

Messrs. WELLER, HYDE, HULSHOF, COSTELLO, LEVIN, CRANE, Ms. KAPTUR, Mr. GUTIERREZ and Mr. ENGLISH changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 525, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 35 OFFERED BY MR. HINCHEY, AS MODIFIED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 10, as follows:

[Roll No. 304]

AYES—208

Abercrombie	Gejdenson	McKinney
Ackerman	Gephardt	McNulty
Allen	Gilchrest	Meehan
Andrews	Gilman	Meek (FL)
Baca	Gonzalez	Meeks (NY)
Baird	Gordon	Menendez
Baldacci	Green (TX)	Millender-
Baldwin	Greenwood	McDonald
Barrett (WI)	Gutierrez	Miller, George
Becerra	Hall (OH)	Minge
Bentsen	Hastings (FL)	Mink
Berkley	Hill (IN)	Moakley
Berman	Hilliard	Mollohan
Bilbray	Hinchey	Moore
Bilirakis	Hinojosa	Moran (VA)
Blagojevich	Hoeffel	Morella
Blumenauer	Holden	Murtha
Boehlert	Holt	Nadler
Bonior	Hooley	Napolitano
Borski	Horn	Neal
Boswell	Hoyer	Oberstar
Boucher	Inslee	Obey
Brady (PA)	Jackson (IL)	Oliver
Brown (FL)	Jackson-Lee	Ortiz
Brown (OH)	(TX)	Owens
Capps	Jefferson	Pallone
Capuano	Johnson (CT)	Pascrell
Cardin	Johnson, E.B.	Pastor
Carson	Jones (OH)	Payne
Castle	Kanjorski	Pelosi
Clay	Kaptur	Pickett
Clayton	Kasich	Price (NC)
Clyburn	Kelly	Rahall
Condit	Kennedy	Ramstad
Conyers	Kildee	Reyes
Coyne	Kilpatrick	Rivers
Crowley	Kind (WI)	Rodriguez
Cummings	Kleczka	Roemer
Davis (FL)	Klink	Rothman
Davis (IL)	Kucinich	Roukema
DeFazio	LaFalce	Rush
DeGette	Lampson	Sabo
Delahunt	Lantos	Sanchez
DeLauro	Larson	Sanders
Deutsch	LaTourette	Sawyer
Dicks	Lazio	Saxton
Dingell	Leach	Scarborough
Dixon	Lee	Schakowsky
Doggett	Levin	Scott
Doyle	Lewis (CA)	Shays
Edwards	Lewis (GA)	Sherman
Ehlers	Lipinski	Sherwood
Engel	LoBiondo	Skelton
Eshoo	Lofgren	Slaughter
Etheridge	Lowey	Smith (NJ)
Evans	Luther	Smith (WA)
Farr	Maloney (CT)	Snyder
Fattah	Maloney (NY)	Spratt
Filner	Markey	Stabenow
Forbes	Mascara	Stark
Ford	Matsui	Strickland
Frank (MA)	McCarthy (NY)	Stupak
Franks (NJ)	McDermott	Tauscher
Frelinghuysen	McGovern	Thompson (CA)

June 21, 2000

CONGRESSIONAL RECORD—HOUSE

11809

Thompson (MS) Velazquez
Thurman Visclosky
Tierney Waters
Towns Watt (NC)
Udall (CO) Waxman
Udall (NM) Weiner

NOES—216

Aderholt Gibbons Phelps
Archer Gillmor Pickering
Armey Goode Pitts
Bachus Goodlatte Pombo
Baker Goodling Pomeroy
Ballenger Goss Porter
Barcia Graham Portman
Barr Granger Pryce (OH)
Barrett (NE) Green (WI) Quinn
Bartlett Gutknecht Radanovich
Barton Hall (TX) Regula
Bass Hansen Reynolds
Bateman Hastings (WA) Riley
Bereuter Hayes Rogan
Berry Hayworth Rogers
Biggert Hefley Rohrabacher
Bishop Herger Ros-Lehtinen
Bliley Hill (MT) Royce
Blunt Hilleary Ryan (WI)
Boehner Hobson Ryun (KS)
Bonilla Hoekstra Salmon
Bono Hostettler Sandlin
Boyd Houghton Sanford
Brady (TX) Hulshof Schaffer
Bryant Hunter Sensenbrenner
Burr Hutchinson Sessions
Burton Hyde Shadegg
Buyer Isakson Shaw
Callahan Istook Shimkus
Calvert Jenkins Shows
Camp John Shuster
Canady Johnson, Sam Simpson
Cannon Jones (NC) Sisisky
Chabot King (NY) Skeen
Chambliss Kingston Smith (MI)
Chenoweth-Hage Knollenberg Smith (TX)
Clement Kolbe Souder
Coble LaHood Spence
Coburn Largent Stearns
Collins Latham Stenholm
Combust Lewis (KY) Stump
Cooksey Linder Sununu
Costello Lucas (KY) Sweeney
Cox Lucas (OK) Talent
Cramer Manzullo Tancredo
Crane Martinez Tanner
Cubin McCarthy (MO) Tauzin
Cunningham McCrery Taylor (MS)
Danner McHugh Taylor (NC)
Davis (VA) McInnis Terry
Deal McIntosh Thomas
DeMint McIntyre Thornberry
Diaz-Balart McKeon Thune
Dickey Metcalf Tiahrt
Dooley Mica Toomey
Doolittle Miller (FL) Traficant
Dreier Miller, Gary Turner
Duncan Moran (KS) Upton
Dunn Myrick Vitter
Ehrlich Nethercutt Walden
Emerson Ney Walsh
English Northup Wamp
Everett Norwood Watkins
Ewing Nussle Watts (OK)
Fletcher Ose Weldon (FL)
Foley Oxley Weldon (PA)
Fossella Packard Weller
Fowler Paul Whitfield
Frost Pease Wicker
Gallegly Peterson (MN) Wolf
Ganske Peterson (PA) Young (AK)
Gekas Petri Young (FL)

NOT VOTING—10

Campbell McCollum Vento
Cook Rangel Wynn
DeLay Roybal-Allard
Kuykendall Serrano

□ 2048

Mr. PEASE and Mr. BARR of Georgia changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Wexler
Weygand
Wilson
Wise
Woolsey
Wu

AMENDMENT OFFERED BY MR. COLLINS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. COLLINS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 199, not voting 9, as follows:

[Roll No. 305]

AYES—225

Aderholt Everett McIntyre
Archer Ewing McKeon
Armey Fletcher Metcalf
Baca Foley Mica
Bachus Ford Miller, Gary
Baker Fowler Molloy
Ballenger Frost Moran (KS)
Barcia Gekas Murtha
Barr Gibbons Myrick
Barrett (NE) Gillmor Nethercutt
Bartlett Goode Ney
Barton Goodlatte Northup
Bateman Goodling Norwood
Berry Gordon Ortiz
Biggert Graham Ose
Bishop Granger Oxley
Bliley Green (TX) Packard
Blunt Green (WI) Pastor
Boehner Hall (TX) Paul
Bonilla Hansen Pease
Bono Hastings (WA) Peterson (PA)
Boswell Hayes Petri
Boucher Hayworth Phelps
Boyd Hefley Pickering
Brady (TX) Herger Pickett
Bryant Hill (IN) Pitts
Burr Hill (MT) Pombo
Burton Hilleary Portman
Buyer Hobson Pryce (OH)
Callahan Hoekstra Radanovich
Camp Holden Rahall
Canady Hostettler Regula
Cannon Hulshof Reynolds
Carson Hunter Riley
Chabot Hutchinson Rodriguez
Chambliss Hyde Roemer
Clement Isakson Rogan
Clyburn Istook Rogers
Coble Jenkins Rohrabacher
Coburn John Ros-Lehtinen
Collins Johnson, Sam Royce
Combust Jones (NC) Ryan (WI)
Conyers Kasich Ryan (KS)
Cooksey Kildee Salmon
Cox Kilpatrick Sandlin
Cramer Kingston Sanford
Crane Klink Schaffer
Cubin Knollenberg Sensenbrenner
Cunningham LaHood Sessions
Danner Lampson Shadegg
Deal Largent Shimkus
DeMint Latham Shows
Diaz-Balart LaTourette Shuster
Dickey Levin Simpson
Dingell Lewis (KY) Sisisky
Dooley Linder Skeen
Doolittle Lipinski Skelton
Doyle Lucas (KY) Smith (MI)
Dreier Lucas (OK) Smith (TX)
Duncan Manzullo Souder
Dunn Martinez Spence
Edwards Mascara Spratt
Ehrlich McCollum Stabenow
Emerson McCrery Stearns
English McIntosh Stenholm

Strickland
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Tauzin
Taylor (NC)
Terry
Thomas

Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Young (AK)
Young (FL)

NOES—199

Abercrombie Goss Moore
Ackerman Greenwood Moran (VA)
Allen Gutierrez Morella
Andrews Gutknecht Nadler
Baird Hall (OH) Napolitano
Baldacci Hastings (FL) Neal
Baldwin Hilliard Nussle
Barrett (WI) Hinchey Oberstar
Bass Hinojosa Obey
Becerra Hoeft Olver
Bentsen Holt Owens
Bereuter Hooley Pallone
Berkley Horn Pascrell
Berman Houghton Payne
Bilbray Hoyer Pelosi
Bilirakis Inslee Peterson (MN)
Blagojevich Jackson (IL) Pomeroy
Blumenauer Jackson-Lee Porter
Boehler (TX) Price (NC)
Bonior Jefferson Quinn
Borski Johnson (CT) Ramstad
Brady (PA) Johnson, E. B. Reyes
Brown (FL) Jones (OH) Rivers
Brown (OH) Kanjorski Rothman
Calvert Kaptur Roukema
Capps Kelly Rush
Capuano Kennedy Sabo
Cardin Kind (WI) Sanchez
Castle King (NY) Sanders
Clay Kleczka Sawyer
Clayton Kolbe Saxton
Condit Kucinich Scarborough
Costello LaFalce Schakowsky
Coyne Lantos Scott
Crowley Larson Shaw
Cummings Lazio Shays
Davis (FL) Leach Sherman
Davis (IL) Lee Sherwood
Davis (VA) Lewis (CA) Slaughter
DeFazio Lewis (GA) Smith (NJ)
DeGette LoBiondo Smith (WA)
Delahunt Lofgren Snyder
DeLauro Lowey Stark
Deutsch Luther Sununu
Dicks Maloney (CT) Sweeney
Dixon Maloney (NY) Tauscher
Doggett Markey Taylor (MS)
Ehlers Matsui Thompson (CA)
Engel McCarthy (MO) Thompson (MS)
Eshoo McCarthy (NY) Thurman
Etheridge McDermott Tierney
Evans McGovern Towns
Farr McHugh Udall (CO)
Fattah McInnis Udall (NM)
Filner McKinney Velazquez
Forbes McNulty Visclosky
Fossella Meehan Walsh
Frank (MA) Meek (FL) Waters
Franks (NJ) Meeks (NY) Watt (NC)
Frelinghuysen Menendez Waxman
Gallegly Millender Weiner
Ganske McDonald Weller
Gejdenson Miller (FL) Wexler
Gephardt Gilchrist Weygand
Gilchrist Minge Wolf
Gilman Mink Woolsey
Gonzalez Moakley Wu

NOT VOTING—10

Campbell Kuykendall Vento
Chenoweth-Hage Rangel Wynn
Cook Roybal-Allard
DeLay Serrano

□ 2056

Messrs. WALSH, DEUTSCH, WELLER and CALVERT changed their vote from “aye” to “no.”

Messrs. OSE, WELDON of Pennsylvania, SKELTON, CLYBURN and STUPAK changed their vote from “no” to “aye.”

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR.
HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 207, not voting 9, as follows:

[Roll No. 306]

AYES—218

Aderholt	Dreier	Martinez
Archer	Duncan	Mascara
Armey	Ehrlich	McCollum
Baca	Emerson	McCrery
Bachus	English	McInnis
Baker	Everett	McIntosh
Ballenger	Fletcher	McIntyre
Barcia	Fowler	McKeon
Barr	Gallegly	Metcalf
Barrett (NE)	Ganske	Mica
Bartlett	Gekas	Miller (FL)
Barton	Gibbons	Miller, Gary
Bass	Goode	Mollohan
Bateman	Goodlatte	Moran (KS)
Bereuter	Gordon	Murtha
Berry	Goss	Myrick
Biggert	Graham	Nethercutt
Bilirakis	Granger	Ney
Bishop	Green (TX)	Norwood
Biley	Green (WI)	Nussle
Blunt	Gutknecht	Ortiz
Boehner	Hall (TX)	Ose
Bonilla	Hansen	Oxley
Bono	Hastings (WA)	Packard
Boswell	Hayes	Paul
Boucher	Hayworth	Pease
Boyd	Hefley	Peterson (MN)
Brady (TX)	Herger	Peterson (PA)
Bryant	Hill (IN)	Petri
Burr	Hill (MT)	Phelps
Burton	Hilleary	Pickering
Buyer	Hoekstra	Pickett
Callahan	Holden	Pitts
Calvert	Hostettler	Pombo
Camp	Hulshof	Portman
Canady	Hunter	Radanovich
Cannon	Hutchinson	Rahall
Chabot	Isakson	Reynolds
Chambliss	Istook	Riley
Chenoweth-Hage	Jenkins	Rogers
Clement	John	Rohrabacher
Coble	Johnson, Sam	Ros-Lehtinen
Coburn	Jones (NC)	Royce
Collins	Kanjorski	Ryan (WI)
Combest	Kasich	Ryun (KS)
Cooksey	Kelly	Salmon
Costello	Kingston	Sandlin
Cox	Knollenberg	Sanford
Cramer	Kolbe	Scarborough
Crane	LaHood	Schaffer
Cubin	Lampson	Sensenbrenner
Cunningham	Largent	Sessions
Danner	Latham	Shadegg
Deal	LaTourette	Sherwood
DeFazio	Lewis (CA)	Shimkus
DeMint	Lewis (KY)	Shows
Diaz-Balart	Linder	Shuster
Dickey	Lucas (KY)	Simpson
Dingell	Lucas (OK)	Sisisky
Doolittle	Manzullo	Skeen

Skelton	Tauzin
Smith (MI)	Taylor (MS)
Smith (TX)	Taylor (NC)
Souder	Terry
Spence	Thomas
Stearns	Thompson (CA)
Stenholm	Thornberry
Strickland	Thune
Stump	Tiahrt
Sununu	Toomey
Talent	Trafigant
Tancredo	Turner
Tanner	Vitter

NOES—207

Abercrombie	Gonzalez	Morella
Ackerman	Goodling	Nadler
Allen	Greenwood	Napolitano
Andrews	Gutierrez	Neal
Baird	Hall (OH)	Northup
Baldacci	Hastings (FL)	Oberstar
Baldwin	Hilliard	Obey
Barrett (WI)	Hinchey	Olver
Becerra	Hinojosa	Owens
Bentsen	Hobson	Pallone
Berkley	Hoefel	Pascarell
Berman	Holt	Pastor
Bilbray	Hooley	Payne
Blagojevich	Horn	Pelosi
Blumenauer	Houghton	Pomeroy
Boehlert	Hoyer	Porter
Bonior	Hyde	Price (NC)
Borski	Inlee	Pryce (OH)
Brady (PA)	Jackson (IL)	Quinn
Brown (FL)	Jackson-Lee	Ramstad
Brown (OH)	(TX)	Regula
Capps	Jefferson	Reyes
Capuano	Johnson (CT)	Rivers
Cardin	Johnson, E. B.	Rodriguez
Carson	Jones (OH)	Roemer
Castle	Kaptur	Rogan
Clay	Kennedy	Rothman
Clayton	Kildee	Roukema
Clyburn	Kilpatrick	Rush
Condit	Kind (WI)	Sabo
Conyers	King (NY)	Sanchez
Coyne	Kleczka	Sanders
Crowley	Klink	Sawyer
Cummings	Kucinich	Saxton
Davis (FL)	LaFalce	Schakowsky
Davis (IL)	Lantos	Scott
Davis (VA)	Larson	Shaw
DeGette	Lazio	Shays
Delahunt	Leach	Sherman
DeLauro	Lee	Slaughter
Deutsch	Levin	Smith (NJ)
Dicks	Lewis (GA)	Smith (WA)
Dixon	Lipinski	Snyder
Doggett	LoBiondo	Spratt
Dooley	Lofgren	Stabenow
Doyle	Lowey	Stark
Dunn	Luther	Stupak
Edwards	Maloney (CT)	Sweeney
Ehlers	Maloney (NY)	Tauscher
Engel	Markey	Thompson (MS)
Eshoo	Matsui	Thurman
Etheridge	McCarthy (MO)	Tierney
Evans	McCarthy (NY)	Towns
Ewing	McDermott	Udall (CO)
Farr	McGovern	Udall (NM)
Fattah	McHugh	Upton
Filner	McKinney	Velazquez
Foley	McNulty	Visclosky
Forbes	Meehan	Walsh
Ford	Meek (FL)	Walters
Fossella	Meeks (NY)	Watt (NC)
Frank (MA)	Menendez	Waxman
Franks (NJ)	Millender-	Weiner
Frelinghuysen	McDonald	Weller
Frost	Miller, George	Wexler
Gejdenson	Minge	Weygand
Gephardt	Mink	Wilson
Gilchrest	Moakley	Woolsey
Gillmor	Moore	Wu
Gilman	Moran (VA)	

NOT VOTING—9

Campbell	Kuykendall	Serrano
Cook	Rangel	Vento
DeLay	Roybal-Allard	Wynn

□ 2104

Mr. WELLER changed his vote from "aye" to "no."

Mr. SMITH of Texas and Mr. TAYLOR of North Carolina changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 286, not voting 10, as follows:

[Roll No. 307]

AYES—138

Abercrombie	Goodling	Pallone
Ackerman	Gutierrez	Pascarell
Baldwin	Hefley	Pastor
Barrett (WI)	Hilleary	Payne
Bass	Hilliard	Pelosi
Becerra	Hinchey	Petri
Bereuter	Hoefel	Phelps
Berkley	Holt	Pomeroy
Berman	Jackson (IL)	Porter
Bilbray	Jones (OH)	Quinn
Blagojevich	Kaptur	Rahall
Blumenauer	Kennedy	Ramstad
Bonior	Kildee	Rivers
Brady (PA)	Kilpatrick	Roemer
Brown (OH)	Kind (WI)	Rush
Bryant	LaFalce	Ryan (WI)
Camp	Lantos	Sabo
Capps	Latham	Sanchez
Capuano	Lazio	Sanders
Carson	Leach	Schaffer
Chabot	Lee	Schakowsky
Clay	Levin	Shays
Clayton	Lewis (GA)	Slaughter
Conyers	Lowey	Smith (NJ)
Costello	Luther	Stabenow
Coyne	Maloney (NY)	Stark
Crowley	Markey	Strickland
Danner	McHugh	Stupak
Davis (IL)	McKinney	Tancredo
DeFazio	McNulty	Thompson (CA)
DeGette	Meehan	Tierney
Delahunt	Meeks (NY)	Towns
DeLauro	Menendez	Udall (CO)
Dingell	Millender-	Udall (NM)
Dixon	McDonald	Upton
Dooley	Miller, George	Velazquez
Duncan	Minge	Mink
Engel	Moore	Visclosky
English	Myrick	Walters
Evans	Nadler	Watt (NC)
Farr	Napolitano	Waxman
Fattah	Nussle	Weiner
Filner	Oberstar	Weygand
Ford	Obey	Whitfield
Frank (MA)	Olver	Wilson
Franks (NJ)	Owens	Woolsey

NOES—286

Aderholt	Baker	Bateman
Allen	Baldacci	Bentsen
Andrews	Ballenger	Berry
Archer	Barcia	Biggert
Armey	Barr	Bilirakis
Baca	Barrett (NE)	Bishop
Bachus	Bartlett	Biley
Baird	Barton	Blunt

Boehlert	Hayworth	Peterson (MN)
Boehner	Herger	Peterson (PA)
Bonilla	Hill (IN)	Pickering
Bono	Hill (MT)	Pickett
Borski	Hinojosa	Pitts
Boswell	Hobson	Pombo
Boucher	Hoekstra	Portman
Boyd	Holden	Price (NC)
Brady (TX)	Hooley	Pryce (OH)
Brown (FL)	Hostettler	Radanovich
Burr	Houghton	Regula
Burton	Hoyer	Reyes
Buyer	Hulshof	Reynolds
Callahan	Hunter	Riley
Calvert	Hutchinson	Rodriguez
Canady	Hyde	Rogan
Cannon	Inslee	Rogers
Cardin	Isakson	Rohrabacher
Castle	Istook	Ros-Lehtinen
Chambliss	Jackson-Lee	Rothman
Chenoweth-Hage	(TX)	Roukema
Clement	Jefferson	Royce
Clyburn	Jenkins	Ryun (KS)
Coble	John	Salmon
Coburn	Johnson (CT)	Sandlin
Collins	Johnson, E. B.	Sanford
Combest	Johnson, Sam	Sawyer
Condit	Jones (NC)	Saxton
Cooksey	Kanjorski	Scarborough
Cox	Kasich	Scott
Cramer	Kelly	Sensenbrenner
Crane	King (NY)	Sessions
Cubin	Kingston	Shadegg
Cummings	Klecza	Shaw
Cunningham	Klink	Sherman
Davis (FL)	Knollenberg	Sherwood
Davis (VA)	Kolbe	Shimkus
Deal	Kucinich	Shows
DeMint	LaHood	Shuster
Deutsch	Lampson	Simpson
Diaz-Balart	Largent	Sisisky
Dickey	Larson	Skeen
Dicks	LaTourette	Skelton
Doggett	Lewis (CA)	Smith (MI)
Doolittle	Lewis (KY)	Smith (TX)
Doyle	Linder	Smith (WA)
Dreier	Lipinski	Snyder
Dunn	LoBiondo	Souder
Edwards	Lofgren	Spence
Ehlers	Lucas (KY)	Spratt
Ehrlich	Lucas (OK)	Stearns
Emerson	Maloney (CT)	Stenholm
Eshoo	Manzullo	Stump
Etheridge	Martinez	Sununu
Everett	Mascara	Sweeney
Ewing	Matsui	Talent
Fletcher	McCarthy (MO)	Tanner
Foley	McCarthy (NY)	Tauscher
Forbes	McCollum	Tauzin
Fossella	McCrery	Taylor (MS)
Fowler	McDermott	Taylor (NC)
Frelinghuysen	McGovern	Terry
Frost	McInnis	Thomas
Gallegly	McIntosh	Thompson (MS)
Gejdenson	McIntyre	Thornberry
Gekas	McKeon	Thune
Gephardt	Meek (FL)	Thurman
Gibbons	Metcalf	Tiahrt
Gilchrest	Mica	Toomey
Gillmor	Miller (FL)	Traficant
Gilman	Miller, Gary	Turner
Gonzalez	Moakley	Vitter
Goode	Mollohan	Walden
Goodlatte	Moran (KS)	Walsh
Gordon	Moran (VA)	Wamp
Goss	Morella	Watkins
Graham	Murtha	Watts (OK)
Granger	Neal	Weldon (FL)
Green (TX)	Nethercutt	Weldon (PA)
Green (WI)	Ney	Weller
Greenwood	Northup	Wexler
Gutknecht	Norwood	Wicker
Hall (OH)	Ortiz	Wise
Hall (TX)	Ose	Wolf
Hansen	Oxley	Wu
Hastings (FL)	Packard	Young (AK)
Hastings (WA)	Paul	Young (FL)
Hayes	Pease	

NOT VOTING—10

Campbell	Kuykendall	Vento
Cook	Rangel	Wynn
DeLay	Roybal-Allard	
Horn	Serrano	

□ 2111

Mr. GEJDENSON and Mr. KLINK changed their vote from “aye” to “no.”
Mr. BERMAN changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 219, not voting 9, as follows:

[Roll No. 308]

AYES—206

Aderholt	DeMint	Latham
Archer	Dickey	Lewis (CA)
Armey	Dingell	Lewis (KY)
Baca	Doolittle	Linder
Bachus	Dreier	Lucas (KY)
Baker	Duncan	Lucas (OK)
Ballenger	Ehrlich	Manzullo
Barcia	Emerson	Martinez
Barr	English	Mascara
Barrett (NE)	Everett	McCrery
Bartlett	Fletcher	McHugh
Barton	Fowler	McInnis
Bass	Gekas	McIntosh
Bateman	Gibbons	McIntyre
Berry	Goode	McKeon
Biggert	Goodlatte	Metcalf
Bilirakis	Gordon	Mica
Bishop	Goss	Miller, Gary
Bilely	Graham	Mollohan
Blunt	Granger	Moran (KS)
Boehner	Green (TX)	Murtha
Bonilla	Green (WI)	Myrick
Bono	Gutknecht	Nethercutt
Boswell	Hall (TX)	Ney
Boucher	Hansen	Norwood
Boyd	Hastings (WA)	Nussle
Hayes	Hefley	Ortiz
Bryant	Hayworth	Ose
Burr	Hefley	Oxley
Burton	Herger	Paul
Buyer	Hill (IN)	Pease
Callahan	Hill (MT)	Peterson (MN)
Calvert	Hilleary	Peterson (PA)
Camp	Hobson	Petri
Canady	Hoekstra	Phelps
Cannon	Holden	Pickering
Chabot	Hostettler	Pickett
Chambliss	Hulshof	Pitts
Chenoweth-Hage	Hunter	Pombo
Clement	Hutchinson	Portman
Coble	Istook	Rahall
Coburn	Jenkins	Reynolds
Collins	John	Riley
Combest	Johnson, Sam	Rogers
Cooksey	Jones (NC)	Rohrabacher
Costello	Kanjorski	Royce
Cox	Kasich	Ryan (WI)
Cramer	Kingston	Ryun (KS)
Crane	Knollenberg	Salmon
Cubin	Kolbe	Sandlin
Cunningham	LaHood	Sanford
Danner	Lampson	Scarborough
Deal	Largent	Schaffer

Sensenbrenner	Stenholm	Traficant
Sessions	Strickland	Turner
Shadegg	Stump	Vitter
Sherwood	Sununu	Walden
Shimkus	Sweeney	Wamp
Shows	Talent	Watkins
Shuster	Tanner	Watts (OK)
Simpson	Tauzin	Weldon (FL)
Sisisky	Taylor (MS)	Weldon (PA)
Skeen	Taylor (NC)	Whitfield
Skelton	Terry	Wicker
Smith (MI)	Thomas	Wilson
Smith (TX)	Thornberry	Wise
Souder	Thune	Wolf
Spence	Tiahrt	Young (AK)
Stearns	Toomey	

NOES—219

Abercrombie	Gilman	Morella
Ackerman	Gonzalez	Nadler
Allen	Goodling	Napolitano
Andrews	Greenwood	Neal
Baird	Gutierrez	Northup
Baldacci	Hall (OH)	Oberstar
Baldwin	Hastings (FL)	Obey
Barrett (WI)	Hilliard	Olver
Becerra	Hinchey	Owens
Bentsen	Hinojosa	Packard
Bereuter	Hoeffel	Pallone
Berkley	Holt	Pascarell
Berman	Hooley	Pastor
Bilbray	Horn	Payne
Blagojevich	Houghton	Pelosi
Blumenauer	Hoyer	Pomeroy
Boehlert	Hyde	Porter
Bonior	Inslee	Price (NC)
Borski	Isakson	Pryce (OH)
Brady (PA)	Jackson (IL)	Quinn
Brown (FL)	Jackson-Lee	Radanovich
Brown (OH)	(TX)	Ramstad
Capps	Jefferson	Regula
Capuano	Johnson (CT)	Reyes
Cardin	Johnson, E. B.	Rivers
Carson	Jones (OH)	Rodriguez
Castle	Kaptur	Roukema
Clay	Kelly	Rogan
Clayton	Kennedy	Ros-Lehtinen
Clyburn	Kildee	Rothman
Condit	Kilpatrick	Roukema
Conyers	Kind (WI)	Rush
Coyne	King (NY)	Sabo
Crowley	Klecza	Sanchez
Cummings	Klink	Sanders
Davis (FL)	Kucinich	Sawyer
Davis (IL)	LaFalce	Saxton
Davis (VA)	Lantos	Schakowsky
DeFazio	Larson	Scott
DeGette	LaTourette	Shaw
Delahunt	Lazio	Shays
DeLauro	Leach	Sherman
Deutsch	Lee	Slaughter
Diaz-Balart	Levin	Smith (NJ)
Dicks	Lewis (GA)	Smith (WA)
Dixon	Lipinski	Snyder
Doggett	LoBiondo	Spratt
Dooley	Lofgren	Stabenow
Doyle	Lowey	Stark
Dunn	Luther	Stupak
Edwards	Maloney (CT)	Tancred
Ehlers	Maloney (NY)	Tauscher
Engel	Markey	Thompson (CA)
Eshoo	Matsui	Thompson (MS)
Etheridge	McCarthy (MO)	Thurman
Evans	McCarthy (NY)	Tierney
Ewing	McCollum	Towns
Farr	McDermott	Udall (CO)
Fattah	McGovern	Udall (NM)
Finer	McKinney	Upton
Foley	McNulty	Velazquez
Forbes	Meehan	Visclosky
Ford	Meek (FL)	Walsh
Fossella	Meeks (NY)	Waters
Frank (MA)	Menendez	Watt (NC)
Franks (NJ)	Millender-McDonald	Waxman
Frelinghuysen	Miller (FL)	Weiner
Frost	Miller, George	Weller
Gallegly	Minge	Wexler
Ganske	Mink	Weygand
Gejdenson	Moakley	Woolsey
Gephardt	Moore	Wu
Gilchrest	Moran (VA)	Young (FL)
Gillmor		

NOT VOTING—9

Campbell	Kuykendall	Serrano
Cook	Rangel	Vento
DeLay	Roybal-Allard	Wynn

□ 2118

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001".

Mr. MOORE. Mr. Chairman, I rise to express my grave concern with the bill before us today. This bill critically underfunds important national priorities that are too numerous to mention.

Many members of this House have expressed their concern about the federal government's chronic failure to meet its commitment to special needs kids. Yet, this bill provides just \$6.6 billion in funding for special education, \$514 million over last year's funding but far short of the \$16 billion-plus we need to fulfill this longstanding commitment to our most vulnerable children.

Mr. Speaker, I have a school in my district where exposed wires dangle from the ceiling, and rainwater seeps over those wires, but this bill provides no funds to repair collapsing schools. Never mind that more than 200 of my colleagues have heeded the call of their school districts, who are begging for assistance repairing schools.

53.2 million kids—a national enrollment record—started school in 1999 and 2.2 million teachers will be needed in the coming years to teach them what they need to know. The teacher shortage is an imminent national crisis, yet this bill includes no funds to continue the class size reduction initiative that is putting 100,000 new teachers in our schools.

Mr. Chairman, we know that quality early childhood programs for low-income children can increase the likelihood that children will be literate, employed, and educated, and less likely to be school dropouts, dependent on welfare, or arrested for criminal activity. This bill, however, cuts the President's request for Head Start by \$600 million, which denies 53,000 low-income children the opportunity to benefit from this comprehensive child development program.

Tragically, our country has become desensitized to school violence accustomed to reports of shootings in schools. School shootings are no longer front page news! Yet, this bill eliminates assistance for elementary school counselors that serve more than 100,000 children in 60 high-need school districts that could intervene and identify troubled kids before they harm themselves, their classmates or their teachers.

Earlier this week, I supported a bill to relieve the estate tax with great reservation I have long been a supporter of responsible estate tax relief that maintains our national commitments—paying down the national debt, protecting Social Security and Medicare, and supporting important domestic priorities such as the ones I have listed here. The leadership of this House, however, gave us one vehicle for estate tax relief, and I supported it with the

hope that the Senate and the conference committee will craft a fiscally responsible compromise.

Today, however, I am faced with this bill that turns its back on our nation's number one priority—our kids. The leadership of this House expects a veto of this irresponsible bill. I am voting against this bill today and I ask my colleagues to do the same. We then can return to the drawing board and craft a fiscally responsible bill that reflects our priorities as a nation.

Mr. POMEROY. Mr. Chairman, I rise today to express my support for the increase in funding included in this measure for many veteran's programs. One of my most important duties as a Member of Congress, and one of which I am most proud, is to honor the men and women who have served our Nation in uniform. I remain committed to the interests of our Nation's veterans and their families. I believe that Congress bears a special responsibility to protect those programs which serve our veterans' health and welfare. Our veterans have given so much to our Nation; we can only hope to give them as much in return.

I am pleased, therefore, that this measure includes an increase for veterans' medical care, service-connected compensation benefits and pensions, and readjustment benefits. While there are some shortcomings in the allocations for other veterans' programs, I am confident that my colleagues will address these provisions in conference committee. As the appropriations process moves forward, I will continue to fight for healthy funding levels for all veterans programs.

Unfortunately, while the bill provides important increases in funding for veterans' programs, it falls far short in meeting one of our most basic needs—housing. The bill before us today is \$2.5 billion less than the Administration's request for housing and other community development programs. This is unacceptable.

I would like to take a moment to focus on funding for the Community Development Block Grant (CDBG). As many of my colleagues can recall, CDBG funds were used to assist the city of Grand Forks in rebuilding after the devastating flood in 1997. The funds provided the city with needed flexibility to address both urgent and long-term needs. The successful recovery of Grand Forks was due in large part to the assistance from HUD. Under this bill, however, funding for CDBG is cut by \$295 million from last year's funding level.

Additionally, the bill does not provide any funding for Round II Empowerment Zones. In my State of North Dakota, the Griggs/Steele Empowerment Zone was designated as such in 1999. At that time, a commitment was made by the Federal Government to assist this area and others in creating jobs and economic opportunity. That commitment, however, goes unfulfilled in this legislation.

Mr. Chairman, at a time of unprecedented economic prosperity, we should not be turning our backs on those who need help the most, the poor and homeless, our Nation's most vulnerable citizens. While I stand in strong support of our Nation's veterans, as a result of these cuts in the housing program, I will be voting against this bill.

Mr. HOLT. Mr. Chairman, I rise today to speak on behalf of the health and safety of

our children, our families and our communities. I rise today to call for increased funding for our environment.

H.R. 4635 funds the Environmental Protection Agency at \$199 million or nearly ten percent below the Administration's request for basic environmental and public health protection. These programs are considered the backbone of the Agency's work.

A cut of this magnitude would seriously affect EPA's ability to provide American communities with cleaner water, cleaner air, and an improved quality of life.

Toxic air emissions (e.g., benzene, formaldehyde) from industrial plants, cars and trucks will not be reduced. This will expose approximately 80% of the American people to greater risks of developing cancer and other serious health problems (birth defects, reproductive disorders, and damage to the nervous system).

By delaying implementation of new standards for high-risk chemicals such as arsenic, radon, and radionuclides, public health and safety will be jeopardized for 240 million Americans who get their drinking water from public water systems.

Fish kills and hazardous algal blooms in the Nation's rivers, lakes, and estuaries will increase as our ability to develop national criteria to control excessive nutrients (nitrogen and phosphorus) will be significantly delayed.

The reduction in EPA's funding will hinder successful voluntary partnerships with private companies to reduce emissions of greenhouse gases and other air pollutants, such as nitrogen oxides (NO_x).

As a result of this cut, over the next decade 335 million tons of greenhouse gas pollution will unnecessarily be emitted into the atmosphere and 850 thousand tons of nitrogen oxide will be emitted into the atmosphere.

Finally, as we enter the summer, millions of American's visiting beaches will be at increased risk because there will be significant delays in the Agency's ability to monitor and collect adequate information about beach contamination.

I urge my colleagues to protect their communities and reject this anti-environment bill.

Mr. UDALL of Colorado. Mr. Chairman, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Bill simply does not do enough. The Majority has delivered a bill that shortchanges valuable programs. Not only is the core bill itself underfunded, but today's amendment process has forced Members to vote on amendments that simply shift already-limited resources from one important program to another. This "robbing Peter to pay Paul" approach doesn't satisfy the real needs of these programs or the needs of the citizens of this country.

This bill does not make adequate strides to ensure that affordable housing can be a reality in our country and the dream of first-time homeownership is attainable. This bill fails to fund the Administration's request for 120,000 incremental rental assistance vouchers, including 10,000 vouchers for housing production of the first new affordable housing for families since 1996.

The bill slashes HUD's Community Development Block Grant (CDBG) program by \$395

million from the President's request. This cut in funding restricts communities' abilities to redevelop downtown areas, open after-school recreation programs, and shelter the homeless.

In recent weeks, President Clinton and Speaker HASTERT announced that they had reached a bipartisan agreement on the New Markets and Community Renewal legislative initiative. This agreement would increase funding for "brownfields" redevelopment and for housing and economic development in rural communities, key provisions of the New Markets Initiative. But the bill before us today doesn't adhere to the spirit or the letter of this agreement. I am troubled by the Republican Majority's decision to cut many of the elements of this rare bipartisan agreement reached by the President and the Speaker.

The bill falls also far short of providing the level of funding needed for the Environmental Protection Agency's basic environmental, public health, and other programs. I am particularly concerned about the bill's cuts to EPA's Climate Change Technology Initiative, which is made up of voluntary programs designed to mitigate global climate change, improve energy efficiency, reduce our dependence on foreign oil, and save consumers money. In addition, the bill still includes language that unduly limits EPA's activities relative to climate change.

In the realm of science, this bill will jeopardize our investment in the future by cutting NSF funding for science and engineering research and education by over \$500 million, or 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research, and eliminate funding for almost 18,000 researchers and science and mathematics educators—so many of whom live and work in my district in Colorado.

The bill before us also leaves NASA programs \$322 million below the budget request. It eliminates almost all of the funding for the Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce air traffic congestion. It eliminates all of the funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation. And it eliminates all the money for NASA's effort to better forecast "solar storms" that, if undetected, can damage the nation's communications and national security satellites. This "Living with a Star" program is especially important to the University of Colorado at Boulder and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. Yet this bill doesn't fund science and space programs at levels that would indicate this concern. On the contrary—many Members were forced to seek offsets in NASA programs in order to increase funding for other worthwhile programs. For example, cutting funds for the International Space Station—a traditional target for offsets—makes even less sense this year, as we're finally in a position to reap the return on our past investments in that program. NASA estimates that the U.S. portion of the Space Station development program is over 90 percent complete. The first segments of the

Space Station are already in orbit and operational, and additional elements of the Space Station are awaiting launch from Cape Kennedy. Under the current schedule, crews will start the permanent occupation of the Space Station this fall, and the U.S. Laboratory will be fully functional early next year.

Members who would cut Space Station funding argue that this funding should be redirected to all of the other underfunded accounts in this bill. Their argument is borne out of the justifiable frustration with the Majority's Budget Resolution, which set unrealistic—and ultimately untenable—caps on the various appropriations accounts. The solution is not to ask Members to make false choices among programs—it is to seek to increase the overall allocation for the VA–HUD–Independent agencies subcommittee so that all of the worthwhile activities can be funded at reasonable levels.

Mr. Chairman, the overall funding shortfall is the key problem with this bill, and I cannot support it in its current form.

Mr. WU. Mr. Chairman, I rise in opposition to the VA/HUD Appropriations bill for Fiscal Year 2001.

The bill cuts the President's proposed \$675 million increase in the NSF budget by \$508 million. This will jeopardize the Nation's investment in the future. The bill undermines priority investments in advanced technologies, including information technology, nanotechnology and geosciences.

Earlier this year, the House passed a bipartisan bill, H.R. 2086, the Networking and Information Technology Research and Development Act, which calls for major increases in Information Technology research and development, with a large portion of the increase designated to the NSF. This bill will significantly reduce funding for the Information Technology R&D program.

Approximately 81 percent (\$2,149.9 million) of NSF's FY 1999 funding in research and development budget was awarded to U.S. colleges and universities. Many of the higher education institutions in my District such as Portland State University, Oregon Graduate Institute, and Oregon Health Sciences University, rely on these grants for cutting edge research. For instance, these three institutions have joined with the University of Washington in receiving NSF funding to create a high-speed metropolitan network to connect the universities for collaborative medical science, engineering and technology research.

I represent the Silicon Forest. As I meet with high-tech employers and workers in my district, I hear concerns that there aren't enough skilled workers. Employers look to the H-1B visa program as an important safety valve to hire trained high-tech workers. However, the H-1B visa program is capped, and these caps are reached very quickly—it is estimated that the total in FY 2000 (115,000) will be reached in March of this year. Employers are now urging Congress to raise the visa cap.

We need to do much more than just raise the visa cap on a temporary emergency basis each year. We need to address the issue of training American students. The bill we are considering today does not help to achieve this goal. It slows down our efforts to train the next-generation of scientists and engineers,

and prepare more Americans for high-tech, high-wage jobs. The cuts in the bill include a 21 percent or over \$30 million below the request for undergraduate education—including nearly 50 percent cut in requested funding for the National Science, Math, Engineering, and Technology Education Digital Library.

We must do more for the future of science and our future scientists, because in doing so, we provide for the future of America.

Mr. SHAYS. Mr. Chairman, I recognize the budgetary constraints under which Chairman WALSH is working, and commend him for doing an admirable job under difficult circumstances. I am, however, deeply concerned about several programs reduced or eliminated in this bill.

This legislation fails to fund EPA's Office of Long Island Sound Programs. On May 9, the House voted 391 to 29 to reauthorize the program at an \$80 million level.

Over the past decade, the Long Island Sound Office has been an essential partner with Connecticut and New York. Together we have made enormous progress in the cleanup of Long Island Sound. But, we still have much work to do and many challenges to face. It is critical the Long Island Sound Office funding be restored and increased significantly so we may succeed in cleaning up, preserving and protecting Long Island Sound for future generations.

This bill also eliminates additional Federal Emergency Management Agency (FEMA) funding for disaster relief—providing only \$300 million, a decrease of \$2.4 billion from FY 00.

It is fiscally irresponsible for this House to neglect to appropriate money for disaster relief. Natural disasters cannot be prevented, and the federal government has a responsibility to assist communities respond to emergencies. Relying on emergency spending appropriations bills to respond to inevitable disasters is simply not good budgeting.

It is my hope the Conference Committee will work to restore FEMA funds and permit the agency to adequately prepare for natural disasters in a timely manner and fulfill its responsibility to those whose lives are affected.

I plan to vote for final passage of this legislation because I want to keep the process moving forward, but I would like to make clear I will not vote for a Conference Report that fails to restore the Office of Long Island Sound Programs.

Mr. HOEFFEL. Mr. Chairman, I rise in opposition to the HUD/VA appropriations bill. I am opposed to cuts in the HUD budget, especially with regard to the Community Development Block Grant Program, which is cut by about \$300 million from last year's level, and the HOME investment program.

The Community Development Fund provides funding to state and local governments, and to other entities that carry out community and economic development activities. The HOME investment partnerships program provides grants to states and units of local government through formula allocation for the purpose of expanding the supply of affordable housing. As a former Montgomery County Commissioner, I know how heavily local communities rely on these funds.

These cuts block efforts by our communities to create desperately needed affordable housing and jobs and curtail efforts to expand

home ownership and revitalize our poorest communities. These programs are a key incentive to development in my community in Montgomery County, Pennsylvania. According to local officials who have contacted me about these critical programs, these reductions mean that much needed development work may be delayed or canceled.

Other objectionable provisions in this bill include the anti-environmental riders, no new funding for additional Section 8 vouchers, and no funding for the President's National Service program. Overall spending for the bill is more than \$2 billion below the President's request.

I will vote against this legislation in the hope that the conference committee will improve on the work of the House.

Mr. BLUMENAUER. Mr. Chairman, the United States is facing an affordable housing crisis. While the American dream has always included homeownership, the price of the average home has surpassed the financial reach of many Americans, with housing values even outpacing the national inflation rate. This VA-HUD bill disregards the current state of critical housing needs that our nation is experiencing.

Despite an unprecedented era of national economic prosperity, the gap between available, affordable housing and accessibility for both homeowners and renters is widening. Families who have worst-case housing needs as defined by HUD are those who receive no government housing assistance, have incomes less than 50 percent of local area family income, and pay more than half their income for rent or mortgage and utilities. Based on this criteria, the number of families faced with worst-case housing needs has reached an all-time high of 5.4 million families, an increase of 12 percent since 1991. This constitutes a staggering figure—it means that one out of every seven American families is experiencing a critical housing situation.

In the past, the United States maintained a housing surplus. In 1970, a market of 6.5 million low-cost rental units was available for 6.2 million low-income renters. By 1995, the surplus disappeared and 10.5 million low-income renters had to vie for 6.1 million available low-cost rental units on the market.

This housing crisis is not just an inner-city problem. In the suburbs throughout the last decade, we saw a decline in the number of units affordable to low-income families. Today, over one-third of households facing worst-case needs are in the suburbs.

Affordable housing is an essential component of a livable community. Communities that support residents of varying income levels and choices for housing are sustainable. These communities support a diverse body of workers, both service-oriented and professional, that responds to the employment needs of the local economy.

This bill before us cuts \$303,000 funding for my district from the Administration's request level. The reductions are in a number of HUD programs—among them Community Development Block Grants, Homeless Assistance, public housing operating subsidies, and Housing Opportunities for People with AIDS.

Last year, the House passed H.R. 202, "Preserving Affordable Housing for Seniors in the 21st Century" by a margin of 405–5. It included provisions that would have meant addi-

tional funding for service coordinators, assisted living, congregate housing services, and capital improvements. No funding for this legislation was included in this appropriations bill. This means the needs will go unmet for services that will enable many of our seniors to age in place rather than face homelessness or premature institutionalization. And the Housing Authority of Portland tells me that without this funding, it will find it extremely difficult to meet its needs for basic repairs such as roofs, sprinklers and heating and cooling systems.

Section 8 is the federal government's primary mechanism for meeting the housing needs of low-income households. One strength of this program is that it allows the recipient a choice of which community in which to live. This approach is different from public housing in that it disperses recipients into economically diverse communities and avoids the undesirable social effects of clustering of low-income residents. Funding for the Section 8 program needs to be strengthened. Not a single additional person is given Section 8 assistance with this bill; the "increases" proponents claim are merely budget gimmicks.

The budget for low-income affordable housing programs, particularly Section 8 vouchers and Public Housing, needs to be increased. Housing authority waiting lists are longer than at any time in the past. Approximately 25,000 households in Oregon are waiting for housing assistance. These people are elderly, disabled, or single parents with children.

So I ask my colleagues to consider these items as we each return tonight to the comfort of our homes. Think of the Americans who are honest and hard-working, yet still are having difficulty providing adequate shelter for their families. Help make the American dream obtainable for them. We need to increase funding for federal housing programs.

The CHAIRMAN. Are there further amendments?

There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 525, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote on final passage of House Joint Resolution 90 immediately hereafter will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 169, not voting 9, as follows:

[Roll No. 309]

YEAS—256

Abercrombie	Fossella	McIntosh
Aderholt	Fowler	McKeon
Archer	Franks (NJ)	Meek (FL)
Armey	Frelinghuysen	Metcalf
Bachus	Galleghy	Mica
Baker	Ganske	Miller (FL)
Ballenger	Gekas	Miller, Gary
Barcia	Gibbons	Mink
Barr	Gilchrest	Mollohan
Barrett (NE)	Gillmor	Moore
Bartlett	Gilman	Moran (KS)
Barton	Goode	Moran (VA)
Bass	Goodlatte	Murtha
Bateman	Goodling	Myrick
Bereuter	Goss	Nethercutt
Berry	Graham	Ney
Biggert	Granger	Northup
Bilbray	Green (WI)	Norwood
Bilirakis	Greenwood	Nussle
Bliley	Gutknecht	Ose
Blunt	Hansen	Oxley
Boehlert	Hastings (FL)	Packard
Boehner	Hastings (WA)	Pease
Bonilla	Hayes	Peterson (PA)
Bono	Hayworth	Petri
Boswell	Hefley	Pickering
Boucher	Herger	Pickett
Boyd	Hill (IN)	Pitts
Brady (TX)	Hill (MT)	Pombo
Bryant	Hilleary	Porter
Burr	Hobson	Portman
Burton	Hoekstra	Price (NC)
Buyer	Holden	Pryce (OH)
Callahan	Horn	Quinn
Calvert	Hostettler	Radanovich
Camp	Houghton	Rahall
Canady	Hulshof	Ramstad
Cannon	Hunter	Regula
Castle	Hutchinson	Reynolds
Chabot	Hyde	Riley
Chambliss	Inslee	Rogan
Chenoweth-Hage	Isakson	Rogers
Coble	Istook	Rohrabacher
Coburn	Jenkins	Ros-Lehtinen
Collins	John	Roukema
Combest	Johnson (CT)	Royce
Cooksey	Johnson, Sam	Ryan (WI)
Cox	Jones (NC)	Ryun (KS)
Cramer	Kanjorski	Salmon
Crane	Kaptur	Saxton
Cubin	Kasich	Scarborough
Cunningham	Kelly	Schaffer
Danner	King (NY)	Sensenbrenner
Davis (FL)	Kingston	Sessions
Davis (VA)	Knollenberg	Shadegg
Deal	Kolbe	Shaw
DeMint	LaHood	Shays
Diaz-Balart	Largent	Sherwood
Dickey	Latham	Shimkus
Dicks	LaTourette	Shows
Dooley	Leach	Shuster
Doolittle	Lewis (CA)	Simpson
Doyle	Lewis (KY)	Sisisky
Dreier	Linder	Skeen
Duncan	Lipinski	Skelton
Dunn	LoBiondo	Smith (MI)
Ehlers	Lucas (KY)	Smith (NJ)
Ehrlich	Lucas (OK)	Smith (TX)
Emerson	Maloney (CT)	Souder
English	Manzullo	Spence
Evans	Martinez	Stearns
Everett	Mascara	Stump
Ewing	McCollum	Sununu
Fletcher	McCrery	Sweeney
Foley	McHugh	Talent
Forbes	McInnis	Tancredo

Tauzin	Traficant	Weller
Taylor (MS)	Turner	Whitfield
Taylor (NC)	Upton	Wicker
Terry	Vitter	Wilson
Thomas	Walden	Wise
Thornberry	Walsh	Wolf
Thune	Wamp	Young (AK)
Thurman	Watkins	Young (FL)
Tiahrt	Watts (OK)	
Toomey	Weldon (PA)	

NAYS—169

Ackerman	Green (TX)	Oberstar
Allen	Gutierrez	Obey
Andrews	Hall (OH)	Oliver
Baca	Hall (TX)	Ortiz
Baird	Hilliard	Owens
Baldacci	Hinchey	Pallone
Baldwin	Hinojosa	Pascarell
Barrett (WI)	Hoefel	Pastor
Becerra	Holt	Paul
Bentsen	Hooley	Payne
Berkley	Hoyer	Pelosi
Berman	Jackson (IL)	Peterson (MN)
Bishop	Jackson-Lee	Phelps
Blagojevich	(TX)	Pomeroy
Blumenauer	Jefferson	Reyes
Bonior	Johnson, E. B.	Rivers
Borski	Jones (OH)	Rodriguez
Brady (PA)	Kennedy	Roemer
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Rush
Capps	Kind (WI)	Sabo
Capuano	Kleczka	Sanchez
Cardin	Klink	Sanders
Carson	Kucinich	Sandlin
Clay	LaFalce	Sanford
Clayton	Lampson	Sawyer
Clement	Lantos	Schakowsky
Clyburn	Larson	Scott
Condit	Lazio	Sherman
Conyers	Lee	Slaughter
Costello	Levin	Smith (WA)
Coyne	Lewis (GA)	Snyder
Crowley	Lofgren	Spratt
Cummings	Lowey	Stabenow
Davis (IL)	Luther	Stark
DeFazio	Maloney (NY)	Stenholm
DeGette	Markey	Strickland
Delahunt	Matsui	Stupak
DeLauro	McCarthy (MO)	Tanner
Deutsch	McCarthy (NY)	Tauscher
Dingell	McDermott	Thompson (CA)
Dixon	McGovern	Thompson (MS)
Doggett	McIntyre	Tierney
Edwards	McKinney	Towns
Engel	McNulty	Udall (CO)
Eshoo	Meehan	Udall (NM)
Etheridge	Meeks (NY)	Velazquez
Farr	Menendez	Visclosky
Fattah	Millender-	Waters
Filner	McDonald	Watt (NC)
Ford	Miller, George	Waxman
Frank (MA)	Minge	Weiner
Frost	Moakley	Weldon (FL)
Gejdenson	Morella	Wexler
Gephardt	Nadler	Weygand
Gonzalez	Napolitano	Woolsey
Gordon	Neal	Wu

NOT VOTING—9

Campbell	Kuykendall	Serrano
Cook	Rangel	Vento
DeLay	Roybal-Allard	Wynn

□ 2136

Mr. INSLEE and Mr. DOOLEY of California changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the

question of the passage of the joint resolution, H.J. Res. 90, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 56, nays 363, answered “present” 3, not voting 12, as follows:

[Roll No. 310]

YEAS—56

Abercrombie	Hall (TX)	Peterson (MN)
Aderholt	Hilleary	Pombo
Baldwin	Hostettler	Rohrabacher
Barr	Hunter	Sanders
Bartlett	Istook	Scarborough
Bilirakis	Jackson (IL)	Schaffer
Bonior	Jones (NC)	Sensenbrenner
Brown (OH)	Kaptur	Smith (NJ)
Burton	Kennedy	Strickland
Chenoweth-Hage	Kucinich	Stupak
Coburn	Lipinski	Tancred
Deal	McKinney	Taylor (MS)
DeFazio	Metcalf	Taylor (NC)
Doolittle	Mink	Traficant
Duncan	Ney	Wamp
Everett	Norwood	Waters
Gibbons	Oberstar	Weldon (FL)
Goode	Obey	Young (AK)
Goodling	Paul	

NAYS—363

Ackerman	Castle	Fattah
Allen	Chabot	Filner
Andrews	Chambliss	Fletcher
Archer	Clay	Foley
Armey	Clayton	Forbes
Baca	Clement	Ford
Bachus	Clyburn	Fossella
Baird	Coble	Fowler
Baker	Collins	Frank (MA)
Baldacci	Combest	Franks (NJ)
Ballenger	Condit	Frelinghuysen
Barcia	Conyers	Frost
Barrett (NE)	Cooksey	Gallegly
Barrett (WI)	Costello	Ganske
Barton	Cox	Gejdenson
Bass	Coyne	Gekas
Bateman	Cramer	Gephardt
Becerra	Crane	Gilchrest
Bentsen	Crowley	Gillmor
Bereuter	Cubin	Gilman
Berkley	Cummings	Gonzalez
Berman	Cunningham	Goodlatte
Berry	Danner	Gordon
Biggert	Davis (FL)	Goss
Bilbray	Davis (IL)	Graham
Bishop	Davis (VA)	Granger
Blagojevich	DeGette	Green (TX)
Bliley	Delahunt	Green (WI)
Blumenauer	DeLauro	Greenwood
Blunt	DeMint	Gutierrez
Boehlert	Deutsch	Gutknecht
Boehner	Diaz-Balart	Hall (OH)
Bonilla	Dickey	Hansen
Bono	Dicks	Hastings (FL)
Borski	Dingell	Hastings (WA)
Boswell	Dixon	Hayes
Boucher	Doggett	Hayworth
Boyd	Dooley	Hefley
Brady (PA)	Doyle	Herger
Brady (TX)	Dreier	Hill (IN)
Brown (FL)	Dunn	Hill (MT)
Bryant	Edwards	Hilliard
Burr	Ehlers	Hinojosa
Buyer	Ehrlich	Hobson
Callahan	Emerson	Hoefel
Calvert	Engel	Hoekstra
Camp	English	Holden
Canady	Eshoo	Holt
Cannon	Etheridge	Hooley
Capps	Evans	Horn
Capuano	Ewing	Houghton
Cardin	Farr	Hoyer

Hulshof	Millender-	Scott
Hutchinson	McDonald	Sessions
Hyde	Miller (FL)	Shadegg
Inslee	Miller, Gary	Shaw
Isakson	Miller, George	Shays
Jackson-Lee	Minge	Sherman
(TX)	Moakley	Sherwood
Jenkins	Mollohan	Shimkus
John	Moore	Shows
Johnson (CT)	Moran (KS)	Simpson
Johnson, E. B.	Moran (VA)	Siskis
Johnson, Sam	Morella	Skeen
Jones (OH)	Murtha	Skelton
Kanjorski	Myrick	Slaughter
Kasich	Nadler	Smith (MI)
Kelly	Napolitano	Smith (TX)
Kildee	Neal	Smith (WA)
Kilpatrick	Nethercutt	Snyder
Kind (WI)	Northup	Souder
King (NY)	Nussle	Spence
Kingston	Olver	Spratt
Kleczka	Ortiz	Stabenow
Klink	Ose	Stark
Knollenberg	Owens	Stearns
Kolbe	Oxley	Stenholm
LaFalce	Packard	Stump
LaHood	Pallone	Sununu
Lampson	Pascarell	Sweeney
Lantos	Pastor	Talent
Largent	Payne	Tanner
Larson	Pease	Tauscher
Latham	Pelosi	Tauzin
LaTourette	Peterson (PA)	Terry
Lazio	Petri	Thomas
Leach	Phelps	Thompson (CA)
Lee	Pickering	Thompson (MS)
Levin	Pickett	Thornberry
Pitts	Pomeroy	Thune
Lewis (CA)	Porter	Thurman
Lewis (GA)	Portman	Tiahrt
Lewis (KY)	Price (NC)	Tierney
Linder	Pryce (OH)	Toomey
LoBiondo	Quinn	Towns
Lofgren	Radanovich	Turner
Lowey	Rahall	Udall (CO)
Lucas (KY)	Ramstad	Udall (NM)
Lucas (OK)	Regula	Upton
Luther	Reyes	Velazquez
Maloney (CT)	Reynolds	Visclosky
Maloney (NY)	Riley	Vitter
Manzullo	Rodriguez	Walden
Markey	Rogan	Walsh
Martinez	Rogers	Watkins
Mascara	Ros-Lehtinen	Watt (NC)
Matsui	Rothman	Watts (OK)
McCarthy (MO)	Roukema	Waxman
McCarthy (NY)	Royce	Weiner
McCollum	Rush	Weldon (PA)
McCrery	Ryan (WI)	Weller
McDermott	Ryun (KS)	Wexler
McGovern	Sabo	Weygand
McHugh	Salmon	Whitfield
McInnis	Sanchez	Wicker
McIntyre	Sandlin	Wilson
McKeon	Sanford	Wise
McNulty	Sawyer	Wolf
Meehan	Saxton	Woolsey
Meek (FL)	Schakowsky	Wu
Meeks (NY)		Young (FL)
Menendez		
Mica		

ANSWERED “PRESENT”—3

Carson	Hinchey	Rivers
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NOT VOTING—12

Campbell	Kuykendall	Serrano
Cook	McIntosh	Shuster
DeLay	Rangel	Vento
Jefferson	Roybal-Allard	Wynn

□ 2144

Mr. RADANOVICH and Mr. OWENS changed their vote from “yea” to “nay.”

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained attending my son's high school graduation and missed rollcall votes 303–310. If I had been here, I would have voted in the following manner:

Rollcall 303: No (delaying implementation of Department of Veterans' Affairs VERA system).

Rollcall 304: No (striking prohibition against dredging until National Academy of Sciences study complete).

Rollcall 305: No (prohibiting designation of ozone non-attainment areas).

Rollcall 306: No (prohibiting administration of Communities for Safer Guns Coalition).

Rollcall 307: No (shifting funding from space station program to increase the number of new low income housing vouchers).

Rollcall 308: No (prohibiting Department of Housing and Urban Affairs from implementing settlement agreement with Smith and Wesson).

Rollcall 309: Yes (final passage).

Rollcall 310: No (withdrawal from World Trade Organization).

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, last Thursday, June 16, 2000, in order to fulfill official commitments in my district on Friday, I took the last plane from Washington to my California district. I missed the following record votes and would like to place in the RECORD my position on these issues: Rollcall number 285, present; rollcall number 286, yes; rollcall number 287, yes; rollcall number 288, no; rollcall number 289, no; rollcall number 290, yes; and rollcall number 291, no.

PRAYER AT FOOTBALL GAMES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Supreme Court begins every session every day with a prayer that goes something like this, "God save the United States and this honorable court." This Congress, every Congress begins every session every day with a prayer by a chaplain paid with tax dollars.

The First Amendment to the Constitution prohibits the Federal government from creating any law prohibiting the free exercise of religion, yet the Supreme Court ruled on Monday that students may not give voluntary prayers before football games even if students vote to do so.

In issuing this football prayer decision, the Supreme Court fumbled. They fumbled before. There is nothing sacrosanct about the Supreme Court decision. They reversed themselves over 100 times in our Nation's history.

They fumbled in 1857 when they said Dred Scott was not a person because of the color of his skin. The Supreme

Court fumbled Monday when it ruled against free voluntary speech. Rather than preserving our rights, the court eroded them, and they ensured years of costly litigation for lawyers.

But I hope, yes I pray, if I am allowed to do so, that one day this decision will be overturned also.

MEDICARE RX MEETS INDIVIDUAL NEEDS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, there are almost 40 million Medicare beneficiaries in the United States, and I can say with confidence that no two beneficiaries are just alike. So why would this administration want to create a one-size-fits-all Medicare prescription drug program?

Our seniors should not be forced into a big government Washington-based drug benefit program, a program run by Washington bureaucrats that do not know the difference between Motrin and Resulin. Our seniors and disabled Americans deserve and want a better plan.

The House bipartisan prescription drug benefit plan will provide an affordable, available, and voluntary drug benefit program allowing each Medicare beneficiary to choose which program best serves their individual needs.

Mr. Speaker, the American people cannot afford the \$100 billion Clinton-Gore cookie cutter prescription drug plan scheme, whatever you call it, which thoughtlessly neglects individual health care needs of our seniors.

GARY GRAHAM

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, today, I rise to speak out against murder. In the past few weeks, there has been a ground swell of support for Gary Graham, a man placed on death row in Texas at the age of 17.

This case and others have drawn public attention to the death penalty in this country and especially in Texas where Governor Bush says that he is confident that each of the 134 people killed under his watch were guilty. But we must be mindful that confidence of one man or 1,000 men cannot right a wrong.

In a case where a man will die because of suspect eye witness testimony, Governor Bush's confidence is not enough. In a case where already two witnesses who said the man was not the killer, Governor Bush's confidence is not a enough. In a case where those two witnesses were not even called to

the stand by the defense to testify, Governor Bush's confidence is not enough. Mr. Speaker, in a case where the gun found at the arrest was not the gun used to kill the murder victim, Governor Bush's confidence is not enough.

I urge Governor Bush to remember that simply saying that one is confident is not enough to right a wrong.

GARY GRAHAM

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, in the Bible, justice rolls down like water and righteousness like a mighty stream. But in Texas, it is just a trickle.

Is it not ironic that, in the State of Texas, a juvenile is tried as an adult, but in Connecticut, an adult is tried as a juvenile?

Texas has executed more juvenile offenders than any other State in America. Another 26 juvenile offenders now sit on Texas' death row.

George Bush boasts of his international experience. Well, his death row experience has put Texas right in line with Iran, Nigeria, Pakistan, Saudi Arabia and Democrat Republic of Congo as executionists of juvenile offenders.

A Federal court has already stated that there is significant evidence to support Gary Graham's claim of innocence.

Why not let the Texas Board of Pardons and Paroles review the new evidence?

Should George Bush kill Gary Graham? He could very well be killing an innocent man. Or does George Bush want to follow in the footsteps of his "Willie Horton" father to win brownie points in a close election?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESPONSIBILITY OF HIGH GAS PRICES FALLS WITH THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many Americans are becoming very upset about the great and tremendous rise in gas prices around the country, and certainly they should be upset about this. Let me just point out a few things though.

The price of gas could be and should be much, much lower than it is; but in 1995, the President vetoed legislation passed by this Congress that would have allowed oil production in less than 3,000 acres of the 19.8 million acre Arctic National Wildlife Refuge.

I represent a big part of the great Smoky Mountains National Park, which is by far the most heavily visited national park in the country. Ten million visitors come there each year, and they think it is huge and beautiful, and it is. It is only about 600,000 acres in size.

This Arctic National Wildlife Refuge is 35 times the size of the Great Smoky Mountains, 19.8 million acres. Of that 19.8 million acres, 1.5 million acres is a flat brown tundra without a tree or bush or anything growing on it. It is called the coastal plain of Alaska.

The U.S. Geologic Survey says, if we drill for oil on less than 3,000 acres of that 1.5 million acre coastal plain, that there is potentially 16 billion barrels of oil there, which is 30 years of Saudi oil, yet the President vetoed that even though it can be done in an environmentally safe way.

We started years ago drilling for oil at Prudhoe Bay. The environmental extremists opposed that at that time saying it would wipe out the caribou herd. There were about 6,000 caribou at that time. Now there is over 20,000. It has been a great thing for this country.

We are far too dependent on foreign oil. Over half of our oil has to come from foreign countries now. Yet the President vetoed this which would have allowed us to get potentially 16 billion barrels of oil. In addition to that, he signed an order putting 80 percent of that Continental Shelf off limits for oil exploration and drilling. That is billions more barrels.

The price of gasoline could be much, much lower. If the American people like high gas prices, they should write the White House and thank them, because that is where the responsibility or that is where the fault lies for the high gas prices that we have in this country today.

I know there are some people who want higher prices. I know some of the environmental extremists want the gas price to go to \$3 or \$4 a gallon because then people would drive less and there would be less pollution. Some people really believe that would be a good thing.

But I can tell my colleagues it would put the final nail in the coffin of the small towns and rural areas if we let these gas prices go to those kinds of levels.

Some people say, well, that is what they are paying over in Europe. But the Europeans and all the others pay the same oil prices that we do, they just add all kinds of taxes.

So we should drill and explore for much more oil in this country, try and

become much less dependent on foreign oil, and we could easily bring down the price of gas in this country. But this administration will not do it because they are too controlled by these environmental extremists who almost always are real wealthy people, so they are not hurt by high gas prices as much as the poor and lower income and the working people of this country.

SUPREME COURT DECISION ON SCHOOL PRAYER

Mr. DUNCAN. Mr. Speaker, let me mention one other unrelated thing that the gentleman from Pennsylvania (Mr. PITTS) got into, and that is the Supreme Court decision on school prayer that was issued a couple of days ago.

In 1952, the U.S. Supreme Court in the case of *Zorach v. Clauson* said there is "no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence."

I remember, about 3 years ago, William Raspberry, the great columnist for the Washington Post, wrote a column, and he asked a question. He said, "Is it not just possible that antireligious bias masquerading as religious neutrality has cost us far more than we have been willing to admit?"

□ 2200

And that is a good question, tonight, Mr. Speaker. Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?

The gentleman from Pennsylvania (Mr. PITTS) pointed out this Congress opens every session with prayer, and yet we will not allow this to be done at school events. There was a very poor decision by the Supreme Court a couple of days ago, and I think our Founding Fathers would be shocked if they knew the extent to which people are going to in this country to keep people from saying voluntary prayers.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This week I will read a letter from Crystal Pearl Beaudry of Marquette, Michigan.

Text of the letter: "Mrs. STABENOW, We are an elderly couple—78 and 76 years "young," and we sure do complain about the costs of [prescription] drugs.

Our pension is only \$1,200 [per month] and [by] the time we pay [for] our rent and food,

eye glasses and dental work, ect., then try to pay for our drugs—which rise every time we need a refill—there is not much left!

It seem that every time we have a doctor appointment, they either add a new prescription or change it . . .

Also, at [my husband's] place of employment, if you retired before the age of 62, you lost \$200 a month. He was "laid off" at 61 and a half. So again, we lost more income. It doesn't seem fair for the elderly! We have worked all of our lives and end up this way and this is our beloved U.S.A.?

Below is a list of drugs:

[price is per month]	
Novasac	\$37.99
Prilosec	106.00
Allegra	33.29
Nitro	7.00
Premarin	22.97
Toprol	33.29
Indur	43.94
Mysoloq	18.99
Premarin Cream	40.99
Lipitor	49.99
Synlar	9.14
Aclovate	15.89
Total cost	419.48

Plus—coated aspirin—Vitamin C, Vitamin E, calcium pills, multivitamins, etc.

We hope that you can succeed in your campaign. Sincerely, Crystal Pearl Beaudry.

Seniors want and deserve a voluntary Medicare prescription drug benefit that is genuinely available to any senior who wants or needs it. That is why I will continue to read a letter from Michigan seniors until the House enacts real prescription drug legislation.

LACK OF SECURITY OF NUCLEAR SECRETS AT LOS ALAMOS MUST BE ADDRESSED BY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address something that has been in the paper a pretty good bit lately, the Los Alamos nuclear secrets that have apparently been missing. The reason I want to do this, Mr. Speaker, is because I am very concerned about it, and I just want to sort of retrace the steps.

If my colleagues will remember, during the Clinton administration it became apparent that this gentleman named Wen Ho Lee was stealing secrets, very important nuclear secrets from the Los Alamos lab. Because of a number of, I would say, bureaucratic hesitations, he was not investigated for a long time. They finally did investigate him and they found out that, I think he had over a thousand illegal entries on his computer. At that time Congress, in a bipartisan fashion, moved together to try to give the Department of Energy the resources that they need to improve security at Los Alamos.

Well, after a long exercise and a lot more funds had been expended, 1 year ago, on May 26, 1999, the Secretary of Energy made this statement to the United States: "I can assure the American people that their nuclear secrets are now safe." A very explicit thing, and it was the right thing for the head person to be saying. And we have felt like, okay, we went through this very bad period, but we have addressed it.

Now we find out that two computer disks, which contained information on how to disarm nuclear bombs and how to build nuclear bombs, were last seen back in January. Now, that was verified April 7. Then on May 7 it was apparent that they were missing. So we go from this period of maybe January, maybe April to May 7 finding out that these two vital computer disks on very, very sensitive nuclear secrets are missing. But the Secretary of Energy was not informed for 24 more days. As I understand it, he is supposed to be notified within 8 hours. He was not told from the period of May 7 until June 1, and yet nobody has been fired because of that. There is no protocol.

Apparently, it is easier to get nuclear secrets than it is to take a tape out of Blockbuster Video. If my colleagues do not believe me, I challenge them, I challenge anybody within the sound of my voice, to go to Blockbuster Video, there is one in everyone's neighborhood, to see if they can get a tape out. I am certain they will not be able to. Yet our sensitive nuclear secrets, I understand from a hearing, are left unattended for as long as 2 hours a day while the attendant in this vault goes to lunch.

Now, if my colleagues feel comfortable with Barney Fife guarding our nuclear secrets, then this is a great system. But if other Members are like me and the majority of Americans, then they are very, very concerned. What are we thinking? How do we lose nuclear secrets? They show up magically behind a Xerox machine, a Xerox machine that has already been searched twice? And everybody is supposed to feel good about the fact that they did not leave the building?

Maybe there was not espionage. We do not know that yet. But what we do know is there is total incompetence, and we as Congress cannot have much confidence in the way our nuclear secrets are being guarded. I think it is incumbent on this Congress to put pressure on the Department of Energy and the Secretary of Energy to make some very, very drastic changes to get this addressed, because we simply cannot misplace nuclear secrets.

Just think about the time frame: from as long as April 7 to May 7 they were unaccounted for; and then from May 7 to June 1 no one even told the Secretary of Energy they were gone. Yet not one person has been fired because of that. This is an outrage. This is scary.

This is not partisan rhetoric. I am glad to say a number of Democrats, including the ranking member of the committee, the gentleman from Missouri (Mr. SKELTON), has said the Keystone Kops are guarding our nuclear secrets. The gentleman from Michigan (Mr. DINGELL) has passed a letter which has been signed by 50 Democrats saying fire the University of California, who is involved in the security of that. I probably would have signed that letter, given the opportunity.

So I am glad to see that this is not getting trapped into some situation where it is Republican versus Democrats, because when it comes to the security of the United States of America, it does not matter what party we are a member of; it only matters that our shores are secure and safe. So I just wanted to bring that up, Mr. Speaker.

ON USEC DECISION TO CLOSE PORTSMOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, a very sad and tragic thing happened today, and I think the American people need to know about it. But before I explain that in detail, I would like to give a little history regarding this occurrence.

From the mid-1950s, there have been two facilities in this country that have produced enriched uranium, first of all for our nuclear arsenal and, more recently, for fuel for our nuclear power plants. Approximately 23 percent of our Nation's electricity is generated through nuclear power, and most of the fuel that generates that electricity is produced in these two domestic plants.

A couple of years ago, this Congress and the administration unwisely decided to privatize this vital industry. At the time of privatization, the private company was obligated to continue to operate these two facilities through the year 2004. Today, this privatized company and their irresponsible and parasitic leadership and their board of directors decided to close one of those two facilities. I would like to share with my colleagues why that is so unwise and so unacceptable.

We know what happens to our country when we are overly dependent upon foreign sources for energy. We see that in the high gas prices that we are all experiencing today. What will it be when 23 percent of the electricity in this country is dependent upon foreign sources?

To their credit, the Department of Energy sent an emergency letter to the director of the United States Enrichment Corporation and the members of the board of directors today explicitly asking them not to take this action. I would read from the letter from Under

Secretary Gary Gensler. He said, "I am writing to urge you and the other members of the board not to vote to initiate a plant closing at today's board meeting."

In addition to this letter, Secretary Richardson sent a very strongly worded letter to this CEO and to the members of the board asking that they not proceed. Unbelievably, unbelievably, this industry, which was privatized less than 2 years ago, and has very definite public policy purposes and obligations, decided to thumb their nose at the Department of Treasury and the Department of Energy, the governor of Ohio, multiple Members of this House, and Ohio's two Senators and they proceeded to vote to close this vital facility.

USEC's announcement that it will seek to close this facility is unwise, unwarranted and unacceptable; and I serve notice that I will fight this plant closure with every fiber of my being. The thousands of working families in my part of Ohio who depend on this industry for their livelihood deserve better from this government and from this corporation. For generations these brave men and women have sacrificed for our national security, and now they are being abandoned by a USEC management that is driven more by short-term profit and self-preservation than by common sense.

USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our Nation's electricity. There is a clear solution to this problem, however. I will introduce legislation in this Congress to direct the Federal Government to buy back USEC and to continue operating both the Portsmouth, Ohio, and Paducah, Kentucky, plants.

I am also calling for an Inspector General investigation into this decision and into USEC's privatization. It is becoming more and more apparent that national security, energy security, and thousands of hardworking southern Ohioans are suffering as a result of the decisions of this corporation. I cannot overstate my anger at this decision or my ironclad commitment to protect our workers and to make sure that all responsible parties are held accountable.

Earlier today, after USEC made this announcement, Secretary Richardson responded, and I read from his response. He says, "I am extremely disappointed by the United States Enrichment Corporation's decision to close the uranium enrichment plant in Portsmouth, Ohio. First and foremost, I am very concerned about the effect of this closure on the workers. They deserve better treatment than they are getting from USEC."

Mr. Speaker, this is a serious matter. I call it to attention of this House, and I am submitting for the RECORD additional documents relating to this topic.

[News Release from Congressman Ted Strickland, June 21, 2000]

STRICKLAND STATEMENT ON URANIUM PLANT CLOSURE

WASHINGTON, D.C.—USEC's announcement that it will seek to close the Portsmouth Uranium Enrichment Plant is unwise, unwarranted and unacceptable. I will fight this plant closure with every fiber of my being. The thousands of working families in our part of Ohio who depend on this industry for their livelihood deserve much better. For generations these brave, hard-working men and women have sacrificed for our national security. Now they are being abandoned by a USEC management that is driven more by short term profit and self-preservation than by common sense. USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our nation's electricity. There is a clear solution to this problem: I will introduce legislation in Congress to direct the Federal Government to buy back USEC and continue operating both the Portsmouth and Paducah plants. I will also call for an Inspector General investigation into this decision and USEC's privatization. It is becoming more and more apparent that this is simply a case of insider enrichment for USEC's management—enrichment at the expense of national security, energy security and thousands of hard-working southern Ohioans. I cannot overstate my anger at this decision or my ironclad commitment to protect our workers and make sure that all responsible are held accountable.

DEPARTMENT OF THE TREASURY,
Washington, DC, June 21, 2000.

Mr. JAMES R. MELLOR,
Chairman of the Board, USEC, Inc., Bethesda, MD.

Mr. WILLIAM H. TIMBERS,
President and Chief Executive Officer, USEC Inc., Bethesda, MD.

DEAR MESSRS. MELLOR AND TIMBERS: I have received Mr. Timbers' letter dated Friday, June 16, 2000, in which he wrote to inform Treasury that the Board of Directors, of USEC Inc. "must contemplate the termination of enrichment operations at one plant" and that the next meeting of the Board is scheduled for today.

I am writing to urge that you and the other members of the Board vote not to initiate a plant closing at today's Board meeting. It is deeply disturbing that the USEC Board is even considering the precipitous step of initiating a plant closing less than two years after USEC privatization. Before any closing, every possible alternative should be pursued. The Board should give full consideration to the impact of its actions on affected communities and USEC's employees.

Sincerely,

GART GENSLER.

[DOE News, June 21, 2000]

STATEMENT OF SECRETARY BILL RICHARDSON ON USEC DECISION TO CLOSE PORTSMOUTH

"I am extremely disappointed by the United States Enrichment Corporation's (USEC) decision today to close the uranium enrichment plant at Portsmouth. First and foremost, I am very concerned about the effect this closure will have on USEC workers. Many of these men and women spent their entire working lives helping our nation win the Cold War. They deserve better treatment than they are getting from USEC.

"The decision is just the latest in a series of short-sighted decisions aimed at bol-

stering the corporation's near-term standing on Wall Street. The decision announced today leaves unanswered fundamental questions affecting the employees, the Corporation's future and USEC's ability to carry out important national security obligations to the United States.

"This decision was not inevitable. When USEC was privatized in 1998, it inherited a healthy business with a bright future. A series of decisions by the corporation's present management have weakened the Corporation and the domestic uranium industry and, coupled with a faltering long-term business strategy, have led to this unfortunate outcome that will result in several hundred Ohioans being put out of work.

"We have opposed layoffs from the start. Earlier this year, when USEC announced it would be downsizing at Paducah and Portsmouth, I urged USEC to provide early retirement and other benefits to help these workers, but the company refused. Now they're leaving even more workers up in the air by announcing closure of this plant, without any credible indication of their commitment or ability to deploy a replacement enrichment technology, necessary for long-term viability. The Energy Department has worked hard to increase funding for its cleanup activities at these sites and for workers displaced from USEC's downsizing to move to the cleanup.

"The administration is committed to doing all it can to mitigate the effects of this action on the workers and the community. We will be reviewing all our options in the days ahead and intend to vigorously pursue every possible means to mitigate the impacts of USEC's management failures on the workers at Portsmouth. I will also recommend fundamental changes in the future relationship between the U.S. government and USEC, including serious consideration of replacing USEC as executive agent for the Russia deal."

THE SECRETARY OF ENERGY,
Washington, DC, June 21, 2000.

Mr. WILLIAM TIMBERS,
Chairman and CEO, United States Enrichment Corporation, Bethesda, MD.

DEAR MR. TIMBERS: I am in receipt of a copy of your response of June 20 to my recent letter concerning the HEU agreement, the impacts of the proposed commercial SWU deal on domestic production, your ability to sustain the Treasury agreement, and USEC's need for a future enrichment technology.

While I have yet to receive a formal reply to my letter, I must assume that the copy I received from the press constitutes your views on these matters. As such, I would like to comment on some of your key points.

The privatization of USEC in July 1998 was premised on USEC's judgment that the HEU Agreement was an asset to USEC, that it would keep two plants open until 2005, and that it would develop a future enrichment technology. USEC was provided many assets to this end. Your letter, in contrast, now reports that you consider the HEU Agreement to be a burden, that you have long contemplated closing a plant, and that you require substantial federal assistance for a different enrichment technology.

I am pleased that you share our views about the national security importance of the HEU Agreement. I am confused, however, by the assertion in your letter that the important nonproliferation objective of the HEU agreement "... has succeeded at the expense of USEC." Last December, USEC

made a decision to continue as sole executive agent for the Russian HEU agreement. Presumably this reflected your business judgment that continuing on as the executive agent was in the best business interests of your company and USEC stockholders. Actions speak louder than words.

DOE remains concerned about the impacts of the proposed commercial SWU deal on our domestic industry. As you know, the HEU Agreement was put together to balance carefully national security and energy security objectives, a balance that could be upset by the proposed commercial SWU side deal. While DOE supports the effort to move toward a new pricing mechanism with Russia for the HEU Agreement, given the potential impacts, we continue to maintain that the commercial SWU proposal deserves serious and thoughtful review.

Also, I must make clear that we do not agree with your characterization of the commercial SWU proposal as conforming to guidance from the subcommittee of the EOC on commercial SWU levels that affect the domestic industry. Further, we were surprised by your characterization of the domestic impact of the proposed commercial SWU deal as "modest," since USEC recently filed objections to the introduction of even smaller amounts of SWU from another foreign country, based specifically on concerns about its impacts on the domestic market.

In my view, your meeting with me last January in no way provided a justification for early plant closure. In addition to the potential energy security impacts of such an action, I remain deeply concerned about its regional employment and economic impacts. The same management decisions that led you to notify Treasury of USEC's downgraded credit rating, and your lack of follow through on the very commitments that engendered broad support for USEC privatization in the first place, could ultimately mean ongoing efforts on USEC's part to receive open-ended federal assistance without reciprocity on significant public policy concerns.

On the development of enrichment technology, I would note that DOE has never been provided an analysis supporting the discontinuation of AVLIS, in which, as a government-owned corporation, USEC spent several hundred million dollars of public money. DOE is now being asked to start down a new path of public investment but has yet to receive a comprehensive proposal from USEC, let alone a strategic plan on its proposed path forward for centrifuge technology development.

While we do not know how you specifically intend to proceed on technology development, this is what we do know: USEC wants DOE to invest outright \$50 million in centrifuge technology development; USEC wants \$1.2 billion in federal loan guarantees for building a centrifuge facility; USEC wants use of DOE's GCEP facility (which would save USEC \$300 million but cost DOE \$150 million), and; USEC wants a gas centrifuge CRADA with DOE (which I note our organizations have been negotiating for at least two months).

USEC's list of "wants" from the federal government is a long one and is not backed up by a reasoned plan to justify such a significant investment of the public's money. Surely you must acknowledge that if DOE and other agencies in the federal government are going to invest substantial public funds in a private enterprise, we are owed more than piecemeal requests for federal assistance.

Many of the questions I asked in my original letter to you remain unanswered or were answered as indirectly as the avenue through which I received your response. I hope to receive more enlightening answers to my concerns and ask that the views I expressed in this letter will be shared with your board members immediately.

We look forward to hearing from you.

Yours sincerely,

BILL RICHARDSON.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations printed in House Report 106-683.

Floor action on H.R. 4635, the bill making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, removed the emergency designation from \$300,000,000 in budget authority contained in the House-reported bill. Outlays flowing from the budget authority totaled \$13,000,000. Accordingly, the allocations to the House Committee on Appropriations are reduced to \$601,180,000,000 in budget authority and \$625,735,000,000 in outlays. Budgetary aggregates become \$1,529,385,000,000 in budget authority and \$1,494,956,000,000 in outlays.

INDIA IS VICTIM OF PAKISTANI-EXPORTED TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is with a sense of disappointment and concern that I rise tonight to respond to a misguided initiative that some of my colleagues in this House are involved with. Several Members of Congress have attached their names to a letter to President Clinton that makes some outrageous and false charges about recent events in India. I believe these claims cannot go unchallenged.

The letter repeats the malicious claims that the massacre of 36 Sikh villagers in Chittisnigpora, in the Indian state of Jammu and Kashmir, was the work of Indian security forces. That massacre occurred on March 20, at the beginning of President Clinton's historic trip to India. I had the opportunity to take part in the President's trip, and this tragic and shocking massacre did cast a shadow over the trip. It left a deep sense of sadness among all of us in the American delegation and among all the people of India that we encountered. President Clinton condemned the attack in the strongest terms.

Less than a week after the attack, Indian investigating agencies in Jammu and Kashmir made an arrest in the case, apprehending one Yakub Wagey, a terrorist belonging to the Hizbul-Mujahideen. Mr. Wagey, a resident of Chittisnigpora, revealed that the massacre was the work of a group of 16 to 17 terrorists, including six militants of Hizbul-Mujahideen and 11 to 12 foreign mercenaries owing allegiance to Lashkar-e-Toiba, the LeT. Both of these terrorist organizations are on the long list of terrorist organizations that receive support from Pakistan.

This terrible incident was the first large-scale attack against the Sikh community in Jammu and Kashmir, but it is consistent with the ongoing terrorist campaign that has claimed the lives of thousands of peaceful civilians in that state. This terrorist campaign has repeatedly and convincingly been linked to elements operating within Pakistan, often with the direct or indirect support of Pakistan's government.

As I discussed in this Chamber earlier this week, the Pakistani-supported terrorist campaign has ethically cleansed Jammu and Kashmir of its indigenous Hindu community, the Kashmiri Pandits.

□ 2215

The terrorists have also sought to clear out members of other Muslim sects or those Muslims who cooperate with the lawful Indian authorities of the state. And now with this incident, the ethic cleansing campaign has turned on the Sikhs.

It is no coincidence that this massacre took place during President Clinton's visit to South Asia. I believe that these terrorist groups and their supporters in Pakistan wanted an incident that would draw attention to the Kashmir issue. Pakistan has been seeking to internationalize this conflict for years. What better time to perpetrate a high-profile atrocity like this than when the President of the United States is in the region with all the attendant diplomatic and media attention that such a visit brings with it.

What makes the claim that India was behind the massacre all the more absurd, I mean this is why it is absurd. At a time when India was before the world stage, what possible motive would there be for such an ugly incident to detract from all the positive publicity India was seeking to generate. It does not make any sense.

Mr. Speaker, this allegation really makes no sense at all when we look at the record of the two South Asian neighbors, India and Pakistan. India is a secular, pluralistic democracy that seeks to promote civil and human rights for all of its many ethnic, linguistic and religious communities. Pakistan is a military dictatorship that has a long record of fomenting in-

stability and violence in Kashmir while denying human and civil rights at home.

One of the motives behind trying to link India to the attack against the Sikh villagers in Kashmir is to try to generate separatist sentiment against India's Sikh community. Indeed, I understand that an organization based here in this country that seeks to promote the Sikh separatist cause has lent its support to the letter circulating on Capitol Hill.

The reality is that, in India's State of Punjab, where the Sikhs constitute a majority, Mr. Prakash Singh Badal, who happens to be a Sikh, has been elected as Chief Minister of the State. The predominantly Sikh Akali Dal Party holds a majority in the State's legislature. The State government has set up the Human Rights Commission whose primary purpose is to investigate claims of human rights abuses by government security forces, just as India has done on the national level.

The democratically-elected Sikh political leaders in Punjab are not buying the claims of Indian Government responsibility for the atrocity that took place in Kashmir this past March.

Mr. Speaker, finally I want to say, India's Democratically-elected leaders will admit that there have been abuses by security forces. There is also violence between various religious and ethnic communities which is not officially condoned. In both cases, India has sought to crack down on these kinds of acts in an honest and effective way that makes it a model among the nations of Asia.

The call by some of my colleagues to declare India a terrorist nation is completely unreasonable. Indeed, following from the President's recent trip, cooperation against terrorism is one of the major areas of U.S.-India bilateral cooperation.

The idea of cutting off aid to India, an approach that has repeatedly been tried and failed here in the House, is even more absurd, seeking to send a message by cutting vital nutrition and health care.

TRIBUTE TO DR. WALTER D. "WALLY" WILKERSON

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I rise tonight to pay tribute to one of my constituents, a very special man, Dr. Walter Wilkerson, Jr., who, on June 24 of this year, will be stepping down as Chairman of the Texas Board of Health.

Dr. Wilkerson was appointed to the Texas Board on June 7, 1995; and shortly after that, on September 1, Texas Governor George W. Bush named him chairman. We are fortunate in Texas

that, although his term as chairman is ending, he will continue to serve on the Board of Health.

As chairman, Dr. Eriksson took on the health care needs of every single Texan, building an awareness that public health is for everyone, every day, and everywhere. He has been a listener who steered his board and agency to consensus on almost every difficult issue that came before it.

Furthermore, under his tenure, the Texas Board of Health has had a strong relationship with the Texas Medical Association, made significant strides in developing a partnership with local health directors and local health policymakers. He has made a significant effort to maintain an open and respectful dialog with the business communities. And all of Dr. Wilkerson's efforts have been designed at building a cooperative environment for the betterment of the health of every Texan.

At the beginning of his tenure on the Board, he retired from private practice in Conroe, Texas, to be joined in 1958 after graduating from the University of Texas Southwestern Medical School in 1955. In 1951, Dr. Wilkerson received his Bachelor of Science degree from Texas A&M University, which I am proud to represent.

While a practicing physician in Conroe, though he sought no honors, Dr. Wilkerson was named Outstanding Citizen of Montgomery County in 1974 and in 1991 was the Texas Family Physician of the Year and named by the Texas Academy of Family Physicians.

Mr. Speaker, Dr. Wilkerson is a man of integrity and dedication; and Texas is a much better place because he agreed to answer the Governor's call and provide us leadership. I am honored to call him my friend.

ENVIRONMENTAL PROTECTION AGENCY IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise this evening to call attention to the fact that the Environmental Protection Agency is absolutely out of control. They have adopted a policy of any means is justified by its political ends. They seem absolutely determined to destroy the family farm as we know it today. They have completely abandoned sound science, or any science, for that matter. They pursue the idea that any regulation is a good regulation as long as it causes a lot of chaos and economic disruption.

Earlier this year, EPA attempted to regulate as a point source silviculture in this country. They have pretty well been felled by that effort. But now they are attempting, in a rather secretive way, to try to regulate aquaculture, another very important agricultural pursuit in this country.

They have absolutely no scientific data indicating that there is a problem with pollution with aquaculture industry. After all, these farmers raise fish, they do not want their produce growing in polluted water.

The Environmental Protection Agency, as part of their plan to implement their regulatory process based on the economic success of their producers, they have this form that they are asking our aquaculture producers to fill out. And if they do not fill it out, there will be a penalty and they will be in violation of a Federal law and there is a severe threat.

One of the questions they ask, and they do not ask any questions in this form, not one, about water quality or how they treat your water. What they do ask, Mr. Speaker, is, If this company borrows money to finance capital improvements, such as waste water treatment equipment, what interest rates would they pay? In the event that this company does not borrow money to finance capital improvements, what equity rate would it use? When you finance capital improvements, what is the approximate mix of debt and equity? What are your revenues from aquaculture? The revenue from other agriculture activities that are co-located with aquaculture? What are other farm facility revenues? Do you get Government payments and how much are those Government payments? Is there other non-farm income? What are the total revenues? And the list goes on and on, Mr. Speaker.

This is not a questionnaire to help improve the water quality of this country or the areas where aquaculture is located. This is an attempt to destroy an industry, one more attempt by the Environmental Protection Agency to destroy agriculture in this country as we know it.

It is time for it to stop. Enough is enough.

The Environmental Protection Agency should be the premier scientific agency of this Nation. And yet, it has turned itself into nothing more than a political yardage to pursue perfectly legitimate and harmless industries.

NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I rise today in support of the federal government's commitment for increased funding for the National Institutes of Health (NIH). My colleagues and I have urged the appropriators since 1998 to double NIH's budget over 5 years. The distinguished gentleman from Illinois, Chairman PORTER has been an avid supporter of these requests and as a result, the budget has seen the appropriate increases each year.

As a member of the Congressional Diabetes Caucus, Alzheimer's Task Force, Biomedical

Research Caucus and Working Group on Parkinson's Disease, I have met with countless individuals who ask each year that Congress invest more money into research funding at NIH. And each year I am proud to be able to report back that the House has been able to fulfill this request. More than half of my constituents who visit my office each year, come to discuss research funding and the budget request for NIH. Scientists are confident that with recent dramatic developments in technology over the past decade, that they are on the verge of making significant discoveries for both cures and vaccines for a number of diseases from diabetes and cancer to AIDS and Parkinsons.

With the continued support from this Congress by way of dollars for research, NIH will be able to continue making advances toward the eradication of countless diseases that afflict millions of Americans and countless others around the world. I am pleased to report back to my constituents that this Congress is continuing its support of medical research and I look forward to continue the fight for NIH and its committed scientists and doctors.

CALLING ON GOVERNOR BUSH TO SUSPEND TEXAS EXECUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, today and last week, I sent a letter to Governor Bush asking him to suspend executions in Texas and to form a commission to review the administration of the death penalty.

The moratorium would give the commission time to review the adequacy of both legal representation, the advances in DNA technology, and the possible biases in the capital sentencing process.

The support of the use of the death penalty, in appropriate cases, I support totally. But we must make sure that we impose the capital punishments fairly and without bias. That is basic to our sense of justice.

In light of recent events, I am no longer confident that we in Texas are administering the death penalty with the highest standards of justice in mind. We should not tolerate the possibility of executing an innocent person, especially when we have the means to avoid it.

Recent reports in the media, other reports and studies that have been conducted, have highlighted the mistakes made in capital cases both in Texas and throughout the country and in other States around the country.

As my colleagues well know, concerns with the administration of death penalty and the adequacy of legal representation prompted Governor George Ryan of Illinois to declare a moratorium on executions.

We have asked Governor Bush and I am pleased that Governor Bush recently made a decision to pardon a man wrongly convicted of being sentenced for 99 years in prison. His release came, however, after he had

served 16 years and was determined that he had been innocent after DNA studies had been conducted.

With recent efforts to expedite executions and remove many cases for appeal, it is possible that similar convictions in Death Row equally might be innocent. These executions could be postponed so that we would be able to assess those three specific areas that I have mentioned. And that is to make sure that we have had adequate legal representation for these individuals; secondly, to make sure that, with the new technology and with the new advances in forensic technology, the DNA analysis in particular, that we have the best opportunity in our history to rule out or, at least, to have serious doubts, concerns, and possibilities that the defendant or convict in fact committed the specific crime in question.

As we look in terms of the situation where we find ourselves in, I ask the Governor to help out in the process of asking the Board of Pardon and Paroles to seriously look at assessing our process in Texas. And yes, we might have a great operation in San Antonio, but I know that each county and each community operates differently.

I know that a large number of cases in Houston, over 70, that a particular district attorney used to brag about the number of people that he was sentencing into Death Row. Those types of things need to be questioned.

We have had specific situations where psychologists have utilized stereotypes and racial profiling to determine some of those decisions. So those biases need to be looked at very carefully. Not to mention, and I stress the importance of the technology that we have before us, and especially in those cases that there is some sufficient DNA that is available where we can go to reaffirm our decision to make sure that in those cases we will not be making a mistake.

I fully understand the plea of victims for the swift administration of justice, but justice requires that we know for sure that we are applying the ultimate earthly penalty fairly and properly. I am not sure that we are doing this at the present time.

I, therefore, call upon the Governor to help and assist on the Texas Board of Pardon and Paroles to look at a commission that would look at the process in Texas that is being utilized in each of our communities throughout the State. I would ask that we look in terms of what is actually occurring and that in those capital cases that we make recommendations to make sure we streamline the process.

Again, I would ask that they look in terms of the legal representation that these individuals have received after the indications that have come out; secondly, in the new technology and the DNA; and thirdly, on the possibility of biases.

□ 2230

THE PROBLEM OF HIGH PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. TURNER) is recognized for half the remaining time until midnight, approximately 45 minutes, as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, tonight we come to the floor to talk about an issue that many of my Democratic colleagues have been talking about for over 2 years, the problem of high prices of prescription drugs for our senior citizens. We are here on the floor tonight at a very critical time, because at this very moment, in this late hour, the Committee on Ways and Means is meeting and debating the issue of legislation to provide prescription drug coverage for our senior citizens. Tonight I want to spend a little time talking about that debate and the forces that are at work that will determine what kind of prescription drug coverage and what kind of plan this Congress will endorse.

We are here tonight on behalf of our senior citizens, and over the last 2 years I have visited and heard from many of them. I remember very distinctly when we first introduced the Prescription Drug Fairness Act, almost 2 years ago, and I traveled around my district talking about the issue with senior citizens at our local pharmacies, and I met a lady who ended up as a surprise at one of my meetings in Orange, Texas, a lady who was 84 years old and blind, who said she just had heard I was coming to town to talk about my efforts to try to fight the high prices of prescription drugs, and she wanted to come down and thank me.

She was a lovely lady. She spent over half of her \$700 Social Security check on her 14 prescription medicines that she had to take every day. She said this, and it is recorded in an article in the Houston Chronicle, November 22, 1998. She said, "By the time I get through paying for my medicines, I have very little to live off of."

This lady should not have to face a choice of paying for prescription medications or buying food. She says, "As long as I get my utilities and bills paid, I do the best I can. What is left, I try to spend on food."

Well, Ms. Daley, we have been fighting for almost 2 years now to try to help you pay for your prescription drugs, and we are going to find out in just a few hours what the Committee on Ways and Means does to help you. I am hopeful that the outcome will be good, but, based on what I will share with you tonight, I have serious doubts as to whether we can report to Ms. Daley that we have a good bill and a good plan.

One letter I got some months ago was from some constituents of mine by the name of Joe and Billie O'Leary. They live down in Silsbee, Texas. I know Joe. I have talked to him several times at town meetings. His wife Billie wrote me a letter. Joe and Billie spend more than \$400 a month for their prescription medications. They wrote me a 3 page letter, and I want to share with you a little bit of what Ms. O'Leary said. It speaks, I think, volumes about the problems that our seniors face.

She wrote, "Most of the elderly have several ailments that require several prescriptions per month. The best and the latest treatments for some ailments and diseases are priced out of range for many on Medicare. Some treatments are available only for those who can afford it. I have found," she says, "the problem is not that older people want free medicine. They want medicine that is reasonably priced so they can afford to buy it. What good," Ms. O'Leary says, "what good is research and finding cures for diseases if a larger part of our population cannot afford the medicine for the cure?"

She goes on to write, "The people who are having to pay the high costs are the ones least able to pay. Let's be fair to all," she says. "Please try to cap the price the pharmaceutical companies are allowed to charge. Then we all can afford to pay for our own medicine."

This is the part that was most moving to me. Ms. O'Leary writes, "Our generation worked hard. We, through our taxes and efforts, helped to pay for schools, public buildings, highways, bridges, and helped pave the way for those now young. In the prime of our lives we fought in the wars for this country to keep our country free. We believe our country is big enough with our resources to provide reasonable health care and affordable medicine for all."

Ms. O'Leary, I agree, and I hope that the majority of this Congress will also agree.

The big drug companies have been engaged in a campaign to try to defeat our efforts to lower the price of prescription drugs and to provide some affordable prescription drug coverage. No one can dispute the fact that drugs are too expensive, and I think many of our senior citizens are asking the question, why are prescription drugs so high, and why does the price continue to go up?

One-third of all of our seniors on Medicare cannot afford any prescription drug coverage at all, and another one third has only unreliable, incomplete or very costly coverage. That means there are 15 million of our mothers, fathers, grandparents, neighbors and friends who must go without the prescription drugs they so desperately need, and the costs are continuing to rise.

In 1998 the prices of the 50 most popular prescription drugs among seniors

rose by more than four times the rate of inflation. Every time I return to my district in Texas, I hear from seniors who must make the choice that Ms. Daley was talking about, the choice between food and filling their prescriptions. We all hear the stories from seniors who only take half of their daily dosage or seniors who take only every other dose in a sad attempt to try to manage those skyrocketing costs. The problem is particularly bad for seniors who live in rural areas. Rural seniors are 60 percent less likely to get the drugs they need, and, when they do, the drugs are 25 percent more expensive.

Study after study shows that seniors are paying too much for their drugs. In my district and in the district of those who are gathered here tonight to talk about this issue, seniors are paying 80 percent higher than their counterparts in Canada and about 80 percent higher than their counterparts in Mexico pay for the very same prescription medicines.

That means for some commonly used drugs, our senior citizens in our great country are paying as much as \$1,000 a more year than their counterparts in Canada and Mexico. And you do not have to go across the border to find lower prices. The big drug companies cut a special deal for the big HMOs and the big hospital chains. In fact, those big HMOs, they are paying about half what our seniors have to pay when they walk in to their local pharmacies.

We did a study in the Committee on government reform that verified these numbers, and we also found out, to our dismay, that even cats and dogs get drugs cheaper than our senior citizens. The same drugs that both humans and animals take cost 150 percent more for humans. That is outrageous.

So why is this? Why are these drug prices out of control? Well, for one thing, the companies that manufacture these prescription medications are making exorbitant profits. The drug industry sets at the top of every single profit category in Fortune Magazine's list of industries for the year. As the chart shows, they earned over \$26.2 billion in profits in the year 1998. Prescription drugs are the fastest growing component of our health care costs, and the CEOs of those big drug companies measure their annual salaries in the hundreds of millions of dollars, and their stock options they measure in the billions.

The 12 biggest drug makers paid their top executives over \$545 million in 1998, and \$2.1 billion in stock options. The drug companies pull in tens of billions of dollars in profit, and they pay their CEOs hundreds of millions of dollars, and now they are complaining to this Congress that if we lower drug prices, it will cut into research and development.

It is a lie. It is simple greed. The big drug makers are not about to let these

profits slip away, and that is why they are spending billions of dollars on marketing and lobbying in this Congress. In fact, nine out of the ten top drug makers spend more money on marketing than they do on research and development, and four of the top five have a marketing budget over twice as big as their research and development budget.

In 1998, the drug companies spent \$1.3 billion in tax deductible product marketing to consumers. That is \$1.3 billion in marketing, advertisement, to entice consumers to buy those prescription drugs at those high prices. They spent \$7 billion more advertising directly to the health care professionals.

In 1999, the trade association for the drug manufacturers, called PHrMA, increased its marketing budget 54 percent higher than the previous year. But despite the soaring profits of the drug makers, their research and development increased by less than half of that.

Another very, very important issue for all of our seniors to understand when they ask the question why are drug prices so high is to understand that the drug manufacturers are spending just over \$2 million a year lobbying this Congress. They spent \$2 million in direct political contributions and almost \$150 million in lobbying expenditures in the 105th Congress. That is a lot of money. They are one of the biggest spenders of any industry group on lobbying and in political contributions.

Should we ask why is it difficult for this Congress to deal with this issue in the best interests of our senior citizens? It is not hard to answer the question, when we see the amount of millions that the drug manufacturers are spending, trying to preserve their preferred position with regard to pricing.

Now, the drug companies we know in recent months have gone even further than the expenditures that we see here. They are using lies, deceptions and secret organizations to attack any plan that would dare to suggest we should lower drug prices. Just yesterday, a nonprofit group called Public Citizen released a new report that revealed a secret \$65 million ad campaign funded by the drug makers under the deceptive name of Citizens for Better Medicare. I want to show you some of their materials.

This group, Citizens for Better Medicare, is really a secret interest group that uses tax loopholes to cover up the sources of their funding and their real purpose. They clearly want to keep drug prices high. They want to pass legislation in this Congress that will let them share the millions of dollars of taxpayer dollars with the insurance companies and the greedy HMOs, rather than giving the money back to our seniors in the form of lower drug prices.

Here is what the report revealed about the so-called Citizens for Better Medicare. Its director, it was revealed, a fellow named Tim Ryan, is the former marketing director for PHrMA, the industry trade group for the pharmaceutical manufacturers. The report also revealed that the Members of this Citizens for Better Medicare include other interest groups that have been denounced by Republicans and Democrats alike for their scare tactics to try to persuade seniors to oppose the efforts that are being made in this Congress to lower prescription drug prices.

It is their goal to avoid any kind of Medicare drug coverage that has the effect of reining in the skyrocketing drug costs. This campaign has targeted many Members of Congress, particularly those on the Democratic side of the aisle.

□ 2245

In fact, this interest group has sent telegrams into my own district and called on my constituents with information that is clearly deceptive and urged them to call me to tell me to oppose the very legislation that would genuinely help lower prescription drug costs.

My colleagues can see here on the chart one of the telegrams that my constituents handed me when I was at Wal-Mart just a couple of weekends ago. He came up to me quite disturbed and he says, I want to give you this. They have written me this, sent me this telegram and they have urged me to call you, but now that I have seen you here at Wal-Mart, I will just give you the telegram. This telegram, and I quote from it, says, "Government bureaucrats under the democratic plan could control which medicines you receive instead of you and your doctor."

Clearly, an absolute lie. The plan that we propose is completely voluntary. Government bureaucrats would not control the prices, and specifically under our plan, it promises that any drug a doctor determined to be medically necessary will be covered under our plan.

The telegram attempts to confuse seniors by referring to the Gephardt-Daschle bill and urges seniors to call our offices and tell us to be against that bill. Well, interestingly, there is no such bill. There is no Gephardt-Daschle bill. Another effort simply to deceive and confuse our senior citizens.

Frankly, the truth is that the Republican leadership in this Congress is co-operating with this group, Citizens for Better Medicare. As we can see, this group has not only sent out telegrams, but they have run full-page ads in the major newspapers around the country suggesting that the way to lower prescription drug prices is to turn this effort over to private insurance companies because, as the ad depicts, they say, those who are enrolled in private

insurance get lower prices. Well, why should not everybody get lower prices whether they have insurance or not? So Citizens for Better Medicare, a front group for the drug manufacturers, is willing to pay \$65,000 for one ad in the Washington Post just to try to persuade this Congress to be against plans that would genuinely bring prices down for our senior citizens.

So what can we do? First of all, we have to have our senior citizens clearly understand who is on their side. We have to have them understand that these letters, these television ads that have been running for months in many districts that try to suggest that they should call their Congressman and tell them to be against some plan is, most likely, paid for by the pharmaceutical industry that is trying to preserve their ability to charge the outrageous prices that our seniors are currently paying.

Our democratic plan has been clear. It is part of Medicare, a plan that our seniors trust. It is a plan that is universal, completely voluntary, and most importantly, it is affordable.

Our democratic plan would be available to every senior, and every senior today has a problem when they get sick paying these high prices. One does not have to just be at the poverty level to have a problem with the price of prescription drugs. My aunt came to see me the other day, she is not at the poverty level, but she had been put on a new medication and she said it was going to cost her \$400, and she was outraged.

All seniors want help with the price of prescription drugs. Our plan would do that. It does not give the money to private insurance companies as the Republican plan would, and it is very interesting, because the private insurance companies and the very hearings that are going on tonight have testified, some of their representatives, that the insurance companies really do not think they can offer this plan, because they cannot figure out how to make any money off of it. Even if we pour this money into them, they say, well, we would probably not be able to do it for the seniors.

What we need is a Medicare benefit for all of our seniors that is affordable, that is voluntary, so if our seniors say, well, I already have some other insurance coverage and I like it, then they do not have to pay the premium that is offered under the Medicare plan. But all of our seniors need this relief.

I am glad to have tonight with me 3 other Members of Congress who have fought very hard on the issue that I am talking about. One of them whom I want to recognize first is the gentleman from Arkansas (Mr. BERRY). The gentleman cochairs the Prescription Drug Task Force with me, along with the gentleman from Maine (Mr. ALLEN). The gentleman has fought long

and hard on this issue for our seniors and it is a pleasure to recognize him to speak on this issue.

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Texas. The gentleman has provided outstanding leadership on this matter and I think he has done one of the finest jobs of explaining this entire issue that I have ever heard, and I want to thank the gentleman for that. I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership and all of the other members of the Prescription Drug Task Force for the effort that they have put into this.

As the gentleman has said, Americans pay outrageously high prices for prescription drugs. Over and over and over we hear it from our constituents. They must make the choice between food and medicine. There is no way that the greatest Nation in the history of the world should allow something like this to go on. It just simply is not fair that our senior citizens and all Americans pay more than any other country for medicine; they pay more than the big HMOs and the big hospitals pay for medicine, and even though it sounds ridiculous, they pay more than animals have to pay for medicine. Is it not a sad thing that we have allowed this to go on this long, only in the name of preserving the profits of the prescription drug manufacturers of this country. That is the only reason, is just for money, just for profits.

Mr. Speaker, the need for an optional, meaningful and defined Medicare prescription drug benefit that is available to all seniors if they want it is absolutely without question.

Under the Republican plan, Medicare would not provide a single dollar of premium assistance for middle class Medicare beneficiaries. Instead of offering the defined benefit under Medicare, Republicans want to force our seniors to have to go into HMOs, into private plans that make profits by restricting access to their prescription medicines. The unworkable Republican scheme would give money directly to participating HMOs and insurance companies for part of the cost of the most expensive enrollees, hoping that this will result in lower premiums. The plain and simple difference is that the Republicans want to take our tax dollars and give that money to the insurance companies and hope that something good is going to happen when, in fact, the insurance companies say they do not want it. They do not want any part of it. This is only a shameful attempt to trick our senior citizens and, once again, protect the outrageous profits of the prescription drug manufacturers of this country.

Mr. Speaker, it is very unlikely that private insurers will even offer these plans that the Republicans are talking about. Jim Cohn of the Health Insur-

ance Association of America testified before the Committee on Ways and Means last week that it would be virtually impossible for insurers to offer coverage to seniors at an affordable premium.

We are going to find out in just a few weeks that we are in better shape than we ever imagined only a few years ago with our budget in this country. We are going to have a little money to do something with. Along with many of the other blue dogs, I have supported the idea of taking care of Medicare and Social Security first, paying down our debt, investing in education and infrastructure, and also doing some priority things that we need to do, and I think prescription drugs comes at the top of that list. It is time that we did something for our senior citizens that is meaningful, that gives them the ability to buy their medicine at a reasonable price and protects them from the economic disaster that the high cost of prescription medication brings on many of our seniors every day in this country. It is a terrible thing to see this happen, and it is unbelievable that the United States Congress has not done something about it.

Once again, I want to congratulate and thank my distinguished colleague from Texas (Mr. TURNER) for his leadership on this matter and applaud his effort and the efforts of the Democrats to continue to bring this issue forward and to end up before we adjourn this year with a meaningful prescription drug benefit for our senior citizens in this country and, hopefully, another benefit will be a reasonable price for medicine for all Americans.

Mr. TURNER. Mr. Speaker, I thank the gentleman. I want to thank the gentleman for his leadership. Many of us may not recognize that the gentleman from Arkansas has a background and training as a pharmacist, and he understands full well the issue that we are discussing tonight, and his leadership has been invaluable in helping us try to address this issue.

I now want to yield to another Member of this Congress who has worked tirelessly in her efforts to try to address the problems of senior citizens and paying for prescription drugs, the gentlewoman from Illinois (Ms. SCHAKOWSKY). I am pleased to have her here tonight, and I thank the gentlewoman for the leadership she has provided for all of us on this issue.

Ms. SCHAKOWSKY. Mr. Speaker, I thank my colleague from Texas, so much, for allowing me to participate tonight in this incredible discussion about a problem that faces the gentleman in his district. There is no doubt, I am sure, to any of the seniors in the gentleman's district that he is definitely on their side and fighting every day for them.

I am also happy to be here with my colleague from Arkansas (Mr. BERRY).

We come from very different kinds of districts, but there is one important thing that we have in common, and that is that our senior citizens are struggling just the same every single day to try and pay for their prescription drugs.

Mr. Speaker, the next time anybody goes to the pharmacy to pick up a prescription, I would suggest that they look at the people who are waiting there to get their prescription and try and pick out the person who is paying the absolute top dollar for their prescription. One might think, well, it could be that well-dressed business executive who is going to be paying the most, or that kind of upscale-looking young working woman who is going to be paying the most. But the truth of the matter is, one has to pick out the oldest, the frailest, the poorest looking person in that line, probably a woman, and that is the person that is going to be paying the most for prescription drugs, and that is simply not fair. That is based on a very conscious decision by the wealthiest industry in the world, the pharmaceutical companies. To figure out how to boost their profits, they are going to go after the people who need those drugs the most, those medicines the most, and who are going to do everything they can to try and pay for them, those are the people they are going to try and squeeze out the most money from.

Seniors make up about 12 percent of the population, but they use about a third of the prescription medication, so it is, of course, a logical target group, the most logical prey for the pharmaceutical industry. Most of them have little or no insurance, or their insurance is inadequate. So that means they do not have anybody on their side to bargain for them for lower prices.

The gentleman referred to a study that was done under the auspices of the Committee on Government Reform on which I sit, and I did that study in my district.

□ 2300

I found that uninsured, uninsured for prescription drugs, uninsured senior citizens were paying, on average, 116 percent more than the most favored customers of the pharmaceutical companies, the HMOs, the Veterans Administration. Those were paying 116 percent less than our senior citizens were.

Then we did another study. We looked at what about if they went to Canada or to Mexico, and just as the gentleman said earlier, in my district, just like in the gentleman's district or in Arkansas or in any district around the country, it was about 80 percent less for those same drugs that they need to save their lives, to enhance their lives, to extend their lives. If they went there they would pay 80 percent less.

Then my dog Bo and I did a press conference together. Bo sat down next

to me. He is a good old dog. I said that a drug, one of the drugs actually that I take, Vasotec, for high blood pressure, that same drug for Bo, and it is a drug that is used on animals, would be about 58 percent less. If I could send Bo to the drugstore to get the drugs, I would be better off, too.

That is not right. I did the press conference at a senior citizen center, and they were offended by that, and they should be offended by that. This is not because there is less research done on the drug for Bo, this is not because it is a different drug that is cheaper, it is because they charge what the market will bear, and they know that the seniors are going to have to pay more for those drugs if they do not want to have a stroke.

Mr. Speaker, the drug companies say to us, look, if we are not allowed to charge these prices, then we are just not going to be able to do the research and development and you are simply not going to have the drugs.

Again, as the gentleman pointed out, if that money is so scarce for research and development, then tell me why we can hardly turn on the TV anymore without seeing, one after another, an ad by the drug companies for a drug. They are spending far more on their advertising budget than they are on their research and development budget.

Let me just end with this. One of the ads that they have, they used to have, I do not know if she is on TV anymore, I have not seen her lately, is this nice-looking elderly woman called Flo. She looks very fit. Flo goes bowling. She ends up her ads, "We want to keep government out of our medicine cabinet," is what Flo says. No, no government program to lower prices.

I would like to just tell the gentleman that I have worked with seniors for years and years. I was executive director of the State Council of Senior Citizens in my State before I ran for public office. I have been talking to senior groups ever since I have been a public official. I have never once heard a senior citizen tell me, keep government out of my medicine cabinet.

It is the opposite. They are saying, please, Representative, help me. Do something. Government has to be part of the solution here. I love my Medicare, but it is not helping me when it comes to prescription drugs. I need you now.

They need us now. We have to come up with an answer. The answer is having a prescription drug benefit under Medicare giving affordable, accessible prescription drugs for our senior citizens. I appreciate the gentleman's leadership in getting us there.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Illinois. I appreciate the leadership the gentlewoman has given to this issue. She is a most effective spokesperson on behalf of senior citizens. I am sure that seniors in

the gentlewoman's district fully recognize the battle that the gentlewoman is waging on their behalf.

Mr. Speaker, I yield to my dear friend, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), who has been a warrior fighting on behalf of seniors on this issue.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas. I think the gentleman has done a tremendous presentation with the data that the gentleman has before him.

There is no doubt, as I was listening to the gentlewoman talking about Flo, the woman out there advertising on behalf of the pharmaceutical companies, when she talks about keeping government out, she is talking because she is an individual apparently not on Medicare but on a private HMO, and receiving that 39 or 40 percent cut that is displayed, that the gentleman has that very vividly shows the disparity that we are talking about.

That particular advertisement says that if someone is in a HMO, or private, that the pharmaceutical companies will give a 40 percent credit on prescriptions, but if someone is on Medicare, tough luck. They are going to pay not only the 40, but also the profits that we have to make that they did not make on those other individuals. That is what is wrong. As the gentleman has indicated so clearly, why should not everybody get that opportunity to get that 40 percent cut?

When we did those studies, and I did them in my district, also, in my district, it showed that our senior citizens, and I went across with all my pharmacists and they reported to us. The pharmacies that are out there recognize the disparity. They have to charge 122 percent for my senior citizens on Medicare for the same prescriptions.

What we are talking about is if someone is on Medicare, they have to pay in my district 122 percent to 150 percent more for the same prescription than someone who is on an HMO. The only reason is that the pharmaceutical companies have chosen not to provide that.

Now they expended that money and are using people like Flo and talking about keeping government out, because, after all, they are making huge profits on our senior citizens. That should be a crime, to be going after those individuals who need the medication the most in our country, the individuals that are out there in need, and those are the ones who are having to pay more. It does not make any sense, I say to the gentleman.

I know he understands this fully, that in 1965 when we started Medicare, at that time we might not have needed prescriptions. But now if someone is under Medicaid for the indigent, they get prescription coverage. But if someone is on Medicare, our senior citizens, they do not get it.

That does not make any sense whatsoever. I think that it is time that we move forward and provide that access to our senior citizens so that they will be able to get access to that quality care that is needed.

When the gentleman provided that example out there, that hits us right in the forehead. My constituents are also getting those letters. I would ask them to look real carefully, because what we are really fighting for here is to make sure that our senior citizens get access to quality care. That includes prescription coverage and getting the appropriate cost in those areas, instead of having to pay not only what the others are paying, but they are actually paying a lot more for that same prescription, because the pharmaceutical companies are making the profit on them at the expense of our senior citizens. That is unfortunate.

So when the gentleman watches that advertisement, make sure he watches real closely in the bottom of that, to show who is paying for that advertisement. It is unfortunate that those pharmaceutical companies continue to provide huge amounts of money to the Congressmen in their lobbying efforts, in the campaigns of a lot of individuals that are running out here.

We need to make the changes that are needed in this country. One of those changes is to make sure that we provide the prescription coverage for our senior citizens. That is one thing that we need to do, an obligation that we have, because a lot of these senior citizens go without eating.

I have heard testimony after testimony where one of the spouses decides not to buy her prescriptions because she is getting it for her husband. That is unfortunate. Or they decide to buy one prescription, not the second or third one, because they do not have sufficient money. That is unfortunate. That should not be happening.

It is time that we can do that now. We have the resources to do that now. We have the surplus. If not now, when? I say that again: If not now, when? We cannot afford for us to continue to go on in this way.

I want to thank the gentleman from Texas (Mr. TURNER) for his efforts and for continuing this fight. We are not going to let up. We are going to continue this effort. If it does not happen this session, we are going to be back the next session.

I know the gentleman has been at it for the last two sessions, and we have been trying to make some things happen. Eventually we are going to do it, because it is the right thing to do, to make sure that, if nothing else, that people pay the right prices and are not gouged the way they are being gouged now at the expense of other senior citizens, and now using those senior citizens that have the private insurance against the senior citizens that are on

plain Medicare. That is unfortunate that that is happening.

I appreciate the gentleman allowing me the time to be here.

□ 2310

Mr. TURNER. Mr. Speaker, I want to thank the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Arkansas (Mr. BERRY) for joining in this effort tonight to talk about the problems of high prices of prescription drugs for our seniors.

I hope the effort this evening has shed some light on why prices of prescription medicines are so very high for our seniors. After all, when the big drug manufacturers can afford to spend hundreds of millions of dollars in ad campaigns to try to preserve the status quo, which has resulted in our senior citizens, our most vulnerable portion of our population, paying the highest prices of anyone in our society and anyone in the world for prescription medications, I think and I know the gentleman from Texas (Mr. RODRIGUEZ) thinks that we need to talk about it on the floor of this House.

This ad campaign must be exposed, the hundreds of millions of dollars that the big drug companies are spending to try to be sure that they defeat our efforts to pass meaningful prescription drug coverage for our seniors as a part of the Medicare program. That effort that they are making is wrong, and I hope that our seniors will see through it when they get these telegrams, when they see these newspaper ads, when they watch the television screens with characters like Flo that the gentlewoman from Illinois (Ms. SCHAKOWSKY) mentioned, they will understand that they are seeing an ad that is designed to perpetuate a system that makes senior citizens of this country pay the highest prices in the world for prescription drugs that they need.

I thank all of my colleagues for joining with us tonight and being a part of this effort to talk about this important issue. I am looking forward to hearing from the gentleman from Iowa (Mr. GANSKE), our next speaker in the last portion of our Special Orders, who has been outspoken on this issue and has a unique insight as a medical doctor into the problem of prescription drugs for seniors.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized until midnight as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, this is a photo of William Newton, age 74, of Altoona, Iowa, a constituent in my district whose savings vanished when his late wife Waneta, whose picture he is

holding, needed prescription drugs that cost as much as \$600 per month.

"She had to have them. There was no choice", Mr. Newton said. "It's a very serious situation and it isn't getting any better because drugs keep going up and up."

When James Weinmann of Indianola, Iowa, and his wife, Maxine, make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico and load up on prescription drugs, which are not covered under their Medigap policies. Their prescription drugs cost less than half in Mexico than what they cost in Iowa.

Mr. Speaker, this problem is not localized to Iowa. It is everywhere. The problem that Dot Lamb, an 86-year-old Portland, Maine, woman who has hypertension, asthma, arthritis and osteoporosis has paying for her prescription drugs is all too common. She takes five prescription drug that cost over \$200 total each month, over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received this letter from a computer savvy senior citizen who volunteers at a hospital that I worked at before coming to Congress.

"Dear Congressman GANSKE, after completing a University of Iowa study on Celebrex 200 milligrams for arthritis, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was \$2.43 per pill with a volunteer discount.

"Later on the Internet I found the following:

"I can order through Pharmaworld in Geneva, Switzerland after paying either of two American doctors \$70 for a phone consultation, these drugs, at a price of \$1.05 per pill plus handling and shipping.

"I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada, or my doctor can order it on my behalf through his office for 96 cents per pill plus shipping.

"I can send \$15 to a Texan and get a phone number at a Mexican pharmacy which will send it without a prescription at a price of 52 cents per pill."

This constituent closes his letter to me by saying, "I urge you, Dr. GANSKE, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies."

Well, Mr. Speaker, I want to be very clear, I am in favor of prescription drugs being more affordable, not just for senior citizens, but for all Americans.

Let us look at the facts of the problem and then discuss some of the solutions.

There is no question that prices of drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of

the 50 drugs rose at least one and a half times inflation. Half of the drugs rose at least twice as fast as inflation. Sixteen drugs rose at least three times inflation. Twenty percent of the top 50 selling drug for seniors rose at least five times inflation.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50 percent just in 1999. Klorcon 10, a brand-name drug, rose 43.8 percent.

This was not a 1-year phenomena. Thirty-nine of these 50 drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation. Over half rose at twice inflation. More than 25 percent rose at three times inflation. Six drugs rose at over five times inflation. Lorazepam rose 27 times inflation and Furosemide 14 times inflation.

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for this 20-milligram gastrointestinal drug, unless one has some type of drug discount, is \$1,455. For a widow at 150 percent of poverty, that means she is living on \$12,525 a year, the annual cost of Prilosec for acid reflux disease alone will consume more than one in \$9 of this senior's total budget.

What about a woman who has diabetes, hypertension and high cholesterol? She requires these drugs. Her drug costs would consume up to 18.3 percent of her income.

□ 2320

My friend from Des Moines, the Iowa Lutheran Hospital volunteer senior citizen, knows, as do the Weinmans from Indianola, from their shopping trips in New Mexico for prescription drugs, that drug prices are much higher in the United States than they are in other countries. A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the 10 best selling drugs verifies that drug prices are higher here in the U.S. than they are overseas.

For example, Prilosec is two to two-and-a-half times as expensive in the U.S. as it is in Canada, Britain or Australia. Prozac is two to two-and-three-quarter times as expensive in the United States, at \$2.27 per pill, as compared to Canada at \$1.07, Britain at \$1.08, and Australia 82 cents. Lipitor was 50 to 92 percent more expensive. Prevasid was as much as four times as expensive in the United States, at \$3.13 per pill, than it was in Canada, Britain or Australia. Look, the drug only costs 83 cents in Australia. Only one drug, Epogen, was cheaper in the U.S. than in the other countries.

Now, high drug prices have been a problem for the past decade. Two General Accounting Office studies from 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the U.S. and Canada, prices for 98 were

higher in the United States. Comparing 77 drugs sold in the U.S. and the United Kingdom, 86 percent of the drugs were priced higher in the United States. And three out of five were more than twice as high.

Now, drug companies claim that drug prices are so high because of research and development costs, and I do want to say that there is great need for research. For example, around the world we are seeing an explosion of antibiotic resistant bacteria, like tuberculosis, for which we will need research and development for new drugs. A new report by the World Health Organization outlines this concern about infectious diseases.

However, data from PhRMA, the pharmaceutical trade organization that I saw presented in Chicago about 1 month ago, showed little increase in research and development, especially in comparison to significant increases by the pharmaceutical companies in advertising and marketing. Since the 1997 FDA reform bill, advertising by drug companies has gotten so ubiquitous that the news line, Healthline, recently reported that consumers watch on average nine prescription drug commercials a day.

Look at this chart, which shows 1998 figures for the big six drug companies. In every case marketing, advertising, sales, and administration costs exceed research and development. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development. Pfizer spent nearly 40 percent on marketing of their income and only 17.1 percent on research and development.

In 1999, of the five companies with the highest revenues, four spent at least twice as much on marketing, advertising, and administration as they spent on research and development. Only one of the top 10 drug companies spent more on research and development than on marketing, advertising, and administration.

Administrative costs have not increased that much. The real increase has been in advertising. For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of the other Fortune 500 companies. So we see for pharmaceutical companies 18 percent profit margins, we see for the other Fortune 500 companies profit margins of 5 percent.

Furthermore, as recently cited in The New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government financed, government financed, research. For example, Taxol is a drug developed from government-funded research which earns its manufacturer, Bristol-Myers-Squibb, millions of dollars each year.

Now, Mr. Speaker, as I said at the start of this special order, I think the high cost of drugs is a problem for all Americans, not just the elderly. But many nonseniors are in employer plans and get a prescription drug discount. In addition, there is no doubt that the older one is the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatments when the senior citizen is a patient in a hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients, i.e. drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anti-cancer drugs. The program also covers pneumonia, Hepatitis and influenza vaccines. The beneficiary is responsible for 20 percent coinsurance of these drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare. But many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs that one buys in a pharmacy with a prescription from their doctor.

Since the early 1980s, Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas, like my State, Iowa, have had such low payment rates that no HMOs with drug coverage are available. This is typically a rural problem, but some metro areas also have inequitably low reimbursements.

And I should say that, parenthetically, I have led the fight to improve these unfair payment rates, which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in Iowa or Nebraska or Minnesota do not. But I will return to this issue a little bit later in this talk.

Employers may offer their retirees health benefits that include prescription drugs, but fewer employers are doing so. From 1993 to 1997, prescription drug coverage of Medicare eligible retirees dropped from 63 percent to 48 percent. Beneficiaries with medigap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of the ten standard plans offer drug coverage. All three impose a \$250 deductible.

Plans H and I cover 50 percent of the charges up to a maximum benefit of \$1,250. Plan J covers 50 percent of the charges up to a maximum benefit of \$3,000. The premiums for these plans are significantly higher than the other

seven medigap plans because of the cost of the drug benefit.

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This chart shows the difference in annual cost to a 65-year-old woman for a Medigap policy with or without a drug benefit. For a Medigap policy of moderate coverage, she pays about \$1,320 without a drug benefit and she pays \$1,917 for a policy with a drug benefit. For extensive coverage, she would pay \$1,524 for a policy without drugs but she would pay \$3,252 in premiums for insurance with drug coverage.

Why is there such a price gap between policies that offer drug coverage compared to those that do not? Well, it is because the drug benefit is voluntary. Only those people who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage. But because only those with high costs choose that option, the premiums must be high to cover the costs of a high average expenditure for drugs.

So what is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost of coverage unless the Federal Treasury simply subsidizes lower premiums. The very low income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductible and co-insurance by their State's Medicaid program.

For these dual-eligibles, the most important service paid for by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans.

There are several groups of Medicare beneficiaries who have a more limited Medicaid protection. Qualified Medicare beneficiaries, QMBs, otherwise known as QMBs, have incomes below the poverty line, that is \$8,240 for a single person, \$11,060 for a couple, and they have assets below \$4,000 for a single person and \$6,000 for a couple.

Medicaid pays their deductibles and their premiums. Specified low income Medicare beneficiaries, known as SLIMBs, have incomes up to 120 percent of the poverty line and Medicaid pays their Medicare Part B premium.

Qualifying individuals, one, have income between 120 and 135 percent of poverty. Medicaid pays only their Part B premium but not deductibles. And qualifying individuals, two, have income between 135 percent and 175 percent of poverty. Medicaid pays part of their Part B premiums.

Why am I going into these details? Because in a little bit I want to describe a way to help these people who are low income but not so low that they qualify for Medicaid drug benefit.

These QMBs and SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible to full Medicaid coverage under their State's Medicaid program. QI-1s and

QI-2s are never entitled to Medicaid drug coverage.

A 1999 Health Care Financing Administration report showed that, despite a variety of potential sources of coverage for prescription drugs, beneficiaries still pay a significant proportion of drug costs out of pocket and that about one-third of Medicare beneficiaries had no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditures. This information will determine, based on the cost of the benefit, how many Medicare beneficiaries will consider the premium cost of a voluntary drug benefit insurance program worked it.

This chart from the Medicare Payment Advisory Commission, known as MPAC, in a report to Congress in 1999 shows that 14 percent of Medicare beneficiaries have no drug expenditures, 36 percent have expenditures of one dollar to \$500 a year, 19 percent had drug expenditures from \$500 to \$1,000 a year, 12 percent from \$1,000 to \$1,500 a year, 14 percent from \$1,500 to \$3,000 a year, and 6 percent over \$3,000.

But please note that 14 percent plus 36 percent means that 50 percent of Medicare beneficiaries today have less than \$500 drug expenses annually. And if you add another 19 percent, 69 percent had drug expenses of less than \$1,000 a year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult choices for which there is currently no consensus in the population or, for that matter, among policymakers.

There are many questions to answer. Here are a few: Should the coverage be for the entire Medicare population or for low income seniors? Should it be comprehensive or for catastrophic? What should be the level of benefit cost sharing by the recipients? Will there be any cost controls on the cost of drugs? Should we deal with this problem about drug costs for the Medicare population only or should we try to figure out some provisions for everyone? How much money can the Federal Treasury devote to this subsidy? Can we really predict the cost of the benefit?

Now, Mr. Speaker, the desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1965 and many times since then. The reason why adding a prescription benefit is such a hot issue now is that there has been an explosion in new drugs available, huge increases in demand for these drugs, and significant increase in the cost of these drugs in just the past few years. Many of these drugs are life-preserving, such as some of those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the

last time Congress tried to do something about prescription drugs and Medicare. This is because the outcome of reform in 1988 has seared itself into the minds of the policymakers who were in Congress then and who are committee chairman now.

The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements. Under the Medicare Catastrophic Coverage Act of 1988, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs subject to a \$600 deductible, 50 percent co-insurance.

The benefit was to be financed through a mandatory combination of an increase in Part B premium and a portion of the new supplemental premium which was to be imposed on higher income enrollees.

It is also important to note that the Congressional Budget Office estimated the cost for this at \$5.7 billion initially and only 6 months later the cost estimates had more than doubled because both the average number of prescriptions used by enrollees and the average price had risen more than previously estimated.

This plan back in 1988 passed the House by a margin of 328-72, and President Reagan enthusiastically signed into law this largest expansion of Medicare in history. The only problem was that, once seniors learned their premiums were going up, they hated the bill.

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They even started demonstrating against it. Scenes of Gray Panthers hurdling themselves on to Ways and Means chairman Dan Rostenkowski's car were broadcast to the Nation. Angry phone calls from senior citizens flooded the Capitol switchboards. So the very next year this House voted 360 to 66 to repeal the Medicare Catastrophic Coverage Act of 1988, and President Bush then signed the largest cut in Medicare benefits in history, and this experience left scars on the political process that are evident in today's Democratic and Republican proposals.

What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 17 of this year that should be required reading for every Member of this Congress. Remember, he was the chairman of the Committee on Ways and Means in 1988. His most important point was this: The 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosti says in his op-ed piece, "We adopted a principle universally accepted in the private insurance industry: People pay premiums today for benefits they may receive tomorrow."

Apparently the voters did not agree with those principles. By the way, the title of his op-ed piece is "Seniors

Won't Swallow Medicare Drug Benefits.'

Former Ways and Means Chairman Rostenkowski does not think seniors have changed since 1988, and apparently the drafters of the Democratic and the Republican bills agree with him, because the key point the spokesmen for each of these bills makes to seniors is that their respective plans are voluntary.

While there are shortcomings in both plans, I think before I briefly describe each plan let me acknowledge the hard work that some members have put into these bills. The House Republican plan is estimated to cost seniors \$35 to \$40 a month in 2003, with possible projected rises of 15 percent a year. Premiums could vary among plans. There would be no defined benefit plan, and insurers could offer alternatives of "equivalent value." There would be a \$250 deductible, and the plan would then pay half of the next \$2,100 in drug costs. After that expense, patients are on their own, until out-of-pocket expenses reach \$6,000 a year when the government pays the rest.

The GOP plan would pay subsidies to insurance companies for people with high drug costs. If subscribers did not have a choice of at least two private drug plans, then a "government plan" would be available. A new bureaucracy called the Medical Benefits Administration would oversee these private drug insurance plans.

Under the Republican plan, the government would pay for all premiums and nearly all beneficiaries' share of covered drug costs for people with incomes under 135 percent. For people with incomes from 135 to 150 percent of the poverty level, premium support would be phased out. It is assumed that drug insurers would use generic drugs to control costs.

The cost of the GOP plan is estimated to be \$37.5 billion over 5 years, and about \$150 billion over 10 years, though the Congressional Budget Office is having a hard time predicting costs because there is no standard benefit definition.

The premiums under the Clinton plan were estimated to cost those seniors who sign up, remember, this is a voluntary plan, like the GOP plan, about \$24 a month in the year 2003, rising to \$51 a month in 2010. However, the Clinton Administration now talks about adding \$35 billion in expenses for a catastrophic component like the GOP plan, which would make premiums higher.

Under the Clinton plan, Medicare would pay half the cost of each prescription, and there would be no deductible. Maximum Federal payment would be \$1,000 for \$2,000 worth of drugs in 2003, rising to \$2,500 for \$5,000 worth of drugs in 2009.

The government would assume the financial risk for prescription drug in-

surance, but it would hire private companies to administer benefits and negotiate discounts from drug manufacturers. It would aid the poor similar to the GOP House plan and would try to control costs by the use of pharmaceutical benefit managers. As pharmaceutical companies buy up these benefit managers, one wonders about conflicts of interest and whether any discounts will really occur.

But here is a crucial point: In order to cushion the cost of the sicker with premiums from the healthier, both plans calculate premiums premised on about 80 percent participation of all those in Medicare.

Now, the partisan attacks on the Clinton plan and on the GOP plan are already starting. Democrats say Republicans are putting seniors in HMOs, HMOs provide terrible care, and this is not fair to seniors.

Republicans say the Democratic plan is a one-size-fits-all plan that is too restrictive, too confusing and puts the politicians and Washington bureaucrats in control. This is from a House Republican Conference source.

Now, I could criticize each of these plans in depth, but I do not have that much time left. Suffice it to say that the details of each of these plans is very important as to how they would work; for that matter, if they would work.

The GOP bill's legislative language just became available a few days ago, so I have been reading the 150 page document over the past few days. I believe that if you let plans design all sort of benefit packages, as does the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value. I also think that plans can tailor benefits to cherry pick healthier, less expensive seniors and game the system.

Representatives of the insurance industry seemed to share that opinion in a hearing before my committee. In my opinion, a defined benefit package would be better. I have concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans are available. Would these incentives encourage insurers to hold out for more money? I have doubts that the private insurance industry will ever offer drug only plans.

In testimony before my committee, Chip Kahn, President of the Health Insurance Association of America, testified that drug only plans will not work. In testimony before the Committee on Commerce on June 13, 2000, Mr. Kahn said, "Private drug only coverage would have to clear insurmountable financial regulatory and administrative hurdles simply to get to the markets. Assuming that it did, the pressures of ever increasing drug costs, the predictability of drug expenses, the likelihood

that the people most likely to purchase this coverage will be the people anticipating the highest drug claims, would make drug only coverage virtually impossible for insurers to offer to seniors at an affordable premium." Mr. Kahn predicted that few, if any, insurers would offer that kind of product.

I could similarly criticize several particulars of the Democratic bill, but, in the spirit of bipartisanship, I want to expand on what I think is the fundamental flaw in both plans, and that is what is called adverse risk selection.

If the Clinton plan has comparable costs for a stop loss provision of catastrophic expenses, the premium costs will be comparable to the GOP plan. Under these bills, a person who signs up for drug insurance will pay about \$40 per month, or roughly \$500 per year. After the first \$250 out-of-pocket costs for the deductible, the enrollee would need to have twice \$500 in drug costs, or \$1,000, in order to be getting a benefit that is worth more than the cost of the premiums for the year.

Put it another way: The enrollee must have \$250 for the deductible, plus \$1,000, or \$1,250 in annual drug costs, in order to get half of the rest of his drug expenses, up to a maximum of \$2,100 paid for by the plan.

Who then will sign up for these plans? Well, those seniors with over \$1,250 in annual drug expenses. Those with less than that would end up paying more in premiums than they are currently paying.

Remember the MedPAC data from the last year that I showed you earlier in this speech? Sixty-nine percent of seniors spend less than \$1,250 per year on drug costs. Remember also that the premiums are premised on a 80 percent participation rate. I think it is highly doubtful that anywhere near 80 percent of seniors will sign up for either of these plans, and if only those with high drug costs sign up for these plans, then we know what will happen by looking at the current Medigap policies. Only three plans have any prescription drug coverage, and they are expensive because of unfavorable selection. Only 7.4 percent of beneficiaries enrolled in standard Medigap plans were in these drug coverage plans, plans H, I and J.

□ 2350

Now, one way to avoid adverse risk selection in a voluntary benefit system would be to offer the drug benefit for one time only when a beneficiary enrolls in Medicare. Even with that restriction, there would still be some adverse selection in that some seniors already have high drug costs at age 65 when they enter Medicare and would be more likely to join such a program.

Now, this mandatory provision is not in either plan. The authors of the GOP bill recognize the adverse risk selection problem and they try to address it by saying that if a beneficiary does not

sign up for the drug insurance program on initial registration for Medicare, then thereafter, when he or she wants to sign up for the drug insurance program, the premium would be "experience-based" and potentially more costly. The theory is that the threat of higher premiums would act as an inducement to seniors with no or low drug costs to sign up initially.

Mr. Speaker, if only everyone acted with such prudence now, we would not be dealing with the need for this bill. Unfortunately, the low participation in the current voluntary Medigap programs indicates that unless seniors must sign up initially, a large number will not. They will wait until they need drugs, and then they will complain vociferously to Congress about their high premiums and we will be right back where we started. Since other seniors will have a prescription drug benefit, there will be enormous pressure on legislators to subsidize the seniors who are tardy in signing up for a drug program and that, of course, will significantly increase the cost of the program.

Another way to control adverse risk selection is to try to devise a risk adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk adjustment systems already on the books for other parts of Medicare are going to work. A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality rather than benefits. If plans are allowed wide variation in benefits, some plans may be more likely to attract low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by a new Medical Benefits Administration, and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs.

We could, of course, mandate enrollment. That was the approach of the Medicare Catastrophic Coverage Act in 1988, and we saw what happened to that law. To say that mandatory enrollment has little appeal to policymakers in an election year I think is an understatement.

Finally, we could avoid adverse selection for a voluntary benefit like prescription drug coverage if we just subsidized the benefits so much that seniors simply share very little of the cost. The benefit becomes cost-effective for the vast majority, regardless of health, because it is such a good deal. But this could lead to a \$400 billion or \$500 billion subsidy.

It again reminds me of the article by Mr. Rostenkowski. As Rosty said in his op-ed piece, "The problem was, and still is, a lack of money." Yes, we have a projected surplus, but the 10-year

costs of a more highly subsidized drug coverage could, in my opinion, even double or triple the cost of both proposals.

There are many reasons why, even in this time of plenty, that is hard to do. First, we have a bipartisan commitment not to use the Social Security surplus funds. Second, we have people in this country that have no insurance at all, much less drug coverage. Third, Medicare is closer to insolvency than it was back in 1988. Should not our first priority be to protect the current Medicare program?

Well, given these constraints, what can we do to help seniors and others with high drug costs? I have a 10-step modest proposal for helping seniors and others with their drug costs.

First, allow qualified Medicare beneficiaries, those QMBs, and specified low-income Medicare beneficiaries, SLIMBs, and qualifying individuals with an additional phaseout group up to 175 percent of poverty to qualify for State Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About one-third of Medicare beneficiaries would be eligible, especially those most in need, and the drug benefit would encourage those who qualify to actually sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers any purchaser in the United States. Judging from estimates of the bipartisan Medicare Commission, this expansion of benefits would probably cost about \$60 billion to \$80 billion over 10 years.

Second, Congress could fix the funding formula that puts rural States and certain low reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage.

Third, in response to my constituents who want to purchase their drugs in Canada, Mexico or Europe, we could stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA has sent notices to people that importing drugs is against the law. The FDA should not send warning notices regarding the importation of a drug without providing to the person involved a statement of the underlying reasons. The gentleman from Minnesota (Mr. GUTKNECHT), my colleague, has introduced legislation called the Drug Import Fairness Act of 1999, and Congress should pass that common sense legislation.

Fourth I think we should at least fully debate the bill of the gentleman from Maine (Mr. ALLEN), the Prescription Drug Fairness for Seniors Act. The idea is simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best price available to the Federal Government, typically

the Veterans' Administration price, or the Medicaid price. It creates no new bureaucracy. There is no significant cost to the government. It gives Medicare beneficiaries negotiated lower prices, such as customers of Aetna, Cigna, and other private plans receive the benefit of negotiated lower prices.

Fifth, I think we should enact full tax deductibility for the self-insured retroactive to January 1, 2000.

Sixth, there are 11 million children without any health insurance. Many of them qualify, 7 million of them qualify for Medicaid, and the State Children's Insurance programs. We ought to get those kids in. That gives them prescription drugs as well.

Seventh, many pharmaceutical companies offer programs where they provide drugs free to low-income individuals. These company programs are to be commended, but we need to do a better job, and maybe the FDA could do this, of getting that information to those low-income beneficiaries to take advantage of those pharmaceutical companies' programs.

Eighth, 16 States have pharmaceutical assistance programs targeted to Medicare beneficiaries. Some of these programs could serve as models for State grant programs. The gentleman from Florida (Mr. BILIRAKIS) has a bill that would do this. We ought to look at that. I think the QMB-SLIMB solution is a little quicker and more certainly implemented, but at least we could have a debate on that.

Ninth, I believe that Congress should revise the FDA Reform Act of 1997. At a minimum, drug companies should be required to fully discuss major potential complications of their drugs in their radio and television advertising.

Tenth, finally, I think Congress should actually get signed into law a combination of the above in a bipartisan fashion. Yes, this approach is more limited than either that of President Clinton or the House GOP plan. But a more comprehensive drug plan should, in my opinion, be a part of overall Medicare reform where all of the pieces fit together so as to do no harm to any one part while benefiting another. It will not do Iowa seniors much good to have an unlimited drug benefit if they do not have a local hospital to go to.

Finally, Mr. Speaker, this is a very complicated issue. I believe that we should follow regular order. That means a bill in the hopper, hearings on the bills, subcommittee markups with amendments and debate, full committee markups, all of the committees of jurisdiction looking at the bill. Regular order is not just for the members on the committee, it is for everyone in this House to see the process and to fully understand an issue. I am sorry to say that that regular order is not happening.

Mr. Speaker, we are going to see a bill rushed to the floor next week. I

would advise my colleagues to be very careful. I am sure that television archives preserve the image of unhappy Chicago citizens surrounding Dan Rostenkowski's car when he visited a decade ago to explain why he thought the Medicare reform bill was a good bill. Let us continue regular order.

Finally, I remain committed to seeing a bill signed into law. Mr. Speaker, let us just make sure that it is a good one.

Mr. Speaker, this is a photo of William Newton, 74, of Altoona, Iowa, a constituent in my district whose savings vanished when his late wife, Waneta, whose picture he is holding, needed prescription drugs that cost as much as \$600 per month.

"She had to have them—there was no choice," Newton said. "It's a very serious situation and it isn't getting any better because drugs keep going up and up."

When James Weinman of Indianola, Iowa, and his wife, Maxine, make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico and load up on prescription drugs, which aren't covered under their Medigap policies. Their prescription drugs cost less than half as much in Mexico as they cost in Iowa.

This problem isn't localized to Iowa. It's everywhere. The problem that Dot Lamb, an 86-year-old Portland, Maine, woman who has hypertension, asthma, arthritis and osteoporosis has paying for her prescription drugs is all too common. She takes five prescription drugs that cost over \$200 total each month—over 20% of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received this letter from a computer-savvy senior citizen who volunteers at a hospital I worked in before coming to Congress:

"Dear Congressman Ganske . . . after completing a University of Iowa study on Celebrex 200 mg. for arthritis, I got a prescription from my MD and picked it up at the hospital pharmacy. My cost was \$2.43 per pill with a volunteer discount!

"Later on the Internet I found the following:

a. I can order [these drugs] through a Canadian pharmacy if I use a doctor certified in Canada or my doctor can order it "on my behalf" through his office for 96 cents per pill, plus shipping.

b. I can order [these drugs] through Pharmaworld, in Geneva, Switzerland, after paying either of two American doctors \$70 for a phone consultation, at a price of \$1.05 per pill, plus handling and shipping.

c. I can send \$15 to a Texan and get a phone number at a Mexican pharmacy which will send it without a prescription . . . at a price of 52 cents per pill.

This constituent closes his letter to me by saying, "I urge you, Dr. Ganske, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies."

Well, Mr. Speaker, I want it to be very clear. I am in favor of prescription drugs being more affordable, not just for senior citizens, but for all Americans.

Let's look at the facts of the problem and then discuss some solutions.

There is no question that prices for drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. 33 of the 50 drugs rose in price at least one and one-half times inflation. Half of the drugs rose at least twice as fast as inflation. Sixteen drugs rose at least three times inflation and twenty percent rose at least four times the rate of inflation.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50% in 1999. Klor-con 10, a brand name drug, rose 43.8%.

This was not a one-year phenomenon. 39 of these fifty drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation, over half rose at twice inflation, more than 25% increased at three times inflation and six drugs at over five times inflation. Lorazepam rose 27 times inflation and furosemide 14 times inflation!

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for this 20-milligram gastrointestinal drug, unless you have some type of drug discount, is \$1,455. For a widow at 150% of poverty (\$12,525 income per year), the annual cost of Prilosec alone will consume more than one in nine dollars of the senior's total budget. (chart)

My friend from Des Moines, the Iowa Lutheran Hospital volunteer senior citizen, as do the Weinman's from Indianola from their shopping trips in Mexico for prescription drugs, knows that drug prices are much higher in the United States than they are in other countries.

A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the ten best-selling drugs, verifies that drug prices are higher here in the U.S. than overseas. For example, Prilosec is two to two-and-one-half times as expensive in the U.S.; Prozac was two to two-and-three-quarters as expensive; Lipitor was 50 to 92% more expensive; and Prevacid was as much as four times more expensive. Only one drug, Epogen, was cheaper in the U.S. than in other countries.

High drug prices have been a problem for the past decade. Two GAO studies, from 1992 and 1994, showed the same results. Comparing prices for 121 drugs sold in the U.S. and Canada, prices for 98 of the drugs were higher in the U.S. Comparing 77 drugs sold in the U.S. and the United Kingdom, 86% of the drugs were priced higher in the U.S. and three out of five were more than twice as high.

The drug companies claim that drug prices are so high because of research and development costs. And, I do want to say that there is great need for research. For example, around the world we are seeing an explosion of antibiotic resistant bacteria, like tuberculosis, for which we will need research and development for new drugs. A new report by the World Health Organization outlines this concern about infectious diseases.

However, data from PhRMA, the pharmaceutical trade organization, that I saw presented in Chicago about one month ago, showed little increase in R&D, especially in comparison to significant increases in advertising and marketing by the pharmaceutical companies. Since the 1997 FDA reform bill,

advertising by drug companies has gotten so ubiquitous that Healthline recently reported that consumers watch, on average, nine prescription drug commercials a day!

Look at this chart which shows 1998 figures for the big drug companies. In every case, marketing, advertising, sales, and administrative costs exceed research and development costs. In 1999, four of the five companies with the highest revenues spent at least twice as much on marketing, advertising and administration as they spent on research and development. Only one of the top ten drug companies spent more on R&D than on marketing, advertising, and administration. Administration costs haven't increased much—the real increase has been in advertising.

For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of other Fortune 500 companies. The drug manufacturers have a profit rate of 18% compared to approximately 5% for other Fortune 500 companies. Furthermore, as recently cited in the New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government financed research. For example, Taxol is a drug developed from government funded research which earns its manufacturer, Bristol-Myers-Squibb, millions of dollars each year.

As I said at the start of this Special Orders speech, I think the high cost of drugs is a problem for all Americans, not just the elderly, but many non-seniors are in employer plans and get a prescription drug discount. In addition, there is no doubt that the older one is, the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

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About 90% of Medicare beneficiaries have some form of private or public coverage to supplement Medicare, but many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs one buys in a pharmacy with a prescription from your doctor.

Since the early 1980's Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas like Iowa have had such low payment rates that no HMOs with drug coverage are available. This is typically a rural problem, but some metro areas also have inequitably low reimbursements.

Parenthetically, I have led the fight to improve these unfair payment rates which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in

Iowa or Nebraska or Minnesota don't. But I'll return to this issue later.

Employers may offer their retirees health benefits that include prescription drugs but fewer are doing so. From 1993–1997, prescription drug coverage of Medicare-eligible retirees dropped from 63% to 48%.

Beneficiaries with Medigap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of the ten standard plans offer drug coverage. All three impose a \$250 deductible. Plans H and I cover 50% of the charges up to a maximum benefit of \$1,250. Plan J covers 50% of the charges up to a maximum benefit of 3,000. The premiums for these plans are significantly higher than the other seven Medigap plans because of the cost of the drug benefit.

This chart shows the difference in annual cost to a 65-year-old woman for a Medigap policy with or without a drug benefit. For a Medigap policy of moderate coverage, she pays \$1,320 without a drug benefit and \$1,917 for a policy with a drug benefit. For extensive coverage, she would pay \$1,524 for insurance without drugs and \$3,252 for insurance with drug coverage.

Why is there such a price gap? Because the drugs benefit is voluntary. Only those persons who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage. But, because only those with high costs choose that option, the premiums must be high to cover the costs of a high average expenditure for drugs. What is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost of coverage—unless the Federal treasury simply subsidizes lower premiums.

The very low-income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductibles and coinsurance by their state's Medicaid program. For these "dual eligibles," the most important service paid for entirely by Medicaid is frequently the prescription drug plans offered by all states under their Medicaid plans.

There are several groups of Medicare beneficiaries who have more limited Medicaid protection:

Qualified Medicare Beneficiaries (QMBs) have incomes below the poverty line (\$8,240 single, \$11,060 couple) and assets below \$4,000 single/\$6,000 couple. Medicaid pays their deductible and premiums.

Specified Low-Income Medicare Beneficiaries (SLIMBs) have incomes up to 120% of the poverty line and Medicaid pays their Medicare Part B premium.

Qualifying Individuals (QI-1) have income between 120% and 135% of poverty. Medicaid pays only their Part B premium, but not deductibles.

Qualifying Individuals (QI-2) have income between 135% of 174% of poverty. Medicaid pays part of the Part B premiums.

QMBs and SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible for full Medicaid coverage under their state's Medicaid program. QI-1s and QI-2s are never entitled to Medicaid drug coverage.

A 1999 HCFA report showed that, despite a variety of potential sources of coverage for

prescription drug costs, beneficiaries still pay a significant proportion of drug costs out-of-pocket and about one-third of Medicare beneficiaries had no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditure. This information will determine, based on the cost of the benefit, how many Medicare beneficiaries will consider the premium cost of a "voluntary" drug benefit insurance policy "worth it."

This chart from the Medicare Payment Advisory Commission (MedPAC) report to Congress shows that in 1999, 14% of those in Medicare had no drug expenditures and 36% had expenditures of \$1 to \$500. 19% had drug expenditures from \$500 to \$1,000, 12% from \$1,000 to \$1,500, 14% from \$1,500 to \$3,000 and 6% over \$3,000.

Please note that 50% of those in Medicare had drug expenditures of less than \$500 per year, and 69% had drug expenses less than \$1,000 per year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult choices for which there is currently no public consensus or, for that matter, among policy makers.

There are many questions to answer. Here are a few: First, should coverage be extended to the entire Medicare population or targeted toward the elderly widow who isn't so poor that she's in Medicaid but is having to choose between her rent, food, and drugs? Should the benefit be comprehensive or catastrophic? Should the drug benefit be defined? What is the right level of beneficiary cost-sharing? Should the subsidies be given to the beneficiaries or directly to the insurers? How much money can the Federal Treasury devote to this subsidy? Can we really predict the future cost of the benefit?

The desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1965 and many times since. The reason why adding a prescription benefit is such a "hot" issue is that here has been an explosion in new drugs available, huge increases in demand for these drugs, and significant increase in the cost of these drugs in just the past few years. Many of these drugs are life-preserving as with those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the last time Congress tried to do something about prescription drugs in Medicare. This is because the outcome of reform in 1988 has seared itself into the minds of the policy makers who were in Congress then and are committee chairs now. The Medicare Catastrophic Coverage Act of 1988 (MCCA) would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements.

Under MCCA, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs, subject to a \$600 deductible and 50% coinsurance. The benefit was to be financed through a mandatory combination of an increase in the Part B premium and a portion of the new supplemental premium which was to be imposed on higher income enrollees. It is also important to note that CBO estimated the cost at \$5.7 billion.

Only six months later the cost estimates had more than doubled because both the average number of prescriptions used by enrollees and the average price had risen more than previously estimated.

The plan passed the House by a margin of 328 to 72 and President Reagan enthusiastically signed into law this largest expansion of Medicare in history.

The only problem was that once seniors learned their premiums were going up, they hated the bill! They even started demonstrating against it. Scenes of Gray Panthers hurtling themselves onto Ways and Means Chairman Dan Rostenkowski's car were broadcast to the nation. Angry phone calls from senior citizens flooded the Capitol switchboards.

So, the very next year the House voted 360 to 66 to repeal the Medical Catastrophic Coverage Act of 1988 and President Bush then signed the largest cut in Medicare benefits in history.

This experience left scars on the political process that are evident in today's Democratic and Republican proposals. What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 17 this year that should be required reading for every member of this Congress. His most important point was this:

The 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosty says in this op-ed piece, "We adopted a principle universally accepted in the private insurance industry. People pay premiums today for benefits they may receive tomorrow." Apparently the voters didn't agree with those principles. By the way, the title of his op-ed piece is *Seniors Won't Swallow Medicare Drug Benefits*. Former Ways and Means Chairman Rostenkowski doesn't think seniors have changed since 1988.

Apparently, the drafters of the Democratic and Republican bills agree with him because the key point of the spokesman for each of these bills makes to seniors is that their respective plans are voluntary.

There are shortcomings in both plans but before I briefly describe each plan, let me acknowledge the hard work that some members have put into these bills. The House Republican plan is estimated to cost seniors \$35 to \$40 a month in 2003 with possible projected rises of 15% a year. Premiums could vary among plans. There would be no defined benefit plan and insurers could offer alternatives of "equivalent value." There would be a \$250 deductible and the plan would then pay half of the next \$2,100 in drug costs. After that expense, patients are on their own until out-of-pocket expenses reach \$6,000 a year, when the government pays the rest.

The GOP plan would pay subsidies to insurance companies for people with high drug costs. If subscribers didn't have a choice of at least two private drug plans then a "government" plan would be available. A new bureaucracy called the Medical Benefits Administration would oversee these private drug insurance plans.

Under the Republican plan, the government would pay for all the premium and nearly all the beneficiary's share of covered drug costs for people with incomes under 135%. For people with incomes from 135% to 150% of the

poverty level, premium support would be phased out. It is assumed that drug insurers would use generic drugs to control costs.

The cost of the GOP plan is estimated to be \$37.5 billion over five years and about \$150 billion over ten years, though the Congressional Budget Office is having a hard time predicting costs because there is no standard benefit definition.

The premiums under the Clinton Plan were estimated to cost those seniors who sign up, remember this is a voluntary plan like the GOP plan, \$24 a month in 2003, rising to \$51 a month in 2010. However, the Clinton Administration now talks about adding \$35 billion in expenses for a catastrophic component like the GOP plan, which would make premiums higher.

Under the Clinton Plan, Medicare would pay half of the cost of each prescription and there would be no deductible. Maximum federal payment would be \$1,000 (for \$2,000 worth of drugs) in 2003, rising to \$2,500 (for \$5,000 worth of drugs) in 2009.

The government would assume the financial risk for prescription drug insurance, but it would hire private companies to administer benefits and negotiate discounts from drug manufacturers. It would aid the poor similarly to the GOP House bill and would try to control costs by the use of pharmaceutical benefit managers (PBMs). (As pharmaceutical companies buy up these PBMs one wonders about conflicts of interest and whether any discounts will really occur.)

Here is a crucial point. In order to cushion the costs of the sicker with premiums from the healthier, both plans calculate premiums premised on about 80% participation of all those in Medicare.

The partisan attacks on the Clinton plan and on the GOP plan are already starting. Democrats say, "Republicans are putting seniors in HMOs. HMOs provide terrible care and this isn't fair to seniors." Republicans say, "The Democratic plan is a one-size-fits all plan that is too restrictive and puts politicians and Washington bureaucrats in control."

I could criticize each in depth, but don't have that much time tonight. Suffice it is to say that the details of each of these plans is very important as to how they would work, for that matter, if they would actually work. The GOP bill's legislative language just became available Thursday and so I have been reading this 150-page document over the past few days.

I believe that if you let plans design all sorts of benefit packages, as does the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value. I also think that plans can tailor benefits to cherry-pick healthier, less expensive seniors and game the system. Representatives of the insurance industry seemed to share that opinion in a hearing before my committee. In my opinion, a defined benefit package would be better.

I have concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans were available. Would these incentives encourage insurers to hold out for more money?

I have doubts that the private insurance industry will ever offer drug-only plans. In testi-

mony before my committee, Chip Kahn, President of the Health Insurance Association of America, testified that drug-only plans will not work.

In testimony before the Commerce Committee on June 13, 2000, Mr. Kahn said, "Private drug-only coverage would have to clear insurmountable financial regulatory, and administrative hurdles simply to get to market. Assuming that it did, the pressures of ever-increasing drug costs, the predictability of drug expenses, and the likelihood that the people most likely to purchase this coverage will be the people anticipating the highest drug claims would make drug-only coverage virtually impossible for insurers to offer a plan to seniors at an affordable premium."

Mr. Kahn predicted that few, if any, insurers would offer this type of product.

I could similarly criticize several particulars of the Democratic bill but, in the spirit of bipartisanship, I want to expand on what I think is the fundamental flaw of both plans and that is what is called "adverse risk selection."

If the Clinton Plan has comparable costs for a stop-loss provision of catastrophic expenses, the premium costs will be comparable to the GOP plan. Under these bills, a person who signs up for drug insurance will pay about \$40 per month, or roughly \$500 per year. After first \$250 out-of-pocket drug costs (deductible), the enrollee would need to have twice \$500 in drug costs (\$1,000) in order to be getting a benefit that is worth more than the cost of the premiums for the year. Put another way, the enrollee must have \$250 plus \$1,000, or \$1,250, in annual drug costs in order to get half of the rest of his drug expenses, up to a maximum of \$2,100, paid for by the plan.

Who will then sign up for these plans? Those seniors with over \$1,250 in annual drug expenses. Those with less would end up paying more in premiums than they are currently paying. Remember the MedPAC data from last year that I showed you earlier in this speech? 69% of seniors spend less than \$1,250 per year on drug costs.

Remember also that the premiums are premised on an 80% participation rate. I think it highly doubtful that anywhere near 80% of seniors will sign up for either of these plans. And if only those with high drug costs sign up for these plans, then we know what will happen by looking at the current Medigap policies. Only three plans have any prescription drug coverage, and they are expensive because of unfavorable selection. Only 7.4% of beneficiaries enrolled in standard Medigap plans were in these drug coverage plans (plans H, I, and J).

One way to avoid adverse risk selection in a voluntary benefit system would be to offer the drug benefit for one time only when a beneficiary enrolls in Medicare. Even with this restriction, there would still be some adverse selection in that some seniors already have high drug costs at age 65 and would be more likely to join such a program. This provision is not in either plan.

The authors of the GOP bill recognize the adverse risk selection problem. They try to address it by saying that if a beneficiary doesn't sign up for the drug insurance program on initial registration for Medicare, then, thereafter when he or she wants to sign up for the drug

insurance program, the premium would be "experienced based" and potentially more costly. The theory is that the threat of higher premiums would act as an inducement for seniors with no or low drug costs to sign up initially.

If everyone had already acted with such prudence, we wouldn't be dealing with this bill. Unfortunately, the low participation in the current voluntary Medigap programs indicates that unless seniors must sign up initially, a large number won't. They'll wait until they need drugs, and then complain vociferously to Congress about their high premiums and we'll be back where we started. Since other seniors will have a prescription drug benefit, there will be enormous pressure on legislators to further subsidize the seniors who are tardy in signing up for a drug program. This, of course, will significantly increase the cost of the program.

Another way to control adverse risk selection is to try to devise a risk-adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk-adjustment systems already on the books for other parts of Medicare are really going to work.

A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality, rather than benefits. If plans are allowed wide variation in benefits, some plans may be more likely to attract low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by the new Medical Benefits Administration and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs.

One sure way to avoid adverse risk selection would be to mandate enrollment. This of course was the approach of the Medicare Catastrophic Coverage Act of 1988 and we saw what happened to that law. To say that mandatory enrollment has little appeal to policy makers in an election year is an understatement.

Finally, we could avoid adverse selection for a "voluntary" benefit like prescription drug coverage if we subsidize the benefit so much that seniors simply share very little of the cost. The benefit then becomes cost-effective for the vast majority to participate, regardless of health, because it is such a good deal.

But a \$400 or \$500 billion subsidy reminds me again of the article by Mr. Rostenkowski. As Rosty says in his op-ed piece, "The problem was, and still is, a lack of money." Yes, we have a projected surplus, but the ten-year costs of more highly subsidized drug coverage could, in my opinion, easily double or even triple the projected costs of both proposals.

There are several reasons why, even in this time of plenty, this is very difficult to do. First, we have made a bipartisan commitment not to use Social Security surplus funds. Second, there are people who have no health insurance at all, much less prescription drug coverage. Should we expand coverage for some while the totally unprotected group grows? Third, Medicare is closer to insolvency than it was back in 1988. Shouldn't our first priority be to protect the current Medicare program?

Given these constraints, what can we do to help seniors and others with high drug costs?

Here's a 10-step modest proposal for helping seniors and others with their drug costs:

1. Allow Qualified Medicare Beneficiaries (QMBs), Specified Low Income Medicare Beneficiaries (SLIMBs) and Qualifying Individual (QI-1&2) with an additional phase-out group to 175% of poverty to qualify for state Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About a third of Medicare beneficiaries would be eligible, especially those most in need, and the drug benefit would encourage those who qualify to sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers to any purchaser in the United States. Judging from estimates of the Bipartisan Medicare Commission, this expansion of benefits would probably cost about \$60–80 billion over ten years.

2. Congress should fix the funding formula (the Annual Adjusted Per Capita Cost—AAPCC) that puts rural states and certain low-reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage. The GOP plan increases the floor to \$450, but this increase is grossly inadequate. Testimony from the executive director of the American Association of Health Plans indicates that Medicare HMOs are leaving markets where the payment is already \$550. We should raise the floor to a minimum of \$600 per month per beneficiary, and not do an across-the-board increase in payment which would disproportionately increase reimbursement to areas with AAPCCs already over \$780.

3. In response to my constituents who want to purchase their drugs in Canada, Mexico, or Europe, we should stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA has sent notices to people that importing drugs is against the law. The FDA should not send a warning notice regarding the importation of a drug without providing to the person involved a statement of the underlying reasons for the notice. Mr. GUT-KNECHT, my colleague from Minnesota, has introduced legislation called the "Drug Import Fairness Act of 1999", H.R. 3240, and Congress should pass this common sense provision.

4. Congress should at least fully debate Congressman TOM ALLEN's bill, the Prescription Drug Fairness for Seniors Act, H.R. 664. The idea is simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best prices available to the federal government, typically the Veterans Administration price or the Medicaid price. It creates no new bureaucracy. There is no significant cost to the government. It gives Medicare beneficiaries negotiated lower prices, just as customers of Aetna, Cigna and other private plans receive the benefit of negotiated lower prices.

5. Congress should enact full tax deductibility retroactive to January 1, 2000, for the self-insured. It isn't just seniors that have medical expenses. 40 million Americans have no insurance at all, much less prescription drug coverage. We should devote at least \$40 billion over ten years to this problem.

6. There are 11 million children without any health insurance and, of course, no prescription drug coverage. Roughly 7 million of these kids already qualify for Medicaid or the State Child Health Insurance Program which do provide prescription drug services. These children should be enrolled. This requires a commitment on the part of the federal government to find these individuals and get them signed up. We need to streamline the system to help these states.

7. Many pharmaceutical companies do have programs where they provide drugs to low income individuals free of charge. These company programs are to be commended but most people who meet the company requirements don't know about these programs. Both physicians and patients need to be better educated to take advantage of free or discontinued drugs.

8. Currently 16 states have pharmaceutical assistance programs targeted to Medicare beneficiaries. Some of these programs could serve as models for state grant program options. Congressmen MIKE BILIRAKIS and COLLIN PETERSON have introduced H.R. 2925, the Medicare Beneficiary Prescription Drug Assistance and Stop-loss Protection Act of 1999 which encourages states to expand their drug assistance programs with federal matching funds and assistance to beneficiaries up to 200% of poverty. I think QMB, SLMB solution would work quicker and more certainly, but this option deserves a more complete debate than it has received.

9. I believe that Congress should revise the FDA Reform Act of 1997 and restrict direct marketing to consumers by the pharmaceutical companies. There is no question that seniors are being bombarded with ads on the latest, greatest new drug with very little data on contraindications, alternatives, and potential complications, much less cost. At a minimum, drug companies should be required to fully discuss their major potential complications of these drugs in their radio and T.V. advertising.

10. Finally, I think Congress could actually get signed into law a combination of the above in a bipartisan fashion. Yes, this approach is more limited than either the Clinton plan or the House GOP plan. However, a more comprehensive drug plan should, in my opinion, be a part of over-all Medicare reform where all the pieces fit together so as to do no harm to one part while benefiting another. It won't do Iowa seniors much good to have an unlimited drug benefit if they don't have a local hospital to go to.

This prescription drug issue is complicated. As I said at the beginning of this speech, there is little consensus yet on some of the most important provisions. Furthermore, a reform like this truly should be a bipartisan effort, with more than just a few members of the other party signed on to a bill.

For a long time, in its wisdom, Congress has gone through "regular order" in legislating. This means a bill with all its details dropped in the bin and made public. Hearings on the bill's particulars, comparisons of language and the implications of legislative language. Subcommittee mark-ups with amendments and debate. Full committee mark-ups with amendments and debate. All committees of jurisdiction weighing in and marking up the bill. Rules that allow full debate on the floor.

"Regular order" isn't just for the members of the committees of jurisdiction, it is really for the other members so that they can watch and learn and make sure that an issue is fully vetted before they vote on it.

I am sorry to say that on this very important issue, "regular order" is not being followed and for political reasons a bill is being rushed to the floor. I would advise my colleagues to be very careful. I am sure that television archives preserve the image of unhappy Chicago senior citizens surrounding Dan Rostenkowski's car when he visited a decade ago to explain why he thought the Medicare reform bill then was a good deal. That tape is a warning to any politician who deviates from "regular order" and doesn't pay attention to the lessons of the past.

As for me, I will find it very difficult to vote for a bill of this magnitude that doesn't go through regular order. That means a chance to improve it in the Commerce Committee. Regardless of what happens in the next week, I remain committed to seeing a bill signed into law. Let's just make sure that it is a good one.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for June 20 after 5:30 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. REGULA, for 5 minutes, June 23.

Mr. DUNCAN, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and June 22.

Mr. KASICH, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KNOLLENBERG and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$3,770.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until today, Thursday, June 22, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8265. A letter from the Director, Office of Management and Budget, transmitting a report that appropriation to the National Transportation Safety Board (NTSB) for "Salaries and Expenses" for the fiscal year 2000 has been apportioned on a basis which indicates the necessity for a supplemental appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

8266. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of vice admiral on the retired list of Vice Admiral John A. Lockard; to the Committee on Armed Services.

8267. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Minnesota: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6704-7] received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8268. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 14-99 which constitutes a Request for Final Approval for the Memorandum of Understanding with Canada and the United Kingdom for developing, negotiating, and managing future Project Arrangements of mutual benefit, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8269. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07-00 which constitutes a Request for Final Approval for the Multinational Memorandum of Agreement concerning the International Test and Evaluation Program for Humanitarian Demining, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8270. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine, Norway, United Kingdom, and Cayman Islands [Transmittal No. DTC 026-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8271. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8272. A letter from the Director, Institute of Museum and Library Services, transmitting the FY 1999 Annual Program Performance Report; to the Committee on Government Reform.

8273. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the annual report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition" for fiscal year 1999, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8274. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1999, pursuant to 36 U.S.C. 4204; to the Committee on the Judiciary.

8275. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1999, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

8276. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. 97-CE-21-AD; Amendment 39-11724; AD 2000-09-15] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8277. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211-535 Series Turbofan Engines [Docket No. 2000-NE-04-AD; Amendment 39-11723; AD 2000-09-14] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8278. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes Equipped With General Electric CF6-80C2 Series Engines [Docket No. 2000-NM-93-AD; Amendment 39-11711; AD 2000-09-03] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8279. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With General Electric Model CF6-80C2 Series Engines [Docket No. 2000-NM-94-AD; Amendment 39-11712; AD 2000-09-04] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8280. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-268-AD; Amendment 39-11673; AD 2000-07-19] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-269-AD; Amendment 39-11674; AD 2000-07-20] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8282. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-270-AD; Amendment 39-11675; AD 2000-07-21] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8283. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Series Airplanes [Docket No. 99-NM-265-AD; Amendment 39-11670; AD 2000-07-16] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11; AD 2000-07-14, et al.; Final Rule—received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8285. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-264-AD; Amendment 39-11669; AD 2000-07-15] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8286. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Series Airplanes [Docket No. 99-NM-267-AD; Amendment 39-11672; AD 2000-07-18] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8287. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-266-AD; Amendment 39-11671; AD 2000-07-17] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-50 Series Turbofan Engines [Docket No. 98-ANE-41-AD; Amendment 39-11697; AD 2000-08-11] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. 98-ANE-49-AD; Amendment 39-

11698; AD 2000-08-12] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98-ANE-39-AD; Amendment 39-11696; AD 2000-08-10] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-231-AD; Amendment 39-11707; AD 2000-08-21] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 and 727C Series Airplanes [Docket No. 98-NM-293-AD; Amendment 39-11705; AD 2000-08-19] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8293. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes [Docket No. 2000-NM-01-AD; Amendment 39-11710; AD 2000-09-02] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8294. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes [Docket No. 99-NM-338-AD; Amendment 39-11709; AD 2000-09-01] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8295. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters Inc. Model 369D, 369E, 500N, and 600N Helicopters [Docket No. 2000-SW-02-AD; Amendment 39-11708; AD 2000-08-22] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8296. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company AE 3007 Series Turbofan Engines [Docket No. 99-NE-46-AD; Amendment 39-11714; AD 2000-09-05] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8297. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model 717-200 Series Airplanes [Docket No. 2000-NM-99-AD; Amendment 39-11713; AD 2000-07-51] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8298. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes, and Model MD-88 and MD-90-30 Airplanes [Docket No. 97-NM-244-AD; Amendment 39-11704; AD 2000-08-18] (RIN: 2120-AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal year 2001 (Rept. 106-686). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Permanent Select Committee on Intelligence. Report of the Redmond Panel: Improving Counterintelligence Capabilities at the Department of Energy and the Los Alamos, Sandia, and Lawrence Livermore National Laboratories (Rept. 106-687). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GONZALEZ (for himself, Mr. ORTIZ, Mr. REYES, Mr. BONILLA, Mr. RODRIGUEZ, Mr. SMITH of Texas, Mr. BACA, Mr. FILNER, and Mr. HINOJOSA):

H.R. 4704. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself and Mr. STARK):

H.R. 4705. A bill to provide for the recoupment of a portion of the Federal investment in research and development supporting the production and sale of pharmaceutical, biologic, or genetic products; to the Committee on Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 4706. A bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART (for himself, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. GILMAN, Ms. LOFGREN, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Mr. BILBRAY, Mr. RODRIGUEZ, Mr. FOLEY, and Mr. GREEN of Texas):

H.R. 4707. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 4708. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. McNULTY, Mr. LAZIO, Mr. ROHR-ABACHER, and Mr. FILNER):

H.R. 4709. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as "Gold Star parents") of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Mr. LARGENT (for himself, Mr. TAUZIN, Mr. OXLEY, Mr. PICKERING, Mr. GOODLATTE, Mr. STUPAK, and Mr. ADERHOLT):

H.R. 4710. A bill to authorize appropriations for the prosecution of obscenity cases; to the Committee on the Judiciary.

By Mr. LARSON (for himself, Mr. WELDON of Pennsylvania, Mr. KASICH, Mrs. JOHNSON of Connecticut, Mr. MURTHA, Mr. SHAYS, Mr. MEEKS of New York, Mr. DOOLEY of California, Mr. DELAHUNT, Ms. DeLAURO, Mr. LaFALCE, Mr. POMEROY, Mr. MOAKLEY, Mr. TAYLOR of Mississippi, Mr. CLEMENT, Mr. TRAFICANT, Mr. TANNER, Ms. DeGETTE, Mr. GEJDENSON, Mr. FORD, Mr. NEAL of Massachusetts, Mr. RANGEL, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. WU, Mr. INSLEE, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPRATT, Mrs. LOWEY, Mr. BOSWELL, Mr. MALONEY of Connecticut, Mr. HOEFFEL, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. CROWLEY, Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. TURNER, Mr. MOLLOHAN, Mr. DINGELL, Ms. WATERS, Mr. SENSENBRENNER, Mr. BALDACCIO, Mr. TIERNEY, Mr. JOHN, Mr. SHOWS, Mr. SAWYER, Ms. BALDWIN, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. ALLEN, Mr. GONZALEZ, Mr. HINOJOSA, Ms. SCHAKOWSKY, Ms. BROWN of Florida, Mrs. JONES of Ohio, Ms. CARSON, Mr. MOORE, Mr. OWENS, Mr. GREEN of Texas, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. BONIOR, Mr. UDALL of New Mexico, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HOLDEN, Mr. KLICK, Mr. KANJORSKI, Mr. STUPAK, Mr. MASCARA, Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. MATSUL, Mr. HILL of Indiana, Mr. KLECZKA, Mr. SHERMAN, Mr. THOMPSON of California, Mr. JACKSON of Illinois, Mr. UDALL of Colorado, Mr. STARK, Mr. PASCRELL, Mr. WEINER, Mrs. NAPOLITANO, Mr. BLAGOJEVICH, Mr. KUCINICH, Mr. LIPINSKI, Mr. EVANS, Mr. LEWIS of Georgia, Mr. MEEHAN, Mr. HASTINGS of Florida, Mr. SKELTON, Ms. DANNER, Ms. SLAUGHTER, Mrs. THURMAN, Mr. SMITH of Washington, Mr. NADLER, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. SANDLIN, Ms. NORTON, Mr. BOUCHER, Mr. ETHERIDGE, Mr. PHELPS, Mr. ENGEL, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. COYNE, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. WYNN, Mr.

ENGLISH, Mr. GORDON, Mr. PAYNE, Mrs. FOWLER, Mr. BARRETT of Wisconsin, Ms. SANCHEZ, Mr. PETERSON of Minnesota, Mr. GOODE, Mr. ANDREWS, Mr. CHAMBLISS, Mr. BACA, Mr. FILNER, Mr. MORAN of Virginia, Mr. BERRY, Mr. SNYDER, Mrs. EMERSON, Ms. ROYBAL-ALLARD, Mr. GILLMOR, Mr. BLUMENAUER, Mr. EHLERS, Ms. WOOLSEY, Mr. BROWN of Ohio, Ms. LEE, Mr. SERRANO, Mr. BAIRD, Mr. FROST, Mr. WISE, Mr. PICKETT, Mr. GUTIERREZ, Ms. KAPTUR, Mr. MENENDEZ, Mrs. CLAYTON, Mr. SCOTT, Mr. DEUTSCH, Mr. BOYD, Mr. WAXMAN, Mr. CONYERS, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. CONDT, Ms. HOOLEY of Oregon, Mr. WEYGAND, Mr. OLVER, Ms. KILPATRICK, Ms. MILLENDER-MCDONALD, Mr. UNDERWOOD, Mrs. MEEK of Florida, Mrs. TAUSCHER, Mr. STENHOLM, and Mr. KUYKENDALL):

H.R. 4711. A bill to establish an Office of Community Economic Adjustment in the Economic Development Administration of the Department of Commerce to coordinate the Federal response in regions and communities experiencing severe and sudden economic distress, to help these regions and communities, in restructuring their economies, and to expand the authorization of appropriations for these purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. STEARNS, Mr. LARGENT, and Mr. PICKERING):

H.R. 4712. A bill to improve the procedures of the Federal Communications Commission in the conduct of congressional communications; to the Committee on Commerce.

By Ms. PRYCE of Ohio (for herself, Mr. ARMEY, Mr. CAMP, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. SESSIONS, and Mr. UPTON):

H.R. 4713. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund by eliminating the liability of reachback operators, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. ABERCROMBIE, and Mr. SANFORD):

H.R. 4714. A bill to establish the Social Security Protection, Preservation, and Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Georgia, Mr. COYNE, Mrs. JOHNSON of Connecticut, Ms. DUNN, Mr. MATSUI, Mr. NEAL of Massachusetts, Mrs. THURMAN, and Mr. ENGLISH):

H.R. 4715. A bill to amend the Internal Revenue Code of 1986 to provide for the treat-

ment of certain expenses of rural letter carriers; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. SHOWS, Mr. ROHRBACHER, Mr. MURTHA, Mr. GREEN of Texas, Mr. SANDERS, Ms. HOOLEY of Oregon, Mr. JENKINS, Mr. STRICKLAND, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. FROST, Mr. MCGOVERN, Mr. DINGELL, Mr. SCOTT, Mr. BALDACCI, Mr. KILDEE, Mrs. KELLY, Mr. RANGEL, Mr. PETERSON of Minnesota, Mrs. JONES of Ohio, and Mr. BARRETT of Wisconsin):

H.R. 4716. A bill to amend title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel under the beneficiary travel program of the Department of Veterans Affairs shall be the same as the rate for private vehicle reimbursement for Federal employees; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL:

H. Con. Res. 358. Concurrent resolution calling upon the Government of Turkey to withdraw its armed forces from the island of Cyprus and to negotiate, along with the Government of Turkish-occupied Cyprus, for the reunification of the Government of the Republic of Cyprus; to the Committee on International Relations.

By Mr. HOLT (for himself and Mr. WEXLER):

H. Con. Res. 359. Concurrent resolution expressing the sense of the Congress that the carrying of firearms into places of worship or educational and scholastic settings should be prohibited; to the Committee on the Judiciary.

By Mr. PASCRELL:

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress that Roberto Clemente was a great athlete and should be honored by a national day of recognition; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. FORD.
H.R. 141: Mr. JONES of Ohio, Mr. LANTOS, and Ms. CARSON.
H.R. 303: Mr. SOUDER.
H.R. 329: Mr. STUPAK.
H.R. 362: Mr. BALDACCI.
H.R. 583: Mr. HOLT.
H.R. 689: Ms. CARSON.
H.R. 783: Mr. CONYERS, Mr. PASCRELL, and Mr. DOOLITTLE.
H.R. 797: Mrs. TAUSCHER and Mr. ROGAN.
H.R. 914: Mr. DOYLE.
H.R. 923: Mr. ENGEL.
H.R. 934: Mr. HOLT.
H.R. 1041: Mr. CRAMER.
H.R. 1044: Mr. SHIMKUS, Mr. GEKAS, and Mr. GILLMOR.
H.R. 1082: Mr. SAXTON.
H.R. 1172: Ms. BROWN of Florida, Mr. NETHERCUTT, and Mr. HOLT.
H.R. 1248: Mr. WHITFIELD, Mr. LATOURETTE, and Mr. EVERETT.
H.R. 1354: Ms. CARSON.
H.R. 1560: Mr. BLUNT.
H.R. 1795: Mr. MARKEY, Mr. MCINTOSH, and Mr. BAKER.
H.R. 1870: Mr. PHELPS.
H.R. 2129: Mr. LATHAM, Mr. HOEKSTRA, Mr. VISCLOSKEY, Mr. CASTLE, Mr. DAVIS of Virginia, Mr. BRADY of Pennsylvania, and Mr. DELAHUNT.
H.R. 2341: Mr. BLUMENAUER, Mr. CROWLEY, Mr. BALDACCI, Mr. GONZALEZ, and Mr. DOYLE.

H.R. 2451: Mr. BLUNT.

H.R. 2457: Mr. McNULTY, Mr. LEVIN, Mr. BLAGOJEVICH, Ms. DEGETTE, Mr. KENNEDY of Rhode Island, Ms. CARSON, and Mr. SYNDER.

H.R. 2597: Mr. BAKER.

H.R. 2620: Mr. ABERCROMBIE.

H.R. 2631: Mr. KUCINICH.

H.R. 2655: Mr. HAYES.

H.R. 2741: Mr. TIERNEY.

H.R. 2814: Mr. COOK and Mr. GILCHREST.

H.R. 2816: Mr. CALVERT.

H.R. 2871: Mr. PETERSON of Minnesota.

H.R. 2934: Mr. STRICKLAND.

H.R. 3082: Mr. GREEN of Wisconsin.

H.R. 3100: Mr. NEY, Mr. WATKINS, and Mr. HILLEARY.

H.R. 3125: Mr. COOK.

H.R. 3240: Mr. JONES of North Carolina.

H.R. 3250: Mr. FALCOMA, Mr. BAIRD, Mr. WAMP, and Mr. LANTOS.

H.R. 3302: Mr. RYAN of Kansas, Mr. RYAN of Wisconsin, Mr. GUTKNECHT, Mr. SHADEGG, Mr. TIAHRT, Mr. SOUDER, Mrs. CUBIN, Mr. TERRY, Mr. DICKEY, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. TOOMEY.

H.R. 3408: Mr. MOORE.

H.R. 3454: Mr. COLLINS, Mr. DEAL of Georgia, Mr. KINGSTON, Mr. ISAKSON, Mr. BARR of Georgia, Mr. BISHOP, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. LINDER, and Mr. NORWOOD.

H.R. 3521: Mr. BRADY of Texas.

H.R. 3561: Mr. GOODLING.

H.R. 3575: Mr. EDWARDS.

H.R. 3576: Mr. THORNBERRY.

H.R. 3578: Mr. CANNON.

H.R. 3610: Ms. CARSON, Mr. GORDON, and Mr. CUMMINGS.

H.R. 3682: Mr. DOYLE.

H.R. 3698: Mr. WELDON of Florida, Mr. INSLEE, Mrs. MORELLA, Mr. COBLE, and Ms. WOOLSEY.

H.R. 3710: Mr. NEY, Mr. INSLEE, Mrs. JONES of Ohio, and Mrs. MORELLA.

H.R. 3842: Mr. HOFFEL, Mrs. MINK of Hawaii, Mr. MCINNIS, Mr. SHERWOOD, and Mrs. CAPPES.

H.R. 4038: Mr. LANTOS.

H.R. 4042: Mr. COYNE.

H.R. 4106: Mr. RAMSTAD.

H.R. 4136: Mr. COOK and Mr. PASTOR.

H.R. 4144: Mr. HILL of Indiana.

H.R. 4162: Mr. LEWIS of Georgia.

H.R. 4167: Mr. ROEMER, Mr. BROWN of Ohio, Mr. WYNN, Mr. ROTHMAN, Mr. WEXLER, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.

H.R. 4207: Mr. BALDACCI, Mr. DEFazio, Mr. COSTELLO, Ms. MCKINNEY, Mr. GONZALEZ, Mr. SHERMAN, and Mr. UNDERWOOD.

H.R. 4210: Mr. COBLE and Mr. BLUMENAUER.

H.R. 4220: Mrs. MYRICK.

H.R. 4239: Mr. INSLEE and Ms. VELÁZQUEZ.

H.R. 4257: Mr. NETHERCUTT and Mr. BLILEY.

H.R. 4260: Mr. SHIMKUS and Mr. MCINTOSH.

H.R. 4271: Mr. FRANK of Massachusetts and Mr. BEREUTER.

H.R. 4272: Mr. FRANK of Massachusetts and Mr. BEREUTER.

H.R. 4273: Mr. FRANK of Massachusetts and Mr. BEREUTER.

H.R. 4277: Mr. PAYNE.

H.R. 4299: Mr. HORN.

H.R. 4320: Ms. ESHOO, Mr. SHAW, and Mr. PASCRELL.

H.R. 4357: Mr. HOFFEL.

H.R. 4393: Mr. KLECZKA.

H.R. 4395: Mrs. MORELLA.

H.R. 4398: Mr. STUPAK and Mr. TURNER.

H.R. 4410: Mr. FALCOMA, Mr. ABERCROMBIE, Mr. PALLONE, and Mr. DEFazio.

H.R. 4439: Mr. WAXMAN and Ms. LOFGREN.

H.R. 4453: Mr. HOUGHTON.
H.R. 4467: Mr. MORAN of Kansas.
H.R. 4511: Mr. PAUL, Mr. MCINTOSH, and Mr. CALVERT.

H.R. 4536: Mr. TAYLOR of North Carolina, Mr. SANDLIN, and Mr. ALLEN.

H.R. 4539: Mr. WEINER.
H.R. 4548: Mr. REYNOLDS.
H.R. 4566: Ms. KILPATRICK, Ms. NORTON, Mr. COSTELLO, Ms. KAPTUR, Mr. KANJORSKI, and Mr. OBERSTAR.

H.R. 4567: Mr. FILNER, Ms. ROYBAL-ALLARD, and Mr. KUCINICH.

H.R. 4658: Mr. WATT of North Carolina.
H.R. 4659: Mr. ROYCE, Mr. WYNN, Mrs. JONES of Ohio, Mr. SCHAFER, Mr. ENGLISH, Mrs. CLAYTON, Mr. FORBES, Ms. MILLENDER-MCDONALD, and Mr. OWENS.

H.R. 4660: Mr. McKEON and Mr. CUNNINGHAM.

H.R. 4677: Mr. HULSHOF.

H.R. 4680: Mr. ROGAN.

H.J. Res. 102: Mr. MCINTOSH, Mr. SESSIONS, Mr. LEACH, and Mr. WHITFIELD.

H. Con. Res. 285: Mr. CUNNINGHAM, Mr. WELLER, Mr. CRAMER, and Mr. OXLEY.

H. Con. Res. 297: Mr. CRANE.

H. Con. Res. 306: Mr. METCALF, Ms. DEGETTE, Mr. MORAN of Virginia, Mr. WYNN, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. TALENT, Mr. MARKEY, Mr. WATT of North Carolina, Mr. BAIRD, Mr. WELDON of Florida, Ms. ROYBAL-ALLARD, Mr. MCCOLLUM, Mr. REYES, Mr. PHELPS, and Mr. HUTCHINSON.

H. Con. Res. 308: Mrs. MINK of Hawaii and Mr. EVANS.

H. Con. Res. 321: Mr. ROMERO-BARCELO, Mr. GALLEGLY, Mr. FROST, Mr. PHELPS, Mr. MCGOVERN, Mr. SHAYS, Mr. PASCRELL, and Mr. COYNE.

H. Con. Res. 325: Mr. WAXMAN and Ms. LOFGREN.

H. Con. Res. 348: Ms. CARSON, Mr. DIXON, Mr. RANGEL, and Mrs. TAUSCHER.

H. Con. Res. 350: Ms. RIVERS and Ms. LOFGREN.

H. Con. Res. 356: Mr. BROWN of Ohio, Mr. DAVIS of Illinois, and Mrs. MINK of HAWAII.

H. Con. Res. 357: Ms. HOOLEY of Oregon.

H. Res. 37: Mr. MCGOVERN.

H. Res. 187: Ms. LOFGREN.

H. Res. 420: Mr. GREEN of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ALLEN

AMENDMENT No. 32: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

H.R. 4461

OFFERED BY: MR. SANFORD

AMENDMENT No. 33: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to carry out a pilot program under the child nutrition programs to study the effects of providing free breakfasts to students without regard to family income.

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT No. 49: Page 90, after line 16, insert:

Sec. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to:

(1) the use of dredging or other invasive sediment remediation technologies; or

(2) enforcing drinking water standards for arsenic

where such activities are authorized by law.

H.R. 4690

OFFERED BY: MR. ALLEN

AMENDMENT No. 13: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 624. Of the funds appropriated in title II under the heading "Administration of Foreign Affairs — Diplomatic and Consular Programs", \$200,000 shall be available only for bilateral and multilateral diplomatic activities designed to promote the termination of the North Korean ballistic missile program.

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT No. 14: Page 73, line 1, after "\$2,689,825,000" insert "(decreased by \$5,100,000)".

Page 79, line 16, after "\$19,470,000" insert "(increased by \$5,100,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT No. 15: Page 73, line 19, after "\$213,771,000," insert "(decreased by \$5,100,000)".

Page 79, line 16, after "\$19,470,000" insert "(increased by \$5,100,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT No. 16: Page 78, line 2, after "\$498,100,000" insert "(decreased by \$5,100,000)".

Page 79, line 16, after "\$19,470,000" insert "(increased by \$5,100,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT No. 17: Page 71, line 1, after the dollar amount, insert the following: "(reduced by \$500,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by \$500,000)".

H.R. 4690

OFFERED BY: MR. BILBRAY

AMENDMENT No. 18: Page 79, after line 22, insert the following:

In addition, for a feasibility study for the construction of a diversionary structure in the flood control channel of the Tijuana River as it enters the United States, to be derived by transfer from the amount provided in this title for "Diplomatic and Consular Programs", \$500,000.

H.R. 4690

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 19: Page 23, line 2, after the dollar amount, insert the following: "(reduced by \$173,480)".

H.R. 4690

OFFERED BY: MR. CAMPBELL

AMENDMENT No. 20: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated under this Act may be used to incarcerate an alien subject to removal from the United States under the Immigration and Nationality Act (whether pending a decision on whether the alien is to be removed or subsequent to the issuance of an order of removal) if the determination to detain the alien is based in whole or in part on evidence not shared with the alien.

H.R. 4690

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT No. 21: Page 37, strike lines 12 through 16 (section 111).

H.R. 4690

OFFERED BY: MR. HINCHEY

AMENDMENT No. 22: Page 27, line 4, after the dollar amount, insert the following: "(reduced by \$49,500,000)".

Page 28, line 5, after the dollar amount, insert the following: "(reduced by \$49,500,000)".

Page 43, line 24, after the dollar amount, insert the following: "(increased by \$49,500,000)".

H.R. 4690

OFFERED BY: MR. HOSTETTLER

AMENDMENT No. 23: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE — ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds made available in this Act to the Department of Justice may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 24: Page 39, after line 8, insert the following:

SEC. 114. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (d), by striking "\$6" and inserting "\$8"; and

(2) by striking subsection (e).

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 26: Page 107, after line 21, insert the following:

TITLE VIII—LEGAL AMNESTY RESTORATION ACT OF 2000

SEC. 801. (a) Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in the section heading, by striking "1972" and inserting "1986"; and

(2) in subsection (a), by striking "1972," and inserting "1986";

(b) The table of sections for such Act is amended in the item relating to section 249 by striking "1972" and inserting "1986".

H.R. 4690

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 26: Page 107, after line 21, insert the following:

TITLE VIII—CENTRAL AMERICAN AND HAITIAN ADJUSTMENT ACT

SEC. 801. (a) Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking “**NICARAGUANS AND CUBANS**” and inserting “**NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS**”;

(2) in subsection (a)(1)(A), by striking “2000” and inserting “2003”;

(3) in subsection (b)(1), by striking “Nicaragua or Cuba” and inserting “Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti”; and

(4) in subsection (d)(1)(E), by striking “2000” and inserting “2003”.

(b) The amendments made by this section shall be effective upon the date of enactment of this Act.

SEC. 802. An application for relief properly filed by a national of Guatemala or El Salvador under section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be converted by the applicant to an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General shall not be required to refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under section 203 of the Nicaraguan Adjustment and Central American Relief Act.

SEC. 803. An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in her unreviewable discretion, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended.

SEC. 804. (a) Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)(1)(B), by adding inserting after “apply” the following: “and the Attorney General may, in her unreviewable discretion, waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and section 212(a)(6)(C) of the Immigration and Nationality Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest”;

(2) in subsection (a), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

“(2) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—In determining the eligibility of an alien described in subsections (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to sections 212(a)(9) (A) or (C) of the Immigration and Nationality Act may apply for the Attorney General’s consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien’s reembarcation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility

set forth in sections 212(a)(9)(A)(iii) and 212(a)(9)(C)(ii) of the Immigration and Nationality Act.”

(3) in subsection (a), by striking paragraph (3) (as so redesignated), and inserting the following new paragraph:

“(3) **RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.**—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.”;

(4) in subsection (b)(1), by adding at the end the following: “However, subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless he or she is applying for such relief in deportation or removal proceedings.”;

(5) in subsection (c)(1), by adding at the end the following: “Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.”;

(6) in subsection (d)—

(A) by amending the subsection heading to read “**SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.**—”;

(B) in paragraph (1), by amending the heading to read “**ADJUSTMENT OF STATUS.**—”;

(C) by striking paragraph (1)(A), and inserting the following new subparagraph:

“(A) the alien entered the United States on or before the date of enactment of the Department of Justice Appropriations Act, 2001.”;

(D) in paragraph (1)(B), by inserting after “except that” the following: “(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Department of Justice Appropriations Act, 2001; and (ii)”;

(E) by adding at the end the following new paragraph:

“(3) **ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.**—

“(A) In accordance with regulations to be promulgated by the attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, provided that the spouse or child—

“(i) meets the requirements in subparagraphs (1) (B) and (D); and

“(ii) applies for such a visa within a time period to be established by regulation.

“(B) The Secretary of State may retain fees to recover the cost of immigrant visa

application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved, provided that such fees—

“(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

“(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.”;

(7) in subsection (g), by inserting after “for permanent residence” the following: “or an immigrant classification”; and

(8) by adding at the end the following subsection:

“(i) **ADMISSIONS.**—Nothing in this section shall be construed as authorizing an alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.”.

(b) The amendments made by subsections (a)(3), (a)(4), and (a)(8) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by subsections (a)(1), (a)(2), (a)(5), (a)(6), and (a)(7) shall effective as of the date of enactment of this Act.

SEC. 805. (a) Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)(1)(B), by inserting after “apply” the following: “and the Attorney General may, in her unreviewable discretion, waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and section 212(a)(6)(C) of the Immigration and Nationality Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest”;

(2) in subsection (a), by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9)(A) or (C) of the Immigration and Nationality Act may apply for the Attorney General’s consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien’s reembarcation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in sections 212(a)(9)(A)(iii) and 212(a)(9)(C)(ii) of the Immigration and Nationality Act.”;

(3) in subsection (a), by striking paragraph (3) (as so redesignated) and inserting the following new paragraph:

“(3) **RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.**—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required,

as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.”;

(4) in subsection (b)(1), by adding at the end the following: “However, subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless he or she is applying for such relief in deportation or removal proceedings.”;

(5) in subsection (c)(1), by adding at the end the following: “Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.”;

(6) in subsection (d)—

(A) by amending the subsection heading to read “SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—”;

(B) in paragraph (1), by amending the heading to read “ADJUSTMENT OF STATUS.—”;

(C) by striking paragraph (1)(A), and inserting the following new subparagraph:

“(A) the alien entered the United States on or before the date of enactment of the Department of Justice Appropriations Act, 2001;”;

(D) in paragraph (1)(B), by inserting after “except that” the following: “(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Department of Justice Appropriations Act, 2001; and (ii)”;

(E) in paragraph (1), by adding at the end the following new subparagraph:

“(E) the alien applies for such adjustment before April 3, 2003.”; and

(F) by adding at the end the following new paragraph:

“(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

“(A) In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, provided that the spouse or child—

“(i) meets the requirements in subparagraphs (1) (B) and (D); and

“(ii) applies for such a visa within a time period to be established by regulation.

“(B) The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved, provided that such fees—

“(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

“(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.”;

(7) in subsection (g), by inserting after “for permanent residence” the following: “or an immigrant classification”; and

(8) by redesignating subsections (i), (j), and (k) as (j), (k), and (l) respectively, and inserting after subsection (h) the following new subsection:

“(i) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.”.

(b) The amendments made by subsections (a)(3), (a)(4), and (a)(8) of this Act shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by subsections (a)(1), (a)(2), (a)(5), (a)(6), and (a)(7) shall be effective as of the date of enactment of this Act.

SEC. 806. (a) Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen exclusion, deportation, or removal proceedings to have the application considered again. All such motions shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen exclusion, deportation, or removal proceedings to have the application considered again. All such motions shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

H.R. 4690

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 27: Page 40, line 7, after the dollar amount, insert the following: “(reduced by \$5,000,000)”.

Page 45, line 8, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

H.R. 4690

OFFERED BY: MS. MCCARTHY OF MISSOURI

AMENDMENT NO. 28: Add at the end of the bill, before the short title, the following:

TITLE VIII—PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

SEC. 801. The Director of the Bureau of Prisons may accept donated property and

services relating to the operation of the Prison Card Program from a not-for-profit entity which has operated such program in the past, despite the fact such not-for-profit entity furnishes services under contract to the Bureau relating to the operation of prerelease services, halfway houses, or other custodial facilities.

H.R. 4690

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 29: Page 23, line 2, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Page 50, line 4, after the dollar amount, insert the following: “(increased by \$1,000,000)”.

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: Page 7, lines 10 and 12, after the dollar amount, insert the following: “(increased by \$20,731,000)”.

Page 90, lines 19 and 24, after the dollar amount, insert the following: “(increased by \$29,793,000)”.

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: Page 39, line 21, after the dollar amount, insert the following: “(increased by \$1,300,000)”.

Page 41, line 8, after the dollar amount, insert the following: “(increased by \$17,700,000)”.

Page 41, line 13, after the dollar amount, insert the following: “(increased by \$6,300,000)”.

Page 41, line 14, after the dollar amount, insert the following: “(increased by \$9,900,000)”.

Page 41, line 16, after “Service,” insert the following: “\$1,500,000 shall be for transfer to the Department of Agriculture for trade compliance activities.”.

Page 71, line 1, after the dollar amount, insert the following: “(increased by \$3,000,000)”.

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: Page 47, line 8, after the dollar amount, insert the following: “(increased by \$79,075,000)”.

Page 47, line 11, after the dollar amount, insert the following: “(increased by \$2,275,000)”.

H.R. 4690

OFFERED BY: MR. SANFORD

AMENDMENT NO. 33: Page 80, strike lines 14 through 19.

H.R. 4690

OFFERED BY: MR. SAXTON

AMENDMENT NO. 34: Page 51, line 20, after the dollar amount insert “(increased by \$18,277,000)”.

Page 51, line 21, after the dollar amount insert “(reduced by \$18,391,500)”.

Page 51, line 23, after the dollar amount insert “(increased by \$17,970,500)”.

Page 51, line 23, after the dollar amount insert “(reduced by \$17,856,000)”.

H.R. 4690

OFFERED BY: MR. SCOTT

AMENDMENT NO. 35: Page 27, line 4, after the dollar amount, insert the following: “(reduced by \$10,000,000)”.

Page 28, line 5, after the dollar amount, insert the following: “(reduced by \$10,000,000)”.

Page 32, line 14, after the dollar amount, insert the following: “(increased by \$10,000,000)”.

Page 32, line 23, after the dollar amount, insert the following: “(increased by \$10,000,000)”.

H.R. 4690

OFFERED BY: MR. SCOTT

AMENDMENT NO. 36: Page 27, line 20, after the dollar amount, insert the following: “(increased by \$60,812,500)”.

Page 28, line 5, after the dollar amount, insert the following: “(reduced by \$121,625,000)”.

Page 30, line 10, after the dollar amount, insert the following: “(increased by \$60,812,500)”.

H.R. 4690

OFFERED BY: MR. STEARNS

AMENDMENT NO. 37: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading “FEDERAL COMMUNICATIONS COMMISSION”, not more than \$880,000 shall be available for the Office of Plans and Policy of the Federal Communications Commission.

H.R. 4690

OFFERED BY: MR. STEARNS

AMENDMENT NO. 38: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading “FEDERAL COMMU-

NICATIONS COMMISSION”, not more than \$640,000 shall be available for the Office of Media Relations of the Federal Communications Commission.

H.R. 4690

OFFERED BY: MR. TALENT

AMENDMENT NO. 39: In title V, in the item relating to “SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES”, before the period at the end, insert the following:
: *Provided further*, That, of the funds made available under this heading, \$4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c)

H.R. 4690

OFFERED BY: MR. TERRY

AMENDMENT NO. 40: Page 20, line 8, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Page 20, line 23, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Page 85, line 19, after the dollar amount, insert the following: “(increased by \$1,000,000)”.

H.R. 4690

OFFERED BY: MR. TERRY

AMENDMENT NO. 41: Page 20, line 8, after the dollar amount, insert the following: “(reduced by \$471,000)”.

Page 20, line 23, after the dollar amount, insert the following: “(reduced by \$471,000)”.

Page 22, line 16, after the dollar amount, insert the following: “(increased by \$471,000)”.

H.R. 4690

OFFERED BY: MR. UPTON

AMENDMENT NO. 42: Page 27, line 4, after the dollar amount, insert the following: “(reduced by \$8,500,000)”.

Page 28, line 18, after the dollar amount, insert the following: “(reduced by \$8,500,000)”.

Page 31, line 15, after the dollar amount, insert the following: “(increased by \$8,500,000)”.

H.R. 4690

OFFERED BY: MR. WU

AMENDMENT NO. 43: Page 19, line 2, after the dollar amount insert “(reduced by \$8,200,000)”.

Page 43, line 24, after the dollar amount insert “(increased by \$1,200,000)”.

Page 51, line 3, after the dollar amount insert “(increased by \$7,000,000)”.

Page 51, line 16, after the dollar amount insert “(increased by \$7,000,000)”.

Page 51, line 17, after the dollar amount insert “(increased by \$7,000,000)”.

Page 51, line 21, after the dollar amount insert “(increased by \$7,000,000)”.

EXTENSIONS OF REMARKS

CONGRESSIONAL GOLD MEDAL TO
ASTRONAUTS NEIL A. ARM-
STRONG, BUZZ ALDRIN, AND MI-
CHAEL COLLINS

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2815, authorizing a Congressional Gold Medal to astronauts and national heroes Neil A. Armstrong, Buzz Aldrin, and Michael Collins, in recognition of their monumental and unprecedented feat of space exploration, as well as for their achievements in the advancement of science and promotion of the space program.

The Apollo program was designed to land humans on the Moon and bring them safely back to Earth. Six of the missions achieved this goal, but Apollo 11 was the first and with this amazing feat accomplished, three men became national heroes to millions of Americans.

These three men set out on their historic voyage on July 16, 1969 at 9:32 a.m. from the Kennedy Space Center in Cape Canaveral, Florida powered by the mighty Saturn V rocket. Their spacecraft reached lunar orbit 76 hours later and after a rest period, Armstrong and Aldrin entered the Lunar Module and prepared for the descent to the moon's surface. On July 20, 1969 at 4:18 pm, their small craft touched down at what has become known as the Sea of Tranquility. After eating their first meal on the moon, Armstrong and Aldrin began their surface operations earlier than planned.

At 10:56 pm millions around the world were glued to their television sets as a live television feed provided the first images from the moon's surface as Neil Armstrong uttered those now famous words, "That's one small step for man, one giant leap for mankind." Minutes later Buzz Aldrin joined him on the surface and they began their task of collecting 47 pounds of lunar surface material which would return to earth for analysis. Two and a half hours later, the crew returned to the Lunar Module and prepared to dock with the Service and Command modules.

While Armstrong and Aldrin were on the moon's surface, Michael Collins was responsible for providing critical assistance to his fellow astronauts by piloting the Command Module 'Columbia' in the Moon's orbit and communicating with Earth, thereby allowing his fellow Apollo 11 astronauts to successfully complete their mission on the surface of the Moon. In addition, he was responsible for helping the Lunar Module dock after the lunar surface mission had been completed.

Apollo 11 splashed down on July 24, 1969 at 12:50 pm in the Pacific Ocean and the mis-

sion was declared a success as the mission went beyond landing Americans on the Moon and returning them safely to Earth by: establishing the technology to meet other national interests in space; achieving preeminence in space for the United States; carrying out a program of scientific exploration of the Moon; and developing man's capability to work in the lunar environment.

Upon their return to earth, these men became instant national heroes as they became the first men to land on the moon. Apollo 11 once again sparked the interest and wonder of all Americans regarding the space program, which would carry on through to the birth of the Shuttle program in the 1970s and which still exists today.

Mr. Speaker, it is with a great deal of pride that I support this legislation authorizing the presentation of Congressional Gold Medals to Neil A. Armstrong, Buzz Aldrin, and Michael Collins. Accordingly, I urge my colleagues to do the same.

CONNECTICUT NATIONAL GUARD
MARKS 50TH ANNIVERSARY OF
ACTIVATION IN KOREAN WAR

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. LARSON. Mr. Speaker, today I mark a very significant anniversary in the history of the Connecticut National Guard. Fifty years ago this week, the Connecticut National Guard's Company K, 169th Infantry Regiment, 43d Division was called into active duty for service in the Korean war.

On June 25, 1950, Communist-supported North Korea invaded South Korea by crossing the 38th Parallel. That same day President Harry S. Truman began the activation of the National Guard. It was only a few short months after Truman's activation that Connecticut's National Guard received its official orders from the United States Army. On September 5, 1950, at 7:15 a.m., Company K, based in the Middlesex County, reported for roll call.

The Company, along with the rest of the Division, was sent to Camp Pickett in Virginia for training. On July 19, 1951, the Division received its orders to report for overseas duty in Germany. The 43d Infantry Division was the first National Guard Division ever to go to Europe in peacetime. Its orders were part of a determined effort to strengthen the free world's defenses against Russian aggression.

In name, it stayed there for more than 2½ years. Company K went into the portions of Bavaria that directly faced the Iron Curtain on the Czechoslovakian border. There it organized the terrain and built a defense system as part of a strengthening NATO force.

A June 25, 1990 article in U.S. News and World Report aptly describes the reason why Company K's involvement was so crucial in the Korean War, "The War's effects were felt far from its battlefields. Worried that Korea was only a diversion in advance of a Soviet attack on Berlin, the Truman Administration sent four divisions to Europe to bolster the two already on occupation duty and began pressing to transform occupied West Germany into a rearmed anti-Communist bastion."

On June 25, 2000, the members of Company K will hold their 50th Anniversary Reunion. I would like to urge my colleagues to join me not only in celebrating their anniversary, but also in recognizing the service and sacrifice these individuals gave to their country in its time of need.

IN HONOR OF BETTY WYTIAS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Ms. DeGETTE. Mr. Speaker, today I honor and recognize the laudable efforts and accomplishments of Betty Wytias. It is both fitting and proper to recognize Ms. Wytias because of her exceptional record of service and civic leadership.

Betty Wytias has touched the lives of many people and made a tremendous impact on our community. As a working professional, she gives freely of her time and energy to domestic violence prevention efforts, especially through the Colorado Bar Association and SafeHouse Denver. She is a former co-chair of the Denver Domestic Violence Task Force, a member of the Colorado Coalition for Elder Rights and Adult Protection, the International Women's Rights Action Watch and has been a member of the SafeHouse Denver Advocacy Committee since 1994.

Betty Wytias is an Assistant Attorney General and has been instrumental in the formulation of the domestic violence prevention agenda for the Colorado Attorney General's Office. Her primary focus is child abuse and neglect cases and she sits on the Department of Human Services' statewide child fatality review team.

Recently, Ms. Wytias was honored by SafeHouse Denver with the Carolyn Hamilton-Henderson Memorial Award which is given to individuals who have provided inspiration and leadership in efforts to end domestic violence in our community. She knows the pain of family violence and is an outspoken, determined and compassionate advocate on issues related to domestic abuse. In her own words, "The issue of family violence is so widespread and the abused are still so isolated. People don't understand that . . . I have a voice and intend to use it."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Please join me in commending Betty Wytias for her courage, dedication and invaluable service to our community. It is the strong leadership she exhibits daily that continually enhances our lives and builds a better future for all Americans.

HONORING THE LATE JOHN
GARDINER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. FARR of California. Mr. Speaker, it isn't often that the world is graced with individuals who change the lives of others around them.

However, Mr. John Gardiner's compassion for the sport of tennis transcended the tennis community and touched the lives of others around him. Gardiner's love for the sport propelled him to build a first-of-its kind tennis ranch in Carmel Valley. This love and devotion for the sport will forever keep Jack Gardiner's memory alive for all.

John Gardiner's love first developed as a child in Philadelphia, where he would often play at the municipal tennis courts. His love was further developed once he moved to Monterey Peninsula. As a teacher and football coach at Monterey High, he led the Toreadores to victory in 1948 in an undefeated season in 27 years. Former student, Dan Albert recalls, "Something special happened with that team and John Gardiner was the cause of that something special with that group of young men." Later, Gardiner's tennis resort would become most noted for offering clinics for adults and a tennis camp for children.

I too have witnessed the, "something special" that Dan Albert spoke of. My first job was as a lifeguard at John Gardiner's Tennis Ranch with a pay of 59 cents an hour. Mr. Gardiner would often joke with me and reply with, "It's the last honest job you've had." Without a doubt, John Gardiner has touched lives and made a difference in mine. In addition to his efforts with youth, Gardiner also exercised an equal compassion with his philanthropic nature. Gardiner established an annual Senators Cup Tournament, where 52 U.S. senators played tennis to raise money for charity. Through the course of 20 years, the tournament raised \$4 million that was used to build a hospice in Scottsdale, Arizona, which was named in memory of Barbara Gardiner who died of cancer.

Mr. Speaker, although Mr. John Gardiner may be gone, his spirit will live on with the love of tennis that he inspired in others as well. Mr. Gardiner is survived by his wife of 20 years, Monique Gardiner; two sons, John C. Gardiner, Jr and Thomas Gardiner; his two daughters, Tricia McKnight and Tenise Kyger; and eight grandchildren. Mr. Speaker, I ask you and the other distinguished members to acknowledge the impact that Mr. John Gardiner has left on this world.

EXTENSIONS OF REMARKS

HONORING MAYNARD HESSEL-
BARTH—A DEDICATED MAN
HELPING PEOPLE LEARN HOW
TO READ

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. MCINNIS Mr. Speaker, I would like to take this moment to honor Maynard Hesselbarth from Grand Junction, Colorado for receiving the Outstanding Tutor Award as presented by Laubach Literacy International. Maynard was selected from an applicant pool of nearly 1,000 tutors. Maynard is a volunteer tutor for the Mesa County Public Library District's Adult Reading Program and has been a driving force behind the library's mission to teach illiterate adults to read. I am encouraged by his determination and willingness to help others and would like to take this opportunity to honor him.

Maynard's giving heart and gentle spirit have helped contribute to the organization's 1,400 success stories since its inception in 1987. Maynard has been instrumental in helping teach adults to read for over a decade and remains animated in his passion for his part-time job. He says that he's reminded about the rewards of his job every time he sees the joy that comes to a students' face when they finally grasp the words in front of them.

Perhaps Maynard's most heart-warming success story occurred when he helped a 65 year-old learn to read a letter that his family had written to him. The gentleman was discouraged because he didn't know how his family was doing, and most of all, he couldn't communicate with them in the slightest, to the point he couldn't even write the word hello. After enrolling in the Mesa County Public Library's literacy program, Maynard taught the individual how to read and write and is still working to teach the elderly gentleman the finer points of written language.

It is with this, Mr. Speaker, that I honor Maynard Hesselbarth for his hard work and dedication to adult literacy in Grand Junction. His formidable efforts deserve the praise and admiration of us all. His service to his community, and to those less fortunate, is something that we all should seek to emulate. We are proud of you, Maynard.

TRIBUTE TO RICHARD BIGOS

HON. WILLIAM D. DELAHUNT

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. DELAHUNT. Mr. Speaker, the formality of a posthumous tribute conjures up the image of Dick Bigos enjoying a big bellylaugh. In the time it takes to write this, he would have launched a political candidate, confirmed a federal grant, arranged a human services roundtable—and taken in a Jerry Springer rerun. You can almost imagine him, with a half-smile, shaking his head at all of us trying to make sense of his death.

An encounter with Dick could take many forms, but could never be a passive experi-

ence. His antennae were always up; he was always crunching the numbers—but never for personal profit. Dick was a good man consumed with our capacity and obligation to do better as a community. Day in and day out, year after year, he summoned the determination and tools to elevate our collective humanity.

Dick was a shrewd and entirely selfless voice for those outside the corridors of power. If he didn't win you over with street smarts, he'd regale you with a gallows humor that left you laughing so hard you'd beg him to quit. His passion for justice was so contagious because he instinctively understood the needs of others—and then took on their causes, large or small, with unparalleled passion and tenacity.

To the tasks at hand, he brought neither fame nor wealth. From his work, he sought only results to benefit others. Occasionally, he might indulge himself some satisfaction on a well-waged campaign, on a particularly clever strategy. In the end, however, he kept his eye on the prize—food, clothing, shelter, health care and respect for those who needed it most.

Politics can be a tough business, especially if you enter it without official position or sanction. Dick rose to that challenge with clarity and confidence. Once each objective was defined, it was only a matter of time until the obstacles fell aside. Hurdles were leaped, rivers crossed, mountains climbed, walls shattered, alliances forged—whatever it took, Dick worked with or around the system on behalf of children, the hungry, the disabled, the homeless in our midst.

In the process, Dick engaged Senators and sanitation workers, abused women and hospital administrators. He did not always endear himself to others. He could inspire, motivate, cajole—and sometimes irritate. But even those who brushed across this roughness came eventually to see the other side of Richard Bigos.

Some of Dick's greatest admirers are those who first encountered him in the heat of battle. He could be a prickly combatant. But he also had respect for an able opponent—and with it a big heart and enormously generous spirit. When a former adversary found himself in personal crisis, the first and most discrete phone call was likely to be from Dick.

Dick was not one for idle sentimentalism. So in his name, let's cut to the chase. The only way to genuinely honor his memory is to draw on his decency and drive as we greet each other and each day. Dick taught us by example that commitment and courage are renewable entities—that the demands of one campaign only illuminate the rationale for others. As time dries our own tears, the lasting measure of our loyalty to Dick will be how widely we open our eyes and hearts to the human condition which was his life's mission.

RECOGNITION OF THE 50TH ANNIVERSARY OF THE BLUE WATER MENTAL HEALTH CLINIC

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. BONIOR. Mr. Speaker, today I rise to recognize the 50th anniversary of the Blue Water Mental Health Clinic. For the last half a century, the residents of St. Clair County have been well served by the area's most professional social workers and psychologists. The Blue Water Mental Health Clinic has provided outpatient care to assist tens of thousands of adults, children and families in dealing with the emotional issues and difficulties of substance abuse.

Reputation is key to the success of any medical facility. Whether it is a hospital, a surgical center, or a clinic, one always seeks the best possible care based on what they have read and heard. The Blue Water Mental Health Clinic has been a respected top notch facility for as long as it has been in operation. They have a tradition of assembling a strong and diverse Board of Directors representing the best of the Blue Water area.

I would like to salute all those who have been associated with building and maintaining the quality service and reputation of the Blue Water Mental Health Clinic as it begins its fifty-first year of offering the best available care to our citizens and neighborhoods. From their preventative educational programs to their operation of Big Brothers Big Sisters of St. Clair County, the Clinic has always reached out to the community and help make it a better place to live, work and raise a family. I am proud to have such a cooperative, community-oriented institution serving us, and wish them many more years of inspired leadership and quality care.

HONORING STAFF SERGEANT
RUDOLPH B. DAVILA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to honor Staff Sergeant Rudolph B. Davila of the United States Army from my congressional district in California. Staff Sergeant Davila was awarded The Congressional Medal of Honor today for extraordinary heroism in action on May 28, 1944 near Ardena, Italy.

During an offensive which broke through the German mountain strongholds surrounding the Anzio beachhead, Staff Sergeant Davila risked death to provide heavy weapons support for a rifle company that was under attack. After being painfully wounded in the leg, he dashed to a burned tank and continued to engage a second enemy force from the tank's turret. Staff Sergeant Davila managed to provide the desperately-needed heavy weapons support and silenced four machine gunners, forcing the enemy to abandon their prepared positions.

Mr. Speaker, I applaud Staff Sergeant Davila's bravery, and thank him for fighting to preserve freedom and protecting our great nation. Staff Sergeant Davila's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and bring great honor to himself and his country.

TRIBUTE TO DOUG RAND

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. FARR of California. Mr. Speaker, today I am pleased to honor the spirit and dedication of a man whose life was committed to world peace and community empowerment. Doug Rand will be remembered as a determined, compassionate, and inspirational man who was committed to the fight for social justice. On March 5, 2000, Doug Rand passed away at the age of 45.

As a longtime member of the Resource Center for Nonviolence staff, friends recall the activist as persistent, yet that being his "greatest strength". Through his efforts at the Center, Rand's most noteworthy accomplishment came with the installation of the "Collateral Damage" statue. The controversial statue was dedicated in 1995, on the eve of the bombing on Hiroshima. The statue symbolizes the human cost of war. Rand's commitment to this project and others like it led him to further acclaim as a political minister.

Rand was known to counsel men about the draft. In particular, he took up the case of Eric Larsen, a Marine who refused duty during the Persian gulf war. Rand later approached Eric Larsen to work at the Resource Center. This effort later led him to take other anti-militarist ventures, such as his anti-war toys campaign.

Friends of Doug Rand quietly gathered after the death, yet this day would be committed to celebrating the accomplishments of Rand in his life. Rand is survived by his wife, Mathilda, loving friends and an aware community. At this time, Mr. Speaker, I ask you and our colleagues to reflect on the role that Mr. Doug Rand has had in his political journey for enlightenment and discovery for us all.

TRIBUTE TO WALTER F. "BUS"
BERGMAN HONORING HIM ON HIS
80TH BIRTHDAY

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. MCINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of Colorado's most distinguished citizens and favorite sons, Mr. Walter F. "Bus" Bergman, as he celebrates his 80th birthday. Bus has been the embodiment of service, success and sacrifice during his remarkably accomplished life. He clearly deserves the praise and recognition of this body as he, his friends and family celebrate his 80th birthday.

If ever there were a person who embodied the spirit and values that make Colorado

great, it is Bus Bergman. Born in Denver on June 11, 1920, Bus' athletic credentials are truly unsurpassed. As a school boy at Denver North High School, Bus was a three sport star who propelled each of his respective teams to greatness. In fact, Bergman made the winning basket to clinch North's first state basketball championship.

Following a prodigious high school career, Bus went on to excel as a student-athlete at Colorado A&M, where he earned 10 varsity letters in three sports. Beyond athletics, Bus excelled both academically and in an array of extra-curricular pursuits. He was the sophomore class president, a four year member of the student council, a four year member of Sigma Pi Epsilon, and was named to the select list of Who's Who in American Colleges and Universities.

Although Bus had a range of professional athletic opportunities at his disposal after his great college career—including an offer from the Philadelphia Eagles—he chose instead to commit himself to the great cause of freedom during World War II, where he served with great valor and distinction. Bus was involved in numerous marine operations in the Pacific and was awarded the prestigious Bronze Star for his extraordinary heroism in action against enemy Japanese during the assault and capture of Okinawa. In 1948, he was discharged as a Captain and was later upgraded to the status of Major.

Upon his return from WWII, Bus returned to Colorado A&M to pursue higher learning. After completing his studies, he was named the football and baseball coach at Fort Lewis College where he served until 1950, when he accepted the top jobs in the football and baseball programs at then Mesa College. At Mesa, Bus' football teams went 102–63–9, winning three conference championships, while his baseball teams were 378–201, winning twenty conference championships and finishing second three times at the JUCO World Series.

While it would be impossible to list the litany of awards and achievements garnered during his remarkable career, it is safe to say that Bus has achieved beyond what most could ever dream. Throughout his career as a player and coach, Bus was the very symbol of greatness.

For those who know Bus, it is clear that, above all else, Bus is a family man. Bus and his lovely wife Elinor Pitman were married in 1946, later giving birth to three children: Judy Black, Walter Bergman, Jr., and Jane Norton. Bus and Elinor are also the proud grandparents of six grandchildren. While his athletic and professional accomplishments are many, Bus' enduring legacy will be his family.

As you can see, Mr. Speaker, Bus Bergman has achieved beyond measure in his distinguished life. He is a model citizen who represents all of the best that Colorado and America has to offer.

As he celebrates his 80th birthday, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of his family, friends, and the United States Congress. In every sense, Bus Bergman is a great American who deserves the praise and admiration of us all.

INTRODUCTION OF THE SOCIAL SECURITY PROTECTION, PRESERVATION, AND REFORM COMMISSION ACT OF 2000

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. SAXTON. Mr. Speaker, I rise today to announce the introduction of my bill in the House that puts partisan politics aside and ensures Social Security is preserved for our seniors today and in the future.

We've all heard about the economic outlook for the Social Security program. We must be concerned. By 2037, the trust funds of the Social Security program will be depleted, jeopardizing the retirement security of future retirees.

And while 2037 sounds far away, it will be here before we know it. With each passing session in Congress, the opportunity to work towards a meaningful solution to the financial woes of our nation's retirement program slips through our fingers.

Political rhetoric has worked its way into the debate over preserving Social Security. The time has come to separate politics from the substance of this important debate. We must put the financial security of our nation's retirees first, instead of allowing politics between our two parties to get in the way. Working together to protect Social Security will be essential if we are to find a sensible solution to preserving the future of the most critical pillar of retirement security.

This bill outlines objectives for comprehensive reform of the Social Security system and establishes a bipartisan Congressional Commission to develop a reform plan consistent with those objectives.

Specifically, this legislation sets forth six broad objectives for Social Security reform, including (1) beneficiaries must receive the benefits to which they are entitled based on a fair and equitable reform of the system, (2) long-term solvency of the system must be guaranteed for at least 75 years, (3) every generation of workers must be guaranteed a reasonable rate of return on their payroll tax contributions, (4) all workers must be given the opportunity to share in the nation's economic prosperity through participation in a private investment account within the Social Security system, (5) Social Security Trust Funds must be protected from congressional or other efforts to spend on non-Social Security purposes, and (6) Non-Social Security surplus revenues must be available to shore up the system while implementing reform.

Also, the bill establishes a 13-member Social Security Protection, Preservation, and Reform Commission charged with developing a legislative proposal for comprehensive reform of the Social Security system, consistent with the objectives stated in the bill. This Commission is composed of 12 voting Congressional Members, equally divided between Republicans and Democrats. The members would include the Chairmen and Ranking Members of the Senate Finance and House Ways and Means Committees, and two Congressional appointees each by the Speaker and the Mi-

nority Leader in the House and the Majority and Minority Leaders in the Senate. The Commissioner of Social Security would also serve as a non-voting, ex-officio member of the Commission.

In order to ensure Congress doesn't continue to drag its feet on this issue, the bill requires the Commission to submit a detailed legislative proposal to Congress by September 2001 and includes a process for expedited Congressional action on the Commission's recommendations by the end of next year.

The concept is simple: principles and process for Social Security reform. This bill focuses on the goals we want to achieve in any proposal that protects Social Security while ensuring action is taken in an expedient matter. It forces Congress to forget about the politics and concentrate on what matters most: safeguarding Social Security for our nation's retirees. With this plan, we can work together and concentrate on what's best for the millions of Americans who depend on our nation's retirement system.

Retirees don't need political rhetoric; they need a Social Security system they can depend on. For this reason, I am honored that Representatives NEIL ABERCROMBIE (D-HI) and MARK SANFORD (R-SC) have joined me in supporting this legislation. Together, we can work in a bipartisan fashion and find a sensible solution to the financial problems of the Social Security program once and for all.

HONORING VERONICA MACKENZIE FOR OUTSTANDING SERVICE ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join Area Cooperative Educational Services [ACES] in paying tribute to Veronica MacKenzie as she celebrates her retirement. For over three decades, Ronnie has dedicated herself to ensuring that the special needs children of the Greater New Haven area have access to a quality education.

I have often spoke of our nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. Ronnie is just that kind of educator. Throughout her career, she has touched the lives of thousands of young people. Ronnie's career began as a special education teacher at Jerome Harrison in North Branford, Connecticut. For over two decades, Ronnie has worked at ACES, an exceptional organization which has strived to meet the challenges of special needs students. As the Coordinator of the Academy since 1990, Ronnie has been instrumental in creating a supportive environment where children with disabilities can realize their potential and build a strong foundation for their future success.

Before the U.S. Supreme Court acted to protect their basic freedoms, hundreds of thousands of disabled children received no formal education at all because they were

deemed unable to learn. We should never go back to a time when the potential of so many bright young people, with so much to offer, was squandered due to a lack of understanding. Ronnie has been an unparalleled advocate for these children—giving them a strong voice and the opportunity to learn and thrive. With thirty-two years in special education, Ronnie is a true model, not only to her students, but to us all.

I have always held a deep respect and tremendous admiration for our nation's educators. The commitment and dedication that Ronnie has demonstrated is remarkable and I applaud her many contributions to our community. I am proud to stand today to join with the friends, family, and colleagues who have gathered this evening to recognize her outstanding accomplishments and to celebrate her retirement. Ronnie has indeed become an irreplaceable member of our community. I would like to extend my sincere thanks and appreciation for her many years of service to the children of our community, as well as my best wishes for continued health and happiness.

TRIBUTE TO VIDLER'S 5 & 10

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute and officially recognize the Seventieth Anniversary of the Vidler's 5 & 10 store in historic East Aurora, which I'm proud to say is part of the Thirtieth Congressional District of the State of New York.

On June 21, 1930, Mr. Robert S. Vidler opened his store on Main Street in East Aurora, in the midst of the Great Depression. Despite those humble beginnings, Vidler's has become a landmark in the quaint village of East Aurora, and is yet another fine example of the proud tradition and heritage of our Western New York community.

Throughout the past seventy years, this terrific store has served as a shining example of the small-town family businesses that our Nation was founded upon.

Currently owned and operated by Mr. Vidler's two sons, Ed and Bob. Not only has this great store survived these many years, it has prospered. Today's Vidler's is about ten times as big as the original, and continues to thrive in this vibrant community.

The store occupies four connected, vintage 1890 buildings on two levels. It offers an eclectic blend of merchandise that ranges from the nostalgic to the very latest. It's famous red and white awning is a common stop for area tourists seeking a shopping experience like those of the past in the many "five and dime" stores across the country.

As Members of Congress, we pause to honor and recognize those family businesses whose proud history of dedicated service and commitment have helped to strengthen our communities. I'm pleased to include this fine business as among our very best.

Mr. Speaker, today I join with the Village of East Aurora, the Vidler Family, and indeed, our entire Western New York community in

special recognition and commendation of the Vidler's 5 & 10 Store on this historic Anniversary. We all wish them continued success and prosperity.

RURAL LETTER CARRIERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. SHAW. Mr. Speaker, the U.S. Postal Service links together cities and towns, large and small, across America through delivery of the mail. Since our nation's founding, mail delivery has been especially important to rural America, places that were at first a long walk away, then a long horse ride, and even for years a long automobile ride from the nearest downtown of a major city. The Internet today has helped reduce the distance between cities, and even countries, but mail delivery continues to be an important function for all Americans.

Most Americans, probably, are unaware that for decades rural letter carriers have used their own transportation to deliver the mail. This includes rural letter carriers who today drive their own vehicles in good weather and bad, in all seasons, in locations that can range from a canyon bottom to mountain top, ocean view to bayou. Rural letter carriers drive over 3 million miles daily and serve 24 million American families on over 66,000 rural and suburban routes. The mission of rural letter carriers has changed little over the years, but the type of mail they deliver has changed substantially—increasing to over 200 billion pieces a year. And although everyone seems to be communicating by email these days, the Postal Service is delivering more letters than at any time in our nation's history. During the next decade, however, we know that will change.

Electronic communication is expected to accelerate even faster than it has in the last five years. Some of what Americans send by mail today will be sent online. According to the General Accounting Office [GAO], that will include many bills and payments. In its study, U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century, dated October 21, 1999, the GAO reports that the Postal Service's core business—letter mail—will decline substantially. As a result, the revenue the Postal Service collects from delivering First-Class letters also will decline.

While the Internet will eventually reduce the amount of letter mail rural letter carriers deliver, the Internet will present some new opportunities for delivering parcels. Rural letter carriers have for decades delivered the packages we order from catalogs, and now they deliver dozens of parcels every week that were ordered online. For some rural and suburban Americans the Postal Service still remains the only delivery service of choice. Today, the Postal Service has about 33 percent of the parcel business. However, if the Postal Service is as successful as it hopes in attracting more parcels, that could create a problem for rural carriers. Most items ordered

by mail are shipped in boxes that, once filled with packing materials, can be bulky—so bulky, in fact, that many rural letter carriers already see the need for larger delivery vehicles.

In exchange for using their own vehicles, rural letter carriers are reimbursed for their vehicle expense by the Postal Service through the Equipment Maintenance Allowance [EMA].

Congress recognized this unique situation in tax legislation as far back as 1988. That year Congress intended to exempt EMA from taxation through a specific provision for rural letter carriers in the Technical and Miscellaneous Revenue Act of 1988 [TAMRA]. This provision allowed rural mail carriers to compute their vehicle expense deduction based on 150 percent of the standard mileage rate for their business mileage use. Congress passed this law because using a personal vehicle to deliver the U.S. Mail is not typical vehicle use. Also, these vehicles have little resale value because of their high mileage and most are outfitted for right-handed driving.

As an alternative, rural letter carrier taxpayers could elect to use the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If the EMA exceeded the actual vehicle expense deductions, the excess was subject to tax. If EMA fell short of the actual vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act [TRA] of 1997 further simplified the taxation of rural letter carriers. TRA provides that the EMA reimbursement is not reported as taxable income. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the effect the Internet will have on mail delivery, specifically on rural letter carriers and their vehicles, is a problem we must address.

Expecting its carriers to deliver more packages because of the Internet, the Postal Service already is encouraging rural letter carriers to purchase larger right-hand drive vehicles, such as sports utility vehicles (SUV). Large SUVs can carry more parcels, but also are much more expensive to operate than traditional vehicles—especially with today's higher gasoline prices. So without the ability to use the actual expense method and depreciation, rural carriers must use their pay to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

All these changes combined have created a situation contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural letter carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. I believe we must correct this inequity, and so I am introducing a bill that would reinstate the deduction for a rural letter carrier to claim the actual cost of the business use of a vehicle in excess

of the EMA reimbursement as a miscellaneous itemized deduction.

In the next few years, more and more Americans will use the Internet to get their news and information, and perhaps one day to receive and pay their bills. But mail and parcel delivery by the United States Postal Service will remain a necessity for all Americans—especially those in rural and suburban parts of the nation. Therefore, I encourage my colleagues to support this bill and ensure fair taxation for rural letter carriers.

CONFERENCE ON THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. DINGELL. Mr. Speaker, as Ranking Member of the Committee on Commerce, and senior House Democrat conferee on the conference committee to resolve differences between S. 761, the Electronic Signatures in Global and National Commerce Act, and the amendments of the House to the bill, I rise to clarify a matter involving the legislative history of this legislation. My remarks are an extension of remarks that I made during House consideration of the conference report to accompany S. 761 (June 14, 2000, CONGRESSIONAL RECORD at H4357–H4359). Mr. MARKEY, the other House Democrat conferee on this matter, has authorized me to indicate that he concurs in these remarks.

Rule XXII, clause 7(d) of the Rules of the House provide that each conference report must be accompanied by a joint explanatory statement prepared jointly by the managers on the part of the House and the managers on the part of the Senate, and further that the joint explanatory statement shall be sufficiently detailed and explicit to inform the House of the effects of the report on the matters committed to conference. This is pivotal in guiding affected parties and the courts in interpreting the laws that we enact.

Late in the conference negotiations, we reluctantly agreed to a request from the staff of the chairman of the conference committee that we expedite filing and consideration of the conference agreement by not extending the negotiations to include drafting and reaching agreement on a statement of managers. Accordingly, the conference report did not and does not include the required joint explanatory statement of managers. It only contains the agreed-upon legislative language. The rule by which the conference report was considered by the House waived any point of order regarding this deficiency.

Given this chain of events and what we thought was a binding gentlemen's agreement, I was dismayed to discover that material had been inserted in both the House and Senate debate (June 14, 2000, CONGRESSIONAL RECORD at H4352–H4357 as an extension of Representative BLILEY's floor remarks and June 16, 2000, CONGRESSIONAL RECORD at S5283–S5288 as an extension of Senator ABRAHAM's remarks) in the fortmat of ajoint

statement of managers. Our Senate Democratic colleagues also have expressed concerns with this language (June 15, 2000, CONGRESSIONAL RECORD at S5216, 3rd column, last para. and carry over on S. 5217 remarks of Senator WYDEN and at S5220, 1st column, 3rd para. remarks of Senator LEAHY).

While I respect the right of the distinguished Chairman of the conference committee and others to have an opinion on such matters and to express them in the RECORD, I want to clarify that this material is not the statement of managers for the conference agreement, notwithstanding its format. Both Mr. BLILEY and Senator ABRAHAM indicated in their remarks that the explanatory document had been prepared by them and expressed their views, and it should be taken as such. In several instances, their guidance does not reflect the intent or understanding of all the members of the conference. A number of their statements are simply not correct, and some of their views conflict with the very words of the statute. There is insufficient time to consult with the other conferees and prepare a joint point-by-point discussion of each of the statements the Chairman and Senator ABRAHAM made that we disagree with. However, without prejudice, there are a few things that I would like to have more clearly reflected in the record.

While agencies should seek to take advantage of the benefits that electronic records offer, they also have the obligation to see that their programs are properly carried out and that they will be able to enforce the law and protect the public, to help avoid waste, fraud and abuse in those programs, and to see that the taxpayer funds in their care are not squandered. In some circumstances, the bill gives agencies authority to set standards or formats; in doing so, they may decide in some cases not to adopt an electronic process at all for filings if they determine (consistent with the Government Paperwork Elimination Act), after careful consideration, that this alternative is not practicable.

For example, section 104(a) preserves the authority of federal regulatory agencies, self-regulatory organizations, and state regulatory agencies to set standards and formats for the filing of records with such agencies or organizations. The authority contained in section 104(a) is not subject to the limitations set forth in section 104(b) or other limitations contained in the Act. The preservation of agency authority contained in section 104(a) is subject only to the requirements of the Government Paperwork Elimination Act.

Agencies that seek to promote electronic filings may set standards and formats for such filings as they deem appropriate. Standards and formats for electronic filings may be appropriate, for example, to ensure the integrity of electronic filings from security breaches by computer hackers. Likewise, agencies may set standards and formats for filings to promote uniform filing systems that will be accessible to regulators and the public alike, and to advance the agencies' statutory mission.

Section 104(b) allows agencies to adopt regulations, orders and guidance to assist in implementing the legislation, subject to standards set forth in section 104(b). Section 104(b) contains criteria for agencies to use, but because of the vast numbers of transactions that

agencies regulate, agencies must necessarily have appropriate discretion to apply those criteria to determine when to require performance standards or, in some limited circumstances (in a manner consistent with the this bill and the Government Paperwork Elimination Act), paper records.

Having recognized in Section 101(d) the importance of accuracy and accessibility in electronic records, Section 104(b)(3)(A) recognizes the ability of federal regulatory agencies to provide for such standards. Section 104(b)(3)(A) gives federal regulatory agencies the flexibility to specify performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Quite often, standards that require electronic records be preserved in a non-rewriteable or non-erasable manner are crucial to an important government objective.

Although agencies should seek to implement the goals of the statute, the bill also provides federal and state regulatory agencies the necessary latitude to prevent waste, fraud and abuse, and to enforce the law and to protect the public, by interpreting section 101 in the appropriate way for their programs and activities, subject to any applicable criteria in the bill. It is my understanding that courts reviewing any such agency interpretations or applications of such criteria would apply the same deference that they give to other agency action. It is not my understanding that the conference report would demand unusual scrutiny beyond applying the criteria set forth in the statute.

Consumers are given many protections in this legislation, and among those protections is the continued right to receive paper (or other non-electronic) notices on certain important occasions. For, example, Section 103(b)(2)(A) leaves intact laws that require paper notification of the cancellation or termination of utility services. This includes—but is not limited to—water, heat and power. Other utilities, such as telephone service (a utility critical to safety in modem times), would also be protected. Obviously, Internet service would also be included in this exemption, to avoid the anomalous situation of a consumer trying to obtain, understand and respond to a disconnection notice that is available only through the very medium that has been disconnected.

Consumer consent to electronic transactions is, in general, a critical safeguard that is maintained in this bill. The Chairman was absolutely correct when he began his statement by saying, “. . . under E-Sign, engaging in electronic transactions is purely voluntary. No one will be forced into using or accepting an electronic signature or record. Consumers that do not want to participate in electronic commerce will not be forced or duped into doing so.” However, the conferees recognized that there may be some specific instances in which stringent requirements for verifying consent might not actually be needed to protect consumers. Therefore, under the bill, agencies have a very limited authority to exempt certain transactions from the consent verification provisions. In those instances where it is truly necessary to eliminate a consent verification requirement—in part because there is no other way to eliminate a substantial burden on electronic com-

merce—agencies may sometimes be able to do so. However, even when eliminating a consent verification requirement is the only way to avoid a substantial burden on electronic commerce, an agency may do so only when there will not be any material risk of harm to consumers.

I would also like to make another point that is very important to keep in mind when trying to understand the impact of this legislation. Of course, the bill does not force Federal and State government agencies to use or accept electronic signatures and electronic records in contracts to which they are parties. Therefore, the limitations in parts of the conference reports such as sections 102(a), 104(b)(2) and 104(c)(1) on the ability of Federal and State agencies to interpret section 101 do not apply to contracts in which such agencies are parties. Just like private commercial parties, government agencies have the freedom to choose their methods of contracting, subject to other applicable laws. The conference report does not force parties to a contract to use any particular method in forming and carrying out the contract, and allows them to decide for themselves what specific methods to use. When the government is a party to a contract, it naturally has the same rights. The restrictions in the sections that I cited do not apply in that circumstance and do not diminish those rights.

Also, I note that this legislation was consciously drafted to avoid displacing the carefully-crafted provisions of the Government Paperwork Elimination Act, Pub. L. No. 105-277 sections 1701-1710 (1998), or GPEA. That Act set a timetable for Federal agencies to make available electronic alternatives to traditional paperwork processes, and set standards for agencies to apply in determining whether and how to adopt such alternatives. To the extent that the two bills do overlap, this bill is crafted to allow agencies the flexibility to comply with the existing standards set forth in GPEA.

Finally, I would like to raise an important law-enforcement issue. Senator ABRAHAM's “guidance” states that “if a customer enters into an electronic contract which was capable of being retained or reproduced, but the customer chooses to use a device such as a Palm Pilot or cellular phone that does not have a printer or a disk drive allowing the customer to make a copy of the contract at that particular time, this section is not invoked.” (June 16, 2000, CONGRESSIONAL RECORD at S5284, 3rd column, last para.)

Section 101(e) addresses more than the application of the statute of frauds to contracts entered into electronically. Section 101(e) provides that the legal effect of an electronic record may be denied if it is not in a form capable of being retained and accurately reproduced. As a threshold matter, businesses create the electronic systems being used by the consumer. Those designing and implementing these systems are obligated to ensure that electronic records are accurate, and in a form capable of being retained. Notably, the bill also applies to businesses that are obligated to make and keep accurate electronic records for examination by government regulators (and, if necessary, for enforcement action). The fact that a consumer uses particular technology that does not immediately produce an

electronic record does not excuse the other party's regulatory obligation to have accurate and accessible records or otherwise exempt the transaction from this provision. To suggest otherwise, flies in the face of the plain meaning of the statute and opens up a gaping loophole for fraudsters to take advantage of.

Conferees should be given adequate time to review and reach agreement on the statement of managers required under the Rules. This short-cut has proven to be a dangerous and unacceptable alternative.

VETERANS TRAVEL FAIRNESS ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. STUPAK. Mr. Speaker, a major issue of concern for veterans and their families in rural areas all around this nation is the long distances they must travel to receive medical care at the VA hospitals. The current VA reimbursement rate for privately owned motor vehicle use is unreasonable and presents a real hardship for many rural veterans, some of whom must travel hundreds of miles to receive care. The issue is especially important now, because of the high price of gasoline.

As many of us know, the cost of driving and maintaining a motor vehicle is significant. The travel reimbursement rate developed for Federal employees reflects these costs. This rate is the established Internal Revenue Service rate, the same, fair rate that we are allowed to claim on our income taxes. Currently, the Veterans Affairs travel reimbursement rate is only 11 cents per mile, compared to a rate of 32.5 cents per mile used by Federal employees and the IRS.

Why should a veteran driving 100 miles across the state for medical care be reimbursed only \$11.00, when a Federal employee gets \$32.50 for going the same distance to a meeting in his own car? In fact, Department of Veterans Affairs employees themselves get reimbursed at the higher rate, while the clients they serve are expected to travel at a fraction of the cost. It simply does not make sense for the VA to use a different and stingy method to determine reimbursement rates for vets that are only one-third what is considered reasonable for Federal employees.

I am introducing this bill to amend Title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel regulated under the beneficiary travel program of the Department of Veterans Affairs be the same as the rate for private vehicle reimbursement for Federal employees.

This is an equity issue and also a matter of respect in the way we treat our veterans. Our vets deserve the same travel reimbursement rate as Federal employees. Please join me in supporting this bill.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a sys-

tem for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 22, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

1 p.m.

Aging

To hold hearings on the hardships that dialysis patients endure and the options for improving the government's oversight.

SD-628

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Armed Services

To hold hearings on the nominations of Lt. Gen. Tommy R. Franks, United States Army, to be General; and Lt. Gen. William F. Kernan, United States Army, to be General.

SR-222

Rules and Administration

To hold hearings on the operations of the Library of Congress and the Smithsonian Institution.

SR-301

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine reprocessing of single-use medical devices.

SD-430

2 p.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine the border crisis in Arizona, and the impact on the state and local communities.

SD-226

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume oversight hearings to examine the 1996 campaign finance investigations.

SH-216

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on the April 2000 GAO report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities".

SD-366

Foreign Relations

To hold hearings on the nomination of Karl William Hofmann, of Maryland, to be Ambassador to the Togolese Republic; Howard Franklin Jeter, of South Carolina, to be Ambassador to the Federal Republic of Nigeria; John W. Limbert, of Vermont, to be Ambassador to the Islamic Republic of Mauritania; Roger A. Meece, of Washington, to be Ambassador to the Republic of Malawi; Donald Y. Yamamoto, of New York, to be Ambassador to the Republic of Djibouti; and Sharon P. Wilkinson, of New York, to be Ambassador to the Republic of Mozambique.

SD-419

JUNE 28

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting to mark up S. 2437, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States; and other pending calendar business.

SD-406

10 a.m.

Finance

Business meeting to mark up proposed legislation relating to the marriage tax penalty.

SD-215

Judiciary

To hold hearings on the struggle for justice for former U.S. World War II POW's.

SD-226

11 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD-419

2 p.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings on countering the changing threat of international terrorism.

SD-226

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the treatment of U.S. business in Central and Eastern Europe.

SD-419

2:30 p.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR-485

JUNE 29

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the nationwide crisis of mortgage fraud.

SD-342

June 21, 2000

EXTENSIONS OF REMARKS

11849

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.

SD-366

1 p.m.
Governmental Affairs
To hold oversight hearings to examine the rising oil prices and the efficiency and effectiveness of the Executive Branch Response.

SD-342

2 p.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on S. 2700, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs.

SD-406

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to revise the

boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition of land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York.

SD-366

JUNE 30

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nationwide crisis of mortgage fraud.

SD-342

JULY 12

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection.

SD-366

Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR-485

JULY 19

2:30 p.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.

SR-485

JULY 26

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD-366

Indian Affairs
To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR-485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

JUNE 27

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

SD-430

